

## **EXPLANATORY NOTES**

### **INSURANCE ACT 2015**

#### **INTRODUCTION**

#### **TERRITORIAL EXTENT AND APPLICATION**

#### **BACKGROUND**

##### **Insurance contract law**

##### **Amendments to the Third Parties (Rights against Insurers) Act 2010**

#### **SUMMARY**

##### **Insurance contract law**

###### **The duty of fair presentation**

###### **Warranties and other terms**

###### **Insurers' remedies for fraudulent claims**

###### **Good faith**

###### **Contracting out**

###### **Consequential amendments**

##### **Amendments to the Third Parties (Rights against Insurers) Act 2010**

#### **COMMENTARY ON SECTIONS**

##### **PART 1: INSURANCE CONTRACTS: MAIN DEFINITIONS**

###### **Section 1: Insurance contracts: main definitions**

##### **PART 2: THE DUTY OF FAIR PRESENTATION**

###### **Section 2: Application and interpretation**

###### **Section 3: The duty of fair presentation**

###### **Exceptions to the duty of fair presentation**

###### **Section 4: Knowledge of insured**

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Section 6: Knowledge: general

Section 7: Supplementary

Section 8: Remedies for breach

### **PART 3: WARRANTIES AND OTHER TERMS**

Section 9: Warranties and representations

Section 10: Breach of warranty

Section 11: Terms not relevant to the actual loss

### **PART 4: FRAUDULENT CLAIMS**

Section 12: Remedies for fraudulent claims

Section 13: Remedies for fraudulent claims: group insurance

### **PART 5: GOOD FAITH AND CONTRACTING OUT**

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Section 15: Contracting out: consumer insurance contracts

Section 16: Contracting out: non-consumer insurance

Section 17: The transparency requirements

Section 18: Contracting out: group insurance contracts

### **PART 6: AMENDMENT OF THE THIRD PARTIES (RIGHTS AGAINST INSURERS) ACT 2010**

Section 19: Power to change the meaning of “relevant person”

Section 20: Other amendments to the 2010 Act

### **PART 7: GENERAL**

Section 21: Provision consequential on Part 2

**Marine Insurance Act 1906, sections 18, 19 and 20**

**Road Traffic Act 1988, section 152**

**Consumer Insurance (Disclosure and Representations) Act 2012**

Section 22: Application etc of Parts 2 to 5

Section 23: Extent, commencement and short title

Schedule 1: Insurer’s remedies for qualifying breaches

### **PART 1: CONTRACTS**

*These notes refer to the Insurance Act 2015 (c.4)*

**Deliberate or reckless breaches**

**Other breaches**

**PART 2: VARIATIONS**

**Deliberate or reckless breaches**

**Other breaches**

**PART 3: SUPPLEMENTARY**

Schedule 2: Rights of third parties against insurers: relevant insured persons

**Debt relief orders in Northern Ireland**

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**Transitional cases**

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**COMMENCEMENT DATES**

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