

The Third Parties (Rights Against Insurers) Act, 1930

In July a Workshop was held by the Cambridge University Centre for Corporate and Commercial law in Association with BILA on possible reforms of the 1930 Act. Should the Act be limited to compulsory cover, or extended to reinsurance? Should the third party have a right of direct action against the insurer or should the third party be required, as he is now, to establish the liability of the insured first? And in any case, should the third party be entitled to see the policy before commencing proceedings? Should the insurer have against the third party all the contract defences that the insurer has against the insured? In particular, if the insured had not notified the claim in time, should that be a defence to a claim by the third party? It is the intention of the Law Commission to publish a Consultation Paper on the reform of the Act in early November. Any member of BILA who would like to join a working party to discuss and respond to the Consultation paper is invited to register their interest with the BILA Secretariat.

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