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Personal Accident, Life and Other Insurances

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PERSONAL ACCIDENT, LIFE AND OTHER INSURANCES

By

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PREFACE

Since the last edition considerable developments have occurred in the Common Law and the statute law.

In Part I ("Personal Accident Insurance") *Briant v. Prudential Assurance Co. Ltd.* [1976] 1 Lloyd's Rep. 532, C.A., is an illustration of the event insured against in a personal accident insurance policy. *Marcel Beller Ltd. v. Hayden* [1978] 1 Lloyd's Rep. 472 explains the meaning of death by the insured's "own criminal act".

Kumar v. Life Insurance Corporation of India [1974] 1 Lloyd's Rep. 147 concerning the incorrect answers given to questions in the proposal form has been added to Part II ("Life Insurance"). *Scragg and Others v. United Kingdom Temperance & General Provident Institution* [1976] 2 Lloyd's Rep. 227 interprets the word "racing" in a clause reducing the amount the insurers were liable to pay if the insured died in a motoring event.

Part III ("Industrial Assurance") has been amended in the light of the alterations in the Industrial Assurance Act 1923 and the Industrial Assurance and Friendly Societies Act 1948 made by the Friendly Societies Act 1974 and later Acts.

In Part IV ("Property Insurance") *Lambert v. Co-operative Insurance Society Ltd.* [1975] 2 Lloyd's Rep. 485, C.A., shows the need for an insured, who is taking out an "all risks" insurance policy, to disclose his previous convictions. *Pentagon Construction (1969) Co. Ltd. v. United States Fidelity & Guaranty Co.* [1978] 1 Lloyd's Rep. 93, British Columbia Court of Appeal, explains the meaning of "faulty or improper" design used in an exception clause in a contractors' "all risks" policy. In *S.C.A. Freight Ltd. v. Gibson* [1974] 2 Lloyd's Rep. 533 the duration of the transit in a goods in transit insurance policy was the matter in issue. *Young v. Sun Alliance & London Insurance Ltd.* [1976] 2 Lloyd's Rep. 189, C.A. ("flood") and *Anderson v. Norwich Union Fire Insurance Society Ltd.* [1977] 1 Lloyd's Rep. 253, C.A. ("storm") show the meaning of two of the perils insured against in householders' comprehensive insurance policies. *Geismar v. Sun Alliance & London Insurance Ltd. and Alliance Assurance Co. Ltd.* holds that it is against public policy for an insured, who has knowingly smuggled goods through the Customs, to recover under a policy if they are lost.

In Part V ("Liability Insurance") the scope of an exception clause in a public liability insurance policy is explained in *Pickford & Black Ltd. v. Canadian General Insurance Co.* [1976] 2 Lloyd's Rep. 108, Supreme Court of Canada. The chapter on Professional Indemnity Insurance has been lengthened by the inclusion of a section on the compulsory insurance now required in the case of solicitors, insurance brokers and estate agents brought about by the Solicitors Indemnity Rules 1975–1979 (which were made under the Solicitors Act 1974), the Insurance Brokers Registration Act 1977, and the Estate Agents Act 1979. In the field of employers' liability insurance *Paterson v. Costain & Press (Overseas) Ltd. and Others* [1979] 2 Lloyd's Rep. 204, C.A.

deals with the question whether or not the employee was injured in the course of his employment.

In the Appendices the statutes are printed as amended, and now include the relevant sections of the Solicitors Act 1974 and of the Estate Agents Act 1979. The statutory instruments are also printed as amended. The Solicitors Indemnity Rules 1975–1979 are set out in full.

I should like to thank the Law Society for permission to reproduce the Solicitors Indemnity Rules and for the assistance which they have given me.

I am grateful to the staff of Butterworths for undertaking the arduous job of preparing the Index and the Table of Cases and for seeing the book through the press.

University College London
August 1980.

E. R. HARDY IVAMY

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