



# Insurance Act 2015

## 2015 CHAPTER 4

### PART 3

#### WARRANTIES AND OTHER TERMS

#### **11 Terms not relevant to the actual loss**

- (1) This section applies to a term (express or implied) of a contract of insurance, other than a term defining the risk as a whole, if compliance with it would tend to reduce the risk of one or more of the following—
  - (a) loss of a particular kind,
  - (b) loss at a particular location,
  - (c) loss at a particular time.
- (2) If a loss occurs, and the term has not been complied with, the insurer may not rely on the non-compliance to exclude, limit or discharge its liability under the contract for the loss if the insured satisfies subsection (3).
- (3) The insured satisfies this subsection if it shows that the non-compliance with the term could not have increased the risk of the loss which actually occurred in the circumstances in which it occurred.
- (4) This section may apply in addition to section 10.