

Law Of Marine Insurance

For centuries, warranties have played a significant role in the law of marine insurance and have recently sparked debate on a national and international level after calls for reform. This second edition includes a more involved analysis of law reform as well as a discussion of the recent proposals of the Australian Law Reform Commission. Soyer lucidly analyzes the legal remedy available when a marine insurance warranty is breached as well as setting out the current law on marine insurance warranties. This new edition also includes: a new section on the impact of the International Ship and Port Facility Security Code (ISPS Code) reference to numerous decisions recently handed down by the courts eg. HIH Casualty and General Insurance Ltd. v. New Hampshire Co. and Agapitos v. Agnew (No. 2) a more in-depth discussion of the position in other commonwealth jurisdictions, specially Australia and Canada.

This work covers the full ramifications of marine insurance law.

The book examines and analyses in depth the specific issues which are currently occupying the marine insurance markets and the law. The London market is currently re-examining its practices and international competitiveness; and the English case law is growing significantly. The issues identified in the book are the “fundamental issues” on which marine insurance law is based, and which are in the process of being re-examined and developed further to respond to the needs of modern insurance practice. They are of wider interest to insurance law in general and the evolution of English law is analysed against the backdrop of legal developments in Europe and Scandinavia.

Providing thorough, up-to-date coverage of the operation of marine insurance legislation, this text is an essential resource for today's marine insurance professional. Designed with the reader in mind, previous editions of this book have been heavily praised for its accessible and highly-practical format. Section by section, the authors deliver expert commentary on the Marine Insurance Act 1906 and related marine insurance legislation. The origin of each section or provision is clearly explained, along with the authorities decided since the legislation came into force. New to this edition: Heavily revised with the very latest case law since 2010, some of which having a dramatic effect on the law of marine insurance. The most important cases include The Cendor Mopu and Masefield v Amlin. All relevant new cases have been added from across the common law world Clarification on new legislation such as the Third Parties (Rights against Insurers) Act 2010 and the Consumer Insurance (Disclosure and Representations) Act 2012 The compulsory insurance provisions affecting oil pollution and passengers The rules on jurisdiction and choice of law in the Brussels Regulation and the Rome I Regulation This compressive text is indispensable for marine lawyers, industry professionals, and students of marine insurance law worldwide.

Marine Insurance: Law and Practice, Second Edition, continues to provide the most comprehensive and integrated account of the English law and practice of marine insurance. It provides readers with a fresh and up-to-date review of the modern law in the light of traditional principles and rules of underlying commercial law, and the specific statutory rules of marine insurance as interpreted by case law, as moderated in practice by market practices and standard form marine insurance clauses. Francis Rose clarifies the law's underlying framework of principles and illustrates how it works in common contractual situations, explaining how the different components of the law interact. The new edition has been updated to incorporate: • the most recent case law: there have been some very important judgments handed down since the book first published, including: The Cendor MOP, The Silva, The Resolute and The Marina Iris • the implications of the introduction of: Institute Cargo Clauses 2009, the effect of the Gambling Act 2005 and the Third Parties (Rights Against Insurers) Act 2010 Law Commission reform proposals The book explores in detail the following areas: • the nature of insurance • insurable interest • the insurance contract • the premium • insured risks • marine risks • exclusions • losses • claims • subrogation • double insurance

Starting with an historical view of marine insurance, this book then deals specifically with hull and cargo perils and cargo exclusions and goes on to cover cause, sue and labour, general average, salvage, total loss, subrogation and double insurance. It is intended for lawyers and non-lawyers

This latest and fourth volume in the series comprises ten contributions written by an expert team of academics and practitioners and which collectively analyse and expound many of the contemporary legal issues and debates in the law and practice of marine insurance. Some of the contributions touch upon areas of the law which will be amended by the Insurance Act 2015, and provide an insight to the future changes in the law. The topics covered are An assessment of the Marine Insurance Act 1906 Construction of marine policies Litigating against brokers – the measure of damages Co-insurance and leading underwriter clauses Duties of good faith of insurers and reinsurers Assured right to interest when a policy is avoided The impact of The Cendor MOPU on the Institute Cargo Clauses Fraudulent claims Aspects of Subrogation Conflict of laws in light of the recast Brussels I Regulation This book is essential reading for maritime lawyers, brokers and insurance market practitioners, academics, and companies associated with the marine insurance markets worldwide.

