



The UK Legal System

The UK has a very complex legal system. It is a constitutional monarchy meaning the head of state is the King or Queen of the country. Within the UK, each country operates with different laws and different legal systems. Today, we'll focus on the legal system for England and Wales, which is a common law system. This means that **legislation** is passed but case law is also used to set precedents.

For law to be created, it must be passed by Parliament. The UK parliament consists of the House of Commons (members of parliament elected by the British people), the House of Lords (non-elected politicians and experts across all industries) and the Monarch. Once these laws are passed, all people in the UK must **abide by** them.

However, case law also sets precedents and this, alongside the court system, are controlled and run by *the Courts and Tribunals Judiciary*. This is an extremely complicated system that dates over 1,000 years and continues to develop as new laws come into force. All legal proceedings take place in courtrooms, where the royal coat of arms is present. Everyone involved in **courtroom** proceedings is generally **sworn in**.

Like most other countries, law is separated into criminal and civil offences. Criminal law includes crimes that negatively affect society and go against the *Acts of Parliament* (the laws that parliament agree on). Typical examples include assault, burglary and murder. An **offender** would be charged with a criminal offence by the *Crown Prosecution Service* (the state). The lowest **courts** in criminal law are the Magistrates' Court and the Crown Court.

Magistrate's Court

According to *the Courts and Tribunals Judiciary*, 95% of all criminal cases start and finish in the Magistrate's Court. Typical cases heard here include motoring offences and minor crimes, such as minor assault or theft. This court is also used to **grant bail** and for other legal issues related to more serious crime, such as murder, rape and robbery. The proceedings in this court are heard by two/three magistrates, who

are trained unpaid members of the local community. They can be advised by justice clerks. Alternatively, you may have a district **judge**, a full-time judge. They will hear the **plea** (**guilty** or **not-guilty**) and sentence to up to 6 months or an unlimited fine.

Crown Court

The Crown Court deals with serious criminal cases or if the **defendant** for a minor crime wishes to bring their case to **jury trial**. The Crown Court also deals with **appeals** from the Magistrate's Court. A Crown Court is much bigger and more people are involved. The defendant and their lawyer go against the **prosecutor** and present their case to the judge and jury. The jury is made up of 12 members of the British public selected at random and they decide if the defendant is guilty or not guilty. **Witnesses** can be brought forward and **evidence** presented to help the jury make this decision. A **verdict** must be **unanimous** but, occasionally, judges may ask for a majority of 10 out of 12 members in agreement. If found guilty, the judge will decide the punishment.

In all criminal cases, the offender can be found not guilty or guilty. In the UK, a guilty verdict must be beyond all reasonable doubt and offenders are found innocent unless proven guilty. Under criminal law, the intent is to punish the offender, such as a prison sentence or a fine.

The second type of crime in the UK is civil crime. Civil crime is concerned with the rights and property of individuals or organisations. These tend to be settled between people and the punishment is **compensation** (fines) as opposed to prison sentences. Typical civil crime includes injuries, breach of contract or divorce. The lowest civil crime courts are the County Court and Family Court.

County Court

Different County Court centres have the ability to deal with different severity of crime. Cases could be presented to circuit judges, who are qualified judges for a region that sit in both Crown Court and County Court or district judges, who are qualified judges that move around different regions. Judges must read all the information for the case prior to the **hearing** as there is no jury on the majority of civil cases. The judge can ask defendants and lawyers any questions and evidence and witnesses can be brought forward too. Judges then decide if the defendant is guilty or not guilty and decides the fine or **damages** applicable to the case.

Family Court

Family Court, as the name states, deals with family-related cases, such as divorce, adoption, child custody and surrogacy. Family courts tend to be closed, meaning only those directly involved in the case can attend. A family judge oversees the hearing and decides the outcome of the case.

Magistrate's Court, Crown Court, County Court and Family Court are the “everyday” levels of the court system. However, some cases appeal at this level and some cases are extremely complex and require the High Court instead.

High Court

The High Court has three divisions;

- 1) The Queen's Bench Division → This deals with contract and tort, judicial review and libel. There are individual specialised courts in this division too, including the Commercial Court, the Admiralty Court, the Administrative Court, the Technology and Construction Court, the Mercantile Court and the Planning Court. There are around 70 High Court Judges in this division.
- 2) The Family Division → This deals with family law and cases brought up from Family Court. There are around 20 judges in this division.
- 3) The Chancery Division → This deals with company law, taxation, land law, equity and trusts, probate and bankruptcy. It has specialist courts for these areas too, including the Bankruptcy and Companies Court, Patents Court and Intellectual Property Enterprise Court. There are around 20 judges in this division.

All High Court judges are appointed by the Judicial Appointments Commission. They are often known for their **robes** and **wigs**. In the High Court, cases are presented to a High Court judge, who decides the verdict and punishment.

