
FOREWORD

It is now some years since the publication of Lord Woolf's report on the civil justice system in England and Wales, 'Access to Justice'. This report set out a new vision for the administration of civil justice. It envisaged a civil justice system which was comprehensible to its users; where claims were dealt with in a manner proportionate to their substance; which contained greatly reduced opportunities to use the law as a tactical weapon to obstruct progress and inflate costs; which provided access to justice for all, and most importantly, which was just in the results it delivered.

In the original foreword to the Civil Procedure Rules, my predecessor, Lord Irvine of Lairg, set out the formidable task ahead of the then newly formed Civil Procedure Rule Committee. All of these intentions were to be enacted through a new set of rules which would govern the operation of both the High Court and the county court, unifying the civil justice procedures. The ongoing changes to the rules reflect the continuing civil justice reforms.

I am pleased to see that Lord Woolf's vision is still apparent throughout these rules, especially his concept of the rules themselves and their role in breaking down artificial distinctions in the civil justice system. The number of interconnecting provisions between the High Court and the county court has indeed been substantially reduced in the intervening years, as have those provisions which apply only to one or the other of those courts. The range of special provisions for specific types of case has also been reduced, replaced wherever possible with procedures which apply to the broadest possible range of cases. Perhaps most noticeably, the language of the rules is clear, non-technical and easily comprehensible.

The rules are also the vehicle for a number of new initiatives. Developments in technology have provided a major new route into the civil justice system, and projects such as Money Claims Online and Possession Claims Online are slowly but surely changing the way litigants resolve their claims. Lord Woolf's desire for greater proportionality is being borne out in the groundbreaking work on alternative dispute resolution (ADR), offering litigants easier access to the quickest and most appropriate method of resolving their dispute. The introduction of fixed recoverable costs and success fees in some types of personal injury cases has introduced much needed stability and certainty into the cost regime. Supplementing this is the developing work on the civil debt strategy with its strong emphasis on early and effective advice, which aims to avoid unnecessary court action where appropriate and to promote the speedy resolution of cases that must come to court.

The title of Lord Woolf's report, 'Access to Justice', became the phrase that marked a paradigm shift in the administration of civil justice. That every citizen and business in England and Wales now has the ability to approach our legal system and ask for justice without always needing expert knowledge and aware of the continuing drive to control costs is something we should be proud of, and we must ensure that these ideals are never lost in the business of reviewing, changing and implementing these rules.

For this work, I wish to extend my thanks to the members of the Civil Procedure Rule Committee, past and present, who work tirelessly to ensure that the Civil Procedure Rules remain adherent to the ideals outlined above. Keeping the rules responsive to the constant and ongoing changes in the legal system, the law and society as a whole is no easy matter, and I am grateful for the committee's dedication to their task.

A handwritten signature in black ink, reading "Charlie Falconer". The signature is written in a cursive, slightly slanted style.

Lord Falconer of Thoroton