

## BULLETIN

LAW ASSOCIATION

BULLETIN NO.29NOVEMBER 1972

The ninth A.G.M. of the Association was held at Aldermary House, Queen Street, London, E.C.4., on 27 September 1972. At this meeting regret was expressed that D. J. Walker was unable to allow his name to go forward for nomination for a second year as Chairman in view of the pressures of his practice. A vote of thanks for his leadership during the past year was voiced by the President.

We are indebted to Hugh Cockerell who kindly agreed to step into the breach for the forthcoming year. Ken Cannar, who has been a member of the Committee for many years, was elected Vice-Chairman.

Another significant change was that of the Secretaryship which office Michael Cohen relinquished, having served the Association so well and so enthusiastically in this capacity for the past seven years. Fortunately for the Association we are to retain his services on the Committee. In a vote of thanks Donald McMurdie expressed the Association's appreciation for the tremendous amount of work which Michael Cohen had done during his years of office while also carrying the burden of building up his own business.

The nomination of Pat Saxton to the office of Honorary Secretary was warmly received by the meeting. He has already displayed his qualities in the organisation and smooth running of the London Colloquium last year.

Andrew McCrindell, having completed his 'probationary' year as Treasurer during which he has put our finances in good order, was re-elected to a further year of office.

There have been some resignations from the Committee, including Edgar Jenkins. This last we received with great regret as he was a founder member of the Association and was responsible for drafting its constitution and had served it faithfully and well throughout the past ten years. We are sorry that failing health and increasing age necessitated this step, and we take this opportunity of placing on record our sincere appreciation of his valuable contribution to the Association.

The meeting elected some new members and welcomed back to the Committee Rex Wyeth after a 'sabbatical' year of absence.

The Officers and Committee now comprise:

PRESIDENT	MAURICE BATHURST, CMG., CBE., QC.
CHAIRMAN & VICE-PRESIDENT	H.A.L. COCKERELL, O.B.E.
VICE-PRESIDENT	G.W. SHAW
VICE-CHAIRMAN	K.S. CANNAR
HONORARY SECRETARY	P.V. SAXTON
HONORARY SCIENTIFIC SECRETARY	D.C. McMURDIE
HONORARY TREASURER	A.L. McCRINDELL

COMMITTEE

I.D.G. ALEXANDER	T. KNOWLES
M.A. COHEN	D.J. WALKER
PROFESSOR E.R.H. IVAMY	R. WYETH

After the A.G.M. a thought-provoking address on the lessons to be learned from the 'V. & G.' affair was delivered by Hugh Cockerell. The text of this address is printed elsewhere in this Bulletin.

IN MEMORIAM

It is with deep regret that we have to record the sudden death of one of our most stalwart members, J.H.J. Dewey, on 31 October 1972 in Lima, Peru. 'Jack' Dewey had addressed the Association on more than one occasion, and was a regular attender at our meetings and colloquia where his contributions were always helpful.

BULLETIN

It is regretted that issue of the Bulletin this year has been somewhat erratic. Bernard Cunningham has now resigned from the Editorship and also from the Committee of the Association, and in the circumstances Donald McMurdie has agreed to resume responsibility for the Bulletin for the time being. Items for inclusion in the next issue of the Bulletin should, therefore, be sent to him at 20 Aldermanbury, London EC2V 7HY.

It may be helpful to members to have an alphabetical index of subjects dealt with in past issues of the Bulletin. The index has been compiled by Pat Saxton and appears as an appendix to this Bulletin.

MEETINGS

An exceptionally well attended meeting was held jointly with the Bar Association for Commerce, Finance and Industry on 25 October on the subject

of liability for negligent advice. Such was the overwhelming response to this meeting from both Associations that it became necessary to change the venue from the United Oxford and Cambridge Club to the Strand Palace Hotel. The Chairman of our Association presided over the meeting, and Brian Davenport, who is Junior Counsel of the Department of Employment and the Department of Trade and Industry, addressed the assembled company on legal liability for negligent advice, and subsequently Peter Madge, Accident Manager, Willis, Faber & Dumas Ltd., presented a paper on the extent of insurance cover available for such liability. It is hoped to reproduce these papers in a subsequent issue of the Bulletin.

Other meetings have been arranged for 1973 and members may like to note the following in their diaries:

<u>Date</u>	<u>Topic</u>	<u>Speaker</u>
Wednesday 24 January	The Scott Report	Sir Hilary Scott, and R.W.Abbot (a member of the Scott Committee)
Wednesday 21 February	Pollution of the environment and insurance	T.W.Marriott
Wednesday 21 March	The new corporate tax system and the implications for insurance companies	Iain Stitt
Wednesday 25 April	Social security law in Germany	Prof. Hans Müller
Wednesday 23 May	Comparative study of law of contract (Members of B.I.I.C.L. will be invited to attend)	K.M.Clark
Wednesday 20 June	LUNCHEON AT THE LAW SOCIETY	

All these meetings, with the exception of the luncheon, will be held at Aldermary House, Queen Street, London EC4P 4JD, at 6 p.m. Coffee will be available from 5.30 p.m.

#### INCOME TAX RELIEF ON SUBSCRIPTIONS

Members will be pleased to note that our Honorary Treasurer has received confirmation from our Inspector of Taxes that 'the Board have authorised the deduction of members' subscriptions from their Schedule E income'.

