



# Policies of Assurance Act 1867

1867 CHAPTER 144 30 and 31 Vict

An Act to enable Assignees of Policies of Life Assurance to sue thereon in their own Names. [20th August 1867]

## Modifications etc. (not altering text)

- C1 Preamble omitted under authority of [Statute Law Revision Act 1893 \(c. 14\)](#)
- C2 This Act is not necessarily in the form in which it has effect in Northern Ireland

## 1 Assignees of life policies may sue in their own names.

Any person or corporation now being or hereafter becoming entitled, by assignment or other derivative title, to a policy of life assurance, and possessing 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 policy for monies thereby assured or secured, shall be at liberty to sue at law in the name of such person or corporation to recover such monies.

## 2 Defence or reply on equitable grounds may be pleaded.

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.

## 3 Notice of assignment to be given.

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 monies assured or secured thereby, until a written notice of the date and purport of such assignment shall have been given to the assurance company liable under such policy at their principal place of business for the time being, or in case they have two or more principal places of business then at some one of such principal places of business, either in England or Scotland or Ireland; and the date on which such notice shall be received shall regulate the priority

*Changes to legislation: There are currently no known outstanding effects for the Policies of Assurance Act 1867. (See end of Document for details)*

of all claims under any assignment; and a payment bonâ fide made in respect of any policy by any assurance company before the date in which such notice shall have been received shall be as valid against the assignee giving such notice as if this Act had not been passed.

**Modifications etc. (not altering text)**

- C3** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

**4 Principal places of business to be specified on policies.**

Every assurance company shall, on every policy issued by them after the thirtieth day of September one thousand eight hundred and sixty-seven, specify their principal place or principal places of business at which notices of assignment may be given in pursuance of this Act.

**Modifications etc. (not altering text)**

- C4** S. 4 excluded by [Income and Corporation Taxes Act 1970 \(c. 10\)](#), s. 226(12)  
**C5** Ss. 4, 6 excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), ss. 618(1), 620(8)

**5 Assignment by endorsement or separate instrument.**

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 forth in the schedule hereto, such endorsement or separate instrument being duly stamped.

**6 Notices of assignment to be acknowledged.**

Every assurance company to whom notice shall have been duly given of the assignment of any policy under which they are 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, and upon payment in each case of a fee not exceeding [<sup>F1</sup>25p], deliver an acknowledgment in writing, under the hand of the manager, secretary, treasurer, or other principal officer of the assurance company, of their 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 assurance company of their having duly received the notice to which such acknowledgment relates.

**Textual Amendments**

- F1** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)

**Modifications etc. (not altering text)**

- C6** S. 6 excluded by [Income and Corporation Taxes Act 1970 \(c. 10\)](#), s. 226(12)  
**C7** Ss. 4, 6 excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), ss. 618(1), 620(8)

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## **7 Interpretation of terms.**

In the construction and for the purposes of this Act the expression “policy of life assurance” or “policy” shall mean any instrument by which the payment of monies 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 the expression “assurance company” shall mean and include 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.

## **8 Not to apply to contracts under certain Acts.**

Provided always, that this Act shall not apply to any policy of assurance granted or to be granted or to any contract for a payment on death entered into or to be entered into in pursuance of the provisions of the [<sup>F2M1</sup>Government Annuities Act 1929], or to any engagement for payment on death by any friendly society.

### **Textual Amendments**

**F2** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. 38(1)

### **Marginal Citations**

**M1** [1929 c. 29](#).

## **9 Short title.**

For all purposes this Act may be cited as “The Policies of Assurance Act 1867.”

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## SCHEDULE

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.

**Changes to legislation:**

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