

ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW
FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

Seminar

Freedom to Exercise Contractual Rights of Termination

Professor Michael Bridge

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Professor of Law, National University of Singapore*

Friday, 4 April 2014

5:00 - 6:00 pm

**Academic Conference Room, 11/F Cheng Yu Tung Tower
The University of Hong Kong**

Termination clauses in contracts have attracted much less attention than exclusion and limitation clauses. This presentation deals with a variety of methods, successful and unsuccessful, used by statute, common law and equity to control the exercise of a contractual right to terminate a contract for breach. It considers, for example, whether a broadly drawn termination clause should, because of its impact on damages liability, be subject to the rule against penalties, or be struck out under unfair contract terms legislation. It considers whether there is any remaining vitality in the rule that time is not of the essence in equity. It looks also at recent developments dealing with contractual discretion, good faith and termination to see whether widely drawn clauses might be read down to accord with the broad expectations of both parties.

Michael Bridge is the Cassel Professor of Commercial Law at the LSE and also Professor of Law at the National University of Singapore. He is a Fellow of the British Academy and a Member of the CISG Advisory Council, and has previously held chairs at McGill University, the University of Nottingham and UCL. He has written, either as a single author or as a co-author, treatises for Oxford University Press on Sale of Goods, International Sale of Goods, International Sale of Goods in the Conflict of Laws, the Law of Security and Title-Based Financing and Personal Property Law. For Sweet and Maxwell, he is the general editor of Benjamin's Sale of Goods and the co-author of a recent major work on the Law of Personal Property. In addition, he has written many articles and chapters on contract, personal property, sale of goods (national and international), conflict of laws, secured credit and insolvency.

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