



# Torts (Interference with Goods) Act 1977

## 1977 CHAPTER 32

### *Liability to two or more claimants*

#### **8 Competing rights to the goods**

- (1) The defendant in an action for wrongful interference shall be entitled to show, in accordance with rules of court, that a third party has a better right than the plaintiff as respects all or any part of the interest claimed by the plaintiff, or in right of which he sues, and any rule of law (sometimes called *jus tertii*) to the contrary is abolished.
- (2) Rules of court relating to proceedings for wrongful interference may—
  - (a) require the plaintiff to give particulars of his title,
  - (b) require the plaintiff to identify any person who, to his knowledge, has or claims any interest in the goods,
  - (c) authorise the defendant to apply for directions as to whether any person should be joined with a view to establishing whether he has a better right than the plaintiff, or has a claim as a result of which the defendant might be doubly liable,
  - (d) where a party fails to appear on an application within paragraph (c), or to comply with any direction given by the court on such an application, authorise the court to deprive him of any right of action against the defendant for the wrong either unconditionally, or subject to such terms or conditions as may be specified.
- (3) Subsection (2) is without prejudice to any other power of making rules of court.