

SELECTED QUESTIONS OF LAW REGULATION OF INSURANCE OF AGRICULTURAL ANIMALS

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In the scientific article authors research on the basis of analysis of normative-legal acts which regulates carry out insurance of agricultural animals. Research problems and propose ways of removal collies in the legal regulation this form of insurance.

***Insurance, agricultural animals, insurance of agricultural animals,
insurance contract of agricultural animals.***

On the basis of analysis of legal acts governing the insurance of farm animals, investigates issues and suggests ways of solving conflicts in the legal regulation of insurance.

Livestock insurance is a type of insurance that is characteristic for the subjects of agrarian law, improvement of legal regulation which will increase the efficiency of agricultural production.

The purpose of this article is to study the impacts of legal regulation of insurance of farm animals.

Today the main legal acts governing livestock insurance are the Law of Ukraine "On insurance", the Law of Ukraine "On livestock breeding ", the provisions of the Law of Ukraine "On peculiarities of agricultural products insurance with state support " (hereinafter - the Law), give reason to believe that the agricultural insurance relations in general, and in livestock - in particular, have the form of mandatory or voluntary, arising under the

contract, with a mandatory form although based on law that obliges defined it as insured persons to enter into contracts with insurers in certain cases , still mediated by the insurance contract. That is a contract plays a major legal form of insurance relations farms; and the Cabinet of Ministers of Ukraine "On approval of rules and mandatory insurance of animals in the event of death, destruction, forced slaughter, diseases, natural disasters and accidents".

Law of Ukraine "On Insurance" regulates relations in the insurance industry and aims to create insurance market , increased insurance protection of property interests of enterprises, institutions, organizations and individuals. It states that the insurance - a type of civil relations to protect the property interests of individuals and legal entities in the event of certain events (insurance cases) identified the insurance contract or applicable law, at the expense of funds generated by paying individuals and entities premiums (premiums , insurance premiums) and income from these funds.

Thus, the Cabinet of Ministers of Ukraine "On approval of rules and mandatory insurance of animals in the event of death , destruction, forced slaughter, diseases , natural disasters and accidents " (hereinafter - Procedure) provides that mandatory insurance for animals deaths , destruction, forced slaughter, diseases , natural disasters and accidents (hereinafter - compulsory insurance) is conducted to ensure economic and food security , creating favorable conditions for breeding in the agricultural sector , protect the economic interests of agricultural producers. These animals this ordinance include: breeding animals : cattle , pigs , sheep, goats, horses (thoroughbred or obtained using the program improve animal waste with breeding (genetic) value and can be used in the selection process) aged 1 year ; Zoo animals aged 1 year; circus animals aged 1 year.

Insurance contract - a written agreement between the insurer and the insured under which the insurer undertakes in the insurance case to make indemnity payments to policyholders or other person designated in the contract of insurance the insurer to whom the contract of insurance (to

provide assistance , perform service , etc.), and the insurer undertakes to pay insurance premiums in due time , and other terms of the contract . The insurance shall private law nature , although at different stages of insurance relationships there are elements of public law, as the insurer is a legal entity that is specifically designed to conduct insurance business and licensed to its implementation.

The insurance contract must contain: the name of the document; name and address of the insurer; first name, middle name or the name of the insurer and the insured person , their address and date of birth ; first name, surname , date of birth or the name and address of the beneficiary ; indication of the subject of the insurance contract - the kind of farm animals; sum insured under a contract of insurance other than life insurance contract ; list of insurance claims ; premiums (premiums) and terms of payment; insurance rate (insurance rate is not calculated for insurance claims that are not insured amount set initial term of the contract , the order changes and termination, provided the insurance payments , the reasons for refusal in insurance payment, rights and obligations of the parties and for noncompliance or improper performance of the contract , other conditions agreed by the parties , the parties signed.

The Civil Code of Ukraine and the Law of Ukraine "On insurance" does not include such grounds for termination of the contract of insurance as the insured event. According to p. 2 h. 1, Art. 28 of the Law of Ukraine "On Insurance" insurance terminated the contract and repealed by agreement, and in the case of the insurer to the insured obligations in full.

With the onset of the insured event the insured and insurer relations move to another stage, when the insurer is obliged to fulfill its obligations under insurance claims.

According to ch. 1, Art. 14 of the insurance indemnity payments made within 14 after the signing of the insurance act. According to Art. 28 of the Law on the time of signing the insurance act , the insurance contract is no

longer valid . If the period of insurance it is the insurance case , the insured must notify the insurer as well as the harvesting, slaughtering animals, fishing, harvesting of beekeeping products or obtain other animal products not later than 10 days before the anticipated start of these works. The action of the insurance contract terminated by mutual consent , and in cases stipulated by the insurance contract in accordance with the Law of Ukraine "On insurance" .

In summary, the following conclusions are made : there is a clear inconsistency of legal acts regulating insurance animals. Moreover , the law regulates the voluntary insurance of farm animals, in contrast to the Cabinet of Ministers of Ukraine "On approval of rules and mandatory insurance of animals in the event of death , destruction, forced slaughter, diseases , natural disasters and accidents ," which provides for mandatory insurance is not for all farm animals, but only for breeding and zoo and circus . In our opinion , it is necessary to amend the law, namely the introduction of compulsory insurance for breeding animals and other farm animals. As for the zoo and circus animals, compulsory insurance latter is regulated by the relevant normative act that would take into account the specific conditions of use of such animals. Introduction of a special legal regulation of insurance contracts for agricultural products from state support is a positive factor for the further development of agriculture.