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Edited by J. R. Spencer  
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## **Jackson's Machinery of Justice**

**First published in 1940, R. M. Jackson's *Machinery of Justice in England* has long been established as the classic text on the subject. For this new edition J. R. Spencer has undertaken a further full-scale revision, incorporating such major recent innovations as the Police and Criminal Evidence Act of 1984 and the Prosecution of Offences Act 1985.**

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# JACKSON'S MACHINERY OF JUSTICE

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Edited by  
**J. R. SPENCER**  
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## Preface

I agreed to help Professor Jackson with the eighth edition of his book in 1984. Sadly, he was already in failing health and in 1986 he died, having been unable to do any more than read my preliminary attempt to edit the first two chapters and to offer his comments on my draft. Thus the changes in this edition are almost all my own.

Producing this new edition turned out to be an enormous task. The Police and Criminal Evidence Act 1984, the Prosecution of Offences Act 1985 and a number of other very important developments have taken place since the seventh edition appeared in 1977. As a result it has been necessary to rewrite about a third of the book. Much of what was not rewritten has been heavily revised. Since the first edition appeared the book had more than doubled in length and the time had come, I felt, to cut out or condense a lot of detailed material which had been added when it was topical, but was now of only passing historical interest. I have indicated where this has been done, referring readers to the earlier editions. Clearly, there was also a need for a section on the influence of the EEC and other matters European. Rather than simply expanding the book, I decided that something must give way to these matters; I therefore deleted the short chapter on habeas corpus and contempt of court. Perhaps some readers will be disappointed that I did not add a discussion of yet other matters: the prison service, for example, or the various theories about the purpose of the criminal justice system. To them I can only give a rather lame answer: that there are limits to how far I could go when editing an existing book without being accused of passing off one product as another.

I inherited from Professor Jackson a series of files relating to each of the previous editions. In these he had collected the various letters people had written pointing out errors which he had made; some were sorrowful, others showed undisguised glee, and one, from a solicitor, actually demanded that by some magical means he get hold of everyone who had bought a copy and give them a correction. Somewhat daunted, yet fortified by the knowledge that even a polymath like Professor Jackson could sometimes make mistakes, I proclaim that I have tried to make this edition accurate up to early January 1988.

The text contains a number of references to the work of the Lord Chancellor's Department's Civil Justice Review, and to the work of the Marre Committee.

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*Preface*

Neither body had reported when the typescript was submitted to the publishers in January 1988. Both reported while the proofs were in my hands. It was not possible to re-write the body of the text to deal with their recommendations, but I have added a short Appendix to cover them. Certain other developments since January 1988 are mentioned in additional footnotes.

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## Preface to the first edition of *The Machinery of Justice in England*

The object of this book is to explain the system of law courts and allied matters relating to the administration of justice. In the past the administration of justice has hardly been considered a 'subject'. Writers on constitutional law have included the system of the courts, but necessarily cannot give it much space; other law books are apt to assume that the reader is acquainted with the subject. Thought about law has changed a good deal in the last twenty years. The attempt to treat law as a pure science, isolated from the society it serves, is succumbing to a more sociological approach. To some extent this means that the lawyer must come down from his high perch and look at law in the light of its effects upon individuals and society. The best introduction to law is a study of the institutions and environment in which lawyers work. It is prescribed, under the title of 'The English Legal System', for the first year study in some law schools, although academic tradition has there succeeded in imposing a mass of historical study to satisfy the idea that it is cultural to know what happened in the middle ages and not cultural to know what happens in the twentieth century. My own impression, and I have been teaching this subject for some years, is that the needs of the law student and the needs of those interested in public affairs are here exactly the same – to know the present system for administering justice, how it really works, and what criticisms and suggestions have been made.

As this book is far from being an exhaustive treatise I have omitted a full documentation. References are confined to indicating further reading of a complementary nature, or to giving my sources for subjects that are not well known or statements that would otherwise appear merely dogmatic.

I give my grateful thanks to many people including practising lawyers and teachers of law, who have helped me by discussion or by reading and criticising sections where their knowledge far exceeded mine.

*Cambridge*  
*February 1939*

R.M.J.

## Abbreviations

AC	<i>Law Reports, Appeal Cases</i>
All ER	<i>All England Law Reports</i>
Camb. LJ	<i>Cambridge Law Journal</i>
CB(NS)	<i>Common Bench (New Series)</i>
Ch.	<i>Law Reports, Chancery Division</i>
Ch. D	<i>Law Reports, Chancery Division</i>
CMLR	<i>Common Market Law Reports</i>
C, Cd, Cmd, Cmnd, Cm	Command Paper
Cr. Ap. R	<i>Criminal Appeal Reports</i>
Cr. Ap. R(S)	<i>Criminal Appeal Reports (Sentencing)</i>
Crim. LR	<i>Criminal Law Review</i>
DPP	<i>Director of Public Prosecutions</i>
ECR	<i>European Court Reports</i>
EHRR	<i>European Human Rights Reports</i>
HC	House of Commons
HL	House of Lords
HMSO	Her Majesty's Stationery Office
HO Circ.	Home Office Circular
ICR	<i>Industrial Court Reports</i>
ITR	<i>Industrial Tribunal Reports</i>
Journal SPTL	<i>Journal of the Society of Public Teachers of Law</i>
JP	<i>Justice of the Peace Law Report</i>
JPN	<i>Justice of the Peace Newspaper</i>
KB	<i>Law Reports, King's Bench Division</i>
KIR	<i>Knight's Industrial Reports</i>
Law Com.	Law Commission
Law Soc. Gaz.	<i>Law Society's Gazette</i>
LGR	<i>Local Government Reports</i>
LJ	<i>Law Journal</i>
Lloyd's Rep.	<i>Lloyd's Reports</i>
LQR	<i>Law Quarterly Review</i>
Mod LR	<i>Modern Law Review</i>

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*Abbreviations*

NLJ	<i>New Law Journal</i>
P	<i>Law Reports, Probate Division</i> (Probate, Divorce, Admiralty)
Parl. Deb.	<i>Parliamentary Debates (Hansard)</i>
QB	<i>Law Reports, Queen's Bench Division</i>
RSC Ord.	Rules of the Supreme Court, Order Number
SI	Statutory Instrument
St. Tr.	<i>State Trials</i>
TLR	<i>Times Law Reports</i>
U of Chicago LR	<i>University of Chicago Law Review</i>
U of Michigan LR	<i>University of Michigan Law Review</i>
WLR	<i>Weekly Law Reports</i>