

## **CHAPTER 182**

### **MARINE INSURANCE ACT**

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• Act • Subsidiary Legislation •

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#### **ACT**

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**CHAPTER 182**  
**MARINE INSURANCE ACT**

**An Act relating to marine insurance.**

[1st January, 1960.]

**PART I**

*Preliminary*

**1. Short title**

This Act may be cited as the Marine Insurance Act.

**2. Interpretation**

In this Act—

“action” includes counterclaim and set-off;

“freight” includes the profit derivable by a shipowner from the employment of his or her ship to carry his or her own goods or movables, as well as freight payable by a third party, but does not include passage money;

“movables” means any movable tangible property, other than the ship, and includes money, valuable securities, and other documents;

“policy” means a marine policy.

**3. Application**

This Act shall apply to contracts of marine insurance:

Provided that it shall not apply to marine insurance undertaken by the Government other than insurance undertaken by the Government that extends beyond the maritime boundaries of Grenada.

**4. Saving of rules of common law**

The rules of the common law of England, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall apply to contracts of marine insurance.

**PART II**

*Marine Insurance***5. Marine insurance defined**

A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure.

**6. Mixed sea and land risks**

(1) A contract of marine insurance may, by its express terms, or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

(2) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto, but except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract of insurance other than a contract of marine insurance as by this Act defined.

**7. Marine adventure and maritime perils defined**

(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2) In particular there is a marine adventure where—

- (a) any ship, goods or other movables are exposed to maritime perils. Such property is in this Act referred to as “insurable property”;
- (b) the earning or acquisition of any freight, passage money, commission, profit, or other pecuniary benefit, or the security for any advances, loan or disbursements, is endangered by the exposure of insurable property to maritime perils;
- (c) any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property, by reason of maritime perils.

(3) In subsection (2), “maritime perils” means the perils consequent on, or incidental to, the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints and detentions of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

**PART III***Insurable Interest and Value***8. Avoidance of wagering or gaming contracts**

(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract—

- (a) where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or