8 Warranties and representations [j501]

(1) This section applies to representations made by the insured in connection with—
   (a) a proposed non-consumer insurance contract, or
   (b) a proposed variation to a non-consumer insurance contract.

(2) Such a representation is not capable of being converted into a warranty by means of any provision of the non-consumer insurance contract (or of the terms of the variation), or of any other contract (and whether by declaring the representation to form the basis of the contract or otherwise).
9 Breach of warranty

(1) Any rule of law that breach of a warranty (express or implied) in a contract of insurance results in the discharge of the insurer’s liability under the contract is abolished.

(2) Subject to section 10, an insurer has no liability under a contract of insurance in respect of any loss occurring, or attributable to something happening, after a warranty (express or implied) in the contract has been breached but before the breach has been remedied (if it can be remedied).

(3) But subsection (2) does not apply if—

(a) because of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract,

(b) compliance with the warranty is rendered unlawful by any subsequent law,

(c) the insurer waives the breach of warranty.

(4) Subsection (2) does not affect the liability of the insurer in respect of losses occurring, or attributable to something happening—

(a) before the breach of warranty, or

(b) if the breach can be remedied, after it has been remedied.

(5) Subsection (6) applies in the case of breach of a warranty requiring that by an ascertainable time—

(a) something is to be done, or not done,

(b) a condition is to be fulfilled, or

(c) something is, or is not, to be the case.

(6) For the purposes of this section, the breach is to be taken as remedied if at a later time the risk to which the warranty relates becomes essentially the same as that originally contemplated by the parties.

(7) In the Marine Insurance Act 1906—

(a) in section 33 (nature of warranty), in subsection (3), omit the second sentence,

(b) omit section 34 (when breach of warranty excused).
10 Terms relevant to particular descriptions of loss [j502]

(1) This section applies to any term (express or implied) of a contract of insurance compliance with which would tend to reduce the risk of one or both of the following—
   (a) loss of a particular kind,
   (b) loss at a particular location or time.

(2) Breach of such a term may not be relied upon by the insurer to exclude, limit or discharge its liability for, respectively—
   (a) loss of a different kind,
   (b) loss at a different location or time.

(3) This section may apply in addition to section 9.