

BULLETIN NO.31August 1973

This is by way of an interim edition, to assure you that the Bulletin is still very much alive. Bulletin No. 32 will reach you before the Annual General Meeting and present intention is to publish three times a year, in January, May and September. Bulletin No. 32 will certainly contain 2 papers -

Environmental Pollution and Insurance - T W Marriott B.A., LL.B., A.C.I.I.
German Social Insurance Law in European Perspective - Prof. Hans Müller

and a report by Hugh Cockerell O.B.E. on the Anglo French Legal Seminar held in Paris in May.

SURVEY OF MEMBERS

In January 1973 a questionnaire was sent to all members of the Association in an attempt to ascertain their wishes as to the activities that they would like BILA to pursue. For some years the Committee has been presenting a full programme of meetings, sometimes with eminent speakers, at which attendances in general were poor, sometimes to the point of embarrassment. It was hoped that with the facts brought out from the survey, a programme could be devised that would attract more support.

103 members returned completed forms. It must be assumed that the remaining 50% were entirely happy with the existing arrangements. Of the 103, 82 had joined BILA to improve their knowledge of insurance law; 63 to attend meetings addressed by specialists; 52 to get to know others in the field, and 46 to discuss common problems. From this there would seem to be a demand for our meetings unrealised in practical terms.

The wide range of interests disclosed also suggested that meetings on any topic would attract a sizeable audience, although 'practical' subjects were obviously most required.

However, nearly half of those who replied (43) said that 'lack of time' had prevented their attendance last year, and this may be an overriding factor that we must accept, especially as only 28 felt that the topics of meetings were inappropriate.

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There was no consensus as to alternative subjects for meetings, although a long list of individual items were submitted, which will be of help in the arrangement of future programmes.

Study groups were obviously not in great demand, but it is hoped to find work for the 27 who were interested, particularly as the reformed European Working Group gets under way.

BILA Bulletin received a large vote of confidence, as 95 people found it always or sometimes of interest, and it may be that for many members it alone may be worth their annual subscription.

Among the general comments made, only one was mentioned with any frequency, namely the request by 11 provincial members for more regional activities. On the basis of this survey there are few changes apparently necessary in the Association's current activities. However, the Committee has decided to try to achieve three things:

- (i) to see if more social functions can be arranged. A start will be made by holding a wine and cheese party after this year's AGM, to give members the opportunity to meet each other informally.
- (ii) to attempt to provide regional meetings through existing members in areas outside London.
- (iii) to arrange more joint meetings with other bodies to achieve a sharing of ideas and interests.

It is not expected that these steps will revolutionize the Association but it is hoped that at least a few more members will be encouraged to take a more active part in its affairs.

EUROPEAN WORKING GROUP

Currently British insurers and British lawyers must spend much of their time looking across the channel, and in BILA, Mr Michael Cohen, Chairman of the Group, reports that a steering committee has been formed to prepare a programme of studies to commence in the autumn: more information will be available next month. In future editions of the Bulletin, we shall be including a regular feature - "European News".

UK INSURANCE BROKERS' EUROPEAN COMMITTEE

This Committee, consisting of representatives of the A.I.B., C.I.B., and Lloyd's Insurance Brokers' Association, was set up in February to deal with matters relative to the Common Market and Mr R V Smurthwaite has

now been in Brussels for some while: the Committee holds itself available for discussion and consideration of any matters affecting the rôle of the British insurance industry in Europe.

NEW PUBLICATIONS

"British Businessman's Law" - in which the editors aim to provide 'a focus on commercial law, tax and accounting problems of the businessman and company director, including tax and estate planning' made its appearance in March. Published by Businessman's Law in Great Britain Ltd of 7 Fitzroy Square London W1P 6AS, the annual subscription rate for the initial 8 issues is £12.50 - post free. The first edition included short articles on "Insurance - Reinstatement" by E R Hardy Ivamy LL.B., Ph.D., LL.D., (who is one of the four members of the Editorial Board) and "Self-Employed Pensions Plans" by M A Weinberg, B.Com., LL.M. The clear purpose of this new magazine is to present legal information in a concise and readable form, without thereby blurring the finer edges of legal thought.

Rather more expensive is "European Law Newsletter" published monthly by The Financial Times Business Enterprises Department. Edited by Dr A H Hermann who writes regularly on legal matters in the "F.T." the aim here is to provide legal information for senior management while avoiding, as far as possible, technical legal expressions. The Newsletter covers the judicial activities of the EEC Commission, of the European Court, and of European national courts where their decisions are of international importance. Its insurance content so far has been slight.

PERSONAL INJURY LITIGATION

At the end of July the Law Commission published its Report on Personal Injury Litigation - Assessment of Damages: copies are obtainable from HMSO, price 90p. It seems improbable that legislation for the implementation of any of the recommendations will be drafted until the Pearson Commission has reported; but the possibility cannot be overlooked of individual private members' bills being introduced in the next session of Parliament.

SUPPLY OF GOODS (IMPLIED TERMS) ACT 1973

This Act, which extends to Northern Ireland, came into force on the 18 May. It has considerably changed the law applicable to the

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sale of goods, sections 1 to 3 making detailed amendments to sections 12 to 14 of the Sale of Goods Act 1893 and section 4 rewriting S.55 of the 1893 Act. For Products Liability insurers the main consequence of these alterations is to render void in any "consumer sale" any purported exclusion of e.g. the implied condition of merchantable quality (which condition is set out in the revised section 14 (2)) but to permit the exclusion of such implied condition in a "non consumer sale" unless it can be shown that this would be unfair or unreasonable.

"Consumer sale" is defined in the revised section 55 (7) and can perhaps be simply described as an ordinary sale for private consumption.

Sections 5 and 6 of the new Act deal with international aspects of the sale of goods, adding to the old Act a new section, 55A, to deal with conflict of laws, and amending section 1 of the Uniform Laws on International Sales Act 1967.

Sections 8 - 15 inclusive deal with hire purchase transactions, while section 16 deals with trading stamps.