

BULLEN & LEAKE & JACOB'S

**PRECEDENTS
OF
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SIXTEENTH EDITION

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General Editors

WILLIAM BLAIR Q.C.

*A Barrister of 3 Verulam Buildings
Gray's Inn*

LORD BRENNAN Q.C.

*A Barrister of Matrix Chambers
Gray's Inn*

THE RT. HON. LORD JUSTICE JACOB

Lord Justice of Appeal

THE HON. MR JUSTICE LANGSTAFF

Judge of the Queen's Bench Division of the High Court

WITH

SPECIALIST CONTRIBUTORS

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SPECIALIST CONTRIBUTORS

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RICHARD HANKE

*a Barrister of 3 Verulam Buildings
Gray's Inn*

ASSAULT, FALSE IMPRISONMENT & MALICIOUS

PROSECUTION

PAUL SPENCER

*a Barrister of Cloisters Chambers
Temple*

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MARCUS SMITH B.C.L., M.A. (OXON)

*a Barrister of Fountain Court Chambers
Temple*

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*a Barrister of Fountain Court Chambers
Temple*

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PAUL SINCLAIR, LL.M. (HARV), M.A. (CANTAB)

*a Barrister of Fountain Court Chambers
Temple*

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*a Barrister of 3 Stone Buildings
Lincoln's Inn*

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*a Barrister of 3 Verulam Buildings
Gray's Inn*

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*a Barrister of 3 Verulam Buildings
Gray's Inn*

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*a Barrister of 3 Verulam Buildings
Gray's Inn*

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RICHARD MAWREY Q.C. M.A.
*a Barrister of Henderson Chambers
Temple*

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*a Barrister of Henderson Chambers
Temple*

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CLIVE FREEDMAN, M.A., F.C.I.ARB, FBCS.
*a Barrister of 3 Verulam Buildings
Gray's Inn*

DEFAMATION

ANDREW CALDECOTT Q.C., B.A. (OXON)
*a Barrister of 1 Brick Court
Temple*

JANE PHILLIPS, B.A. (OXON)
*a Barrister of 1 Brick Court
Temple*

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EDUCATION

PHILIP ENGELMAN, LL.B. (LOND.)
a Barrister of Cloisters Chambers
Temple

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JENNIFER EADY Q.C.
a Barrister of Old Square Chambers
Gray's Inn

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PAUL MICHELL, B.A. (CANTAB), DIP. LAW
a Barrister of Cloisters Chambers
Temple

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a Barrister of Matrix Chambers
Gray's Inn

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a Barrister of Matrix Chambers
Gray's Inn

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RICHARD EDWARDS, M.A., M.PHIL. (CANTAB)
a Barrister of 3 Verulam Buildings
Gray's Inn

ANDREW SUTCLIFFE Q.C., M.A. (OXON)
a Barrister of 3 Verulam Buildings
Gray's Inn
A Recorder of the Crown Court

ENVIRONMENTAL CLAIMS

MAURICE SHERIDAN
a Barrister of Matrix Chambers
Gray's Inn

FRAUD

JULIET MAY

*a Barrister of 3 Verulam Buildings
Gray's Inn*

HENRY KNOX

*a Barrister of 3 Verulam Buildings
Gray's Inn*

LAURA JOHN

*a Barrister of 3 Verulam Buildings
Gray's Inn*

HUMAN RIGHTS & REFERENCES TO THE ECJ

RACHEL CRASNOW, B.A. (OXON), DIP. LAW

*a Barrister of Cloisters Chambers
Temple*

ROBIN ALLEN Q.C.

*Head of Cloisters Chambers
Temple*

IMMIGRATION & JUDICIAL REVIEW

GARRETH WONG

*a Barrister of Matrix Chambers
Gray's Inn*

INSURANCE

JONATHAN NASH Q.C.

*a Barrister of 3 Verulam Buildings
Gray's Inn*

INTELLECTUAL PROPERTY

JAMES MELLOR Q.C.

*a Barrister of 8 New Square
Lincoln's Inn*

MARK CHACKSFIELD, M.A. (CANTAB)

*a Barrister of 8 New Square
Lincoln's Inn*

JESSIE BOWHILL, LL.B.

*a Barrister of 8 New Square
Lincoln's Inn*

INVASION OF PRIVACY

ANTONY WHITE Q.C.
a Barrister of Matrix Chambers
Gray's Inn

PERSONAL INJURY

CHARLES CORY-WRIGHT Q.C.
a Barrister of 39 Essex Street

ROBERT LAZARUS
a Barrister of 39 Essex Street

Product Liability

CASPAR GLYN
a Barrister of Cloisters Chambers
Temple

SARAH FRASER BUTLIN
a Barrister of Cloisters Chambers
Temple

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ROBIN OPPENHEIM Q.C.
a Barrister of Doughty Street Chambers

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VICTORIA BUTLER-COLE
a Barrister of 39 Essex Street

KRISTINA STERN, PH.D. (CANTAB), B.A., LL.B. (HONS) (MELB)
a Barrister of 39 Essex Street

Clinical Negligence

PROFESSIONAL NEGLIGENCE

BRIAN DOCTOR Q.C., B.C.L., B.A., LL.B.
a Barrister of Fountain Court Chambers
Temple

PATRICK GOODALL, LL.B., B.C.L.
a Barrister of Fountain Court Chambers
Temple

GILLIAN KEENE, M.A. (OXON)
a Barrister of Farrar's Building
Temple

PATRICIA ROBERTSON Q.C., B.A. (OXON)
a Barrister of Fountain Court Chambers
Temple

