

## CANADIAN BULLETIN

REF: AD-14-012

**DATE** 2014-12-09

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**RECIPIENT** All Stakeholders writing business in Manitoba

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**SUBJECT** **Manitoba: Bill 27, The *Insurance Amendment Act***

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<i>Purpose:</i>	To advise stakeholders of changes relative to Bill 27, The <i>Insurance Amendment Act</i>
<i>Affects:</i>	All stakeholders writing business in Manitoba
<i>Line of Business:</i>	All
<i>Jurisdiction :</i>	Manitoba
<i>Effective:</i>	<ul style="list-style-type: none"> <li>• Most amendments of Bill 27 came into force on September 1, 2014</li> <li>• Restricted Insurance Agent Licenses' sections come into force on January 1, 2015</li> <li>• Remaining sections relating to life and health insurance contract provisions will come into force on March 1, 2015</li> </ul>

On June 14, 2012, Bill 27 received Royal Assent. Most of the amendments of Bill 27 came into force on September 1, 2014. The restricted insurance agent licenses' sections come into force on January 1, 2015 and the remaining sections relating primarily to life and health insurance contract provisions will come into force on March 1, 2015. Bill 27 amends the Manitoba *Insurance Act* to harmonize it with many of the recent amendments to the Alberta *Insurance Act*.

In the Manitoba *Insurance Act*, Part IV (Fire) is consolidated with Part III (Insurance Contracts in Manitoba) and harmonized statutory conditions are made applicable to most property and casualty insurance contracts. Parts VIII (Livestock) and IX (Weather) are repealed. The risks governed by these parts will be governed by the consolidated Part III of the Manitoba *Insurance Act*.

The amendments can be viewed here: The [Insurance Amendment Act](#). Some of the amendments are as follows:

## Section 1 – Introductory Provisions

- Definitions have been added, some have been amended and some have been repealed
- **New sections:**
  - Filing by electronic means - 1.2(1)
  - Express consent required - 1.2(2)

## Part II – General Provisions Applicable to Insurers Carrying on Business in Manitoba

- **New sections:**
  - Insurance compliance self-evaluative audit – 87.1(1)
  - Audit document is privileged – 87.1(2)
  - Effect of violation of law on enforcement of policy – 92(2)
  - Termination by Electronic Means – added after 113
  - When fee may be charged in addition to commission – 113(2.1)
  - When a contract is made in Manitoba – 116(1)
  - Non-application to alterations or modifications – 117(1.2)
  - Insurer has burden of proof – 117(3.1)
  - Cost of copies – 118(2)
  - Deemed content of contract before policy is issued – 120.1(1) and (2)
  - When a term or condition is not deemed to have been waived – 123(2)
  - When proof of loss forms are deemed to be provided – 126(1.1)
  - Payment into court by insurer – 129.1(1)
  - Limitation of actions – 136.2(2) (Statutory Condition 14, Action is deleted)
  - Recovery by innocent persons – 136.5(1)
  - Recovery limited to proportionate interest – 136.5(2)
  - Compliance with regulations by certain persons – 136.5(3)
- **Amended sections:**
  - Specified content of policy – 120(1)
  - Relating to dispute resolution process – 121
  - When insured's compliance with a contract requirement may be waived – 123(1)
  - Termination of contract for failing to pay premium – 125(3)
  - Relating to insurance application – 136.1(1) to 136.2(1)
  - Statutory conditions – 136.4(2)\*
  - Limitation of liability clause – 136.6(1)
  - Prohibited exclusions – 136.8(3)

**\*NOTE:** The Statutory conditions are set out in a new Schedule "B" of Bill 27, The *Insurance Amendment Act*. The Statutory conditions will also be posted on the Lloyd's Wording Repository shortly.

For further information, please contact [info@lloyds.ca](mailto:info@lloyds.ca).

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