

No. XIII.

LIFE ASSURANCE
ENCOURAGEMENT.

An Act to encourage and protect Life Insurances and other like provident arrangements for insurers and their families. [20th December, 1862.]

Preamble.

WHEREAS it is expedient to encourage and protect Life Insurances and other like provident arrangements for the benefit of insurers their wives and families Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows—

Interpretation.

1. The term "Insurance Company" shall for the purposes of this Act extend and apply to every company society or body of persons associated together with the object solely or amongst others of granting policies upon lives or entering into contracts for future endowments by way of annuity or otherwise Provided that they be Incorporated or regulated or enabled to sue and be sued by Charter or by any Act.

Life Assurance Encouragement.

2. The property and interest of every person who has effected or shall hereafter effect any policy or contract with any Insurance Company for an assurance *bond fide* upon the life of himself or any other person in whose life he is interested or for any future endowment for himself or any other such person and the property and interest of the personal representatives of himself or such other person in such policy or contract or in the moneys payable thereunder or in respect thereof shall be exempt from any law now or hereafter in force relating to insolvency or bankruptcy or to be seized or levied upon by or under the process of any court whatever. Provided that a policy or contract for a life assurance or endowment shall not be so protected until such policy or contract shall have endured for at least two years after which period such protection shall be afforded to the extent of two hundred pounds of assurance or endowment—and after an endurance of five years to the extent of five hundred pounds—and after an endurance of seven years to the extent of one thousand pounds—and after an endurance of ten years to the extent of two thousand pounds. And in every such case the contributions made towards the same shall be also protected. Provided also that no policy for an annuity nor the contributions made towards the same shall be protected until the payments made on behalf of such annuity shall have extended over a period of at least six years or unless it shall have been purchased at a date at least six years prior to the commencement of the annuity and that such annuity shall not exceed the sum of one hundred and four pounds per annum. Provided further that the protection hereby afforded shall in the case of an annuity accrue only to the benefit of the actual annuitant and only to such part thereof as shall be payable after such annuitant shall have attained the age of fifty years—and in the case of an endowment for the benefit only of the nominee—and in the case of a life assurance for the benefit only of the personal representatives of the assured—and in no case for any assignee of the assured.

Interest of insured how far relieved from liability.

3. Married women may as if single and notwithstanding their coverture effect policies or contracts for life assurance endowments or annuities with any Insurance Company and such policies or contracts may be disposed of by them by will and shall not be subject to the debts or control of their husbands. Provided that a policy for a life assurance or endowment held by any married woman shall not be protected against the debts of her husband unless it shall have endured for two years and then only to the extent of two hundred pounds—and if for five years to the extent of five hundred pounds—and if for seven years to the extent of one thousand pounds—and if for ten years to the extent of two thousand pounds. Provided also that an annuity shall not be so protected unless the payments made on account thereof shall have been made at annual or more frequent intervals during a period of at least six years or unless purchased more than six years prior to the commencement of the annuity and that such annuity shall not exceed the sum of one hundred and four pounds per annum.

Married women may effect policies protected from debts of husbands.

4. Nothing herein shall except as expressly enacted affect the Act fourteenth Victoria number eleven.

14 Vic. No. 11 not prejudiced.

5. This Act shall be styled and may be cited as the “Life Assurance Encouragement Act of 1862.”

Short title.