

English Law

Third Edition

Gary Slapper & David Kelly



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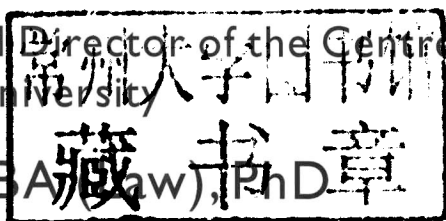
Third Edition

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Whether you are engaged in the study of law, are considering studying law at university, are a business professional or want to find out more about the law in general, Slapper and Kelly's *English Law* offers a clear, lively and reliable point of entry to the law in England and Wales.

Presented in an easy-to-read style, it provides readers with an accurate explanation of how the English legal system currently works and the content of English law in all its key areas of operation, including criminal law, contract law and the law of negligence.

An invaluable introduction, *English Law* is an excellent resource for students of the English legal system and English law, as well as for professionals and general readers.

Gary Slapper is Professor of Law, and Director of the Centre for Law, at the Open University, and writes a legal column for *The Times*.

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Preface

It is difficult to dissent from the sentiment at the opening of chapter seven of *A Series of Unfortunate Events – The Bad Beginning* by Lemony Snicket:

‘There are many, many types of books in the world, which makes good sense, because there are many, many types of people, and everybody wants to read something different.’

So far, so good. It is harder, however, to agree with how the text goes on in the following passage:

‘But one type of book that practically no one likes to read is a book about the law. Books about the law are notorious for being very long, very dull, and very difficult to read.’

We are aware that, certainly, there have been dull law books published over the centuries. However, we hope it is not true that all long books about law are necessarily dull.

We have aimed in this text to provide the reader with a clear and accurate explanation of how the English legal system currently works, and the actual content of English law in all of its key areas of operation. Where we have deemed it appropriate, we have aimed to put a legal rule or principle in its social, historical or economic context. We have also put several areas of law into some legal theory settings. Given a little depth in another dimension, a plain legal rule will often be not just easier to understand but also more interesting.

English law probably exercises more influence, for better or worse, over people’s lives across the world than any other set of legal principles and procedures. This is certainly so in most of the 53 members of the Commonwealth, including the considerable jurisdictions of places such as Canada, Pakistan, India and Australia. The population of the Commonwealth is 1.8 billion – that is almost a third of the people on the earth. It is also worthy

of note that the original law and legal systems in North America were largely based on the principles of English law.

Few people go through life without, at various stages, developing strong opinions about the desirability or otherwise of some aspect of law. Moreover, lawyers constitute about one fifth of members in the House of Commons in the British Parliament, and it is clear that many debates about law are very important because the way the debates are resolved ultimately has a substantial effect upon the way we live.

We have, therefore, in this text allowed a critical element into our explanations and discussions. We have thought it helpful to present the legal theory underlying policies and law in many of the chapters of this book. At the end of the last century, a great many major changes were made to the English legal system and several areas of English law.

Since the second edition of this book in 2006, there have been myriad changes to the English legal system, and to substantive parts of English law. Many parts of civil process, and the criminal justice system, have been legislatively changed. The common law has developed very substantial parts of criminal law, contract law, the civil law of negligence, and of human rights jurisprudence. All parts of the book have been updated and revised.

The book has been written to cover, comprehensively, the main subjects of English law, and we have endeavoured to ensure that the text is legally up to date as at March 2009.

Gary Slapper
David Kelly
April 2009

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