

Contract Law

Significantly streamlined and updated, the second edition of Andrews' *Contract Law* provides a clear and succinct examination of all of the topics in the contract law curriculum. Chapters direct students to the most important decisions in case law and employ a two-level structure to integrate short judicial excerpts into detailed discussion and analysis. Exploration of the law's 'loose ends' strengthens students' ability to analyse case law, and new end-of-chapter questions, which focus on both core aspects of the law and interesting legal loopholes, assist students in preparing for exams. Students are guided through chapter material by concise chapter overviews and a two-colour text design that highlights important chapter elements. Suggestions for further reading and a rich bibliography, which point readers to important pieces of contemporary literature and provide a springboard for deeper investigation of particular topics, lend further support for student learning.

Neil Andrews is a Fellow of Clare College, Cambridge. He is a highly experienced contract law teacher and scholar and has published widely.

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NEIL ANDREWS

SECOND EDITION



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For
Liz, Samuel, Hannah and Ruby

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Preface

I hope that the second edition of this book will be of use and interest to both students and lawyers in practice.

A new feature is a list of questions at the end of each chapter. These are intended to enable the reader to test whether the main points have been absorbed. The author has ‘test-driven’ these questions in class and found them to be useful.

At the beginning of each chapter there is an introductory summary, and at the end of each there is a list of selected reading. The opening footnotes of each chapter or topic contain copious references to further literature. At the end of the book there is a short bibliography of general works.

There are now three concluding chapters on good faith, case law technique versus codification, and soft law codes (Chapters 21, 22, and 23, respectively).

Despite the best endeavours of the legislature, the English courts, and fellow commentators, this edition is shorter by c.26,000 words than the previous edition.

The Consumer Rights Bill remained unenacted when this work went to print. The Bill’s important changes are reflected in the work.

I am grateful to the following for assistance in various ways: Peter Zawada in the Squire Law Library; members of Cambridge University Press; Carsten Kern and Sophie Shaw.

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- Canada Steamships Lines Ltd v. R. [1952] AC 192, PC, [398–401](#)
- Cantor Fitzgerald International v. Horkulak [2004] EWCA Civ 1287; [2005] ICR 402, [491–2](#)
- 'The Captain Gregos' (No. 2) [1992] Lloyd's Law Rep 395, CA, [150–1](#)

- Caresse Navigation Ltd v. Office National de l'Electricité [2014] EWCA Civ 1366; [2015] 2 WLR 43, [375](#)
- Carillion Construction Ltd v. Felix UK Ltd [2001] BLR 1, [298](#)
- Carleton v. Strutt & Parker [2008] EWHC 424; 118 Con LR 68; [2008] 5 Costs LR 736; (2008) 105(15) LSG 24; (2008) 158 NLJ 480, [30–1](#), [104](#)
- Carlill v. Carbolic Smoke Ball Co. [1893] QB 256, CA, [40–1](#), [65](#), [158](#)
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- Carter v. Boehm (1766) 3 Burr 1905, [593](#)
- Car & Universal Finance Co. v. Caldwell [1965] 1 QB 525, CA, [242](#), [280–1](#)
- Casey's Patents, Re [1892] 1 Ch 104, CA, [115](#), [120](#)
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- CCC Films v. Impact Quadrant Ltd [1985] QB 16, [492–3](#)
- C Czarnikow Ltd v. Koufos ('The Heron II') [1969] 1 AC 358, HL, [504](#)
- CDV Software Entertainment AG v. Gamecock Media Europe Ltd [2009] EWHC 2965 (Ch), [374–5](#)
- Celestial Aviation 1 Ltd v. Paramount Airways Private Ltd [2010] EWHC 185 (Comm); [2010] 1 CLC 15, [460–1](#)
- Cellulose Acetate Silk Co. Ltd v. Widnes Foundry (1925) Ltd [1933] AC 20, HL, [548–9](#)
- Central London Property Trust Ltd v. High Trees House Ltd [1947] 1 KB 130, [140–1](#), [147](#)
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- Chappell & Co. Ltd v. Nestlé [1960] AC 87, HL, [116](#)
- Charge Card Services Ltd, Re [1989] Ch 497, CA, [334](#)
- Charles Rickards Ltd v. Oppenheim [1950] 1 KB 616, CA, [138–9](#)
- Charlotte Thirty and Bison v. Croker (1990) 24 Con LR 46 (QBD), [401–4](#)
- Chartbrook Ltd v. Persimmon Homes Ltd [2009] UKHL 38; [2009] AC 1101, [326](#), [358–9](#), [369–77](#), [381–2](#), [384](#)
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- Cines Bes Filmclik ve Yapincilik AS v. United International Pictures [2003] EWCA Civ 1669, [546](#)
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- CMA SA v. Hyundai Mipo Dockyard Co Ltd [2008] EWHC 2791 (Comm); [2009] 1 All ER (Comm) 568; [2009] 1 Lloyd's Rep 213; [2008] 2 CLC 687, [214–15](#)
- CMC Group plc v. Michael Zhang [2008] EWCA Civ 408, [541](#), [545](#)
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- Commissioner for Public Works v. Hills [1906] AC 368, PC, [545](#)
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- Cook v. Thomas [2010] EWCA Civ 227; [2010] All ER (D) 155, [149](#)
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- Co-operative Insurance Services v. Argyll Stores Ltd [1998] AC 1, HL, [524–7](#)
- Co-operative Insurance Services v. Halfords Ltd (No. 2) 1999 SLT 685 OH; (2003) Estates Gazette, 12 July, [528](#)
- Cooper v. Phibbs (1867) LR 2 HL 149, [265](#), [270–1](#)
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- County Natwest Bank Ltd v. Barton, The Times, 29 July 1999, CA, [225](#)
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- Crédit Lyonnais Bank Nederland v. Export Credit Guarantee Department [1996] 1 Lloyd's Rep 200, [254–5](#)
- Cremdean Properties Ltd v. Nash (1977) 244 Estates Gazette 547, CA, [246–7](#), [401](#)
- Cresswell v. Potter (1968): (note); [1978] 1 WLR 255, [312–13](#)
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