

THE IN-HOUSE TRAINING COMPANY

Contract law in depth

Overview

This comprehensive two-day programme has been designed to give non-legal audiences a good understanding of English contract law and its practical application in a business context. It will help all those dealing with customers or suppliers avoid exposing your organisation to undue legal risk.

Training objectives

Having attended this event participants will be better able to:

- Understand the legal consequences of their actions and decisions in dealing with customers and suppliers
- Avoid legal pitfalls
- Participate effectively in contract negotiations
- Appreciate the consequences of non-performance
- Enforce contractual terms

Audience

All staff who need a full understanding of contract law, including:

- Contracts and commercial staff, including bid teams
- Procurement staff at all levels
- Sales teams, including major account managers
- Project managers and engineers

Whilst no prior knowledge of contract law is required for participation in this event, it is a particularly appropriate programme for those who wish to build on their current level of knowledge. It is equally applicable to the public and the private sectors.

Format

This comprehensive two-day course is based around a mix of formal presentations from the expert trainer and practical case studies. There is ample opportunity for participants to raise issues of particular concern to them.

Special feature

This course can be tailored to the specific needs of your particular organisation, to take into account such factors as industry sector (eg, construction contracts are very different from consumer contracts), use of standard forms and nature of business (eg, international contracts need to be approached in a very different way).

The expert trainer

Chris is a solicitor who has been running his own practice for more than ten years. Formerly an in-house lawyer with George Wimpey plc and before that with Costain Group plc, he has extensive hands-on experience of the practical problems faced by businesses and has many years of experience in training non-legal audiences in contract and commercial law. A fully accredited and practising adjudicator, he has a particular expertise in building and construction contracts and has for many years lectured on a part-time basis to post-graduate engineering students at Kingston University.

Course outline

DAY ONE

1 Formation of contract

- Tenders
- Qualifying tenders
- Letters of intent
- Fraudulent and innocent misrepresentation
- Complete contract clauses
- Side letters
- Formal legal requirements

2 Jurisdiction and governing law

- Jurisdiction clauses
- Governing law clauses
- EU rules
- Arbitration
- Outline of enforcement
- Power of Courts to intervene

3 Express and implied terms

- Proof
- Classification
- Construction

4 Exemption and limitation clauses

- Difference between consumer and commercial contracts
- Unfair Contract Terms Act
- *Force majeure*

5 Capacity of parties

- Corporations, including companies
- Crown and foreign states
- Personal capacity

6 Agency

- Types of agency
- Liability of principal and agent

DAY TWO

7 Consideration

- Executed
- Executory
- Past

8 Mistake

- Effect on validity of contract

9 Illegality and public policy

- Severance of contract
- Restraint of trade

10 Assignment and novation

- Need for consent to assign or novate
- Effect of assignment or novation

11 Partnerships, joint ventures and joint obligations

- Joint and several liability

- Limited liability partnerships
- Incorporating joint ventures

12 Third party rights

- Privity and Effect of Contracts (Rights of Third Parties) Act
- Guarantees and indemnities

13 Limitation and remedies for breach of contract

- Six and twelve year limitation periods
- Effect of the Latent Damage Act
- Possibility of a contracting party having other liabilities
- Damages
- Declarations
- Injunctions
- Specific performance
- Rescission
- Enforcement of arbitrators' / adjudicators' awards

14 Conflict of laws

- Difference between procedural and substantive laws and effect on aspects of litigation

15 Mediation

- Objectives
- Need for any outcome agreement to be in an enforceable format

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PLEASE CALL 01582 469080**

<http://www.in-house-training.com>

Email: info@in-house-training.com