

THE UNITED KINGDOM JUDICIAL SYSTEM

The United Kingdom does not have a single body of law applicable throughout the kingdom. Scotland has its own distinctive system and courts, and in Northern Ireland certain spheres of law differ in substance from those operating in England and Wales.

The main civil courts in **England** and **Wales** are:

- Magistrates' Courts
- County Courts for small cases and
- the High Court, which is divided into
 - the Chancery Division,
 - the Family Division, and
 - the Queen's Bench Division (including the maritime and commercial courts), for the more important cases.

Appeals from the **County Courts** may also be heard in the *High Court*, though the more important ones come before the *Court of Appeal*.

Appeals from the **Court of Appeal** are lodged with the *House of Lords*, which is the ultimate court of appeal for civil cases throughout the United Kingdom.

In **Scotland**, *civil cases* are heard at the sheriff courts (corresponding roughly to the English county courts) and in the Outer House of the Court of Session, which is the supreme civil court in Scotland; appeals are heard by the Inner House of the Court of Session. Minor *criminal cases* are tried without jury in the sheriff courts and district courts, and more serious cases with a jury in the sheriff courts. The supreme criminal court is the High Court of Justiciary, where cases are heard by a judge sitting with a jury. This is also the ultimate appeals court.

(a) THE HOUSE OF LORDS

The House of Lords is the final Court of Appeal in both criminal and civil matters for England, Wales and Northern Ireland. For Scotland it is the final Court of Appeal only for civil matters. The House of Lords and the Privy Council are the only Courts of the United Kingdom with jurisdiction over all parts of the countries forming the Union.

A petition may only be presented with the permission of the Court below or with the permission of a Committee of the House of Lords. Permission is only granted if the case involves a point of law of public importance. The House of Lords may depart from precedents laid down in its own previous judgments if it considers that the interests of justice require it to do so.

(b) THE SUPREME COURT

The Supreme Court embraces the *Court of Appeal* and the *High Court* which has both appellate and first instance jurisdiction. The High Court has inherent jurisdiction to control the activities of inferior courts and of the executive. This inherent jurisdiction can be abrogated by statute. By statute appeals from the Crown Court arising from trials on indictment go to the Court of Appeal. Appeals on other matters go to a Divisional Court of the High Court.

(i) The Court of Appeal

The Court of Appeal hears appeals in both criminal and civil cases. It sits in two divisions, the Civil Division and the Criminal Division.

The **Court of Appeal (Civil Division)** hears

- appeals from the *High Court*
- appeals from the *County Courts* and
- appeals from a number of *tribunals* and *other bodies*.

When hearing appeals, it has the jurisdiction and powers of the court or tribunal from which the appeal is

brought. In most civil cases before an appeal may be brought it is necessary to obtain permission to appeal either from the lower court or from the Court of Appeal itself. The exceptions are in family matters and in cases where the liberty of the subject is involved.

The **Court of Appeal (Criminal Division)** hears:

- appeals from *the Crown Court* arising from trials on indictment
- cases referred to it by the *Criminal Cases Review Commission*
- appeals from *Divisional Courts* in criminal cases.

The Court can affirm the sentence of the Court, quash the conviction, or quash a conviction and order a new trial.

(ii) The High Court

The High Court sitting as a *Divisional Court* exercises the supervisory jurisdiction of the High Court over inferior courts (such as coroner's courts and magistrates' courts) and of the executive by the process known as "judicial review". The Divisional Court will consider the issues of law as applied to the facts found by the magistrates.

There is only one High Court for the whole of England and Wales.

The High Court is divided into three Divisions:

- the Family Division,
- the Chancery Division and
- the Queen's Bench Division.

Within each Division there are a number of specialist Courts and Lists. For example:

Chancery Division: the Bankruptcy Court, the Companies Court and the Patents Court;

Queen's Bench Division: Admiralty Court, the Commercial Court, the Administrative Court and the Technology and Construction Court.

Most **criminal matters** come before a Divisional Court of the **Queen's Bench Division**, but civil cases from magistrates involving family and child custody matters go to a Divisional Court of the Family Division.

The **Family Division** deals with matters relating to personal status, marriage and its dissolution.

The **Chancery Division** includes litigation concerning bankruptcy, the dissolution of partnerships, intellectual property, etc.

The Crown Court

The Crown Court is the Court where serious criminal cases (eg. murder, manslaughter, rape and other serious crimes) are tried by a Judge and Jury. There is only one Crown Court, but it sits in about 90 locations around England and Wales of which the most famous is the Central Criminal Court (or "Old Bailey").

An accused person appears first in the Magistrates' Court which may send him for trial at the Crown

County Courts

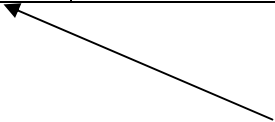
There are about 400 County Courts throughout England and Wales divided into Regional Circuits. Some matters, such as many housing or consumer credit matters can only be commenced in the County Court. In other matters, the County Courts have concurrent jurisdiction with the High Court.

