CHAPTER xli.

An Act for extending the Powers of the Railway Passengers Assurance Company, and enabling them to grant Insurances against Liability for Compensation in respect of Death or Injury occasioned by Accident; and for other purposes. [3rd June 1881.] A.D. 1881.

WHEREAS the Railway Passengers Assurance Company (in this Act called "the Company") was incorporated in or before the year one thousand eight hundred and forty-nine pursuant to the provisions of the Acts then in force for the registration incorporation and regulation of joint-stock companies and is also registered under the provisions of the Companies Act 1862: 25 & 26 Vict. c. 89.

And whereas the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty intituled "An Act to confer certain Powers on the Railway Passengers Assurance Company" the Railway Passengers Assurance Company's Act 1852 the Railway Passengers Assurance Company's Act 1864 and the Railway Passengers Assurance Act 1875 relate to the Company: 12 & 13 Vict. c. xl. 15 & 16 Vict. c. c. 27 & 28 Vict. c. cxxv. 38 & 39 Vict. c. xlix.

And whereas under the recited Acts the Company are empowered to insure compensation to any persons or their legal personal representatives for loss of life or for personal injury caused by any accident whatever and it is expedient that such power should be enlarged and extended as by this Act provided and that the Company should also be authorised to insure employers of labour and other persons from liability to compensation for loss of life or for personal injury caused by accident to persons whether in their service or employment or not:

And whereas the objects aforesaid cannot be effected without the authority of Parliament,

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with

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the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title.

1. This Act may for all purposes be cited as the Railway Passengers Assurance Act 1881.

Interpretation of terms.

2. In construing this Act the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):

The word "employer" shall mean any person or body of persons corporate or unincorporate who employs any person to perform service or work of any description for salary wages or hire:

The word "workmen" shall have the same meaning as in the Employers Liability Act 1880:

43 & 44 Vict.

The expression "legal personal representative" shall include any person or number of persons in any way entitled to compensation on account of the death through accident of another person:

The word "accident" or "accidents" shall mean accident or accidents whereby death or personal injury is occasioned and shall be applicable only so far as death or personal injury results directly therefrom and shall not mean accident which is the result of disease of any kind:

The expression "total disablement" shall mean absolute disability to attend to any part of the injured person's usual avocation or business.

Additional powers of insurance.

3. In addition to their powers under the recited Acts or any of them the Company shall have the powers following (that is to say):

Class 1. They may by one instrument or by several instruments insure any number of persons engaged in any particular occupation business or employment either against accidents of any kind or against accidents incidental to their occupation business or employment only and either for the benefit of the persons so insured or for the benefit of the employers of such persons or for the benefit of any other persons:

Class 2. They may by one instrument or by several instruments insure any employer from liability for compensation in respect of accidents to any one or more of his workmen which he may incur under the Employers Liability Act 1880 or any Act extending or amending the same:

Class 3. They may by one instrument or by several instruments insure any employer or other person from liability for compen-

sation in respect of accidents of any kind to any particular person or number of persons whether in the service or employ of the person insured or not.

Description of accidents which may be insured against.

4. The accidents which may be insured against or in respect of which liability for compensation may be insured against under this Act may be accidents of any kind arising from any cause and resulting in death or total or partial disablement or neither in death nor in total or partial disablement as may be expressed in the instrument by which the insurance is effected.

As to form and contents of instruments of insurance.

5. In any instrument for effecting an insurance against accidents under Class 1 it shall be sufficient to describe the persons insured if more than one either by their names or by their number or by the total aggregate number of such persons only with a description of their particular occupation business or employment and in any instrument for effecting an insurance against liability for compensation it shall be sufficient in the case of Class 2 to describe the workmen if more than one by their names or by their number or by the total aggregate number of such workmen only with or without a description of the nature of their employment and in the case of Class 3 to describe the persons if more than one who or in case of death whose legal personal representative might become entitled to compensation either by the names or by the number or by the total aggregate number of such persons only and description of the class of such persons and in all other respects every such instrument may be in such form as the Company think fit.

In case of insurances against liability Company not to be bound by compromise unless party or acquiescent.

6. With respect to Classes 2 and 3 it shall not be necessary that the claim to compensation should be established at law in order to entitle the person insured to recover the amount of compensation from the Company provided that the Company do not dispute the liability of the insured to pay compensation but no compromise between the person insured and the party entitled to compensation shall be binding upon the Company unless the Company have been party to or having had notice have acquiesced in such compromise.

Particulars as to claims, &c.

7. Whenever a claim is made under an instrument for effecting an insurance against accidents or against liability for compensation in respect of accidents in which instrument the persons insured or the workmen or persons in whose behalf compensation in case of accidents happening to them may be claimed are described by the total aggregate number only the Company shall be entitled to require reasonable proof that at the time of the accident in respect of which the claim is made the total aggregate number of

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the persons or workmen so specified in the instrument was not exceeded and if exceeded the extent of such excess and the Company shall not be bound to pay the sum claimed or any part thereof until such reasonable proof shall have been given and they shall not be bound to pay the sum claimed or any part thereof if at the time of the accident the total aggregate number of the persons or workmen so specified in the instrument was exceeded unless in such instrument provision is made for payment of the sum insured or part thereof under such circumstances and then only upon and subject to such terms and conditions as may be provided for in the instrument.

Extension of provisions of existing Acts.

8. Subject to the provisions of this Act the provisions of the recited Acts so far as they are applicable shall extend and apply to all insurances which may be effected under this Act in like manner as if such insurances had been effected under the recited Acts and the recited Acts as amended by this Act and this Act shall be read and construed as one Act and shall be applicable in the case of all renewals and of all future insurances of the Company.

Expenses of Act.

9. All costs charges and expenses of and incident to the applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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