

CASEBOOK
ON

CONTRACT

Third Edition

JILL POOLE

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Jill Poole, LLB, LLM, ACI Arb,
of Lincoln's Inn, Barrister

Lecturer in law, University of Wales, Cardiff

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PREFACE

The period since the last edition of this book has seen some important developments in the law of contract, and again this casebook has grown to take account of the increasing volume of important case law. Since the last edition the House of Lords has allowed appeals against the decisions of the Court of Appeal in *Ruxley Electronics v Forsyth* and *Vitol v Norelf*. There have also been important decisions relating to damages for misrepresentation and the relevant chapter has grown to accommodate these developments. The *Barclays Bank v O'Brien* case law could generate a casebook all of its own. I have decided to give full treatment to selected cases and to provide details of trends evidenced by other cases in the accompanying notes. I have used the decision in *Commission for the New Towns v Cooper (GB) Ltd* as an opportunity to extend the section on rectification of documents in Chapter 3 and I also include an assessment of a rare case application of the Law Reform (Frustrated Contracts) Act 1943, namely *Gamerco SA v I.C.M./Fair Warning (Agency) Ltd* which my students prefer to remember as the 'Guns N' Roses' case. I have also included some thoughts and readings assessing the current position on the enforceability of alteration promises in the light of *Williams v Roffey Brothers* and *Re Selectmove*.

There are other important cases far too numerous to mention individually, and in selecting new case law to include I have had to look into my crystal ball and try and predict what is likely to prove important in terms of the development of contract law which, I clearly foresee, will continue at a pace.

Since the last edition the Law Commission has published its report on the privity doctrine and contracts for the benefit of third parties. Given that this is a casebook, I have chosen to pose questions in order to get the reader to assess the likely impact of these recommendations on the existing case law. The Unfair Consumer Contracts Regulations 1994 appear thus far to have had an impact through the activities of the Office of Fair Trading under reg. 8 rather than through case law. I include basic details of the Regulations

themselves together with some notes and references, although this is strictly outside the scope of a book examining case law.

My aim, as always, is to provide a structured discussion of case law, to assist students to identify what is of the greatest relevance and significance and to endeavour to promote clarity and understanding of developments in contract law.

I have now taught contract law to a very considerable number of students over the years, all of whom have contributed in some way to my choice of structure and content in this casebook. I am especially grateful to them and to the current law students at Cardiff Law School in particular, who 'suffer' four hours of my lectures each week and, in some cases, a tutorial as well! I also wish to thank colleagues and students (in the UK and abroad) who have contacted me by letter or e-mail with questions or comments. This edition would not have been completed at all without the support of my husband Nick and our respective parents who all undertook more than their duties required (contractual or otherwise) in the childcare department. Rebecca and Alexander certainly enjoyed their 'holidays' with their grandparents over the critical Easter period, so I do not feel too guilty. They still recognise me!

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*Jill Poole
Cardiff*

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