

The law: what is it?

Principally it is divided in to two areas:

a) Civil Law

Examples:

Suing for breach of contract

An action in Tort for negligence

b) Criminal Law

Examples:

Murder

robbery

CRIMINAL

Breach = prosecution

Result = punishment

Who prosecutes?

An arm of the state

Which means:

Police

Trading standards

HMRC

Proof required: beyond reasonable doubt

Which courts?

Magistrates for minor offences

e.g.

Crown for serious offences

e.g.

CIVIL LAW

You take an action (sue)

For rejection, for damages, for specific performance

Who can take an action?

Examples:

Businesses or individuals

Result = remedy

e.g.

Proof required: the balance of probabilities

Cases are heard in County Court or High Court

County court has a "fast track" structure the person taking the action files his form with the court & the court decide which is the appropriate place to hear the action.

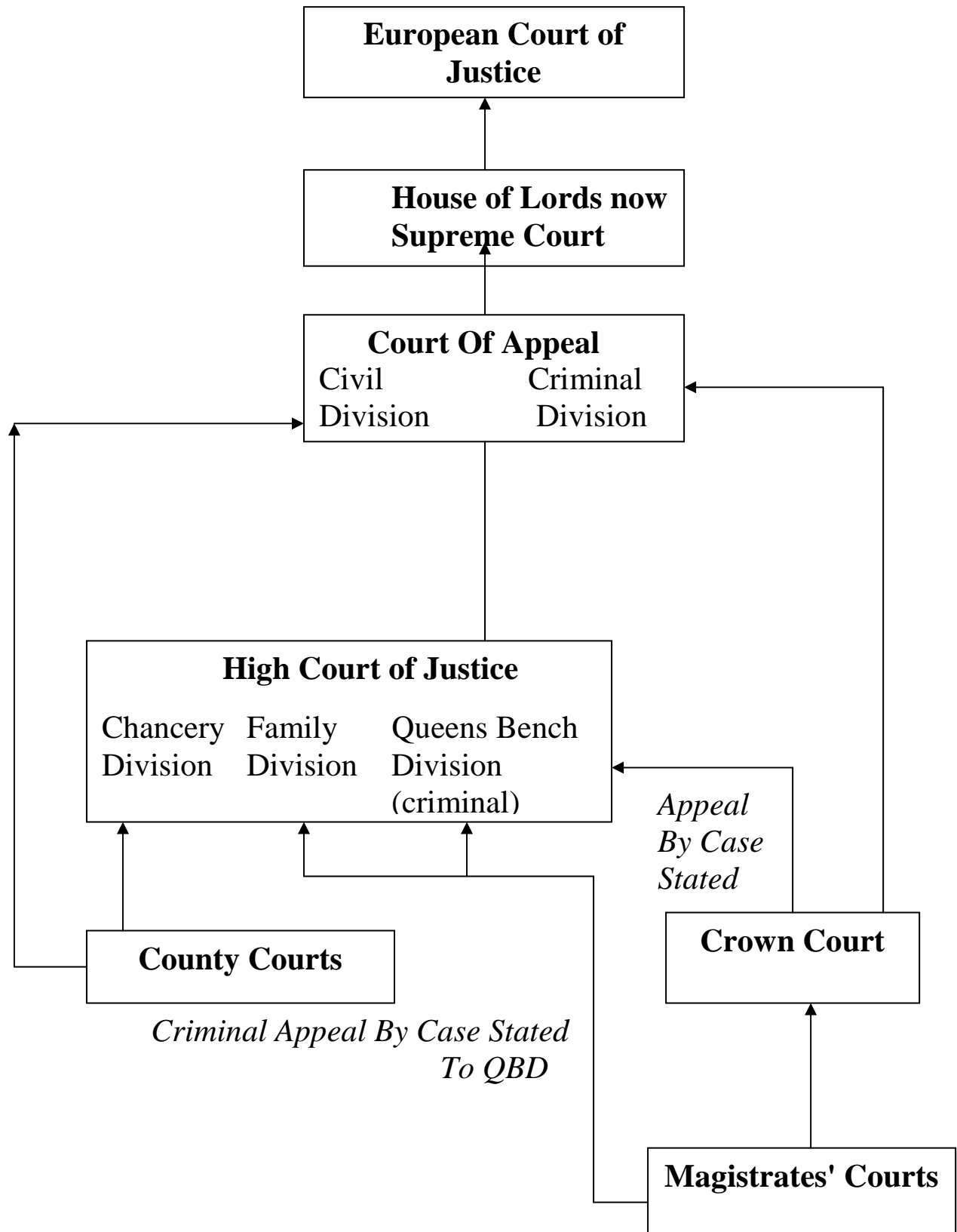
Small claims court: usually up to £5000 or £1000 for personal injury claims. (under review to increase amounts)

County Court: Generally up to £25,000 judge sits alone, no jury.

High Court: usually cases over £50,000 Judge decides both law and fact juries only involved in a few areas such as libel.

This area of the court is specialised having judges who can concentrate on specific areas of the law For example: engineering contracts, health issues.

Appeal is upwards to the next level of courts



SOURCES OF LAW

Law originates from 2 main sources:-

Common Law

Statute

Common Law, in theory, is the law as it was in the year 1189.

In fact it is the law as developed through the ages 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.

It is vital that anyone involved in law keeps up with their area so that a major change does not pass them by.

Statutes

These are Acts of Parliament.

Need to be passed as law by both houses of Parliament, debated

ALSO

Statutory Instruments and Regulations

This is subordinate legislation, rarely debated.

Made by a relevant Minister and set before Parliament for 40 days. Read by Standing Committee just in case of any anomalies.