

### Discussion Box 8

#### Reasonableness and the restraint of trade

The reasonableness of a restraint and how it is dependent upon the facts can be seen in two contrasting cases. In the *Nordenfelt* case discussed in the textbook on p 269-70, a worldwide ban was deemed reasonable given that the covenantor was renowned worldwide and most of his clients were foreign governments. In such a case, a covenant limiting Nordenfelt to not competing within the UK would have been completely redundant given that much of his prior business came from outside the UK. Conversely, in *Mason v Provident Clothing & Supply Ltd*,<sup>1</sup> a covenant preventing a canvasser from working within 25 miles of London was held to be invalid on the grounds that the business involved was a purely local one, and therefore the restriction went well beyond the needs of the business.

<sup>1</sup> *Mason v Provident Clothing & Supply Ltd* [1913] AC 724 (HL).