6. The Terms of a Contract

This chapter discusses the terms of a contract. The terms are the contents of the contract. They also state what the parties' legal duties and obligations are to each other. Terms may be written, oral, or even implied into a contract. This chapter discusses the difference between a term of a contract and a representation and the difference between express and implied terms. It considers the types of contractual terms, conditions, warranties, and innominate terms, and the distinction between them. The nature of exemption clauses and the methods used by the courts to restrict the use of such clauses and the effects on exemption clauses of the Unfair Contract Terms Act 1977 and Consumer Rights Act 2015 are examined. The chapter concludes with a discussion of restraint of trade clauses commonly found in contracts of employment, contracts for the sale of businesses, and solus agreements.

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