

TABLE OF CONTENTS

<i>Preface</i>	vii
<i>Table of Cases</i>	xix
<i>Table of Statutes</i>	ccxxvii
<i>Table of Statutory Instruments</i>	cclxv
<i>Table of European Legislation</i>	cclxxxi
<i>Table of International Conventions</i>	ccxc
<i>Table of Foreign Legislation</i>	ccxcvii

PART ONE: NATURE AND FORMATION OF THE CONTRACT OF SALE

1. THE CONTRACT OF SALE OF GOODS

Michael Bridge

1. THE SALE OF GOODS ACTS	1-001
2. RELATED STATUTES	1-016
3. THE CONTRACT OF SALE	1-025
4. SUBJECT-MATTER OF THE CONTRACT	1-078

2. FORMATION OF THE CONTRACT

Michael Bridge

1. AGREEMENT	2-001
2. FORMALITIES	2-021
3. PARTIES	2-026
4. THE PRICE	2-044

3. APPLICATION OF GENERAL CONTRACTUAL PRINCIPLES

Michael Bridge

1. AGENCY	3-002
2. FRAUD AND MISREPRESENTATION	3-008
3. DURESS AND UNDUE INFLUENCE	3-010
4. MISTAKE	3-011
5. ILLEGALITY	3-027
6. ASSIGNMENT	3-042
7. BANKRUPTCY, INSOLVENCY AND DEATH	3-044

PART TWO: PROPERTY AND RISK

4. THE TITLE OF THE SELLER

Michael Bridge

1. THE SELLER'S RIGHT TO SELL THE GOODS	4-002
2. FREEDOM FROM ENCUMBRANCES AND QUIET POSSESSION	4-022
3. SALE OF A LIMITED TITLE	4-031
4. ANALOGOUS PROVISIONS	4-034

CONTENTS

5. PASSING OF PROPERTY

Michael Bridge

1. EFFECTS OF THE PASSING OF PROPERTY	5-003
2. SPECIFIC GOODS	5-016
3. GOODS DELIVERED ON APPROVAL OR ON SALE OR RETURN	5-040
4. UNASCERTAINED GOODS	5-059
5. UNDIVIDED SHARES IN GOODS FORMING PART OF A BULK	5-109
6. RESERVATION OF THE RIGHT OF DISPOSAL	5-133

6. RISK AND FRUSTRATION

Michael Bridge

1. RISK	6-002
2. FRUSTRATION	6-028

7. TRANSFER OF TITLE BY NON-OWNERS

Michael Bridge

1. IN GENERAL	7-001
2. ESTOPPEL	7-008
3. SALE IN MARKET OVERT	7-020
4. SALE UNDER A VOIDABLE TITLE	7-021
5. MERCANTILE AGENTS	7-031
6. SELLER IN POSSESSION	7-055
7. BUYER IN POSSESSION	7-069
8. MOTOR VEHICLES SUBJECT TO A HIRE-PURCHASE OR CONDITIONAL- SALE AGREEMENT	7-087
9. MISCELLANEOUS PROVISIONS	7-109
10. LIMITATION	7-115

PART THREE: PERFORMANCE OF THE CONTRACT

8. DELIVERY

Michael Bridge

1. IN GENERAL	8-001
2. METHODS OF DELIVERY	8-007
3. PLACE OF DELIVERY	8-018
4. TIME OF DELIVERY	8-025
5. QUANTITY OF GOODS DELIVERED	8-041
6. DELIVERY BY INSTALMENTS	8-054
7. CLAUSES EXCUSING DELIVERY	8-074

9. ACCEPTANCE AND PAYMENT

Michael Bridge

1. ACCEPTANCE	9-002
2. PAYMENT	9-020

PART FOUR: DEFECTIVE GOODS

10. CLASSIFICATION OF STATEMENTS AS TO GOODS

Donal Nolan

1. INTRODUCTION	10-001
2. PUFFS AND STATEMENTS OF OPINION OR INTENTION	10-005
3. MISREPRESENTATIONS INDUCING THE CONTRACT	10-008
4. COLLATERAL CONTRACTS	10-012
5. WARRANTIES	10-015
6. CONDITIONS	10-024
7. INTERMEDIATE TERMS	10-033
8. OTHER CLASSIFICATIONS	10-039

11. TERMS AS TO DESCRIPTION AND QUALITY IMPLIED BY THE SALE OF GOODS ACT

Donal Nolan

1. CORRESPONDENCE WITH DESCRIPTION	11-001
2. QUALITY AND FITNESS FOR PURPOSE	11-024
3. SALE BY SAMPLE	11-068
4. OTHER IMPLIED TERMS	11-083

