

# Exemption Clauses and Unfair Terms in Consumer Contracts

- Exemption clauses take two main forms:
  - Exclusion clauses, which seek to absolve a party for some or all liability arising from breach of a contract
    - See *Houghton v Trafalgar Insurance*
  - Limitation clauses, which accept liability for a breach, but then limit the amount of damages payable to a certain sum.

# Exemption Clauses And Unfair Terms

**Marco Cascella**



## **Exemption Clauses And Unfair Terms:**

**Exemption Clauses and Unfair Terms** Elizabeth J. Macdonald, M. P. Furmston, 1999 Any contract is likely to have its fair share of exemption clauses and failure to read the small print is often the biggest cause for complaint between litigators This title provides major treatment of the law relating to exemption clauses as well as encompassing the regulation of unfair terms a concept introduced by the Unfair Terms in Consumer Contracts Regulations 1994 These regulations extend to all terms and to certain areas of business such as insurance not covered by the Unfair Contract Terms Act 1977 The book also deals thoroughly with penalty and forfeiture clauses and is the definitive in depth text giving exhaustive coverage of the subject

**Exemption Clauses and Unfair Terms** Elizabeth Macdonald (Professor of law), Michael Furmston, 2004-12-03 Any contract is likely to have its fair share of exemption clauses and failure to read the small print is often the biggest cause for complaint between litigators This title provides major treatment of the law relating to exemption clauses as well as encompassing the regulation of unfair terms a concept introduced by the Unfair Terms in Consumer Contracts Regulations 1994 These regulations extend to all terms and to certain areas of business such as insurance not covered by the Unfair Contract Terms Act 1977 The book is the most up to date and authoritative text in this difficult area of law It gives in depth coverage to exemption clauses and unfair terms and is fully updated to incorporate the most up to date commentary on the market

**Exclusion Clauses and Unfair Contract Terms** R. G. Lawson, 2011 For anyone working with business and consumer contracts this book provides essential information and advice on the statutory controls available to guard against the misuse of exclusion clauses

*Contents of Contracts and Unfair Terms* Mindy Chen-Wishart, Stefan Vogenauer, Hugh G. Beale, 2020 Studies in the Contract Laws of Asia provides an authoritative and current introduction to the contract laws of major Asian jurisdictions and includes a bibliography of literature in the English language The series will identify and discuss the current controversies and debates amongst the stakeholders of the subject jurisdictions the likely direction of travel on these issues as well as the values and policies which shape the development of the law in these areas Furthermore it will examine how European sourced laws have acquired unique characteristics in the transplanted jurisdictions and compare these with the emerging shape of European contract law and other international instruments Each volume in the series will offer an insider's perspective into specific areas of contract law remedies formation parties contents vitiating factors change of circumstances illegality and public policy It will explore how these diverse jurisdictions address common problems encountered in contractual disputes and will offer a comparative assessment horizontally as between the Asian jurisdictions and vertically with source jurisdictions and international codes Book jacket

[Exemption Clauses and Unfair Terms](#) George Applebey, 2002-02-01

**Poole's Textbook on Contract Law** Robert Merkin, Séverine Saintier, 2019 The fourteenth edition of this established and popular text provides a clear and commercially focused exposition of contract law Case driven content and succinct explanations are combined with summaries questions and examples to allow students to gain a sound

understanding of the theory and application of contract law principles      **Contract Law** James Devenney, 2022 Concentrate Q the content is exceptional Wendy Chinenye Akaigwe London Metropolitan University Take it online The 3rd edition is available in paperback or e book Visit [www.oup.com/lawrevision](http://www.oup.com/lawrevision) for multimedia resources to help you with revision and assessment

