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The Law Of Restitution 4

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.

The Law of Restitution

Restitution. A remedy based upon the principle of unjust enrichment. For the claimant to bring a

restitutionary 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.

Restitution | Practical Law

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

Restitution in English law - Wikipedia

Abstract. This book lays out the key principles underlying the law of restitution, a subject recognised by the House of Lords as a discrete body of law fifteen years ago. 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.

Principles of the Law of Restitution - Oxford Scholarship

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. American Jurisprudence 2d edition notes: The word "restitution" was used in the earlier common law to denote the return or restoration of a specific th

Restitution - Wikipedia

Orthodox English law takes a narrow view on the basis of mistaken payment. Dannemann observes that according to the restitution law in England, mistake as a ground for unjust enrichment owes much to the *condictio indebitati*. This situation would keep the normative basis far away from the legal ground reasoning.

Law of Restitution

Restitution in English law is a remedy that aims to restore to an innocent party the gains that someone else has obtained from them. In *Lipkin Gorman v Karpnale*, the House of Lords gave formal recognition to the law of restitution as being separate to any element of contract law—the law of restitution is not based upon implied contract; rather it is based upon the principle that unjust enrichments must be reversed.

Restitution and unjust enrichment—overview - Lexis®PSL ...

The coefficient of restitution (COR), also denoted by e , is the ratio of the final to initial relative velocity between two objects after they collide. It normally ranges from 0 to 1 where 1 would be a perfectly elastic collision. A perfectly inelastic collision has a coefficient of 0, but a 0 value does not

have to be perfectly inelastic.

Coefficient of restitution - Wikipedia

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The modern law of restitution, especially the American version, is now candid that what the chancellor is doing is remedying unjust enrichment, with no connection to the law of express trusts.⁶ The chancellor says to a defendant who is not a trustee, "Because the outcome can be made convenient, I'm going to treat you as though you were a trustee, even though we all know you are not".

RESTITUTION - Yale Law School

The law of restitution is concerned with the award of a generic group of remedies which arise by operation of law and which have one common function, namely, to deprive the defendant of a gain rather than to compensate the claimant for loss suffered. These are called the restitutionary remedies.

Essence of Restitution - Oxford Scholarship

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