

Modern Developments in the Law of Civil Procedure

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Sweet & Maxwell

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IN THE
LAW OF CIVIL PROCEDURE

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PREFACE

The idea for this book grew out of our work on the preparation of the twenty-second edition of *Odgers' Principles of Pleading and Practice*, published in the autumn of 1981. It became apparent to us that in the few years since the previous edition there had been rapid and far-reaching changes in many areas of civil procedural law. We found ourselves writing completely new sections on several topics: issue and service of writs, acknowledgment of service and notice of intention to defend, Mareva injunctions, Anton Piller orders, references to the European court, consent judgments, charging orders. Important case law developments involved extensive revision of other topics such as discovery of documents and dismissal for want of prosecution. Finally, we had to incorporate at a late stage the Supreme Court Act 1981. This Act amended and restated the statutory framework of the whole subject in a way that had not been attempted on this scale since the Judicature Acts of 1873–1875. In sum, therefore, it seemed to us that these reforms and innovations represented the most significant developments in the law of civil procedure for over a century.

Accordingly, the idea developed of bringing together the new material from *Odgers* in one shorter volume, with the aim of making available to practitioners and students a compact and accessible guide to these modern developments. The present book aims to achieve this objective. It deals, as does *Odgers*, with civil procedure in actions begun by writ in the High Court, although we have been able to add a brief note on applications for judicial review, a topic recently put on a statutory basis by section 31 of the Supreme Court Act 1981. The interval between the publication of *Odgers* and this book has also enabled us to incorporate a number of further developments in the law of civil procedure, and to add some new material on interlocutory injunctions and the Supreme Court Act 1981. The volume begins with an account of this Act and indicates the particularly significant alterations to the statutory framework of the law in this area. Chapter 2 deals with the commencement of proceedings in the High Court,

setting out the new procedure for the issue, service and acknowledgment of service of writs. Chapter 3 deals extensively with aspects of interlocutory relief. Topics covered are interim payments, interlocutory injunctions, Mareva injunctions, Anton Piller orders and discovery of documents, areas in which the courts have been particularly active in recent years. Chapter 4 considers certain problems of time connected with the bringing and conduct of proceedings. Chapter 5 deals with a number of matters concerned with the settlement of proceedings or the preparation of cases for trial. Finally, Chapter 6 deals with developments in the methods of enforcing judgments.

The process of rapid change may well not yet have run its course. In particular, the courts are now having to grapple with some of the problems raised by their own creativity in establishing new forms of interlocutory relief. Two very recent decisions of the Court of Appeal highlight the difficulties faced by third parties served with notice of a Mareva Injunction. These cases, which came too late for incorporation in the text, are *Z Ltd. v. A* [1982] 1 All E.R. 556 and *Galaxia Maritime SA v. Mineralimportexport* [1982] 1 All E.R. 796. Together they constitute an important review of the scope of the Mareva jurisdiction, but it would be unduly optimistic to think that they have resolved all the potential difficulties.

In general we have tried to state the developments in the law up to January 1, 1982.

D.B.C.
I.H.D.

April 8, 1982

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s. 61	14	Administration of Justice (Miscellaneous Provi- sions) Act (1 & 2 Geo. 6, c. 63)—	
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s. 67	16	s. 8	12
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(4)	13	Supreme Court of Judica- ture (Amendment) Act (1 & 2 Geo. 6, c. 67)—	
(5)	13	s. 2(1)	11
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