

English Criminal Court System

Appeal Courts

Supreme Court (ex-House of Lords)
Court of Appeal
High Court
(3 divisions)

Queens Bench Division

Chancery Division

Family Division



Courts of “First Hearing”

- **Crown Court (can also hear appeals from Magistrates by D on conviction or sentence)**
- **Magistrates Court**



Magistrates Court

- **All criminal cases start here**
- **More than 95% end there.**

Limited powers



Magistrates Court 2010

- **1.68m defendants**
- **180, 000 trials**
- **£281 million in financial penalties**



Magistrates

- **Qualified (Stipendiary) / unqualified (Lay)**
- **Advantages / disadvantages**
- **Diversity of magistrates**



Crown Court

- **More serious criminal cases**
- **High Court Judges**
- **Circuit Judges**
- **Recorders**
- **Unlimited sentencing powers**



Crown Court Stats (2009)

- **Roughly 152,000 cases (of all types)**
- **43,000 trial listings**
- **Circuit Judges heard around 90% of cases.**



Offences

- **Summary**
- **Indictable**
- **Triable either way.**



High Court

- **3 divisions, dealing with different types of case.**



Queens Bench Division

- **Handles commercial & administrative matters**
- **69 High Ct Judges**
- **16.6 K cases in 2010 (many just administrative)**



Chancery Division

- **Bankruptcy**
- **Mortgages & land matters.**
- **18 High Ct Judges**
- **44 cases in 2009**



Family Division

- **Marriage**
- **Divorce**
- **Children**

- **17 High Ct Judges**

- **31 cases in 2009.**



Court of Appeal

- **Criminal & Civil Divisions**
- **Lord Chief Justice is head of Criminal Div**
- **Master of the Rolls is head of Civil Div**
- **Currently 35 Lords Justices of Appeal**



Supreme Court

- **Cases usually heard by 5 Supreme Court Justices (sometimes only 3)**
- **68 cases heard in 2010 (only those of public importance.)**



Doctrine of Precedent

- **A judgement made by an appeal court binds those below it in the court structure. Stare decisis**
- **Binding – the lower court must follow the decision of the higher court on similar facts or same legal principle.**



Distinguishing

- **Courts do not bind themselves.**
- **But to change a previous decision of the same court they should distinguish the present case on fact or legal principle**



Example

- **Due Diligence Defence**
- **Well established principles for manufacturers to test their own products**
- **Hurley v Martinez & Co. defence failed, relied on tests of supplier**



Parliamentary supremacy

- **Parliament can legislate on any subject**
- **A parliament cannot bind its successors**



Interpretation

- **Courts must interpret the law.**
- **History - Common Law or Judge-made law**



Rules of Interpretation

- **Literal**
- **Golden**
- **Mischief**



Literal Rule

- **Give words of Act their literal meaning**
- **Fisher v Bell 1961 'Offer for sale'**
- **R v Human Fertilisation & Embryology Authority ex parte Blood (written permission required , so could not use dead husband's sperm)(High Court)**
- **NB- Later overturned by Court of Appeal**



Golden Rule

- **Grey V Pearson 1857 – use ordinary meaning of words “unless it would lead to absurdity”**
- **Re:Sigsworth (1936) – Son could not inherit his murdered mother’s estate (because HE did it!!)**



Mischief Rule

- **Which “mischief” did the Act intend to stop?**
- **Smith v Hughes (1960) – soliciting “on the streets” included sitting indoors & tapping on window to drum up business.**



Integrated approach

- **A combination of all 3 rules is used to (hopefully) arrive at a sensible decision.**
- **R v Inner London Justices ex parte Wandsworth Borough Council [1983] RTR 425 DC**
FTD re-"one owner car" owned by a rental co



Court reporting

- **Cases are heard in public (subject to some exceptions).**
- **Lord Halsbury in Scott v. Scott 1913 AC 417 - “publicity is the very soul of justice”**
- **Thus cases are in the public domain & can be reported.**



Reporting (2)

- **Court reporters in most courts**
- **Local / national significance**



Exceptions

- **Cases heard “in camera”.**
- **e.g. Family cases, national security.**
- **Cases where reporting restrictions are imposed (e.g. identity of victim of sexual offence is protected)**



Referencing

- **Each reported case from appeal courts is given a reference.**
- **Allows it to be traced in a set of law reports – numerous sets.**



Case references

- **[1972] AC 153**
- **Or**
- **[1971] 2 WLR 1166**



Using cases

- **Names**
- **Facts**
- **Decisions**
- **References**

- **What to use when??**



Legal referencing

- **Assignment work**
- **Reference Act of Parliament by year & chapter number**
- **Weights & Measures Act 1985**
- **1985 c 72**



Referencing (2)

- **Reference regulations & orders by year & SI number**
- **Food Labelling Regulations 1996**
- **SI 1996 / 1499**



Referencing (3)

- **Reference cases using the full case reference (assignments only)**



End

- **Questions?**