



HKU | LAW

LECTURE 6: IMPLIED TERMS

Instructions

Do the assigned reading and prepare answers to the questions below. The answers will be elicited through class discussion. Although there is a group on call, anyone can be called upon to join the discussion.

Assignment Reading

J. McCaughran, 'Implied Terms: The Journey of the Man on the Clapham Omnibus' (2011) 70 *Cambridge Law Journal* 607–622

Questions

Based on the assigned reading, answer the following questions.

- a. What is the author's argument?
- b. What are the different approaches taken by English courts to decide whether to imply certain terms into a written contract?
- c. What is the relationship between construction and implication of terms? Does that relationship change depending on the approach to implication?
- d. How did *Belize Telecom* change the law on implication of terms?
- e. What are the pros and cons of the pre- and post-*Belize Telecom* approaches?
- f. What have been the developments concerning implication of terms after *Belize Telecom*?