

Independent Research Paper Title : The Problem of Marine Insurance in Thailand
Author : Ms. Pitchayanee Phasompong
Degree : Master of Law (English Program)
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Advisor : Mr. Werasak Anusontivong

ABSTRACT

In international trading, carriage or transportation is very important in fulfilling agreements of trading transactions. There are many types of carriage, such as sea carriage, air carriage, and land carriage.

Traditionally, transportation is and was done by using conventional systems where goods, packed or unpacked, are brought to one terminal for being shipped to the next terminal; and the transporters were unimodal transporters, which means they used only a single mean of transportation.

Nowadays, international transportation has developed and evolved greatly due to increasing demand and economic growth; transportation services thusly are expected to offer better convenience, flexibility and well-timed services.

In Thailand, sea carriage is rapidly becoming one of the most important modes of international trade transportation. Although a ship can hold plenty of cargo at once – at the same time it also carries high risks while the cargo is onboard. When a dispute regarding marine insurance arises, the court will usually apply foreign laws of the Marine Insurance Act 1906, which is not suitable for the Thai law system as the general law for judgment because our country has no governing law about marine insurance.

It is for this reason that a question arises about our own insurance law in the Civil and Commercial Code Book III Title XX and why it is not enacted in cases of marine insurance.

In this research, the problem relating to instances where a judge applies the Marine Insurance Act 1906 to decide a court case is discussed. As well as discussion of the differences of marine insurance principles of Thai and England's Law.

