

National Reports on the Transfer of Movables in Europe

Volume 2:
England and Wales, Ireland, Scotland, Cyprus

Schriften zur Europäischen Rechtswissenschaft /
European Legal Studies / Etudes juridiques européennes

Wolfgang Faber
Brigitta Lurger (Eds.)

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edited by

Wolfgang Faber / Brigitta Lurger

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Band II / Volume II / Volume II

European Legal Studies Institute, Osnabrück

Molengraaff Institute for Private Law, Utrecht

Amsterdam Institute for Private Law

Institute of European and Comparative Law, Oxford

Institut für Zivilrecht, Ausländisches und Internationales Privatrecht, Graz

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european law
publishers

Schriften zur Europäischen Rechtswissenschaft /
European Legal Studies / Etudes juridiques européennes

herausgegeben

im European Legal Studies Institute, Osnabrück
von Christian von Bar

im Molengraaff Institute for Private Law, Utrecht
von Ewoud Hondius

im Amsterdam Institute for Private Law
von Martijn W. Hesselink

im Institute of European and Comparative Law, Oxford
von Stefan Vogenauer

im Institut für Zivilrecht, Ausländisches und Internationales Privatrecht, Graz
von Brigitta Lurger

This series of national reports is published with the financial support of:
Bundesministerium für Wissenschaft und Forschung (Vienna);
Swiss Institute of Comparative Law (Lausanne);
Land Salzburg;
Evers-Marcic-Stiftung an der Rechtswissenschaftlichen Fakultät Salzburg.

ISBN 978-3-86653-096-6

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available in the Internet at <http://dnb.d-nb.de>.

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Design: Sandra Sellier, Munich. Production: Karina Hack, Munich. Typeface: Goudy Old Style and Goudy Sans from Linotype. Printing and binding: AZ Druck und Datentechnik GmbH, Kempten. Printed on acid-free, non-ageing paper. Printed in Germany.

Preface

This is the second volume of a series of national reports on basic issues concerning the acquisition and loss of ownership of movable assets. The series is planned to cover 27 European legal systems, distributed over six volumes, and appears as a by-product of the research activities of the Graz & Salzburg working group 'Transfer of Movables' within the 'Study Group on a European Civil Code'.¹ Starting with general property law issues like the concepts of ownership and possession employed in the respective legal systems, and the related means of protection, the reports primarily deal with the 'derivative' transfer of ownership, but extend to good faith acquisition from a non-owner, acquisitive prescription, processing and commingling, and further related issues. Corresponding to the working group's task within the Study Group, the reports are generally restricted to movable assets and basically leave aside fiduciary transfers, such as transfers for security purposes. After all, they do, however, not only cover mere property law issues, but also much of the related law of obligations, enforcement law and insolvency law – in a generally accessible language, *i.e.* English.²

This second volume covers European common law countries and mixed legal systems, reflecting the numerous interactions between the legal developments in these countries. Literature and abbreviations are listed in common tables at the end of this volume. The texts of statutory provisions discussed in this book can largely be obtained via internet.³

Publishing the whole series of national reports would not be possible without generous support by a number of institutions. Financial support has been given by the Austrian Ministry of Science and Research (Bun-

¹ For further information on this project, see *Lurger*, Introduction to the Project 'Transfer of Movables': Organisational Framework, Basic Issues and Goals, in: Faber/Lurger (eds.), *Rules for the Transfer of Movables – A Candidate for European Harmonisation or National Reforms?* (2008), 1.

² The concept of these reports is further described in the preface to the first volume of that series: Faber/Lurger (eds.), *National Reports on the Transfer of Movables in Europe – Volume I: Austria, Estonia, Italy, Slovenia* (2008).

³ For England/Wales and Scotland, see <http://www.statutelaw.gov.uk>; for Ireland, see *e.g.* <http://www.irishstatutebook.ie>. For Cyprus, no full translations of statutes into English have been available, but the wording of important statutory provisions is usually reflected in the report.

desministerium für Wissenschaft und Forschung), the Swiss Institute of Comparative Law (Lausanne), the Land Salzburg and the Evers-Marcic-Stiftung an der Rechtswissenschaftlichen Fakultät der Universität Salzburg. The editors wish to express their gratitude to all these institutions. We also wish to thank Mrs Monika Lammer for formatting the manuscripts and, in particular, our colleague Ernest Weiker, LLB, for all the editorial work he has carried out.

