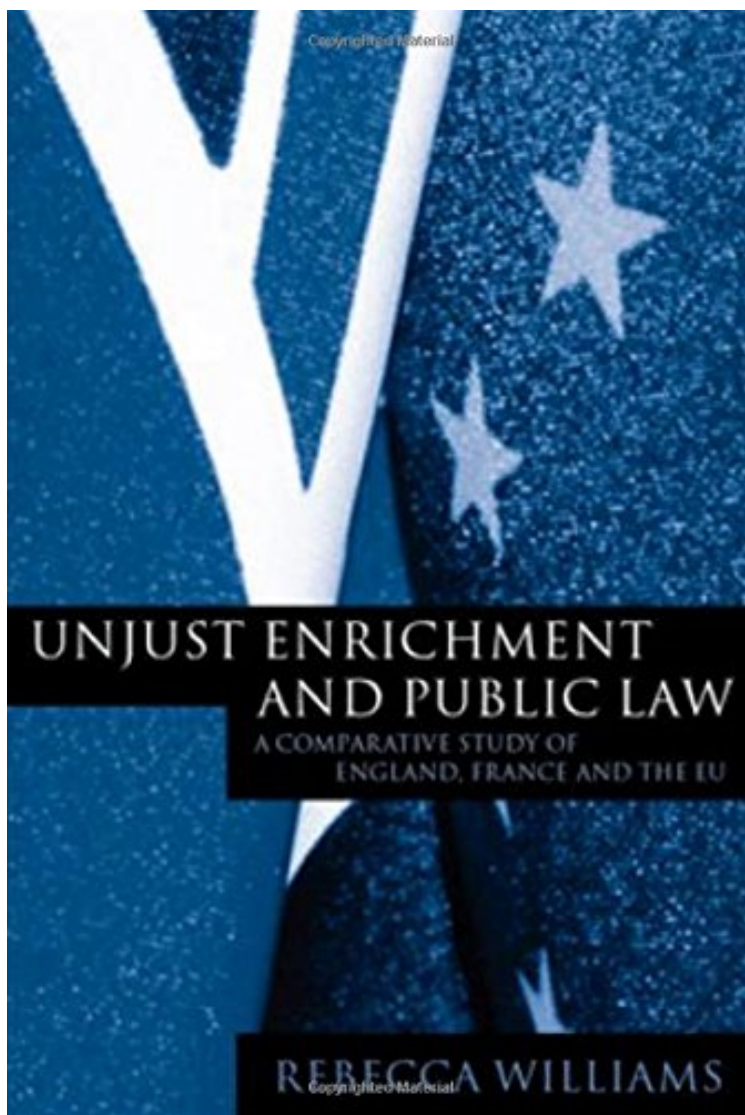


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# Unjust Enrichment and Public Law: A Comparative Study of England, France and the EU

*Rebecca Williams*

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**Rebecca Williams : Unjust Enrichment and Public Law: A Comparative Study of England, France and the EU** before purchasing it in order to gage whether or not it would be worth my time, and all praised Unjust Enrichment and Public Law: A Comparative Study of England, France and the EU:

This book examines claims involving unjust enrichment and public bodies in France, England, and the EU. Part 1 explores the law as it now stands in England and Wales as a result of cases such as *Woolwich EBS v IRC*, those resulting from the decision of the European Court of Justice (ECJ) in *Metallgesellschaft and Hoechst v IRC*, and those involving Local Authority swaps transactions. So far, these cases have been viewed from either a public or a private law perspective, whereas, in fact, both branches of the law are relevant. The book argues that the courts ought not to lose sight of the public law issues when a claim is brought under the private law of unjust enrichment, or vice versa. In order to achieve this, a hybrid approach is outlined which would allow the law access to both the public and private law aspects of such cases. Since there has been much discussion - particularly in the context of public body cases - of the relationship between the common law and civilian approaches to unjust enrichment, or enrichment without cause, Part 2 of the book considers the French approach, in order to ascertain what lessons it holds for England and Wales. Finally, as the *Metallgesellschaft* case itself makes clear, no understanding of such cases can be complete without an examination of the relevant EU law. Thus, Part 3 investigates the principle of unjust enrichment in the EU and the division of labor between the European and the domestic courts in the ECJ's so-called 'remedies jurisprudence.' In particular, it examines the extent to which the two relevant issues - public law and unjust enrichment - are defined in EU law, and to what extent this remains a task for the domestic courts. This book is the second place winner of the Society of Legal Scholars Birks Prize for Outstanding Legal Scholarship 2011.

The book casts a fresh light on the relationship between ultra vires conduct of public bodies and the reason underlying rights to restitution in such circumstances. It is a well-written and valuable contribution to both restitution and public law scholarship. This work is likely to be very valuable not only to academics but also to practitioners (tax and non-tax) advising on restitution claims involving national or EU public bodies. Rafal Zakrzewski *British Tax No. 3*, 2012 Williams...presents a clear and well-argued case for a public law of unjust enrichment. Her approach is thoughtful and considered covering key cases in English, French and EU law, and focuses on an area of law of particular topicality...While her argument does, as she states, remain normative, lacking case law support, she nevertheless provides a lucid and well-researched argument for reform. Williams must thus be praised for drawing together and critically appraising the leading cases in this field and for providing valuable insight into this developing area of the law. Paula Giliker *European Law Volume 36*, 2011 *Unjust Enrichment and Public Law* is an important contribution to this topical subject. The discussion of English law is comprehensive and well argued, and will interest both public and private lawyers. *Unjust Enrichment and Public Law* is a well-written and well-presented book, which does much to advance our understanding of this difficult area of law. It deserves the attention of lawyers across the public/private divide. Paul S. Davies *The Law Quarterly Volume 127*, July 2011 About the Author Rebecca Williams is Fellow and Tutor in Law at Pembroke College, Oxford University.