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10 February 2010

Dear Sir,

Third Parties (Rights Against Insurers) Bill: Special Public Bill Committee

Following the Second Reading Committee debate in the House of Lords of the Third Parties (Rights Against Insurers) Bill on 7 December 2009 I wish to place the following document in the House Libraries.

- Letter dated 26 January 2010 from the Right Honourable Lord Justice Munby (Sir James Munby, Chairman of the Law Commission) to Lord Bach (Parliamentary Under Secretary of State).

*Yours faithfully,
Willy Bach*

WILLY BACH



Rt Hon Lord Lloyd of Berwick
House of Lords
London
SW1A 0AA

10 February 2010

Dear Tom,

Third Parties (Rights Against Insurers) Bill: Special Public Bill Committee

In my evidence to the Special Public Bill Committee on 12 January I referred to the comments made by Lord Hunt of the Wirral during the Second Reading Committee debate regarding the possible need to consolidate the law relating to the rights of third parties against insurers. I said that I had written to the Chairman of the Law Commission and would respond to the Noble Lord in due course.

I am pleased to enclose a copy of the letter sent to me by Sir James Munby, the Chairman of the Law Commission, on 26 January providing me with the Law Commission's view, with which I agree, that consolidation is not necessary in this instance.

I have deposited a copy of the letter in the House Libraries.

Your Gov.

W.B.

WILLY BACH



**Law
Commission**

Reforming the law

Law Commission
Parliamentary Under Secretary of State's Private Office

27 JAN 2009

The Rt Hon Lord Justice Munby

Chairman
Law Commission
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SW1H 9LJ

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Our ref:
Your ref:

26 January 2010

Dear Lord Justice,

THIRD PARTIES (RIGHTS AGAINST INSURERS) BILL: CONSOLIDATION AND CODIFICATION

Thank you for your letter of 11 January. We have considered the question of consolidation in relation to the Third Parties (Rights Against Insurers) Bill, and taken the advice of Parliamentary Counsel working here at the Law Commission. In our view, since the Third Parties Bill, if enacted, will repeal all other legislation in this area, the question of consolidation will not arise, though it is, of course, something that should properly be considered when legislation is being passed.

Yours faithfully,



Sarah McCarthy-Fry MP
Exchequer Secretary
HM Treasury
1 Horse Guards Road
London
SW1A 2HQ

10 February 2010

Dear Sarah,

Third Parties (Rights Against Insurers) Bill: Insurers Contract Law

As you may be aware the Third Parties (Rights against Insurers) Bill had its Second Reading Committee stage in the House of Lords on 7 December 2009.

During the course of the debate Lord Borrie mentioned the Insurance Contract Law: Misrepresentation, Non-Disclosure and Breach of Warranty Report by the Law Commission and the Scottish Law Commission, which was then on the point of being published. He said:

"I am concerned that the Law Commission's more general and substantial report, Insurance Contract Law: Misrepresentation, Non-Disclosure and Breach of Warranty by the Insured, the release of which we look forward to next week, may be put away on a very high shelf by the Government, especially as we are coming towards the close of this Parliament before a general election."
(Hansard HL vol 715 Col GC ... 7 December 2009)

Lord Borrie made this comment against the background of the time taken to introduce Third Parties (Rights Against Insurers) Bill in relation to which the Law Commissions published their report in 2001. I indicated in my reply to Lord Borrie that I would pass on to you his concern that, if possible, there should be an early response, whether in broad terms or otherwise, to this important Law Commission report.

Yours truly,

Willy Bach

WILLY BACH