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ANSWER

Trespass to Chantel is a tort whereby the infringing party has intentionally inferred into another person’s lawful possession of chattel. The interference can be any physical contact with the chattel in a quantifiable way, or any dispossession of the chattel (whether by taking it, destroying it, or barring the owner’s access to it). Trespass to chattel is argued to be actionable per se. 4 in most forms of trespass remedy can only be obtained once it is proven that there was direct interference regardless of damage being done, and the infringing party has failed to disprove either negligence or intent. Generally, a trespass refers to a wrongful use of another person's property without his or her permission. Under intentional torts, there are two types of trespass: (1) trespass to chattels and (2) trespass to land. Trespass to land is an unlawful entry or use of another person's land without the owner's permission or reasonable excuse. A person who wants to sue in trespass to chattel can sue under trespass to goods, conversion and negligence that is involved in the commission of the trespass or conversion. These actions are substantial by the provisions of the torts (interference with Goods) Act 1977. The act creates a new action called. “Wrongful interference with goods’ it defines it in section.1 as

1. Conversion of goods
2. Trespass of goods
3. Negligence in so far as it results in damages to goods.

On the other hand, a trespass to chattels is an intentional interference with another person's lawful possession of a personal property. A "chattel" refers to any personal property, moving or unmoving. Trespass to chattels does not apply to real property or any interest in land. In order to prove trespass to chattels, you are required to show the following elements:

* Intent to trespass: Merely intending to do the act is enough to show this element of trespass. You don't necessarily need to show intent to harm a specific person.
* Lack of owner's consent: There must be an unauthorized, unlawful interference, which means the person interfered with or dispossessed the chattel without the owner's permission.
* Interference of chattels: A person commits a trespass to chattel by (1) dispossessing another of the chattel, (2) using or intermeddling with a chattel in the possession of another, or (3) damaging the chattel. Interference does include dispossession of a chattel, but it must be something short of conversion. Keep in mind that mistake of ownership is not a valid defense to a trespass to chattels. In other words, it doesn't matter if the person didn't know the property belonged to you. Possessing or damaging the property itself is enough to show interference.

What Is a Valid Trespass to Chattels Claim?

In general, a person will be held liable for a trespass to chattels in any of the following situations

The person dispossesses the other of the chattel.

The chattel is impaired as to its condition, quality, or value.

The possessor is deprived of the use of the chattel for a substantial time.

Bodily harm is caused to the possessor, or harm is caused to some person or thing in which the possessor has a legally protected interest.

In a trespass to chattels claim, you can only recover actual damages (as opposed to nominal damages). Actual damages are measured by the diminished value of the chattel that resulted from the defendant's actions.

Example of Trespass to Chattels

Let's say you're watching a movie with your friend, Bob, at his place. After the movie ends, you get up to go home. As you're leaving, you see a laptop sitting on a coffee table and pick it up, thinking it's yours. In fact, the laptop belongs to Bob. His laptop happens to be the exact same model as yours. Even if you genuinely thought the laptop was yours, you're still liable for a trespass to chattels because you intended to take the laptop. mistake of ownership is not a defense to a trespass to chattels. However, in order to successfully sue you, Bob will have to show that you've done some harm to the laptop or to Bob by taking it. Without showing actual damages, Bob won't be able to recover any compensation.

**Conversion:** This consists of the willful and wrongful interference with the goods of a person entitled to possession in such a way as to deny him such right or in such a manner inconsistent with his riht. The right to immediate possession is the determining factor. That is, if the right exists, actual possession is unnecessary**. In the case of North central wagon and finance co ltd vs Graham**, the defendant bought a car from the plaintiff on a hire purchase agreement. However, the defendant defaulted in payment. According to the terms of the contract, upon default, the plaintiff would be entitled to reclaim the goods. The defendant without informing the plaintiff, auctioned the car. Thus the plaintiffs sued the auctioneer for conversion. The court held that the plaintiff could sue in conversion regardless of the fact that the plaintiff didn’t have actual possession of the car at the time. Since the right in the goods were already vested in the plaintiff, there was no need for actual possession.

**Instances of conversion**

1. **By wrongfully destroying the goods**: Destruction of goods would amount to conversion in the following situations

. one person willfully destroys the chattel of another

. if the chattel either ceases to exist or changes it identity.

1. **By wrongfully delivering the goods**: This occurs in situations in which the defendant denies the true owner of the title to the goods by delivering them to another party that has no title.
2. **Wrongfully disposing the goods**: This occurs in a situation in which the defendant attempts to confer title to a third party in a manner inconsistent with the right of the person entitled to possession.
3. **Wrongfully detaining the goods**: This must be accompanied by an intention to keep the goods from the person entitled to possession of the goods. Hence it would be regarded as conversion if the founder of the goods is merely refrained from retuning such to the owner. It would only be conversion in a situation in which when asked for the goods by the owner,8 refuses to return it.

**In the case of Howard e**. **perry and co ltd British Railway board (1980) 1 WLR**, the defendant, who were carriers, held the plaintiff’s steel in depots. Subsequently, there was a strike by steelworkers and due to this, the defendants refused to release the plaintiff’s steel to them. It was held that this amounted to conversion on the defendant’s part.

**DEFENCES TO CONVERSION**

1. **ABANDONMENT**: An action for conversion would not succeed in a situation in which the property in question was abandoned by the claimant. The abandonment should be demonstrated as the intent of the former owner. Also, there should be a reasonable time between the abandonment and the possession by the owner.
2. **Authority of law**: Conversion that is done under the authority of the law would be justified. For example, the selling of the goods of a defendant by the claimant by an order of court in order to get a judgement debt would be valid.
3. **Consent**: If the owner of the goods consented to the action of the defendant in converting the goods, the conversion would be held to be valid.
4. **Status of limitation**: if the suit for conversion is not filed after a specified period (ranging from 2-5) years, it would be held to be status barred. Thus, the suit would not be heard by the court.