

LEGAL REGULATION OF CERTAIN TYPES OF AGRICULTURAL INSURANCE RELATIONS

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In the article are characterized the problematic issues of legal regulation of certain types of agrarian insurance relationships.

Insurance, insurance of agricultural animals, insurance of pedigree animals, insurance of grain which shall be deposited to grain composition.

The stabilization of the economic situation of Ukraine, changes of ownership and socio-economic conditions induce economic agents in the agricultural risks that create extremely unfavorable conditions for agricultural production and almost every year causing losses agricultural producers. Compensate the Losses can be by Insurance.

The theoretical basis of our study is forgery known Soviet scientists – representatives of the Soviet and Russian schools of civil and commercial rights as K.A. Grave, M.M. Vedenin, A.N. Zaletov, S.L. Efimova, L. Luntz, V.K. Raikher, V.I. Serebrovsky, M.J. Shymynov and work of local scientists economists V.D. Bazilevich, K.S. Bazilevich, M.J. Demyanenko, A. Krestyaninova, N.V. Paski, A.C. Sholoyko, V.A. Yakubovich and others, which analyzed the characteristics of agricultural insurance companies in

Ukraine, revealed deficiencies of certain types of insurance in Ukraine and reasonably possible solutions.

The theoretical basis of our study is the work of famous domestic jurists in the field of agricultural law as N.O. Bagay, V.M. Ermolinko, V.P. Zhusham, I.I. Karakash, T.G. Kovalchuk, V.L. Muntean, V.I. Semchyk , A.M. Stativka, V.Y. Urkevich, N.I. Titova, Y.S. Shemshuchenko, V.Z. Yanchuk, N.I. and other.

The purpose of this paper is to study the impacts of legal regulation of certain types of agricultural insurance relationship.

Today the main legal acts that regulate insurance breeding animals is the Law of Ukraine "On Insurance", the Law of Ukraine "On peculiarities of agricultural products insurance with state support" (hereinafter – the Law), the Law of Ukraine "On livestock breeding" and the resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure and the rules of compulsory insurance in case of death of animals, destruction, forced slaughter, disease, natural disasters and accidents".

The article analyzes the following legal acts and made the following conclusions and suggestions for improvement of legal regulation of certain types of agricultural insurance relationship.

We offer insurance system improvement in the implementation of the agreement between grain storage warehouse on the farms that rent for grain storage considering its specificity and bring one "denominator" of legal rules governing the conduct of such insurance by making appropriate amendments to the law of Ukraine "on Grain and Grain Market in Ukraine" , namely: 1) the introduction of compulsory insurance of grain deposited grain structure in a contract of storage, which is carried out by agricultural producers of all forms of ownership and management according to law; 2) clarification of cases, release grain composition from liability for loss, shortage or damage to grain deposited; by aligning the Civil Code of Ukraine(Part 2 of art. 950) and the Law of Ukraine "On Grain and Grain

market in Ukraine” (part2 of Art. 33); 3) introduction of complex events which in the case of a contract of insurance between grain composition and relevant insurer; 4) making the list of mandatory requisites simple and double warehouse certificate supplement to introduce another essential element, namely the name of the insurance company that insured the grain.

The proposed changes clarify the provisions of the Law of Ukraine “on Grain and Grain Market in Ukraine” in the implementation of the provisions of the insurance grains that deposited grain structure on a contract warehousing; and they allow for uniform regulation of these issues by regulations at various levels. With the statutory law of Ukraine “On Grain and Grain Market in Ukraine” existing requirements for the form of simple and double warehouse certificate, mandatory type of insurance (grains deposited) will help avoid many problems in practice.

There is an evident inconsistency of legal acts regulating insurance farm animals. Moreover, the law of Ukraine “on peculiarities of agricultural products insurance with state support” regulate the insurance of farm animals using only state support in contrast to the Cabinet of Ministers of Ukraine “on Approval of the Procedure and the rules of compulsory insurance in case of death of animals, destruction, forced slaughter, disease, natural disasters and accidents, “which provides for the mandatory insurance is not for all farm animals , but only for breeding, as well as zoo and circus. In our opinion, it is necessary to amend the Act, namely the introduction of compulsory insurance for breeding animals, and other farm animals, compulsory insurance should be regulated under the law the last piece of legislation, which would take into account the specific conditions of use of such animals.