

Treitel

An outline of
The Law of Contract
Second edition

Butterworths

An Outline of the Law of Contract

by

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preface

The purpose of this book is to set out the general principles of the law of contract in a way that will make the subject intelligible to non-specialists. To achieve this purpose, it has been necessary to omit most of the discussion (normally found in law books) of such problems as reconciling conflicting lines of authority and interpreting obscure provisions in statutes. On many points of this nature, I have therefore had to express my views with more dogmatism than anyone could reasonably feel. Even so, I believe that an elementary book does not need to be simple, and that an Outline is not a summary. I have not hesitated to expose the fundamental difficulties (and some of the defects) of the subject; and I have tried to do so in a way that will make sense to a reader who lacks the technical equipment of a lawyer.

Changes in the present edition take account of English developments in the last four years. The task of explaining the Unfair Contract Act 1977 within the general framework of this book proved almost impossible but has been attempted in Chapter 7. As the Act did not make any of the earlier common law rules wholly obsolete, the Chapter has necessarily become longer and more complex. Chapter 16, on Performance and Breach, has been to a considerable extent recast in the light of recent developments in the courts. Changes in Chapters 10, on Improper Pressure, and 11, on Illegality, reflect other such developments. Many other decisions, while of less structural

PREFACE

significance, have affected every Chapter of the book. About a quarter of the text is new.

To make room for these additions, the sections dealing specifically with Scots law have been omitted; though a number of Scottish decisions have been retained where they appeared to be particularly apposite to the discussion of English law.

The text was completed at the end of August 1978; it has been possible to incorporate a number of developments since then in proof. The Consumer Credit Act 1974 is treated as if it were wholly in force, in the hope that this state of affairs will come about in the life-time of this edition.

It is a pleasure once again to thank the publishers for their help with the production of the book, and for their usual kindness and forbearance.

G.H.T.

Charlottesville, Virginia
November 1978

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