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052180065X - Restitutionary Rights to Share in Damages: Carers' Claims  
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## RESTITUTIONARY RIGHTS TO SHARE IN DAMAGES

Rights and obligations can arise *inter alia* in tort or in unjust enrichment. This book deals with the phenomenon whereby a stranger to litigation is entitled to participate in the fruits of that litigation. Two prominent examples of this phenomenon are the carer, who is entitled to share in the fund of damages recovered by a victim of tort, and the indemnity insurer, which is entitled to participate in the fruits of the insured's claim against the wrongdoer. Degeling demonstrates that both are rights raised to reverse unjust enrichment.

Careful examination of these two categories reveals the existence of a novel policy motivated unjust factor called the policy against accumulation. Degeling argues that this is an unjust factor of broad application, applying to configurations other than that of the carer and the indemnity insurer.

The conceptual relevance of this work is that it assists in solving certain three-party cases which lie at the border between tort and unjust enrichment. In solving the stranger's entitlement to share in the damages recovered, the policy motivated unjust factor called the policy against accumulation is identified. This book will interest restitution lawyers and tort lawyers, academic and practitioner, as well as academic institutions and court libraries.

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## CONTENTS

<i>Preface</i>	vii
<i>Table of cases</i>	viii
<i>List of key works</i>	xxii
1 Introduction	1
PART I	
2 Three leading carer cases	13
3 Claims based on contractual and non-contractual promises to pay	29
4 The carer's claim in unjust enrichment	47
5 The carer's claim in tort	111
PART II	
6 Direct claims: the problem remains unsolved	149
7 Insurance subrogation analogy	159
8 The policy against accumulation	191
PART III	
9 The proprietary claim	233
10 Conclusion	271
<i>Bibliography</i>	276
<i>Index</i>	284

## PREFACE

My doctoral research, which forms the basis of this book, was submitted to the University of Oxford in 1998, and was funded by the Commonwealth Scholarship Commission and St Peter's College Oxford. Some of the chapters are updated versions of those written for my thesis. Other chapters, particularly chapters 8 and 9, are the result of work done since.

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## TABLE OF CASES

- 123 East Fifty-Fifth Street Inc v. United States (1946) 157 F Rep  
 (2d) 68 265
- A v. National Blood Authority [2001] 3 All ER 289 67, 242
- AG for Hong Kong v. Reid [1994] 1 AC 324 252, 259
- Air Jamaica Ltd v. Charlton [1999] 1 WLR 1399 239
- Alcock v. Chief Constable of South Yorkshire Police [1992] 1  
 AC 310 125, 130, 131
- Alexander Enterprises v. Dobbin (1987) 63 Nfld & PEIR 1 67
- Allied Maples Group Ltd v. Simmons & Simmons [1995] 4 All  
 ER 907 145
- Altmann v. Dunning [1995] 2 VR 1 93, 96, 243
- Ambrose v. Kerrison (1851) 10 CB 776 90, 168
- Amoco (UK) Exploration Co v. Imperial Chemical Industries plc  
 unreported 30 July 1999 102
- Angelopoulos v. Sabatino (1995) 65 SASR 1 56
- Anns v. Merton London Borough Council [1978] AC 278 116, 141, 142
- Arab Bank plc v. John D Wood Ltd [2000] 1 WLR 857 186, 203
- Arnold v. Teno (1978) 83 DLR (3d) 609 21, 52, 57, 93, 106
- Astopolos Konstantine Ventouris v. Trevor Rex Mountain (The Italia  
 Express No 2) [1992] 2 Lloyd's Rep 281 204
- Attorney General for Ontario et al v. Crump (1976) 74 DLR  
 (3d) 345 125
- Attorney General v. Blake [1998] Ch 439 (CA) [2001] AC 268  
 (HL) 45, 46
- Austin v. Zurich General Accident and Liability Insurance Co Ltd  
 [1944] 2 All ER 243 164
- B, re [2000] NSWSC 44 25, 26, 85, 199, 243
- Baker v. TE Hopkins & Son Ltd [1959] 1 WLR 966 125, 128

