



HART STUDIES IN PRIVATE LAW

CONTRACTUAL INDEMNITIES

Wayne Courtney

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L Darling-Hammond



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Contractual Indemnities Wayne Courtney, 2014-12-01 Promises of indemnity are found in many kinds of commercial contracts not just contracts of insurance This book examines the nature and effect of contractual indemnities outside the insurance context It is the first work to provide a detailed account of the subject in English law The book presents a coherent theory of the promise of indemnity while also addressing important practical issues such as the construction of contractual indemnities The subject is approached from two perspectives The foundations are laid by examining general principles applicable to indemnities in various forms This covers the nature of indemnity promises general principles of construction the determination of scope and the enforcement of indemnities The approach then moves from the general to the specific by examining separately particular forms of indemnity Included among these are indemnities against liability to third parties and indemnities against default or non performance by third parties The book states English law but it draws upon a considerable amount of material from other common law jurisdictions including Australia Canada New Zealand and Singapore It will appeal to readers from those countries

Carter's Breach of Contract JW Carter, 2018-11-29 Carter's Breach of Contract is well established as the leading text on the subject in the Commonwealth having been cited regularly and with approval by the courts in a number of jurisdictions The work is comprehensive in relation to both English and Australian law Moreover by drawing on decisions in the United States Singapore and New Zealand the American Law Institute's Restatement of Contract 2nd as well as the Uniform Commercial Code US and the United Nations Convention on Contracts for the International Sale of Goods the work has a unique comparative dimension It will therefore be a valuable resource for scholars practising lawyers and students of contract law This new edition retains the hallmark of the previous edition its statement of the law of breach of contract in a series of articles which codify the law as a set of brief statements of principle These articles are also reproduced in the Appendix and together with an extensive bibliography index and tables make this the ideal first port of call for all questions relating to breach of contract

Knock-for-Knock Indemnities and the Law Kristoffer Svendsen, Endre Stavang, Greg Gordon, 2023-03-15 This book examines contractual limitation principles and practice through the use of knock for knock indemnity clauses In using such clauses the parties agree that for certain forms of potential liability typically property damage personal injury to employees and sometimes other heads of claim such as consequential loss any loss arising will be absorbed by the party who suffers it you look after your losses I'll look after mine It is an apparently simple pragmatic and neat solution to the question of who bears liability a risk allocation model so straightforward that it was described by one experienced English judge Honorable Mr Justice Morison as crude A specialist contributor team of international experts examine the origin application and effect of these clauses in important jurisdictions their impact in different industries such as oil gas shipping construction and insurance through the lenses of both economic and legal analyses The book is of use for lawyers economists and businesspeople who draft negotiates or manage contracts in

all industries where liability is dealt with in this way It is also of interest to students academics and policy makers

Policyholder's Reasonable Expectations Yong Qiang Han,2016-11-03 Over the past two decades protecting contractual parties reasonable expectations has incrementally gained judicial recognition in English contract law In contrast however the similar doctrine of policyholder s reasonable expectations has been largely rejected in English insurance law This is injurious firstly to both the consumer and business policyholder s reasonable expectations of coverage of particular risks and secondly to consumer policyholder s reasonable expectations of bonuses in with profits life insurance To remedy these problems this book argues for an incremental but definite acceptance of the conception of policyholder s reasonable expectations in English insurance law It firstly discusses the homogeneity between insurance law and contract law as well as the role of reasonable expectations and their relevance to the emerging duty of good faith in contract law Secondly following a review and re characterisation of the American insurance law doctrine of reasonable expectations the book addresses the conventional English objections to the reasonable expectations approach in insurance law In passing it also rethinks the approach to the protection of policyholder s reasonable expectations of bonuses in with profits life insurance through a revisit to the in famous case *Equitable Life Assurance Society v Hyman* 2000 UKHL 39 particularly to its relevant business and regulatory background

Oxford Studies in Private Law Theory: Volume I Paul B Miller,John Oberdiek,2020-11-20 Oxford Studies in Private Law Theory is a biennial forum for some of the best new work in private law theory by scholars from around the world The essays range widely over issues in general private law theory as well as specific fields including the theoretical analysis of tort law property law contract law fiduciary law trust law remedies and restitution and the law of equity OSPLT will be essential reading for academic lawyers philosophers political scientists economists and historians who wish to keep up with the latest developments in the flourishing field of private law theory

Risk Allocation and Distributive Justice in the Energy Industry Smith I Azubuike,2024-09-30 Brings the concept of gross negligence to the fore and highlights how distributive justice forms a better foundation for risk allocation in the offshore energy industry Assessed the practice of risk allocation in gross negligence cases in offshore petroleum drilling contracts Presented a public policy perspective on risk allocation in offshore drilling contracts Discussed gross negligence as a sui generis risk and provides a definitional pathway for determining when gross negligence has occurred and how it should apply to offshore energy drilling contracts to encourage a pollution free drilling operation Advanced the concept of distributive justice as a basis for risk allocation between participants when a downside arises due to gross negligence This book examines the practice of risk allocation in the offshore energy industry through the public policy lens and offers a novel perspective on the concept of gross negligence in risk allocation This perspective is founded on the proportionality element of distributive justice in burden distribution The assessment of how mutual indemnity clauses apply as an absolute shield against liability arising from gross negligence reveals that moral hazard can result from the practice In the analysis this book considers the risk allocation practice in PSC

and Concession regimes and how parties liability is determined in drilling contracts This book considers gross negligence a sui generis risk and provides a definitional pathway for determining when gross negligence occurs and how it should apply to offshore drilling contracts Thus it advances an environmental sustainability approach to offshore petroleum drilling operations This book will be useful to operators and contractors resource rich countries insurance companies practitioners scholars and academics interested in risk allocation in the petroleum industry Law, Life, and the Teaching of Legal History Ian C. Pilarczyk, Angela Fernandez, Brian Young, 2022-07-19 As the leading legal historian of his generation in Canada and professor at McGill University for over three decades Blaine Baker 1952 2018 was known for his unique personality teaching style intellectual cosmopolitanism and deep commitment to the place of Canadian legal history in the curriculum of law faculties Law Life and the Teaching of Legal History examines important themes in Canadian legal history through the prism of Baker s career Essays discuss Baker s own research his influence within McGill s law faculty his complex personality and the relationship between the private and the public in the life of a university intellectual at the turn of the twenty first century Inspired by topics Baker took up in his own writing contributors use Baker s broad interests in legal culture to reflect on fundamental themes across Canadian legal history including legal education gender and race technology nation building and national identity criminal law and marginalized populations and constitutionalism Law Life and the Teaching of Legal History offers a contemporary analysis of Canadian legal history and thoughtfully engages with what it means to honour one individual s enduring legacy in the study of law The Insurance Field ,1926 Vols for 1910 56 include convention proceedings of various insurance organizations Merced County Farm Bureau Monthly Merced County (Calif.). Farm Bureau, 1921 *Commerce Business Daily* ,1998-05 Insurance Law and Practice, with Forms John Alan Appleman, Jean Appleman, 1941 *The Railway Chronicle* ,1845 *The Law Times* ,1855 **West's federal reporter : cases argued and determined in the United States courts of appeals and Temporary Emergency Court of Appeals** ,1991 **Poor's** ,1940 **The Journal of the Law Society of Scotland** ,1994 **The Weekly Underwriter** Alasco Delancey Brigham, Henry Rogers Hayden, 1952 **Poor's Financial Records** ,1941 *Modern Hospital* ,1958 **The Federal Reporter** ,1991

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