This chapter identifies the key elements required for a contract to be formed. It looks in depth at agreement, breaking it down into offer and acceptance. An offer is distinguished from an invitation to treat in principle, and specific examples of communications which are commonly identified as invitations to treat or offers are considered (eg advertisements, displays in shops, auctions, and website ‘shops’/advertisements). Termination of offers by various means, including counter-offers and revocation, are looked at. What constitutes an acceptance is addressed, and the special rule relating to the time of effectiveness of posted acceptances (‘the postal rule’) is considered, as is its extension to contexts such as e-mailed acceptances. The ‘battle of the forms’ is looked at.
2. Formation of the contract

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