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POLICIES OF ASSURANCE ACT

(CHAPTER 392)

(Original Enactment: 30 & 31 Vict., c. 144)

REVISED EDITION 1994

(20th May 1994)

An Act to enable assignees of policies of life assurance to sue thereon in their own names.

[12th November 1993]

ssignees of life policies, empowered to sue

1. Any person or corporation now being or hereafter, becoming entitled, by assignment or other derivative title, to a policy of life assurance, and ossessing at the time of action brought the right in equity to receive and the right to give an effectual discharge to the assurance company liable under such olicy for moneys thereby assured or secured, shall be at liberty to sue at law in the name of such person or corporation to recover such moneys.

Defence or reply on equitable grounds

2. In any action on a policy of life assurance, a defence on equitable grounds, or a reply to such defence on similar grounds, may be respectively pleaded and relied upon in the same manner and to the same extent as in any other personal action.

Notice of assignment

3. No assignment made after the passing of this Act of a policy of life assurance shall confer on the assignee therein named, his executors, administrators, or assigns, any right to sue for the amount of such policy, or the moneys assured or secured thereby, until a written notice of the date and purport of such assignment has been given to the assurance company liable under such policy at its principal place of business for the time being; and the date on which such notice was received shall regulate the priority of all claims under any assignment; and a payment bona fide made in respect of any policy by any assurance company before the date on which such notice was received shall be as valid against the assignee giving such notice as if this Act had not been passed.

Principal place of business to be specified on policies

4. Every assurance company shall, on every policy issued by the company, specify its principal place of business at which notices of assignment may be given in pursuance of this Act.

Mode of assignment

5. Any such assignment may be made either by endorsement on the policy or by a separate instrument in the words or to the effect set out in the Schedule, such endorsement or separate instrument being duly stamped.

Receipt of notice of assignment

6. Every assurance company to whom notice was duly given of the assignment of any policy under which the company is liable shall, upon the request in writing of any person by whom any such notice was given or signed, or of his executors or administrators, deliver an acknowledgment in writing under the hand of the manager, secretary, treasurer, or other principal officer of the assurance company, of its receipt of such notice; and every such written acknowledgment, if signed by a person being de jure or de facto the manager, secretary, treasurer, or other principal officer of the assurance company whose acknowledgment the same purports to be, shall be conclusive evidence as against such company of it having duly received the notice to which such acknowledgment relates.

Interpretation

7. In the construction and for the purposes of this Act, "policy of life assurance" or "policy" means any instrument by which the payment of moneys by or out of the funds of an assurance company, on the happening of any contingency depending on the duration of human life, is assured or secured; and "assurance company" means and includes every corporation, association, society, or company now or hereafter carrying on the business of assuring lives, or survivorships, either alone or in conjunction with any other object or objects.

Short title

8. This Act may be cited as the Policies of Assurance Act.

THE SCHEDULE

Section 5

I, *A. B.,* of, &c., in consideration of, &c., do hereby assign unto *C. D.,* of &c., his executors, administrators, and assigns, [the within] policy of assurance granted, &c. [*here describe the policy*]. In witness, &c.

LEGISLATIVE HISTORY

POLICIES OF ASSURANCE ACT
(CHAPTER 392)

This Legislative History is provided for the convenience of users of the Policies of Assurance Act. It is not part of this Act.

1. Act 144 of 1867—Policies of Assurance Act 1867

Date of First, Second and Third Readings	:	Date not available.
Date of commencement	:	12 November 1993