

From THE PUBLISHERS




The South African Law of Unjustified Enrichment
By Jacques du Plessis
Juta Law (2012)
Soft cover

The South African position relating to unjustified enrichment stems from a curious, if not tumultuous past, progressing in its appreciation of the general enrichment requirements but faltering in the adoption, or delay in adopting, a general action. These difficulties were largely laid to rest by the SCA in 2001 and 2003. It is from

the basis of this past that Du Plessis meticulously traverses the intricacies of this liability, presenting a structured progression from the general requirements to the traditionally narrow specific actions.

A feature of the work is Du Plessis' analysis of various scenarios where there exists an overlap between the enrichment action and various other actions. In doing so the view is postulated on the assumption that there exists scope for the extension of the action to accommodate these cases. There exists some doubt as to the correctness of this approach, with Professor Eiselen pointing out that the approach may be open to some debate. Du Plessis' fuelling of such debate is a healthy one, which will ultimately contribute to either the development of

the action or the limitation thereof, both of which would provide welcome clarity. The work also includes a novel chapter on ascertaining the quantum in claims based on unjustified enrichment.

Essentially the book represents a comprehensive statement of the law as it stands, supplemented by suggested avenues with scope for development and a practically useful addition to the literature on the subject, in the form of the author's submissions on determining the quantum in actions governed by this area of law. The book is a worthwhile read and an asset to the practitioner and academic alike. 

Dominic Hodge, The Island Group, Johannesburg

Legal Crossword Number 20

Clues

Across

(in order from top to bottom)

- 1 Thief
- 2 What security wants to do to a claim
- 3 Difficult to value
- 4 Piece of payment
- 5 Advocate
- 6 Assertion of right

Down

(in order from left to right)

- 1 Time kills a claim
- 2 Short hand principle of natural justice
- 3 Some rights more equal than others
- 4 Grows up to be an Act
- 5 Plaintiff in crime

Answers on page 52

