**Insurance Law: plan of work**

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**Session n°1: Introduction**

§ 1: Development of the insurance

A) Factors of appearance

1) Economic Factors

2) Social Factors

B) Specific characteristics of the insurance

1) Function of the insurance

2) Diversification of the insurance

C) Place of the insurance

§ 2: The operations of insurance

## A) The insurance technique

1) Statistical imperatives

2) The selection of the risks

3) The division of the risks

a) The co-insurance

b) The reinsurance

## B) The classification of the insurances

1) Legal classification: general insurance and personal insurance

a) General insurance are based on indemnity principle

b) Personal insurance with a fixed element

2) Technical classification: pay as you go and capitalization systems

a) Pay as you go insurance

b) Capitalization insurance

Session n° 2:

General rules of the insurance contract: definitions

§ 1: The partners in the insurance

A) The insurance professionals

1) The insurance company

a) Definition

b) The control of the insurance companies

2) The intermediaries of insurance

B) The consumers of insurance

1) The policyholder

2) The insured

3) The beneficiary

4) The victim

§ 2 : Variety of insurance contract

A) The classic insurance contract

B) The insurance contract subscribed for the benefit of others

1) The death insurance

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§ 3: Specificities of the contract

1) Identified Contract

2) Consensual Contract

3) Bilateral Contract

4) The insurance policy is said to be aleatory

5) Contract against for remuneration

6) A continuous contract

7) Contract of adhesion

8) Good faith contract

#### Session n° 3 and session n° 4: General rules: Lifetime of an Insurance Contract

##### **I: the contract's settlement**

Section 1: initial settlement

§ 1: A progressive making out

A) The negotiation of the insurance contract

1) Negotiations and precontractual information of the insured

2) The proposal form

B) The assent of the parties

1. Acceptance of the proposal form by the insurer
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C) The cover note

1) Definition

2) Characteristics of the cover note

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§ 2: The insurance policy

A) Line-up of the contract

B) Compulsory mentions

C) Draft conditions

§ 3: The inception of the contract

## A) Principle

B) Conventional adjustments

1) Clause of inception the next day at noon of the day of settlement

2) Clause of inception on a precise date

3) Clause of inception the next day at noon of the payment of the first premium

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§ 1: Modifications initiated by the insured

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1) Draft conditions

2) Time limit condition

B) Contents of the modification

C) Proof of the modification

§ 2: Modifications initiated by the insurer

##### **II: Termination of the insurance contract**

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§ 1: Duration of the contract

A) Fixing of the duration of the contract by the policy

B) The duration of the contract must be mentioned in very visible characters

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A) Conditions of tacit renewal

B) Effects of the clause of tacit renewal

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§ 1: Periodic power of cancellation

A) Field of the annual power of cancellation

B) Procedure of cancellation

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B) Cancellation opened to the insurer

1) Neglect and inaccurate declaration of risks

2) Declaration of an aggravation in risk

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4) Cancellation after a risk occurs

C) Cancellation opened to the insured

1) Decrease of risk

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### Sessions n° 5 and 6: General rules:

### Elements of the insurance contract: the risk and the premium

###### **I: The risk**

A) The Notion of risk

B) Specificity of the risk

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B) The declaration of risks during the course of contract

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A) Insured acting in bad faith : the case of a deliberate misrepresentation

1) Conditions for penalties

1. Contents of the penalty

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1. The discovery of irregularities before a loss has occurred
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3. Non-punished irregular risk declarations

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§ 1: Legal exclusions

1. Exclusion of deliberate faults
2. Deliberate fault in property-casualty insurance
3. The notion of deliberate fault
4. Limits of the legal exclusion
5. Deliberate fault in life and personal accident insurance
6. In case the insured commits suicide
7. Murder of the insured commits suicide
8. Presumptions of coverage exclusions
9. Legal coverage exclusions
10. Notion of war risk
11. Inherent vice of the insured good
12. The particular case of attacks and acts of terrorism

§ 2: Conventional exclusions

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2. Conditions of validity
3. Problem of an ambiguous clause
4. Object of exclusion clauses
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§ 1: Pure premium

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§ 1: The conditions of the payment

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B) Date of payment

C) Payment conditions

§ 2: The penalties in case of non payment

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**The third element of the insurance contract: the Loss**

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§ 1: The loss statement

A) Addressee

B) Shape and contents

C) Period for statement

§ 2: The penalty: the theory of the forfeiture

A) Notion of forfeiture

B) Object of the clauses of forfeitures

C) Conditions of forfeitures

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D) Effects of the forfeiture

1) Effects in relations between the insurer and the insured

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Section 2: Rights and obligations of insurance

Foreword: preliminary procedure to the payment of the compensation: the surveying

§ 1: The obligation of the insurer: to pay out the claim

A) Creditor of the payment

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