

Contract Law By Ewan Mckendrick Ebook

With its real-world business-orientated approach, Business Law has been fully updated in line with the Companies Act 2006, and also streamlined to address the needs of today's student of this fascinating and fast-moving subject. Providing a salient introduction to law in a business context, this is a valuable learning companion.

In this book, leading scholars from Australia, Canada, Hong Kong, New Zealand, Singapore, the United Kingdom and the United States deal with important theoretical and practical issues in the law of contract and closely-related areas of private law. The articles analyse developments in the law of estoppel, mistake, undue influence, the interpretation of contracts, assignment, exclusion clauses and damages. The articles also address more theoretical issues such as discerning the limits of contract law, the role of principle in the development of contract doctrine and the morality of promising. With its rich scope of contributors and topics, Exploring Contract Law will be highly useful to lawyers, judges and academics across the common law world. Contributors: Rick Bigwood, Richard Bronaugh, Mindy Chen-Wishart, Helge Dedek, Gerald H L Fridman, Mark P Gergen, Andrew S Gold, Kelvin F K Low, Jason W Neyers, Stephen G A Pitel, Andrew Roberston, Stephen A Smith, Robert Stevens, Andrew Tettenborn, Chee Ho Tham, Catherine Valcke, Stephen Waddams, Charlie

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Webb. Foreword by Justice Ian Binnie of the Supreme Court of Canada

This collection of essays brings together the work of many of the world's leading Contract Law scholars. It focuses upon a common central theme: the question of good faith and fair dealing in the Law of Contract. The work discusses the requirement of good faith and its role in the formation of contracts, contractual obligations, and Breach of Contract and Remedial Issues.

The Studies in the Contract Laws of Asia series charts the divergence in and common principles of contract laws across Asia, with a view to providing the scholarly foundations for future harmonization and reform. This third volume deals with the contents of contracts and unfair terms.

This best-selling, classic text provides a clear and straightforward account of the basic rules of contract law, while also introducing current debates about the nature, scope and functions of the law and discussing wider controversies surrounding the basic doctrines. Praised time and again by both lecturers and students, Contract Law is compact yet comprehensive, well-written, well-structured, stimulating and engaging. This new eleventh edition has been fully revised and updated to reflect recent changes in the law. It is essential reading for all students taking undergraduate and GDL/CPE courses in contract law.

Commercial contract law is in every sense optional given the choice between legal systems and law and arbitration. Its 'doctrines' are in fact virtually all default rules. Contract Law Minimalism advances the thesis that

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commercial parties prefer a minimalist law that sets out to enforce what they have decided - but does nothing else. The limited capacity of the legal process is the key to this 'minimalist' stance. This book considers evidence that such minimalism is indeed what commercial parties choose to govern their transactions. It critically engages with alternative schools of thought, that call for active regulation of contracts to promote either economic efficiency or the trust and co-operation necessary for 'relational contracting'. The book also necessarily argues against the view that private law should be understood non-instrumentally (whether through promissory morality, corrective justice, taxonomic rationality, or otherwise). It sketches a restatement of English contract law in line with the thesis.

The book provides a comparative analysis of the law relating to remedies for breach of contract from the viewpoint of various legal systems.

This book provides a full and clear exposition of the fundamentals of intellectual property law in the UK. It combines excerpts from cases and a broad range of secondary works with insightful commentary from the authors which will situate the law within a wider international context.

This is an account of the modern law of contract by a leading authority in the field. Through this fresh approach to the subject students should obtain a firm understanding of the central doctrines and the controversies associated with them.

Text, Cases and Materials on Transnational Commercial Law brings together all the necessary materials on this

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topic in a logical and accessible way. The authors provide students with an extensive discussion on the theoretical issues raised by the law. The text examines the emergence of transnational commercial law, its nature and sources and the method by which harmonization is achieved and some of the key problems involved.

Bringing together leading commercial and contract law scholars from the United Kingdom and United States, *Comparative Contract Law: British and American Perspectives* offers an insightful and comprehensive assessment of the commonalities and divergences in the contract law of these two jurisdictions. Approaching the subject area from a variety of perspectives - doctrinal analysis, behavioural analysis, law and economics, and theoretical - the book examines familiar areas of contract law as practiced in the UK and US. Topics include contract theory and structure; contract formation and defects of consent; policing contracts and the duty of good faith; contract interpretation; damages; speciality contracts; and legal reform. The volume provides a thorough assessment of the current state of commercial contract law in the UK and US, and addresses the strengths and weaknesses of the national and European approaches to many issues of contract law. In particular it focuses on how commercial contract law should be improved, and whether harmonization of the different contract law regimes is a suitable, and appropriate, solution.

