

A Critical Introduction to Restitution

Hedley, Steven

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Critical Introduction To Restitution

Warren Swain, Sagi Peari



Critical Introduction To Restitution:

A Critical Introduction to Restitution Steve Hedley, 2001 Restitution is a topic which is now increasingly seen as detached from commercial concerns. A Critical Introduction to Restitution aims to set the subject firmly in its practical commercial context, stressing continuity with the remainder of commercial law and considering issues of policy against that background. The text builds on the reader's knowledge of those subjects and integrates restitution into them. **Critical Introduction**

to Natural Law Javier Hervada, 2006 Understanding Unjust Enrichment Jason W Neyers, Mitchell McInnes, Stephen G.A. Pitel, 2004-04-20 This book is a collection of articles based on Understanding Unjust Enrichment, a symposium held at the University of Western Ontario in January 2003. The articles, written from the perspective of English, Australian, Canadian, German, and Jewish law, deal with numerous theoretical and practical issues that surround restitution and unjust enrichment. The articles outline recent developments, across the Commonwealth, explain the unjust enrichment principle and its component parts, and address discrete issues such as tracing, choice of law, disgorgement, damages for breach of contract, and the use of unjust enrichment in the cohabitation context. The contributors are Kit Barker, Peter Benson, Jeffrey Berryman, Michael Bryan, Andrew Burrows, Robert Chambers, Gerald Fridman, Peter Jaffey, Dennis Klimchuk, Thomas Krebs, John McCamus, Mitchell McInnes, Stephen Pitel, Stephen Waddams, and Ernest Weinrib. **Unjust Enrichment and Public Law**

Rebecca Williams, 2010-06-30 This book examines claims involving unjust enrichment and public bodies in France, England, and the EU. Part 1 explores the law as it now stands in England and Wales as a result of cases such as *Woolwich EBS v IRC* and those resulting from the decision of the European Court of Justice (ECJ) in *Metallgesellschaft and Hoechst v IRC* and those involving Local Authority swaps transactions. So far, these cases have been viewed from either a public or a private law perspective, whereas in fact both branches of the law are relevant, and the author argues that the courts ought not to lose sight of the public law issues when a claim is brought under the private law of unjust enrichment or vice versa. In order to achieve this, a hybrid approach is outlined which would allow the law access to both the public and private law aspects of such cases. Since there has been much discussion, particularly in the context of public body cases, of the relationship between the common law and civilian approaches to unjust enrichment or enrichment without cause, Part 2 considers the French approach in order to ascertain what lessons it holds for England and Wales. And finally, as the *Metallgesellschaft* case itself makes clear, no understanding of such cases can be complete without an examination of the relevant EU law. Thus, Part 3 investigates the principle of unjust enrichment in the European Union and the division of labour between the European and the domestic courts in the ECJ's so-called remedies jurisprudence. In particular, it examines the extent to which the two relevant issues, public law and unjust enrichment, are defined in EU law and to what extent this remains a task for the domestic courts. Cited with approval in the Court of Appeal by Beatson LJ in *Hemming and others v The Lord Mayor and Citizens of Westminster* 2013 EWCA Civ 5912. Cited with approval in the Supreme Court by Lord Walker in *Test Claimants in*

the Franked Investment Income Group Litigation Appellants v Commissioners of Inland Revenue and another 2012 UKSC 19

Structure and Justification in Private Law C.E.F. Rickett, Ross Grantham, 2008-02-27 Peter Birks's tragically early death and his immense influence around the world led immediately to the call for a volume of essays in his honour by scholars who had known him as a colleague teacher and friend. One such volume published in 2006 contained essays largely from scholars working in England. Mapping the Law: Essays in Memory of Peter Birks, edited by Andrew Burrows and Lord Rodger. This volume contains the essays of those outside England who chose to honour Peter and appears later than the English volume reflecting the far-flung habitations of its authors. The essays contained in this volume are focussed around the law of unjust enrichment but are not narrowly preoccupied; instead they move freely from unjust enrichment to some of the most profound questions in private law concerning taxonomy, the relationship between contract, property and unjust enrichment, and the place of remedies within private law. This volume, featuring the work of some of the world's great private lawyers, provides a fitting tribute to a great scholar and a series of thought-provoking essays inspired by his example. Contributors: Kit Barker, Michael Bryan, Peter Butler, Hanoch Dagan, Simone Degeling, Daniel Friedmann, Mark Gergen, Ross Grantham, Steve Hedley, John McCamus, Mitchell McInnes, Eoin O'Dell, Charles Rickett, Struan Scott, Emily Sherwin, Stephen Smith, Richard Sutton, Michael Tilbury, Stephen Waddams, Peter Watts, Ernest Weinrib, Eric Descheemaeker.