Some County Courts have "Mercantile Lists" for resolution of smaller value commercial claims. A number of County Courts are

[From Magistrates' Court below]

<p>Court. Some of the most serious cases may only be tried in the Crown Court. Others may be tried either in the Crown Court or in the Magistrates' Court, but in the case of the latter cases, the Magistrates may commit the Defendant for sentence by the Crown Court. The Crown Court hears appeals from Magistrates' Courts by way of rehearing.</p> <p>Appeals against conviction or sentence on indictment in the Crown Court go to the Court of Appeal. Where there has been a Crown Court rehearing of a case which was appealed from a Magistrates' Court, the procedure by way of case stated to a Divisional Court on a point of law remains available.</p>	<p>specially designated to have admiralty, bankruptcy or family jurisdiction. Very small claims in the County Court will be determined by a District Judge. Other matters will be determined by a Circuit Judge.</p>
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[To High Court above]



<p>(c) Magistrates' Courts</p> <p>The civil jurisdiction of Magistrates' Courts is concerned with matters such as licensing of pubs, restaurants and shops, and family matters such as maintenance orders for children. Appeals go to a Divisional Court.</p> <p>With a very few exceptions all criminal prosecutions commence in the Magistrates' Court. Magistrates have limited powers of sentencing. If either prosecutor or defendant is aggrieved by the decision of a magistrates' court on a question of law, the court can be asked to "state a case" for the opinion of the <i>High Court</i>. A defendant aggrieved by a conviction may also ask for the case to be reheard in the <i>Crown Court</i>.</p>
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Specialist Tribunals

Many civil matters are dealt with by specialist tribunals. For example, there are *Employment Tribunals* which deal with labour disputes, unfair dismissals and discrimination cases in the workplace. *Social Security tribunals* hear cases involving the award of pensions and other state benefits. There are numerous other specialist tribunals.

(a) Chancery Division of the High Court
<i>The Bankruptcy Court</i>
The Bankruptcy Court has jurisdiction over individual insolvency matters - but it should be noted that in England and Wales, corporate insolvencies are dealt with in the Companies Court.
<i>The Patents Court</i>
The matters assigned to the Patents Court are essentially all those concerned with patents or registered designs. There are assigned specialist Judges.
<i>The Companies Court</i>
<i>The Administrative Court</i>
The Judges of this Court hear cases under which a citizen wishes to challenge the legality of action or inaction by a Minister, Government Department or other public authority by the procedure known as " <i>Judicial Review</i> ". The Court also handles various appeals from inferior courts and tribunals.

(b) Queen's Bench Division of the High Court

<i>The Admiralty Court</i>

Admiralty cases are principally concerned with collisions at sea and cases of damage to cargo on seagoing voyages. A particular characteristic of the Admiralty jurisdiction is that cases may be commenced against a vessel ("in rem") by arresting the vessel.
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<i>The Commercial Court</i>

Commercial claims include any case arising out of trade and commerce in general, including any case relating to a business document or contract, the export or import of goods, the carriage of goods by land, sea, air or pipeline, insurance and re-insurance, banking and financial services, The Court has its own registry (which it shares with the Admiralty Court) and all interlocutory hearings are before judges of the court instead of before the deputy judges known as masters or registrars found elsewhere in the court system.

<i>The Technology and Construction Court</i>

The Technology and Construction Court, formerly known as the Official Referees' Court, exists to deal with those cases where examination of much detail is required, eg. construction disputes involving multiple parties, architects, engineers, contractors and sub-contractors.
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The Privy Council

The international jurisdiction of the Privy Council of the time when it acted as the final court of appeal throughout the British Empire, in each case applying the law of the jurisdiction from which the appeal came, remains for some Commonwealth Countries, the Channel Islands, the Isle of Man and the British Overseas Territories.

The Privy Council also has some domestic jurisdictions, principally concerned with final appeals in matters relation to professional discipline for medical practitioners, dentists, opticians, veterinary surgeons, osteopaths, chiropractors and professions supplementary to medicine.

A new jurisdiction for the Privy Council is related to devolution issues (questions relating to the competences and functions of the legislative and executive authorities established in Scotland and Northern Ireland, the competence and functions of the Assembly established in Wales).
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Cases from UK Courts and other materials may be retrieved from the British and Irish Legal Information Institute (BAILII) website <http://www.bailii.org/databases.html>

[Judicial Work and Judgments of the House of Lords](#) - Part of the UK Parliamentary Website - has information on the historical background and the Standing Orders and Practice Directions which regulate appeals as well as Judgments.

[Privy Council Office Web Site](#) - information on the membership, jurisdiction and work of the Privy Council and recent Opinions.

[Her Majesty's Inspectorate of Court Administration \(HMICA\)](#) has a duty to inspect the systems that support the Crown, county and magistrates' courts in England and Wales and may, by invitation, inspect the courts in Northern Ireland and also works with other criminal justice inspectorates.

Details of the Circuits and the Court addresses are on the [County Court Circuits](#) page of the Court Service web site.