Court of Appeal

Next on the hierarchy of the UK court system is the Court of Appeal, which deals with appeals from decisions at lower courts. The Court of Appeal is divided into two; Criminal Division, which hears appeals from the Crown Court and Civil Division, which hears appeals from County Court, High Court and other tribunals. This court is based at the Royal Courts of Justice in London. The judges in the Court of Appeal are the Lord Chief Justice (who is the president of the criminal division), Master of the Rolls (who is the president of the civil division), the heads of each High Court division as well as 38 Lord and Lady Justices of Appeal. Additional judges from Court and High Court as well as circuit judges can sit in the divisions.

Supreme Court

The final court in the UK is the Supreme Court, which is on Parliament Square. This will hear appeals from lower courts and tend to have a lot of media and interest surrounding them. There are 12 Justices who are appointed by the Queen upon recommendation of the Prime Minister, following a lengthy selection process. **Rulings** need to have a majority as an odd number of justices will sit on a case.

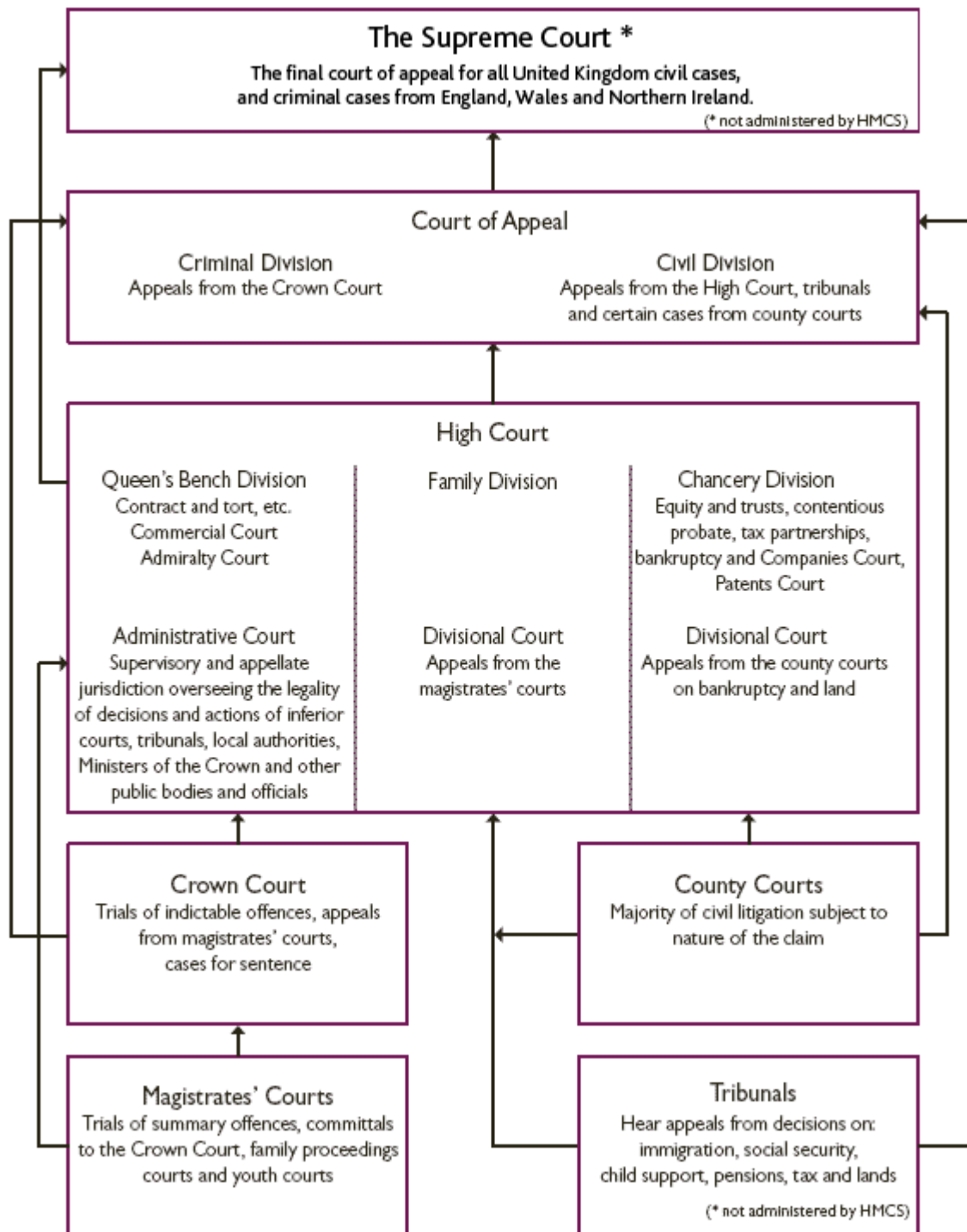


Image: <https://ox.libguides.com/c.php?q=422832&p=2887374>

Resources

- <https://www.slatergordon.co.uk/criminal-defence-solicitors/criminal-vs-civil-law/>
- <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/magistrates-court/>
- <https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/judges/high-court-judges/>