

《英国海上保险合同的订立》

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内容概要

《英国海上保险合同的订立》内容简介：海上保险合同的订立，虽然与其他合同的签订一样，要遵循“要约”与“承诺”，但是，海上保险合同订立所涉及的具体过程与其他类型合同的订立过程不同，具有独特性。在英国伦敦保险市场(国际上最大的海上保险市场)，海上保险合同的订立通常采用如下步骤：被保险人通过劳埃德认可的保险经纪人来订立合同；收至被保险人的指示后，保险经纪人着手准备承保条；填写好承保条后，保险经纪人带着该承保条到市场上寻求保险；随后，愿意承保的保险人在承保条底端签上保险公司的名字以及其所承保金额的比例或百分比；当保险经纪人寻求到其所预期的承保金额时，承保条的签署被截止；正式的保险单通常会在稍后被签发。《英国海上保险合同的订立》的主体分为三个部分。第一部分是关于在海上保险合同订立完成之前相关的法律问题的讨论。第二部分主要是涉及在合同订立过程中发挥重要作用保险经纪人的相关权利、义务以及责任。第三部分着重讨论在海上保险合同订立完成后所产生的相关法律问题。虽然该部分讨论的问题出现在后合同阶段，但是它们通常可以追溯到合同订立的过程。一般来说，海上保险合同的订立应当受到合同法中一般原则的约束。《英国海上保险合同的订立》的目的是分析合同法原则在解决海上保险合同订立阶段所涉及的相关法律问题中的应用，并探讨这些基本原则是否适用于解决与处理在英国伦敦保险市场实践中出现的困难与问题。

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作者简介

张金蕾，1979年生，辽宁省本溪市人。2002年毕业于大连海事大学海商法专业，获法学学士学位;2004年毕业于英国斯旺西大学国际海商法专业，获法学硕士学位;2008年毕业于英国斯旺西大学国际海商法专业(海上保险方向)，获法学博士学位。现为大连海事大学法学院讲师，主要从事海商法、海上保险法、海事国际私法、法律专业英语的教学和研究工作。

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章节摘录

版权页：Here the defendant, Fennia, was the marine insurer of a cargo of paper and board, and had reinsured its liability under two facultative policies; a whole account cover, providing all risks protection; and a specific account cover, providing protection only against fire and floor damage to the goods while warehoused. The precise relationship between these insurances had never been resolved, and on February 14, 1997 Fennia instructed its brokers to effect an amendment to the specific cover reinsurance by virtue of which the excess under that policy was to be increased to 25 million Finmarks. The result as between the policies was as follows: without the amendment, a loss of 27 million Finmarks would have been distributed, 15 million Finmarks to the specific loss reinsurers and 10 million Finmarks to the whole account reinsurers. With the amendment, a loss of 27 million Finmarks would have been distributed, 2 million Finmarks to the specific loss reinsurers and 20 million Finmarks to the whole account reinsurers.

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精彩短评

1、做了读书笔记 这些资料及时在国外也不是轻易能找到的吧

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