



THIRD EDITION

WARRANTIES IN MARINE INSURANCE

BARİŞ SOYER



Warranties Marine Insurance Baris Soyer

Robert Merkin



Warranties Marine Insurance Baris Soyer:

Warranties in Marine Insurance Baris Soyer, 2016-10-14 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 **Reforming**

Marine and Commercial Insurance Law Baris Soyer, 2020-10-28 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 *Reforming Marine and Commercial Insurance Law* Baris Soyer, 2020-10-28 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 **The Insurance Act 2015** Malcolm Clarke, Baris

Soyer, 2016-11-10 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 **Marine Insurance Fraud** Baris Soyer,2014-07-25

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 assistant to practitioners specialising in marine insurance as well as insurance generally and to professionals academics and post graduate students *The Routledge*

Handbook of Polar Law Yoshifumi Tanaka,Rachael Johnstone,Vibe Ulfbeck,2023-07-25 Polar law describes the normative frameworks that govern the relationships between humans States Peoples institutions land and resources in the Arctic and the Antarctic These two regions are superficially similar in terms of natural environmental conditions but the overarching frameworks that apply are fundamentally different The Routledge Handbook of Polar Law explores the legal orders in the Arctic and Antarctic in a comparative perspective identifying similarities as well as differences It points to a distinct discipline of Polar law as the body of rules governing actors spaces and institutions at the Poles Four main features define the collection the Arctic Antarctic interface the interaction between global regional and domestic legal regimes the rights of Indigenous Peoples and the increasing importance of private law While these broad themes have been addressed to varying extents elsewhere the editors believe that this Handbook brings them together to create a comprehensive if never exhaustive account of what constitutes Polar law today Leading scholars in public international and private law as well as experts in related fields come together to offer unique insights into polar law as a burgeoning discipline **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

Shipping and Logistics Law Felix W H Chan,Jimmy J M Ng,Sik Kwan Tai ,2015-10-20 This book provides a general introduction to the basic principles of shipping and logistics law in Hong Kong It contains many practical examples and illustrations from case law Extracts of the relevant legislation and sample shipping documents are annexed in this book for reference In this second edition the authors have reformatted some of the materials The book has been reoriented to concentrate on the parts of the legal framework which are most directly relevant to the logistics and maritime industry of Hong Kong This new edition takes account of a number of new cases new international conventions such as the Rotterdam Rules and significant changes introduced by legislative amendments since the last edition The book is intended primarily for students and teachers of transport studies and business logistics management and also provides useful guidance to shipowners carriers shipping agents traders insurers bankers logistics managers arbitrators mediators and lawyers who need to acquire a clear understanding of the key principles in a practical context The material in the book is excellent as a textbook for students and teachers of transport study and business logistics management as well as a book of general interest to traders bankers logistics managers and lawyers Mary Thomson barrister and arbitrator

Illegality in Marine Insurance Law Feng Wang,2016-09-13 Illegality in Marine Insurance Law is the first book to deal specifically with illegality in the context of marine insurance law Previously this issue has only ever been partially covered within analysis and criticism of Section 41 of the Marine Insurance Act 1906 and warranties However Dr Wang Feng goes much further than this by considering its impact on the common law relevant to marine insurance in many jurisdictions worldwide The book addresses whether the existing law represents an accurate codification of the former authorities and whether Section 41 truly reflects existing legal principles As well as this the book examines how correctly to approach illegality within the context of marine insurance considering the fundamental changes to the rule of breach of warranty introduced by the Insurance Act 2015 Of interest to academic researchers and practitioners in common law and civil law jurisdictions this book provides rigorous analysis of the illegality issue and a conceptual approach for various approaches to reform marine insurance law It is a unique and comprehensive guide to illegality in marine insurance law

Maritime Insurance and the Law Feray Firinciogullari,2025-09-17 This book provides a comprehensive examination of direct action rights within Protection and Indemnity P I Clubs a cornerstone of the maritime industry providing robust insights into the interplay of legal frameworks and maritime insurance in an increasingly globalized industry P I Clubs provide shipowners with extensive liability coverage under rules largely governed by English law due to its global maritime influence Through a comparative analysis of English and Turkish legal approaches the book examines how these differing frameworks affect the development and functioning of P I insurance It highlights critical disparities in the legal treatment of direct action against P I Clubs shedding light on their implications for maritime insurance policy practice and industry growth It also covers the unique principles that distinguish P

