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The Relationship between Seaworthiness and the Duty of Disclosure under the Marine Insurance Contract: An Analysis of UAE, US and English Law

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Duty Of Disclosure In Insurance Contract Law

LP Steffe



Duty Of Disclosure In Insurance Contract Law:

The Duty of Disclosure in Insurance Contract Law Semin Park,1996 This book provides a critical account of the current interpretations of the duty of disclosure in insurance contract law in the English courts and insurance industry It deals with some of the most debatable aspects such as the legal basis the test of materiality and the insurer s duty of disclosure comprehensively analysing all the crucial cases It will serve as a guide for insurance lawyers practitioners and academic researchers alike

Insurance Contract Law Great Britain. Law Commission,2012 This joint discussion paper covers the following issues the business insured s duty of disclosure and the law of warranties Under current law a business policyholder has a duty to disclose every material circumstance it knows about the risk it wants to insure Failure to do so entitles the insurer to avoid the contract which means the insurer may treat it as if it did not exist and refuse all claims The duty is unclear and sometimes poorly understood while the consequence of breach is too harsh The proposals aim to clarify how policyholders are expected to comply with the duty when presenting a risk to insurers and to encourage insurers to assist them in that task Fairer remedies for breach where the policyholder has not been dishonest are proposed An insurance warranty is an important term which unless exactly complied with by the policyholder results in the automatic discharge of the insurer s liability for loss It makes no difference if the breach is trivial not material to the risk or if the policyholder remedies the breach prior to loss being incurred The Commissions propose that breach of a warranty should suspend the insurer s liability for the duration of the breach remedy of the breach restores liability Where a term is designed to reduce a particular type of risk liability should only be suspended in relation to that risk This would be mandatory for consumer insurance but subject to freedom to contract for business insurance

Transparency in Insurance Contract Law

Pierpaolo Marano,Kyriaki Noussia,2020-03-11 This Volume of the AIDA Europe Research Series on Insurance Law and Regulation focuses on transparency as the guiding principle of modern insurance law It consists of chapters written by leaders in the respective field who address transparency in a range of civil and common law jurisdictions along with overview chapters Each chapter reviews the transparency principles applicable in the jurisdiction discussed Whether expressly or impliedly all jurisdictions recognize a duty on the part of the insured to make a fair presentation of the risk when submitting a proposal for cover to the insurers although there is little consensus on the scope of that duty Disputed matters in this regard include whether it is satisfied by honest answers to express questions or whether there is a spontaneous duty of disclosure whether facts relating to the insured s character as opposed to the nature of the risk itself are to be presented to the insurers the role of insurance intermediaries in the placement process and the remedy for breach of duty Transparency is however a much wider concept Potential policyholders are in principle entitled to be made aware of the key terms of coverage and to be warned of hidden traps such as conditions precedent average clauses and excess provisions but there are a range of different approaches Some jurisdictions have adopted a soft law approach using codes of practice for pre contract

disclosure while other jurisdictions employ the rather nebulous duty of utmost good faith Leaving aside placement transparency is also demanded after the policy has been incepted The insured is required to be transparent during the claims process There is less consistency in national legislation regarding the implementation of transparency by insurers in the context of handling claims

Principles of European Insurance Contract Law, 2009-11-16 In this volume the Project Group Restatement of European Insurance Contract Law presents its Principles of European Insurance Contract Law PEICL These principles were submitted to the European Commission as a Draft Common Frame of Reference of European Insurance Contract Law DCFR Insurance The volume comprises the PEICL DCFR Insurance as well as translations into Czech Dutch French German Greek Hungarian Italian Polish Portuguese Slovak Spanish and Swedish A short introduction sets out the approach used by the Project Group how the PEICL DCFR Insurance relate to the overall Draft Common Frame of Reference the participation of the Project Group in the CoPEICL Common Principles of European Contract Law Network as well as the general structure and characteristics of the PEICL DCFR Insurance The Project Group has also drafted the PEICL DCFR Insurance as a model for an Optional Instrument of European Insurance Contract Law Principles of European Insurance Contract Law: A Model Optional Instrument Project Group Restatement of European Insurance Contract Law, Helmut Heiss, Mandeep Lakhan, 2011-05-31 Following the publication of the Principles of European Insurance Contract Law PEICL in 2009 there has been significant political and academic discussion on their possible use as an optional instrument Experts views on this topic were exchanged at a conference held in Vienna in January 2010 The distinguished speakers represented European politics legal science insurance industry insurance intermediaries and consumers These independent experts who were not involved in drafting the PEICL presented their critical unbiased opinions on the project This volume presents the proceedings of the Vienna conference It also includes a postscript in commemoration of the late Professor Dr Fritz Reichert Facilides whose visionary ideas led to the creation of the Project Group Restatement of European Insurance Contract Law and to the drafting of the PEICL

The Law of Insurance Contracts Malcolm Alistair Clarke, Julian M. Burling, Robert L. Purves, 2002 This guide to the law of insurance contracts is now presented in looseleaf format aiming to make it easy to find answers to contract problems and to allow the information to be continuously updated as the law changes The depth and range analyzes all aspects of insurance contracts and presents detailed content but with a practical structure making it easy to read and making solutions easy to find

