



Prifysgol Cymru
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BMCX3000: LEGAL SYSTEM

Unit 2: ENGLISH AND WELSH LEGAL SYSTEM

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CONTENT

- Aims and learning objectives
- The English Legal System.
- Activities.
- Summary
- Thank you, any questions?



AIMS AND LEARNING OBJECTIVES

1

Outline the courts structure of England and Wales

2

Differentiate between the remits of each court

3

Summarise the progression of cases through courts



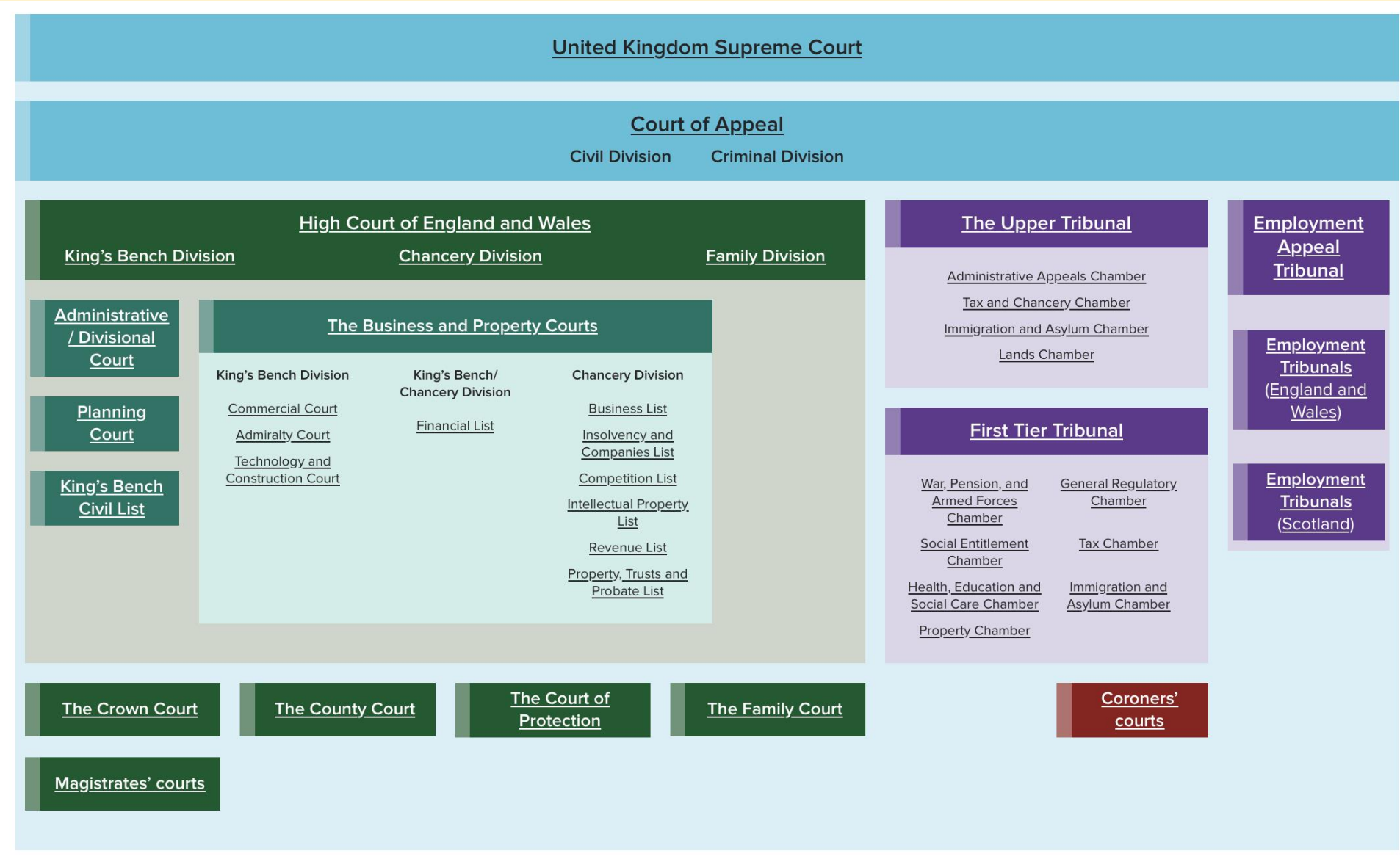
COURTS IN ENGLAND AND WALES

- The Magistrates
- Crown
- High court
- Court of Appeal
- Supreme court
- And More

