



Contract Law

Roger Halson

CONTRACT LAW



ROGER HALSON

University of Hull



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PREFACE

Writing a book is a humbling experience. It is far easier to comment on the efforts of others than it is to provide an alternative. For a number of years now I have begun my contract seminars with a joke that the perfect book on the law of contract has not yet been written but that I am working on it. I have now finished working on it but realise that it has still not yet been written. What I hope I have achieved is a book from which students can learn the living and developing law of contract, understand important inter-relationships within it and gain some understanding of its position and status in the wider law of obligations.

The writing of this book has occupied me for more years than my publisher will care to remember and thinking about it for more years than I like to admit to. During this prolonged gestation period I have incurred many debts. The book was written while I was a lecturer at University College London and so benefited from the research culture of that institution and the challenges of the students who followed a course of seminars based upon the book's themes. A number of colleagues and former colleagues have been generous enough to comment upon draft chapters or articles from which their themes are derived. I would like to thank especially Thomas Krebs, Professor Ewan McKendrick, Richard O'Dair, Professor Roger Rideout, Professor J C Smith and Jim Stephens. Their help was invaluable, but for what remains they, of course, bear no blame. I would also like to acknowledge the assistance I have received from Pat Bond and Liz Tarrant, who have worked hard on behalf of Pearson Education to bring the project to press despite my continued attempts to subvert their timetable. I have also received valuable research assistance from a number of former students including Luke Harris, Stephen Kempner and Devi Shah.

The scheme of arrangement followed in this book is novel and is explained in the first chapter. This departure would not have been possible were it not for the efforts of others who have brought doctrinal order to the subject. I would like especially to acknowledge the work of Sir Guenter Treitel. The American jurist and 'father' of the United States' Uniform Commercial Code, Karl Llewellyn, is reported to have said that he did not understand the law of contract until he discovered Lloyd's Law Reports. I think many contract lawyers might add that they did not understand the contents of Lloyd's Law Reports until they read Professor Treitel's *Law of Contract*. His authoritative textbook is an invaluable resource for others who seek to write about the subject.

My greatest debt is owed to my partner Jane and my three-year-old son Marcus who respectively encouraged and distracted me, together ensuring that I completed the book and retained a sense of humour. The publishers

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have been careful to curb some of the jarring excesses of my sense of humour but it is hoped that what remains will make the account of the law more readable.

I have tried to state the law on the basis of the materials available to me at the end of August 2000, though in some cases it has been possible to include later references at proof stage.

The book is dedicated to my loving parents David and Jean Halson.

Roger Halson

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