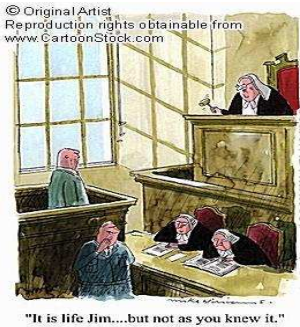


What is Law



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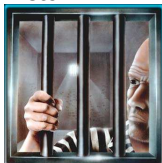
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Divided roughly in to 2 distinct areas

■ **Criminal Law**

- E.g.-
- Murder
- Rape
- etc



■ **Civil law**

- E.g.-
- Breach of contract
- Suing for damages



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Criminal Law

- If you break the criminal law
- You are prosecuted by an “arm of the state”
- e.g. police trading standards, HMRC
- Punished by the courts usually a fine or imprisonment

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Civil Law

- A breach of civil law you take an Action in the County Court which will lead to “restitution”
- Action can be taken by an individual/business/local authority
- e.g. compensation
- Rejection of contract
- Specific performance

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Criminal Law

- PROOF:
- The prosecution needs to prove beyond reasonable doubt that the defendant committed the crime



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Civil Law

- PROOF:
- On the balance of probabilities
- Which means you need to be more believable than the other side.



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## Which Courts for Criminal?

- Minor offences are tried, summarily, in the Magistrates Court.
- e.g. theft, drink driving.
- Maximum fine £5,000 and/or
- Max sentence 6 months

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## Magistrates

- They are volunteers
- No formal legal training required/unpaid
- Live locally
- Usually between 2-7 on a "Bench"
- Referred to as "your worships"
- Smart clothes no robes




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## Crown Court for serious offences

- E.g. Murder, manslaughter, rape.
- Punishment = Unlimited fine/life imprisonment.
- When found guilty, in any criminal court, you will also have a criminal record.

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## Crown Court Judge

- Judge usually sits alone
- Wears formal robes
- Formal legal training
- Paid
- Passes sentence
- Advises the court on the law




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## Sources of Law: 2 main sources

- Common Law
- in theory, it is the law as it was in the year 1189.
- But this would yield worrying results




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## In fact it is law developed through the ages = precedent

- By judges on a case by case basis. The idea is that law rests on a foundation of principles, which if applied to any particular set of facts, will yield a result.
- As a result, even though courts are generally bound by previous decisions by the doctrine of precedent, law develops through this judicial process.

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## Second source: Statutes

- These are Acts of Parliament.
- Need to be passed as law by both houses of Parliament. Debated




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## Also Statutory Instruments and Regulations = subordinate legislation

- This is, rarely debated.
- Made by a relevant Minister and set before Parliament for 40 days. Read by Standing Committee just in case of any anomalies




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## Finally before you go to your next activity

- Any questions?




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