

Book Review

The Insurance of Commercial Risks: Law and Practice, by Dr Digby C Jess, 3rd edition, 2001, Sweet & Maxwell, £162. lxxxviii + 872 pp

Not only has this new edition of Dr Jess' work grown in size, it has also moved publishers (from Butterworths to Sweet & Maxwell) and in doing so become part of the latter's Insurance Practitioners' Library. Therein it deservedly takes its place alongside classics such as *MacGillivray* and *Colinvaux*. In earlier editions of this work and in his other writings, the author has demonstrated the ability to analyse and describe aspects of insurance law in a very clear and comprehensive fashion and in a way that must be of great assistance to certain practitioners. There is little, if any, discussion of the merits or demerits of a particular approach, but if a point has been decided or even discussed in a relevant decided case, Dr Jess will cover it.

The new edition covers the same basic ground as the 1993 edition. Part I contains four chapters on general insurance law, with most attention paid to warranties and conditions, disclosure of material facts and intermediaries, the last chapter being completely new. Part II covers the six principal types of commercial liability insurance, and in each case gives an account of the underlying liability principles as well as the insurance aspects. Part III covers property and other insurances, and includes contractors' insurance as well as a new chapter on fidelity and credit insurances. Part IV is headed "Claims" and discusses topics ranging from the meaning of "loss" and the claims procedure to indemnity and subrogation. The penultimate chapter covers the Third Parties (Rights Against Insurers) Act and the final chapter, which is another new addition, is headed "Litigation and Practice". Here, within 30 pages, the author ranges from such topics as the nature of a claim under an indemnity policy to insurers' liability for costs to jurisdictional issues. Some 250 pages of the book are taken up with appendices including specimen policies, statutory material, the MIB Agreements, the DETR Code of Practice for Tracing Employers' Liability Insurance Policies and the GISC Commercial Code.

The book must be of particular value to practitioners who do not deal with insurance contract issues on a regular basis, because its coverage is comprehensive without raising awkward questions and the law is explained, as was said earlier, in a very clear and generally accurate manner (an exception to accuracy is in paragraphs 1-12 and 1-13 where the author categorically states that the Life Assurance Act applies to insurances of real property, completing

ignoring the modern dicta which say otherwise, whether rightly or wrongly). Dr Jess is quite properly not afraid to cite common law authorities from outside the UK when that is appropriate. What he does not do is cite other insurance law authors, either of texts or articles (he does occasionally cite his own articles, e.g., in note 70 to paragraph 21-44). With respect this seems unnecessarily insular. The only other real fault that this reviewer could find with this book is its variable way of referring to the Financial Services and Markets Act 2000. True the book was written and published before that Act was in force and indeed perhaps before it was completely clear exactly how the government and the FSA were going to replace the legislation affecting insurance companies. But it still seems curious that chapter 4 can commence by saying that the insurance brokers registration scheme is about to be repealed (and as noted an appendix can carry one of the GISC Codes), while paragraph 1-06 summarises salient points of the Insurance Companies Act 1982 without mentioning that they too were scheduled for repeal and replacement.

All in all, though, a useful addition to the insurance law literature.

John Birds