**Macdonald's Exemption Clauses and Unfair Terms** Mark Anderson, Elizabeth Macdonald, Victor Warner, 2022 An expert analysis covering both the incorporation and construction of the key clauses and the relevant legislation Fully revised and updated the new third edition includes coverage of The changes brought about by the Consumer Rights Act 2015 with a comparison of the Unfair Terms in Consumer Contracts Regulations 1999 Analysis and interpretation of case law which has considered the effect and interpretation of unfair terms since the 2nd edition such as *The Office of Fair Trading v Foxtons Ltd* 2009 EWHC 1681 Ch *The Office of Fair Trading v Ashbourne Management Services Ltd and Others* 2011 EWHC 1237 Ch Case C 243 08 *Pannon GSM Zrt v Erzs bet Sustikn Gyo fi* 2009 ECR I 04713 Case C 168 05 *Elisa Mar a Mostaza Claro v Centro M vil Milenium SL* 2006 ECR I 10421 and the CMA analysis of these cases Analysis and interpretation of the significant amount of case law which has dealt with exemptions since the 2nd edition Analysis and interpretation of how the courts now interpret contract clauses after the decisions of the Supreme Court in *Rainy Sky S A and others v Kookmin Bank* 2011 UKSC 50 and *Arnold v Britton* 2015 UKSC 36

*A Restatement of the English Law of Contract* Andrew Burrows, 2016 A Restatement of the English Law of Contract is the second Restatement of English law undertaken by Andrew Burrows following on the success of A Restatement of the English Law of Unjust Enrichment OUP 2012 Designed to enhance the accessibility of the common law the Restatement comprises a number of clear succinct rules fully explained by a supporting commentary which set out the general law of contract in England and Wales Written by one of the leading authorities in this area in collaboration with an advisory group of senior judges academics and legal practitioners the Restatement offers a novel and powerfully persuasive statement of the law in this central area of English law All lawyers dealing with the English law of contract whether as practitioners judges academics or law students cannot but benefit from this Restatement The English law of contract is one of the most respected systems of contract law in the world and by the device of a choice of law clause is often chosen by foreign commercial parties as the applicable law to govern their contract One of the aims of the Restatement is for the reader including those from civil law jurisdictions to see quickly and easily how the different elements of the English law of contract fit together

**Macdonald's Exemption Clauses and Unfair Terms** Mark Anderson, Victor Warner, 2022-06-23 An exemption clause is an agreement in a contract that stipulates that a party is limited or excluded from liability A term is unfair if it s contrary to good faith it causes a significant imbalance in the rights and obligations of the parties to the detriment of the consumer Exemption clauses and unfair terms can be used unfairly and sometimes disadvantage a party and their use is regulated The two main pieces of legislation regulating their use are 1 The Unfair Terms Act 1977 which now only applies to liability arising in the course of a business and in relation to liability arising

towards other businesses and 2 The Consumer Rights Act 2015 consolidates the provisions that previously applied to consumers under the Unfair Contract Terms Act 1977 and the Unfair Terms in Consumer Contracts Regulations 1999. Macdonald's Exemption Clauses and Unfair Terms is an expert analysis covering both the incorporation and construction of the key clauses and the relevant legislation. Fully revised and updated, the new third edition will include coverage of the changes brought about by the Consumer Rights Act 2015 with a comparison of the Unfair Terms in Consumer Contracts Regulations 1999 analysis and interpretation of case law which has considered the effect and interpretation of unfair terms since the 2nd edition such as *The Office of Fair Trading v Foxtons Ltd* 2009 EWHC 1681 Ch, *The Office of Fair Trading v Ashbourne Management Services Ltd and Others* 2011 EWHC 1237 Ch, *Case C 243/08 Pannon GSM Zrt v Erzsébet Sustikné Gyöfi* 2009 ECR I 04713, *Case C 168/05 Elisa María Mostaza Claro v Centro Multimedia Milenium SL* 2006 ECR I 10421 and the CMA analysis of these cases. Analysis and interpretation of the significant amount of case law which has dealt with exemptions since the 2nd edition. Analysis and interpretation of how the courts now interpret contract clauses after the decisions of the Supreme Court in *Rainy Sky SA and others v Kookmin Bank* 2011 UKSC 50 and *Arnold v Britton* 2015 UKSC 36.

**A2 Law for OCR** Jimmy O'Riordan, 2003. This textbook for students of A2 Law for OCR provides an accessible approach to the challenge of A2. Building on the knowledge of Law gained at AS, the book gives students all they need to know for their exams. The book covers the OCR options Criminal Law and the Law of Contract. All the information for the Special Study option is covered, providing students with the right skills development needed for students to be successful in their work. Exam questions and key revision points are provided at the end of each unit so students can face their exams with confidence.

