

CML Seminar Series: Insurance and Marine Insurance Law – Recent Developments

1 February 2024
The Executive Centre



On 1 February 2024, the Centre for Maritime Law (CML) hosted the CML Seminar, 'Insurance and Marine Insurance Law – Recent Developments' at the Executive Centre from 16:30 to 18:00. Professor Özlem Gürses, Professor of Commercial Law at King's College, London, delivered the seminar, which was attended by an audience of insurance and shipping professionals. The seminar was devoted to recent case law, reflecting the development of insurance law in the past 9-12 months.

Professor Gürses opened her presentation with a discussion of *Quadra Commodities SA v XL Insurance Co SE* [2023] EWCA Civ 432, which dealt with the understanding of insurable interest. The dispute is to be considered by the Supreme Court in June.

She also discussed *The University of Exeter v Allianz Insurance Plc* [2023] EWCA Civ 1484, and *Polladio Holdings Ltd v New India Assurance Co Ltd* [2023] NZHC 114. Both cases confirmed the principle that if losses were caused by concurrent independent causes, one of which gives rise to the exclusion of the insurer's liability, the exclusion prevails.

Professor Gürses also spoke on occurrence, causation and aggregating provisions in insurance policies arising from the COVID-19 situation. She discussed cases such as *Various Eateries Trading Limited v Allianz Insurance Plc* [2024] EWCA Civ 10 and *Gatwick Investment Limited v Liberty Mutual Insurance Europe Se* [2024] EWHC 124.

Infinity Reliance Ltd v Heath Crawford Ltd [2023] EWHC 3022 (Comm) dealt with the broker's liability for negligence and the insured's contributory negligence.

Dassault Aviation SA v Mitsui Sumitomo Insurance Co Ltd [2024] EWCA Civ 5 was discussed concerning the issue of the applicability of the non-assignment clause in the insurance policy if the rights were assigned by operation of law.

The next case, *Technip Saudi Arabia Ltd v Mediterranean and Gulf Cooperative Insurance and Reinsurance Co* [2023] EWHC 1859 (Comm) addressed the issue of co-insurance within the maritime construction project.

In *Herculito Maritime Ltd v Gunvor International BV* [2024] UKSC 2, the question was raised whether cargo interests are excluded from the contributions for the general average caused by ransom if the shipowner was insured against the piracy risk.

The last case discussed was the *Wiener Stadtische Versicherung AG v Infrassure Ltd* 2023 ONSC 5256. This dealt with the liability of the reinsurer and the retrocessionaire in a situation where the dispute was dissolved amicably, and the reinsurer was not involved in the negotiations.

Professor Gürses closed her presentation with the prediction that there will be more cases concerning reinsurance regarding COVID-19. The insurers who paid their liability will claim the compensation from their reinsurers.

A 15-minute Q&A session followed the presentation.

