

## BOOK PRESENTATION

**„Essentials of Business Law. Fifth Edition” - Ewan Macintyre**

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### **Abstract**

*The presentation focuses on the main subjects approached by the author in his book, the method of presentation and its use by students and professionals.*

**Keywords:** Themes, presentation method, use

**JEL Classification:** K22

The book, called „Essentials of Business Law. Fifth Edition”, by Ewan Macintyre, published by Pearson Education Limited 2015, presents the most important legal aspects of English business law in the field of contract law, company law, employment law and criminal law.

It is structured in 17 parts:

1. The legal system
2. Making a contract
3. The terms of the contract
4. Misrepresentation, mistake, duress and illegality
5. Discharge of contracts and remedies for breach
6. Agency
7. The Sale of Goods act 1979
8. The tort of negligence
9. Nuisance, trespass, defamation and vicarious liability
10. Companies (1): Characteristics and formation
11. Companies (2): Management, control and winding up
12. Partnership, limited liability partnership and choice of legal statutes
13. Employment (1): The contract of employment, employment rights and dismissal
14. Employment (2): Discrimination and health and safety
15. Regulation of business by the criminal law
16. Credit transactions and intellectual property rights
17. The resolution of business disputes.

From our point of view, it addresses the main subjects of interest related to business law for all types of students, with special focus on non-law students. At the same time, it provides the necessary information for people trying to familiarize

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themselves with the legal mechanisms of business law, for personal or professional use. The method of presentation consists of pointing out the relevant legislation and case-law for each subject. The extensive use of examples, alongside the presence at the end of every chapter of a summary of ideas (essential points) helps students and non-students to better understand and focus on key-elements of the themes. The practice questions and tasks are of most help especially for students.

The book explains how the business environment looks like, according to English law. One of its main positive features lies in its pragmatism, specifically in the fact that it does not present an ideal of law and justice. Instead, it focuses on the idea that truth, justice and law are governed by a set of rules created by means of statutes, judicial precedent and European Union Law. Law is not about truth and ideal, but more about creating and applying rules of common interest for the society at a specific moment in history.

The book starts with a presentation of the English legal system and it explains how its core elements are built: statutes, judicial precedent and European Union Law. It also presents the elements of specificity of the English legal system, which is "unlike that of any other European country" (Chapter 1, page 29).

Chapters 2-5 introduce the reader in the general theory of world of contracts. It starts with the definition and the main requirements, it continues with the terms of the contract and it ends with contractual liability.

Each chapter dealing with general contractual themes is presented and explained in theory and in practice, including by using specific case-law and examples. The reader can read about all the mechanisms of a contract and may find the necessary information for personal use.

Chapter 6 and 7 focus on two specific and important type of contracts: the agency and the sale of goods.

Chapter 6 presents the concept of agency, the legal situation in which a person empowers another person to conclude contracts on behalf of the first person. Agency is a very important contract for the business world, due to the fact that globalisation has made it almost impossible for a business person to conclude personally all juridical acts (Chapter 6, page 167).

Chapter 7 explains comprehensively the Sale of Goods Act 1979 that applies strictly to contracts of sale of goods.

Chapter 8 and 9 deal with liability in tort. The author presents the tort of negligence, which is „far and away the most important tort" (Chapter 8, page 232) and its branch, the negligent misstatement. Chapter 9 focuses on other types of torts: nuisance, trespass and defamation, and on the vicarious liability. The vicarious liability, defined as the liability of the employer for torts committed by an employee during the course of employment, has an extensive case-study presentation.

Chapters 10-12 consider company law, through its general characteristics: formation, classification, constitution and management and control of companies, also focusing on specific types of companies: partnerships and limited liability partnerships.

Chapter 13 and 14 examine employment legal issues: the employment contract, employment rights and dismissal, as well as discrimination on health and safety. Some of the important statutes in this field are the Working Time Regulations 1988 and the Equality Act 2010.

Chapter 15 considers the criminal law aspects of the business activity. Criminal liability is a powerful tool in adjusting business practices. It protects consumers from unfair commercial practices (The Consumer Protection from Unfair Trading Regulations 2008), from unsafe products (General Product Safety Regulations 2005) or from computer misuse (The Computer Misuse Act 1990). In business to business practices EU Competition Law is very important, as well as the Bribery Act 2010.

Chapter 16 explains the types of credit transactions and it points out the importance of intellectual property aspects for business: copyright, patents and trade marks.

Last chapter deals with the „last resort“ (Chapter 17, page 453) of business organisations when it comes to resolution of business disputes: going to court. As such, a dispute will begin either in County Court or in the High Court. Alternative dispute resolution like arbitration or mediation can prove more advantageous for the parties.