

Bulletin No. 5

December, 1965

Annual General Meeting

Since the issue of the last bulletin the second A.G.M. of the Association was held on the 28th September, and the following Officers and Committee were elected for the ensuing year:

Vice-Presidents: Dr. C.E. Golding,
Gordon W. Shaw

Chairman: H.A.L. Cockerell, O.B.E.

Vice-Chairman: R. Wyeth

Hon. Secretary: D.C. McMurdie

Hon. Treasurer: R.A. Sims

R.W. Boss

Lord Chorley of Kendal

D.J.B. Gatenby

Dr. E. Jenkins

V.J. Sawle

Prof. G.S.A. Wheatcroft

In the absence of Prof. R.F.V. Heuston who had to leave the country on business suddenly, Mr. D.R. Harris, M.A., of Balliol College, Oxford, agreed at very short notice to address the meeting on "Comprehensive Insurance for Road Victims". It was the liveliest and best attended meeting of the Association to date and we are much indebted to Mr. Harris for his readiness to fill the gap and for the thought provoking discussion which his paper stimulated. The text of the paper on which Mr. Harris's address was based is printed elsewhere in this issue.

Quarterly meeting - The Law Commission

The work of the recently established Law Commission for England will be of very great interest to all concerned with insurance law since its terms of reference are very wide and many aspects of law which impinge upon insurance are likely to come under its scrutiny. It is, therefore, a pleasure to announce that Prof. L.C.B. Gower, one of the Commissioners, has kindly consented to address our next meeting on this subject. The meeting will be held on Tuesday, 18th January, at 5.45 p.m. The venue for this meeting has been changed to the "Winter Gardens", Cora Hotel, Upper Woburn Place, London, W.C.1. It is hoped that you will make the meeting as widely

known as possible, come yourself and bring your guests.

The influence of insurance on the law of torts

Members will be pleased to learn that Professor R.F.V. Heuston, M.A., LL.B., who was unable to address us at our A.G.M. has accepted an invitation to give his address on Wednesday, 30th March, 1966. This is a preliminary notice and further details will be issued later.

Hamburg Congress

As previously intimated, the 2nd World Congress on Insurance Law will be held in Hamburg in 1966. Members are asked to note the change in dates. The Congress will now take place from Thursday, 28th July to Tuesday, 2nd August. The Association is planning to contribute to most of the themes which are to be discussed at the Congress. Brochures have been issued giving full information on the subjects of the Congress together with details of social events which are being arranged.

These brochures, which can be obtained from the hon. secretary, also provide guidance as to the procedure for the preparation and presentation of reports. These papers have to be submitted by 15th March, 1966 in at least two of the official languages: English, French, Italian, Spanish, or German. The national reports in turn will provide the basis on which the general reporters are expected to present an overall view of the international situation. The general reports, which will also be printed in the principal languages, will be read at the Congress and will be followed by discussion.

It is thought that each of the general reporters will supply questionnaires in respect of his subject which will enable a comparison to be made between the various national reports. In addition to the national reports which are now being prepared personal views may be submitted by any individual member who wishes to do so.

A preliminary note of the size of the British delegation has already been sent to Professor Hans Müller, and if other members are planning to attend will they please let the hon. secretary know as soon as possible. Special travel and hotel terms can be obtained for groups of 10 or more.

Why an International Insurance Law Association?

Ambrose B. Kelly, the President of the newly formed U.S. Chapter of A.I.D.A. says, in their second Newsletter in seeking to answer the enquiry: why an international insurance law association is necessary, that none of us are so provincial that we feel we cannot learn from the successful experience of others. And he concludes:

"We are increasingly conscious of the fact that in today's world the involved mechanism of insurance and reinsurance is necessary in order to permit the absorption of catastrophe losses at a single location, or as the result of a single disaster. The nuclear

generating plants to be built within the next five years are going to require such large amounts of insurance covering single loss exposures that they will require the mobilization of the entire capacity of private insurers in all countries. At the same time, a disaster like hurricane "Betsy" which hit with greatest impact here in the U.S., will be cushioned by the international channels of reinsurance through which the loss will ultimately be spread over almost all insurers throughout the world. The success of these ventures in international cooperation demands, of necessity, a uniformity in insurance and reinsurance techniques, a tolerance in regulation and licensing, and a willingness to cooperate among insurers and their attorneys everywhere. If this can be accomplished in the field of insurance, and it must be accomplished if the insurance industry is to keep pace with the economic trends of our time, it is a bright augury for international cooperation in other fields as well."

International President of A.I.D.A.

Professor Antigone Donati, a co-founder of A.I.D.A., and the international President is planning a visit to this country in 1966. We are hopeful that a meeting of the Association to be addressed by Professor Donati can be arranged to coincide with his visit. Further details will be announced later. Referring to our Bulletin, Professor Donati writes "the main news will be reprinted in a general bulletin of A.I.D.A., which will be sent to all national sections."

Recent developments in the law of motor insurance

This was the subject of a lecture given by one of our members, Professor E.R.H. Ivamy, Ph.D., LL.B., at the University College London on 25th November, 1965. Members who were unable to attend will be pleased to learn that through the courtesy of the author and the publishers, we have permission to circulate the text of this lecture to the members of this Association, and it is proposed to include this in our next Bulletin. This lecture, which forms part of a series, will also be published in the summer of 1966 in book form by Stevens & Sons, Ltd. entitled "Current Legal Problems".

Gilbart Lectures on Banking Law

Members will be pleased to learn that Lord Chorley of Kendal, who is a member of this Association, will again be giving the Gilbart Lectures on the law of contract in relation to the law of banking at King's College London, Strand, W.C.1. in January, 1966. A detailed brochure of the lectures can be obtained from King's College.

The Payne Committee and the Latey Committee

The subject of law reform is much in the news at the present time and these committees have been recently set up to review the law relating to the Recovery of Debts and the Age of Majority respectively. The terms of reference are:-

The Payne Committee: "To consider whether any changes are desirable in the law and practice in the High Court and County Court (and in relation to their civil jurisdiction) ~~the~~ Magistrates' Courts relating to the recovery of debts and the enforcement of orders for the payment of money or the delivery of goods; whether the courts should have power to postpone the operation of an order for possession of mortgaged property, and to make recommendations."

The Latey Committee: "To consider whether any changes are desirable in the law relating to contracts made by persons under 21 and to their power to hold and dispose of property, and to the law relating to marriage by such persons and to the power to make them wards of court."

The Bar Association for Commerce, Finance and Industry

Reference was made in Bulletin No. 2 to the possible formation of an Association for barristers in commerce, finance and industry. The Association was formed earlier this year and now has over 150 members. The first annual report of the Bar Association for Commerce, Finance and Industry is available and this, together with copies of the Constitution, can be obtained from the hon. secretary, Mr. J. Jenkins, Steel House, Tothill Street, Westminster, London S.W.1. The annual meeting of this Association will be held on December 7th at Niblett Hall, Temple, London. E.C.4.