

*These notes refer to the Insurance Act 2015 (c.4)
which received Royal Assent on 12 February 2015*

INSURANCE ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: the Duty of Fair Presentation

Section 3: The duty of fair presentation

Exceptions to the duty of fair presentation

48. As in section 18(3) of the 1906 Act, section 3(5) of the Act provides exceptions to the insured's duty of disclosure. The exceptions do not apply to the requirement to make the disclosure in a clear and accessible manner, nor to the duty not to make misrepresentations. Anything which is the subject of an exception does not have to be disclosed by the insured to the insurer, unless the insurer makes enquiries about that matter.
49. Exceptions (a) and (e) replicate the relevant provisions in the 1906 Act almost exactly. The rest of the exceptions relate to circumstances which the insurer "knows", "ought to know" and "is presumed to know". They replace similar provisions in the 1906 Act. Each of these categories of "knowledge" is expanded on in section 5.