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~~The Law Of Restitution~~

The law of restitution is that body of law which is concerned with the award of gain-based remedies. Although the matter has been particularly controversial, the accepted view is that these gain-based remedies will be awarded in three different situations. First, where the defendant has profited from the commission of a wrong.

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Andrew Burrows continues to provide an authoritative account of the law of restitution in the third edition of this highly-praised textbook. Fully revised and updated, this edition includes a wealth of new cases and academic thinking in addition to thorough examination of the subject as a whole.

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The English law of Restitution is the law of gain-based recovery. Its precise scope and underlying principles remain a matter of

Bookmark File PDF The The Law Of Restitution In Scotland Supplement The significant academic and judicial controversy. [2] Broadly speaking, the law of restitution concerns actions in which one person claims an entitlement in respect of a gain acquired by another, rather than compensation for a loss .

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The law of restitution is that body of law which is concerned with the award of gain-based remedies. Although the matter has been particularly controversial, the accepted view is that these gain-based remedies will be awarded in three different situations. First,

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where the defendant has profited from the commission of a wrong.

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Newton's law of restitution states that when two bodies collide, the speed with which they move after the collision actually depends on the material from which they are made. The Coefficient of Restitution (e) tells us about the bounciness, or elasticity, of the collision. When $e = 1$, no kinetic energy is lost.

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The law of restitution is concerned with the questions of when restitutionary remedies may be awarded. These are remedies which operate to deprive defendants of gains rather than to compensate claimants for losses. The traditional approach to the subject assumes that restitutionary remedies are only available to reverse unjust enrichment.

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For the claimant to bring a restitutionary

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claim, the defendant must have been unjustly enriched at the expense of the claimant. A restitutionary remedy seeks to reverse that unjust enrichment, by restoring the relevant benefit or enrichment to the claimant. Claims in restitution are frequently contrasted with claims (in contract or tort) for compensatory damages, which focus upon the damage suffered by the claimant, rather than the unjust enrichment of the defendant.

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There is no doubt that the purpose of the law of restitution is to prevent unjust

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enrichment. However, some scholars argue that
the normative basis for mistaken transfer
should be corrective justice.

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The law of restitution is the law of gains-based recovery. It is to be contrasted with the law of compensation, which is the law of loss-based recovery. When a court orders restitution it orders the defendant to give up his/her gains to the claimant. When a court orders compensation it orders the defendant to pay the claimant for his or her loss.

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~~Restitution — Wikipedia~~

Restitution in English law is a remedy that aims to restore to an innocent party the gains that someone else has obtained from them.

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The law of restitution relates to all claims - quasi-contractual or otherwise - which are founded upon the principle of unjust enrichment. Goff & Jones: The Law of Restitution is the leading title on this

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One of the most authoritative accounts of the law of restitution available, written by a leading figure in the field The clear and concise writing style illuminates an often complex subject, making this essential reading for all those with an interest in restitution

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Restitution has emerged as an important part of the law of obligations, with an increasing role to play. At the same time, it is not a universal solution for a claimant struggling to articulate a claim.

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Restitution is concerned with the reversing of unjust enrichment and was recently recognized as a discrete body of law by the House of Lords although restitutionary principles have infact been evolving for over

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200 years. Rather than taking the traditional
approach which assumes that restitutionary
remedies will be awarded against a defendant
...

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The Law of Restitution shows how important
restitution is in many contract situations,
sometimes as an alternative or supplement to
damages, sometimes as the only choice for
obtaining relief. You'll find representative
cases and pleadings in abundance, to help you
plan your client's position and strategy.

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OUP Oxford, 2011 - Law - 737 pages 1 Review
Andrew Burrows continues to provide an
authoritative account of the law of
restitution in the third edition of this
highly-praised textbook. Fully revised and
updated, this edition includes a wealth of
new cases and academic thinking in addition
to thorough examination of the subject as a
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The law of restitution and the principle against unjust enrichment has developed to a great extent under common law alongside the law of contract and the law of tort.

Essentially, for a claim to be made under the unjust enrichment principle, there are four questions which are relevant - first, has the defendant been benefitted/enriched . . .

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The modern law of restitution is a common law doctrine derived from the law of quasi-contract, which aims to prevent or reverse

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The Laws of
Australia offers a principles-based,
practical guide to this complex and dynamic
area of the law. As such, it is essential
reading for practitioners and students alike.**

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