

SIGNAL



# T'S & C'S HOW TO AVOID DISPUTES AND LAW SUITS

WITH RHW  
SOLICITORS

[www.signalbizhub.org](http://www.signalbizhub.org)



## **rhw solicitors - a very brief introduction**

# rhw solicitors – what we do

rhw's roots go back to 1835 but current structure is very 21<sup>st</sup> Century!

- **Company/Commercial** – Covering everything a Business needs. T&C's. Contracts, Share Agreements, Buying/Selling a Business.
- **Employment Law** – Employment Law, Tribunals, Settlement Agreements, Redundancy, Hand books.
- **Family Law** – Divorce, Mediation, Pre/Post Nups, Children & International matters.
- **Disputes** – B2B, B2C, Property, Probate.
- **Property** - Residential & Commercial.
- **Private Client** – Wills, Probate, Trusts & Lifetime Planning.



**rhw**

solicitors

# **rhw Solicitors LLP**

## **Presentation to Bordon Hub**

### **Terms of Business & Contract Formation**

Presented by Nick Richardson



**Lexcel**  
Practice Management Standard  
Law Society Accredited

**socially  
responsible  
company**  
challengers champion

# Contract Formation process

How a contract comes into existence.....

**Offer**

**Acceptance**

**Consideration**



# Make me an Offer.....



- Who is **making the offer**?
- Who is **accepting the offer** (thus forming the contract)?
- Take **control** of the process
- Are you making someone an offer....?  
...that you can't then refuse?  
...and thus scoring an own goal?
- Take control of the process

# Which terms will win?



- The “**battle of the forms**”
- Glorified game of “**Snap**”
- Whose terms “**win**” when the contract is made?
- Contract formation - **offer & counter-offer** – acceptance?
- So never ever, ever, ever, ever.....**Make** an offer...
- Correct use of an **order form** (+ terms of business)

# Terms of Business

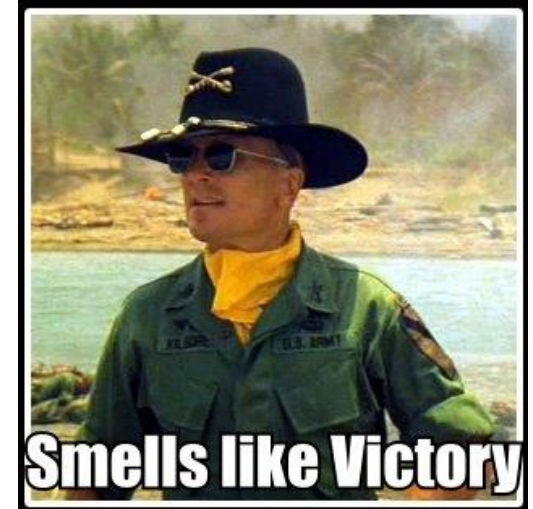
- Terms of **supply** (sale) or for buy-in of goods or services
- **Negotiating strength** and being **realistic**
- Know where you stand and be prepared to **haggle** on specifics...others will!
- Say what you mean (yes, yes, yes, yes, no)
- Terms for payment
- **Keep it simple!**





## Terms of Business cont'd

- Recovery of possession
- Ownership & risk
- Personal liability of signatory?
- **If you can't win the battle of the forms, don't be a casualty of the war**
- Take **control** of the process
- **Again....keep it simple!**



# Pitfalls you should look out for....

- Make sure your terms apply in the first place i.e. not too late
- Invoice trap
- Retention of title clauses
- Payment & Rates of Interest
- Entering to recover “**stuff**”
- Exemption & Limitation of Liability Clauses
- UCTA 1977
- What is “**reasonable**”?



# Summary.....so the point is.....

- Battle of the forms
- Know the rules of the game
- Play to win the percentage game
- Know when you're beaten and haggle appropriately
- Make sure your staff who deal with orders know the rules!
- **A little knowledge is.....bloody dangerous!**
- **...so make sure you have more than a little knowledge.**

# Questions?



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**rhw**

solicitors

**And now  
for something  
completely different...**





Dan Crate,  
disputes and a  
watermelon  
named Dave.

**5 June 1975**

1

# FRONT LOAD



2

# LEGAL EXPENSE INSURANCE

3

**WRITE STUFF DOWN**

4

# FRIENDS AND FAMILY

5

# **DIRECTOR GUARANTEES**

6

**WITHOUT PREJUDICE  
(SAVE AS TO COSTS)**

7

**COMPROMISE**



Relax

We have it covered.

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