I Clubs from other types of liability insurance. Additionally, the book offers recommendations for harmonizing national legal systems with P I Club rules, highlighting strategies to promote the growth and effectiveness of the maritime insurance sector. Drawing on extensive primary legal texts, case law, and comparative legal methodologies, the book suggests regulatory reforms for Türkiye and other jurisdictions worldwide. The book will be of interest to researchers in the field of maritime law, maritime insurance, and insurance law.

Marine Insurance: The Law in Transition Rhidian Thomas, 2020-11-25. 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.

Causation in Insurance Contract Law Meixian Song, 2014-06-27. Causation is a crucial and complex issue in ascertaining whether a particular loss or damage is covered in an insurance policy or in a tort claim, and is an issue that cannot be escaped. Therefore, this unique book will assist practitioners in answering one of the most important questions in the handling of their insurance and tort claims. Through extensive case law analysis, this book scrutinises the causation theory in marine insurance and non-marine insurance law and provides a comparative study on the causation test in tort law. In addition, the author expertly applies causation questions in concrete scenarios, and ultimately, this book provides a single volume solution to a very complex but essential question of insurance law and tort law. *Causation in Insurance Contract Law* also comes with a foreword written by Professor Robert Merkin. This book will be an invaluable guide for insurance industry professionals as well as legal practitioners, academics, and students in the fields of insurance and tort law.

Specialized Legal Research, *The Law of Insurance Warranties* Alastair Owen, 2021-06-21. The book provides a detailed review of efforts to reform the law on insurance warranties in Australia, New Zealand, and the UK, arguing that none of these have been successful. The text proposes a radical new approach to reform of this area of the law, demonstrating through detailed stress testing of these proposals that they would deliver more consistent and equitable outcomes than those achieved to date. Reform of the historically inequitable law of insurance warranties in commercial insurance has been introduced in Australia, New Zealand, and most recently the UK. This book demonstrates that all these reforms have flaws and that none of them can be relied upon to deliver consistently equitable and predictable outcomes. In particular, the UK's as yet largely untested Insurance Act 2015 is shown to have serious flaws that have not previously been identified. Building on lessons from these three jurisdictions, the book sets out an alternative approach for dealing with breaches of insurance warranties and demonstrates that this would consistently deliver better outcomes than any of the existing attempts at reforming this area of the law. Providing an unprecedented multi-jurisdictional

review of the law on insurance warranties and in particular the treatment of warranties in the Insurance Act 2015 as well as outlining an innovative and radical alternative approach to reform the book will be of considerable interest and value to practitioners academics and students as well as to other common law jurisdictions contemplating reform of this area of the law

Air Cargo Insurance Malcolm Clarke, George Leloudas, 2016-05-26 Approximately 40 per cent of value of international trade comes from goods carried by air and the consequences of goods being damaged destroyed or delayed can be serious substantial and perhaps unforeseen This exciting new book is the only one on the market that deals exclusively with air cargo insurance and will therefore be a vital addition to the collection of any practitioner professional or academic working in the field Air Cargo Insurance analyses the model policies and standard terms and conditions on the London markets The authors also provide readers with an invaluable perspective on cases in other jurisdictions and the book discusses freight forwarders relations with airlines and addresses the possibility of recovery from third parties This book written by two of the leading experts in the field provides invaluable guidance to practitioners arbitrators and cargo claims professionals It will help to ensure that air cargo insurance contracts are better drafted and enforceable as well as assisting in cases of disputed claims Academics and postgraduate students specialising in the areas of in air and insurance law will also find this book extremely useful

