



Contractual Indemnities (Hart Studies in Private Law)

By Wayne Courtney

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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.

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Editorial Review

Review

Overall, the book involves a close analysis of cases and dicta both in Australia and in other countries, notably the United Kingdom. In this respect it is a meticulous, scholarly and thorough work. In setting out the principles which emerge from the [indemnity] cases, the book reminds the reader of the importance of the clauses in those cases. This book will greatly assist the drafting process. (Malcolm A Clarke *Journal of Contract Law, Volume 31, Part 3*)

...an excellent book.

...Wayne Courtney has done a very good job of distilling centuries of English and Commonwealth case law on indemnities into a narrative that sets out the main principles of interpretation. His experiences as a practising lawyer and as an academic have undoubtedly contributed to making this a useful work. (Mark Anderson *IP Draughts*)

This is a scholarly text which covers in meticulous detail the full range of issues associated with indemnities: not simply the technical issues of their nature and their construction, but also the more practical issues of their breach and enforcement. The author fulfils the stated aim "to provide a coherent account of the construction and enforcement of promises of indemnity". This is a valuable and landmark work which should be of immense assistance to commercial practitioners, litigators and judges alike when confronted by indemnity problems. (Rohan Havelock *New Zealand Business Law Quarterly*)

Promises of indemnity are a commonplace in contracts of insurance and in other types of commercial contracts. This work (...) provides a detailed consideration of the law of indemnities. A text on this area of commercial enterprise is well overdue. (*Banking and Finance*)

About the Author

Wayne Courtney is an Associate Professor in the Faculty of Law at the University of Sydney.

Users Review

From reader reviews:

Tim Travers:

Information is provisions for anyone to get better life, information today can get by anyone at everywhere. The information can be a information or any news even a problem. What people must be consider while those information which is within the former life are hard to be find than now could be taking seriously which one is acceptable to believe or which one often the resource are convinced. If you obtain the unstable resource then you buy it as your main information there will be huge disadvantage for you. All those possibilities will not happen in you if you take Contractual Indemnities (Hart Studies in Private Law) as the daily resource information.

Holly Murphy:

Precisely why? Because this Contractual Indemnities (Hart Studies in Private Law) is an unordinary book that the inside of the book waiting for you to snap the idea but latter it will distress you with the secret this inside. Reading this book beside it was fantastic author who else write the book in such amazing way makes the content interior easier to understand, entertaining means but still convey the meaning entirely. So , it is good for you for not hesitating having this anymore or you going to regret it. This amazing book will give you a lot of rewards than the other book possess such as help improving your talent and your critical thinking way. So , still want to delay having that book? If I have been you I will go to the publication store hurriedly.

David Wysocki:

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