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Contractual capacity in private international law

Fredericks, E.A.

Citation

Fredericks, E. A. (2016, June 30). *Contractual capacity in private international law*. Meijersreeks. The Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. Retrieved from <https://hdl.handle.net/1887/41425>

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Note: To cite this publication please use the final published version (if applicable).

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Universiteit Leiden



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Author: Fredericks, E.A.

Title: Contractual capacity in private international law

Issue Date: 2016-06-30

Contractual Capacity in Private International Law contains a wide comparative study of reference rules in respect of the competence of a natural person to create rights and duties by concluding a contract with another (natural or juristic) person. In many common-law and mixed jurisdictions the legal position in this regard is remarkably unclear; it is nevertheless of significant practical importance. Sixty-five legal systems are investigated, from the civil-law, common-law and the mixed civil/common-law tradition, as located in Africa, Australasia, Europe, the Far East, the Middle East, North America and South America, together with all relevant regional, supranational and international instruments. The study leads to a detailed recommendation, which is presented in both a narrative and a codified form, in respect of the law that should govern contractual capacity. The proposed rules may be employed in the judicial interpretation, supplementation and development of the norm complex of private international law, particularly in common-law and mixed jurisdictions. They may also be considered for the purposes of future national, regional, supranational and international instruments.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Coherent Private Law'.

Contractual Capacity in Private International Law

E.A. FREDERICKS