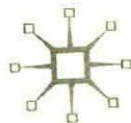
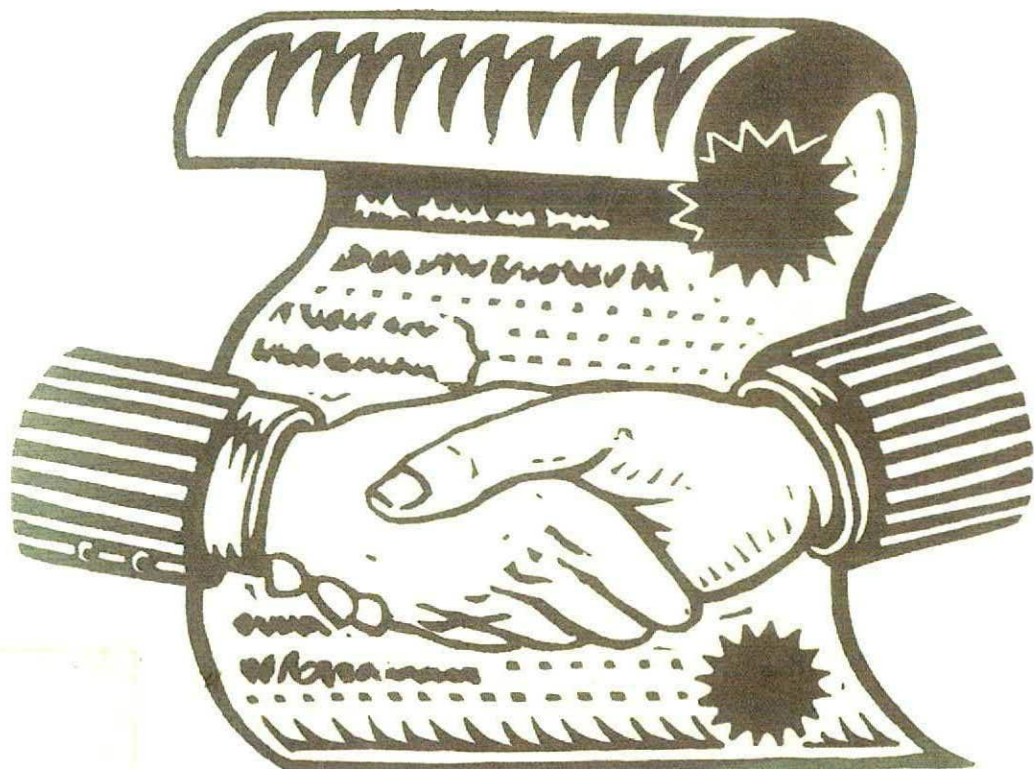


PALGRAVE LAW MASTERS

EWAN MCKENDRICK

CONTRACT

LAW



FIFTH EDITION

Law Masters

Contract Law

Law Masters

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Preface to the Fourth Edition

My aim in writing the fourth edition of this book has not changed from the stated aim of previous editions: namely, to provide a clear and straightforward account of the basic rules of English contract law. I have also sought to introduce the reader to some of the debates about the nature, the scope and the functions of the law of contract and to discuss some of the wider controversies which surround certain basic doctrines of English contract law, such as consideration. In discussing these issues I have attempted to build a bridge between this introductory work and some of the more advanced and detailed writings on the law of contract by making frequent reference throughout the book to both the periodical literature and the standard textbooks on the law of contract (full citations are contained in the Bibliography located at the end of the book). My hope is that these references will encourage the reader to pursue the issues raised in this book in greater detail in the writings to which I have made reference.

The most significant change in the law which has taken place since the publication of the third edition of this book is the enactment of the Contracts (Rights of Third Parties) Act 1999. The Act reforms the doctrine of privity and has done so by a rather technical piece of legislation which is analysed in Chapter 7 (the chapter has, as a result, been substantially rewritten). In this connection I am grateful to LLP for permission to draw on material which first appeared in *Building Law Monthly*. The text has been fully revised and updated to take account of numerous new developments in areas of the law such as estoppel, the construction of contracts, exclusion clauses, unfair terms in consumer contracts and damages, to name but a few. As far as the future is concerned, the most significant event may turn out to be the enactment of the Human Rights Act 1998. The impact of that Act on private law is likely to be tested in the not-too-distant future and its implications may be far-reaching. For now, all that has been done is to draw attention to the existence of the Act in the opening chapter. Future editions may well have to wrestle with the Act and its implications in more detail.

Finally, I must acknowledge the debts which I have incurred in writing this edition. I would like to thank Helen Bugler at Macmillan Press for her support and encouragement. I must also acknowledge the assistance which I have derived from colleagues and students who have helped to clarify my thoughts and offered a number of constructive criticisms and suggestions. But my greatest debt continues to be to my wife, Rose, and our children, Jenny, Sarah, Rachel and Katie. I am grateful to them for their encouragement and support.

The book is dedicated to the memory of my grandparents.

I have endeavoured to state the law on the basis of the materials available to me at the end of March 2000.

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