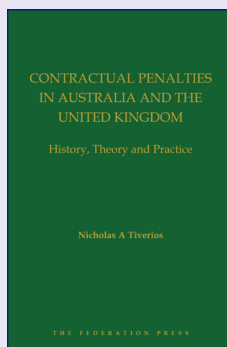


Contractual Penalties in Australia and the United Kingdom

History, Theory and Practice

Nicholas A Tiverios



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It is a common drafting technique for contracts to contain an agreed remedy for one party in the event of a breach by the other. This book provides a comprehensive answer to a vital question as to when will a court refuse to enforce this remedy because it impermissibly punishes a party. It provides readers with a detailed yet accessible guide as to how the penalties doctrine operates in practice, taking account of the growing body of case law. It also features comprehensive analysis of the sharp divergences between penalties doctrines in the UK and Australia and a quick reference guide to assist lawyers in identifying potentially contentious issues.

From the Foreword by the Hon Justice James Edelman, High Court of Australia

"The detailed doctrinal and philosophical analysis in Contractual Penalties in Australia and the United Kingdom makes it a book for scholars who want to understand the historical, conceptual, and moral foundations of the prohibition against contractual penalties. But its clear and concise style and its chapters and sections concerning the practical application of a doctrine based upon slippery foundations also make it essential reading for all commercial lawyers in Australia and England."

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