THE 4 DIFFERENT CRIMINAL COURTS



COURTS IN ENGLAND AND WALES

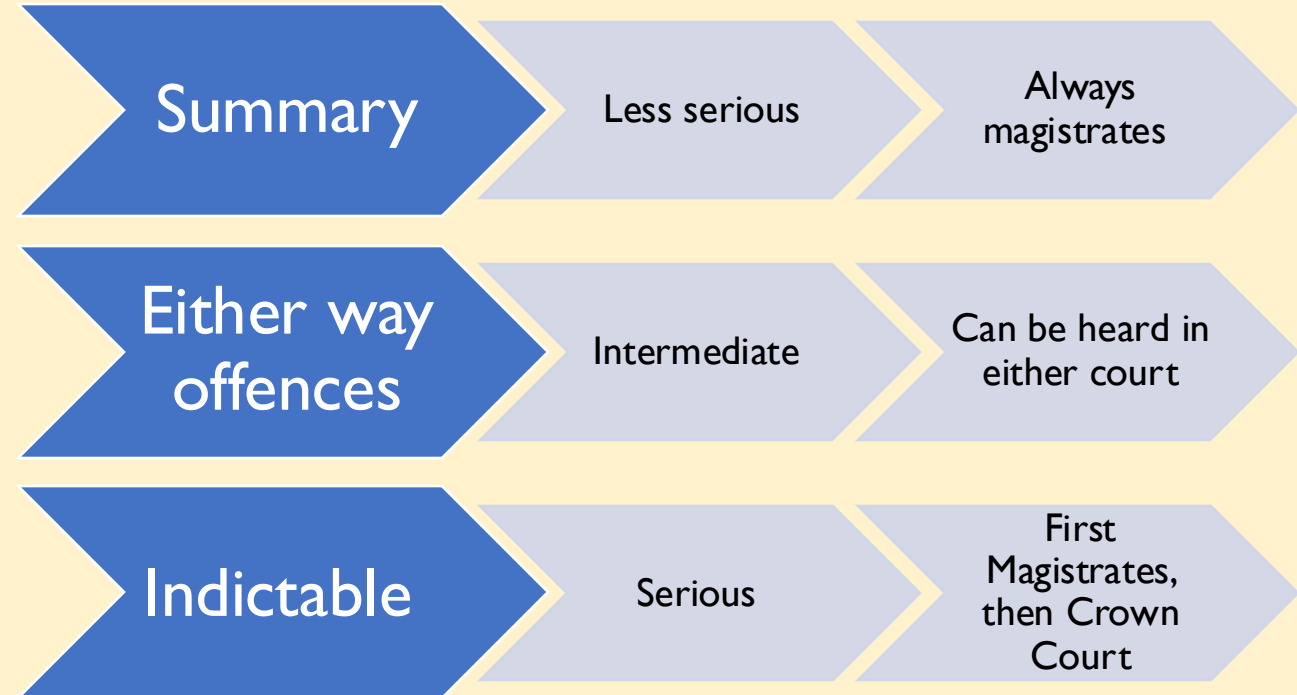


CRIMINAL CASES

- Mostly prosecutions brought by the state
- Police investigate suspected incidents
- Gather evidence
- Charge suspects
- Sent a court summons
- Crown Prosecution Service prosecute case in court on behalf of the state
- Day to day practice in criminal courts governed by Criminal Practice
- Overriding objective: The overriding objective of this procedural code is that criminal cases be dealt with justly. (CPR, r1.1)

CRIMINAL COURTS

- **All** criminal cases start in the **magistrates** and if needed will be passed to the crown court.
- Severity of offence determines whether case:
 - Resolved in Magistrates
 - Sent to Crown Court



MAGISTRATES COURT

- Every case starts here.
- No jury
- Either:
 - Three Magistrates - lay people- advised by a legal advisor, or
 - District Judge
- What do they do?
- Sentencing – 6 months for summary offence/ 12 months for 2 or more either way offences.
- S.58 LASPO- unlimited fines.



ACTIVITY 1: MAGISTRATES COURT

- Watch the video “Coming to a magistrates’ court” at
- Can you list three individuals who will participate in a trial?



YOUTH COURT



- Hears the cases of those who are between 10-17 years old.
- However, if the case is serious, it will be sent to the crown court.
- Placed within the magistrate's court and could be in a youth court room but most likely will be in an adult court room.
- Less formal.
- Sentencing includes elements such as rehabilitation, detention, training order etc.