Cambridge University Press

052180065X - Restitutory Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

## TABLE OF CASES

ix

- Bank of America *v.* Arnell [1999] Lloyd's Rep Banking 399 249
- Banque Financière de la Cité *v.* Parc (Battersea) Ltd [1999] 1  
AC 221 48, 173, 178, 180, 181
- Barclays Bank Ltd *v.* Quistclose Investments [1970] AC 567 247
- Barclays Bank Ltd *v.* WJ Simms Son and Cooke (Southern) Ltd  
[1980] QB 677 194
- Barnett *v.* Chelsea and Kensington Hospital Management Committee  
[1969] 1 QB 428 145
- Baron Napier and Ettrick *v.* RF Kershaw [1993] 1 Lloyd's  
Rep 10 174
- Baron Napier and Ettrick *v.* RF Kershaw unreported Saville J  
14 May 1992 174
- Beasley *v.* Marshall (1996) 10 SASR 544 25, 85
- Beasley *v.* Marshall (No 4) (1986) 42 SASR 407 51, 199, 243
- Benstead *v.* Murphy (1994) 23 Alta LR (3d) 251 48, 93, 94, 98, 113
- Berkeley Applegate (Investment Consultants) Ltd, in re [1989]  
Ch 32 90, 168
- Beswick *v.* Beswick [1968] AC 58 266
- Bissky *v.* Trottier (1984) 54 BCLR 288 245
- Blaaupot *v.* Da Costa (1758) 1 Eden 130 173
- Blundell *v.* Musgrave (1956) 96 CLR 73 37, 40, 151, 152, 153, 154
- Bordin *v.* St Mary's NHS Trust unreported Queen's Bench Division  
26 January 2000 238, 245
- Bourhill *v.* Young [1943] AC 92 125
- Bow Valley Husky (Bermuda) Ltd *v.* St John Shipbuilding Ltd (1997)  
153 DLR (4th) 385 143
- BP Exploration Co (Libya) *v.* Hunt (No 2) [1979]  
1 WLR 783 54, 227
- Bradburn *v.* The Great Western Railway Company (1874) LR 10  
Ex 1 170
- Bradstock Trustee Services Ltd *v.* Nabarro Nathanson (A Firm)  
[1995] 1 WLR 1405 266
- Brandon *v.* Osborne Garrett and Company Limited [1924]  
1 KB 548 125, 133
- British Transport Commission *v.* Gourley [1956] AC 185 15, 195
- Britliffe *v.* Britliffe (1990) Aust Torts Rep ¶81-060 60, 94
- Brown et al *v.* University of Alberta Hospital et al (1997) 145 DLR  
(4th) 63 51, 52, 93, 245

- Brownton Ltd *v.* Edwards Moore Inbucon Ltd [1985] 3  
 All ER 499 268
- Burdis *v.* Livesey [2001] 1 WLR 1751 238
- Burford *v.* Allen (1992) Aust Torts Rep ¶181–184 93
- Burnicle *v.* Cutelli [1982] 2 NSWLR 26 48
- Burns Philp & Co Ltd *v.* Gillespie Brothers Pty Ltd (1947) 74  
 CLR 148 90
- C, re (Adult: Refusal of Medical Treatment) [1994] 1 All  
 ER 819 50, 51
- Caledonia North Sea Ltd *v.* Norton (No 2) Ltd (in liquidation) [2002]  
 1 All ER (Comm) 321 186, 203, 204
- Caltex Oil (Australia) Pty Ltd *v.* The Dredge 'Willemstad' (1976) 135  
 CLR 529 111, 138, 139
- Canadian National Railway Co *v.* Norsk Pacific Steamship Co (1992)  
 91 DLR (4th) 289 141, 142, 143, 144
- Candlewood Navigation Corporation Ltd *v.* Mitsui OSK Lines Ltd  
 [1986] AC 1 115
- Canwest Geophysical Ltd et al *v.* Brown et al [1972]  
 3 WWR 23 163
- Caparo Industries plc *v.* Dickman [1990] 2  
 AC 605 116, 118, 126, 129
- Car & Universal Finance *v.* Caldwell [1965] 1 QB 525 246
- Carr-Glynn *v.* Frearsons [1999] Ch 326 120
- Cassell *v.* Hammersmith and Fulham Health Authority [1992] 1  
 PIQR Q1 236
- Castellain *v.* Preston (1883) 11 QBD 380 186, 187, 203, 204, 206
- Cavanaugh *v.* MacQuarrie (1979) 62 APR 687 60
- Central Insurance Co Ltd *v.* Seacalf Shipping Corporation  
 (The Alios) [1983] 2 Lloyd's LR 25 170
- Chadwick *v.* British Railways Board [1967] 1 WLR 912 125, 128
- Chase Manhattan Bank NA *v.* Israel-British Bank (London) Ltd  
 [1981] Ch 105 249, 265
- China Pacific SA *v.* Food Corporation of India [1982]  
 AC 939 90
- Chubbs *v.* O'Brien (1980) 28 Nfld & PEIR 314 37
- Clark *v.* Kramer [1986] WAR 54 93, 96
- Clark *v.* Warrington (1958) 26 WWR 673 21, 150
- Cleadon Trust Limited, in re [1939] 1 Ch 286 163



