



## Research Article

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### Comparative Analysis of Usual and Incidental Contractual Conditions in the Albanian and English Contract Law

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DOI: <https://doi.org/10.2478/ajbals-2023-0008>

#### Abstract

The contract concluded by the parties, in addition to the essential conditions, which must necessarily exist in every contract; otherwise, it is invalid, also contains the usual conditions and the incidental conditions. This paper consists of two main issues. In the first case, the usual conditions and the incidental conditions will be treated according to contractual law in Albania. In the second case, these conditions will be addressed in accordance with English contract law, which is commonly referred to as “conditions negotiated by the parties”. The issues to be addressed in the first case pertain to the fundamental features that characterize the usual and incidental conditions under Albanian contract law, their content, and the consequences of their omission in the contract.

In the second part of this paper, we will delve into the interpretation of miscellaneous clauses, both ordinary and incidental, under English contract law. We will explore the evolution in their interpretation within English judicial practice and examine the consequences of parties anticipating these terms. Particular attention will be paid to the challenges that have arisen in English judicial practice when resolving disputes between parties. In this manuscript, we will not only discuss the various positions held by different authors on this matter but also reference select decisions from English courts.

In conclusion, we will provide a summary of results, focusing on the disparities between contractual law in Albania and UK concerning typical and incidental contract conditions. We will also address the issues that have arisen in the judicial practices of both countries, emphasizing the need for a fair and accurate interpretation of such conditions.

**Keywords:** contract law, boilerplate clauses, case terms, good faith and contractual impartiality.

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Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

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