II.6 - Performance by agent

Content:
No. II.6 - Performance by agent

Unless a contrary intention appears from the language of the parties, or the nature of the transaction, a debtor may perform his part by an agent. Such a contrary intention is presumed, in the case of any duty involving personal confidence between the parties, or the exercise of the debtor's personal skill.

Commentary:
A debtor may involve a third party in the performance of his obligations vis-à-vis the creditor unless that performance is dominated not only by the performance interest of the creditor but by personal aspects such as the special skills of the debtor or the confidence of the creditor in the abilities of the debtor or if the parties have, by express agreement or by implication, excluded the debtor's right to avail himself of the services of a third party in the performance of his obligations.