



REPUBLIC OF NAURU

INSURANCE (AMENDMENT) ACT 1978

(No. 6 of 1978)

ARRANGEMENT OF SECTIONS

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AN ACT

To amend the Insurance Act 1974.

(Certified: 15th August 1978)

Enacted by the Parliament of Nauru as follows:

SHORT TITLE

1. This Act may be cited as the Insurance (Amendment) Act 1978.

THE PRINCIPAL ACT

2. In this Act "the principal Act" means the Insurance Act 1974.

AMENDMENT OF SECTION 2 OF THE PRINCIPAL ACT

3. Section 2 of the principal Act is amended by deleting therefrom the definition of "the Managing Director".

AMENDMENT OF SECTION 6 OF THE PRINCIPAL ACT

4. Section 6 of the principal Act is amended by deleting from subsection (5) thereof the words "the Managing Director or".

ADDITION OF A NEW SECTION 15A TO THE PRINCIPAL ACT

5. The principal Act is amended by adding thereto immediately after section 15 thereof the following new section 15A—

"RESOLUTIONS IN WRITING

15A. A resolution in writing signed by all the members and acting members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted:

Provided that it shall not be necessary for the resolution to be signed by a member of the Board in whose place an acting member has for the time being been appointed."

REPEAL AND REPLACEMENT OF SECTION 17 OF THE PRINCIPAL ACT

6. (1) Section 17 of the principal Act is repealed and replaced by the following new section 17—

"DELEGATION BY THE BOARD

17. The Board may, subject to any directions given to it in writing by the Council limiting its discretion to do so, delegate to any officer or employee of the Corporation any of its powers or functions under this Act:

Provided that the delegation of any of its powers or functions under this Act to any officer or employee of the Corporation shall not preclude the Board from itself exercising that power or function.”.

AMENDMENT OF SECTION 19 OF THE PRINCIPAL ACT

7. Section 19 of the principal Act is amended by deleting the words “The Managing Director and other officers and staff of the Corporation shall” and by inserting in lieu thereof the words “Officers and staff of the Corporation may”.

AMENDMENT OF SECTION 26 OF THE PRINCIPAL ACT

8. Section 26 of the principal Act is amended by deleting from subsection (3) thereof the words “the Managing Director” and by inserting in lieu thereof the words “the Chairman”.

AMENDMENT OF SECTION 30 OF THE PRINCIPAL ACT

9. Section 30 of the principal Act is amended by deleting therefrom the words “The Council” and by inserting in lieu thereof the words “The Minister”.

AMENDMENT OF SECTION 31 OF THE PRINCIPAL ACT

10. Section 31 of the principal Act is amended—

- (a) by inserting in subsection (1) thereof immediately after the words “of any risk” the words “in Nauru”;
- (b) by inserting in subsection (2) thereof immediately after the words “the business of” the words “the insurance of any risk outside Nauru or the business of”;
- (c) by inserting in subsection (3) thereof immediately after the words “in Nauru of the business of” the words “insurance of risks other than risks in Nauru or the business of”;
- (d) by inserting in paragraph (a) of subsection (3) thereof—
 - (i) immediately after the words “any class of” the words “insurance or”; and
 - (ii) immediately after the words “one or more” the words “insurance or”; and
- (e) by inserting in subsection (5) thereof immediately after the words “may do” the words “insurance or”.

AMENDMENT OF SECTION 33 OF THE PRINCIPAL ACT

11. Section 33 of the principal Act is amended—

- (a) by inserting in subsection (1) thereof—
 - (i) immediately after the words “business of insurance” the words “of risks in Nauru”;
 - and
 - (ii) immediately after the words “or the business of” the words “insurance of risks outside Nauru or”;
- (b) by inserting in subsection (3) thereof immediately after the words “the business of” the words “insurance or risks outside Nauru or”.

AMENDMENT OF SECTION 34 OF THE PRINCIPAL ACT

12. Section 34 of the principal Act is amended—

- (a) by deleting from subsection (1) thereof the words “The Cabinet” and by inserting in lieu thereof the words “The Minister”;
- (b) by deleting from subsection (2) thereof the words “the Cabinet” and by inserting in lieu thereof the words “the Minister”; and
- (c) by inserting in subsection (2) thereof—

- (i) immediately after the words "the business of" the words "insurance of risks outside Nauru or of"; and
- (ii) immediately after paragraph (f) thereof the following new paragraph (fa)—
“(fa) requiring that information be supplied to the Minister, or to a public officer, in respect of the assets, liabilities, accounts and auditors' reports;”.

AMENDMENT OF SECTION 37 OF THE PRINCIPAL ACT

13. Section 37 of the principal Act is amended by adding thereto the following new subsection (5)—

“(5) a licence issued under the provisions of subsection (3) of section 31 authorising the carrying-on in Nauru of the business of insurance of risks outside Nauru shall be deemed for the purposes of the Corporation Act 1972 to be a licence issued under subsection (5) of section 5 of that Act authorising the carrying-on of the business of insurance in Nauru.”.

ABOLITION OF THE OFFICE OF MANAGING DIRECTOR

14. (1) The office of Managing Director of the Corporation is hereby abolished.
- (2) All delegations made to the Managing Director by the Board under subsection (5) of section 17 of the principal Act are hereby revoked.
- (3) Nothing in this Act shall affect the existing contractual rights and obligations, if any, of the Council, the Corporation and the person holding the office of Managing Director immediately before the commencement of this Act, save that that person shall not be entitled to hold office as the Managing Director of the Corporation after the commencement of this Act.