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The Law of Contract

in South Africa

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Contract Law In South Africa Contract Law In South Africa

C. G. Van der Merwe, J. E. Du Plessis



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Contract Law in South Africa Louis F. van Huyssteen, Catherine J. Maxwell, 2017-07-20 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in South Africa covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in South Africa will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law [The Law of Contract in South Africa](#) Dale Hutchison, Chris Pretorius, Tjake Naude, Jacques du Plessis, Sieg Eiselen, Tomas Floyd, Luanda Hawthorn, 2013-01-17 The textbook offers an introductory comprehensive overview of the law of contract *Contract Law in South Africa* Louis F. van Huyssteen, Catherine J. Maxwell, 2021-02-22 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in South Africa covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of

contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in South Africa will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law

Introduction to the Law of South Africa C. G. Van der Merwe, J. E. Du Plessis, 2004-01-01 This title is part of an established Series which introduces various legal systems of the world It provides an authoritative and accessible overview of the main branches of South African public private and commercial law Offering insight into the rich system of South African law this title will be of particular interest to the international legal community The South African legal system has not only developed fascinating mixtures of civil law and common law rules over more than a century but has also experienced a post apartheid South Africa Of particular interest is the way in which so many branches of law have been infused by basic constitutional values Many of the contributors have published work in their own fields and have considerable experience of presenting their subject matter in a broader comparative perspective The succinct and balanced nature of the contributions makes this title attractive to a wide audience of academics students and practitioners with an interest in this remarkable legal system

The Law of Contract in South Africa Dale Hutchison, Chris-James Pretorius, 2012 *The Law of Contract in South Africa* Richard Hunter Christie, 1996

Transparency in Insurance Contract Law Pierpaolo Marano, Kyriaki Noussia, 2020-03-11 This Volume of the AIDA Europe Research Series on Insurance Law and Regulation focuses on transparency as the guiding principle of modern insurance law It consists of chapters written by leaders in the respective field who address transparency in a range of civil and common law jurisdictions along with overview chapters Each chapter reviews the transparency principles applicable in the jurisdiction discussed Whether expressly or impliedly all jurisdictions recognize a duty on the part of the insured to make a fair presentation of the risk when submitting a proposal for cover to the insurers although there is little consensus on the scope of that duty Disputed matters in this regard include whether it is satisfied by honest answers to express questions or whether there is a spontaneous duty of disclosure whether facts relating to the insured's character as opposed to the nature of the risk itself are to be presented to the insurers the role of insurance intermediaries in the placement process and the remedy for breach of duty Transparency is however a much wider concept Potential policyholders are in principle entitled to be made aware of the key terms of coverage and to be warned of hidden traps such as conditions precedent average clauses and excess provisions but there are a range of different approaches Some jurisdictions have adopted a soft law approach using codes of practice for pre contract disclosure while other jurisdictions employ the rather nebulous duty of utmost good faith Leaving aside placement transparency is also demanded after the policy has been incepted The insured is required to be transparent during the claims process There is less consistency in national legislation regarding the implementation of

transparency by insurers in the context of handling claims

The Law of Contract in South Africa Dale

Hutchison, Chris-James Pretorius, 2017

The Principles of BRICS Contract Law Salvatore Mancuso, Mauro

Bussani, 2022-08-09 This book examines national reports on contract law in each of the BRICS countries Brazil Russia India China and South Africa in order to provide a comparative analysis It then establishes common principles where possible as well as a set of general soft law principles governing international commercial contracts in these countries The importance of commercial transactions in the BRICS countries is rapidly growing yet differences in contract law among these countries can lead to misunderstandings and disputes The rapid development of the BRICS instruments and the legal implications of their use suggests the need to address common legal issues that could harm the continued development of the BRICS economies Contract law represents one of the core areas in which this process can take place Addressing the salient legal issues within the BRICS discourse requires a comprehensive comparative approach that explores the different solutions provided by each member country in order to identify similarities and convergences This process may ultimately help to reduce the legal obstacles to and indirect costs of cross border transactions by offering a transparent and predictable legal environment for any future attempt at adopting common legal instruments

Promises and Contract Law Martin Hogg, 2011-07-14

Promises and Contract Law is the first modern work to explore the significance of promise to contract law from a comparative legal perspective Part I explores the component elements of promise its role in Greek thought and Roman law the importance of the moral duty to keep promises and the development of promissory ideas in medieval legal scholarship Part II considers the modern contract law of a number of legal systems from a promissory perspective The focus is on the law of England Germany and three mixed legal systems Scotland South Africa and Louisiana though other legal systems are also mentioned Major topics subjected to a promissory analysis include formation of contract third party rights contractual remedies and the renunciation of contractual rights Part III analyses the future role which promise might play in contract law especially within a harmonised European contract law

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