DÁIL ÉIREANN

AN BILLE UM CHONARThAÍ ÁRACHAIS I LEITH
TOMHALTóIRí, 2017
CONSUMER INSURANCE CONTRACTS BILL 2017
LEASUITHE TUARASCáLA
REPORT AMENDMENTS

[No. 3a of 2017] 
[12 November, 2019]
1. In page 5, between lines 21 and 22, to insert the following:

““continuing restrictive condition” means any condition, however expressed, that purports to require a consumer to do, or not to do, a particular act or to act, or requires him or her to act, or not to act, in a particular manner (and any condition the effect of which is that a given set of circumstances is required to exist or to be maintained or not to exist shall be taken as falling within this definition);”.

—An tAire Airgeadais.

2. In page 6, to delete lines 38 and 39 and substitute the following:

“...

| 47 | No. ___ of 2019 | Consumer Insurance Contracts Act 2019 | Sections 10, 11, 12*, 12, 13 and 15 |

[*This is a reference to the section proposed to be inserted by amendment No. 12.]

—An tAire Airgeadais.

3. In page 6, after line 40, to insert the following:

“(2) With respect to the amendment effected to the Central Bank Act 1942 by subsection (1), and that amendment only and so as not to affect the operation of the general law specified in subsection (3), where a reference occurs in any section of this Act, specified in that amendment, to “insurer”, that reference shall be construed, where an insurance intermediary is acting on behalf of an insurer, as including a reference to the insurance intermediary.

(3) The general law referred to in subsection (2) is the general law, as it applies to this Act, whereby an act or omission done or made by an agent, such as an insurance intermediary, on behalf of an insurer is regarded as an act or omission done or made by the insurer.”.

—An tAire Airgeadais.

4. In page 7, line 19, after “sum” to insert “of compensation”.

—An tAire Airgeadais.
5. In page 7, lines 23 to 25, to delete all words from and including “(1) The” in line 23 down to and including line 25.

—An tAire Airgeadais.

6. In page 7, lines 26 and 27, to delete “or any other requirements related to, a consumer insurance contract as set out in this Act” and substitute “a contract of insurance or any other requirements related to such a contract contained in this Act”.

—An tAire Airgeadais.

7. In page 7, line 29, to delete “whether made under statutory authority or otherwise” and substitute “made under any enactment or instrument under an enactment”.

—An tAire Airgeadais.

8. In page 7, line 31, after “Services” to insert “and Pensions”.

—An tAire Airgeadais.

9. In page 8, line 14, to delete “from” and substitute “to”.

—An tAire Airgeadais.

10. In page 10, lines 27 to 36, to delete all words from and including “(1) Subject” in line 27 down to and including line 36 and substitute the following:

“(1) Subject to subsection (3), in a case in which the consumer’s entitlement to cancel a contract of insurance is not governed by the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015) or the European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004 (S.I. No. 853 of 2004), a consumer may cancel a contract of insurance, by giving notice in writing of cancellation to the insurer, within 14 working days after the date when the consumer is informed that the contract has been concluded.

(2) The giving of notice of cancellation by a person shall have the effect of releasing the person from any further obligation arising from the contract.

(3) The right to cancel a contract of insurance under subsection (1) does not apply where the duration of the contract is less than one month.”.

—An tAire Airgeadais.

11. In page 10, line 37, to delete “avoids” and substitute “cancels”.

—An tAire Airgeadais.

12. In page 10, after line 39, to insert the following:

“Renewal of contract of insurance

12. (1) In the case of a contract of non-life insurance, the insurer, when issuing a renewal notice to a consumer, shall provide the consumer with a schedule outlining the following:

(a) any premiums paid by the consumer to the insurer in the preceding three years,
and

(b) a list of any claims that have been paid by the insurer to the consumer in the preceding three years.

(2) Where there has been any mid-term adjustment made to the policy in any of the previous three years, the information to be provided for the purposes of subsection (1) (a) shall be met by:

(a) the provision of an annualised premium figure for the relevant year(s) excluding fees or charges applied as a result of that adjustment, and

(b) a statement indicating that the annualised premium figure shown may not reflect the actual premium paid in the relevant year(s).

(3) The Minister shall by order appoint a day for the commencement of this provision.”.

—Pearse Doherty.

13. In page 11, line 35, to delete “20 days” and substitute “20 working days”.

—An tAire Airgeadais.

14. In page 11, line 39, to delete “the post-contractual stage of a consumer contract” and substitute “all stages subsequent to the entering into of the contract”.

—An tAire Airgeadais.

15. In page 14, line 19, to delete “less than €20,000” and substitute “less than €40,000”.

—Michael McGrath.

16. In page 14, line 21, to delete “€20,000 or more” and substitute “€40,000 or more”.

—Michael McGrath.

17. In page 15, line 28, to delete “consumer”.

—An tAire Airgeadais.

18. In page 15, line 34, to delete “an insurance contract” and substitute “contract of insurance”.

—An tAire Airgeadais.

19. In page 15, line 35, to delete “insurance”.

—An tAire Airgeadais.

20. In page 15, line 37, after “is” to insert “, subject to subsection (5)*,”.

—An tAire Airgeadais.

[*This is a reference to a subsection proposed to be inserted by amendment 21.]

21. In page 15, between lines 40 and 41, to insert the following:

“(5) Subsection (4) does not suspend the liability of the insurer if the fact that the breach referred to in that subsection has occurred has not increased, in the circumstances concerned, the risk of a loss that has occurred (being a loss for which liability on the part of the insurer is claimed by the consumer).”.
22. In page 16, to delete lines 13 to 40, and in page 17, to delete lines 1 to 12 and substitute the following:

“19. In addition to applying to a “consumer” as defined in those Regulations, the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995) shall apply to a consumer within the meaning of this Act.”.