The book explains Russian contract law in a form understandable to lawyers qualified in other countries,

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especially common law countries. The introduction gives a concise overview of the Russian legal system in general and contract law in particular as well as a brief insight into the history of contract law in Russia. Then the main concepts of Russian contract law are explained, using the conceptual framework of English contract law to make them accessible to someone not familiar with the codified Russian system. The book not only considers the legislation regulating Russian contractual relations but also includes appropriate case law to show how the legislation is interpreted. The focus is on contract law in Russia as it actually operates, rather than merely the legislative texts, so that it will be directly relevant to legal practitioners and others who wish to acquire knowledge of the practical application of an important element of the Russian legal system, as well as those seeking an insight into the realities of codified law in action. The target readership therefore includes legal practitioners who have to deal with Russian law, academics and students with an interest in Russian law, the law of contract and comparative civil law, as well as scholars of comparative legal systems and Russian area studies. *Landmark Cases in the Law of Contract* offers twelve original essays by leading contract scholars. As with the essays in the companion volume, *Landmark Cases in the Law of Restitution* (Hart, 2006) each essay takes as its focus a particular leading case, and analyses that case in its historical or theoretical context. The cases range from the early eighteenth- to the late twentieth-centuries, and deal with an array of contractual doctrines. Some of the essays call for their case to be

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stripped of its landmark status, whilst others argue that it has more to offer than we have previously appreciated. The particular historical context of these landmark cases, as revealed by the authors, often shows that our current assumptions about the case and what it stands for are either mistaken, or require radical modification. The book also explores several common themes which are fundamental to the development of the law of contract: for instance, the influence of commercial expectations, appeals to 'reason' and the significance of particular judicial ideologies and techniques.

This edition provides an authoritative and detailed account of contract law. It is essential reading for any student of contract law, and a valuable source of reference for practitioners and academics.

'...provides everything you want in a case book: a stimulating, thought-provoking and up to date account of contract law. It combines both fantastic academic commentary and superbly selected materials making it simply one of the best contract law casebooks.' Student Law Journal This is the seventh, fully updated, edition of Professor Burrows' Casebook, offering law students the ideal way to discover and understand contract law through reading highlights from the leading cases.

Designed to be used either on its own or to supplement a contract law textbook, this book covers the undergraduate contract law course in a series of clearly presented and carefully structured chapters. The author provides an expert introduction to each topic and his succinct notes and questions seek to guide students to a proper understanding of the cases. The relevant statutes

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are also set out along with a principled analysis of them. In addition to cross-references to further discussion in the leading textbooks, an innovative feature is the summary of leading academic articles in each chapter. The book is designed not to overwhelm students by its length but covers all aspects of the law of contract most commonly found in the undergraduate curriculum.

This updated edition includes an examination of force majeure in French law, the drafting of force majeure clauses, its usage in shipbuilding contracts, and the application of commercial impracticality under article 2-165 of the Uniform Commercial Code.

Great Debates in Law is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the issues as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

European Contract Law unification projects have recently advanced from the Draft Common Frame of Reference (2009) to a European Commission proposal for an optional Common European Sales Law (2011) which is to facilitate cross-border marketing. This book

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investigates for the first time how CESL and DCFR rules would interact with various aspects of domestic law, represented by English and German law. Nineteen chapters, co-authored by British and German scholars, examine such interface issues for eg pre-contractual relationships, notions of contract, formation, interpretation, and remedies, extending to non-discrimination, third parties, transfers or rights, aspects of property law, and collective proceedings. They go beyond a critical analysis of CESL and DCFR rules by demonstrating where and how CESL rules would interact with neighbouring areas of English and German law before English and German courts, how domestic traditions might influence the application, which aspects might motivate sellers and buyers to choose or reject CESL, and which might serve as model for national legislators. The findings are summarized in the final two chapters.

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An oft-repeated assertion within contract law scholarship and cases is that a good contract law (or a good commercial contract law) will meet the needs and expectations of commercial contractors. Despite the prevalence of this statement, relatively little attention has been paid to why this should be the aim of contract law, how these 'commercial expectations' are identified and given substance, and what precise legal techniques might be adopted by courts to support the practices and expectations of business people. This book explores these neglected issues within contract law. It examines the idea of commercial expectation, identifying what expectations commercial contractors may have about the law and their business relationships (using empirical studies of contracting behaviour), and assesses the extent to which current contract law reflects these expectations. It considers whether supporting commercial expectations is a justifiable aim of the law according to three well-established theoretical approaches to contractual obligations: rights-based explanations, efficiency-based (or economic) explanations and the relational contract critique of the classical law. It explores the specific challenges presented to contract law by modern commercial relationships and the ways in which the general rules of contract law could be designed and applied in order to meet these challenges. Ultimately the book seeks to move contract law beyond a simple dichotomy between contextualist and formalist legal reasoning, to a more nuanced and responsive legal approach to the regulation of commercial agreements. A unique reference work covering the whole of English private law, this book provides a lucid, concise, and authoritative overview of all important areas of private law. Each section is written by an acknowledged expert who provides a clear

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distillation and analysis of the subject.

