Chapter 14 - Economic Duress, Undue Influence and Unconscionability

Duress

- If the amount of pressure exerted to persuade or indue one party by the other to enter
 into the contract is illegitimate, the pressured party is given the option to avoid the
 contract.
- "illegitimate" seen as unacceptable in the eyes of the law.
- The pressure MUST have caused the pressured party to enter into the contract.

Basis for intervention

- Reasons for the law intervention:
 - There was economic duress only if the pressure exerted was so great as to deprive the party pressured of any ability to exercise free will — Criticized as the victim would have been fully aware he was consenting to the new contract ("overborne will theory")

Occidental Worldwide Investment Corp v Skibs A/S Avainti, Skibs A/S Glarona, Skibs A/S Navalis (The Siboen and the Sibotre) (1976). 14.6.

Any apparent consent for contracts induced by duress had been obtained by the exertion of illegitimate pressure by the other party. ("illegitimate pressure" theory)

Pao On v Lau Yiu Long (1980). 14.7. - Lord Scarman: duress is "a coercion of the will such that there is no true consent".

- The pressure was such that it affected the voluntariness of the victim's consent that
 the law cannot hold him to the resultant contract.
- There is no true consent.

General principles

Universe Tankships Inc. of Monrovia v International Transport Workers Federation, The Universe Sentinel (1983). 4.8. — Lord Scarman:

Requirements to show duress

- (1) pressure amounting to compulsion of the will of the victim.
- (2) the illegitimacy of the pressure exerted,
- (3) the illegitimate pressure must have coerced the victim into entering/modifying the contract.

Effect of duress

- Finding of economic duress deems contract voidable, NOT void.
- Victim cannot rescind contract if found to have affirmed it.

North Ocean Shipping Co Ltd v Hyundai Construction Co Ltd (The Atlantic Baron) (1979). Economic duress, victim had option to avoid the agreement, victim made increased payments without protest, took no actions for 8 months after the protest. — Court held that the action and inaction of the victim amounted to an affirmation of the variation of the terms of the original contract.

Chapter 14 Economic Detective

Adelaide Rosalia Hasse

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Is the Market a Test of Truth and Beauty?: Essays in Political Economy Leland B. Yeager, 2011 Survey of Economics Arthur O'Sullivan, Steven M. Sheffrin, 2002 Covering both Micro and Macroeconomics in one concise paperback volume this book shows readers how to think and act like an economist by showing them how to use economic concepts in their everyday lives and careers Organized around the Five Key Principles of Economics The Principle of Opportunity Cost The Marginal Principle The Principle of Diminishing Returns The Spillover Principle and The Reality Principle For economists and those making financial decisions and analyses Fundamentals of Risk Management Kate Boothroyd, Clive Thompson, 2024-12-03 Fundamentals of Risk Management provides a comprehensive introduction to enterprise risk for students and risk professionals with tools and tips expert insights and coverage of key developments in an ever evolving field Effective enterprise risk management allows organizations to maximize opportunities and minimize uncertainty Aligned with ISO 31000 the COSO ERM Framework and the UK s Orange Book this guide covers the key principles of risk management and how to deal with the different types of risk that organizations face The frameworks of business continuity planning enterprise risk management and project risk management are covered alongside an overview of international risk management standards and frameworks strategy and policy The text provides a clear introduction to a variety of risk management approaches used in sectors such as insurance banking law health and safety and supply chain management Now in its seventh edition Fundamentals of Risk Management guides readers through the steps of risk identification risk analysis risk description and risk estimation It includes new chapters covering emerging trends in risk management such as resilience sustainability and strategic risk It offers increased international coverage around corporate governance and real world examples allowing students to connect theory to practice Supporting online resources include lecture slides with figures tables and key points from the book Index of Economic Material in Documents of the States of the United States ...: California, 1849-1904. 1908 Adelaide Rosalia Hasse, 1908 **Index of Economic Material in Documents of the States of the United States** Adelaide Rosalia Hasse, 1908 IT Consultant Diploma - City of London College of Economics - 12 months - 100% online / self-paced City of London College of Economics, Overview This course deals with everything you need to know to become a successful IT Consultant Content Business Process Management Human Resource Management IT Manager's Handbook Principles of Marketing The Leadership Information Systems and Information Technology IT Project Management Duration 12 months Assessment The assessment will take place on the basis of one assignment at the end of the course Tell us when you feel ready to take the exam and well send you the assignment questions Study material The study material will be provided in separate files by email download link Economics Arthur O'Sullivan, Steven M. Sheffrin, 1998 The most successful first edition of a principles of economics text in Prentice Hall history The authors build a framework for economic reasoning on the Five Principles of Economics then move the student from

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