1 VAT on Turnover Declarations
There is an article now on the BIBA website.

2 Contract Certainty
It was reported that the FSA is concerned about the reports coming in and is not accepting IT as an excuse. There are still pockets of slow policy issuers and the market is varied. There will be no concessions for Excess of Loss policies and some insurers are pushing for conclusion of primary layer policies within 14 days. The FSA is also keen for standard wordings to apply. In simple terms you must have evidence of cover or you could have a potential PI claim.

BIBA continues to ask brokers to provide figures on contract certainty for new business and renewals.

3 Rehabilitation
This is contained in the Compensation Act – Section 2, Part I. BIBA has already stated that it fully supports the promotion of rehabilitation.

4 Law Commission Compensation Act
The Committee discussed the regulation of claims management companies. The Act received Royal Assent in July 2006 and the Regulator has now been appointed. It appears that insurers and brokers will receive exemption due to being regulated by the FSA. There is now a time frame for companies to apply for authorisation.

5 Corporate Manslaughter Bill
This was discussed and BIBA will monitor the ongoing situation. The Bill is seeking to add legislation to replace common law. There are some Government produced explanatory notes and it was agreed it would be useful for the Committee to have a copy of these and for these to be available for the membership.

6 Conference Review 2006
Technical briefings were produced for each of BIBA’s committees and delegates were encouraged to visit the Technical Committee representatives with technical queries or market issues. There had been very few approaches to committee members.

7 Asbestos related claims paper
Following the decision in the Barker v Corus case concerning the methods for obtaining compensation for victims of mesothelioma claims, this was debated and a paper written offering an alternative solution to ensure claimants received compensation to which they are entitled.

The Government acted very quickly, however, and overturned this case law before BIBA had the opportunity to engage and discuss with interested groups.

The Committee has subsequently arranged a meeting for November to discuss with ABI as we still may have an opportunity to influence areas such as tariffs of compensation. The key lies in faster and less complex compensation. BIBA will also seek to meet with the TUC and claims solicitors’ groups on this issue.
8 **NHS recovery of costs – EL/PL & Products**
The Government is looking to recover NHS costs where compensation is payable following injuries at work etc. and this will become effective in January 2007. The Committee’s concern is that this could destabilise the liability market, which remains fragile with a real possibility of rate increases.

The Committee felt that BIBA should perhaps not be involved as this is more a public issue and doesn't directly affect BIBA members. Also, the Bill was originally passed to legislation in April 2005 and insurers have had an opportunity to prepare for some time.

9 **HSE Prosecution/Court of Appeal hearing outcome**
This was presented to the Committee for information purposes. The Court of Appeal has ruled against the HSE in its attempt to argue that employers should still be required to take reasonable steps against unforeseeable risks and that negligent actions by employees are irrelevant to the guilt of an employer. The HSE is, however, looking to take this to the House of Lords so this may yet still take another twist.

10 **Material facts**
The Committee debated a member’s query where a client had been charged with money laundering offences but the charges were subsequently dropped. The question was, is this disclosable to insurers, and the general feeling was that this should be disclosed but it should not be appropriate for underwriters and apply terms.

11 **BIBA PI initiative**
The Committee was updated on the BIBA PI initiative and the BIBA website now has a brokers own PI initiative section with the three accredited brokers – Alexander Forbes, FirstCity and Towergate. All are under contract for three years.

12 **Workplace Health Connect**
This is a HSE funded initiative to provide free Health & Safety in the workplace advice for SME’s by Advice Line or visits (in some areas only at present). Information to be included in the monthly email to members for October and the sub-group has arranged a meeting to discuss ways we can help to promote to members and SME’s generally.

13 **Meeting with insurers**
It was agreed that the committee should seek to arrange a meeting with leading liability insurers to exchange views on topical issues, following the success of a similar meeting on Property Classes in August. This has been scheduled for early in the New Year.

BIBA members are encouraged to contact BIBA with queries over issues discussed in the BIBA Liability & Accident Committee.