



Preface

NEW TO THE 2008 EDITION

Blackstone's Civil Practice 2008 is up to date to 28 February 2007, and includes rule changes which came into force on 6 April 2007. The work incorporates all amendments to the Civil Procedure Rules up to those introduced by the Civil Procedure (Amendment No. 3) Rules 2006 (SI 2006/3435), and changes brought in by updates released by the Ministry of Justice up to Update 44.

The commentary in *Blackstone's Civil Practice 2008* has been fully revised to take into account a wide range of developments since the previous edition. These include the virtual abolition of payments into court and their replacement with offers to settle (CPR, Part 36), which has resulted in the complete rewriting of chapter 64, and the widespread implementation of new rules governing the conduct of certain case-management and interim hearings by telephone (chapter 32). RSC, ord. 81, dealing with partnerships and sole traders has been abolished, and the subject has been brought into the main provisions of the CPR, primarily in PD 7. All the pre-action protocols have been revised to strengthen the provisions dealing with the consideration of ADR in preference to litigation. There is a new Pre-action Protocol for Possession Claims Based on Rent Arrears, and the Pre-action Protocol for Construction and Engineering Disputes has been revised. New provisions in the CPR now govern the circumstances in which it is permissible to withdraw pre-action admissions. The practice directions supporting Part 8 have been revised. There are new editions of the Admiralty and Commercial Courts Guide and the Supreme Court Costs Office Guide, together with a 2007 edition of the House of Lords Practice Directions and Standing Orders applicable to Civil Appeals.

Among the case-law developments included in this edition are *Horton v Sadler*, where the House of Lords refused to follow *Walkley v Precision Forgings Ltd* in relation to the Limitation Act 1980, s. 33, and *Haward v Fawcetts* on latent damage claims. In *Bradford and Bingley plc v Rashid* the House of Lords dealt with matters relating to signed acknowledgments preserving otherwise time-barred claims and the boundaries of without-prejudice privilege. *Thomas v Home Office* is an important case on agreed extensions for service of claim forms. *Davies v Department of Trade and Industry* considered the discretion to permit joinder under CPR, r. 19.2. The independence of experts was considered in *Toth v Jarman*, and whether experts' joint statements were privileged was dealt with by *Aird v Prime Meridian Ltd*. Guidelines on enforcing worldwide freezing injunctions were given in *Dadourian Group International Inc. v Simms*. The circumstances in which costs-capping orders can be made was considered in *Knight v Beyond Properties Pty Ltd*, and whether conditional fee agreements are capable of being assigned when a solicitor changes firms taking the client with her was considered by *Jenkins v Young Brothers Transport Ltd*.

An online resource centre for *Blackstone's Civil Practice 2008* will also be available with regular updates and useful reading. This can be found at: <http://www.oup.com/uk/law/practitioner/cws>.

Blackstone's Civil Practice 2008 provides the civil litigation practitioner with a comprehensive and authoritative work covering every topic which the practitioner can reasonably expect to encounter in everyday practice. The objective of the publishers and the editorial team has been to produce a single volume of manageable size and expense. The CD-ROM supplied with the book contains the complete text of the book in easily accessible and searchable form together with 435 court forms and extra statutory material.

Blackstone's Civil Practice occupies a unique place in the civil litigation practitioners library. Commentaries on the Civil Procedure Rules have previously had a limited horizon, in that they address the mechanics of litigation, but fail to study in any depth the substantive law issues with which the practitioner must be fully conversant. Previously the practitioner has had to assemble a series of specialist works on a diverse range of topics, such as evidence, judicial review, and landlord and tenant. *Blackstone's Civil Practice* provides the practitioner with a sufficient study of these and other topics to address the issues which frequently arise in





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everyday practice. The authors and editors have sought to provide a text which is sufficiently comprehensive, clear and up to date to enable a practitioner easily to assimilate a topic on which he or she may have little knowledge, whilst at the same time providing a depth of analysis and information which will enable those with greater experience of a subject to research in greater detail. We are confident that civil litigation practitioners will find that *Blackstone's Civil Practice* will cover the wide range of issues generally met, and only on rare occasions should it be necessary to consult the highly specialist works.

Our greatest challenge has been to strike the balance between what can be offered in a single volume and the inevitable omission of some specialist academic material on specific topics. We believe that this book has achieved that balance. In addition to a detailed and comprehensive analysis of the Civil Procedure Rules, *Blackstone's Civil Practice 2008* contains authoritative treatment of most of the major subjects of daily civil litigation, including landlord and tenant possession proceedings, company and insolvency law, judicial review, sale of goods and consumer law, as well as chapters on evidence and the influence of human rights law on civil procedure. A team of highly experienced and respected authors has ensured that each subject is given authoritative and specialist attention.

This 2008 edition has built on the achievements of its predecessors in covering the latest changes to the Civil Procedure Rules and practice directions, whilst consolidating and refining previous commentary and anticipating, wherever possible, changes to come. Comprehensive and up-to-date appendices include not only the Civil Procedure Rules, practice directions and pre-action protocols, but also the court guides, court fees orders and many of the statutes most commonly needed in civil litigation. A comprehensive collection of court forms can be found on the accompanying CD-ROM, which provides for on-screen completion of many of the forms. Procedural checklists, which are step-by-step guides to various aspects of civil procedure, can be found in appendix 1. These provide quick and practical guidance on how to comply with the requirements of the rules.

It has been the foresight and enthusiasm of its publishers which has enabled this work to come to fruition. The editors would, in particular, like to thank Alistair MacQueen, Heather Saward and Jeremy Stein of Blackstone Press, because this work would not have seen the light of day without their vision and enthusiasm. We also extend our thanks to Catherine Redmond, Harriet Mancey-Barratt, Rowena Lennon and Andy Redman of Oxford University Press for their guidance, encouragement and total support. We also warmly thank the contributors who have provided authoritative material on their subjects and met a tight schedule notwithstanding their other important commitments.

This edition states the law as it was known to the editors and contributors at 28 February 2007 and includes changes to the Civil Procedure Rules and practice directions which took effect on 6 April 2007.

The editors
28 February 2007

Our editor-in-chief, William Rose, died on 10 May 2007. William was a member of the *Blackstone's Civil Practice* team from the very beginning. He will be sorely missed. There is an obituary in *The Times*, 22 May 2007.

