

England and wales legal system law constitutional administrative essay

[Law](#)



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Introduction:

UK and Northern Ireland is divided into four different countries where few laws will be applicable for one or more countries as it is divided into England, Wales, Scotland and Northern Ireland. This report also covers the laws not only for United Kingdom but also the European countries as a whole. We will see a detailed explanation about the type of courts and type of laws applicable for each incident in a real world whether it is a criminal offence or a civil offence. However this might change depending upon the offence after or in the middle of a investigation. European law is the highest law when it comes to European matters of justice.

Review of Legal System

Criminal cases are handled only by crown court after its appealed from magistrates court. However Magistrate court handles both criminal and civil cases depending upon the case. County courts handle only Civil cases and cant be passed to magistrate court. Magistrate court is the first level for criminal cases and While the county courts is the first level for Civil cases. If the person is not satisfied with the decision taken by the county court he can escalate the case to High court which is the next level. Like wise it can be escalated to court of appeal and the last supreme power is Supreme court. In

the year 1999 the house of lords has been dissolved so that the highest power now resides with the supreme court.

3 Overview of UK legal system

The UK legal system is based on common laws with its origin from Roman law and the Anglo-Saxon law. Legislative law has different categories which are popularly known to be as Acts of Parliament followed by its own priority in rank. " Statutory law consists of primary legislation and its subordinate legislation which mostly has statutory instruments (also known as regulations, secondary or delegated legislation) made by Parliament"(loc. gov 2012) .

England and Wales Legal System

The England legal system designed independently from the system of other parts connected with United Kingdom such as Scotland. Each country has its own legal profession and procedures. Since 1999, Wales has its very own assembly but it doesn't have any legislative powers. The role of lawyers in England and Wales are divided into two Crystal clear and Unique Specialism that is solicitor and barrister.

Different Types Of Court In England:

Magistrates Court: County Court
The Crown Court
The High Court
The Court of Appeal
The Supreme Court
Figure - UK Legal System

Magistrate Court

The first level for the criminal cases is the magistrate court . There is three magistrates and a judge to handle cases in a Magistrate court. Mostly the

criminal case will be held in front of magistrates or the judge. Magistrate court mostly deals with road traffic offences, being drunk & disorderly and minor criminal damage. It also deals with more serious charges like theft, burglary, drugs, handling stolen goods and assault. These are called to be as either way offences which could either be heard in Magistrate court or a crown court. Magistrate court sends certain cases like rape, murder to the crown court. These offences are indictable. When certain cases are sent to the crown court and Magistrate court decides whether to keep the person in custody or to let him out on bail under conditions . Magistrate court requires more information regarding the case before providing a sentence.

The Magistrate court can give punishments including

12 months in total of prison for one or more offence. It can fine up to £5,000. Doing a community work like unpaid work for the community.

Magistrates' court verdict:

If the person is pleads that he is not guilty he can appeal in the crown court. The appeal should be done within 21 days after the sentence . The appeal will be heard by the crown court. If the person wins the appeal , the sentence does not apply. The person will might get the legal costs paid back. He might also get compensation. If the person loses the appeal, the original conviction will stay and he may be able to appeal again.

HM Courts & Tribunals Service

HM courts and Tribunals Service are integrated into one agency for the ministry of justice. It provides support for the administration justice in courts and tribunals." It uniquely operates as a partnership between the Lord

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Chancellor, the Lord Chief Justice and the Senior President of Tribunals as set out in our Framework Document."(justice. gov. uk, 2013). The firm is answerable for the management of the criminal, common and family courts and tribunals in England and Wales and non-regressed tribunals in Scotland and Northern Ireland. It accommodates a honest, powerful and viable equity framework conveyed by an autonomous legal. Refer appendix A for more descriptive information.

County Court

County courts deals the civil cases all over United Kingdom such as, Claims for debt repayment, including enforcing court orders and return of goods bought on credit, Personal Injury Breach of contract concerning goods or property Family issues such as relationship breakdown or adoption Housing disputes, including mortgage and council rent arrears and re-possession.

County courts are also known as small claims court. County court deals with civil cases of an individual or business related cases where they feel their product is misused or infringed. The civil cases includes pub licensing which could also be dealt with the magistrates. Certain county courts deal with bankruptcy and insolvency matters where the values should be no more than £30, 000. About the judges and their sentences refer Appendix A. 1 .

