

## BOOK REVIEWS

*Insurance Law—Cases and Materials*, BY JOHN LOWRY & PHILIP RAWLINGS [Oxford: Hart Publishing, 2004, xii + 675 pp. Softcover: £31]

This work is wonderfully detailed and packed full of references and secondary material which would save any student or legal practitioner hours of research and precious time sifting through the materials generated by such research. In that sense, the book would be welcomed by any student of the law of insurance or any legal practitioner. The work covers extracts from cases, articles, law reform reports and other material.

Although this book is meant to be a companion to the authors' *Insurance Law: Doctrines and Principles* (2005), it can be used as a standalone volume. Hence, the fact that it is meant by the authors as a companion volume does not detract from its usefulness in its own right, nor should it dissuade any potential purchaser from making a purchase of this work without the other.

The book is comprehensive in its coverage of the main areas of insurance law. It takes the approach of covering an insurance contract from the point of inception until the time when a claim is made thereunder. This is logical and makes for easy reference.

The work is divided into three main parts:

1. Introduction
2. Contract Formation and Terms
3. Claims

The introductory part deals with the nature of an insurance contract and its similarity but difference with other types of contracts which share certain common characteristics. It also deals with the regulatory framework within which insurance business and companies operate.

Under Part II, the authors touch on a few main areas—the role of intermediaries and the legal issues arising from their involvement in any insurance contract; the doctrine of utmost good faith; formation of an insurance contract; the requirement of insurable interest; types of contractual terms in any insurance contract; and the rules of construction of such terms.

Part III deals with the next logical step in the normal life of an insurance contract—what are the issues that arise when a claim is made against such an insurance contract. Here, the issues of causation, claims, subrogation and double insurance are dealt with. Of course, the question what is meant by an indemnity and reinstatement under an insurance contract is dealt with.

The layout of the book insofar as how the authors deal with the salient principles is quite consistent. The authors begin each chapter with a sort of road map touching on the main ideas behind each area and the issues that arise. The authors provide extracts of relevant parts of major decisions. As promised by the authors in their foreword, a critical and analytical bent is provided by extracts of articles by academics, which look not just at the legal decisions purely from the perspective of case law development alone but also from the perspective of a socio-economic analysis, where possible. There is also incorporation of case law from other common law jurisdictions, especially those from the United States of America, in order for there to be some sort of contrast as to how these other common law countries have dealt with the same issues that have bedevilled English law. There is also extensive coverage of law reform reports from various jurisdictions which offer a useful insight into what ails particular areas of the existing state of the law and the possible remedies available.

One suspects that the student of the law of insurance will find this approach singularly useful because of the critical approach that the authors take to the existing case law. This will help students identify difficulties with the current law. And some breadth of knowledge is provided by the comparisons with the approaches taken by other jurisdictions.

For the busy practitioner, the layout of the book would also be useful because from the articles, the extracts of which have been reproduced, legal arguments can be unearthed or developed further by counsel. Although the materials from other jurisdictions and the law reform reports may not immediately prove their usefulness, one suspects that these alternative views, or at least the thought processes behind these views, will aid many a counsel in crafting legal arguments.

Although there is much to commend the book, there is still room for improvement. The first would be the inclusion of the usual list of cases and statutes from the front of the book. The second is that there should be an index for ease of reference. Currently, the reader has to content himself with just a table of contents. These omissions detract from the work as a complete work of reference.

The other comment is that although one can appreciate that the authors do not wish to too clearly delineate the English cases from cases from other jurisdictions because the cases are arranged in a logical sequence, perhaps some balance can be struck so that it is immediately apparent that the cases extracted are from other common law jurisdictions. This would be particularly useful where a user wishes only to focus on the position in English law. One suspects that some degree of separation would be much appreciated by a legal practitioner who is pressed for time.

The comments above however should not detract from the fact that, in the ultimate analysis, it is an excellent case and materials book on the general principles of insurance law. This book has all the attributes of a good reference book—it is logically organised, it is comprehensive in its coverage and it offers much more than just a collection of extracts of cases.

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