

Faculty of Law



DPRI2354 In-depth study of the law of obligations and the law of contracts

[30h+30h exercises]

This three-yearly course is taught in 2007-2008, 2010-2011,...

Teacher(s): Isabelle Durant
Language: French
Level: Second cycle

Aims

This course provides a comparative introduction to the law of obligations and contracts (excluding civil responsibility) in certain foreign representative laws. The aims are to initiate students in the knowledge of these laws, to give training in the comparative method, and, by so doing, lead the students to a better understanding of Belgian law.

Main themes

CONTENT

The course content may vary depending on the years and the specialisations of the lecturer. In any case, great importance is given to studying the most characteristic aspects of another law on 'Romance-Germanic' family obligations (e.g. German law) and on the law on contracts of a country of common law (English law or American law). For example, in German law, the following may be addressed : the theory of the declaration of will, lesion, representation, take over of debts and transfer of property within the sale.

In English law : the theory of consideration, the regime of misrepresentations, explicit and implicit clauses, sanctions of non-execution and the doctrine of frustration in contracts. Notions will be given on contract laws in other countries (Switzerland, the Netherlands, ex-socialised countries. Some studies partly concentrate on certain particular problems of comparative law of obligations, as well as on works to harmonise this branch of law. Uni-law principles and principles of European contract laws.

METHOD

The presentation of the different national systems chosen must be set within a comparative perspective.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

Ten practical sessions (seminars), each lasting three hours, are organised on the following themes :

1. Medical liability.
2. Liability for car accidents.
3. Payment.
4. Abnormal ways of extinguishment of obligations.
5. Warranties in sale.
6. Sales contract (except warranties).
7. Lease contract.
8. Lease of residential houses.
9. Estimates and works.
10. Agency.

Topics are tackled from a practical angle: study of cases, analysis and writing of contractual clauses, commentary on decisions, etc.

Assessment : Written exam, based on the topics discussed during the 10 seminars, is organised during the examination periods (duration: 3 hours). Students may use their own legal texts and notes. The exam has some practical features. Students have to carry out one of the following exercises: draft a contractual clause, comment on a contract or a decision, solve a simple problem, advise a party, etc.