

Third Edition

Insurance Law

Doctrines and Principles

John Lowry, Philip Rawlings
and Robert Merkin

INSURANCE LAW: DOCTRINES AND PRINCIPLES

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JOHN LOWRY
PHILIP RAWLINGS

and

ROB MERKIN

With the assistance of
Joanna Rudd and I-San Tiaw



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Preface

Since the publication of the second edition of this book there have been numerous significant developments. First, as is apparent from the increased size of the work, insurance litigation continues to keep the courts extremely busy. Second, the English and Scottish Law Commissions launched their review of insurance contract law in January 2006: a project which has already generated numerous Issues Papers and consultation papers. The first consultation covered pre-contract issues in consumer and business insurance. Given the size of the project, the Law Commissions have adopted a phased programme of work, separating pre-contract consumer and business issues. The first report, 'Consumer Insurance Law', was laid before Parliament in December 2009. This contained a draft Bill to reform the law on what a consumer-insured must disclose to the insurers prior to the conclusion of the contract. At the time of writing, the Bill was adopted almost verbatim by Parliament and it had its first reading in the House of Lords on 16 May 2011. If passed unamended, as is anticipated given its non-contentious nature, it will become the Consumer Insurance (Disclosure and Representations) Act 2011 (a copy is provided in the Appendix to the book). It seems likely that the new statute will come into force in 2013. In this edition, we assume the Act has been implemented. The work of the Law Commissions continues and they are currently examining post-contractual issues. Third, the regulatory landscape has changed with, among other things, the introduction in January 2008 of ICOBS. Indeed, the subject of regulation is in a state of flux given the present government's determination to overhaul financial services regulation and this will inevitably have a major impact on insurance.

For this new edition we are pleased at having persuaded Professor Rob Merkin, who contributed to the last edition, to join us as an author. Few know more about insurance law than Rob and the book has benefited immeasurably from his input. We owe a debt of gratitude to Jo Rudd and I-San Tiaw for their research assistance and support. As always, it has been a pleasure to work with Richard Hart and his colleagues. We thank Richard for his support.

We have endeavoured to state the law as it stood in May 2011.

*John Lowry and Philip Rawlings
UCL, Bentham House
8 May 2011*

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