#### 1974 AIDA CONGRESS

Work is now beginning on papers for submission to the 1974 Congress. Hugh Cockerell has undertaken responsibility for the preparation of the paper on Theme 1 - 'The accumulation of claims payments, recourse and subrogation in private and state insurance' and Professor Ivamy has accepted responsibility for the preparation of the paper on Theme 2 - 'Insurance and acts of violence against a community, affecting persons or property'. Those interested in working on these themes and assisting in the preparation of the submissions should get in touch with

		<u>Telephone</u>
Hugh Cockerell	22 Mapesbury Road, N.W.2.	01 452 8358 (Home) 01 253 4399; extn. 399 (Office)
Prof. E.R.H. Ivamy	143 Bishops Mansions, S.W.6.	01 736 4736 (Home) 01 387 7050 (Office)

## MODEL BURGLARY SECURITY CODE

In the U.S.A., the rising tide of crime and associated violence has forced many authorities to take stock of the situation to see what could be done to improve conditions of security in homes and business premises, and to seek the cooperation of property owners, insurers and the police to establish minimum standards. In Oakland, California, a Police-Fire and Insurance Coordinating Committee has produced a Model Burglary Security Code, which has the force of law and makes owners of property responsible for compliance with its provisions. Failure to do so may result in fines or imprisonment.

It may be said that the position in this country is nowhere near so bad as in America. Nevertheless, crime figures are on the increase, and we may (as on other occasions) have something to learn in this respect from the United States. BILA is, therefore, considering the setting up of a working party to look into this matter, either alone, or in conjunction with other interested bodies.

If you would like to join such a working party please let the Honorary Secretary know.

## EUROPEAN WORKING GROUP

Late in 1971 the Association set up a European Working Group consisting of a score of members who had expressed interest in European insurance law. The Group held a number of meetings. It was compelled to divide its attention between (a) learning something of the law of various European countries and (b) considering and commenting on draft EEC directives and the like which showed the shape of the future. Comments drafted by Aragon and Cunningham were submitted to the Department of Trade and Industry on the EEC Convention on Jurisdiction and the Enforcement of Judgments.

Unfortunately the attendance at meetings by members was sporadic, some of those who expressed interest never being able to come. Roger Booth, the chairman, has changed his employment so that he is no longer concerned wholly with insurance. Aragon has taken a position abroad. And John Finch, the secretary, has retired from active business life. I had hoped to assume the chairmanship but my election as chairman of this Association now makes this impracticable.

Meanwhile, comments having been required at short notice on draft EEC directives relating to intermediaries, members of the Association were asked to serve on a working party to draft a report and half-a-dozen volunteers were forthcoming, not all of whom were members of the Working Group. Several intensive meetings have been held and a report is being prepared and will be submitted to the D.T.I.

In the near future it is probable that further such tasks will have to be undertaken. One problem is that the interest of members may not be all embracing. Some are concerned primarily with, say, pensions and others exclusively with non-life insurance. The Committee of the Association will be considering in February whether it is worth while for the European Working Group to resume meeting regularly or whether to devote the limited resources available to ad hoc working parties appointed whenever a special need arises. Any comments or suggestions from members will be welcomed by the Secretary. Whatever is done, a pressing need is for someone who would act as secretary of any group that might be formed.

Meanwhile the Committee would like to express its gratitude to John Finch who did so much to make the first year's work of the Group effective.

Europe is of course continuing to play an important part in the general work of the Association. One need mention only the November visit of a party of Association members to Cologne, and the promised address next April by Professor Hans Müller of Hamburg on social security law in Germany. Possible visits to Rotterdam and Paris are also under discussion.

H.A.L. COCKERELL

#### E.E.C. LAWS

It was pointed out in 'European Community', October 1972, that if Parliament reformed its procedures for scrutinizing delegated legislation it could effectively watch over delegated Community legislation - the regulations, directives and decisions of the Council of Ministers - once Britain had joined the Community.

This is the conclusion of a report by an all-party joint committee consisting of peers and MPs.

'European Community' went on to report that during the long debates on the European Communities Bill, several MPs thought a mass of Community legislation would overwhelm Parliament. But the committee's report says 'The additional amount of delegated legislation likely to result from the accession of this country to the European Community will not be as large as has been commonly supposed.'

The proposed reforms are:

1. The two technical scrutiny committees of the Lords and Commons should be merged into a joint scrutiny committee, with power to appoint sub-committees.

2. A standing committee of the Commons should be created to debate all negative instruments (those which become law unless they are successfully 'prayed against' by MPs within forty days of their being laid. About 500 negative instruments are laid before Parliament each session) which are the subject of prayers for annulment, and the affirmative orders (those which must be voted on by Parliament) which the Government chooses.

The standing committee would not vote on such issues but only 'take note' and then report its proceedings to the House. It would consist of a permanent nucleus of members; any other MP would have the right to attend and speak in the committee.

Meanwhile, an all-party House of Commons select committee on procedure has called for an inquiry into the effects on Parliament of UK entry to the Community. The committee wants evidence to be given to the inquiry by leaders of the House, backbenchers' representatives, chief whips, officials, the Commission, and the president or clerk of the parliaments of EEC member countries and the European Parliament.

The committee says the UK's joining the Community challenges many established parliamentary procedures. If this challenge is not met, **Parliament's** relationship to the executive could be weakened.

The Committee notes that major Community legislative proposals are published by the Commission on their submission to the Council of Ministers for decision; for other proposals Parliament will have to rely on the UK Government for adequate information. An inquiry should be made into how the House of Commons could scrutinize Community legislative proposals at every stage.

#### 'EUROPE - A CHECKLIST'

A useful guide to key sources of information about Community policies, practices and law and the transitional arrangements for our entry has been issued by H.M. Government under the above title. This brochure has been widely distributed, but further copies may be obtained from 'Europe Checklist', PO Box 686, London SW20 8TB.