Both volumes present an in depth analysis of actual marine insurance relative to hull insurance, cargo insurance and P&I insurance. The impact of European law on marine insurance and, more specifically, European Competition Rules in relation to P&I insurance are covered. In addition, specific issues such as the future Belgian Marine Insurance statute and the Antwerp Marine Policy are dealt with. The subjects are covered in a broad comparative law perspective, combining practice and theory. Also topics such as the ISM code and its relation to marine insurance and the position of classification societies and quality insurance are considered.

The second edition of this book has been revised to focus on practitioners and focuses on direct cover contracts of marine insurance. It does not consider the reinsurance industry. The book considers both the historical development and modern law of marine insurance, and considers the risk management environment in which the law operates, including a chapter on Averting and Minimizing Loss.

This book expertly introduces and clearly explains all topics covered in marine insurance law courses at undergraduate and postgraduate levels, offering students and those new

to the area a comprehensive and accessible overview of this important topic in commercial law. Beginning by introducing the general principles of the subject, the structure and formation of insurance contracts, Marine Insurance Law then looks to individual considerations in detail, including: brokers, losses, risks and perils, sue and labour, reinsurance, and mutual insurance/P&I clubs. This title has been developed with the needs of courses specifically in mind, and its content has been tailored to include the most important and commonly taught topics in the field. Each chapter contains end of chapter further reading to support student research, ensuring this new textbook provides a reliable and accessible gateway into this important topic in maritime law

The focus of this new book is the modern Law of Marine Insurance, a subject of considerable practical importance in the United Kingdom and throughout the world. While existing works have tended to be preoccupied with the description of case law, largely based upon the Marine Insurance Act 1906, this book adopts an approach which is in line with current legal practice in that it looks towards the 1983 Institute Clauses as the foundation of modern legal practice in Marine Insurance. Similarly, while many practitioners' works rely upon listing and describing cases, the style of this work is analytical and rigorous thereby bringing to the subject a clarity hitherto missing. In terms of content the work covers the well-established basic structure of the topic starting with an introduction to the Law of Marine Insurance and the Insurance Market itself, before moving on to deal with the duty of good faith, the principles of causation, marine risks, losses, formation, cover, claims, subrogation and so forth. The book finishes with a series of useful appendixes setting out the relevant legislation, institute clauses and standard forms.

This book provides a comprehensive and coherent legal analysis of the impact of fraud on the position of various parties to a marine insurance contract, as well as the cover provided by standard marine policies. The issues under discussion in this invaluable guide are also equally relevant in the context of non-marine insurance contracts. Helpfully divided into two parts; the first part deals with the impact of fraud committed by parties to an insurance contract i.e. the assured, brokers and insurers. The second part analyses the extent to which standard marine policies cover the fraudulent and dishonest activity of third parties to an insurance contract. This book will be of huge practical assistance to practitioners specialising in marine insurance as well as insurance generally, and to professionals, academics and post-graduate students.

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This impressive work forms a comprehensive examination of the legal and historical context of marine insurance, providing a detailed overview of the events and factors leading to its codification in the Marine Insurance Act 1906. It investigates the development of the legal principles and case law that underpin the Act to reveal how successful this codification truly was, and to demonstrate how these historical precedents remain relevant to marine insurance law to this day. Beginning with the pivotal year of 1756, Rob Merkin QC organises his analysis era by era, situating the leading cases and emerging fundamentals of the marine insurance industry in the context of external events such as war, the growth of free international trade, and the expansion of empire. Offering insight into the origins of familiar legal principles in the field, the book provides a deeper understanding of the legal framework within which historical events took place and how this shaped both the development of marine insurance law and the political and economic circumstances surrounding it. Key features include: - In-depth research by one of the leading experts in marine insurance law - Context for and therefore deeper understanding of legal principles in the field - An authoritative account of the development of modern law of marine insurance through its historical roots. Legal historians interested in marine insurance and international maritime law more broadly as well as other historians of the period will find the depth of research and breadth of coverage in this book invaluable. Its grounding of important principles in their historical context will also be useful to practising lawyers in the field grappling with current marine insurance issues.

Marine Insurance Law, Second Edition introduces and clearly explains all topics covered in courses at Masters level, offering students and those new to the area a comprehensive and accessible overview and way into this important topic in maritime law. Beginning by introducing the general principles of the subject and structure and formation of insurance contracts, this text goes on to look at individual considerations in detail, including – the duty of utmost good faith /fair presentation of the risk, insurable interest, terms of insurance contracts, brokers, the premium, causation and marine perils, losses, sue and labour, subrogation, fraudulent claims and reinsurance. This second edition reflects the substantial changes introduced by the Insurance Act 2015, and includes new Appendices containing relevant legislation and example clauses from marine insurance contracts.

