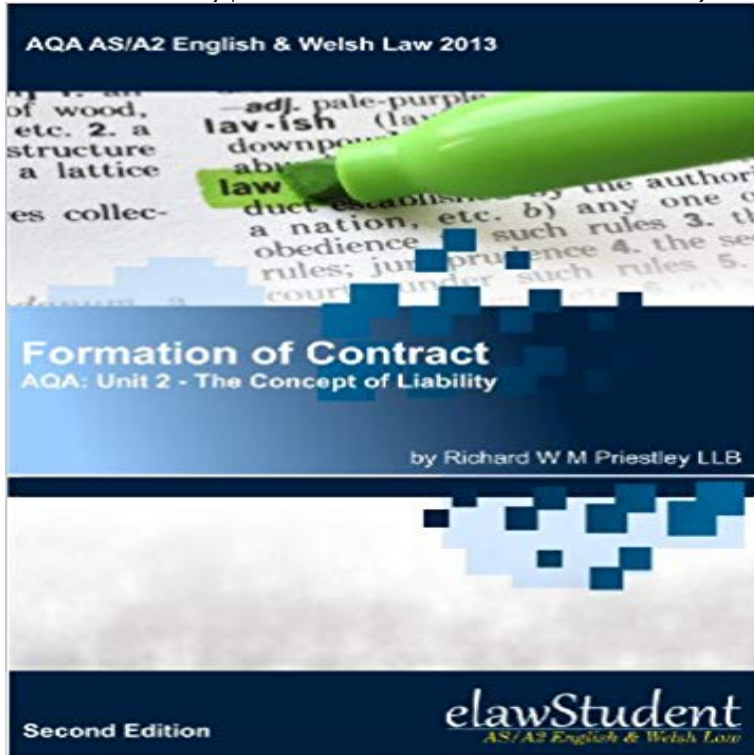


# Formation of Contract - AQA: Unit 2 - The Concept of Liability (AQA AS/A2 English & Welsh Law 2013)



FORMATION OF CONTRACT CHAPTER 1. INTRODUCTION The nature and history of the law of contract introduced. CHAPTER 2. OFFER The nature of offers (e.g. unilateral and bilateral) introduced and the following elements considered in detail: Cross-offers, Offers and invitations to treat; Shop window displays Self-service displays; Advertisements, circulars and price lists; Auctions; Tenders and quotations; and Statements of the price. CHAPTER 3. TERMINATION OF OFFER The termination rules discussed in detail, in particular: Revocation; Time limits; Rejection; Occurrences of a specified event; and Death of either party. CHAPTER 4. ACCEPTANCE The nature of acceptance introduced and the following elements considered in detail: Mirror image rule; Acceptance by conduct; Conduct and subject to contract; Counter-offers; Method of acceptance; and the Battle of the forms. CHAPTER 5. COMMUNICATION OF ACCEPTANCE The rules discussed in detail, including: Unilateral contracts; Bilateral contracts - postal rule; and the Internet. CHAPTER 6. INTENTION TO CREATE LEGAL RELATIONS The concept introduced with a detailed discussion on Domestic and Commercial agreements. CHAPTER 7. CONSIDERATION (1) The doctrine of consideration introduced - something of value in the eyes of the law - and an analysis of the following: Consideration must move from the promisee; and Past consideration. CHAPTER 8. CONSIDERATION (2) An examination of instances where, on the face of it, there appears to be no consideration and vice versa, yet the courts have held consideration to exist or not to exist as the case may be; together with a look at certain criticisms of the doctrine. In particular, an examination of the following: Forbearance to sue; Performance of an existing legal

duty; Duty already imposed by contract with the promisor; Rescission and novation; Additional money for performance of the same contract; Performance beyond the existing duty; Duty imposed by contract with third party; Debtors - the rule in Foakes v Beer (aka the rule in Pinnels case); Unliquidated sums - disputes - composition agreements; Third parties; and Promissory estoppel. NOTE The edited judgments of all cited cases in these chapters are laid out in an appendix in order of importance as follows.\* One star cases are of no real importance.\*\* Two stars indicate cases fairly unimportant cases. They may be worth Brownie points, for example because they are recent cases or illustrate legal principles derived from more important cases. \*\*\* Three star cases are nice to know but not vital. They may be worth citing, for example because they are recent cases; illustrate legal principles; or follow previous cases.\*\*\*\* Four star cases are important and should be quoted where appropriate.\*\*\*\*\* Five star cases are leading cases. If not quoted in an exam, where relevant, then you are likely to score very badly - if not fail.

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