Journal of Contract Law, 2003 *Consumer Insurance Law* Great Britain. Law Commission, 2009 This joint report recommends clarification of the law about the information which a consumer should tell an insurer when taking out a policy It includes draft legislation to replace the current law which is more than 100 years old and was designed for ship owners insuring large vessels rather than today's consumer insurance market Under that statute insurers can refuse to pay out if a policyholder failed to disclose any relevant information even if the consumer answered all questions that were asked honestly and reasonably The draft Bill appended to the report will clarify a raft of

existing rules and guidance employed by insurers the Financial Services Authority and the Financial Ombudsman Service Under the recommendations insurers must ask questions about any matter which they wish to know in order to assess the risk being insured consumers who take reasonable care to answer insurers questions fully and accurately can expect to have any subsequent claims paid in full if a consumer makes a careless mistake when answering a question he or she might still be entitled to have some of the claim paid The Commissions recommendations follow a detailed consultation exercise started with a discussion paper Insurance contract law 2007 LCCP 182 SLCDP 134 ISBN 9780117037823 which found widespread support for the proposed changes from major insurers insurance brokers and lawyers as well as consumer groups

Disclosure and Concealment in Consumer Insurance Contracts Julie-Ann Tarr,2013-03-04 This book provides an in depth examination of the theoretical legal social and economic foundations to disclosure and concealment of information in relation to the formation of consumer insurance contracts A comparative treatment of this issue is undertaken with particular attention given to the judicial and legislative approaches adopted in the United Kingdom the United States of America Australia and New Zealand It will be relevant to those researching and studying insurance law all legal practitioners involved with the formation of consumer insurance contracts and non legal practitioners working within the field of insurance

Transparency in Insurance Contract Law Pierpaolo Marano,Kyriaki Noussia,2020-02-10 This Volume of the AIDA Europe Research Series on Insurance Law and Regulation focuses on transparency as the guiding principle of modern insurance law It consists of chapters written by leaders in the respective field who address transparency in a range of civil and common law jurisdictions along with overview chapters Each chapter reviews the transparency principles applicable in the jurisdiction discussed Whether expressly or impliedly all jurisdictions recognize a duty on the part of the insured to make a fair presentation of the risk when submitting a proposal for cover to the insurers although there is little consensus on the scope of that duty Disputed matters in this regard include whether it is satisfied by honest answers to express questions or whether there is a spontaneous duty of disclosure whether facts relating to the insured s character as opposed to the nature of the risk itself are to be presented to the insurers the role of insurance intermediaries in the placement process and the remedy for breach of duty Transparency is however a much wider concept Potential policyholders are in principle entitled to be made aware of the key terms of coverage and to be warned of hidden traps such as conditions precedent average clauses and excess provisions but there are a range of different approaches Some jurisdictions have adopted a soft law approach using codes of practice for pre contract disclosure while other jurisdictions employ the rather nebulous duty of utmost good faith Leaving aside placement transparency is also demanded after the policy has been incepted The insured is required to be transparent during the claims process There is less consistency in national legislation regarding the implementation of transparency by insurers in the context of handling claims *Insurance Law Relating to All Risks Other Than Marine* Evan James MacGillivray,1912 *The Architecture of European Codes and Contract Law* Stefan Grundmann,Martin Schauer,2006

The nineteen outstanding contributors to this deeply insightful book concur in envisioning a fundamentally new systematic concept of contract law that while preserving the essential and architecture of the existing European codes would nonetheless find cogent ways to integrate such modern developments as mass transactions chains and networks of contracts regulation of markets and contracts to protect consumers and service and long term contracts into an optional European code The book is organised along three major avenues and the systematic arrangement of a contract law code how it deals with core questions of formation and performance or breach of contract such as mistake and misrepresentation standard contract terms and remedies in the case of breach of contract and the apparent necessity to merge consumer contract law i e such issues as product safety and liability warranties and consumer debt and insolvency with traditional core contract law concepts and and the importance to substantive contract law of the pre contractual phase in which information duties are becoming steadily more paramount The authors perspectives cover a wide range of jurisdictions including new EU Member States The book and s commitment to an integration of comparative law EC law and the debate on European codification offers practitioners and academics fertile ground for the development of a new model of contract law that is more than a common denominator of what has been in force so far This model may serve as a basis for Europe wide and perhaps even worldwide discussion

California. Court of Appeal (2nd Appellate District). Records and Briefs California (State)., **Handbook of the Law of Insurance** William Reynolds Vance,1930 Lloyd's List Law Reports ,1920 *The Australasian Insurance & Banking Record* ,1927 **The Indian Contract Act (Act IX of 1872) and the Specific Relief Act (Act I of 1877)** India,David G. Sutherland,1879 The Australian Law Times ,1909 **Contract Law** George Applebey,2001 This text outlines the basic principles and concepts of contract law and then applies them in greater detail in a contextual and practical manner It aims to enable the reader to achieve an in depth understanding of the key issues *Contract Law in Australia* John W. Carter,David J. Harland,1996

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