



# Marine Insurance Act 1906

## CHAPTER 41

### MARINE INSURANCE ACT 1906

#### MARINE INSURANCE

- 1 Marine insurance defined.
- 2 Mixed sea and land risks.
- 3 Marine adventure and maritime perils defined.

#### INSURABLE INTEREST

- 4 Avoidance of wagering or gaming contracts.
- 5 Insurable interest defined.
- 6 When interest must attach.
- 7 Defeasible or contingent interest.
- 8 Partial interest.
- 9 Re-insurance.
- 10 Bottomry.
- 11 Master's and seamen's wages.
- 12 Advance freight.
- 13 Charges of insurance.
- 14 Quantum of interest.
- 15 Assignment of interest.

#### INSURABLE VALUE

- 16 Measure of insurable value.

*Changes to legislation: There are currently no known outstanding effects for the Marine Insurance Act 1906. (See end of Document for details)*

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## DISCLOSURE AND REPRESENTATIONS

- 17 Insurance is uberrimæ fidei.
- 18 Disclosure by assured.
- 19 Disclosure by agent effecting insurance.
- 20 Representations pending negotiation of contract.
- 21 When contract is deemed to be concluded.

## THE POLICY

- 22 Contract must be embodied in policy.
- 23 What policy must specify.
- 24 Signature of insurer.
- 25 Voyage and time policies.
- 26 Designation of subject-matter.
- 27 Valued policy.
- 28 Unvalued policy.
- 29 Floating policy by ship or ships.
- 30 Construction of terms in policy.
- 31 Premium to be arranged.

## DOUBLE INSURANCE

- 32 Double insurance.

## WARRANTIES, &C.

- 33 Nature of warranty.
- 34 When breach of warranty excused.
- 35 Express warranties.
- 36 Warranty of neutrality.
- 37 No implied warranty of nationality.
- 38 Warranty of good safety.
- 39 Warranty of seaworthiness of ship.
- 40 No implied warranty that goods are seaworthy.
- 41 Warranty of legality.

## THE VOYAGE

- 42 Implied condition as to commencement of risk.
- 43 Alteration of port of departure.
- 44 Sailing for different destination.
- 45 Change of voyage.
- 46 Deviation.
- 47 Several ports of discharge.
- 48 Delay in voyage.
- 49 Excuses for deviation or delay.

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#### ASSIGNMENT OF POLICY

- 50 When and how policy is assignable.
- 51 Assured who has no interest cannot assign.

#### THE PREMIUM

- 52 When premium payable.
- 53 Policy effected through broker.
- 54 Effect of receipt on policy.

#### LOSS AND ABANDONMENT

- 55 Included and excluded losses.
- 56 Partial and total loss.
- 57 Actual total loss.
- 58 Missing ship.
- 59 Effect of transhipment, &c.
- 60 Constructive total loss defined.
- 61 Effect of constructive total loss.
- 62 Notice of abandonment.
- 63 Effect of abandonment.

#### PARTIAL LOSSES (INCLUDING SALVAGE AND GENERAL AVERAGE AND PARTICULAR CHARGES)

- 64 Particular average loss.
- 65 Salvage charges.
- 66 General average loss.

#### MEASURE OF INDEMNITY

- 67 Extent of liability of insurer for loss.
- 68 Total loss.
- 69 Partial loss of ship.
- 70 Partial loss of freight.
- 71 Partial loss of goods, merchandise, &c.
- 72 Apportionment of valuation.
- 73 General average contributions and salvage charges.
- 74 Liabilities to third parties.
- 75 General provisions as to measure of indemnity.
- 76 Particular average warranties.
- 77 Successive losses.
- 78 Suing and labouring clause.

#### RIGHTS OF INSURER ON PAYMENT

- 79 Right of subrogation.
- 80 Right of contribution.

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81 Effect of under insurance.

RETURN OF PREMIUM

- 82 Enforcement of return.
- 83 Return by agreement.
- 84 Return for failure of consideration.

MUTUAL INSURANCE

85 Modification of Act in case of mutual insurance.

SUPPLEMENTAL

- 86 Ratification by assured.
- 87 Implied obligations varied by agreement or usage.
- 88 Reasonable time, &c. a question of fact.
- 89 Slip as evidence.
- 90 Interpretation of terms.
- 91 Savings.
- 92, 93 .....
- 94 Short title.

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SCHEDULES

FIRST SCHEDULE — Form of Policy

Lloyd’s S.G. policy  
 Upon any kind of goods and merchandises, and also upon...  
 upon the said ship, &c.  
 and so shall continue and endure, during her abode there,...  
 upon the said ship, &c., until she hath moored at...  
 without prejudice to this insurance. The said ship, &c., goods...  
 Touching the adventures and perils which we the assurers are...  
 In Witness whereof we, the assurers, have subscribed our names...  
 N.B.—Corn, fish, salt, fruit, flour, and seed are warranted free...

Rules for Construction  
of Policy

The following are the rules referred to by this Act...

- 1 Lost or not lost.
- 2 From.
- 3 At and from.
- 4 From the loading thereof.
- 5 Safely landed.
- 6 Touch and stay.
- 7 Perils of the seas.
- 8 Pirates.
- 9 Thieves.
- 10 Restraint of princes.
- 11 Barratry.
- 12 All other perils.

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- 13 Average unless general.
- 14 Stranded.
- 15 Ship.
- 16 Freight.
- 17 Goods.

SECOND —  
SCHEDULE  
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