This book gives an introduction to the English law of contract. The third edition has been fully updated to cover recent developments in case law and recent statutes such as the Consumer Rights Act 2015. However, this new edition retains the primary focus of the earlier editions: it is designed to introduce the lawyer trained in a civil law jurisdiction to the method of reasoning in the common law, and in particular to the English law of contract. It is written for the lawyer - whether student or practitioner - from another jurisdiction who already has an understanding of a (different) law of contract, but who wishes to discover the way in which an English lawyer views a contract. However, it is also useful for the English law student: setting English contract law generally in the context of other European and international approaches, the book forms an introductory text, not only demonstrating how English contract law works but also giving a glimpse of different ways of thinking about some of the fundamental rules of contract law from a civil law perspective. After a general introduction to the common law system - how a common lawyer reasons and finds the law - the book explains the principles of the law of contract in English law covering all the aspects of a contract from its formation to the remedies available for breach, whilst directing attention in particular to those areas where the approach of English law is in marked contrast to that taken in many civil law systems.

This is the first comprehensive review of the extent of remedies and impact of contractual agreements on restitution claims for void, unenforceable, and discharged contracts.

Jill Poole's bestselling Casebook on Contract Law provides students with a comprehensive selection of case law, addressing all aspects of the subject encountered on undergraduate courses. Extracts have been carefully chosen from a wide range of historical and contemporary cases to

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illustrate the reasoning processes of the courts, and to show how legal principles develop. Cases can either be analysed and discussed in isolation or, taken as a whole, the selection of cases form chapters providing a structured overview of the modern law of contract. Online Resource Centre The casebook is fully supported by an Online Resource Centre, which provides: - Self-test questions and answers - Guidance on answering questions in contract law - Exercises and guidance on reading cases - An opportunity for students to ask the author any questions

All the cases you need, together with the tools to understand them. This contract casebook presents all the leading cases, supplemented by succinct author commentary and thought-provoking questions to deepen your understanding. Now updated by Professor Robert Merkin and Dr Severine Saintier, Poole's Casebook on Contract Law takes a uniquely supportive approach, to give you the confidence to engage with and analyse judgments. Online resources: The study of contract law continues via the online resources, keeping you up to date and helping to consolidate your learning. - Exercises and guidance on reading cases - Updates on new legislation, cases, and other legal developments

It is a matter of some difficulty for the English lawyer to predict the effect of a misapprehension upon the formation of a contract. The common law doctrine of mistake is a confused one, with contradictory theoretical underpinnings and seemingly irreconcilable cases. This book explains the common law doctrine through an examination of the historical development of the doctrine in English law. Beginning with an overview of contractual mistakes in Roman law, the book examines how theories of mistake were received at various points into English contract law from Roman and civil law sources. These transplants, made for pragmatic rather than principled reasons, combined in an uneasy manner with the

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pre-existing English contract law. The book also examines the substantive changes brought about in contractual mistake by the Judicature Act 1873 and the fusion of law and equity. Through its historical examination of mistake in contract law, the book provides not only insights into the nature of innovation and continuity within the common law but also the fate of legal transplants.

Transnational commercial law represents the outcome of work undertaken to harmonize national laws affecting domestic and cross-border transactions and is upheld by a diverse spectrum of instruments. Now in its second edition, this authoritative work brings together the major instruments in this field, dividing them into thirteen groups: Treaty Law, Contracts, Electronic Commerce, International Sales, Agency and Distribution, International Credit Transfers and Bank Payment Undertakings, International Secured Transactions, Cross-Border Insolvency, Securities Custody, Clearing and Settlement and Securities Collateral, Conflict of Laws, Civil Procedure, Commercial Arbitration, and a new section on Carriage of Goods. Each group of instruments is preceded by linking text which provides important context by identifying the key instruments in each group, discussing their purposes and relationships, and explaining the major provisions of each instrument, thus setting them in their commercial context. This volume is unique in providing the full text of international conventions, including the preamble - which is important for interpretation - and the final clauses and any annexes. In addition, each instrument is accompanied by a complete list of dates of signature and ratification by all contracting states, all easily navigated through the detailed tables of contents which precedes it. This fully-indexed work provides an indispensable guide for the practitioner or academic to the primary transnational commercial law instruments.

