

MARINE INSURANCE

Table of Contents

	<i>Page</i>
<i>Principal</i>	
Marine Insurance Act 1909	
Table of Provisions	365
Table of Amendments	369
Marine Insurance Act 1909	371

Marine Insurance Act 1909

TABLE OF PROVISIONS

Section

Title

PART 1 — PRELIMINARY

- | | |
|---|--|
| 1 | Short title and commencement |
| 2 | Parts [<i>Repealed</i>] |
| 3 | Interpretation |
| 4 | Saving the rules of common law |
| 5 | Application of certain Imperial and State Acts |
| 6 | Application of Act |

PART 2 — MARINE INSURANCE

DIVISION 1 — LIMITS OF MARINE INSURANCE

- | | |
|---|--|
| 7 | Marine insurance defined |
| 8 | Mixed sea and land risks |
| 9 | Marine adventure and maritime perils defined |

DIVISION 2 — INSURABLE INTEREST

- | | |
|----|--|
| 10 | A voidance of wagering or gaming contracts |
| 11 | Insurable interest defined |
| 12 | When interest shall attach |
| 13 | Defeasible or contingent interest |
| 14 | Partial interest |
| 15 | Re-insurance |
| 16 | Bottomry |
| 17 | Master's and seamen's wages |
| 18 | Advance freight |
| 19 | Charges of insurance |
| 20 | Quantum of interest |
| 21 | Assignment of interest |

DIVISION 3 — INSURABLE VALUE

- | | |
|----|----------------------------|
| 22 | Measure of insurable value |
|----|----------------------------|

DIVISION 4 — DISCLOSURE AND REPRESENTATIONS

- | | |
|----|---|
| 23 | Insurance is uberrimae fidei |
| 24 | Disclosure by assured |
| 25 | Disclosure by agent effecting insurance |
| 26 | Representations pending negotiation of contract |
| 27 | When contract is deemed to be concluded |

*Section**Title***DIVISION 5 — THE POLICY**

- 28 Contract shall be embodied in policy
- 29 What policy shall specify
- 30 Signature of insurer
- 31 Voyage and time policies
- 32 Designation of subject-matter
- 33 Valued policy
- 34 Unvalued policy
- 35 Floating policy by vessel or vessels
- 36 Construction of terms in policy
- 37 Premium to be arranged

DIVISION 6 — DOUBLE INSURANCE

- 38 Double insurance

DIVISION 7 — WARRANTIES

- 39 Nature of warranty
- 40 When breach of warranty excused
- 41 Express warranties
- 42 Warranty of neutrality
- 43 No implied warranty of nationality
- 44 Warranty of good safety
- 45 Warranty of seaworthiness of vessel
- 46 No implied warranty that goods are seaworthy
- 47 Warranty of legality

DIVISION 8 — THE VOYAGE

- 48 Implied condition as to commencement of risk
- 49 Alteration of port of departure
- 50 Sailing of different destination
- 51 Change of voyage
- 52 Deviation
- 53 Several ports of discharge
- 54 Delay in voyage
- 55 Excuses for deviation or delay

PART 3 — ASSIGNMENT OF POLICY

- 56 When and how policy is assignable
- 57 Assured who has no interest cannot assign

PART 4 — THE PREMIUM

- 58 When premium payable
- 59 Policy effected through broker
- 60 Effect or receipt on policy

*Section**Title***PART 5 — LOSS AND ABANDONMENT****DIVISION 1 — GENERAL**

61	Included and excluded losses
62	Partial and total loss
63	Actual total loss
64	Missing vessel
65	Effect of transshipment, etc
66	Constructive total loss defined
67	Effect of constructive total loss
68	Notice of abandonment
69	Effect of abandonment

DIVISION 2 — PARTIAL LOSSES (INCLUDING SALVAGE, GENERAL AVERAGE, AND PARTICULAR CHARGES)

70	Particular average loss
71	Salvage charges
72	General average loss

PART 6 — MEASURE OF INDEMNITY**DIVISION 1 — LIABILITY OF INSURER FOR LOSS**

73	Extent of liability of insurer for loss
74	Total loss
75	Partial loss of vessel
76	Partial loss of freight
77	Partial loss of goods, merchandise, etc
78	Apportionment of valuation
79	General average contributions and salvage charges
80	Liabilities to third parties
81	General provisions as to measure of indemnity
82	Particular average warranties
83	Successive losses
84	Suing and labouring clause

DIVISION 2 — RIGHTS OF INSURER ON PAYMENT OF LOSS.

85	Right of subrogation
86	Right of contribution
87	Effect of under insurance

PART 7 — RETURN OF PREMIUM

88	Enforcement of return
89	Return by agreement
90	Return for failure of consideration