

GARY SLAPPER & DAVID KELLY

THE ENGLISH LEGAL SYSTEM



ELEVENTH EDITION
2010-2011



THE ENGLISH LEGAL SYSTEM

Eleventh Edition

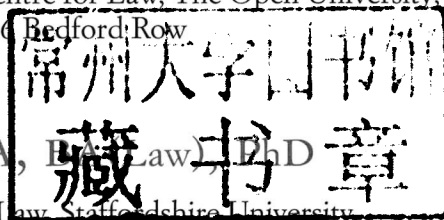
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PREFACE

In a law lecture delivered on 25 October 1758, William Blackstone described law as ‘this most useful and most rational branch of learning’. With the growth and pervasion of law in the succeeding two and a half centuries, the importance of legal study has risen accordingly.

Law permeates into every cell of social life. It governs everything from the embryo to exhumation. It governs the air we breathe, the food and drink that we consume, our travel, sexuality, family relationships, our property, the world of sport, science, employment, business, education, health, everything from neighbour disputes to war. Taken together, the set of institutions, processes, laws and personnel that provide the apparatus through which law works, and the matrix of rules that control them, are known as the legal system.

This system has evolved over a long time. Today it contains elements that are very old, such as the coroner’s courts which have an 800-year history, and elements that are very new, such as electronic law reports and judges using laptops.

A good comprehension of the English legal system requires knowledge and skill in a number of disciplines. The system itself is the result of developments in law, economy, politics, sociological change and the theories which feed all these bodies of knowledge. This book aims to assist students of the English legal system in the achievement of a good understanding of the law, and its institutions and processes. We aim to set the legal system in a social context, and to present a range of relevant critical views.

Being proficient in this subject also means being familiar with contemporary changes and proposed changes and this new edition has been comprehensively revised and updated to take these into account.

Since the last edition of this book, the changes to the English legal system have been many and varied. We have included in the text a wide range of legislative, common law and constitutional developments that have occurred in the last year.

The text incorporates recent changes to, and critical material on, the court structure; the opening of the Supreme Court; changes to civil and criminal process; developments in the use of cautioning and penalty notices for disorder; the Lisbon Treaty; the funding of legal services; the jury; changes to human rights law; new legislation; and major common law decisions from 2009–10 in the Court of Appeal, the House of Lords (until August 2009, thereafter the Supreme Court), and from the European Court of Human Rights.

We are once again very grateful to all those who advanced suggestions for improvement of the book since the previous edition; many of those suggestions have been implemented in this edition.

Gary Slapper
David Kelly
March 2010

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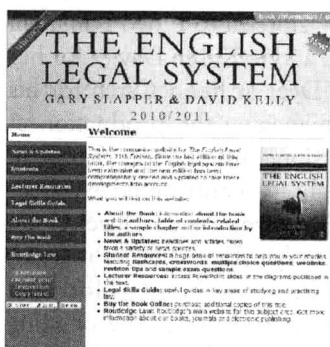
Others have offered uplifting encouragement, observations and assistance, or have stimulated our thinking in a helpful way. Thanks are thus due to Doreen and Ivor Slapper, Clifford, Maxine, Pav, Anish, the late Raie Schwartz, David and Julie Whight, Professor Robert Reiner, Hugh McLaughlan, Ben Fitzpatrick, Abigail Carr, Robert Zimmerman, Carol Howells, Professor Jeffrey Jowell QC, Professor Ian Dennis, Professor Tony Lentin, Frances Thomas, Alison Morris, Patrick Whight, Malcolm Park, Alex Spence, Clare Hogan, Frances Gibb at *The Times*, and The Rt Hon The Lord Woolf.

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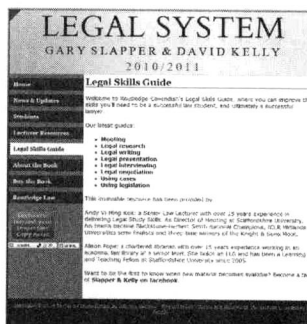
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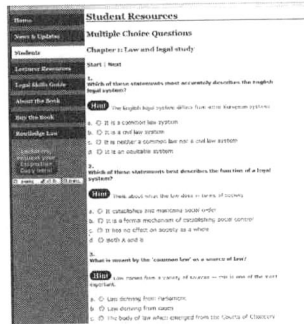
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- Qazi v Harrow, see Harrow London Borough Council v Qazi
- R v (1) Abdouk; (2) R v Green; (3) R v Williamson [2007] UKHL 37; [2008] 1 All ER 315, HL, *reversing in part* [2005] EWCA Crim 1986; [2006] 1 WLR 327; [2006] 1 Cr App Rep 1, CA 488, 490, 491
- R v (1) Mental Health Review Tribunal, North & East London Region; (2) Secretary of State for Health *ex parte* H [2001] 3 WLR 512 56, 74, 378
- R v A [2001] 2 WLR 1546; [2001] UKHL 25; [2002] 1 AC 45; [2001] 3 All ER 1 53, 74, 94, 378
- R v Agar [1990] 2 All ER 442, CA 358
- R v Algar [1954] 1 QB 279 247
- R v Argent [1997] 2 Cr App R 27 316, 317
- R v Barry [1975] 1 WLR 1190, CA 486
- R v Bartle, See R v Bow Street Metropolitan Magistrates *ex parte* Pinochet Ugarte, *sub nom* R v Evans, R v Bartle
- R v Beckles [2004] All ER (D) 226 317, 318
- R v Beckles and Montague [1999] Crim LR 148 317
- R v Benjafield and Others [2001] 3 WLR 75, CA 52, 53
- R v Bentley (1998) *The Times*, 31 July 458
- R v Bird [1977] 67 Cr App R 203 358
- R v Bow Street Metropolitan Magistrates *ex parte* Pinochet Ugarte, *sub nom* R v Evans, R v Bartle [1999] 2 WLR 272; [1999] 2 All ER 97 143, 386, 389, 390, 392, 506
- R v Bowden [1999] 2 Cr App R 176 306
- R v Bradish [1990] 1 All ER 460 104
- R v Brentwood Justices *ex parte* Nicholls [1991] 3 WLR 201 229
- R v Brockley (1994) 99 Cr App R 385 104
- R v Brown [1993] 2 All ER 75 455
- R v Cain [1976] Crim LR 464, CA 357
- R v Caldwell, see Metropolitan Police Commissioner v Caldwell, *sub nom* R v Caldwell
- R v Camborne Justices *ex parte* Pearce [1955] 1 QB 41 393
- R v Campbell (Colin) [1997] 1 Cr App R 199 123
- R v Camplin (Paul); *sub nom* DPP v Camplin (Paul) [1978] 2 WLR 679 123, 124
- R v Central Criminal Court *ex parte* *The Guardian*, *The Observer* and Bright [2002] Crim LR 64 275
- R v Chalkley and Jeffries [1998] 2 Cr App R 79, CA 294
- R v Chandler [1976] 1 WLR 585, CA 309

