

ANNOTATED INSURANCE CONTRACTS ACT[†]

THE HONOURABLE DESMOND DERRINGTON*

The earlier editions of this work have attracted high praise, and rightly so. They have become an essential part of the library of any serious practitioner in the field of insurance law. That this new edition has continued in the same tradition of quality is not surprising in view of the high level of learning, talent and experience of the authors.

Its most noticeable feature is the depth and thoroughness of its discussion of the authorities that have revealed and developed our understanding of this remarkable and complex piece of legislation. They have been accurately analysed and their essential thrust has been fully and very clearly explained; and the explanation has been enhanced by informed and insightful commentary, set in the context and history of cognate authorities.

The discussion is comfortingly provided with the ease of tone and clarity that goes with the well-informed and much-experienced background of the authors, who have no difficulty with the formulation of their message because they know it so well. The profession, and particularly the insurance branch of it, is well served by the high talent that provides it with service such as this.

A useful example of these things is the discussion of the history and current construction of the well-known s 54 of the Act. It is a difficult subject, and it is properly and completely understood only by a close analysis of the refined and complicated judicial reasoning that has been applied to this topic. This includes the reasoning, not only of those whose views prevail, but also of those who have presented opposing points of view and opposing reasons. The nuances of the former cannot be fully appreciated without an understanding of the latter. The discussion in this work juxtaposes them well. Its clarity loses nothing in its disciplined explanation of the complexity, depth and refinement of this debate, and its accuracy remains intact.

The sections on utmost good faith and the non-disclosure/misrepresentation codifications also share the benefits of the same process, though not to such a marked degree. It is a useful practice to elaborate on the historical development of the application of a section by tracing its progress through successive editions. It produces a sense of continuity and freshness.

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[†] Peter Mann and Candace Lewis, *Annotated Insurance Contracts Act*, Law Book Co (4th ed, 2003).

It seems almost unworthy to remark that in some very minor respects the text would benefit from closer editing of some matters of commentary from earlier editions that have become otiose in the light of later developments. This is a price that the reader must pay for the work of eminent practitioners who are pressed for time. The reward is in the substance of the work.

This leads to a second positive feature of this book, which is the speed and scope of its attention to the changes that have recently been occurring in this field, and to matters of proposed change that may seriously affect the present understanding of the law. These, too, have been dealt with fully and instructively. As well, all associated legislation, and all legislation touching on matters that have a bearing on the operation of the Act, have been usefully gathered.

The third feature of note lies in the care that has been taken in the presentation of the material. While necessarily following the format of the legislation, it has been logically and clearly dissected and treated for ease of understanding; and there is full cross-referencing, which is essential for accurate reference to the whole material on a point of enquiry. Quotes from the judgments have been kept to what is essential and adequate so that the content is kept to a size and form that does not lose the reader in bulk and digression. Where necessary, there is repetition from one part to another. This maintains the integrity of each part, so that the reader may follow the exegesis of a particular topic without having to refer to other parts for completeness of that particular subject. The text is certainly both effective and easy to use, as its publishers claim.

The index is fully adequate.

Perhaps the best summary I can offer is contained in the confession that I shall be using it constantly and with confidence.