



BILL NO. 106

Government Bill

*1st Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

An Act to Amend Chapter 231 of the Revised Statutes, 1989, the Insurance Act

CHAPTER 12
ACTS OF 2018

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
APRIL 18, 2018**

The Honourable Karen Casey
Minister responsible for the Insurance Act

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 231
of the Revised Statutes, 1989,
the Insurance Act**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 5(1) of Chapter 231 of the Revised Statutes, 1989, the *Insurance Act*, as amended by Chapter 1 of the Acts of 2003 (Second Session), is further amended by adding immediately after clause (l) the following clause:

(la) prescribing requirements for the purpose of clause (c) of subsection (3) of Section 13A;

2 Chapter 231 is further amended by adding immediately after Section 13 the following Section:

13A (1) Where a contract contains a term or condition excluding coverage for loss or damage to property caused by a criminal or intentional act or omission of an insured or any other person, the exclusion applies only to the claim of a person

(a) whose act or omission caused the loss or damage;

(b) who abetted or colluded in the act or omission;

(c) who

(i) consented to the act or omission, and

(ii) knew or ought to have known that the act or omission would cause the loss or damage; or

(d) who is not a natural person.

(2) Nothing in subsection (1) allows a person whose property is insured under the contract to recover more than the person's proportionate interest in the lost or damaged property.

(3) A person whose coverage would be excluded but for subsection (1) shall

(a) co-operate with the insurer in respect of the investigation of the loss, including submitting to an examination under oath if requested by the insurer;

(b) in addition to producing any documents required by the contract, produce for examination, at a reasonable place and time specified by the insurer, all documents in the person's possession or control that relate to the loss; and

(c) comply with any other requirement prescribed by the regulations.
