

10.3.3.3 Previous dealing and custom

Page 408, para 1, after sub-point 3, **insert –**

In *Photolibrary Group Ltd v Burda Senator* ([2008] EWHC 1343), P had supplied photographic transparencies to B over a long period of time. The transparencies were accompanied by a delivery note including P's standard terms of business. The court held that a clause providing that, if the transparencies were lost, B would have to pay a fee to P was incorporated, since there had been 'a very substantial course of dealing' (at [60]) between the parties.

10.3.2 Collateral terms and collateral contracts

Page 401, end of page on **entire agreement clauses, insert-**

See update Chapter 5, at 5.4.2.1