

# Terms, Practices, Fairness and Simplicity

# Terms (1)

- Coverage Issues
- Individual Negotiation
- 'Core' Terms

## Terms (2)

- The Test
  - Significant Imbalance/Detriment
  - Violation of Good Faith

## Terms (3)

- The Theoretical Elements
- Substance (default rules and expectations)
- Procedure (transparency, choice and bargaining power).
- Guidance

## Terms (4)

- Unfairness on Substantive Grounds Alone?

## Terms (5)

- Unfairness Based on Term Alone?

## Terms (6)

- Unfairness Based on Procedural Unfairness (particularly lack of transparency) Alone?

# Practices (1)

- Omissions and Disclosure-an  
Expansion for the UK?

## Practices (2)

- Aggression-an Expansion for the UK?

## Practices (3)

- Professional Diligence-What Does it Mean?

# Simplification

- Terms
- Practices
- Generally