



Torts (Interference with Goods) Act 1977

1977 CHAPTER 32

Liability to two or more claimants

7 Double liability.

- (1) In this section “double liability” means the double liability of the wrongdoer which can arise—
- (a) where one of two or more rights of action for wrongful interference is founded on a possessory title, or
 - (b) where the measure of damages in an action for wrongful interference founded on a proprietary title is or includes the entire value of the goods, although the interest is one of two or more interests in the goods.
- (2) In proceedings to which any two or more claimants are parties, the relief shall be such as to avoid double liability of the wrongdoer as between those claimants.
- (3) On satisfaction, in whole or in part, of any claim for an amount exceeding that recoverable if subsection (2) applied, the claimant is liable to account over to the other person having a right to claim to such extent as will avoid double liability.
- (4) Where, as the result of enforcement of a double liability, any claimant is unjustly enriched to any extent, he shall be liable to reimburse the wrongdoer to that extent.

For example, if a converter of goods pays damages first to a finder of the goods, and then to the true owner, the finder is unjustly enriched unless he accounts over to the true owner under subsection (3); and then the true owner is unjustly enriched and becomes liable to reimburse the converter of the goods.

Changes to legislation:

There are currently no known outstanding effects for the Torts (Interference with Goods) Act 1977, Section 7.