## TABLE OF CASES

xi

- Coderre *v.* Ethier (1978) 85 DLR (3d) 621 4, 22, 48, 57, 61, 71, 80, 81, 82, 99, 176, 212, 214, 244
- Cole *v.* Lawrence (2001) 33 MVR 159 69
- Commissioner of State Revenue (Victoria) *v.* Royal Insurance Ltd (1994) 182 CLR 51 72, 200, 201, 202, 265
- Crane *v.* Worwood (1992) 65 BCLR (2d) 16 52, 60, 68, 81, 94, 98, 245
- Craven-Ellis *v.* Cannons Ltd [1936] 2 KB 403 59
- Crossley *v.* Rawlinson [1982] 1 WLR 369 125
- Cunningham *v.* Harrison [1973] QB 942 17, 18, 21, 30, 31, 34, 38, 40, 41, 42, 43, 44, 67, 81, 82, 83, 84, 86, 135, 151, 155, 200, 243, 245, 247
- Curator of Estates *v.* Fernandez [1976] 16 ALR 445 62, 245
- Cutler *v.* United Dairies (London) Limited [1933] 2 KB 297 125
- D'Amato *v.* Badger [1996] 8 WWR 390 142, 143
- D'Ambrosio *v.* DeSouza Lima [1983] 60 ACTR 18 60, 93, 96, 110
- Daly *v.* General Steam Navigation Co Ltd [1980] 3 All ER 696 94
- Darrell *v.* Tibbitts (1880) 5 QBD 560 186, 203
- David Securities Pty Ltd *v.* Commonwealth Bank of Australia (1992) 175 CLR 353 194
- Dextra Bank & Trust Company Limited *v.* Bank of Jamaica [2002] 1 All ER (Comm) 193 101, 102, 103, 104
- Dimond *v.* Lovell [2000] 1QB 216 (CA); [2002] 1 AC 384 (HL) 9, 223, 224, 225, 269
- DJR, re and the Mental Health Act 1958 [1983] 1 NSWLR 557 25, 26, 85, 199, 236, 243
- Donnelly *v.* Joyce [1974] 1 QB 454 16, 17, 21, 34, 38, 43, 52, 66, 68, 80, 84, 86, 93, 94, 96, 106, 140, 197, 198, 244
- Donoghue *v.* Stevenson [1932] AC 562 116, 127
- Donovan *v.* Stirling (1986) 183 APR 104 37
- Dorset Yacht Co Ltd *v.* Home Office [1970] AC 1004 116
- Dziver *v.* Smith (1983) 146 DLR (3d) 314 32, 37, 38, 49, 56, 59, 74
- Eagle Star Insurance Co Ltd *v.* Provincial Insurance plc [1993] 1 All ER 1 204
- Einarson *v.* Keith [1961] 36 WWR 215 30, 36, 64
- England *v.* Guardian Insurance Ltd [2000] Lloyd's Rep IR 404 186, 203, 205, 236

Cambridge University Press

052180065X - Restitutory Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

xii

## TABLE OF CASES

- ES and the Mental Health Act, re 1958 [1984]  
3 NSWLR 341 25, 85, 199, 243
- Esanda Finance Ltd v. Peat Marwick Hungerfords (Reg) (1995–1997)  
188 CLR 241 137
- Esso Petroleum Co Ltd v. Hall Russell & Co Ltd [1989]  
AC 643 1, 163, 176, 220, 266, 268
- Esso Petroleum Company Limited v. Niad Limited Unreported  
22 November 2001 45
- Esterhuizen v. Allied Dunbar Assurance plc [1998]  
2 FLR 668 120
- Exall v. Partridge (1799) 8 TR 308 59, 60, 98, 194
- F (Mental Patient: Sterilisation), in re [1990] 2 AC 1 90, 91, 93,  
94, 97
- Fairhurst v. St-Helens and Knowsley Health Authority [1995]  
4 PIQR Q1 57, 236
- Falcke v. Scottish Imperial Insurance Company (1886)  
34 Ch D 234 89, 163
- Feng v. Graham (1988) 25 BCLR (2d) 116; (1988)  
44 CCLT 52 47, 72, 86, 94, 98, 199, 200, 245
- Firme C-Trade SA v. Newcastle P&I Association [1991]  
2 AC 1 204
- Fitzgerald v. Ford [1996] 5 PIQR 73 93, 96
- Foodlands Association Ltd v. Mosscrop [1985] WAR 215 137
- Foskett v. McKeown [1998] Ch 265 (CA); [2001]  
1 AC 102 (HL) 258, 259, 264
- Frost v. Chief Constable of South Yorkshire Police [1998] QB 254,  
[1999] 2 AC 455 125, 126, 128, 130, 131, 133
- Gage v. King [1961] 1 QB 188 48
- Garland v. Clifford (1996) 67 SASR 47 52, 60, 69, 93
- Gaydon v. Public Transport Commission [1976]  
2 NSWLR 44 37, 151, 153
- GDM and the Protected Estates Act 1983 (NSW), in the Matter of  
(1992) Aust Torts Rep ¶181–190 25, 26, 85, 86, 198, 199, 244
- Gerow v. Reid (1989) 225 APR 34 94, 245
- Gertsch v. Atsas [1999] NSWSC 898 102, 103, 105
- Gibeault v. Schultz (1978) 11 AR 584 32, 37, 41, 49, 56, 59, 62,  
63, 74, 243
- Giles v. Thompson [1994] 1 AC 142 267, 268

