

JUTA

The South African Law of Unjustified Enrichment

JACQUES DU PLESSIS

CONTENTS

- Preface
- Abbreviations
- Principal works cited
- Table of statutes
- Table of cases
- Basic features of the South African law of unjustified enrichment
- The general requirements for liability based on unjustified enrichment
- Enrichment arising from a transfer made to another or 'giving' (The *Condictioes*)
- Enrichment arising from a transfer that failed to fulfil an obligation (The *Condictio Indebiti*)
- Enrichment arising from a transfer that failed to achieve a future lawful purpose other than fulfilling an obligation (The *Condictio Causa Data Causa Non Secuta*)
- Enrichment arising from a transfer made for an illegal or immoral purpose (The *Condictio Ob Turpem Vel Injustam Causam*)
- Remaining cases of enrichment arising from a transfer (The *Condictio Sine Causa*)
- Enrichment imposed on another: general features of the category of claim
- Enrichment imposed on another: unauthorised improvement of another's property
- Enrichment imposed on another: unauthorised fulfilment of another's obligation
- Enrichment by taking from another or infringement of another's rights: general features of the category of claim
- Enrichment by taking from another or infringement of another's rights: specific cases
- The measure or quantum of enrichment liability
- The termination of enrichment liability
- Index

The South African Law of Unjustified Enrichment

JACQUES DU PLESSIS

The South African Law of Unjustified Enrichment provides a comprehensive, systematic exposition of the principles of unjustified enrichment. It sets out the general requirements for enrichment liability, differentiates between the main types of situations in which such liability arises, and indicates how enrichment claims are quantified, as well as when they terminate.

Often situations perceived as giving rise to enrichment liability have to be dealt with in terms of another area of law. A further aim of this book is to indicate how enrichment law interacts with these areas, most notably the laws of contract and delict, as well as property law, revenue law, and various statutory instruments.

Although the point of departure is to set out the existing law, the book contains suggestions on how unjustified enrichment may develop in the future, taking into account modern local and foreign scholarship.

'This is an outstanding book on the South African law of unjustified enrichment which, by reason of its exceptional quality, is likely to attain a very high national and international reputation. It is well fitted to rank alongside and to complement the best work on the subject, not only in South Africa but also in the burgeoning English-language literature on restitution and unjust enrichment in the common-law world.'

Niall Whitty – Visiting Professor, School of Law, University of Edinburgh

'[T]he outstanding features of this book are its analytic penetration and its conceptual clarity.'

Sieg Eiselen – Professor of Private Law, University of South Africa

Juta Customer Services: Tel: +27 21 659 2300, Fax +27 21 659 2360, email: cserv@juta.co.za;
Juta and Company Ltd, 1st Floor, Sunclare Building, 21 Dreyer Street, Claremont, 7708,
Cape Town, South Africa; PO Box 14373, Lansdowne 7779; Docex Number DX 326 Cape Town
REG. NO. 1919/001812/06 VAT REG. NO. 4520113319

www.jutalaw.co.za

