

Elements of the law of contract [LA1040]

- (a) *The formation of contracts.* Offer and acceptance. Consideration. Certainty of agreement. Intention to create legal relations
- (b) *The content of the contract.* Conditions, warranties and intermediate terms. Exemption clauses. Implied terms at common law. Collateral contracts. Statutory implied terms with regard to the quality of goods sold and goods or services supplied.
- (c) *Vitiating factors.* Mistake. Misrepresentation. Duress and undue influence.
- (d) *Illegality and public policy (excluding gaming and wagering).* Contracts illegal at common law. Consequences of illegality. Contracts in restraint of trade.
- (e) *Capacity to contract, with particular reference to the capacity of minors*
- (f) *Privity of contract (excluding agency and assignment)*
- (g) *Performance and breach.* Substantial performance. Repudiation and anticipatory breach. Discharge by breach. Discharge under the doctrine of frustration.
- (h) *Remedies for breach of contract.* General principles governing the assessment of damages. Remoteness of damage. Damages for non-financial loss. Mitigation. Restitutionary remedies. Liquidated damages and penalties. Specific performance.

[Note: The course will also take account of relevant European Union legislation and how this is applied in the UK.]

A student is permitted to bring into the examination room the following specified document: either one copy of *Blackstone's Statutes on Contract, Tort & Restitution* (OUP) or one copy of *Core Statutes on Contract, Tort & Restitution* (Palgrave Macmillan).