12. REMEDIES IN RESPECT OF DEFECTS

Donal Nolan

1. MISREPRESENTATION	12-002
2. BREACH OF CONTRACTUAL TERM	12-017
3. MISREPRESENTATIONS SUBSEQUENTLY INCORPORATED INTO THE CONTRACT	12-073
4. TORT LIABILITY IN RESPECT OF GOODS	12-075
5. MISTAKE AS TO SUBJECT MATTER OF CONTRACT	12-080
6. THE VIENNA CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS	12-081

13. EXEMPTION CLAUSES

Donal Nolan

1. INTRODUCTION	13-001
2. BASIC PRINCIPLES OF FORMATION OF CONTRACT APPLIED TO EXEMPTION CLAUSES	13-011
3. INTERPRETATION OF EXEMPTION CLAUSES	13-018
4. DOCTRINE OF FUNDAMENTAL BREACH	13-043
5. CONTROL OF EXEMPTION CLAUSES BY STATUTE	13-054

PART FIVE: CONSUMER PROTECTION

14. CONSUMER PROTECTION

Simon Whittaker

CONTENTS

1. INTRODUCTION	14-001
2. RIGHTS UNDER THE CIVIL LAW: THE CONSUMER RIGHTS ACT 2015	14-016
3. RIGHTS UNDER THE CIVIL LAW: COMMON LAW AND OTHER LEGISLATION	14-184
4. CONSUMER REDRESS	14-253
5. CRIMINAL LAW	14-263
6. ADMINISTRATIVE PROTECTION	14-314
7. CONSUMER CREDIT TRANSACTIONS	14-330

PART SIX: REMEDIES

15. THE SELLER'S REMEDIES AFFECTING THE GOODS

Francis Dawson

1. INTRODUCTION	15-001
2. LIEN	15-028
3. STOPPAGE IN TRANSIT	15-061
4. SUB-SALES AND OTHER SUBSEQUENT TRANSACTIONS	15-092
5. RESALE	15-101

16. OTHER REMEDIES OF THE SELLER

Francis Dawson

1. THE CLAIM FOR THE PRICE	16-001
2. GENERAL RULES ON DAMAGES	16-031
3. THE SELLER'S CLAIM FOR DAMAGES	16-062
4. MISCELLANEOUS REMEDIES	16-091

17. THE REMEDIES OF THE BUYER

Francis Dawson

1. DAMAGES FOR NON-DELIVERY	17-001
2. DAMAGES FOR DELAY IN DELIVERY	17-038
3. DAMAGES FOR DEFECTIVE QUALITY	17-047
4. OTHER CLAIMS FOR DAMAGES	17-086
5. REPAYMENT OF THE PRICE OR ADVANCE PAYMENTS	17-090
6. REMEDIES OTHER THAN CLAIMS TO MONEY	17-093

PART SEVEN: OVERSEAS SALES

18. OVERSEAS SALES IN GENERAL

Francis Rose

1. PRELIMINARY	18-001
2. DOCUMENTS OF TITLE TO GOODS	18-024
3. PASSING OF PROPERTY	18-469
4. LOSS OR DETERIORATION IN TRANSIT	18-513
5. IMPLIED TERMS	18-543
6. BULK SHIPMENTS	18-584
7. EXPORT AND IMPORT LICENCES	18-635

CONTENTS

8.	SUPERVENING PROHIBITION OF EXPORT OR IMPORT	18-667
19.	C.I.F. CONTRACTS	
	Francis Rose	
1.	NATURE OF A C.I.F. CONTRACT	19-001
2.	DUTIES OF THE SELLER	19-018
3.	DUTIES OF THE BUYER	19-113
4.	CONTRACTUAL RELATIONS WITH CARRIER	19-144
5.	PASSING OF PROPERTY	19-160
6.	RISK	19-181
7.	FRUSTRATION	19-197
8.	REMEDIES OF THE BUYER	19-238
9.	REMEDIES OF THE SELLER	19-366
20.	F.O.B. CONTRACTS	
	Francis Rose	
1.	DEFINITION AND CLASSIFICATION	20-001
2.	DUTIES OF THE SELLER	20-028
3.	DUTIES OF THE BUYER	20-095
4.	CONTRACTUAL RELATIONS WITH CARRIER	20-128
5.	PASSING OF PROPERTY	20-150
6.	RISK	20-179
7.	FRUSTRATION	20-187
8.	REMEDIES OF THE BUYER	20-200
9.	REMEDIES OF THE SELLER	20-223
21.	OTHER SPECIAL TERMS AND PROVISIONS IN OVERSEAS SALES	
	Francis Rose	
1.	EX WORKS OR EX STORE CONTRACTS	21-003
2.	F.A.S. CONTRACTS	21-012
3.	C. & F. (CFR) CONTRACTS	21-016
4.	EX SHIP AND ARRIVAL CONTRACTS	21-018
5.	SALE OF A CARGO	21-038
6.	F.O.R. AND F.O.T. CONTRACTS	21-048
7.	CONVENTIONS ON INTERNATIONAL CARRIAGE OF GOODS	21-054
8.	CONTAINER TRANSPORT	21-099
22.	PAYMENT IN INTERNATIONAL SALES	
	Howard Bennett	
1.	INTRODUCTION	22-001
2.	BILLS OF EXCHANGE	22-002
3.	DISCOUNTING OF BILLS OF EXCHANGE	22-012
4.	FORFAITING	22-014
5.	COLLECTIONS	22-032
6.	ELECTRONIC COLLECTIONS	22-061
7.	EXPORT HOUSES	22-073

