

Faculty of Law



DPRI3109 Marine Insurance Law

[30h]

This course is taught in the 2nd semester

Teacher(s): Guy Van Doosselaere
Language: French
Level: Third cycle

Aims

To explain the principles and legal mechanisms which are specific to marine insurance and to give an introduction to the Belgian and English law of marine insurance.

Main themes

CONTENTS

To trace the origins of marine insurance in customary law and its subsequent codifications, the best-known of which are the Ordonnance de la Marine (1681) in Continental law and the Marine Insurance Act (1906) in English law.

To explain the legal mechanisms of marine insurance and its specific formulae-s, such as mutual insurance between ship-owners, open cargo policies, abandonment, policies 'for account of' and policies to bearer, coverage on an agreed value basis, the insurance of a projected profit and the increase in value.

Multimodal transport and the insurance connected to it complete the explanation of traditional principles.

METHOD

Teaching is based on the text of the applicable statutory rules, including the general Belgian Insurance Act of 11 June 1874 and the Belgian Maritime Code which supplements it. These specific mechanisms are taught in lectures and through individual study of the principal judicial decisions. The documentation contains examples of typical policies, both Belgian and foreign, as well as examples of additional clauses which are used in the insurance market. Foreign legal texts to which reference is made are also at the students' disposal. A visit to the port of Antwerp will permit the students to approach port activity, which constitutes one of the objects of marine insurance, in a concrete way.

Content and teaching methods

1. Concepts of transport law and maritime law.
2. Marine and transport insurance, and their applications in insurance policies.
3. The application of legal concepts to the practice of insurance policies. Study of the Antwerp Marine Insurance Policy as well as of standardised English cargo policies known as the "Institute Cargo Clauses A, B and C". Study of certain customary clauses with regard to the subject matter. Comparative study of Continental and English policies.
4. With regard to the first part (maritime law): arrest of seagoing ships; sale of goods carried by sea; the right of action in maritime transport. With regard to the part on marine insurance: the right of action based upon a marine insurance policy; the right of action within the limits of a P&I (Protection and Indemnity Club) insurance.

Theoretical explanations will be accompanied by analyses of case law from the Belgian Courts of Appeal, the Belgian Supreme Court (Cour de Cassation) and foreign courts.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

At the examination the use of legal codes and/or course notes is permitted. A first general question permits a general judgement of students' factual knowledge as well as of their powers of synthesis. Documentation is at the disposal of the student.

Programmes in which this activity is taught

ECAF3DS/AS Diplôme d'études spécialisées en droit économique et des assurances (droit et économie des assurances)

Other credits in programs

ECAF3DS/AS Diplôme d'études spécialisées en droit économique et des assurances (droit et économie des assurances) Mandatory