

Study Program: Master Academic Studies		
Subject Title: COMMON LAW CONTRACTS		
Lecturers: Ph. D. Nebojša Jovanović, Ph.D. Marko Đurđević, Ph.D. Mirjana Radović,		
Status of the Subject: optional subject within the commercial law module		
Number of ESPB: 10		
Requirement: Bachelor Degree		
Subject Aim: enabling basic knowledge about contract law within the common law system; pointing to the main differences comparing with the Serbian contract law		
Learning Outcome: making students able to debate with the common law jurist about contracts and to understand their way of legal reasoning; making Serbian jurists able to recognise the risks in contracting the common law as relevant law in foreign-trade transactions		
Subject Content – basic learnings about contract law system; general rules about contracts (notion, types, consideration, law sources); conclusion of contracts; legal effect of contracts (rights and duties); termination of contracts; basic rules of obligation relevant for contracts (e.g., liquidated, damage, novation, assignation, prescription); sale contract, bailment, agency contract		
Literature Mandatory: Nebojša Jovanović, Introduction to Common Law Contracts (Ser. Uvod u common law ugovorno pravo), Faculty of Law, University of Belgrade, Belgrade, 2015 Additional: on the special list under this form		
Number of Lectures	Theoretical Lectures: 15	Practical Lectures: none
Method of Teaching: Lectures		
Evaluation of Knowledge (maximal number of points 100)		
Pre-examination duties	points	Final exam
Lectures	10	Oral examination (interview) – points 90
Expert Group	-	
Seminar	-	
Colloquium	-	
Approved Student Paper	10	
Other Activities	-	

Program of the Common Law Contracts

GENERAL CONTRACT LAW

THE ENGLISH SYSTEM OF OBLIGATIONS AND CONTRACTS – place of contracts within the English law, law sources, English contract law, general and special law

NOTION OF CONTRACT – definition, doctrine of consideration, types of consideration, bilateral and unilateral contracts, terms, gratuitous promises, fictitious contracts, role of intention, deviations from doctrine of consideration, doctrine of estoppel, legal and business risk, commercial contract, Wien convention on sale of goods (CISG)

PRINCIPLE OF GOOD FAITH

TERMS FOR MAKING THE CONTRACTS – types of terms, contractual capacity, mentally disordered persons, drunken persons, legal persons, form of the contract, informality, deviations, cancellation and alternation of contract, parol evidence rule types of form, CISG

CONCLUSION OF CONTRACT – process of conclusion, negotiations, pre-contracting, offer, acceptance, ‘technique’ of drafting the contracts

INTERPRETATION OF CONTRACT

VITIATING FACTORS – overview, mistake, misrepresentation

CONTENT OF THE CONTRACT – misunderstanding of the terms, types of terms

EFFECTS OF THE CONTRACTS – general comparison, property law effect, third parties, frustration of contract

TERMINATION OF CONTRACT – basic learnings, cancelation of contract, contractual liability

GENERAL ISSUES RELEVANT FOR CONTRACT LAW – absence of general doctrine of obligations,

contractual penalty, deposit, advance payment, statutory interest, pecuniary duties, write-off, prescription

SPECIAL CONTRACT LAW (special contracts)

SALE – notion, nomination, reasons and importance of sale, law sources, types, delimitations, form, substantial elements (types, price, thing), effects of contract, transfer of risk, duties of parties, duties of seller (delivery, freedom of contracting, place, time, manner and costs of delivery, USA law), duties of buyer (inspection, reception, payment of price), protection of seller, protection of buyer, omission of delivery, late delivery, inconformity of the article, eviction, conversion, stoppage in transit, instalment sale, USA law

BAILMENT – notion, significance, origin, terms for creation (elements), types, delimitations, termination of contract and prescription, rights and duties of parties, duties and rights of bailee, rights and duties of bailor, gratuitous bailment (deposit, deposit with bankers, mandate, gratuitous loan for use), bailment for reward (supply of services, custody for reward, lien, consignment), hotel bailment,

lease (hire), lease of movable, lease of immovable, pledge

AGENCY – notion and delimitations, sources of law, significance, types of agent, relationships between participants, relationship between principal and agent, contract of agency, creation of agency, agency in necessity, rights and obligations of agent, termination of agency, relationship between agent and third party (creation of relationship, agency without authority), relationship between principal and third party (effects of agency, types of authority, informing the third party about principal, performance of contract, Agency convention), electronic agent

Lecturers– Ph.D. Nebojša Jovanović, Ph.D. Marko Đurđević, Ph.D. Mirjana Radović

Literature

Mandatory – Nebojša Jovanović, Introduction to common law contracts (Ser. Uvod u common law ugovorno pravo), Faculty of Law, University of Belgrad, Belgrade, 2015.

Additional (non-mandatory):

Guenter Treitel, *An Outline of the Law of Contract*, Oxford, 2004

Ewan McKendrick, *Contract Law*, London, 2007

John Cartwright, *Contract Law*, Oxford, 2007

Anderson R., Fox I., Twomey D., *Business Law*, South/Western Publishing Co., Cincinnati, 1987

Atiyah P.S., Adams John, MacQueen, *The Sale of Goods*, Pearson, Harlow, 2005

Cheesman Henry, *Contemporary Business and Online Commercial Law*, Pearson, New Jersey, 2009

Goldman Arnold, Sigismund William, *Business Law*, South-Western, Mason, 2008

Miller Roger, Jentz Gaylord, *Business Law Today*, Tomson, South-Western, Mason, 2003