Insurance Act 2015

Allianz Insurance plc www.allianz.co.uk

Fair Presentation of the Risk

1. The Insured must make a fair presentation of the risk to the Insurer at inception, renewal and variation of the Policy.

2. The Insurer may avoid the Policy and refuse to pay any claims where any failure to make a fair presentation is:

   a) deliberate or reckless; or

   b) of such other nature that, if the Insured had made a fair presentation, the Insurer would not have issued the Policy.

   The Insurer will return the premium paid by the Insured unless the failure to make a fair presentation is deliberate or reckless.

3. If the Insurer would have issued the Policy on different terms had the Insured made a fair presentation, the Insurer will not avoid the Policy (except where the failure is deliberate or reckless) but the Insurer may instead:

   a) reduce proportionately the amount paid or payable on any claim, the proportion for which the Insurer is liable being calculated by comparing the premium actually charged as a percentage of the premium which the Insurer would have charged had the Insured made a fair presentation; and/or

   b) treat the Policy as if it had included such additional terms (other than those requiring payment of premium) as the Insurer would have imposed had the Insured made a fair presentation.

For the purposes of this clause references to:

   i) avoiding a Policy means treating the Policy as if it had not existed from the inception date (where the failure to make a fair presentation of the risk occurs before or at the inception of the Policy), the renewal date (where the failure occurs at renewal of the Policy), or the variation date (where the failure occurs when the Policy is varied);

   ii) refunds of premium should be treated as refunds of premium back to the inception date, renewal date or variation date as the context requires;

   iii) issuing a Policy should be treated as references to issuing the Policy at inception, renewing or varying the Policy as the context requires.

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