35. Tracing in equity – remedies

Reading: *Hudson*, section 19.5

1. **Introduction to tracing remedies – charge, lien or constructive trust?**
   
   Reading: *Hudson*, para 19.5.1 and 19.5.2

2. **Charges, liens and proportionate shares**
   
   Reading: *Hudson*, paras 19.5.1 and 19.5.3


3. **Constructive trusts in relation to tracing: is unconscionability necessary?**

   Reading: *Hudson*, para 19.5.2

   - *Westdeutsche Landesbank v Islington* [1996] AC 669
   - *Re Diplock* [1948] Ch 465
   - *Allen v Rea Brothers Trustees Ltd* [2002] EWCA Civ 85

4. **Subrogation**

   Reading: *Hudson*, para 19.5.4

   *Subrogation is the substitution of one claim for another - e.g.: where X uses Y’s money to pay off a debt owed to Z, Y can occupy the place of Z and claim the money as though the debt were owed to Y instead.*

   - *Boscawen v. Bajwa* [1995] 4 All ER 769