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BILA Bulletin is the official journal of the Association. Any enquiries or other correspondence should be addressed to the Hon. Secretary, BILA, Frizzell House, 14 – 22 Elder Street, London, E1 6DF.

EDITORIAL

As we go to press the year is ending with news that a $15 billion suit has been announced following the Union Carbide tragedy in India. We shall obviously be hearing a lot more about this in the, doubtless, years to come.

A couple of issues ago we raised the possibility of a new name for our Bulletin. However, as the response to our invitation for a new name was noticeably meagre, the committee has drawn the conclusion that the vast majority is quite happy with the name as it stands. To the few who took the trouble to contact us, many thanks.

This issue contains the full text of a talk by an American attorney, Perry Bechtle, to the Association in London in November and also the full reports of the A.G.M. which had been held in September. In addition we have a note by Gordon Shaw on the forthcoming visit to London of the American Bar Association and a look by Ivor Guild at jury awards in civil cases in Scotland.

It is interesting to note a couple of recent decisions which have looked at the possible liability for negligence, given a certain set of facts, of local authorities.

In Peabody v. Parkinson and Others ("The Times" 13 October 1984) the House of Lords held that a local authority owed no duty of care to a housing developer to stop an unauthorised installation of a drainage system, even though it was in receipt of information that such a system was unsatisfactory and that it might have been foreseen that a failure to stop the installation would result in loss to the developer.

Hard on the heels of this decision came West v. Buckinghamshire C.C. ("The Times" 13 November 1984), in which the decision of a highway authority not to place double white lines on a road was held to have been a decision within its discretion and as such could not be attacked in the courts in the absence of proof of negligence. Interestingly enough the highway authority concerned, shortly after the accident, re-measured the width of the road and promptly put down double white lines.

Obviously our courts are not going to allow local councils and authorities to be the automatic butt of an injured party's attentions unless there are the usual well-established grounds so to do.

On 27 November 1984 the Court of Appeal in Cooper v. Motor Insurers' Bureau ("The Times" 7 December 1984) delivered a significant judgment concerning the liabilities of the Bureau. The plaintiff had been test-riding a friend's motorcycle and had come to grief because the brakes were defective. The friend had an award of £213,207 made against him, but he had not been insured against third party risks. The Appeal Court upheld the trial judge's decision that Sections 143 & 145 of the 1972 Road Traffic Act were not intended to impose an insurance obligation in respect of the death or personal injury of the person actually using the vehicle but only a third party. The MIB was therefore held not liable to satisfy the High Court judgment.

Gordon Cornish