

2011 ROSS PARSONS COMMERCIAL LAW ADDRESS

BREACH OF WARRANTY OF AUTHORITY: AN UNUSUAL DOCTRINE

PROFESSOR FRANCIS REYNOLDS



7 September 2011

5.30pm-7.00pm

Banco Court, Supreme Court of NSW
Queens Square
Sydney

Chair: Professor John Carter



THE UNIVERSITY OF
SYDNEY

ABOUT THE PRESENTER:

Professor Francis Reynolds, University of Oxford

Professor Francis Reynolds, D.C.L. is a Professor of Law Emeritus at the University of Oxford, where he taught contract and commercial law for 40 years. He is a barrister, an honorary Queen's Counsel, an Honorary Bencher of the Inner Temple, a Fellow of the British Academy, and has been visiting professor at University College London, the Universities of Hong Kong, Melbourne, Sydney, Auckland and Otago, Monash University and the International Maritime Law institute of the IMO, Malta. He was one of the Advisers to the American Law Institute in respect of *Restatement, Third, Agency*.

He has written the book now called *Bowstead and Reynolds on Agency* from its 13th edition of 1968 to the 18th edition of 2006, and remains associated with it under its present editor Professor P.G. Watts of the University of Auckland; and he is co-author (with Professor Sir Guenter Treitel of *Carver on Bills of Lading*. He has written parts of *Benjamin's Sale of Goods*, *Chitty on Contracts* and *English Private Law*. He has been the Editor of the *Law Quarterly Review* since 1988.

ABOUT THE LECTURE:

The action for breach of warranty of authority, on which there are several Australian leading cases, is an unusual one in imposing liability for certain types of statement causing economic loss, and strict liability at that, well back into the nineteenth century. There is still international disagreement as to whether it is right to do this, and whether the action is rightly classified as contractual rather than tortious (which would have implications for damages as well as liability). Puzzles are also beginning to emerge as to exactly what promise the person concerned makes about the supposed principal, the range of persons to whom the promise is to be regarded as made, and how the doctrine interacts with situations where the principal is unidentified, or does not exist, or where the agent can be said to have been his own principal.

REGISTRATION ESSENTIAL: click here for details, or visit the online events calendar: sydney.edu.au/law/events.

INFORMATION for lawyers and barristers: Attendance at the seminar is equal to 1 MCLE/CPD units