Insurability of Emerging Risks Baris Soyer, Özlem Gürses, 2025-01-23 This book brings together leading experts in the fields of insurance and the law of obligations to consider how insurance law is attempting to deal with emerging risks Emerging risks pose significant challenges for the insurance industry Apart from difficulties in quantifying such risks the availability of insurance capacity is often a concern The book looks at these issues from philosophical economic and actuarial perspectives It asks how far existing private law rules can cope with emerging risks and in so far as they cannot how the law should be developed by courts and lawmakers to deal with the emerging legal issues The book questions the suitability of the current insurance business models in insuring climate related risks autonomous systems insurance of fines and penalties as well as how mass or systemic risks eg pandemics or cyber risks can be made insurable through add on coverages to the conventional insurance policies It also evaluates governments roles to encourage insurers to provide cover for such risks and discusses how a balance can be struck between the need to regulate and the insurance markets dynamics The book will be of academic interest to anyone working in the field of insurance and also relevant for market participants policy makers and regulators

International Trade and Carriage of Goods Baris Soyer, Andrew Tettenborn, 2016-07-22 This book consists of edited versions of the papers delivered at the Institute of International Shipping and Trade Law s 11th International Colloquium held at Swansea Law School in September 2015 Featuring a team of contributors at the top of their profession both in practice and academia these papers have been carefully co ordinated so as to ensure to give the reader a first class insight into the issues surrounding international sale and carriage contracts The book is set out in three parts Part I offers a detailed and critical analysis on emerging issues and unresolved questions in international sales and the carriage contracts

affected to facilitate such sales Part II critically and thoroughly analyses the legal issues that often arise in the context of security over goods letters of credit and similar documents Part III is dedicated to a critical and up to date discussion on matters concerning cargo insurance in this context With its breadth of coverage and high quality analysis this book is vital reading for both professional and academic readers with an interest in international trade and carriage of goods

Commercial and Maritime Law in China and Europe Shengnan Jia,Lijun Liz Zhao,2022-12-26 Both China and Europe have a long tradition of commercial and maritime law and this new book examining various topics from their particular perspectives is both timely and important It links the vital component of maritime law with commercial law financial law and trade policy The book has performed a remarkable task in making connections between China and Europe through the lenses of substantive and procedural laws covering a wide range of areas including commercial law insurance law salvage EU maritime law and Brexit carriage of goods by sea arbitration mediation litigation the recently formed China International Commercial Court and different liability regimes as well as a brief look forward into new initiatives and artificial intelligence in the digital age In these challenging times we all have much to learn from each other in seeking to find answers to what are often difficult problems This book provides a welcome opportunity for anyone interested in commercial and maritime law to engage in that learning exercise and looking ahead thereby to help solve such problems as may arise in the future in a practical and fair manner It is therefore of great relevance to both the academic field and the legal practice field in China and Europe

Insurance Law: An Introduction Robert Merkin,2014-02-04 Insurance Law An Introduction is essential reading and will provide you with a thorough understanding of all the main areas including motor property financial and marine insurance The book contains the latest case law and best practice with reference to problem areas including fraudulent claims third party rights against insurers and construing insurance terms Comprehensive guidance on all key areas from the duty of utmost good faith to choice of law and jurisdictional issues is given by the leading legal experts in the insurance industry

Ship Building, Sale and Finance Baris Soyer,Andrew Tettenborn,2016-04-20 Written by a team of acclaimed practitioners and leading academics this book brings together in one single volume an analysis of contemporary legal issues concerning ship building sale and finance contracts It offers a comprehensive expert and thoroughly practical guide on what is a very complex area of law in today's international shipping industry The book presents a detailed and critical analysis of standard and non standard shipbuilding and sale contracts including vital but often overlooked issues such as payment and refund guarantees which have been at the forefront of recent litigation and practice It also critically and thoroughly analyses several types of standard insurance contracts including shipbuilder's risks and mortgagee's interests which are not adequately dealt with elsewhere and it provides a critical and contemporary discussion on the legal and practical issues surrounding ship finance ship mortgages and more esoteric issues such as the use of bareboat charters and financial derivatives This book is an indispensable guide for legal practitioners academics and industry professionals

worldwide The book is divided into 3 parts Legal Issues relating to Ship Building Ship Sale Contracts and Practice and Legal and Practical Issues relating to Ship Finance Each has been expertly contributed to by the leading practitioners and academics in the field from top firms chambers and institutions including Ince Co Quadrant Chambers Haynes and Boone CDG LLP Holman Fenwick Willan LLP Watson Farley Williams LLP 7 Kings Bench Walk and Institute of International Shipping and Trade Law IISTL of Swansea University

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