Cambridge University Press

052180065X - Restitutory Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

## TABLE OF CASES

xiii

- Gillick *v.* West Norfolk and Wisbech Area Health Authority [1986] 1 AC 112 52
- Godin *v.* London Assurance Company (1758) 1 Burr 489 204
- Goldcorp Exchange Ltd, re [1995] 1 AC 74 247
- Goldfinch *v.* Scannell [1993] 2 PIQR Q143 93, 96
- Goode *v.* Thompson and Anor (2001) Aust Torts Reports ¶81–617 25, 52, 69, 85, 199, 244
- Goodwill *v.* British Pregnancy Advisory Service [1996] 2 All ER 161 121
- Gorham *v.* British Telecommunications Plc [2000] 1 WLR 2129 120
- Gow *v.* Motor Vehicle Insurance Trust [1967] WAR 55 51, 64, 93, 243
- GRE Insurance Ltd *v.* Q.B.E. Insurance Ltd [1985] VR 83 164
- Great Northern Railway *v.* Swaffield (1874) LR 9 Ex 132 90, 168
- Greatorex *v.* Greatorex [2000] 1 WLR 1970 125
- Greenaway *v.* CPR Co et al [1925] 1 DLR 992 97
- Griffiths *v.* Kerkemeyer (1977) 139 CLR 161 1, 23, 26, 36, 49, 54, 58, 85, 93, 140, 149, 195, 199, 245
- Grincelis *v.* House (2000) 201 CLR 321 3, 24, 48, 51, 69, 85, 93, 149, 159, 160, 195, 199, 230, 234, 235
- Grover *v.* Lowther (1982) 52 NSR (2d) 22 20, 81, 93, 94, 245
- Groveswood Holdings plc *v.* James Capel & Co Ltd [1995] 2 WLR 70 269
- Guinness Mahon & Co Ltd *v.* Kensington and Chelsea Royal London Borough Council [1998] 2 All ER 272 76
- Ha *v.* New South Wales (1997) 189 CLR 465 202, 226
- Haggar *v.* de Placido [1972] 2 All ER 1029 30, 36, 41, 135, 243
- Haig *v.* Bamford [1977] 1 SCR 466 141
- Hall *v.* Miller (1989) 41 BCLR (2d) 46 48, 61, 98, 99, 245
- Hamilton *v.* Hayes [1962] 38 WWR 506 37
- Harrison *v.* British Railways Board [1981] 3 All ER 679 125, 128
- Hasson *v.* Hamel (1977) 78 DLR (3d) 573 75, 77, 80, 244
- Haynes *v.* Harwood [1935] 1 KB 146 125, 133
- Hedley Byrne & Co Ltd *v.* Heller & Partners Ltd [1964] AC 465 112, 115, 116, 117, 118, 120, 121, 122, 123, 124, 137, 141
- Henderson *v.* Merrett Syndicates Ltd [1995] 2 AC 147 118, 119
- Hendrie *v.* Rusli (2000) 32 MVR 240 69

Cambridge University Press

052180065X - Restitutory Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

xiv

## TABLE OF CASES

- Hercules Managements Ltd *v.* Ernst & Young (1997) 146 DLR  
(4th) 577 143
- Hill (Trading as RF Hill & Associates) *v.* Van Erp (1995–1997) 188  
CLR 159 126, 128, 134, 138
- Hobbs *v.* Marlowe [1978] AC 16 170
- Hogan *v.* Gill (1992) Aust Torts Rep ¶81–182 57
- Horsfall *v.* Haywards [1999] 1 FLR 1182 120
- Hotson *v.* East Berkshire Health Authority [1987]  
2 All ER 909 145
- Housecroft *v.* Burnett [1986] 1 All ER 332 34, 68, 123, 135, 151, 245
- Howe *v.* Campbell (1974) 7 NBR (2d) 144 21, 150
- Hunt *v.* Severs [1993] QB 815 (CA); [1994] 2 AC 350 (HL) 1, 2,  
13, 14, 16, 17, 18, 19, 22, 25, 27, 34, 36, 47, 48, 54, 62, 63, 66, 67,  
83, 84, 86, 93, 94, 97, 111, 135, 136, 149, 151, 154, 156, 159, 171,  
176, 195, 196, 210, 211, 212, 214, 215, 233, 234, 235, 240, 241, 245,  
254, 255, 269, 274
- Hunter *v.* British Coal Corporation [1999] QB 141 125
- Hyett *v.* Great Western Railway Company [1948] 1 KB 345 125
- Island Records Ltd *v.* Tring International plc [1996]  
1 WLR 1256 136
- Jaensch *v.* Coffey (1984) 155 CLR 549 125
- Jaggard *v.* Sawyer [1995] 1 WLR 269 45
- James Hardie & Co *v.* Newton (1997) 42 NSWLR 729 58, 64, 69
- Jameson *v.* Central Electricity Generating Board [1999]  
3 WLR 141 206, 207
- Jeffrey *v.* Commodore Cabaret Ltd (1995) 128 DLR  
(4th) 535 125
- Jenkins *v.* Tucker (1788) 1 Hy Bl 90 90, 168
- John Edwards and Co *v.* Motor Insurance Co Ltd [1922]  
2 KB 249 164
- Johns *v.* Prunell [1960] VR 208 77, 151, 153
- Johnson *v.* Shelest (1988) 22 BCLR (2d) 230 32, 41, 48, 49, 56,  
59, 75, 93, 94, 243
- Jolley *v.* London Borough of Sutton [1998] 1 Lloyd's Law Rep 433,  
[1998] 1 WLR 1546 (CA) and [2000] 1 WLR 1082 (HL) 240, 242
- Jones *v.* Moylan [No 2] (2000) 23 WAR 65 25, 26, 85, 199, 244
- Joy *v.* Newell unreported Queen's Bench Division 27 February  
1998 67, 242

