
Changes to legislation: There are currently no known outstanding effects for the Consumer Insurance (Disclosure and Representations) Act 2012, Cross Heading: Careless misrepresentations—claims. (See end of Document for details)

SCHEDULES

SCHEDULE 1

INSURERS' REMEDIES FOR QUALIFYING MISREPRESENTATIONS

PART 1

CONTRACTS

Careless misrepresentations—claims

- 3 If the qualifying misrepresentation was careless, paragraphs 4 to 8 apply in relation to any claim.

Commencement Information

I1 Sch. 1 para. 3 in force at 6.4.2013 by S.I. 2013/450, art. 2

- 4 The insurer's remedies are based on what it would have done if the consumer had complied with the duty set out in section 2(2), and paragraphs 5 to 8 are to be read accordingly.

Commencement Information

I2 Sch. 1 para. 4 in force at 6.4.2013 by S.I. 2013/450, art. 2

- 5 If the insurer would not have entered into the consumer insurance contract on any terms, the insurer may avoid the contract and refuse all claims, but must return the premiums paid.

Commencement Information

I3 Sch. 1 para. 5 in force at 6.4.2013 by S.I. 2013/450, art. 2

- 6 If the insurer would have entered into the consumer insurance contract, but on different terms (excluding terms relating to the premium), the contract is to be treated as if it had been entered into on those different terms if the insurer so requires.

Commencement Information

I4 Sch. 1 para. 6 in force at 6.4.2013 by S.I. 2013/450, art. 2

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- 7 In addition, if the insurer would have entered into the consumer insurance contract (whether the terms relating to matters other than the premium would have been the same or different), but would have charged a higher premium, the insurer may reduce proportionately the amount to be paid on a claim.

Commencement Information

I5 Sch. 1 para. 7 in force at 6.4.2013 by S.I. 2013/450, art. 2

- 8 “Reduce proportionately” means that the insurer need pay on the claim only X% of what it would otherwise have been under an obligation to pay under the terms of the contract (or, if applicable, under the different terms provided for by virtue of paragraph 6), where—

Commencement Information

I6 Sch. 1 para. 8 in force at 6.4.2013 by S.I. 2013/450, art. 2

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