

18 January 2006



Your ref:  
Our ref: L/2/1/11

Dear Consultee,

### **JOINT SCOPING PAPER ON INSURANCE LAW**

We have begun a joint exercise with the Law Commission for England and Wales to review insurance law and would very much welcome your views on the scope of the exercise. We would like to learn of any areas which you think we should review and whether you think that a statutory insurance code is desirable. It has already been decided that the review will cover non-disclosure, misrepresentation and breach of warranty. What other issues do you think we might usefully consider? Possibilities suggested to us include fraud, post-contractual good faith, unjustifiable delay in settling claims and insurable interest. To assist this process, a scoping paper and news release are enclosed. The paper is also available on our website and may be responded to electronically. We would be grateful to receive your response by 19 April 2006.

Later this year we will publish a consultation paper putting forward for discussion potential solutions to the areas of insurance law which have been identified within the scope of the review. At that stage we will again invite your views.

Finally, we draw to your attention the fact that (a) the names of all respondents may be listed in the consultation paper and final report following from this consultation; (b) some or all responses and the names of those who submitted them may be referred to and/or quoted in the consultation paper and final report following from this consultation or in other Commission publications; and (c) responses will be made available to a third party on request **unless** you specifically ask that any of the material referred to above, or any part of it, should be treated as confidential or we otherwise consider that it should be treated as confidential. Any third party request for access to a confidential response will be determined in accordance with the Freedom of Information (Scotland) Act 2002.

Yours sincerely,

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