MAKING CONTRACTS

Purpose: selling or buying goods, services, land, investments

Method: exchange of promises treated by law as binding

Defined: offer, acceptance, “consideration”; formalities

Analysis: offer to sell or offer to treat (e.g. supermarket shelves or self-service fuel)

acceptance by conduct

writing, signatures (e.g. Land Registration Act 2002 section 91)

offline and online distinctions – evidence
EU ISSUES

Distance Selling Regulations:

- simple information requirements, often neglected
- cancellation rights for consumers

Data Protection:

- registration for processing of personal data
- purposes of processing must be registered
- compliance with commendable but rather general principles
GLOBAL ISSUES

Choice of law

Place of jurisdiction

Arbitration

Default rules

Enforcement of judgments and arbitration awards

Locality: place of establishment (tax; regulation)

place of target of advertising (consumer protection)

nationality of target of advertising (securities laws)

OTHER LIABILITY ISSUES

Negligence (disclaimers)

Libel (forums)
Special cases (e.g. Nazi memorabilia, codeine, pornography, gambling, fund-raising for political parties or charities, tobacco, alcohol, herbal remedies).

Whose responsibility?

FINDING THE LAW

Statute law: www.statutelaw.gov.uk/

Case law: www.bailii.org/

Law books: www.squire.law.cam.ac.uk/