23. DOCUMENTARY CREDITS

Howard Bennett

1. INTRODUCTION TO DOCUMENTARY CREDITS	23-002
2. THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS ...	23-004
3. THE CONCEPT OF A DOCUMENTARY CREDIT	23-009
4. ESTABLISHING THE CREDIT	23-028
5. COMPLIANCE OF THE CREDIT WITH THE UNDERLYING CONTRACT	23-048
6. TWO FUNDAMENTAL PRINCIPLES: IRREVOCABILITY AND AUTONOMY	23-065
7. TIME AND PLACE OF PRESENTATION	23-088
8. REALISATION OF A DOCUMENTARY CREDIT	23-096
9. COMPLIANCE: GENERAL PRINCIPLES	23-104
10. COMPLIANCE: SPECIFIC DOCUMENTS	23-158
11. DETERMINATION THAT PRESENTATION IS COMPLIANT	23-199
12. DETERMINATION THAT PRESENTATION IS NON-COMPLIANT	23-204
13. ELECTRONIC LETTERS OF CREDIT: THE eUCP	23-239
14. CONSEQUENCES OF FAILURE TO MAKE A COMPLIANT PRESENTATION	23-256
15. REIMBURSEMENT OF A NOMINATED BANK	23-258
16. CREDIT FAILURE AND THE BENEFICIARY	23-293
17. RECOURSE	23-305
18. BANKS' SECURITY RIGHTS OVER THE GOODS AND PROCEEDS OF RESALE	23-309
19. THE FLEXIBILITY OF DOCUMENTARY CREDITS	23-314
20. ASSIGNMENT AND DISCOUNTING	23-344

24. AUTONOMOUS GUARANTEES

Howard Bennett

1. INTRODUCTION: ORTHODOX AND AUTONOMOUS GUARANTEES	24-001
2. UNIFORM RULES AND AUTONOMOUS GUARANTEES	24-007
3. TERMINOLOGY AND CONTRACTUAL STRUCTURE	24-011
4. ESTABLISHING A GUARANTEE	24-014
5. TWO FUNDAMENTAL PRINCIPLES: IRREVOCABILITY AND AUTONOMY	24-018
6. TIME AND PLACE OF PRESENTATION	24-041
7. REALISATION OF AN AUTONOMOUS GUARANTEE	24-047
8. COMPLIANCE	24-056
9. THE DEMAND FOR PAYMENT	24-070
10. CONSEQUENCES OF A DETERMINATION OF COMPLIANCE	24-077
11. PRESENTATION CONSIDERED NON-COMPLIANT	24-082
12. REIMBURSEMENT	24-093
13. TRANSFER	24-098
14. ASSIGNMENT	24-104

25. EXPORT CREDIT GUARANTEES

Eva Lomnicka

1. INTRODUCTION	25-001
2. EXPORT AND INVESTMENT GUARANTEES ACT 1991	25-007
3. SUPPLIER CREDIT POLICIES	25-011
4. GUARANTEES	25-031

CONTENTS

5.	OTHER UK EXPORT FINANCE FACILITIES	25-046
6.	OVERSEAS INVESTMENT INSURANCE	25-047
7.	INTERNATIONAL ASPECTS	25-050

PART EIGHT: CONFLICT OF LAWS

26. CONFLICT OF LAWS

Louise Merrett

1.	PRELIMINARY CONSIDERATIONS	26-001
2.	COMMON LAW BACKGROUND: THE RELEVANCE AND ROLE OF THE PROPER LAW DOCTRINE	26-005
3.	THE ROME I REGULATION AND THE ROME CONVENTION	26-015
4.	CONTRACTS ANCILLARY TO CONTRACT OF SALE	26-080
5.	FORMATION AND VALIDITY OF THE CONTRACT OF SALE	26-089
6.	PROPERTY	26-116
7.	RISK	26-149
8.	PERFORMANCE OF THE CONTRACT OF SALE	26-151
9.	DISCHARGE OF OBLIGATIONS UNDER A CONTRACT OF SALE	26-168
10.	REMEDIES OF THE SELLER	26-173
11.	REMEDIES OF THE BUYER	26-191
12.	PROCEDURE	26-198

APPENDIX

SALE OF GOODS ACT 1979	2577
<i>Index</i>	2609