- R v Chief Constable of South Yorkshire (2002) 152 NLJ 1483 303
- R v Chief Constable of Sussex, *ex parte* International Trader's Ferry Ltd [1999] 2 AC 418; [1998] 3 WLR 1260, HL, *affirming* [1998] QB 477; [1997] 2 All ER 65, CA, *reversing* [1996] QB 197; [1995] 4 All ER 364, DC 343
- R v Chief Constable of the Devon and Cornwall Constabulary *ex parte* Central Electricity Generating Board [1981] 3 All ER 26 279
- R v Clinton [1993] 1 WLR 1181 591
- R v Condon [1997] 1 Cr App R 85 316, 317
- R v Cowan [1995] 4 All ER 939, CA 316
- R v Coxhead [1986] Crim LR 251, CA 343
- R v Criminal Cases Review Commission *ex parte* Hunt [2001] 2 WLR 319 132
- R v Daniel (Anthony Junior) (1998) *The Times*, 10 April, CA 317
- R v Danvers [1982] Crim LR 680 494, 497
- R v Davis (1959) 43 Cr App R 215 308
- R v Davis (1976) (unreported) 482
- R v Davis [2001] 1 Cr App R 115 247
- R v Director of Public Prosecutions *ex parte* C [1994] COD 375 398
- R v Director of Public Prosecutions *ex parte* Jones [2000] Crim LR 858 398
- R v Director of Public Prosecutions *ex parte* Manning [2000] 3 WLR 463 398
- R v Director of the Serious Fraud Office *ex parte* Smith [1993] AC 1; [1992] 3 WLR 66, CA 307
- R v Ealing Justices *ex parte* Dixon [1990] 2 QB 91 132
- R v Evans, See R v Bow Street Metropolitan Magistrates *ex parte* Pinochet Ugarte, *sub nom* R v Evans, R v Bartle
- R v Fennelley [1989] Crim LR 142 290, 297
- R v Ford [1989] 3 WLR 762 497
- R v Franchiosy (1979) 68 Cr App R 197 288
- R v Fulling [1987] 2 WLR 923, CA 321
- R v G [2003] UKHL 50; [2004] 1 AC 1034; [2003] 4 All ER 765 119
- R v Gearing [1968] 1 All ER 581n; (1968) 50 Cr App R 18 482
- R v Goldenberg (1988) 152 JP 557, CA 322
- R v Goodwin [2005] EWCA Crim 3184 95
- R v Gough [1993] AC 658 129, 392–4
- R v Greater Manchester Coroner *ex parte* Tal [1984] 3 WLR 643 132
- R v Hallam [2007] EWCA Crim 1495, [2007] All ER (D) 11 (Aug) 482
- R v Harper-Taylor and Barker (1988) 138 NLJ 80, CA 358
- R v Heaton [1993] Crim LR 593, CA 322, 324, 325
- R v Henn [1982] AC 850; [1980] 2 All ER 166 175, 665
- R v Hinds [1979] Crim LR 111 37
- R v Hoare and Pierce [2004] EWCA Crim 784 317
- R v Howe [1987] 2 WLR 568 119
- R v Howell [1981] 3 WLR 501, CA 278, 279
- R v Howell [2003] EWCA Crim 01; [2005] 1 Cr App R 1 317
- R v Hussain [1981] 2 All ER 287 103
- R v Inhabitants of Sedgley (1831) 2 B & Ad 65 106
- R v James; R v Karimi (joined appeals) [2006] EWCA Crim 14 124, 125
- R v Jones; R v Chandi, Multani, Khangura and Dosanjh; R v Ashman; R v Hobson [2005] EWCA Crim 3115 376
- R v K [2001] 1 Cr App R 493 104
- R v Kansal (2001) *The Independent*, 6 June 105
- R v Karakaya (Adem) [2005] EWCA Crim 346 482, 518
- R v Khan (Arshid) [2008] EWCA Crim 1112; [2008] All ER (D) 298 (May) 481, 482, 490
- R v Kronlid (1996) *The Times*, 10 September 483
- R v Lambert [2001] 1 All ER 1014 105
- R v Lemsatuf [1977] 1 WLR 812, CA 288
- R v Lichniak (2001) See R v Secretary of State for the Home Department *ex parte* Lichniak and Others
- R v Liverpool Juvenile Court *ex parte* R [1988] QB 1; [1987] 3 WLR 224 321
- R v London Boroughs Transport Committee [1991] 1 WLR 828; (1992) 156 JP 69 175