



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



The
Royal
Courts
of
Justice

BMCX3000: LEGAL SYSTEM

Unit 1: WELCOME TO LEGAL SYSTEMS

MARTIN SAMUEL JONES

martin.jones@uwtsd.ac.uk

CONTENT

- Aims and Learning Objectives.
- Introductions.
- How will these lessons run?
- Content released every week?
- Today's lesson.
- Activities.
- Summary



AIMS AND LEARNING OBJECTIVES

1

Outline the construction of the UK legal system

2

Explain the key sources of law

3

Differentiate between areas of law



INTRODUCTIONS

- **Martin Samuel Jones LLB (Hons)
LLM SFHEA**
- Senior Lecturer
- Teach across law modules
- Programme manager
- Key interests in interaction with law and society, including in medical treatment



HOW WILL THESE SESSIONS RUN?

- 1-4pm on Wednesday
- We will aim to start at 13.10 to allow for room set up and joining
- Teaching will last about 2 hours
- Final hour available for any questions
- Materials on moodle with assigned reading
- Lectures will provide an outline of each topic
- Further activities on moodle and in textbooks
- Lectures are intended to compliment your reading of the topic
- Ask questions – either in the room or online!



Scheme of work:

- 1-4pm on Wednesday
- We will aim to start at 13.10 to allow for room set up and joining
- Teaching will last about 2 hours
- Final hour available for any questions
- Materials on moodle with assigned reading
- Lectures will provide an outline of each topic
- Further activities on moodle and in textbooks
- Lectures are intended to compliment your reading of the topic
- Ask questions – either in the room or online!

WEEK	Date:	Legal System
1	29 January 2025	Portfolio
2	5 February 2025	Introduction (Ch1) – nature and structure
3	12 February 2025	English Legal System (Ch 2)
4	19 February 2025	Personnel (Ch 3)
5	26 February 2025	Regulation of legal professionals and legal service (Ch 4)
6	5 March 2025	Nature of UK Constitution (Ch 5)
	12 March 2025	Break week
7	19 March 2025	Legislative Power (Ch 6)
8	26 March 2025	Executive Power (Ch 7)
9	2 April 2025	Judicial power and case law (Ch 8)
	7/4/25 – 25/4/25	Easter break
10	30 April 2025	Judicial Review (Ch 9)
11	7 May 2025	Protecting civil liberties, human rights and equality (Ch 10)
12	14 May 2025	Exam preparation
13	28 May 2025	Exam preparation
14	4 June 2025	Exam Week

TODAY'S LESSON

- What is law?
- The English and Welsh legal system
- Case law
- Parliament
- European Convention on Human Rights



ACTIVITY 1:WHAT DO YOU ALREADY KNOW?

- You probably already know a lot about the legal system?
- Can you identify one fun (or perhaps not so fun)fact about the legal system?
 - If you need a hint:
 - Who is involved?
 - What is a legal system? What does it do?
 - Which bodies/institutions?
 - Beyond the key institutions who else is involved?
 - How is the law made, enforced/applied, arbitrated?
 - What about the overseas dimension?



WHAT IS LAW?

- How would you define law?
- Set of rules to be followed by society.
- Driving laws, criminal law, civil law.
- Not everything that is followed is law.
- One example is university student code of conduct.

WHERE DOES OUR LAW COME FROM?

- Law comes from Legislation.
- Two types:
 - Primary and Secondary legislation.
- Common law:
 - Developed by courts via precedent



PRIMARY LEGISLATION

- All 4 Legislatures in UK create Primary Legislation
- Those made by UK Parliament also known as an act of Parliament.
- **Some examples include:**
 - The Offences Against the Persons Act 1861.
 - Constitutional Reform Act 2005
 - Law of Property Act 1925
 - Occupiers Liability Act 1984



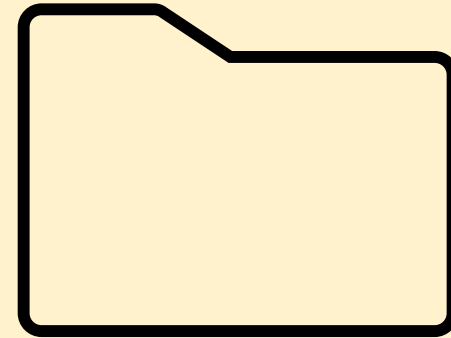
SECONDARY LEGISLATION

- Created by government ministers.
- Also known as subordinate/delegated legislation.



