

BOOK REVIEW

The Law of Insurance, by Raoul Colinvaux

Sweet & Maxwell, fifth edition, 1984, £42

A new edition of Colinvaux is always an event. It is the only insurance law book in which the author freely expresses his own views in sometimes highly coloured language. For example, he speaks of "Donaldson's gaffe" in Jaglom v. Excess Insurance Co. Ltd. (1971) and a "mass of statutory twaddle" which he has deleted. This is a reference to regulations under the Insurance Companies Act 1974. Sadly, Colinvaux died after correcting the proofs. The book, adorned with his portrait, is a fitting memorial.

This is the fifth edition of Colinvaux's version of a book first published 100 years ago as Porter's Laws of Insurance which confined itself to life, fire and accident insurance. A short chapter on marine insurance has been added to the new edition and the Marine Insurance Act 1906 is appended. In Colinvaux's preface, he makes it clear that his book was never intended as a law student's primer. He says it is designed for busy lawyers or insurance people all over the world, who need a knowledge of the insurance law of London and New York.

How far does the book achieve its stated purpose? On the whole, it is a reliable guide though not a substitute for the longer books such as MacGillivray, Arnould or Ivamy. A few examples will illustrate this. Colinvaux does not deal with marine perils but refers those interested to Arnould. He does not question Horne v. Poland (1922) as an authority for the statement that it would be unsafe for a proposer not to disclose his nationality and racial origin. He does not mention that the Fires Prevention (Metropolis) Acts requirement for an insurance office to reinstate has no application to Lloyd's underwriters, according to Portavon Cinema v. Price

(1939). And in citing Vandepitte v. Preferred Accident Assurance (1933) as an authority for the proposition that a father has no insurable interest in his infant son's potential liability, he does not explain how the point is overcome in practice.

Colinvaux uses Lloyd's forms of policy exclusively in his exposition. He takes a traditional, romantic view of Lloyd's. For example, citing the allegation that "millionaire directors of Lloyd's...basked in stately Bahamas homes purchased with reinsurance premiums due to 'names'", he says "no such allegation was ever established; there was neither jot nor tittle of evidence to support (it)".

The book is strong on exposition of the Insurance Companies Act 1982 and related regulations. It is sketchy on US regulations and on some of the ways in which American insurance law has developed. I did not notice, for example, a reference to the new-fangled doctrine that policies must be interpreted as meeting the reasonable expectations of the insured.

Colinvaux deals pretty fully with Lloyd's Act 1982 though he does not bring out the distinction between managing agents and members' agents. The section on brokers' registration has not been fully brought up to date. According to the text, section 9 of the 1977 Act had not been brought into force by April 1, 1984, and the regulations made under the Act are not referred to.

Despite such blemishes, the book makes for enjoyable reading.

A.L.