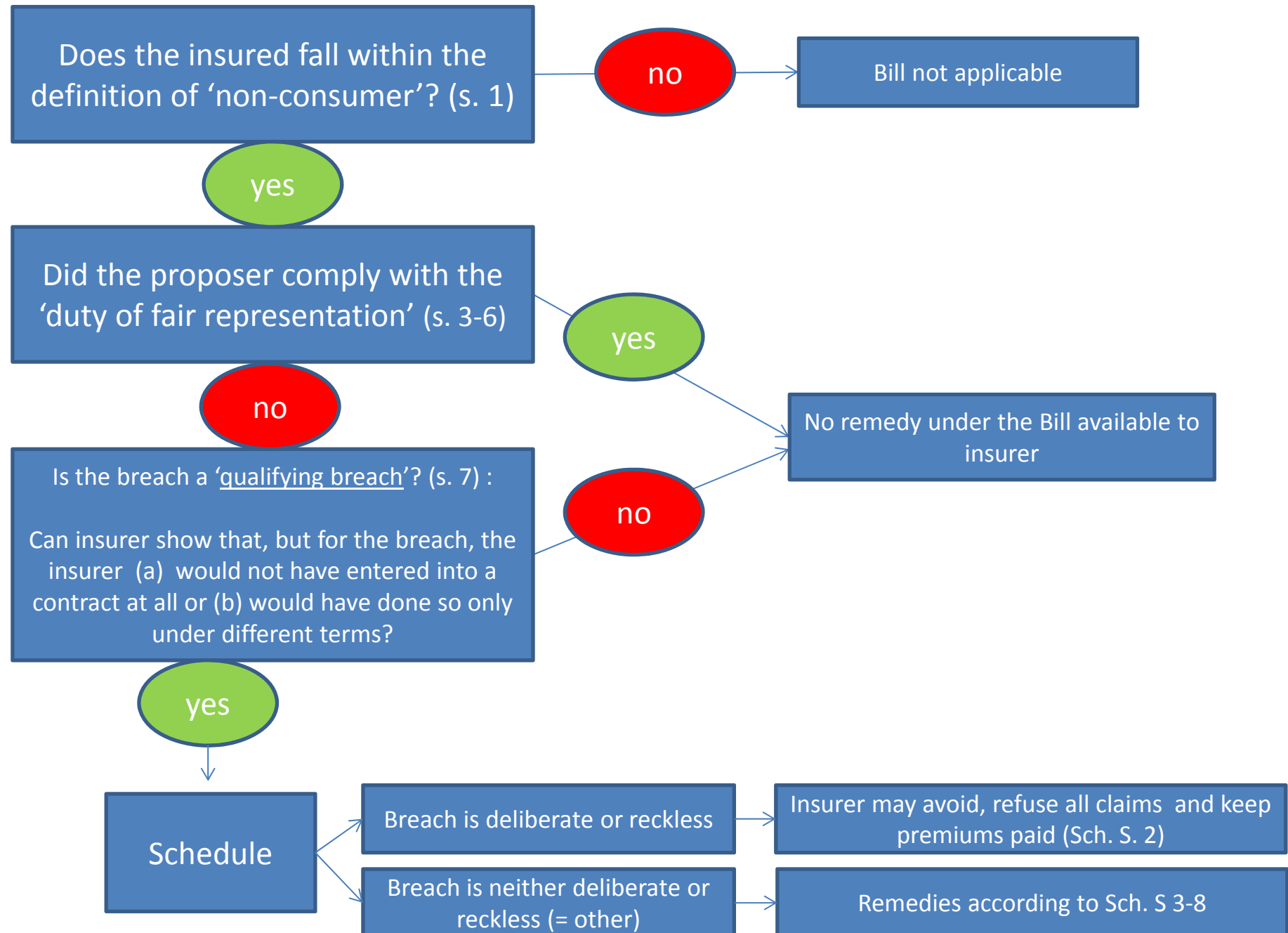


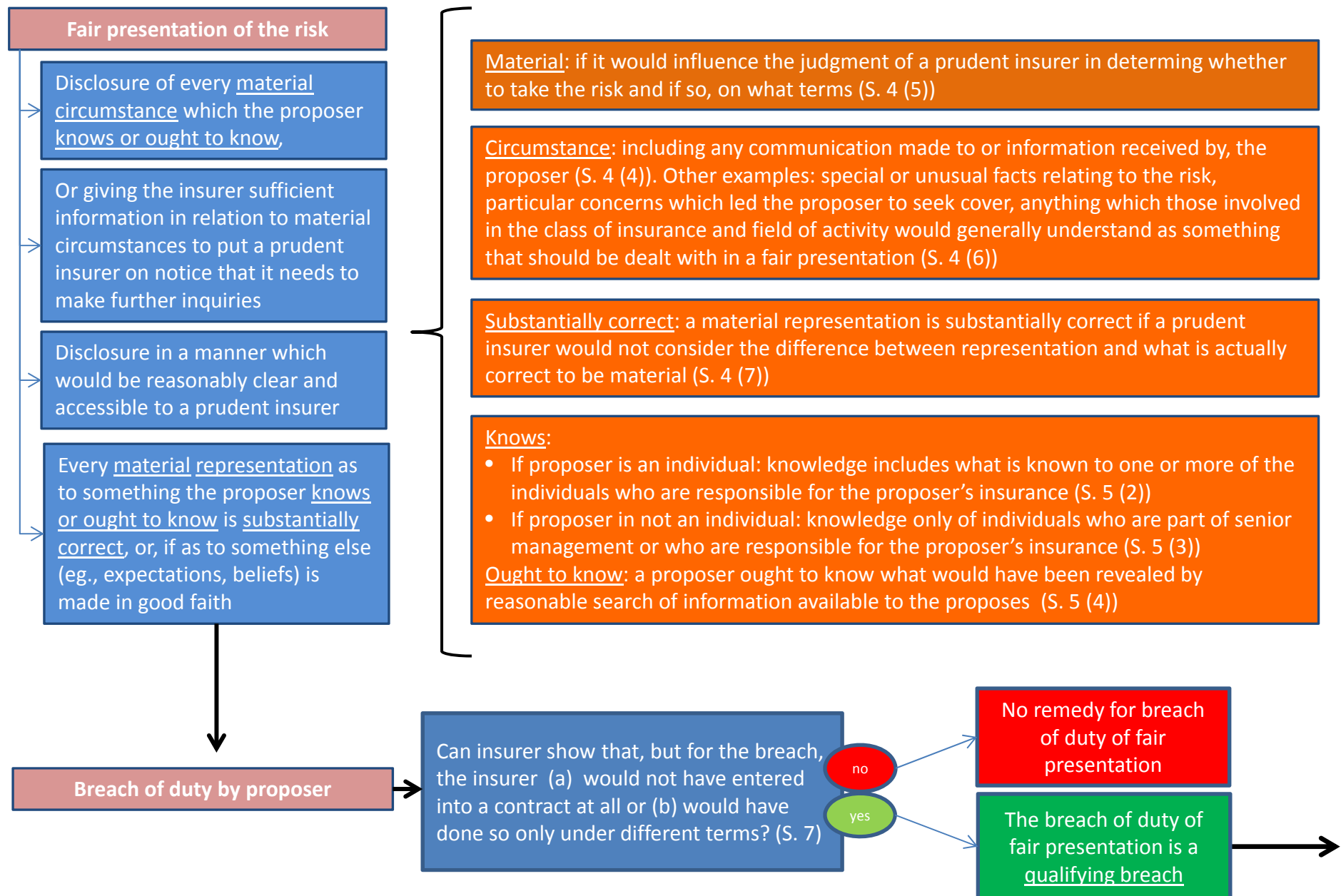
Duty of Fair Presentation

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Did the proposer omit to disclose something relating circumstances which (1) diminish the risk; (2) (3) the insurer knew, ought reasonably to have known, things the insurer is presumed to have known it, waived the right to know; (4) or which are covered by an express or implied warranty? (S. 6 (1))

- the insurer knows something only if it is known to one or more of the individuals who participate on behalf of the insurer in the underwriting decision (S. 6 (2))
- the insurer ought reasonably to have known something only if (a) an employee/agent knows it and ought reasonably to have passed on the relevant information to an individual who participates on behalf of the insurer in the underwriting decision (S. 6(3) or (b) if the relevant information is readily available to such individual (S. 6 (3))
- Things the insurer is presumed to know: things (= information, knowledge, facts, rumours, expectations, beliefs) of common knowledge, things which an insurer offering this type of insurance to this type of proposer would reasonably be expected to know in the ordinary course of business (S. 6 (4), (5))