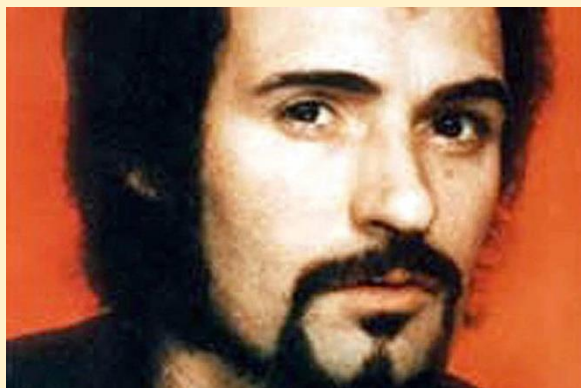
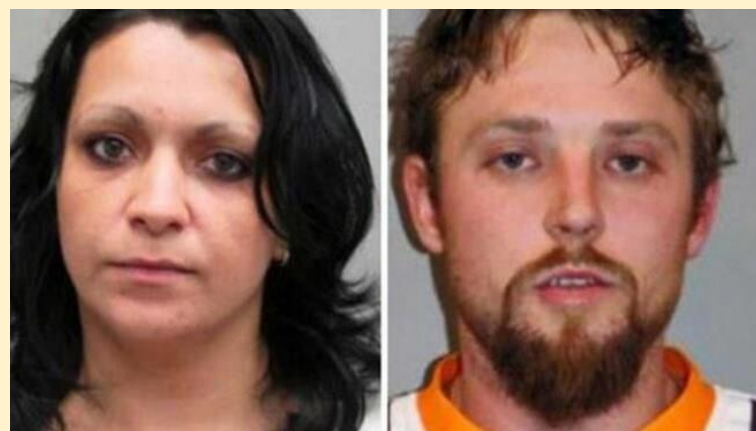
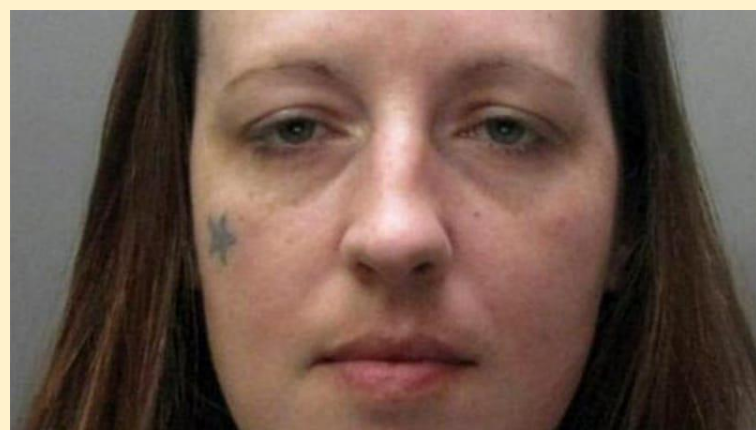
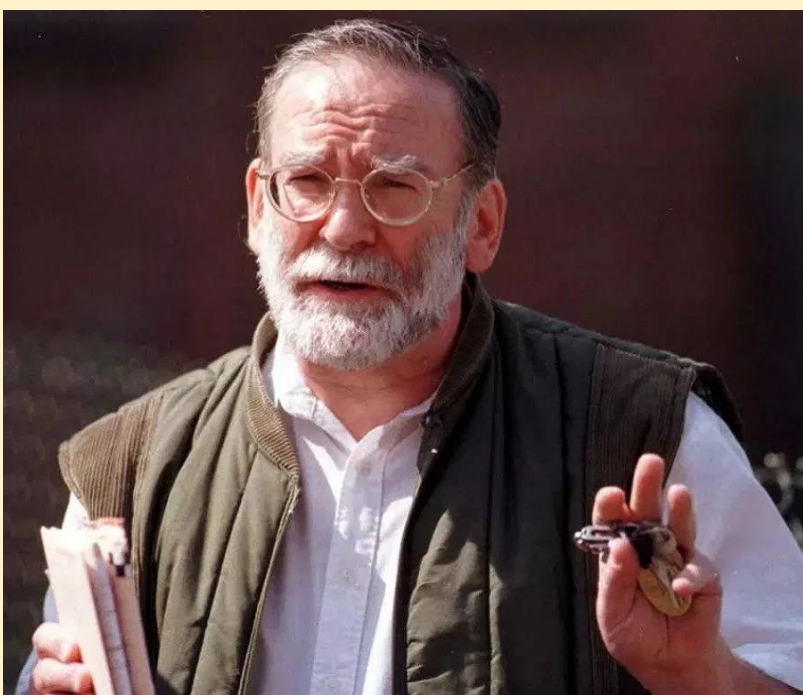
ACTIVITY 2: SENTENCING YOUTHS

- Go to the Sentencing Council website dealing with sentencing of children and young people in the Magistrates' Court at <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/sentencing-children-and-young-people/>
- Can you identify in the Sentencing Principles section any differences in the approach to sentencing of children and young people as opposed to adult offenders? Do these principles seem sensible and fair?

