

Overview of Marine Insurance Law

IMO International Maritime Law Institute
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“There is no time for playing around.
You have been retained as counsel for the unhappy;
You have promised to bring help to the shipwrecked,
the imprisoned, the sick, the needy, to those whose
heads are under the poised axe. Where are you deflecting
your attention? What are you doing?”

Lucius Annaeus Seneca (4 BC – AD 65)

1. INTRODUCTION

- *Mutual introduction of students and the lecturer:* Professor Pavliha studied law in Ljubljana (Slovenia), Split (Croatia) and Montreal (Canada) where he obtained his doctorate at McGill under the supervision of Professor William Tetley. He practiced law for over ten years in a law firm, shipping and reinsurance business. He has been Full Professor of Commercial, Transport and Insurance Law at the University of Ljubljana since 2004 and he also taught law in Belgium, Luxemburg and Australia. Prof. Pavliha has been a Visiting Fellow at the IMO IMLI (Malta) since 1998/99 where he is also an external examiner, as well as a member of the Board of Governors and member of the Academic Board. In 2003 he was elected as Secretary General of the Comité Maritime International, until he has been invited to the Slovenian Government as Minister of Transport (2004). Later he has been elected as Deputy Speaker of the Parliament of the Republic of Slovenia (2004-2007). He was chosen ten times by the *Ius Software Poll* as one of the Ten Most Influential Slovenian Lawyers and won the 2001 Lawyer of the Year Award granted by the Slovenian Federation of Lawyers' Associations. In 2002, he was the Slovenian candidate for a judge at ITLOS. He participated in drafting most of the Slovenian transport and insurance legislation after its independence. Prof. Pavliha was also a longstanding President of the Maritime Law Association of Slovenia. He is author and co-author of 23 books and over 500 articles and scientific papers. He lives with his wife and two children in a small village Nova vas nearby the Slovenian Adriatic coast.
- *Scope of lectures:* see this course outline.
- *First exercise:* on Thursday morning, 10th January 13, 2013, we will be discussing the *Institute Cargo Clauses* 1982 and 2009 (see sections 22 and 23 of this course outline). Please make copies of the A, B and C clauses, read them in advance and compare both versions.

Law Of Marine Insurance

Thomas J. Schoenbaum



Law Of Marine Insurance:

Law of Marine Insurance Susan Hodges, 2013-03-04 First published in 1996 Routledge is an imprint of Taylor Francis an informa company

Marine Insurance Donald O'May, Julian Hill, 1993 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

Marine Insurance Law Ozlem Gurses, 2015-03-02 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

Marine Insurance Law Özlem Gürses, 2023-03-28 Marine Insurance Law introduces and clearly explains all topics covered in undergraduate and postgraduate level courses offering students and those new to the area a comprehensive and accessible overview of this important topic in maritime law Observing 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 warranties and conditions brokers the premium causation and marine perils losses sue and labour subrogation fraudulent claims and reinsurance The third edition has been fully updated and expanded to cover additional pre Marine Insurance Act 1906 MIA 1906 cases as well as the implications of the Insurance Act 2015 on the duty of fair presentation of the risk in business insurance and on the remedy for breach of a warranty The reader will also read about the emphasis placed by the UK Supreme Court on the construction of s 55 of the MIA 1906 and the challenges faced in respect of claims for a constructive total loss of the subject matter insured which are especially current at the time the book is being prepared for its publication This textbook is the ideal companion for any student academic and practitioner wishing to study the subject and to explore more detailed information on the principles of marine insurance law

The Principle of Indemnity in Marine Insurance Contracts Kyriaki Nouria, 2007-08-06 Marine Insurance is considered one of the oldest of the many forms of commercial protection It has flourished through the establishment of the institution of the coffee houses wherein underwriting was being conducted and from where the evolution and dominance of the Lloyd s has stemmed as the world s most famous insurance market Marine insurance contracts are special in that they have special characteristics and also be cause they are contracts of indemnity

This book examines the principle of indemnity within marine insurance contracts. The legal problems related to the principle in theory and in practice are discussed and evaluated through the citation and critical analysis of the relevant case law in England as well as in some of the most representative common law and continental law jurisdictions together with an analysis comprising thoughts and proposals on possible extensions, further research options and a possible future law reform. The book comprises of six chapters. Chapter one discusses the history of marine insurance in England and the policy reasoning behind the enactment of the various English statutes as well as the history legal framework and the way marine insurance is regulated in the other jurisdictions. Chapter two discusses the concept and importance of insurable interest in relation to indemnity marine insurance contracts and the coverage offered under such contracts both in England and in the other legal systems.

Research Handbook on Marine Insurance Law Özlem Gürses, 2024-03-14. This erudite Research Handbook presents in depth analyses on marine insurance law exploring its fundamental issues, legal conflicts and the ways in which technology has changed the marine insurance landscape. Bringing together a vast array of expert legal scholars and practitioners, this book adeptly relates marine insurance to international trade, cyber insurance and pandemic exclusions.

The Law of Marine Insurance Howard N. Bennett, 1996. 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 appendices setting out the relevant legislation, Institute Clauses and standard forms.

[The Modern Law of Marine Insurance](#) Rhidian Thomas, 2015-10-14. 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

The Marine Insurance Act, 1906 Great Britain, Sir Mackenzie Dalzell Edwin Stewart Chalmers, Douglas Owen, 1907

A Digest of the Law Relating to Marine Insurance Sir Mackenzie Dalzell Edwin Stewart Chalmers, Douglas Owen, 1903

Marine Insurance at the Turn of the Millennium Marc Huybrechts, E. van Hooydonk, Christian Dieryck, 2000-09-26 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 Law of Marine Insurance Howard Bennett, 2006

Cases and Materials on Marine Insurance Law Susan Hodges, 2012-09-10 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

Marine Insurance Merkin, Rob, 2021-11-30 This authoritative 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

A Treatise on the Law of Marine Insurance and Average Sir Joseph Arnould, 1857

Law of Marine Insurance S. Hodges, 1996

A Treatise on the Law of Marine Insurance and General Average Theophilus Parsons, 1868

Marine Insurance Francis Rose, 2013-07-31 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

Key Divergences Between English and American Law of Marine Insurance

Thomas J. Schoenbaum, 1999 From the time of Elizabeth I in the second half of the sixteenth century London has dominated the marine insurance markets This led the English to develop a law of marine insurance as well A Chamber of Assurances was established in England in 1575 and the law of marine insurance rooted in custom developed through the cases decided by the courts In the United States marine insurance underwriting began in the eighteenth century although British firms continued to dominate The American law of marine insurance took its cue from English law there was no American statute and English legal precedents were cited routinely in American courts For fifty years after the English law was codified in the Marine Insurance Act 1906 MIA it could truly be said that there was a unified Anglo American law of marine insurance and that English law was part of the general maritime law of the United States The unity of the Anglo American law which was so beneficial to the international marine insurance industry was broken abruptly in 1955 by the decision of the United States Supreme Court in *Wilburn Boat v Fireman's Fund Insurance Co* a case that created controversies over the uniformity of the law that have yet to subside The purpose of this work is to explore the extent of the breakdown of the uniformity of the law and to point to its cure

A Treatise on the Law of Marine Insurance and Average; with References to the American Cases and the Later Continental Authorities Sir Joseph ARNOULD, 1866

The Enigmatic Realm of **Law Of Marine Insurance**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing in short supply of extraordinary. Within the captivating pages of **Law Of Marine Insurance** a literary masterpiece penned by a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of people who partake in its reading experience.

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