

# THE IN-HOUSE TRAINING COMPANY

## An introduction to contract law

### Overview

This highly-focused one-day programme has been designed to give non-legal audiences a firm grasp of the basic principles of English contract law. It will help all those dealing with customers or suppliers to cost-effectively 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

As a result of attending this course, all the participants will be able to recognise or anticipate contractual problems and will know when to raise concerns or seek advice.

### Audience

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

- Contracts and commercial staff
- Procurement staff
- Sales teams
- Project managers and engineers

The programme is particularly useful for those who have had no formal training in the subject, this course is also a very useful 'refresher'. It is equally applicable to the public and the private sectors.

### Format

This intensive one-day course covers a significant amount of material and is based primarily around formal presentations from the expert trainer, although with 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

### 1 Formation of contract

- Tenders
- Letters of intent
- Complete contract clauses
- Side letters
- Formal legal requirements

### 2 Jurisdiction and governing law

- Jurisdiction clauses
- Governing law clauses
- EU rules
- Arbitration

### 3 Express and implied terms

- Proof
- Classification
- Construction

### 4 Exemption and limitation clauses

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

### 5 Capacity of parties

- Corporations, including companies
- Personal capacity

### 6 Agency

- Types of agency
- Liability of principal and agent

### 7 Consideration

- Executed, executory and 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
- Incorporating joint ventures

### 12 Third party rights

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

### 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

**14 Mediation, arbitration and adjudication**

- Outline of different objectives and procedures

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