

GOOD FAITH

- Every party to every contract for the sale or lease of goods owes every other party a duty of *good faith*.
 - As of January 1, 2011, twenty-eight states' enactments of UCC Article 1 define "good faith" to require a **non-merchant** to behave **honestly** in fact and observe **reasonable commercial standards of fair dealing**; in the other twenty-two states and the District of Columbia, non-merchants need only behave honestly to satisfy their duty of good faith.
 - Regardless of which version of UCC Article 1 is in effect in a particular state, a **merchant** must behave honestly and observe reasonable commercial standards of fair dealing in the trade.
 - The parties **cannot waive or disclaim** the UCC's good faith requirement.
 - The UCC duty of good faith applies when **performing or enforcing** a contract; it does not apply prior to or during contract formation.

13 Ch 5 Good Faith Legiscompare

**Roger Brownsword, Hans-W.
Micklitz, Leone Niglia, Stephen
Weatherill**



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The Foundations of European Private Law Roger Brownsword, Hans-W. Micklitz, Leone Niglia, Stephen Weatherill, 2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance

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