## TABLE OF CASES

xv

- Kamloops (City) v. Nielsen (1984) 10 DLR (4th) 641 141
- Kars v. Kars [1995] Aust Torts Reports ¶¶81–369 (QLD CA), (1996)  
 187 CLR 354 (HCA) 1, 3, 22, 23, 24, 25, 34, 47, 48, 68, 85, 93,  
 137, 149, 151, 156, 159, 160, 190, 195, 199, 208, 209, 233, 234,  
 245
- Kiddell v. Kulczycki [1977] 3 WWR 216 111, 113
- King v. Victoria Insurance Company Limited [1896] AC 250  
 163, 164, 165, 166, 186, 266
- Kirby v. British Columbia (Attorney General) British Columbia  
 Supreme Court 15 July 1997 245
- Kirkham v. Boughey [1958] 2 QB 338 111, 113
- Kite v. Malycha (1998) SASR 321 69
- Kleinwort Benson v. Birmingham City Council [1997]  
 QB 380 72
- Kleinwort Benson Ltd v. Lincoln City Council [1998]  
 3 WLR 1095 194
- Kleinwort Benson Ltd v. South Tyneside Metropolitan Borough  
 Council [1994] 4 All ER 972 72
- Kobs v. Merchants Hotel (1990) 62 Man R (2d) 210 approved (1991)  
 70 Man R (2d) 178 59, 94, 244
- Kovac v. Kovac [1982] 1 NSWLR 655 51
- L Shaddock & Associates Ltd v. Parramatta City Council [No 1]  
 (1981) 150 CLR 225 137
- Lady Hood of Avalon v. Mackinnon [1909] 1 Ch 476 78
- Lang v. Ballash (1989) 72 Alta LR (2d) 306 21, 111, 150
- Lankenau v. Dutton (1989) 56 DLR (4th) 364 93, 94, 245
- Lapensée v. Ottawa Day Nursery (1986) 35 CCLT 129 21, 52, 93,  
 106, 150
- Leduc v. British Canadian Insurance Co [1924] 1 DLR 196 164
- Lee v. Taunton and Somerset NHS Trust [2001] 1 FLR 419 122, 123
- Lefebvre v. Kitteringham (1985) 39 Sask R 308 93, 96
- Legal and General Assurance Society Ltd v. Drake Insurance Ltd  
 [1992] QB 887 204
- Levesque v. Grondin (1974) 7 NBR (2d) 98 62, 63
- Liffen v. Watson [1940] 1 KB 556 59
- Lipkin Gorman v. Karpnale [1991] 2 AC 548 101, 103, 104
- London, Chatham and Dover Railway Company v. South Eastern  
 Railways [1893] AC 429 44

