

CAUSES OF COMPENSATION DENIAL IN PROPERTY INSURANCE

The subject matter of this doctoral dissertation is concerned with the causes of compensation denial that are limited to property insurance. The scrutiny of this issue concentrates mainly on premises for insurer's responsibility, which are indicated in literature as the conclusion of the insurance contract, accident, emergence of damage and the existence of a causal nexus. Moreover, considerations of this doctoral dissertation were broadened by both exclusions and limitations of liability and possibility of specified ineffectiveness, including ineffectiveness of the insurance agreement and ineffectiveness of the general insurance conditions. According to the specificity of the performance which is performed by the insurer, this doctoral thesis deals with the settlement, winding-up proceeding issue and determination of compensation based on components of compensation. There were analyzed also other crucial causes leading to the refusal to pay compensation with the expiration of the limitation period. This doctoral dissertation has been divided into 7 chapters, each concluded with a summary.

Considering the aforementioned issues, chapter I was devoted to the causes that lead to a situation that where the contract becomes null and void. Contract as the basic premise of the insurer's liability. The chapter discusses not only the reasons arising from the general provisions of the civil code but also the reasons that strictly concern insurance matters.

In chapter II, there is an analysis of the remaining premises of liability, the absence of which, after the conclusion of the contract, will lead to a lack of insurer's liability and thus to denial of compensation.

Chapter III focuses on cases where the contract, the general conditions of the insurance as well as defined provisions becomes ineffective. This proves essential as ineffective provisions or general conditions of the insurance include exclusions as well as limitations of liability. Therefore, not only the formulation of specific exclusions or limitations but also the effectiveness of the binding specific content will impact the occurrence of a refusal to pay compensation.

The IV chapter discusses the objective exclusions and limitations of the insurer's liability. These are not only exclusions relating to specific items included in the property, but also technical and insurance restrictions in the form of franchises, excess or the rule of proportion. This chapter also covers the issue of the sum insured and its depletion.

In chapter V the author concentrated on subjective exclusions and limitations of the liability. In particular, the damage done intentionally as well as due to gross negligence. Moreover, it discusses situations related to the exclusion of liability for breaching the obligation to save and prevent damage, as well as breaching the obligation to declare and notify.

Chapter VI addresses the issues related to the main grounds for the payment of compensation, settlement and acknowledgment of the claim preceded by the claims liquidations process. In this chapter, an examination is conducted of the individual components of compensation and the possibility of determining it as costs of restoration to the previous state.

In chapter VII, other significant issues influencing the denial of compensation are analyzed, including the institution of limitation periods.

In the final part of this doctoral dissertation both the final conclusion and *de lege ferenda* postulates are included.