**Poole's Casebook on Contract Law** Robert Merkin QC, Robert M. Merkin, Séverine Saintier, 2021. All the cases you need together with the tools to understand them. Poole's Casebook on Contract Law takes a uniquely supportive approach to give students the confidence to engage with and analyse judgments. *Poole's Casebook on Contract Law* Robert Merkin, Séverine Saintier, 2023. All the cases you need together with the tools to understand them. This contract casebook presents all the leading cases supplemented by succinct author commentary and thought-provoking questions to deepen understanding. Poole's Casebook on Contract Law takes a uniquely supportive approach to give students the confidence to engage with and analyse judgments. Digital formats and resources. The sixteenth edition is available for students and institutions to purchase in a variety of formats and is supported by online resources. The e-book offers a mobile experience and convenient access along with functionality, tools, navigation features and links that offer extra learning support. <http://www.oxfordtextbooks.co.uk/ebooks> [www.oxfordtextbooks.co.uk/ebooks](http://www.oxfordtextbooks.co.uk/ebooks). A selection of online resources accompanies this text, including Exercises and guidance on reading cases.

**Anson's Law of Contract** J. Beatson, Andrew S. Burrows, John Cartwright, 2016. An authoritative and detailed account of contract law, this is a widely renowned and well-respected textbook for students of contract law and a trusted source of reference for practitioners and academics.

*Koffman & Macdonald's Law of Contract* Elizabeth Macdonald, Ruth Atkins, Ruth Dawn Atkins, 2014 A clear and non technical account of contract law ideal for university students new to the study of law

**Complete Contract Law** André Naidoo, 2021 Complete Contract Law offers students a carefully blended combination of the concepts and cases of contract law accompanied by insightful commentary a combination designed to encourage critical thinking stimulate analysis and promote a complete understanding

**Introduction to Business Law** Lucy Jones, 2015 With its engaging and accessible writing style Introduction to Business Law introduces students to the key legal areas relevant to the world of business and work Practical examples and insights from professionals are included throughout the text to ensure understanding while definitions of key terms diagrams and case studies support students without a legal background Covering all the essential topics addressed on business law modules including a new chapter on intellectual property Law the text has been reviewed by lecturers and students to ensure the content gives readers the best chance of success in their studies Online Resources The book is accompanied by a comprehensive Online Resource Centre offering a range of resources to support teaching and learning Student Resources DT Striking the right balance Lucy Jones describes how to get the most out of your textbook DT Suggested answers to end of chapter questions DT Exam tips and advice DT Flashcard glossary of key terms DT Multiple choice questions with instant feedback DT Chapter summary notes Lecturer Resources DT Additional assignment questions DT Group exercises DT PowerPoint slides for each chapter DT Research exercises DT Test bank of questions for use in class assessments

**Law for Non-Law Students** Keith Owens, 2013-03-04 Law for Non Law Students is written in a clear and readable style and aims to make the law understandable for readers at undergraduate or comparable level It explains the practical influences under which the law has been formed so that the student will be better able to understand why the law has developed in the way that it has It gives lots of straightforward examples as to how the law works in practice and aims to equip students with the ability to appraise the effectiveness of the law in a particular circumstance rather than simply providing a list of rules for the student to regurgitate at exam time The facts of the more important cases are given in some detail to enable the student to appreciate the range of factors which the court may have taken into account in reaching its decision The new edition has been updated to take account of all recent developments both in relation to statute and to case law Certain chapters particularly in the area of sale of goods have been substantially rewritten and expanded in an attempt to give more detail while at the same time remaining student friendly New chapters on Agency and Negligence have been added brThis new edition should be suitable for most courses which have a law element

**CIMA Official Learning System Fundamentals of Ethics, Corporate Governance and Business Law** Larry Mead, David Sagar, Kevin Bampton, 2009-07-18 CIMA Official Learning Systems are the only coursebooks recommended by CIMA Written by a team of experts that include past and present CIMA examiners and markers they contain everything you need to know Each book maps to the syllabus chapter by chapter to help you learn effectively and reinforce learning with features including

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