

EDITORIAL

Our September issue of the journal is before you and it is published at the time of our AGM and Annual Conference on 20.9.88.

Another year has passed and our thanks are due to our Chairman Andrew Pincott who, having completed two very successful years in office, will shortly be handing over to Gordon Cornish who for a number of years was Scientific Secretary and helped very much to create and improve the journal as we see it today. We wish him every success in office and I am delighted that he has agreed to continue on the Editorial Board which remains unchanged.

We are grateful in this issue to our Liability Correspondent Roger Doulton for his paper on the liability issues affecting the incorporation of professional practices. This is a matter of much topical concern and his summary of case law as it applies to the subject will assist many of our members who may be considering with their partners the complications of this important step. In view of the length of the paper we are publishing it in two parts. Our thanks also to Roger's colleague for his paper on recent case law on liability for economic loss. Our Contractors Correspondent John Goodwin has also provided us with details of a very interesting County Court case on the same subject.

Elsewhere we are again indebted to our Life Correspondent Mark Dawbarn for two papers on current Life topics.

We also publish Theme (1) of the next AIDA Congress which follows on the last one held in Budapest in 1986 when we were all concerned as to whether it might be cancelled due to the Chernobyl disaster which had taken place just before. Fortunately for the Congress the wind did not blow in the direction of Hungary, but it is interesting that Theme (1) chosen for the next Congress relates to the complications of national disasters. It is hoped that a number of our members will come forward to join the working party in order that we may submit our own National Report. The full draft of the AIDA Congress Invitation is printed in this edition and members will be advised of cost and travel package in due course. The Congress takes place in Copenhagen 18 – 22 June 1990. We also hope to form a second working party for Theme II 'The financial supervision of Insurance Companies with a special view to the financial resources required for Insurance Companies'. Again, any member wishing to join either working party should contact the Hon. Secretary.

Our next edition of the journal will be published in January 1989 and will include many of the papers given at our AGM on 20.9.88 which will include updates on Life and Financial Services, Reinsurance, Intermediaries, Marine

Law and Liability Law as well as the Main Paper by Professor John Adams of Queen Mary College entitled 'Insurance and Property'.

Finally it is pleasing to comment on the good news that the Government's Legal Review Body proposes four possible changes in Conveyancing Law to clarify the 'anomaly' that home buyers need to insure the property they are purchasing from the date of the exchange of contracts whilst the vendor continues to insure until completion. The new law will oblige vendors to hand over the property at completion in the same condition as it was at the time of the exchange of contracts, thus avoiding double insurance. It will be interesting to see whether this will apply to trees in the garden which may have blown down between exchange of contracts and completion as happened to one of my acquaintances during last October's storms when the new owner had to pay for the cost of the tree removal which was not covered under either policy in force at the time!

D.G.C.

LIABILITY ISSUES ARISING ON INCORPORATION OF PROFESSIONAL PRACTICES

SUMMARY

1. Introduction

2. The company as a legal person

Saloman v. Saloman & Co (1897) A.C.

Wallersteiner v. Moir (No.1) (1974) 1 W.L.R.

Lonrho Ltd v. Shell Petroleum Ltd (1980) 1 W.L.R.

Multinational Gas and Petrochemical Co v. Multinational Gas and Petrochemical Services Ltd (1983) 3 W.L.R.

Dimbleby v. N.U.J. (1984) 1 W.L.R.

Re Company (1985) B.C.L.C.

3. Groups and subsidiaries

D.H.N. Food Distributors Ltd v. Tower Hamlets London Borough Council (1976) 1 W.L.R.

Re Southard (1979) 1 W.L.R.

Woolfson v. Strathclyde Regional D.H.N. (1978) 1 S.L.T.

Multinational Gas and Petrochemical Co v. Multinational Gas and Petrochemical Services Ltd (1983) 3 W.L.R.