Crown Court

The crown court deals with the serious crimes like robbery, rape and murder. It also hears the appeal for the cases which is from Magistrates court. The appeals from the magistrate court are heard by a judge whereas the cases which are directly driven into crown court are heard by the jury sometimes

also with a judge. The jury has 12 members. The jury are public members and they are considered to be witnesses. Crown court originates from the magistrate court. Crown court can give sentences like Community sentences Prison Sentences See Appendix A1. 1 for descriptive information on community and prison sentences

High Court

High court which is usually also known as High Court of Justice. It was established in the year 1885. The high court sits at the Royal courts of justice. High court hears cases of high importance and value. The proceedings are usually heard by one judge but most cases the proceeding are heard by one or more judges which is assigned to a divisional court. The three main divisions of high court are Chancery Division Queen Benches Division (QBD) Family Division

Queens Bench Division (QBD)

The job of the Queen's Regular Split is usually used with provincial workplaces called District Registries In Liverpool, the job is usually used inside the Central Workplace on the Royal Courts of Justice. It has two roles, when the monarch is male it would be called as King's Bench Division. When the monarch is female it would be called as Queen's Bench Division.

Family Division

The family division handles family issues such as medical treatment, children and divorce. The family division of district judges stays at Holborn, London and first avenue house while the family division of high court judges stays at strand, London and royal court of justice.

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Chancery Division

The chancery division handles different kind of cases such as trusts law, probate law, land law and business law. All kinds of tax appeals are allocated to this chancery division. It has specialist courts to handles company laws. The specialist courts are such as Companies courts and patents courts.

Supreme Court

The Supreme Court is the highest court for all the cases in England and Wales. It also an highest court for devotional matters to appeal. Its an final court to appeal for criminal cases from England And Wales and civil cases from United Kingdom. It enlarges the role of highest court in the United Kingdom.

Northern Ireland Legal System

The Northern Ireland law is also called as Northern Irish law which is based on common law jurisdiction. It consists of constitutional law, common law and statute. The constitutional law of Ireland is the highest law of Republic, all other laws are derives their authority from this constitutional law. The Northern Ireland's common law is little similar to the England and Wales, but there are some variations in procedure and law between north Ireland and England and Wales. The present statute law comprises of act of Parliament of the United Kingdom. In this north Ireland law judges are allocated by the president. These allocated judges can be removed from the office for incapacity or misbehavior. The formation of Irish law reflects different parliament and Irish history.

Different Types Of Courts in Northern Ireland

District Court. Circuit Court. High Court and Supreme Court

District Court

The district court is the one of the type of north Ireland courts. In north Ireland every court has a separate court system depends on the laws and procedure. District court is the lowest court in north Ireland. It handles some civil actions and criminal cases like speeding, drunk and drive and assaults.

Types of District Court

The Children Court Drug Treatment Court

The Children Court

The children court is the part of district court which deals with child parent or young child cases. In Waterford, limerick and cork the children court deals with accuse aligned with children under the age 16.

Drug Treatment Court

Drug treatment court is located in Dublin city. It is the specialist court where they handles drug addict cases. The main aim of this court is provide the control treatment for lawbreakers Who are involved in drugs.

Circuit Court

Circuit court deals with both civil and criminal cases. It runs under the regional basis. The circuit handles family cases like divorce and some liquor licensing case. The civil cases which are handling by circuit court do not exceed € 38, 000. It also deals with criminal cases like murder and rape.

Types of Circuit Court

The Special Criminal Court Central Criminal Court

The Special Criminal Court

The special criminal court always deals with criminal cases like terrorist organizations. Some times the ordinary courts are unable to deal with some criminal cases. In that time the special criminal court takes over the case. It consists of three judges.

Central Criminal Court

The central court deals only serious criminal cases like murder and rape when the circuit court were unable to deal. It was located in Dublin but it has travelled to different locations including Seligo, limerick and castlebar.

High Court

High Court is the highest court it deals with pending cases that was unable to dealt with above courts. High court has all the power to handle all types of criminal cases and civil cases.

Supreme Court

Supreme Court is the highest court in the north Ireland. Which handles appeal from high court and court of Criminal appeal. The criminal convictions appeals in court of criminal appeal. The Supreme court has the rights to provide rulings.

