



# THE ENGLISH LEGAL SYSTEM

NINTH EDITION  
GARY SLAPPER AND DAVID KELLY

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# THE ENGLISH LEGAL SYSTEM

## NINTH EDITION

This best-selling textbook assists students of the English legal system in the achievement of a good understanding of the law, its institutions and processes, and sets the law and system in a social context, presenting a range of critical views.

Since the last edition of this book, the changes to the English legal system have been extensive and the new edition has been comprehensively revised and updated to take these developments into account. This new ninth edition for 2008–09 includes material on important changes to the governance of the legal system, the establishment of the Ministry of Justice, changes in the operation of juries, the composition and work of the European Union, changes in the fields of the legal professions, and changes in the funding of legal services. This edition also includes an updated version of the court system, the rules of civil procedure, and revised chapters on criminal procedure. Importantly, the authors have expanded the coverage of human rights law.

Now accompanied by online support for the acquisition and improvement of legal skills, the new edition has been developed with the requirements of both lecturers and students in mind.

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Slapper and Kelly's textbook is now firmly established as one of the leading undergraduate textbooks on the subject. A favourite with students and lecturers alike, it is essential reading for all those engaged in the study of the English legal system.

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**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

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 coroners’ 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 that 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 two years. We have also made several changes to the structure of the book, including the incorporation of a new chapter on The Rule of Law and Human Rights.

The text incorporates recent changes to the departmental divisions of government, civil and criminal process, the court system, the funding of legal services, the jury, changes to human rights law, and major common law decisions from 2007 and 2008 in the Court of Appeal, the House of Lords 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, 2008*

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