

GCE

# LAW: Discharge of Contract, including breach of contract, performance and frustration

## SUGGESTED IDEAS FOR TEACHING/ LEARNING



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| Teacher /Lecturer: |  |
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| Course:  | A Level Law  |
| Topic:   | Discharge of Contract, including breach of contract, performance and frustration |
| Session: |  |

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|----------------------------|-----------------|
| Unit:                      | Unit 2 and 3    |
| Ref. to specification:     | Law of Contract |
| Suggested time allocation: | 4 - 8 hours     |

**Aims & Objectives:** At the end of these sessions the student will be able to:

- **Explain** what is meant by discharge of contract.
- **Explain** what is meant by discharge by agreement, including bilateral and unilateral agreements.
- **Explain** what is meant by discharge by breach, including anticipatory breach.
- **Explain** what is meant by discharge by frustration
- **Explain** what is meant by discharge by performance.

### Main Teaching and Learning Activities

#### **Teacher/Lecturer Activities:**

- Introduce the topic with reference to the aims and objectives set out above.
  - Explain that there are four ways a contract can be discharged:  
A – discharge by performance  
B – discharge by agreement  
C – discharge by breach  
D – discharge by frustration
  - Explain what is meant by discharge by performance using *Cutter v Powell (1795)* as a starting point for discussion.
  - Explain what is meant by discharge by frustration using *Taylor v Caldwell (1863)* as a starting point for discussion. The doctrine will operate in three main types of circumstance: impossibility, illegality and commercial sterilisation.
- Activity:** Discuss scenarios in PowerPoint presentation and whether they involve frustrating events.
- Explain what is meant by discharge by agreement making reference to bilateral discharge and unilateral discharge.
  - Explain what is meant by discharge by breach making reference to actual breach and anticipatory breach.

**Research Activity:** Research case of *Martin-Smith v Williams (1999)* and discuss the questions listed in the PowerPoint.

**Student Activities:**

- Group work – application of the rules on discharge of contract to small scenario type questions.
- Research activity – recent case of *Martin-Smith v Williams (1999)*.
- Glossary – Record key terms relating to discharge of contract.

**Suggested links / resources:**

- PowerPoint presentation
- Teacher Guide for Glossary template
- Cases

**Assessment**

During the lesson

Group exercises and direct questioning show how much the students have understood the four ways a contract can be discharged.