

C270286 : MAJOR LAW

KEY WORD:

PROBLEMS/APPLICATION / MARINE CARGO INSURANCE

MANU RAKWATTANASIRIKUL : PROBLEMS OF THE APPLICATION OF LAW CONCERNING MARINE CARGO INSURANCE. THESIS ADVISOR : ASSO. PROF. TITHIPHAN CHUERBOONCHAI, AND MR.SITTHICHOKE SRICHAROEN 277-PP. ISBN 974-584-596-5

At Present, Thailand does not have a specific law on marine insurance to be applicable to marine cargo insurance. Such an absence of a specific law inevitably raises many problems with respect to an application of law to marine cargo insurance. The purpose of this thesis is mainly to identify and analyze such problems namely 1) those as to which law is applicable to marine cargo insurance 2) those relating to an application of the Civil and Commercial Code on insurance to marine cargo insurance and 3) those with respect to the term in a contract applying the English law on marine insurance. The outcome of the studies reveals that the Thai courts generally apply English marine insurance law to the cases before them and also apply the Civil and Commercial Code on the general provisions on insurance and insurance against loss to certain cases. However, there remain certain problems with respect to the application of the general provisions on insurance to the period of time in which an assured must have interest and to the case where the insured objects have been damaged to before the conclusion of an insurance contract and to the legal status and consequences of the warranty as well as to the uncertainty of an application of a contract term applying the English law on marine insurance.

This present thesis purports to provide the short-term solutions to such problems by suggesting that the parties clearly agree upon their rights, obligations and liabilities in the contract of marine cargo insurance. This thesis also proposes to apply certain sections of the general provisions on insurance and insurance against loss to a contract of marine insurance. Likewise this thesis suggests that interpretation of section 863 of the Civil and Commercial Code on the period of time in which an assured must have interest should be in line with the English law on marine insurance. With respect to the long-term solutions, this thesis proposes that specific law on marine insurance must be promulgated based on the study of the English Marine Insurance Act 1906.