Scotland Legal System

The Scotland legal system has a complex history. The most primitive influences on legal Scotland incorporated Norse law, welsh law and native

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custom. The law in Scotland has been subjected by a extensive range of sources. The feudal system of land tenure was introduced based on basic version of English system. As time passed on, political achievements in Europe led to the structure of an association between France and Scotland next to England. In 14th century legal system in Scotland became the dominant power in France and other European countries. Because of this dominant power the legal system in Scotland was much closer with the continental legal system. The continental legal system is based on the Roman law. In the year 1532 the court of session was recognized, this provided Scotland with supreme court staff by qualified judges.(open. edu , 15june 2011) The changes in social and politics saw the erosion of the power of the church of Rome during the 16th century.

Different Types of Court in Scotland

Civil courtsCriminal courtsSpecial courts and tribunals.

Civil courts

Supreme court of UK. Court of session. Sheriff court.

Criminal Courts

Sheriff Courts. Justice of peace courts. High court of justiciary andDistrict court.

Special Court And Tribunals

Tribunals. Children HearingsCourt of lord Lyon

Civil Courts

Sheriff Court

Sheriff Court deals with a housing problem in the local area. It used to be the house of Lords which is the constituent of the UK parliament. In October 2009, the role of higher courts in the UK was taken over by the UK supreme court. Since, 31st July 2009 House Of Lords is not the highest court. The cases from Scotland used to go to UK supreme court since, house of lords has been stopped. We might also come across Scottish land court and land tribunal for Scotland. These are the courts where we can deal some arguments crafting law and agricultural tenancies.

Court Of Session

The Court of Session is the supreme civil court. It sits in Parliament house in Edinburgh and deals with both Court of appeal and court of first instance. The Court of appeal is known as Inner house and the court of first instance is called as Outer house.

Criminal Courts

Sheriff Court

The sheriff court is also a criminal court in local area. The solemn is the procedure which is followed by Sheriff courts. In summary cases maximum penalty 12 months imprisonment or £ 10, 000 fine but, in solemn cases 5 years imprisonment or limitless fine.

District Courts

District courts are under summary procedure in local area were introduced in 1975. This district court deals with different types of cases like petty theft, minor assaults, drunkenness, offences under civic government and breach of the peace. In district court penalties are low when compare to other courts. Which may be 60 days Imprisonment Or £ 2, 500 Fine.

Justice of the Peace

Justice of the peace deals with Offenses like theft, assault, drunken Misorderly behavior and motor offenses. Here justice of the peace is a lay person hearing the criminal case. Most justice of the peace is not legally qualified but if they are legally qualified they are not supposed to act in any proceedings in the court within their own sherifffdom. The justice of the peace can impose 60 days of imprisonment and a fine no more than £2, 500. Few JP courts in Glasgow are led by a qualified Stipendiary Magistrate. The Stipendiary Magistrate can impose an imprisonment of twelve months and a fine no more than £10, 000.

High court of justiciary

High court of justiciary is the supreme criminal court in Scotland. It is a both court of appeal and court of instances. As a court of appeal, the high court it contains only in Edinburgh. But court of first instance mainly contains in former sheriff court in Lawnmarket, in dedicated premises at the saltmarket in Glasgow. IMPORTANT DATES IN THE LEGAL HISTORY OF SCOTLAND

Special Courts And Tribunals

Tribunals

Govt handles numerous issues with our day-to-day existence, making choices regarding personal people. 'Administrative justice' involves the particular techniques for making such choices, legal issues which handles decision-making, plus the programs (such because the numerous tribunals and also ombudsmen) which help visitors to obstacle these types of choices. Tribunals furthermore sit with Scotland, covering a variety of subjects which includes employment, education, children's hearings, social security and tax. These tribunals sit in several areas all over Scotland, although the majority of cases is usually observed within the major Centres involving population, primarily Edinburgh and also Glasgow.

Children Hearings

The children hearings court is the specialist system which handles most of the criminal cases concerning under 16 in Scotland. Some serious crimes are still handling by the usual crime courts.

Court of The Lord Lyan

The court of Lord Lyan is headed by Lord Lyan. He is king of arms and herald for Scotland. The court of the Lord Lyan is responsible for both civil and criminal cases of armorial bearings. It is a standing court of heraldry and genealogy.

Supreme Court Of UK

Supreme Court of UK is the highest court of appeal in Scotland. It was created by Constitutional reform act 2005. All the civil courts of UK and <https://assignbuster.com/england-and-wales-legal-system-law-constitutional-administrative-essay/>

criminal courts of England and Wales and North Ireland can appeal in Supreme Court of UK. House of Lords was the only appeal lay until the creation of Supreme Court of UK. The judicial functions of House of Lords and devolution jurisdiction had been taken over by Supreme Court of UK on 1st October 2009.

Bibliography