

Unjust Enrichment: Does it Exist and if So, What is it, Where is it Going and Can We Humanely Dispose of it?

by

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Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven teaches equity and trusts, property law, and a course on art, antiquities, cultural heritage and the law. In September 2023, Steven began teaching a new course on digital technology and law. Steven has presented over 200 continuing professional development courses for solicitors in Hong Kong on many topics associated with property. Steven's research interests include equity and the law of trusts, cultural heritage law, Chinese custom and law, and legal history. In 2023, Steven published a textbook on Digital Technology and Law. He is not a technologist.

This three-hour seminar will consider what has been hailed as the newest form of standalone action at common law - unjust enrichment.

The seminar will consider the history of the development of unjust enrichment, the only form of action at common law created by academics rather than judges, and its development.

The seminar will consider unjust enrichment's part in the search for a unified common law of restitution.

The seminar will then consider the development of unjust enrichment and its defence, the change of position, in Hong Kong and England.

The seminar will consider the links between unjust enrichment and equity and the possible development of the action to deal with more than just money claims.

In conclusion we will consider whether unjust enrichment does exist or whether it is just another name for money had and received, and whether we can humanely dispose of the last vestige of the "cult of restitution."

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Some of the topics considered in this seminar include:

- What is unjust enrichment?
- Where did it come from?
- A brief history of unjust enrichment;
- The common money counts;
- Mansfield's fallacy and the "Glorious uncertainty of the law"
- Lord Goff's academic pursuit of a law of restitution;
- Gambling solicitors and a firm's lost funds;
- Unjust enrichment and the change of position defence;
- The modern action for unjust enrichment in Hong Kong;
- The limits of actions for unjust enrichment;
- Arguments for tracing more than money;
- Could we live without unjust enrichment?

Scan to Calendar



Code:	EVT000000433	Level:	Intermediate
Date:	16 September 2024 (Monday) (Amended)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	<i>Option of:</i> (1) Online via Zoom; <i>or</i> (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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