

As many members undoubtedly count the Bulletin high among their reasons for membership of the BILA, for some while your Committee has been considering how to improve the standard of production of the Bulletin, albeit at a reasonable cost, so as to provide a record of insurance legal events and of papers at once, more clearly readable and also more durable than in the past.

Now, at last, we have a new look Bulletin and we hope that you will be pleased with its changed appearance. However, this is your Bulletin, so let us know what you think: all comments and criticisms, favourable or unfavourable, will be welcome, and will be considered as we plan future editions.

As to content, this time we have a distinctly European flavour, emphasising that as insurance lawyers we are becoming more and more concerned in our daily work with the sometimes strange and certainly as yet unfamiliar law and practice of the other members of the EEC.

More parochially we had hoped to include comment by Gordon Shaw on the Insurance Companies (Amendment) Act 1973, but regrettably space does not permit; we hope to link in print Mr Shaw's comments with the paper to be given to BILA on the 20 February by Mr Homewood of the D.T.I.

New Publications

In mid January appeared a completely new monthly - "Insurance" - published by the Business Enterprises Division of The Financial Times, with a controlled, but free circulation. Any BILA member wanting just a specimen or a more regular copy should write to Carl Milburn at 388 Strand WC2R 0LT.

Even though Hugh Cockerell's name appears at the foot of the review of current legal cases and other well known insurance personalities, including Francis Perkins and W F Sennett, have contributed to this first edition, nevertheless, I am confirmed in my opinion, given to the "F.T." last summer in the planning stage, that inevitably there is no great merit in yet another insurance periodical, commenting on the same events as do the others, largely drawing on the same limited range of contributors, and particularly one that, more patently than the rest, depends for its viability on advertising revenue.

Meantime the Legal Department of Lloyd's of London Press Limited is planning a new publication - A Maritime and Commercial Law Quarterly: however, from the list of subjects that the editors intend to cover, not unexpectedly it seems that principally they will deal with marine matters. In prospect, this new quarterly seems likely to have

more than "Insurance" to offer the general insurance lawyer, if it can explain the esoteric technicalities of Marine events clearly and concisely.

Extension of Compulsory Motor Insurance Laws

The Motor Vehicles (Compulsory Insurance) Regulations 1973 came into operation on 1 January 1974 - their main purpose being to require British motor policyholders and non EEC motorists visiting Britain to have cover sufficient to comply with the compulsory motor insurance laws of all the EEC member states.

The extra territorial extension of our domestic motor insurance law provides for a significant - and some might say, sinister increase of police powers: Regulation 7 gives a constable in uniform the power to arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under Regulation 6. As Regulation 6 deals with the non British, non EEC motorist, and his duty to provide evidence that he has sufficient insurance, the effect of Regulation 7 is clearly limited - and certainly will not affect the liberty of the British motorist.

But Regulation 7 does provide us with an illustration of how police powers can be enlarged by delegated legislation which usually goes through the Parliamentary machine, so to speak, on the nod. As it is by means such as these that individual freedom can be eroded, I suggest we should each demand of our MPs greater vigilance.

Criminal Injuries Compensation

Last April the Home Secretary announced that a working party of officials had been set up "To review the Criminal Injuries Compensation scheme in the light of its operation since 1964, and taking into account the views of interested bodies to frame proposals for placing the scheme, with such modifications as may appear desirable, on a statutory footing". The working party has now issued a consultative document seeking views, inter alia, on the following matters:-

- 1 The scope of the statutory scheme providing compensation to the victims of violent crime, including the limitations on awards under the present scheme.

- 2 How compensation should be assessed under a statutory scheme (the present scheme provides compensation on broadly the same basis as in the civil courts).
- 3 The procedure for deciding applicants for compensation, including what, if any, provision is needed for appeal.
- 4 The composition and structure of the board to administer a statutory scheme.

The Consultative document has been sent to some 90 legal and other organisations. BILA's Secretary has a copy, and a small BILA working party is considering whether the Association should comment. Meantime if any BILA member has a particular interest in the subject he can obtain his own copy of the document from the:- Secretary, Working Party to Review the Criminal Injuries Compensation Scheme, C1 Division, Criminal Department, Home Office, Whitehall, London SW1.

I.P.S.

Agency Systems in Europe

by

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The title of this paper defines the scope of the subject. It mentions systems, which implies rightly that I am not concerned with a single system but with a number of them. I have to examine the systems in Europe, thus leaving aside the non-European such as the North, Central and South American, the Asiatic and the African and because the U.K. is the subject matter of a separate paper, I shall confine myself to continental Europe.

However, I still have to define the term "agency", in this context, insurance agency.

Quoting the terms used by Mr Gordon W Shaw in his paper presented at the London Colloquium in July 1971 I should like to remind you that "an agent may be defined as a person employed by another person (the principal) to bring that other person into contractual