Rethinking Unjust Enrichment Warren Swain, Sagi Peari, 2023-11-11 This interdisciplinary volume brings together scholars from across the globe to challenge the dominant position of unjust enrichment and suggest more satisfactory alternatives. Rethinking Unjust Enrichment includes a broad range of voices from the UK, US, Australia, Canada, China, Singapore, Germany, Ireland, New Zealand, Hong Kong, and South America. The book includes voices of sceptics who think that the current unjust enrichment doctrine must be seriously qualified and others who think that it should be eliminated altogether. The contributions cast doubt on the various parameters of unjust enrichment from an analytical standpoint, representing four interrelated perspectives: history, sociology, doctrine, and theory. The four-limb structure of the book provides readers with a clear understanding of the current problems of unjust enrichment at the deepest levels of its history, sociological forces, doctrinal fallacies, and normative deficiencies. This treatment of the subject serves as the basis for a comprehensive reform across jurisdictions. Comprehensive and multi-faceted, Rethinking Unjust Enrichment is interesting to both sceptics and supporters of the unjust enrichment. It facilitates a critical and constructive dialogue between the two.

The Law of Unjust Enrichment in China: Necessary or Not? Siyi Lin, 2022-08-30 This book is the first book focusing on the Chinese law of unjust enrichment in English and introducing it to Western jurisdictions. Unjust enrichment is currently one of the most controversial areas of law in many jurisdictions and rife with academic debate. This book analyzes the historical evolution, current doctrines, and relationships of unjust enrichment with other areas of private law in China. It also provides insights into judicial practice. In May 2020, China promulgated its first ever Civil Code since the establishment of the People's Republic of

China which is a milestone in the history of Chinese law Before the Civil Code there was only one legal provision regulating unjust enrichment which requires a person obtaining benefits without a legal basis to return such benefits However the new Civil Code contains a separate chapter regulating unjust enrichment This book analyzes and evaluates those new provisions in the Civil Code to provide a most up to date analysis of the Chinese law of unjust enrichment **An Introduction to the Critical Study and Knowledge of the Holy Scriptures** Thomas Hartwell Horne,1877 **English Prose** Sir Henry Craik,1893 **Unjust Enrichment and Contract** Tariq Baloch,2009-03-16 This book examines unjust enrichment s role in the contractual context or contracts which are terminated for breach subsisting or unenforceable **English Prose: From the fourteenth to the end of the sixteenth century** Sir Henry Craik,1916 **The Law of Contract** Janet O'Sullivan,Jonathan Hilliard,2004 This book explains everything from enforceability and remedies to policing the formation process and content of contracts **King Richard the Second, with Historical and Critical Introductions** William Shakespeare,1879 **Lloyd's Maritime and Commercial Law Quarterly** Lloyd's (Firm),2003 A Commentary on the Holy Scriptures: Critical, Doctrinal, and Homiletical Johann Peter Lange,1876 **Themes in Comparative Law** Peter Birks,Arianna Pretto,2002 Compiled in honour of Bernard Rudden this is a book of essays in comparative law centering on the contribution which comparative analysis can make to the core subjects of private law namely property and obligations The essays are contributed by leading academics from all over the world all of whom owe an intellectual debt to the honorand *The Adelaide Law Review* ,2002 *Journal of Contract Law* ,2003 **Reparation and Victim-focused Social Work** Brian Williams,2002 Reparation and the place of the victim in the criminal justice process has been the focus of legislation and policy initiatives As a result practitioners are required to place emphasis on working with victims Bringing together research this text presents an overview of the necessary information A Critical and Exegetical Commentary on the Book of Exodus James Gracey Murphy,1881

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