

EDITORIAL

Somewhat to my surprise, editing the BILA Journal continues to be a pleasure rather than a chore. Not the least reason for this is the truly astonishing level of co-operation which I receive from all sorts of kind people and all of it for nothing!

This month sees two debutants namely, Colin Edelman who, as one of the most eminent Junior Counsel practising in the field, will surely need no introduction and my partner, David Cornes, renowned in the construction industry but not, perhaps, yet so well known in the insurance field.

Colin's article deals with the all-important topic of affirmation. It is extraordinary how often the phone rings and there is a client down the end of the line seeking advice as to how to avoid prejudicing its right to repudiate whilst at the same time fulfilling its obligation to investigate matters fully before taking that drastic step. All too often the question is more specific: have we lost our right to repudiate by reason of inactivity/delay/silence? Here is the answer to that specific question. David Cornes reviews the current state of the polls so far as those inseparable, but nonetheless distinct, topics of reasonable skill and care and fitness for purpose are concerned – crucial territory for all involved in the professional indemnity field.

A couple of vignettes from my editorial colleagues, Gordon Cornish and Derek Cole, make up the meat in the sandwich, the first on the subject of permanent health insurers and their right to insist on a medical examination; the second a plea not to allow cash flow problems in the industry to jeopardize the standards of claims handling. Thereafter, three papers from the recent CII/BILA conference on Utmost Good Faith: a witty but erudite contribution from Ray Hodgkin on the development of the doctrine: a practical and provocative paper from Peter Madge and a review of the operation of the doctrine in the reinsurance market by John Butler, in particular, a review of the important case of *Pan Atlantic Insurance Co Limited v. Pinetop Insurance Co Limited*.

Lastly, Hugh Cockerell brings to the attention of our readers the BILA Trust, an insufficiently known entity and one in urgent need of additional funding.

To all these contributors a hefty thank you!

Roger Doulton