

Contents

<i>Preface</i>	v
<i>Foreword: Hugh Beale and the Law Commission by Lord Carnwath, Lord Toulson and Tamara Goriely</i>	vii
<i>Contributors</i>	xiii
<i>Table of Cases</i>	xv
<i>Table of Legislation</i>	xxvii

LEGAL HISTORY

1 Merchants and the Legislative Process in Thirteenth Century England: The Making of the Statutes of Acton Burnel (1283) and Merchants (1285).....	3
<i>Paul Brand</i>	
2 Contract Terms Between Unequal Parties in Victorian England.....	15
<i>Catharine MacMillan</i>	

LAW REFORM

3 Alternatives to Legislation: Restatement and Judicial Law Reform	37
<i>Andrew Burrows</i>	
4 The Impact of Rule-making by Financial Services Regulators on the Common Law: The Lessons of PPI	51
<i>Eva Lomnicka</i>	
5 Some Thoughts on Consumer Law Reform: Consolidation, Codification or a Restatement?.....	67
<i>Christian Twigg-Flesner</i>	

ENGLISH CONTRACT LAW

6 Freedom to Exercise Contractual Rights of Termination	87
<i>Michael Bridge</i>	
7 Regulating Unfair Terms.....	105
<i>Mindy Chen-Wishart</i>	
8 Time to Reflect on the Right to Reject.....	131
<i>Eric Clive</i>	
9 Universal Terms in Contract	151
<i>Michael Furmston</i>	
10 Some Thoughts on Undisclosed Agency.....	161
<i>Thomas Krebs</i>	
11 Innominate Terms Revisited.....	183
<i>Ewan McKendrick</i>	

12 Variation and Termination of Consumer Contracts 199
Simon Whittaker

EUROPEAN CONTRACT LAW

13 Unfair Prices in the Common European Sales Law 225
Martijn W Hesselink

14 CISG and CESL: Simplicity, Fairness and Social Justice 237
Ole Lando

15 The Law of Assignment in European Contract Law 251
Wolf-Georg Ringe

16 Unfair Terms in Consumer Contracts 279
Jacobien W Rutgers

17 ‘General Principles’ of Contract Law in Transnational Instruments 291
Stefan Vogenauer

18 Interest for Delay in Payment of Money 319
Reinhard Zimmermann

SECURITY AND FINANCING

19 The Assignment of Pure Intangibles in the Conflict of Laws 353
Roy Goode

20 Compulsory Central Clearing of OTC Derivatives: The
Changing Face of the Provision of Collateral 379
Louise Gullifer

21 European Secured Transactions Law at a Crossroad:
The Pitfalls of a ‘Piecemeal Approach’ to Harmonisation 405
Anna Veneziano

22 How Secure is Security? 417
Sarah Worthington

TRENDS IN TRANSNATIONAL AND EUROPEAN COMMERCIAL LAW

23 The *Numerus Clausus* of Property Rights: A European Principle? 441
Christian von Bar

24 New Principles in the Legal World: The Hague Principles
on the Choice of Law in International Commercial Contracts 455
Bénédicte Fauvarque-Cosson

25 *Ex Officio* Application in Case of Unenforceable Contracts
or Contract Clauses: EU Law and National Laws Confronted 467
Arthur S Hartkamp

Index 485