

Our ref: L/2/1/11B

17 July 2007

Dear Consultee

**JOINT CONSULTATION PAPER ON INSURANCE CONTRACT LAW:  
MISREPRESENTATION, NON-DISCLOSURE AND BREACH OF WARRANTY BY THE  
INSURED (DISCUSSION PAPER NO 134)**

We invite comment on the above mentioned joint Consultation Paper which has been published today. Please also see the accompanying News Release.

The function of the Scottish Law Commission is to recommend ways of simplifying, updating and improving the law. In order to ensure that our recommendations, if implemented, would result in law which is just, principled, responsive and easy to understand, it is critical for the Commission to engage in a thorough and open process of consultation. We therefore welcome the views of as many people as possible, whether from an academic perspective or based on a day-to-day practical experience of the area under review.

Our usual approach to consultation – and to a law reform project in general – involves the preparation of an initial discussion or consultation paper. This sets out the current law on the topic in question, describes and analyses any problems with it, details possible options for change and seeks to elicit views from consultees on the preliminary proposals made. Discussion or consultation papers are circulated to those identified as having an interest in the topic and are also published on our website ([www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk)). News releases are also issued to draw attention to the consultation. Once the deadline for responding has passed, a careful analysis of all responses is carried out. The proposals in the discussion or consultation paper are measured against the public response and this can lead to a period of further thought and research before final decisions are made and a report published.

Currently, with the Law Commission for England and Wales (which has the lead role in the project), we are examining insurance contract law.

We invite your views on any or all of the proposals in this joint consultation paper. Even if you agree with our proposals but do not wish to make any further comments, a brief note to that effect would be most helpful as an indication that our proposals are on the right lines. Please note that the consultation process for this project will conclude on **16 November 2007**; accordingly, we would be grateful if comments were submitted by then.

As the Law Commission for England and Wales is leading this project, please send your comments to that Commission at the address shown at the front of the paper. It would be helpful if, where possible, comments were sent electronically. The Freedom of Information Act 2000 will apply and the Law Commission will treat all responses as public documents. Anyone wishing to submit a confidential response should contact the Law Commission before sending the response. Automatic confidentiality disclaimers generated by an IT system will be disregarded.

Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

MICHAEL LUGTON

Chief Executive