A student classic: clear, comprehensive, contextual. Jill

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Poole's immensely popular Textbook on Contract Law has been guiding students through contract law for over 20 years. This new edition has been updated with the latest key legal developments by Professor Robert Merkin and Dr Severine Saintier. The law of contract is placed within its commercial context, and students are provided with a detailed yet accessible treatment of all the key areas of contract law. Key features:

- Each chapter begins with a summary of key issues, providing an overview of central themes and points of law, and concludes with suggestions for further reading, guiding students towards the most relevant texts and articles
- Key points, illustrative examples and questions encourage a deeper understanding of the central facts and issues
- Headings, case summaries and case extract boxes allow for easy navigation through the text
- Online resources: The study of contract law continues via the online resources, keeping you up to date and helping to consolidate your learning.
- 300 multiple choice questions with answers and feedback
- Self-test questions and answers
- Guidance on answering problem questions in contract law
- Updates on new legislation, cases, and other legal developments

Cases and Materials on the Law of Restitution is an authoritative and scholarly guide written by leading experts who have shaped and defined the law of restitution and unjust enrichment. Extensive coverage of cases and academic perspectives provides a rounded view of the subject. Introductions, notes, and questions enable readers to check their understanding of key issues. The second edition of this seminal title covers many important new cases and academic publications, including Birk's 'absence of basis' approach. The coverage reflects the continuing debates on questions such as:

- * what is an enrichment?
- * was the enrichment at the claimant's expense?
- * what is the role of tracing?
- * when will proprietary restitution be granted?
- * when

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does change of position operate as a defence? * and does corrective justice underpin this area of the law? The book's structure has been updated to reflect the judicial development of the law of restitution, providing a map through this complex subject. This book is invaluable for undergraduate, postgraduate, and doctoral students, as well as academics working in the area.

This book introduces the reader to a number of ideas and issues that underlie the English law of contract-an area of law that is often regarded as forbiddingly dry and technical but which is here made easy to understand and full of interest. Taking as its starting point the role contract law plays in helping markets to operate, the book explains how contract law regulates the commercial risks people take, while at the same time placing limits on what may be bought and sold, and ensuring that contractual powers are not unacceptably abused. A final chapter discusses how contract law can be used to make gifts of binding promises to other people. The book provides a rigorous and stimulating journey through the ideas underpinning contract law and is essential reading for anyone with an interest in the subject. 'Clearly written and bursting with interesting and novel ideas, this lively book will be a great resource for anyone interested in Contract Law.' Paul S Davies, Professor of Commercial Law, University College London

Good faith is already a familiar concept in international commercial law and a recognised principle of substantive law in several major legal systems. In the United Kingdom, however, a role for good faith and, more fundamentally, the issue of whether or not there ought to be a general principle of good faith informing English and Scots contract and property law, are still matters for debate. This book, containing the papers delivered at the Symposium on Good Faith in Contract and Property Law held in Aberdeen

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University in October 1998, engages in that critical debate. While its central core reflects on good faith from the perspective of a mixed legal system (Scots Law), papers on good faith from an English and European perspective locate the debate, properly, within a broader jurisdictional context. A major new Australian adaptation of the best-selling introduction to contract law, providing an authoritative but accessible examination of the foundational principles of this complex area.

Sale of goods transactions are central to commercial life. This book provides an essential up-to-date and clear account of the law as it stands today, giving you the confidence to offer the best possible resolution for your clients. Written by a team of specialists drawn from both the academic world and professional practice, Sale of Goods provides a clear and accurate account of the law relating to the sale of goods. It provides complete analysis of the Sales of Goods Act 1979, together with amendments made to the Act in 1994 and 1995 - ensuring that your understanding is current and complete. This book is the product of a unique collaboration between Mainland Chinese scholars and scholars from the civil, common, and mixed jurisdiction legal traditions. It begins by placing the current Chinese contract law (CCL) in the context of an evolutionary process accelerated during China's transition to a market economy. It is structured around the core areas of contract law, anticipatory repudiation (common law) and defense of security (German law); and remedies and damages, with a focus on the availability of specific performance in Chinese law. The book also offers a useful comparison between the CCL and the UNIDROIT Principles of International Commercial Contracts, as well as the Convention on Contracts for the International Sale of Goods. The analysis in the book is undertaken at two levels - practical application of the CCL and scholarly commentary.

