

“ Plain speaking legal advice ”

**Are Your Terms And Conditions
In Need Of A Health Check?**

www.herrington-carmichael.com

This publication is written as a general guide only. It is not intended to contain definitive legal advice, which should be sought as appropriate in relation to a particular matter.

Are Your Terms And Conditions In Need Of A Health Check?

“ Plain speaking legal advice ”

Given the state of the economy, you will not be surprised to know that we are seeing an increase in businesses and individuals trying to use all legitimate means to get out of business arrangements. We are also advising companies on how to improve the value they get from their commercial contracts.

In the last year the Court of Appeal and High Court have decided some significant cases on terms and conditions and in particular limitation of liability clauses. To assist businesses in their ongoing compliance in the current economic climate Herrington & Carmichael LLP have launched a Terms and Conditions Health Check. This is a free initial review of your standard Terms and Conditions.

A business's standard terms and conditions is probably its single most important legal document. Yet many businesses are relying on standard or "borrowed" terms (or worse, none at all) that fail to protect them adequately, that fail to take account of recent changes in the law and that include terms which, though they might look good on paper, are unenforceable against their customers and so consequently leave them desperately exposed.

The first stage of the Health Check will be for us to understand your business. Please contact us and we will arrange an initial consultation without charge, this can be in person or over the telephone. Advice on standard terms cannot be done in a vacuum and it is essential that any adviser takes the time to understand what a business does, how it does it and what its customers expect. We will then be able to review your standard terms and provide you with a summary on the areas which we consider require attention. All of this is provided free of charge.

www.herrington-carmichael.com

This publication is written as a general guide only. It is not intended to contain definitive legal advice, which should be sought as appropriate in relation to a particular matter.

“ Plain speaking legal advice ”

Examples of issues the free Health Check will cover:

- whether your standard terms are properly incorporated into the contracts you enter into;
- the enforceability of any exclusion and limitation of liability clauses;
- warranties implied by statute and whether any exclusion of these is enforceable;
- if you deal with “consumers” are you compliant with the Unfair Terms in Consumer Contract Regulations;
- effectiveness of retention of title clauses;
- compliance with distance selling legislation;
- e-commerce issues – important considerations if you sell online.

The free Terms and Conditions Health Check is available to businesses if they submit their terms and conditions for review prior to the 18th July 2010 to Nick Hothersall or Rhianne Vaughan by email (nick.hothersall@herrington-carmichael.com or rhianne.vaughan@herrington-carmichael.com) or telephone (01276 686222).

Watchmoor Park
Camberley
Surrey
GU15 3YL

tel: 01276 686222

3&4 Market Place
Wokingham
Berks
RG40 1AL

tel: 01189 774045

www.herrington-carmichael.com

This publication is written as a general guide only. It is not intended to contain definitive legal advice, which should be sought as appropriate in relation to a particular matter.