



# Torts (Interference with Goods) Act 1977

## 1977 CHAPTER 32

### *Damages*

#### **5 Extinction of title on satisfaction of claim for damages**

- (1) Where damages for wrongful interference are, or would fall to be, assessed on the footing that the claimant is being compensated—
  - (a) for the whole of his interest in the goods, or
  - (b) for the whole of his interest in the goods subject to a reduction for contributory negligence,payment of the assessed damages (under all heads), or as the case may be settlement of a claim for damages for the wrong (under all heads), extinguishes the claimant's title to that interest.
- (2) In subsection (1) the reference to the settlement of the claim includes—
  - (a) where the claim is made in court proceedings, and the defendant has paid a sum into court to meet the whole claim, the taking of that sum by the claimant, and
  - (b) where the claim is made in court proceedings, and the proceedings are settled or compromised, the payment of what is due in accordance with the settlement or compromise, and
  - (c) where the claim is made out of court and is settled or compromised, the payment of what is due in accordance with the settlement or compromise.
- (3) It is hereby declared that subsection (1) does not apply where damages are assessed on the footing that the claimant is being compensated for the whole of his interest in the goods, but the damages paid are limited to some lesser amount by virtue of any enactment or rule of law.
- (4) Where under section 7(3) the claimant accounts over to another person (the "third party") so as to compensate (under all heads) the third party for the whole of his interest in the goods, the third party's title to that interest is extinguished.

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*Status: This is the original version (as it was originally enacted).*

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- (5) This section has effect subject to any agreement varying the respective rights of the parties to the agreement, and where the claim is made in court proceedings has effect subject to any order of the court.