This 17th edition undergoes a substantial rewrite including a large amount of the case material generated since the supplement of 1997 across the whole range of maritime law. It also includes coverage of new code material and of the documents of marine insurance which have undergone important recent changes.

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preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

The Insurance Act 2015 represents the first major reform of English commercial insurance law for many years. Its impact will be felt not only in England, where it will greatly affect both maritime and commercial insurance practice, but also elsewhere where English law is the law of choice in insurance contracts. The Insurance Act 2015: A New Regime for Commercial and Marine Insurance Law analyses in depth the key aspects of the Act and extensively restates and modifies a number of legal principles applying both at common law and under the Marine Insurance Act 1906. Offering much more than the usual commentary on legislation, this book provides critical in-depth analysis of the important topics as was all coverage of areas likely to spawn disputes in future. Written by leading practitioners and academics in the field, this book offers comprehensive, coherent and practical legal analysis of the changes introduced by the Insurance Act 2015. It is a key point of reference for practitioners, insurance professionals and academics.

The Law of Marine Insurance Oxford University Press on Demand

The Supreme Court ruling in *Global Process System Inc. v Syarikat Takaful Malaysia Berhad (The Cendor MOPU)* created a shock wave in the London marine insurance market as the Supreme Court decision changed the boundaries of doctrine in respect of the meaning of "perils of the sea" and "inherent vice". Both phrases play an important role in the insurance market, affecting both assureds and insurers and their respective interests under all classes of marine insurance policies. This book reviews the origin of the clauses "perils of the sea" and "inherent vice" by tracing back through the early cases in order to understand the origin, and noting how and why the changes occurred. It will examine how the law has been developed in the recent cases, discussing whether the Supreme Court case, *The Cendor MOPU*, has overruled the previous cases in terms of the words "inherent vice" and "perils of the sea". Considering the impact of *The Cendor MOPU* decision in respect of the Marine Insurance Act 1906 as well as the standard cargo clauses, it evaluates whether the decision is consistent with the 1906 Act and the Clauses, discussing the effect of the decision on recent cases and on the insurance market.

With reform of warranties, utmost good faith and insurable interest underway, *Reforming Marine and Commercial Insurance Law* provides a timely and essential analysis of this changing area of marine insurance law. The entire insurance sector is observing and participating in the reform process and this wide interest is reflected in the diversity of extremely high quality contributions to this book. This book evaluates the legal and practical implications of the proposals on commercial and marine insurance contracts. The contributors, from legal practice, the insurance sector, the judiciary and academia, comment critically on the proposals and discuss the viability and future of the reform process.

This book provides a comprehensive collection of Cases and Materials On Marine Insurance Law. The sources included here are not always readily accessible. Each chapter is introduced with a brief resume of the general principles, before the facts of each case are summarised and the extracts of the relevant parts of judgments reproduced. The significance of the judicial extracts, the statutory materials and standard terms are then discussed with particular emphasis on important and problematical areas of the law. This book will be indispensable not only to postgraduate students of law, in-house lawyers, insurance brokers and claims adjusters, but also to students of maritime studies, legal practitioners and a wide range of professionals within the shipping industry who may wish to have at hand a convenient source of information. Whilst the book is a companion to the authors *The Law of Marine Insurance*, it is also structured to stand as a marine insurance text in its own right.

This fourth edition of *Marine Insurance Legislation* is a comprehensive and fully updated annotation of the UK's Marine Insurance Act 1906, setting out the authorities on which the legislation was based and the manner in which the legislation has been construed, with cross-references to the Institute Clauses. The book sets out the text of English Marine insurance legislation and the most important of the market clauses (the Institute Clauses) used in respect of Marine policies written in the London Market. The legislation is heavily annotated, with the operation of each section of the Marine Insurance Act 1906 explained, and references are given to the most important of the early cases upon which the sections are based. There is also comprehensive annotation and explanation of cases decided under the sections of the 1906 Act, with cross-references to the Institute Clauses. Key developments in this fourth edition include the introduction of the new Cargo Clauses in January 2009.

The new edition of *Marine Insurance Clauses* reflects numerous changes and additions to the policy clauses, and particularly the new style of the organisation entitled the International Underwriting Association of London in 2002. The new edition will bring you up to date with the present complex and sometimes confusing variations in policy conditions. Part of the Maritime and Transport Law Library.

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