



Insurance Act 2015

2015 CHAPTER 4

PART 2

THE DUTY OF FAIR PRESENTATION

4 Knowledge of insured

- (1) This section provides for what an insured knows or ought to know for the purposes of section 3(4)(a).
- (2) An insured who is an individual knows only—
 - (a) what is known to the individual, and
 - (b) what is known to one or more of the individuals who are responsible for the insured's insurance.
- (3) An insured who is not an individual knows only what is known to one or more of the individuals who are—
 - (a) part of the insured's senior management, or
 - (b) responsible for the insured's insurance.
- (4) An insured is not by virtue of subsection (2)(b) or (3)(b) taken to know confidential information known to an individual if—
 - (a) the individual is, or is an employee of, the insured's agent; and
 - (b) the information was acquired by the insured's agent (or by an employee of that agent) through a business relationship with a person who is not connected with the contract of insurance.
- (5) For the purposes of subsection (4) the persons connected with a contract of insurance are—
 - (a) the insured and any other persons for whom cover is provided by the contract, and
 - (b) if the contract re-insures risks covered by another contract, the persons who are (by virtue of this subsection) connected with that other contract.

Status: This is the original version (as it was originally enacted).

- (6) Whether an individual or not, an insured ought to know what should reasonably have been revealed by a reasonable search of information available to the insured (whether the search is conducted by making enquiries or by any other means).
- (7) In subsection (6) “information” includes information held within the insured’s organisation or by any other person (such as the insured’s agent or a person for whom cover is provided by the contract of insurance).
- (8) For the purposes of this section—
 - (a) “employee”, in relation to the insured’s agent, includes any individual working for the agent, whatever the capacity in which the individual acts,
 - (b) an individual is responsible for the insured’s insurance if the individual participates on behalf of the insured in the process of procuring the insured’s insurance (whether the individual does so as the insured’s employee or agent, as an employee of the insured’s agent or in any other capacity), and
 - (c) “senior management” means those individuals who play significant roles in the making of decisions about how the insured’s activities are to be managed or organised.