

## Sources of Law



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## Why does law exist?



- One viewpoint is...
- Regulation of behaviour.
  
- Behaviour of individuals
- Behaviour of companies

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## Regulation



- All law needs some form of penalty if broken
  
- Criminal Law – punishment
  
- Civil Law - remedy

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## Where does law come from?



- Sources of law
  - Statute Law
    - Domestic
    - European
  - Law reports & Precedent (Stare decisis)

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## Rule of Law



- Everyone is subject to the law (unless specifically exempted).
- Parliament can legislate on ANY subject it sees fit.
- Everyone is presumed to know the law.

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- Law does not necessarily reflect public opinion
- e.g. Death penalty
- Public opinion may change law over time.
- e.g. Poll Tax, Abortion Law




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## History



- No formal law prior to Norman Invasion in 1066
- Landowners would "rule" their land
- Though the King was in overall control
- Henry II decided to formalise things.

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## Henry's reforms



- He established the court system
- Regular courts held at various locations in the country
- He appointed circuit judges
- Consistency of decisions

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## Common Law



- On the same facts, the previous decision would be followed. ("precedent"). Decisions were recorded in law reports.
- This became known as Common Law (the law common to the whole of England)
- Law, not from Acts of Parliament, but rules drawn up from decisions in previous cases.

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## Common Law (2)



- Sometimes referred to as “judge-made” law
- Can be replaced by statute law over time, but much common law still exists
- For instance murder is a common law offence

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## Murder



- Unlawful killing .... By man with sound mind.... With malice aforethought....dies within a year and a day
- But
- **Law Reform (Year and a Day Rule) Act 1996** abolished the last part.

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## Statute Law



- Written, published law
- Must go through the relevant Parliamentary process

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## Helpful Links



- Added to e-learning site
- [www.parliament.uk](http://www.parliament.uk)
- [www.legislation.gov.uk](http://www.legislation.gov.uk)
- To do:
- Law-making process
- Work of Parliament
- The Courts
- Judiciary

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