1. Record Nr. UNINA9910789946303321 Autore Douglas Simon <1983-> **Titolo** Liability for wrongful interferences with chattels / Simon Douglas Pubbl/distr/stampa Oxford, U.K.; Portland, Oregon,: Hart Publishing, 2011 **ISBN** 1-84731-820-7 1-4725-6105-8 1-280-12558-6 9786613529442 1-84731-846-0 Edizione [1st ed.] 1 online resource (243 p.) Descrizione fisica Disciplina 346.036 Soggetti Torts - England Personal property - England Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Description based upon print version of record. Note generali Nota di bibliografia Includes bibliographical references (pages [209]-215) and index Nota di contenuto 1: INTRODUCTION -- I. The Focus on the Law of Torts -- II. The Proposed Structure -- PART I: THE RIGHTS PROTECTED BY THE CHATEL TORTS -- 2: PROPERTY RIGHTS RELATING TO CHATELS -- 3: TYPES OF PROPERTY RIGHTS -- PART II: LIABILITY FOR INTENTIONAL INTERFERENCES WITH CHATELS -- INTRODUCTION TO PART II -- 4: CONVERSION -- 5: DETINUE -- 6: TRESPAS -- 7: A SINGLE TORT --PART II: LIABILITY FOR UNINTENTIONAL INTERFERENCES WITH CHATELS -- INTRODUCTION TO PART II -- 8: INTRODUCTION TO THE TORT OF NEGLIGENCE -- 9: ESTABLISHING 'DUTY' AND 'FAULT' IN NEGLIGENCE --PART IV: APPLYING THE STRUCTURE TO REMEDIES -- 10: **COMPENSATION -- 11: CONCLUSION** Sommario/riassunto The book examines the protection of property rights in chattels through the law of torts, focusing on the four actions of conversion, detinue, trespass and negligence. Traditionally these actions have been governed by arcane divisions which have led to unnecessary complexity and arbitrariness. The principal argument made in the book is that significant developments in the modern law point towards abolition of

these arcane divisions and permit the chattel torts to be understood by reference to a coherent and justifiable structure. It is argued that the

only division which should be drawn in the modern chattel torts is between intentional interferences with chattels, where liability is strict, and unintentional interferences with chattels, where liability is fault based. In order to demonstrate this structure it is first argued that the actions of conversion, detinue and trespass amount, in substance, to a single cause of action which imposes strict liability for the intentional interference with another's chattel. It is then argued that the tort of negligence recognises a fault-based cause of action for the unintentional interference with another's chattel. It is further argued that this basic structure, unlike the arcane divisions which have traditionally governed this area of law, can be justified