September 2008
Salzburg and Graz

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Contents

Preface	V
List of Contributors	VII
National Report on the Transfer of Movables in England and Wales	I
<i>Sandra Frisby / Michael Jones</i>	
National Report on the Transfer of Movables in Ireland	155
<i>Caterina Gardiner</i>	
National Report on the Transfer of Movables in Scotland	297
<i>David L Carey Miller / Malcolm M Combe / Andrew J M Steven / Scott Wortley</i>	
National Report on the Transfer of Movables in Cyprus	471
<i>Stéphanie Laulhé Shaelou / Stelia Stylianou / Karolina Anastasiou</i>	
Table of Literature	609
Table of Abbreviations	623

National Report on the Transfer of Movables
in England and Wales

Sandra Frisby
Michael Jones

Table of Contents

Part I:

Basic information on English property law

1.	Basic information on property law	
1.1.	General basics	9
1.2.	The notion of ownership	10
1.3.	The relativity of ownership	11
1.4.	Protection of property rights	12
1.4.1.	Conversion	12
	(a) General	12
	(b) Who is liable?	15
1.4.2.	Entitlement to sue	16
	(a) Jus tertii	17
	(b) Remedies	18
	(c) Improvements to the chattel	19
	(d) Limitation periods	20
	(e) Self-help	20
2.	Possession	
2.1.	Notion of possession	21
2.2.	Elements of possession	21
2.3.	Bailment	23
2.3.1.	General	23
2.3.2.	Sub-bailment	25
2.4.	Acquisition of possession	26
2.4.1.	Actual delivery	26
2.4.2.	Constructive delivery	26

2.5.	Protection of possession: trespass to goods	28
3.	The proprietary status of rights to hold, use or acquire movables	
3.1.	Introduction	30
3.1.1.	What is meant by a proprietary right?	31
3.2.	Rights to hold and to use	34
3.2.1.	The concept of bailment	34
	(a) General	34
	(b) Chattel leases and hire purchase agreements	35
3.2.2.	The status of a lease of land and the lease/licence dichotomy	36
	(a) The proprietary effect of a lease of land	36
	(b) The contractual licence: merely a right <i>in personam</i> ?	39
3.3.	Proprietary status of leases and other bailments of movables	41
3.3.1.	Transmissibility of possessory rights	41
3.3.2.	Protection conferred by virtue of possession	43
3.3.3.	Proprietary status in equity?	45
	(a) Resort to equity	45
	(b) Restraining legal rights in equity: <i>De Mattos v Gibson</i>	45
	(c) Calculating damages for conversion	49
	(d) Equitable relief against forfeiture: recognition of the proprietary status of possessory rights?	50
3.3.4.	Conclusion	53
3.4.	Rights to acquire personalty	55
3.4.1.	Contracts to acquire land: the doctrine of conversion	55
3.4.2.	Contracts to acquire personalty	55
	(a) The availability of specific performance	55
	(b) The option to purchase as a proprietary right	57
4.	Field of application and definitions	
4.1.	Legal rules on transfer and categories of movables	58
4.1.1.	Tangible movables	58
4.1.2.	Particular 'items' as goods	60
	(a) Electricity, gas and liquids	60
	(b) Ships and aircraft	60
4.1.3.	Intangible movables	61

Part II:

Derivative acquisition

5.	Which system of transfer is used?	
5.1.	Overview	63
5.1.1.	The unitary system of transfer	63
5.1.2.	The applicable rules	63
5.1.3.	The basic requirements	64
5.2.	General issues	65
5.2.1.	Specific and generic Goods	65
	(a) The 'specific'/'unascertained' dichotomy	66
	(b) Equitable proprietary rights in unascertained goods	67
5.2.2.	Party autonomy	70
5.3.	Requirement of a valid obligation to transfer ownership	71
5.3.1.	Types of obligation	71
	(a) Gift	71
	(b) Contract	72
	(c) Unjust enrichment	72
	(d) Wrongs	73
5.3.2.	Defective obligations	73
	(a) Capacity	73
	(b) Void contract	75
	(c) Voidable contract	75
	(d) Breach	76
5.4.	Delivery and delivery equivalents	76
5.4.1.	Gifts	76
5.4.2.	Sale	77
	(a) Specific goods	77
	(b) Unascertained goods	79
5.5.	Right to dispose	80
6.	Transfer or acquisition by means of indirect representation	
6.1.	Indirect representation in English Law	81
6.1.1.	Direct representation/disclosed principal	81
6.1.2.	Undisclosed principal	82