

BOOK REVIEWS

Howard Bennett, *The Law of Marine Insurance*. Oxford University Press (2006). xc, 990 pp.

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The Honourable Desmond Derrington*

In the foreword to this work, Lord Mance says that marine insurance remains a subject of great practical and intellectual interest. Here, Professor Bennett has gone a long way to stimulate and satisfy that interest.

This second edition has matured as the fully grown study of this branch of the law from the necessarily limited state of the first edition, which was designed for a less sophisticated readership. Yet this new version retains the freshness and direct clarity that was the intended virtue of its predecessor. Happily, its development of discussion at greater depth has not diminished its constant focus, despite the range of its subject matter within its stated limits.

After setting the subject in its historical and commercial context, the author progresses logically through the fundamental features of insurance contracts with particular reference to the special marine influences that put a different face, or at least a different shade, on the underlying principles of insurance law. Its discussion of the commercial context and practices of marine insurance is most valuable, most of all to understand fully the meaning of expressions when their abstraction from their historical or circumstantial context might lead to error.

Needless to say, neither relevance nor space admits a deep discussion of the general principles. Topics that are exclusively within the province of marine insurance are analysed at length, and with clear accuracy.

This work has the merit of practicality for the practitioner in the range of its reference to the authorities, which are cited extensively in support of the propositions stated, and analysed for their demonstration of principle and distinctions. Both practitioners and academics will find useful the overall commentary that integrates the cases and principles, and offers useful theoretical commentary.

It might be hoped that with his considerable learning and experience, Professor Bennett might provide even more personal commentary on issues that might excite his dissent from current orthodoxy. Even if it were not adopted, it would certainly be well received, and would provide valuable alternative views that would advance discussion. This does not imply any want of discussion already. For example, the text questions an insurer's claim to want of knowledge in respect of information that would now be available to a prudent insurer through electronic databases, which is a topical issue that deserves further attention by the courts; and the author extrapolates the reasoning behind some judicial interpretation of similar expressions to light the path in the interpretation of "rebellion", which has not received the same attention. But, one looks forward to the time when he will feel justified in expressing his personal views on controversial issues with even greater freedom.

A further virtue attractive particularly to practitioners is the absence of unnecessary and distracting detail in the discussion of the cases; and the elaboration of principle through reproduction of the substance of the arguments of counsel, when that is necessary or desirable, is clear and to the point.

This substantial work is of disarmingly high quality, and any adverse criticism would be trivial. It is a considerable contribution to organised knowledge in its field.

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