

Remedies of English Law

Second edition

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Preface

This is the second edition of a book which for the first time attempted to provide an outline of the full apparatus of legal remedies available in England. It is still the only such outline, though a fuller treatment of some parts of the subject has more recently appeared in the United States. The scope of the book was explained in the original preface as follows:

‘The notion of “remedy” is not easily defined, or even disengaged from its surroundings in the substantive law of rights, duties, powers and liabilities, or from the procedural steps that have to be taken in order to obtain a remedy or, if necessary, to enforce it. Moreover, the character, and sometimes even the existence, of a remedy are often determined by the means of enforcing it; to disregard those means entirely would be to leave everything “in the air”. Although, therefore, this is not a book about substantive law or about procedure, pleading, execution or bankruptcy, I have judged it necessary to deal with all of them summarily in an introduction. But my main purpose is to set out *what* redress a person can obtain, not *how* he can obtain it.

Within these limits I have tried to cover the ground completely, including all kinds of remedies, judicial and non-judicial, legal and equitable, public and private, specific and in the “substitutional” form of a money award, coercive and non-coercive.’

The general plan and depth of treatment have been retained, though modified to take account of recent developments and in deference to the criticisms and suggestions of reviewers. The book was originally published in a series designed to be of interest to laymen as well as students of law. In this edition space for new material has been found by assuming that the reader is already familiar with elementary notions which it was then thought necessary to explain for the benefit of laymen.

I should like to express again my obligations for help given me earlier to Professor John P. Dawson, formerly of the Harvard Law School, Professor Harry Street of the University of Manchester, and Professor

Preface

Roy Goode of Queen Mary College, London. I am also greatly indebted to Dr Harvey Teff for doing far the greater part of the work involved in preparing this new edition.

F.H.L.

November, 1979

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