

Contents

Acknowledgements	<i>page</i> xiii
Table of Cases	xv
Table of Legislation	xxii
List of Abbreviations	xxx
1 Introduction	1
2 The Map: Contract Law, the UNCRPD and the Concentric Spheres of Economic and Social Values	9
2.1 The UNCRPD: A Benchmark for Protecting the Rights of Persons with Disabilities in the Contractual Realm?	10
2.2 Concentric Economic and Social Spheres in the Contractual Realm: A Map for a Fairer Vision of Contract Law?	22
2.3 Conclusion	32
3 The First Bridge: Common Law Principles and Doctrines	34
3.1 The Vision of Balance Scales within Concentric Spheres	35
3.2 The Lever, the Weight and the Counterweight	36
3.2.1 Challenging a Narrow Interpretation of the ‘Weight’ and a Broad Interpretation of Any ‘Counterweight’ Affecting the Balance between the Parties	37
3.2.2 Challenging a One-Sided Approach that Overlooks the ‘Lever’ Connecting the Two Parties	58
3.3 The Fulcrum	60
3.3.1 Challenging an Imbalanced Approach that Places More Weight on the Security of Transactions, to the Detriment of Vulnerable Parties	60
3.3.2 Challenging a Narrow Interpretation of Freedom and Sanctity of Contract	76
3.3.3 Challenging a Narrow Interpretation of the ‘Piecemeal’ Approach to Vitiating Factors	82
3.4 Conclusion	90

4	The Second Bridge: Regulation	92
4.1	Protecting Citizenship Values in the Contractual Realm	93
4.2	Challenging an Approach Focused on Economic Values, with Insufficient Emphasis on the Social Values of Consumer Protection	98
4.2.1	Regulating Unfair Contract Terms	102
4.2.2	Regulating Standards for the Provision of Goods, Digital Content and Services	112
4.2.3	Regulating Unfair Commercial Practices	120
4.2.4	Regulating Information, Cancellation and Additional Charges	139
4.3	Challenging an Approach That Places Insufficient Focus on the Contextual Vulnerability of Consumers	151
4.4	Conclusion	163
5	The Third Bridge: Constitutional Values	165
5.1	Interpreting Current Principles, Doctrines and Statutory Provisions in English Contract Law in Light of UNCRPD Values	167
5.1.1	The UNCRPD: A Benchmark for Protecting Autonomy and Human Dignity	168
5.1.2	Challenging an Insufficient Emphasis on Autonomy and Human Dignity in English Contract Law	176
5.2	Influencing Future Legislative Developments in English Contract Law to Reflect UNCRPD Values	186
5.2.1	Background: DDPOs and Contributions to Public Consultations	187
5.2.2	The UNCRPD: A Benchmark for Protecting Participation and Inclusion	189
5.2.3	Public Consultations in England: An Effective Framework for the Participation and Inclusion of DDPOs?	192
5.2.4	Way Forward?	206
5.3	Conclusion	209
6	Conclusion: Embracing Complementarity in Contract Law	212
	Bibliography	216
	Index	230