

The role of the supreme court law constitutional administrative essay

[Law](#)



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COMMON LAW AND REASONING INSTITUTIONS

RESEARCH ESSAY

Topic:- " The real issue as far as judicial appointment are concerned is not so much what social class, ethnicity and gender judges are, but that the system of accountable and transparent. " Student Registration Number: - "

120456277" Respectively to the question the judges are foremost important character in the state. In a constitution there are three main important institutions which carried out the main utmost tasks of the state. There are namely the executive, the legislature and the judiciary. Legislature develop the law that is necessary for the constitution to carried out the task and the executive use the powers that gave by the legislature to govern the country while the judiciary interpreting statutes and applying the case law. Judges are normally appointed by a special separate procedure that comes under the statute. Mainly most countries appointed their judges under the Judicial Appointments Commission. They elected for a certain period to uphold the position. During that time period they have to Dispute Settlements, Case Management, Training the Judges, Judicial Review, Applying the case law and Interpreting statutes, and Extra judicial activities such as, Delivering lectures and public speeches, Receiving and giving judicial training, Writing Journal articles, giving evidence or hearing government inquiries, dealing with the media, advising on the using information technology in the courts, consulting with court user's groups, etc.....United Kingdom mainly merged from four countries, England, Wales, Scotland, and Northern Ireland. England and Wales are the popular countries we have to consider and next Scotland and

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Northern Ireland. In England and Wales Judicial appointment process has changed time to time by different procedures that are introduced by the statute.' The seat of judgment is like the throne of God. Let the unwise and unlearned not presume to ascend it, lest he should confound darkness with light and light with darkness, lest with a sword in the hand, as it were, of a madman he should slay the innocent and set free the guilty, and lest he should tumble down from on high, as from the throne of God, in attempting to fly before he has acquired wings... Even when a man is obliged to decide cases and to be a judge, still let him beware of the dangers to himself, lest by judging perversely and against the laws, through entreaties or for a price, he should purchase for himself the measureless sorrows of eternal damnation for the momentary enjoyment of a paltry gain. Let him take thought lest in the day of the wrath of the Lord he should incur the vengeance of Him who has said, Revenge is mine: I will repay. On that day, the kings and princes of the earth shall behold the Son of Man, and shall weep and wail in fear of His punishments, and gold and silver will not avail to set them at liberty.'[1]' In Gearey' s words, Bracton wrote before notions of human sovereignty, or the rise of the legal positivist philosophy which defied law as something totally and wholly posited by man; instead he held broad and encompassing notions of humanity's place in the cosmos and considered virtue and prudence to be guides to decision making: " The King himself, however, ought not to be under man but under God, and under the law, for the law makes the King. Therefore, let the King render back to the Law what the Law gives to him, namely dominion and power; for there is no King where will, and not Law, wields dominion."[2]' The role and function of the

judiciary in England and Wales has changed considerably in recent years. Most importantly, the role of the Supreme Court and the Court of Appeal in interpreting and applying human rights law and scrutinizing official decision-making has drawn it into more politically sensitive areas.’[3]In England and Wales does not have what is called a ‘career judiciary’ as is found in other European countries. Judges are appointed from among successful senior lawyers who are practicing. One result of this is that most judges who are appointed were older in United Kingdom, than in other European countries. In England and Wales before Constitutional Reform Act 2005(hereafter abbreviated as CRA 2005) head of the judiciary was Lord Chancellor. He did a major job in the Executive, the Legislature and as well as the Judiciary. He was the speaker of the House of Lords, member of the cabinet, head of the judiciary and responsible for its independence, discipline and appointments. After the CRA 2005 head of the judiciary is Lord Chief Justice and other senior judges Master of Rolls as head of the Civil division of the Court of Appeal and Head of the Civil Justice, and the president of the Family division as the head of the Family division of High Court and from 2005 Head of the Family Justice, and the Chancellor as the head of the Chancery Division of the High Court. Judiciary comprises Court of Appeal and Law Lords, High Court, Circuit and District judges, Recorders and Justices of the Peace (or Magistrates). In Judiciary of England and Wales, before CRA 2005 judges of the Court of Appeal and above were chosen by the Queen, on the recommendation of the Prime Minister acting on the advice of the Lord Chancellor. For the High Court judges and below were chosen by the Queen

on the advice of the Lord Chancellor, there was no interference of the Prime Minister to appoint judges in the High court and below.