Cambridge University Press

052180065X - Restitutory Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

xvi

## TABLE OF CASES

- Lonrho Exports Ltd *v.* Export Credits Guarantee Department [1996]  
4 All ER 673 179, 181, 182, 218
- Lonrho plc *v.* Fayed [1992] 1 WLR 1 247
- Lord Napier and Ettrick *v.* Hunter [1993] AC 713 1, 173, 174,  
175, 176, 179, 180, 187, 205, 206, 217, 218, 220, 236, 257, 259, 260,  
261, 263, 266, 274
- Louth *v.* Diprose (1992) 175 CLR 621 78
- Lunnon *v.* Reagh (1978) 25 NSR (2d) 196 52, 93, 106, 235, 245
- Lusignan (Litigation Guardian of) *v.* Concordia Hospital [1997] 6  
WWR 185, supplementary reasons at [1999]  
1 WWR 733 51, 93, 245
- Macclesfield Corporation *v.* Great Central Railway [1911]  
2 KB 528 163
- Macdonald (Guardian ad litem of) *v.* Neufeld (1993) 85 BCLR (2d)  
129 21, 150
- Mackinlay *v.* MacEachern (1983) 123 APR 175 245
- Mahesan s/o Thambiah *v.* Malaysia Government Officers'  
Co-Operative Housing Society Ltd [1979] AC 374 136
- Malat *v.* Bjornson (No 2) [1979] 4 WWR 673 21, 94
- Marc Rich & Co AG *v.* Bishop Rock Marine Co Ltd [1996]  
1 AC 211 115, 116, 126, 132
- Marin *v.* Varta (1983) 218 Sask R 173 48, 93
- Marinko & Anor *v.* Masri (2000) Aust Torts Rep ¶81–581 26, 85
- Marsland *v.* Andjelic [No 2] (1993) 32 NSWLR 649 243
- Martel Building Ltd *v.* Canada (2000) 193 DLR (4th) 1 143, 144
- Martorana *v.* Lee (1994) 17 Alta LR (3d) 409 37, 77
- Matheson *v.* Bartlett (1993) 335 APR 373 245
- McFarlane *v.* EE Caledonia Ltd [1994] 2 All ER 1 125, 128, 129
- McFarlane *v.* Tayside Health Board [2000] 2 AC 59 119, 120, 121, 125
- McGregor *v.* Rowley [1928] SASR 67 32, 77
- McLeod *v.* Palardy (1980) 4 Man R (2d) 218 48, 51, 93, 106, 245
- McLoughlin *v.* O'Brien [1983] 1 AC 410 125, 131
- Michols *v.* McWilliams (1980) AR 102 37, 77
- Miller, Gibb & Co Ltd, re [1957] 2 All ER 266 186, 203
- Millett *v.* McDonald's Restaurants of Canada Limited (1984) 29 Man  
R (2d) 83 21, 94, 241
- Mills *v.* British Rail Engineering Limited [1992]  
PIQR Q130 111

## TABLE OF CASES

xvii

Ministry of Defence <i>v.</i> Ashman [1993] 2 EGLR 102	53
Mitchell <i>v.</i> U-Haul Co of Canada Ltd (1986) 73 AR 91	57, 94, 245
Mollgaard <i>v.</i> ARCIC [1999] 3 NZLR 735	88
Morris <i>v.</i> Ford Motor Co Ltd [1973] 1 QB 792	179
Morrison Steamship Co Ltd <i>v.</i> Greystoke Castle (Cargo Owners) [1947] AC 265	115
Moule <i>v.</i> Garrett (1872) LR 7 Exch 101	194
Mulcahy <i>v.</i> Ministry of Defence [1996] 2 All ER 758	116
Murphy <i>v.</i> Brentwood District Council [1991] 1 AC 398	116, 126
Mutual Life & Citizens' Assurance Co Ltd <i>v.</i> Evatt (1968) 122 CLR 556	137
N, re (2001) 33 MVR 237	25, 26, 85, 199, 244
Nahas <i>v.</i> Pier House (Cheyne Walk) Management Ltd (1984) 270 EG 328	163, 166, 167, 168
Nash <i>v.</i> Inman [1908] 2 KB 1	107
National Bank of New Zealand <i>v.</i> Waitaki International Processing Ltd [2000] 2 NZLR 1	102
National Westminster Bank plc <i>v.</i> Somer International (UK) Ltd [2002] 1 All ER 198	102
Neste Oy <i>v.</i> Lloyd's Bank [1983] 2 Lloyd's Rep 658	247, 249
Newby <i>v.</i> Reid (1763) 1 Wm Bl 416	204
Newell <i>v.</i> Hawthornthwaite (1988) 26 BCLR (2d) 105	241
Nicholls <i>v.</i> Jack [1963] Qd R 1	37, 151, 153
North British and Mercantile Insurance Company <i>v.</i> London, Liverpool and Globe Insurance Company (1876) 5 Ch D 569	204
O'Keefe <i>v.</i> Schluter (1979) Qd R 224	48
Oasis Merchandising Services Ltd, in re [1998] Ch 170	267
Ogwo <i>v.</i> Taylor [1988] 1 AC 431	125
Oliver (Guardian ad Litem of) <i>v.</i> Ellison unreported British Columbia Court of Appeal 18 May 2001	245
Orakpo <i>v.</i> Manson Investments Ltd [1978] AC 95	163, 180, 189
Ostapowich <i>v.</i> Benoit (1982) 14 Sask R 233	1, 21, 47, 150
Owen <i>v.</i> Tate [1976] 1 QB 402	60, 98, 163, 164, 168, 194
Page <i>v.</i> Smith [1995] 2 All ER 736	125, 130, 131
Parkinson <i>v.</i> St James NHS Trust [2001] 3 WLR 376	122
Parry <i>v.</i> North West Surrey Area Health Authority unreported Queen's Bench Division 29 November 1999	67, 242

