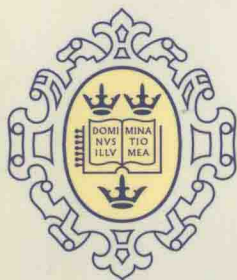


OXFORD ENGLISH LAW

ENGLISH PRIVATE LAW

SECOND CUMULATIVE
UPDATING SUPPLEMENT



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Edited by
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PREFACE

This year *Oxford English Law* took a giant step forward. In the spring, *English Public Law* was published. Between them *English Private Law* and *English Public Law* show that the common law can be presented in an orderly way and with reasonable brevity. Indifference to both has in the past tended to conceal its merits. While it is true that in certain contexts, notably in contested litigation, it is essential to see every finest detail, it is false to suppose that knowledge of the law cannot be taken to a high level other than at enormous length. It is less challenging to write a good long account than a short one. The contributors to these volumes are jurists of the highest authority. Their mastery each of their own field is the key to the reliability of their shorter versions. The intention is to keep these volumes constantly up to date. This year *English Public Law* is brand new, and *English Private Law*, which was first published four years ago, will for the moment stand renewed by this second cumulative supplement, which takes in developments up to the beginning of 2004. One or two later matters have been smuggled in at proof stage, but the official cut-off date remains 31 December 2003.

PBH Birks
April 2004

PETER BIRKS

It is with great sadness that we have to record the death, on 6th July 2004, of Professor Peter Birks, Q.C., F.B.A., General Editor of *Oxford English Law*, and Editor of *English Private Law* and of this Supplement to it. Peter Birks developed the idea for an orderly, authoritative, principled, and concise account of English law well over a decade ago. As in all his many and varied intellectual activities, he pursued his aim with determination, charm, intellectual rigour, enthusiasm, and a commitment to the highest standards of scholarship. He energized the contributors to *Oxford English Law*, and the large editorial and production team at the Oxford University Press. Throughout the project, he prompted, encouraged, and cajoled us, and constructively criticized our work. We shared his pleasure and satisfaction when first *English Private Law*, then *English Public Law*, were published to fulfil his vision. His premature death deprives the academic legal community of

Preface

an outstanding and dedicated scholar, an inspiring teacher, and a courageous controversialist. Those of us who had the privilege of working with him are left to mourn a stimulating, tireless and utterly unselfish colleague, and a generous and loyal friend.

David Feldman
July 2004

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