

1. Record Nr.	UNINA9910963781503321
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	9786613529442 9781847318206 1847318207 9781472561053 1472561058 9781280125584 1280125586 9781847318466 1847318460
Edizione	[1st ed.]
Descrizione fisica	1 online resource (243 p.)
Disciplina	346.036
Soggetti	Torts - England Personal property - England
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references (pages [209]-215) and index
Nota di contenuto	1: INTRODUCTION -- I. T he Focus on the Law of Torts -- II. T he 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
