

## Editorial

In January 2006 the Law Commission and the Scottish Law Commission published a Joint Scoping Paper on Insurance Contract Law.

The publication of the Scoping Report represents a significant positive outcome for BILA. The Law Commission said:-

*“A major factor in our decision to return to this area was the publication of a report by the British Insurance Law Association (“BILA”) in 2002. This report was prepared by a sub-committee with an impressive breadth of membership – academics, brokers, insurers, lawyers, loss adjusters, a self-regulatory body and trade associations. It included the text of lectures given by two senior members of the judiciary, and a foreword contributed by a third. BILA declared itself “satisfied that there is a need for reform” and put forward detailed proposals for change.”*

Members and readers alike are encouraged to engage in the debate that the Scoping Report is to start and to respond directly to the Law Commission. The closing date for responses on the Scoping Report is 19 April 2006.

This issue of the Journal has a number of articles that should help focus debate around whether and if so how, the substantive law of insurance should be reformed. Professor Hugh Beale, who is leading the Law Commissions’ work on Insurance Contract Law, gave a personal view of the Scoping Paper at a well attended BILA seminar on 19 January 2006. We are grateful for permission to publish a copy of his address. Peter Rashleigh’s paper on the review of the Australian Insurance Contracts Act (1984) and J D van de Meent’s paper on the reform of the duty of non-disclosure in Dutch Law are also particularly topical.

Chris Finney’s paper on the recent British Aviation Insurance decision (in which the High Court refused to sanction a proposal for a solvent scheme under Companies Act 1985, s.425) and Thomas Manisero and Thomas Cherry’s paper on run-offs in the United States are cogent reminders that the global insurance market does not pause while some of its participants turn their minds to the possibility of reform.

As always, I am grateful to the contributors, to the BILA Committee who help to identify these contributors in the first place and to Barlow Lyde & Gilbert for their help with the production of the Journal.

*Robert Purves, March 2006*