



Transport Insurance Law (B001443)

Wegens Covid19 kan mogelijk afgeweken worden van de onderwijs- en evaluatievormen. Dergelijke afwijkingen zullen via Ufora worden gecommuniceerd.

Cursusomvang (nominale waarden; effectieve waarden kunnen verschillen per opleiding)

Studiepunten 3.0 Studietijd 90 u Contacturen 30.0 u

Aanbodsessies en werkvormen in academiejaar 2020-2021

A (semester 1) Engels Gent hoorcollege 30.0 u

Lesgevers in academiejaar 2020-2021

Bernauw, Kristiaan RE21 Verantwoordelijk lesgever

Aangeboden in onderstaande opleidingen in 2020-2021

	stptn	aanbodsessie
Master of Laws in International Business Law	3	A
Master of Laws in International and European Law	3	A
Master of Science in Maritime Science	3	A
Uitwisselingsprogramma rechten	3	A

Onderwijstalen

Engels

Trefwoorden

Transport insurance, transport insurance industry, cargo insurance, hull insurance, carrier liability insurance, marine insurance, P&I Clubs, aviation insurance

Situering

The purpose of the course is: introduction to the transport insurance business, techniques, regulations, contracts and customs. Besides the Belgian market, also a lot of attention is paid to the leading English (London) market.

The course aims at :

Initiation in the discipline of transport insurance

Situating transport insurance law in other legal disciplines (insurance law, transport law, sales law, financial law, competition law, conflicts of laws)

Guidance through the specific sources of transport insurance law and their mutual relationship (supranational legislation, national legislations and self-regulation of the sector via standard general conditions elaborated by professional organizations)

Immersing in the technical terminology of the transport insurance sector, both in the English teaching language and in Dutch

Comparative law approach via highlighting of the differences and similarities in the Common Law (see the leading London transport insurance market) and the civil law legal cultures.

Situating legally the functioning, the organization of the transport insurance business (actors involved, like commercial and mutual insurers, intermediaries, loss adjusters etc.)

Familiarization with transport insurance documents (policies, average certificate, general average certificate, etc.)

Demonstration of the obsolescence of the legal regime in force and need of legislative initiative.

Inhoud

The course deals with the following subjects:

- the sources of the regulations;
- the transport insurance business (organisation, functioning, persons involved);
- the classification of transport insurances (cargo, hull, liability);
- marine insurance: in Belgium (Marine Insurance Act and Antwerp Marine Insurance Policy), in Great Britain (Amended Marine Insurance Act and Institute Clauses);
- the inland navigation insurance (in Belgium and in the Netherlands);
- the road transport insurance (C.M.R. policy);

- the aviation insurance;
- the rail transport insurance.

Begincompetenties

No special knowledge of insurance or transport law is required.

Eindcompetenties

- 1 Having insight in the structure, organization and functioning of the transport insurance business (industry process and parties involved)
- 2 Having insight in the role and function of transport insurance in international trade
- 3 Knowledge of the specific sources of transport insurance law and their interrelationship (supranational legislation, national legislations and self-regulation of the sector via standard general conditions elaborated by professional organizations)
- 4 Having thorough and readily available knowledge and understanding of the basic principles of transport insurance contract law (rights and duties of the contract partners) comparatively in common and civil law cultures
- 5 Situating transport insurance law in the context of other legal disciplines (insurance law, transport law, sales law, financial law, competition law, conflicts of laws)
- 6 Proficiency in transport insurance terminology
- 7 Having insight into the deregulation and liberalization of the access of the transport insurer to the EU market and the global market pursuant to the "large" risk nature of transport insurance
- 8 Ability to treat transport insurance problems on the company, policy or legal practice level easily
- 9 Ability to localize, analyze and assess the reliability of the relevant sources for the purpose of solving transport insurance questions
- 10 Ability to work with transport insurance policies (interpretation, determining their legal effects, etc.) and understanding the goal of their application, i.a. in the context of documentary credit operations, financing and sales contracts
- 11 Critical attitude and societal reflection on the sanctions for omissions from the insured/policy holder, insurance fraud, cartel pursuant to joint elaboration of policy conditions by insurers
- 12 Ability to carry out more specialized study and/or to formulate and undertake research in the subject matter of transport insurance

Creditcontractvoorwaarde

Dit opleidingsonderdeel kan niet via creditcontract gevolgd worden

Examencontractvoorwaarde

Dit opleidingsonderdeel kan niet via examencontract gevolgd worden

Didactische werkvormen

Hoorcollege

Toelichtingen bij de didactische werkvormen

The transfer of knowledge is pursued via lectures. Interaction is stimulated via questions, invitation to reflect on the societal dimension of some regulations, and provocation of reaction on points of view. The knowledge of the subject matter acquired is applied via plenary discussion of a number of practical examples and cases. On that occasion, the students are invited to formulate their positions. Creative but substantiated positions are stimulated. Besides the positive law solution of the problem, the case also induces to societal reflection on the positive law.

Leermateriaal

Syllabus available at the department at cost price of about EURO 15,00.

The syllabus contains :

- Full text of the subject matter
- The print-out of the power point presentation used as a summary during the lectures
- A bibliography with references for self-study and further research
- An annex containing specimens of rare documents related to the subject matter (policies and general conditions, administrative instructions, etc.)

The salable transport codex and insurance codex are recommended as working tools (see references).

Referenties

- BERNAUW, K., DE WIT, R., SOMERS, E. en STEVENS, F., Larcier Themawetboek Transportrecht, Brussel, Larcier, 2012,
- BERNAUW, K., COLLE, P., JOCQUE, G. en WEYTS, B., Larcier Themawetboek Verzekeringen, Brussel, Larcier, 2020
- See also bibliography in the syllabus.

Vakinhoudelijke studiebegeleiding

Individual study coaching can be provided if required.

Evaluatiemomenten

periodegebonden evaluatie

Evaluatievormen bij periodegebonden evaluatie in de eerste examenperiode

Schriftelijk examen

Evaluatievormen bij periodegebonden evaluatie in de tweede examenperiode

Schriftelijk examen

Evaluatievormen bij niet-periodegebonden evaluatie

Tweede examenkans in geval van niet-periodegebonden evaluatie

Examen in de tweede examenperiode is mogelijk

Toelichtingen bij de evaluatievormen

Written exam to test the readily available knowledge and a simple case via open questions

The consultation of all legal tests is allowed

Eindscoreberekening

100% written exam