



# The Modern Law of Restitution (Practical Approach)

*Gerald McMeel*

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## **The Modern Law of Restitution (Practical Approach)** Gerald McMeel

In a sequence of landmark decisions in the 1990s, from *Lipkin Gorman v Karpnale* to *Klienwort Benson v Lincoln City Council*, the House of Lords and courts throughout the common law world have recognised and developed a coherent law of restitution based upon the principle of reversing unjust enrichment. This intellectual revolution supersedes obsolete learning on quasi-contract and constructive trusts. Whenever money goes astray, or an apparently consensual transaction goes awry, lawyers need to be familiar with the principles and detailed rules of this "new" subject. This work addresses the relationship between the unjust enrichment principle and the traditional rules on transactions and insists upon the primacy of contract and the subsidiarity of restitution to established categories of law. The book guides both the student and the busy practitioner through the difficult practical issues and the arcane vocabulary towards a clearer understanding of the restitutionary enquiry.

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