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JOHN MALE Q.C.
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STEPHEN BICKFORD-SMITH
a Barrister of Landmark Chambers

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a Barrister of Landmark Chambers

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a Barrister of Landmark Chambers

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MARCUS SMITH, B.C.L., M.A. (OXON)
a Barrister of Fountain Court Chambers
Temple

HENRY KING, M.A. (OXON), A.C.A.
a Barrister of Fountain Court Chambers
Temple

SPORTS LAW

JONATHAN BELLAMY, M.A. (OXON)
a Barrister of 39 Essex Street

FOREWORD TO THE FOURTEENTH EDITION

The publication of *Bullen & Leake & Jacob's Precedents of Pleadings* 2001 is a great event. It marks another milestone in the process of civil justice reform which commenced with the decision of the Lord Chancellor to implement the civil justice reforms recommended in the *Access to Justice Reports*. Since 1860, when the first edition of this valuable work was published, *Bullen & Leake & Jacob* has been an indispensable guide for those engaged in the art of litigation. They now have a new landscape within which to work. The landscape is meant to be less complex, less technical and more user friendly. However this does not mean that those engaged in litigation in the new millennium will not need the assistance that this wholly new edition of *Bullen & Leake & Jacob* can provide. On the contrary, the importance of the written contribution to litigation under the Civil Procedure Rules is greater than in the past. The emphasis is on being succinct and economical in the material produced, but we all know the aphorism that "I did not have time to be brief". It is also vital to get it right. Those who use this edition will have no need to fear case management conferences and the managerial judge.

Because of Sir Jack Jacob's association with *Bullen & Leake & Jacob* its editors have shown in the past a profound understanding of the working of Civil Procedure. This tradition has been maintained to the full. If any lawyer requires a bird's eye view of the changed landscape of civil litigation, I can not do better than refer him/her to the introduction of this edition. It is a masterly exposition of the new approach which understands its underlying culture.

I congratulate the editors on a task very well done and those who acquire a copy on their wisdom in doing so. I am sure they will find it a good investment.

Lord Woolf
Lord Chief Justice

PREFACE TO THE SIXTEENTH EDITION

This is now the third edition of Bullen & Leake & Jacob to have been published since the civil procedure reforms came into force in England and Wales. The goal of clear pleadings remains as elusive as ever, but thanks to the work and skill of the respected team of barristers who have drafted and updated the Statements of Case contained in it, as well as the commentary, we hope that this sixteenth edition may make a contribution comparable to that of its illustrious predecessors.

The law is generally as stated in October 2007.

William Blair Q.C.

Lord Brennan Q.C.

The Rt. Hon. Lord Justice Jacob

The Hon. Mr Justice Langstaff

December 2007

PREFACE TO THE FIFTEENTH EDITION

There has been a much shorter interlude between the publication of this edition of Bullen & Leake & Jacob and the last edition than there was between the last edition and the one before that. It has however been time enough for the civil procedure reforms to bed down, for problems to be ironed out, and for the new rules to be accepted universally as a success. We repeat therefore the comments we made in our preface to the fourteenth edition, in particular, our deepest thanks to the barristers who have drafted and updated the Statements of Case, together with the accompanying notes.

We are as before privileged to have Brian Langstaff Q.C., and the Rt. Hon. Lord Justice Jacob as advisory editors. The law is generally as stated in September 2003.

December 2003

Lord Brennan Q.C.

Matrix Chambers

Gray's Inn

London WC1R 5LN

William Blair Q.C.

3 Verulam Buildings

Gray's Inn

London WC1R 5NT

PREFACE TO THE FOURTEENTH EDITION

It has been our privilege to edit the fourteenth edition of a classic work in English law, the first edition of which was published 140 years ago. It follows the reforms introduced into English civil procedure by Lord Woolf in 1999, the letter and spirit of which we have sought to reflect in these volumes. Those reforms themselves follow in the tradition of the common law, and seek to rid the pleading system of the abuses for which it was becoming notorious. For that reason, we hope that the work will continue to be of value in common law jurisdictions outside England.

We are very conscious that a book like this has an extensive hinterland, and we would like to pay tribute to our immediate predecessors as editors, Sir Jack Jacob Q.C. and Iain Goldrein Q.C. However, as in the case of the previous edition, it is first and foremost a collective enterprise. We have been privileged to have as advisory editors Brian Langstaff Q.C. and the Hon. Mr Justice Jacob.

Above all, credit must go to over 50 barristers, all exceptional practitioners in their fields, who have drafted the Statements of Case contained in this edition, together with the accompanying notes. Any merit which this edition may have is solely due to their great skill and professionalism, and we express to them our deepest thanks. Their names are set out against the sections for which each is responsible in the table of contributors.

Naturally, the precedents which they have drafted are not intended to be followed without adaptation. There is no one right way of stating a case. The precedents are only guides to be tailored to the individual circumstances. It is worth saying that though the litmus test of a good pleading is whether it enhances the efficient disposition of the case, within that maxim there is room for an infinite variety of styles.

The law is generally as stated in July 2000 when manuscript was submitted, though it has been possible to take in some later developments at proof stage.

This very rapid turnaround is itself an exceptional achievement on the part of our publishers.

October 2000

Lord Brennan Q.C.
Matrix Chambers
Gray's Inn
London WC1R 5LN

William Blair Q.C.
3 Verulam Buildings
Gray's Inn
London WC1R 5NT

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