Cambridge University Press

052180065X - Restitutory Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

xviii

## TABLE OF CASES

- Peel (Regional Municipality) *v.* Canada (1993) 98 DLR  
(4th) 140 53
- Perre *v.* Apand (1999) 198 CLR 180 138, 139
- Peter *v.* Beblow [1993] 3 WWR 337 263
- Pettkus *v.* Becker (1980) 117 DLR (3d) 257 72
- Phillip Collins Ltd *v.* Davis [2000] 3 All ER 806 102, 103
- Phillips *v.* L & SW Ry (1879) 5 CPD 280 113
- Pickering *v.* Deakin [1985] 1 WWR 289 235, 245
- Poirier *v.* Dyer & Dyer (1989) 91 NSR (2d) 119 1
- Polly Peck (No 2), *re* [1998] 3 All ER 813 238
- Prager *v.* Blatspiel, Stamp and Heacock Ltd [1924]  
1 KB 566 90
- Price *v.* Gebert (1952–53) 7 WWR 426 21, 150
- Proctor & Gamble Philippine Manufacturing Corporation *v.* Peter  
Cremer GmbH (The Manilla) [1988] 3 All ER 843 53
- R *v.* Bournemouth Community and Mental Health N.H.S. Trust *ex*  
*parte* L [1998] 3 All ER 289 91
- Rand *v.* East Dorset Health Authority [2000] Lloyd's Rep  
Med 181 122
- Randal *v.* Cockran (1748) 1 Ves Sen 98 173
- Rathwell *v.* Rathwell (1978) 83 DLR (3d) 289 72
- Rawson *v.* Kasman (1956) 3 DLR (2d) 376 4, 20, 22, 27, 48, 57,  
71, 80, 99, 212, 214, 244
- RBC Dominion Securities Inc *v.* Dawson (1994) 111 DLR  
(4th) 230 102, 103, 105
- Redden *v.* Hector (1980) 42 NSR (2d) 96 32, 41, 49, 56, 59, 74,  
241, 243
- Rhodes, *in re* (1890) 44 Ch D 94 90, 108
- Richardson *v.* Schultz (1980) 25 SASR 1 51, 93
- Riordon *v.* Palmer (1989) 226 APR 326 21, 111, 150
- Roach *v.* Yates [1938] 1 KB 256 51, 52, 66, 93, 94, 97, 106, 244
- Roberts *v.* Bailey (1975) 10 NBR (2d) 212 21, 111, 150
- Roberts *v.* Johnstone [1988] 3 WLR 1247 51, 93, 94, 106
- Rogers *v.* Price (1829) 3 Y&J 28 168
- Rosecrance *v.* Rosecrance (1996) Aust Torts Rep ¶81–374 68
- Roxborough *v.* Rothmans of Pall Mall Australia Limited [2001] HCA  
68, 185 ALR 335 9, 10, 201, 202, 203, 223, 225, 226, 227, 228,  
230, 273



Cambridge University Press

052180065X - Restitutionary Rights to Share in Damages: Carers' Claims

Simone Degeling

Frontmatter

[More information](#)

## TABLE OF CASES

xix

- Ruch *v.* I & H Transfer Limited (1969) 1 NBR (2d) 379 71
- San Sebastian *v.* The Minister (1986) 162 CLR 341 137
- Sauve *v.* Provost (1990) 66 DLR (4th) 338 32, 37, 38, 49, 56, 59, 74, 75
- Scaramanga *v.* Stamp (1880) 5 CPD 295 132, 133
- Scarff *v.* Wilson (1986) 39 CCLT 20 266
- Schebsman, re [1944] Ch 83 81, 93, 96, 245
- Schneider *v.* Eisovitch [1960] 2 QB 430 27, 51, 62, 63, 64, 80, 93, 107, 110, 244
- Scottish Equitable *v.* Derby [2001] 3 All ER 818 102, 103
- Shaw et al *v.* Roemer et al (1981) 46 NSR (2d) 629 affirmed (1981) 134 DLR 590 (3d) 63, 94
- Simpson *v.* Portsmouth & South East Hampshire Health Authority unreported Queen's Bench Division 16 July 1997 240, 242
- Sinclair *v.* Brougham [1914] AC 398 106
- Smith *v.* Eric Bush [1990] 1 AC 831 118, 119
- Society of Lloyd's *v.* Robinson [1999] 1 WLR 756 174
- Soulos *v.* Korkontzilas (1997) 146 DLR (4th) 214 238
- South Australia Asset Management Corp *v.* York Montague Ltd [1996] 3 All ER 365 128
- South Tyneside Metropolitan BC *v.* Svenska International [1995] 1 All ER 545 102, 103
- Spring *v.* Guardian Assurance plc [1995] 2 AC 296 117, 118, 119
- Stacey *v.* National Leisure Catering Ltd [2001] EWCA Civ 355 242
- Stevens et al *v.* Kachman (1978) 10 AR 192 21, 111, 150
- Stewart et al *v.* Mayer (1990) 243 APR 298 21, 111, 150
- Stovin *v.* Wise [1996] 3 All ER 801 129
- Sullivan *v.* Gordon (1999) 47 NSWLR 319 49, 69
- Surrey County Council *v.* Brodero Homes Ltd [1993] 1 WLR 1361 45
- Sutherland Shire Council *v.* Heyman (1984–1985) 157 CLR 424 126
- T (Adult: Refusal of Treatment), in re [1992] 3 WLR 782 50, 51, 53, 96, 108
- Tang Man Sit *v.* Capacious Investments Ltd [1996] AC 514 136
- Taylor *v.* Bristol Omnibus Co [1975] 1 WLR 1054 97, 235, 245, 255, 256