CROWN COURT

- Hears serious and either way offences.
- Includes a jury
- Tier system – serious – high court judges / Less serious- circuit judges and recorders.
- Crimes heard here include Murder, Manslaughter, rape, GBH, ABH, assault and battery.
- If an appeal if needed they will come from the magistrate's court.
- Sentencing







WHOLE LIFE SENTENCE

- Rose west
- Peter Moore
- [Met Police officer Wayne Couzens who murdered Sarah Everard sentenced to life behind bars | ITV News - YouTube](#)

ACTIVITY 3: MAGISTRATES COURT

- Watch the video “Crown Court”
- What differences can you identify from the Magistrates’ Court?



CROWN COURT

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OUT OF COURT

- Some criminal cases disposed of without going to court:
 - Warnings
 - Cautions
 - Conditional cautions
 - Penalty notice
 - Community Resolution



CRIMINAL APPEALS

- **Magistrates**
 - Sentence → Crown court
 - Points of law → Divisional court of High Court.
- **Crown Court**
 - → Court of Appeal

Criminal cases review

- Deal with cases where the individual was wrongly accused.
- Deals with miscarriages of justice.
- Created by the Criminal Appeal Act 1995



ACTIVITY 4: CRIMINAL APPEALS

- Go to the Criminal Cases Review Commission website at <https://ccrc.gov.uk/making-application/can-i-apply/>.
- What is the most important thing to consider if you are a convicted criminal wishing to apply to the CCRC?

CIVIL COURTS

- Must follow the civil procedure rules.
- **Overriding objective:**
 - overriding objective of enabling the court to deal with cases justly and at proportionate cost (rule 1.1)
 - The rules in the CPR are divided up into Parts. Most Parts are accompanied by at least one Practice Direction which will set out the practical steps which must be carried out by the parties to the case to meet the requirements of the rules in that Part.
- What types of cases do civil courts here? Any famous examples?
- Specialist courts have their own rules, e.g. Family Procedure Rules

ACTIVITY 5: CIVIL PROCEDURE

- Go to the Civil Procedure Rules at <http://www.justice.gov.uk/courts/procedure-rules/civil/rules> and find Practice Direction 1A.
- **List two factors which may cause vulnerability in a party or a witness.**

CHOICE OF CIVIL COURT

- Must decide where to start.
- Small claim- less the £1000
- Fast claim- Between £10 - 25,000
- Multi claim- Exceeds £25,000
- Once claim started it will be allocated to one of the tracks



CIVIL COURTS

- **County Courts**

- One Judge – either district judge or if complex circuit judge
- Hears a number of cases.
- Damages (limited)

- **High Court**

- Location ; London.
- Royal Court of Justice.
- Three parts.
- Specialist courts

FAMILY COURTS

- Historically family matters dealt with in Magistrates Courts, County Courts (and rarely High Court).
- Family matters consolidated in single court, with its own procedural rules
- Deals with family issues.
- Financial remedies court part of the family law court that deals with finance issues within family cases.



APPEAL COURTS

- **High Court, Court of Appeal and Supreme Court**
- High Court can hear cases at first instance (high value)
- All hear appeals.
- Divisional court hears criminal and civil appeal.
- Family division hears appeals from the family court.
- Court of appeal - 2 divisions - Criminal and Civil.
- Supreme court hears criminal and civil appeals from England, Wales and Northern Ireland.
However, it hears civil appeals from Scotland also.



TRIBUNALS

- Specialist court to resolve issues in certain areas of the law.
 - Eg Employment, Welfare, Land, Immigration
- Tribunal judge and two panel members.
- Different tribunals deal with different topics.
- Tribunals, Courts and Enforcement Act 2007.



ACTIVITY 6: TRIBUNALS

- What are the advantages and disadvantages of tribunals

SETTLING OUT OF COURT

- Going to court – last resort: range of alternatives to dispute resolution
- Negotiation
- Mediation
- Conciliation
- Arbitration
- Online dispute resolution

KNOWLEDGE CHECKER (1)

- Can you identify which courts:
- A) Deal solely with criminal cases?
- B) Deal solely with civil cases?
- C) Deal with both civil and criminal cases?

SUMMARY

- Different courts for different crimes.
- Criminal Courts.
- Civil Courts.
- Tribunals.
- Resolution.

