

# What is a misrepresentation?

A representation is a statement made at the time of the contract being made and can be incorporated into the contract.

If the representation is falsely made, however, it can be a **misrepresentation** and can cause the contract to be voidable.

Legal Definition:

*A misrepresentation is a statement of material fact<sup>1</sup>, made by one party to a contract to the other party<sup>2</sup> to the contract, during the negotiations leading up to the formation of the contract<sup>3</sup>, which was intended to operate and did operate as an inducement<sup>4</sup> to the other party to enter the contract, but which was not intended to be a binding obligation<sup>5</sup> under the contract, and which was untrue or incorrectly stated<sup>6</sup>.*

Key Cases:

<sup>1</sup> *Bisset v Wilkinson* (1927), *Edgington v Fitzmaurice* (1885)

<sup>2</sup> *Peyman v Lanjani* (1985)

<sup>3</sup> *Roscorla v Thomas* (1842)

<sup>4</sup> *JEB Fasteners Ltd v Marks Bloom & Co Ltd* (1983), *Attwood v Small* (1838)

<sup>5</sup> *Couchman v Hill* (1947)

# Representation Misrepresentation Of Th

**Robert French, Berit Brogaard**



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