- Tepko Pty Ltd *v.* Water Board [2001] 178 ALR 634 137  
 TH Knitwear (Wholesale) Ltd, *in re* [1988] 1 Ch 275 189  
 The Winson [1982] AC 939 98  
 The 'Zuhul K' and 'Selin' [1987] 1 Lloyd's Rep 151 60, 98, 168, 194  
 Thomas *et al v.* City of Winnipeg (1937) 45 Man R 422 21, 150  
 Thomas *v.* Eyles (1998) 28 MVR 240 27, 80  
 Thomson *v.* MacLean (1983) 57 NSR (2d) 436; (1983) 120 APR 436  
 20, 80, 87, 93, 245  
 Thornton *v.* Board of School Trustees of School District No 57  
 (Prince George) (1976) 73 DLR (3d) 35 (BCCA) (1978) 83 DLR  
 (3d) 480 (SCC) 1, 3, 19, 20, 21, 22, 34, 48, 52, 67, 93, 172,  
 173, 175, 195, 240, 241, 245  
 Tito *v.* Waddell (No 2) [1977] Ch 106 45  
 Tomlinson *v.* Bentall (1826) 5 B & C 738 90, 168  
 Trendtex Trading Corporation *v.* Credit Suisse [1980] 1QB 269 (CA);  
 [1982] AC 679 (HL) 267  
 Treonne Wholesale Meats *v.* Shaheen (1988) 12 NSWLR  
 522 110  
 Turnbull *v.* Hsieh (1990) 108 NBR (2d) 33, (1990) 269  
 APR 33 4, 22, 70, 93, 94, 96, 212, 214, 244, 245  
 Twinsectra Limited *v.* Yardley [2002] 2 AC 164 239, 247  
 Urbanski *v.* Patel (1978) 84 DLR (3d) 650 21  
 Valois *v.* Long (1984) 146 APR 191 varied on other grounds (1986)  
 167 APR 434 94, 244  
 Van Gervan *v.* Fenton (1992) 175 CLR 327 36, 68, 140, 149, 156, 243  
 Vandepitte *v.* Preferred Accident Insurance Corp of New York [1933]  
 AC 70 266  
 Veivers *v.* Connolly (1994) Aust Torts Rep ¶181–309 111, 137,  
 139, 140, 141  
 Veldhuizen and Stevens *v.* Blokzyl [1977] 1 WWR 526 21, 32, 62, 63  
 Vernon *v.* Bosley (No 1) [1997] 1 All ER 577 125, 131  
 Videan *v.* British Transport Commission [1963] 2  
 QB 650 125, 128, 133  
 W *v.* Essex County Council [2000] 2 WLR 601 125, 130  
 W *v.* Q (1992) 1 Tas R 301 25, 85, 244  
 Wadsworth *v.* Lydall [1981] 1 WLR 598 44  
 Wattson *v.* Port of London Authority [1969] 1 Lloyd's  
 Rep 95 244

## TABLE OF CASES

xxi

- Weinman *v.* Boten (1991) 104 FLR 146      60, 94
- Westdeutsche Landesbank Girozentrale *v.* Islington London Borough Council [1994] 4 All ER 890, [1994] 1 WLR 938 (CA), [1996] AC 669 (HL)      76, 106, 238, 248, 249, 250, 265
- Wheatley *v.* Cunningham [1992] 1 PIQR Q100      71
- White *v.* Jones [1995] 2 AC 207      117, 118, 120, 121, 123, 124, 135
- Williams *v.* Natural Life Health Foods Ltd [1998] 1 WLR 830  
 116, 119, 121
- Williams *v.* Wentworth (1842) 5 Beav 325      108
- Wills *v.* Cook and Others unreported Chancery Division 2 April 1979, (11 July 1979) Law Society's Gazette 706      266
- Wilson *v.* McLeay (1961) 106 CLR 523      51, 62, 93, 107, 244
- Winnipeg Condominium Corp No 36 *v.* Bird Construction Co (1995) 121 DLR (4th) 193      143
- Wipfli *v.* Britten (1984) 13 DLR (4th) 169      123
- Woodrup *v.* Nicol [1993] 2 PIQR Q104      71
- Woolwich Building Society *v.* IRC (No 2) [1993] AC 70      76
- Wrotham Park Estate Co Ltd *v.* Parkside Homes Ltd [1974] 1 WLR 798      45
- Yepremian et al *v.* Scarborough General Hospital et al (1980) 110 DLR (3d) 513      51, 60, 93, 94, 106, 241
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