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Cownie, Bradney & Burton
English Legal System in Context

Third edition



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English Legal System in Context

Third edition

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Preface

This new edition follows the same structure and philosophy as that which was established in the first two editions. However, in this edition the writing team has been strengthened with the addition of Mandy Burton who has taken responsibility for all the criminal justice chapters with the exception of the one on private policing.

In the preface to the second edition of this book we noted that whether the Woolf reforms to court procedure, the Human Rights Act 1998 or the Access to Justice Act 1999 would produce the fundamental changes to the legal system that some hoped for remained, at the time of writing, a matter for speculation. Now, some three years later, we can still only speculate about the degree to which the legal system will be changed by these three reforms. 'The English legal system' is, we argue in this book, a fluid and mercurial thing. Nevertheless, it has a considerable resilience that resists reform and change.

Fiona Cownie
Anthony Bradney
Mandy Burton

July 2003

Preface to the second edition

This edition has been written during the period that has seen the implementation of a number of reforms. Law is constantly in the process of change. However the reforms that have occurred recently may be of a different order to those which we normally see. The Woolf reforms, the Human Rights Act 1998 and, to a lesser extent, the Access to Justice Act 1999 have in them the possibility of fundamentally changing the nature of the institutions discussed in this book. However, as with any other reforms, what is important is not so much the wording of the reforms as the manner in which they are implemented. At the time of writing this can only be a matter for speculation.

We are grateful to all those who assisted us with the writing of this book. We are grateful in particular to our colleague Robin White who provided us with information and materials. We will doubtless continue to debate with him the view that we take of the way in which we should analyse those processes and institutions in which we all share an interest.

Fiona Cownie
Anthony Bradney

August 2000

Preface to the first edition

Law is an argument not a statement. It is not a fact to be learnt as we all once learnt our multiplication tables. Rather it is something to be debated and discussed. Our debate in this book starts with that which has gone before, previous books and articles, and we hope that this book adds something to that which has gone before. Your debate as a reader starts with, amongst other things, this book and we hope the book will help you to take your debate further. A text-book is only ever a beginning. We have selected that material and discussed those issues which seem to us to be most relevant in trying to understand dispute resolution in England and Wales. In reading and disagreeing with our arguments you will think of other questions and other material which will seem more important to you. Thus the debate goes on. Thus the debate expands.

Many people have helped us, sometimes unconsciously, whilst we were writing this book. In particular we would like to thank Andrew Choo, Paul Torremans and Robin White of the Faculty of Law at Leicester University and Sally Wheeler of the Faculty of Law at Leeds University. We would also like to thank Sue Collins and Trevor Aldridge QC for their assistance with material relating to the Special Educational Needs Tribunal.

Fiona Cownie
Anthony Bradney

August 1996

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