

Commercial insurance contract wording

Purpose

To enable the candidate to understand commercial (re)insurance contract wordings and the legal, regulatory and drafting issues surrounding these wordings.

Assumed knowledge

It is assumed that the candidate already has knowledge of the fundamental principles of insurance as covered in IF1 Insurance, legal and regulatory or equivalent examinations.

Summary of learning outcomes	Number of questions in the examination*
1. Understand the environment within which UK commercial (re)insurance contract wordings are created.	12
2. Understand legal issues affecting commercial (re)insurance contract wordings.	12
3. Understand the terms and conditions of commercial (re)insurance contract wordings.	16
4. Understand the different types of reinsurance contract wordings.	10

*The test specification (relevant to the M21 multiple choice question exam only) has an in-built element of flexibility. It is designed to be used as a guide for study and is not a statement of actual number of questions that will appear in every exam. However, the number of questions testing each learning outcome will generally be within the range plus or minus 2 of the number indicated.

Important notes

M21

- **Method of assessment**

Mixed assessment for M21 of which both elements must be individually passed. This consists of:

1. an online coursework assignment using RevisionMate consisting of 10 questions which sequentially follow the learning outcomes. This must be successfully completed within 6 months of enrolment; and
2. a multiple-choice question (MCQ) exam at one of the CII's online centres (paper based MCQs are available in April and October for those sitting outside the UK). The MCQ exam consists of 50 MCQs. 1 hour is allowed for this examination. This exam must be successfully passed within 18 months of enrolment.

- This syllabus will be examined from 1 May 2016 until 30 April 2017.
- Candidates will be examined on the basis of English law and practice unless otherwise stated.
- Candidates should refer to the CII website for the latest information on changes to law and practice and when they will be examined:
 1. Visit www.cii.co.uk/updates
 2. Select the appropriate qualification
 3. Select your unit on the right hand side of the page

P21

- **Method of assessment:** Part I 8 compulsory questions (80 marks). Part II 2 questions selected from 4 (60 marks). Total of 140 marks. Two hours are allowed for this exam.
- The syllabus is examined on the basis of English law and practice unless otherwise stated.
- The general rule is that the exams are based on the English legislative position six months before the date of the exams.
- Candidates should refer to the CII website for the latest information on changes to law and practice and when they will be examined:
 1. Visit www.cii.co.uk/qualifications
 2. Select the appropriate qualification
 3. Select your unit on the right hand side of the page

1. Understand the environment within which UK commercial (re)insurance contract wordings are created

- 1.1 Outline the regulation of the UK insurance industry.
- 1.2 Describe the role of market organisations in relation to commercial (re)insurance contract wordings.
- 1.3 Explain the key features of the Market Reform Contract (MRC) and contract certainty principles.

2. Understand legal issues affecting commercial (re)insurance contract wordings

- 2.1 Explain the legal relationship between the parties to a (re)insurance contract.
- 2.2 Explain the legal principles relating to the interpretation of contracts.
- 2.3 Explain the classification of terms and conditions.
- 2.4 Explain the considerations when drafting law and jurisdiction clauses.
- 2.5 Describe the role of the insurer and broker in the preparation of commercial (re)insurance contract wordings.
- 2.6 Describe the use of underwriting agreements in a subscription market.
- 2.7 Explain the role of coverholders and the use of binding authorities.

3. Understand the terms and conditions of commercial (re)insurance contract wordings

- 3.1 Explain the importance of using defined terms and consistent language.
- 3.2 Explain the key components of commercial (re)insurance contract wordings.
- 3.3 Explain how coverage is triggered under an insuring clause.
- 3.4 Explain the operation of exclusion clauses in commercial (re)insurance contract wordings.
- 3.5 Discuss the different ways of defining the amount (re)insured.
- 3.6 Discuss the different ways of defining the amount retained by the (re)insured.
- 3.7 Explain the different provisions of claims notification clauses.
- 3.8 Explain the rights and duties of the (re)insured.
- 3.9 Explain the operation of dispute resolution clauses.
- 3.10 Explain the provisions of cancellation clauses.
- 3.11 Explain the purpose and effect of endorsements.

4. Understand the different types of reinsurance contract wording

- 4.1 Explain the different types of reinsurance.
- 4.2 Describe the use and operation of facultative reinsurance clauses.
- 4.3 Describe the use and operation of proportional treaty reinsurance clauses.
- 4.4 Describe the use and operation of non proportional treaty reinsurance clauses.
- 4.5 Explain the importance of 'event' definitions in reinsurance wordings.

Reading list

The following list provides details of various publications which may assist you with your studies.

Note: The examination will test the syllabus alone.

The reading list is provided for guidance only and is not in itself the subject of the examination.

