

# Unfair terms in contracts

Law



Sur 11 January Unfair Terms in Contracts Introduction: When two different parties deal with each other regarding transaction of goods or products from one party to another, contracts are formed as a result of the agreements that occur between the two parties. The terms of a contract define the rules and the policies that the parties are required to follow and understand in the context of the transaction<sup>1</sup>. The study focuses on the unfair terms and the unknown terms in fine prints associated with such contracts in cases of credit cards, cell phones, airline tickets, concert tickets, and others such products.

Unfair Terms in Contracts:

A contract is said to involve unfair terms if it contains such terms that may cause difficulty or harm to the customer. For example, if the supplier has the rights to alter the terms of the contract, it is considered to be unfair terms. Often, the obligation on the part of the supplier is very less or negligible as stated by the contract reflecting unfair terms again. Also, if terms of a contract put excess trouble to the consumers, then such contracts are said to contain unfair terms. Such terms tend to affect the faith of the customers<sup>2</sup>. In cases of mobile phones, credit cards, or tickets for airline or concerts, customers often rely on the suppliers too much to understand the unfair terms involved in the contracts that they enter into with the suppliers. For example, credit card companies often change their rules and policies if they are in need for the return of the money from the customer.

Fine Print and the Unknown Terms:

Fine print in relation to a contract refers to the minute details of the contract rules that are presented in small print and might not be visible always. It might even possess the right of the suppliers to alter the terms of the

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contract. In case such a print is completely hidden, then it might not be considered as part of the contract at all and hence the supplier cannot take advantage of that<sup>3</sup>. Thus it can be understood in this context that if such fine prints are not hidden, then it becomes the responsibility of the customers to read the details without which several terms of the contract might remain unknown to the customers.

#### Conclusion:

From the study, thus, it can be concluded that the unfair terms are those terms in the contracts where the supplier has more advantages than the consumers. Moreover fine prints if hidden might not be considered as part of the agreement, but in other cases, they prove to be the customers' duty to read them to avoid lack of knowledge of the unknown terms in cases of mobile phones, credit cards, airline tickets or concert tickets.

#### References

- 1) ROBERT W. EMERSON, BUSINESS LAW 101-102 (5th ed. 2009)
- 2) Unfair Terms in Consumer Contracts (n. d.), [http://www.citizensinformation.ie/en/consumer\\_affairs/consumer\\_protection/consumer\\_rights/unfair\\_terms.html](http://www.citizensinformation.ie/en/consumer_affairs/consumer_protection/consumer_rights/unfair_terms.html)