

1. Record Nr.	UNINA9910784003103321
Autore	Jaffey Peter
Titolo	The nature and scope of restitution : vitiated transfers, imputed contracts, and disgorgement / / Peter Jaffey
Pubbl/distr/stampa	Oxford [England] ; Portland, Oregon, : Hart Publishing, 2000
ISBN	1-4725-5898-7 1-280-80875-6 9786610808755 1-84731-146-6
Edizione	[1st ed.]
Descrizione fisica	1 online resource (474 pages)
Disciplina	3464102/9
Soggetti	Restitution - Great Britain Unjust enrichment - Great Britain
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references (pages [425]-434) and index
Nota di contenuto	Part I: Introduction -- 1 Vitiated transfers, imputed contracts, and disgorgement -- Part II: Claims for payment: restitution and contracts -- 2 Contract and exchange -- 3 Imputed contracts and restitutionary claims for payment -- 4 The use claim -- Part III: Reversing vitiated transfers: restitution and property -- 5 The vitiating factors -- 6 Vitiated transfers and contracts -- 7 Change of position, surviving value and bona fide purchase -- 8 Indirect recipients, three-party cases, and subrogation -- 9 Restitution and property: a rational scheme -- 10 Restitution and property: the rational scheme in action -- Part IV: Disgorgement -- 11 Disgorgement -- 12 Disgorgement for breach of contract -- 13 Fiduciary relationships -- Appendix 1: A note on right-liability primary relations -- Appendix 2: A note on law, equity and fusion
Sommario/riassunto	Joint Winner of the 2001 SPTL Prize for Outstanding Legal Scholarship! In recent years there has been enormous interest in the law of restitution, with many new books and academic articles and a number of important decisions in the courts. However, there remains great controversy and some confusion, partly for historical reasons and partly as a result of continuing differences over the principles underlying the

field. There are particular difficulties over the relation of the law of restitution to other areas of law, including contract and property law. In this new and innovative work the author advances a view of the framework of fundamental principles underlying the law of restitution which offers a means of understanding the tangle of conflicting authorities, and then proceeds to examine the case law in light of it. As part of his analysis, the author suggests new approaches to understanding the areas of overlap between restitution, contract, trusts and property law