The publications will help you keep up-to-date with developments and will provide a wider coverage of syllabus topics.

CII/PFS members can borrow most of the additional study materials below from Knowledge Services. CII study texts can be consulted from within the library.

New materials are added frequently - for information about new releases and lending service, please go to www.cii.co.uk/knowledge or email knowledge@cii.co.uk.

CII study texts

Commercial insurance contract wording. London: CII. Study text M21P21.

Books (and ebooks)

Bird's modern insurance law. 9th ed. John Birds. Sweet and Maxwell, 2013.

Claims handling law and practice. Richard West et al. London: Witherby, 2008.

Colinvaux's law of insurance. 10th ed. London: Sweet & Maxwell, 2014.

Consumer insurance law: disclosure, representations and basis of the contract clause. Peter Tyldesley. Haywards Heath: Bloomsbury Professional, 2013.

Drafting insurance contracts: certainty, clarity, law and practice. Christopher Henley. London: Leadenhall press, 2010.

Insurance theory and practice. Rob Thoys. Routledge, 2010.*

Lloyd's: law and practice. Julian Burling. Oxon: Informa Law, 2014.*

MacGillivray on insurance law: relating to all risks other than marine. 13th ed. London: Sweet & Maxwell, 2015.

The law of insurance contracts. Malcolm A Clarke. 6th ed. London: Informa, 2009.

The modern law of insurance. Andrew McGee. LexisNexis, 2011.

Insurance claims. 3rd ed. Alison Padfield. Bloomsbury Professional, 2012.

Insurance law in the United Kingdom. 2nd. ed. John Birds. The Netherlands: Kluwer Law International, 2014.

'Reinsurance contracts, markets and participants' in Reinsurance practice and the law. Barlow Lyde & Gilbert LLP. London: Informa, 2009.

Reinsurance: the nuts and bolts. Keith Riley. London: Witherby, 2012.

Factfiles and other online resources

CII factfiles are concise, easy to digest but technically dense resources designed to enrich the knowledge of members. Covering general insurance, life and pensions and financial services sectors, the factfile collection includes key industry topics as well as less familiar or specialist areas with information drawn together in a way not readily available elsewhere. Available online via www.cii.co.uk/ciifactfiles (CII/PFS members only).

Efficiency tactics within the insurance industry. Ian Searle.

The regulation of general insurance business. Ian Youngman.

Contract certainty: an Airmic guide for risk managers and insurance buyers. AIRMIC. 2009. Available via www.airmic.com (register your details to access).

Delivering excellence in insurance claims handling: claims best practice guide. AIRMIC. 2010. Available via www.airmic.com (register your details to access).

Further articles and technical bulletins are available at www.cii.co.uk/knowledge (CII/PFS members only).

Journals and magazines

The Journal. London: CII. Six issues a year. Also available online via www.cii.co.uk/knowledge (CII/PFS members only).

Post magazine. London: Incisive Financial Publishing. Weekly. Also available online at www.postonline.co.uk.

Insurance law monthly. London: Informa. Monthly.

Further periodical publications are available at www.cii.co.uk/journalmagazines (CII/PFS members only).

Reference materials

Dictionary of insurance. C Bennett. 2nd ed. London: Pearson Education, 2004.

Colinvaux & Merkin's insurance contract law. Robert M Merkin. Brentford: Sweet & Maxwell. Looseleaf, updated.

Concise encyclopedia of insurance terms. Laurence S. Silver, et al. New York: Routledge, 2010.*

*Also available as an ebook through Discovery via www.cii.co.uk/discovery (CII/PFS members only).

M21

Exemplars

Exemplar papers are available for all mixed assessment units. Exemplars are available for both the coursework component and the multiple-choice component.

These are available on the CII website under the unit number before purchasing the unit. They are available under the following link www.cii.co.uk/qualifications/diploma-in-insurance-qualification.

These exemplar papers are also available on the RevisionMate website www.revisionmate.com after you have purchased the unit.

P21

Examination guides

Guides are produced for each sitting of written answer examinations. These include the exam questions, examiners' comments on candidates' performance and key points for inclusion in answers.

You are strongly advised to study guides from the last two sittings. Please visit www.cii.co.uk to buy online or contact CII Customer Service for further information on +44 (0)20 8989 8464.

Alternatively, if you have a current study text enrolment, the latest exam guides are available via www.revisionmate.com.

Older guides are available via www.cii.co.uk/pastexamguides (CII/PFS members only).

Exam technique/study skills

There are many modestly priced guides available in bookshops. You should choose one which suits your requirements.

The Insurance Institute of London holds a lecture on revision techniques for CII exams approximately three times a year. The slides from their most recent lectures can be found at www.cii.co.uk/iilrevision (CII/PFS members only).