



Centre for Legal Theory
Faculty of Law

Term Limits II: Express and Implied Terms

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FACULTY OF LAW, NUS (BUKIT TIMAH CAMPUS)

ABSTRACT

It is customary to distinguish express and implied terms. There is, however, surprisingly little analysis of what the distinction between these categories is. ‘Implied’ terms are often defined by contrast with ‘express’ terms—and the latter category is never defined. They are also often spoken of in metaphorical terms, as where Lord Neuberger talks of ‘implying additional words’ to an instrument. This paper considers the distinction in more detail, arguing that there are two possible conceptions of the express/ implied distinction in the literature—but that these may, on the best view, both be right.

ABOUT THE SPEAKER



Frederick Wilmot-Smith is a Prize Fellow of All Souls College. He writes on private law, civil procedure and legal philosophy; he is also an occasional contributor to the London Review of Books. His forthcoming book, *Distributing Justice*, offers a theory of the legal system: how its resources should be structured, who should have access, and on what terms.

Participation is By Invitation Only

To register your participation, please contact Ms Yvonne Lim at lawylhh@nus.edu.sg.