
Changes to legislation: There are currently no known outstanding effects for the Consumer Insurance (Disclosure and Representations) Act 2012, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RULES FOR DETERMINING STATUS OF AGENTS

- 3 (1) In any other case, it is to be presumed that the agent is acting as the consumer's agent unless, in the light of all the relevant circumstances, it appears that the agent is acting as the insurer's agent.
- (2) Some factors which may be relevant are set out below.
- (3) Examples of factors which may tend to confirm that the agent is acting for the consumer are—
- (a) the agent undertakes to give impartial advice to the consumer,
 - (b) the agent undertakes to conduct a fair analysis of the market,
 - (c) the consumer pays the agent a fee.
- (4) Examples of factors which may tend to show that the agent is acting for the insurer are—
- (a) the agent places insurance of the type in question with only one of the insurers who provide insurance of that type,
 - (b) the agent is under a contractual obligation which has the effect of restricting the number of insurers with whom the agent places insurance of the type in question,
 - (c) the insurer provides insurance of the type in question through only a small proportion of the agents who deal in that type of insurance,
 - (d) the insurer permits the agent to use the insurer's name in providing the agent's services,
 - (e) the insurance in question is marketed under the name of the agent,
 - (f) the insurer asks the agent to solicit the consumer's custom.

Commencement Information

II Sch. 2 para. 3 in force at 6.4.2013 by S.I. 2013/450, art. 2

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