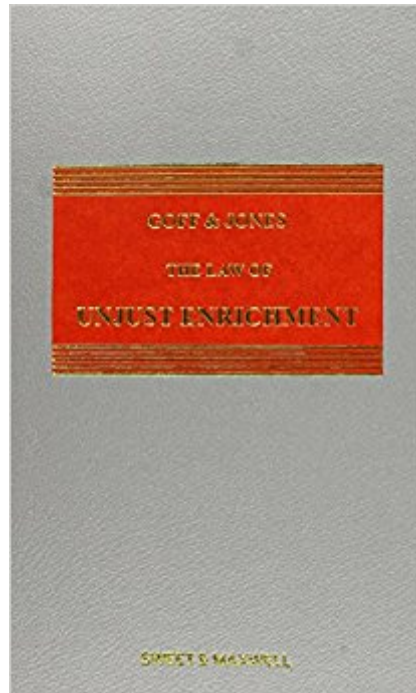




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Goff & Jones: The Law Of Unjust Enrichment



Synopsis

Goff & Jones is the leading work on the law of unjust enrichment. The first edition appeared fifty years ago, in 1966, and successive editions have played a major role in establishing the central importance of the subject for private and commercial law. The text is comprehensive in coverage and written by highly respected scholars who analyse and explain the principles governing claims in unjust enrichment, demonstrating how these principles have been applied through detailed discussion of case-law. The book is frequently cited in court and continues to set the agenda for future developments in the field. The new 9th Edition is completely up-to-date and contains detailed discussion of important decisions since the last edition. Many chapters have been rewritten to take account of significant new cases, and their impact on topics including the valuation of enrichments, the recovery of benefits from remote recipients, the recovery of benefits transferred by mistake, the recovery of money paid as tax that is not due, and the content of the tracing rules and their significance for the award of proprietary remedies. The 9th Edition of Goff & Jones: The Law of Unjust Enrichment deals with the following six key matters in relation to making a claim:

- * Explains how a claim in unjust enrichment can be precluded where a defendant's enrichment is mandated by a statute, judgment, natural obligation, or contract
- * Analyses the principles governing the identification and valuation of enrichment, and explains how these apply to claims for different types of benefit
- * Considers the requirement that a defendant's gain has been acquired at the claimant's expense
- * Discusses the different grounds for restitution: lack of consent and want of authority; mistake; duress; undue influence and unconscionable bargains; failure of basis; free acceptance; necessity; secondary liability; ultra vires receipts and payments by public bodies; etc
- * Examines defences including change of position; ministerial receipt; bona fide purchase; estoppel; counter-restitution impossible; passing on; limitation; legal incapacity; illegality
- * Explicates in detail personal and proprietary remedies for unjust enrichment

Book Information

Hardcover

Publisher: Sweet & Maxwell; 9th edition edition (November 21, 2016)

ISBN-10: 0414055233

ISBN-13: 978-0414055230

Product Dimensions: 9.6 x 2.4 x 6.5 inches

Shipping Weight: 3.7 pounds

Average Customer Review: 5.0 out of 5 stars 1 customer review

Best Sellers Rank: #2,196,205 in Books (See Top 100 in Books) #99 in Books > Law > Rules & Procedures > Remedies

Customer Reviews

50 YEARS ON AND A SAD FAREWELL TO THE ORIGINAL AUTHORSIN THIS NEW NINTH EDITION OF THE DEFINITIVE TEXT ON UNJUST ENRICHMENTAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersIn 1966 when Robert Goff and Gareth Jones published the first edition of this book, unjust enrichment was a little known or understood concept. Now it is regarded as *one of the primary sources of rights and duties in English private law*, as the three current editors of this now classic text have pointed out. This book, they add, has made *a seminal contribution to the general and full understanding of unjust enrichment as a distinct area of legal study and certainly a vital one*. Quoting the late and learned Judge Alan Rodger, reference is made to Goff and Jones as *the Romulus and Remus of the English Law of Restitution*. Out of a few weak and scattered settlements (like the beginnings of ancient Rome) they have founded a powerful city whose hegemony now extends far and wide. It is not difficult here to account for the fact that *The Law of Unjust Enrichment* has now gone through nine editions, of which this is the latest. Published recently by Sweet and Maxwell for their Common Law Library, under the editorship of Charles Mitchell, Paul Mitchell and Stephen Watterson, this edition emerges under a cloud of sadness as Robert Goff and Gareth Jones both died in 2016. It has been dedicated to their memory. Fortunately for hard-pressed practitioners, this volume of over 1,000 pages is easy to use and distinguished by erudition, authority and clarity of expression. The Introduction is particularly useful in that it explains the basic concepts pertaining to unjust enrichment, especially those that distinguish it from restitution, notwithstanding that a preference seems to have developed for the use of the term *unjust enrichment* over the term *restitution*. As the editors point out, the title of the book *reflects the fact that unjust enrichment is a discrete source of rights and obligations that ranks alongside contract and civil wrongs in importance and calls for stand-alone treatment*. The book certainly delivers thorough and extensive coverage of the subject, rendering its complexities and subtleties satisfyingly accessible. The book's seven-part structure deals first with such matters as the general principles of enrichment, followed by justifying grounds and further, by the specifics of enrichment. Particularly

interesting is Part V, which examines grounds for restitution, including, for example -- mistake, duress, frustrated contracts, ultra vires, mental incapacity and illegality. Parts VI and VII cover defences and remedies. Research resources in this volume are available in abundance, including over 125 pages of cases, statutes, statutory instruments and non-UK statutes. The book's concept of unjust enrichment has extended far and wide indeed. Navigation however, has been rendered relatively easy via the book's detailed table of contents, comprehensive index and numbered paragraphs throughout. For practitioners and the judiciary, this distinguished work of reference, with its wealth of new material, is an essential acquisition. The publication date is cited as at September 2016.

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