

Contents

The author	iii
1 INTRODUCTION	1
Contract breach and remedies	2
Contract or tort	3
This Report	4
2 ALTERNATIVES TO LITIGATION FOR BREACH OF CONTRACT	5
Contractual alternatives to litigation	7
Procedural alternatives to litigation	11
3 BASIC PRINCIPLES	15
Repudiatory breach	16
Anticipatory breach	17
Risks for the innocent party	17
Contractual right of termination	19
Basis for damages	20
Objective of damages	20
Loss or damage suffered	21
Causation	22
Public policy	22
Limitation	23
Foreseeability of loss	23
Expectation loss	25
Reliance loss	25

4	MEASURING DAMAGES	27
	Compensation as if the contract had been performed	28
	Intervening events	29
	Indirect loss or damage.....	29
	Time for assessment	30
	The rule against double counting	31
	Foreign currency	31
	Deposits and part payments	32
	Liquidated damages	32
	Mitigation	33
	Contributory negligence.....	34
5	SPECIFIC KINDS OF AWARDS	35
	Loss of a Chance	36
	Disappointment or mental distress.....	37
	Loss of amenity	40
6	OTHER REMEDIES	43
	Claim for an agreed sum.....	44
	Restitution.....	45
	Equitable remedies	48
	Specific performance	49
	Injunctions	49
	Rescission	51
	Rectification.....	53
	Declaratory judgment	55
	Account of profits	55
	APPENDIX	
	LIST OF CASES AND STATUTES	57
	List of cases cited	58
	List of statutes mentioned.....	60