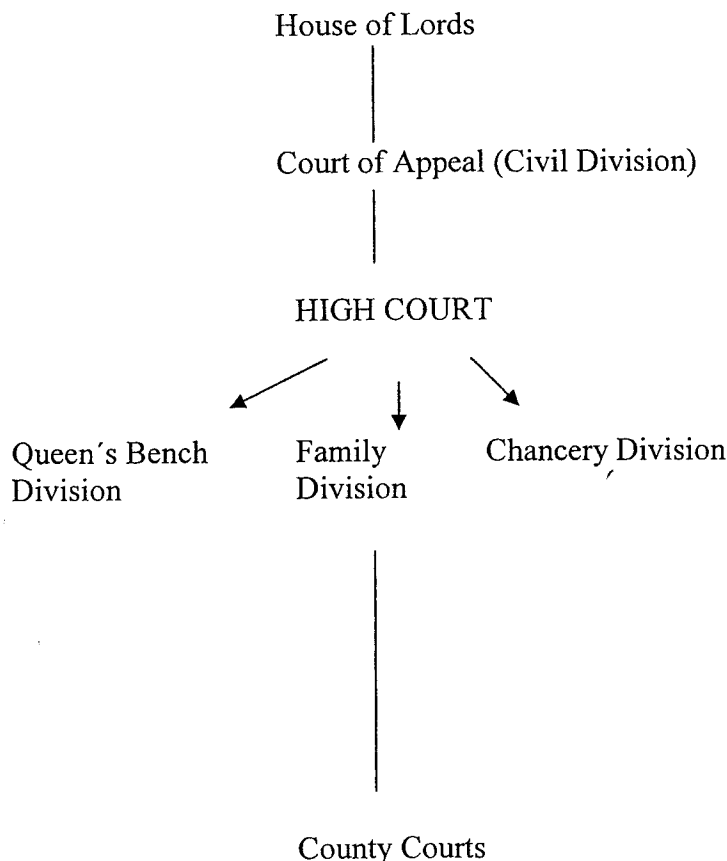


KEY FEATURES OF THE ENGLISH LEGAL SYSTEM

Court Structure, Judiciary and jury

The Courts of England and Wales are responsible for the administration of justice in criminal and civil matters. The courts are constituted by legislation and are subordinated to Parliament. There are superior and inferior courts. Let us look first at the civil courts.

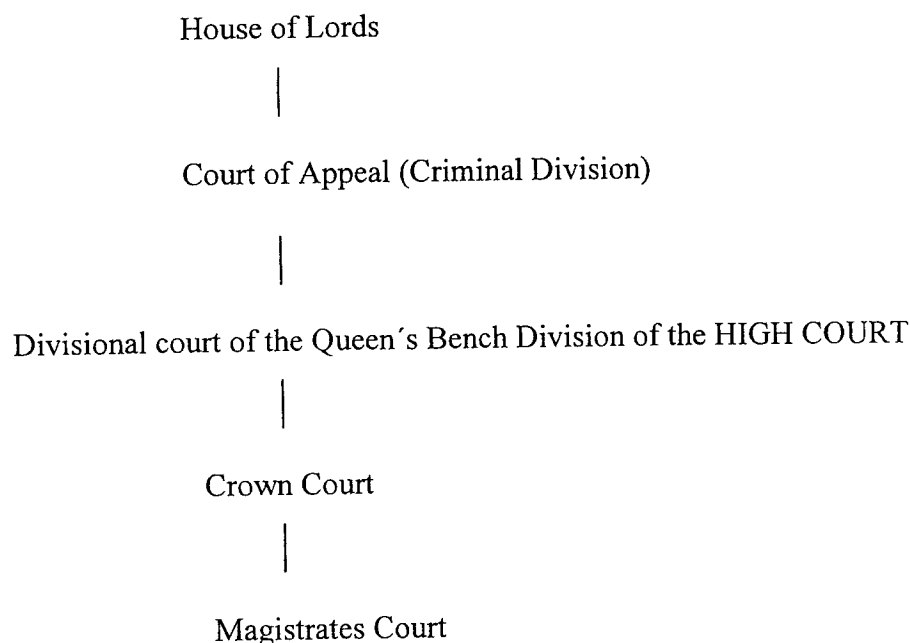


The highest court is the House of Lords. It is the most important of the courts in England and Wales and its decisions are binding on all other courts. The judges are called Law Lords and they hear appeals from both criminal and civil matters from the Court of Appeal. The Court of Appeal consists of two divisions: the criminal and the civil division. The civil division hears appeals from the High Court and the County Court.. The High Court of Justice is divided into three divisions; the chancery division deals with Equity and Trusts, company cases, taxation, Bankruptcy and Patents. The Family division as stated and the Queen's Bench division all other matters, like contract and tort, personal injury, and commercial. It is also an administrative division for public and administrative law (judicial review). Each division exercises the jurisdiction of the High Court, they are not separate courts. The High Court hears appeals from the County Courts which are the Inferior courts on the civil side. Cases may be started in the High Court for higher damages claims or more complicated cases and the County Court is usually for lesser claims of an easier nature. It is presided over by one judge sitting alone and has limited jurisdiction.

Let us now move to the criminal courts. Again at the head and the highest appeal court is the House of Lords, presided by the Law Lords. It hears appeals from the Court of Appeal (criminal division)

and also from the Divisional Court of the Queen's Bench Division. Then the Court of appeal criminal division hears appeals from the Crown Court. The Divisional Court of the Queen's bench hears appeals from the Crown Court and Magistrates Court. The distinction between Magistrates and Crown is also a distinction based on types of crime. The more serious crimes (indictable offences) are heard in the Crown Court where the defendant may have a jury (trial by jury), whereas the minor or

Summary offences are dealt with by the Magistrates. In fact all criminal cases began at the Magistrates Court where they may then be "committed" through a committal hearing to the Crown Court. The Magistrates court has a limited jurisdiction for criminal and some civil cases. It also hears Family Proceedings. The Crown Court may also be a court of appeal for magistrates cases.



In addition to the above mentioned courts, there are also specialised tribunals which consists of a body of people conferred with the power to decide disputes. For example industrial tribunals deal with cases of unfair dismissal from employment.

As a final note on the courts, we must not forget the importance of the European Court of Justice for matters relating to European Law. Any court in the Uk may refer a point of law relating to the European Union to the European Court of Justice (The ECJ). This in turn gives its rulin and then refers the case back to the UK courts.