



Consumer Insurance (Disclosure and Representations) Act 2012

2012 CHAPTER 6

Qualifying misrepresentations

5 Qualifying misrepresentations: classification and presumptions

- (1) For the purposes of this Act, a qualifying misrepresentation (see section 4(2)) is either—
 - (a) deliberate or reckless, or
 - (b) careless.
- (2) A qualifying misrepresentation is deliberate or reckless if the consumer—
 - (a) knew that it was untrue or misleading, or did not care whether or not it was untrue or misleading, and
 - (b) knew that the matter to which the misrepresentation related was relevant to the insurer, or did not care whether or not it was relevant to the insurer.
- (3) A qualifying misrepresentation is careless if it is not deliberate or reckless.
- (4) It is for the insurer to show that a qualifying misrepresentation was deliberate or reckless.
- (5) But it is to be presumed, unless the contrary is shown—
 - (a) that the consumer had the knowledge of a reasonable consumer, and
 - (b) that the consumer knew that a matter about which the insurer asked a clear and specific question was relevant to the insurer.

Commencement Information

II S. 5 in force at 6.4.2013 by [S.I. 2013/450](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Consumer Insurance (Disclosure and Representations) Act 2012, Section 5.