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Public Law: Text, Cases, and Materials offers a fresh approach to the study of constitutional and administrative law by exploring how the law works in practice. The inclusion of extracts from key cases, government reports and academic articles demonstrates the law in action and the incisive commentary that accompanies them explains the significance of each. The expert authors have distilled their knowledge of the institutions and legal principles into concise, focused prose, and they encourage reflection through regular questions and hypothetical examples. This leading text provides students with a thorough and wide-ranging knowledge of public law, together with a full understanding of the theoretical and political debates in this fascinating and dynamic area of law. Online Resource Centre This book is accompanied by an Online Resource Centre which provides a link to the authors' Twitter feed, web links to useful sites and, for lecturers, a test bank of multiple choice questions with answers and feedback.

A complete guide to contract law in a single volume. Comprising a unique balance of 60% text to 40% cases and materials, Contract Law: Text, Cases, and Materials combines the best features of a textbook with those of a traditional casebook. The author's clear explanations and analysis of the law provide invaluable support to students, while the extracts from cases and materials promote the development of essential case-reading skills and allow for a more detailed appreciation of the practical workings of the law. Online resources The book is accompanied by online resources which include:- Extra material with in-depth coverage of topics such as illegality and incapacity- Updates on recent developments in the law- Self-test multiple choice questions and answers- Annotated web links to key sources of information on contract law

This textbook provides an accessible account of the

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intricacies of contract law and the problems that can arise during the life of a contract. These problems, along with their solutions, are discussed in detail using everyday language that stimulates thought and reflection.

This best-selling textbook by Ewan McKendrick QC provides a clear account of the basic rules of contract law, while also introducing current debates about the nature, scope and functions of the law and discussing wider controversies surrounding the basic doctrines. Straightforward, engaging and stimulating, Contract Law has been revised and updated to reflect various developments in the law, such as Supreme Court and Privy Council decisions on certainty of terms and remoteness of damage, and the effect of Brexit on long-term premises leases. It is essential reading for all students taking undergraduate and GDL, CPE or equivalent courses in contract law: 'Hot topic' discussion boxes situate learning in the topical, while summaries and exercises at the end of each chapter provide opportunities for measuring progress.

This is the third edition of the widely acclaimed and successful casebook on contract in the *Ius Commune* series, developed to be used throughout Europe and beyond by anyone who teaches, learns or practises law with a comparative or European perspective. The book contains leading cases, legislation and other materials from English, French and German law as the main representatives of the legal traditions within Europe, as well as EU legislation and case law and extracts from the Principles of European Contract Law. Comparisons are also made to other international restatements such as the Vienna Sales Convention, the UNIDROIT Principles of International Commercial Contracts, the Draft Common Frame of Reference and so on. Materials are chosen and ordered so as to foster comparative study, complemented with annotations and comparative overviews prepared by a

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multinational team. The third edition includes many new developments at the EU level (including the ill-fated proposal for a Common European Sales Law and further developments linked to the digital single market) and in national laws, in particular the major reform of the French Code civil in 2016 and 2018, the UK's Consumer Rights Act 2015 and new cases. The principal subjects covered in this book include: An overview of EU legislation and of soft law principles, and their interrelation with national law The distinctions between contract and property, tort and restitution Formation and pre-contractual liability Validity, including duties of disclosure Interpretation and contents; performance and non-performance Remedies Supervening events Third parties.

The sixth edition of the authoritative and acclaimed commercial law text 'A great book ... will be equally useful to legal practitioners, students and business people' Financial Times This sixth edition of Goode on Commercial Law, now retitled Goode and McKendrick on Commercial Law, remains the first port of call for the modern day practitioner with its theoretical and practical coverage of commercial law in both a national and an international context. Now updated to cover the most recent legal and technical changes, this highly acclaimed and authoritative text, which is regularly cited by all courts from the Supreme Court downwards, combines a deep theoretical analysis of foundational principles with a practical approach in the context of typical commercial and financial transactions. It is also replete with diagrams and specimen forms covering a wide range of transactions. 'Searching analysis and meticulous exposition coupled with a lucid clarity of style and a relaxed lightness of touch combine to make the book not only compulsory but compulsive reading for anyone interested in its field' Law Quarterly Review 'A work of immense scholarship ... Professor Goode's work must be as

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nearly exhaustive as can be possible and as produced by Penguin is a triumph of paperback publishing' Solicitor's Journal 'Clear and comprehensive ... The student and practitioner will find it indispensable; the interested layperson too will benefit from it as a work of reference' British Business 'A veritable tour de force' Business Law Review Contract Law Australian Edition Macmillan International Higher Education

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