This chapter discusses the key elements of a contract as an agreement. No contract exists unless the parties have agreed on everything which they consider requires agreement. However, a failure explicitly to set out all the terms of the agreement is not necessarily fatal to there being a contract, since a court might be able to imply terms to fill in any gaps. But a court will be unable to do this if it would contradict the intentions of the parties. Parties may agree not to negotiate with anyone else for a specified period of time. But an agreement to negotiate with one another is not binding because it is insufficiently certain. An agreement may be made ‘subject’ to something or other. If so, the contract is not binding until that particular event occurs.
5. Contract as an agreement

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