CASE LAW

- Developed by judges
- Develop common law
- Interpret legislation
- Precedent
- Examples: Donoghue v Stevenson
- And Airedale NHS Trust v Bland [1993]





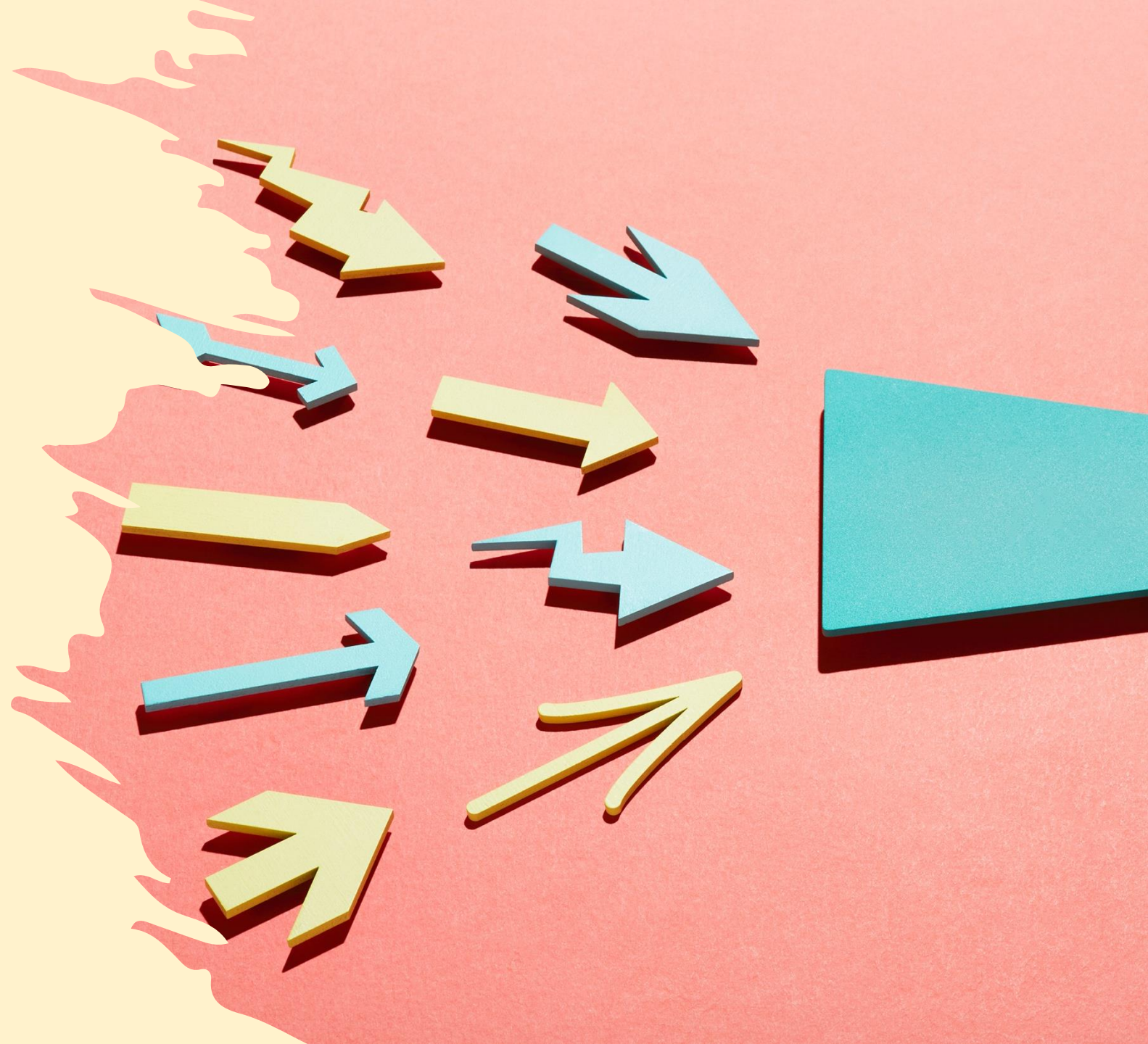
INTERNATIONAL LAW

ACTIVITY 2

- Go to the FAQs page of the Convention on the Rights of Persons with Disabilities at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
- Identify two specific rights under the Convention.

THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- Incorporated into Uk law through the Human Rights 1998.
- Concerns individuals' human rights.



ACTIVITY 3

- Download the Teaching Resources “The European Convention on Human Rights - Rights and freedoms in practice” (2013) at <https://edoc.coe.int/en/educational-tools/5327-teaching-resources-the-european-convention-on-human-rights-rights-and-freedoms-in-practice.html>.
- Review page 2. Can you explain what a “Convention” is?

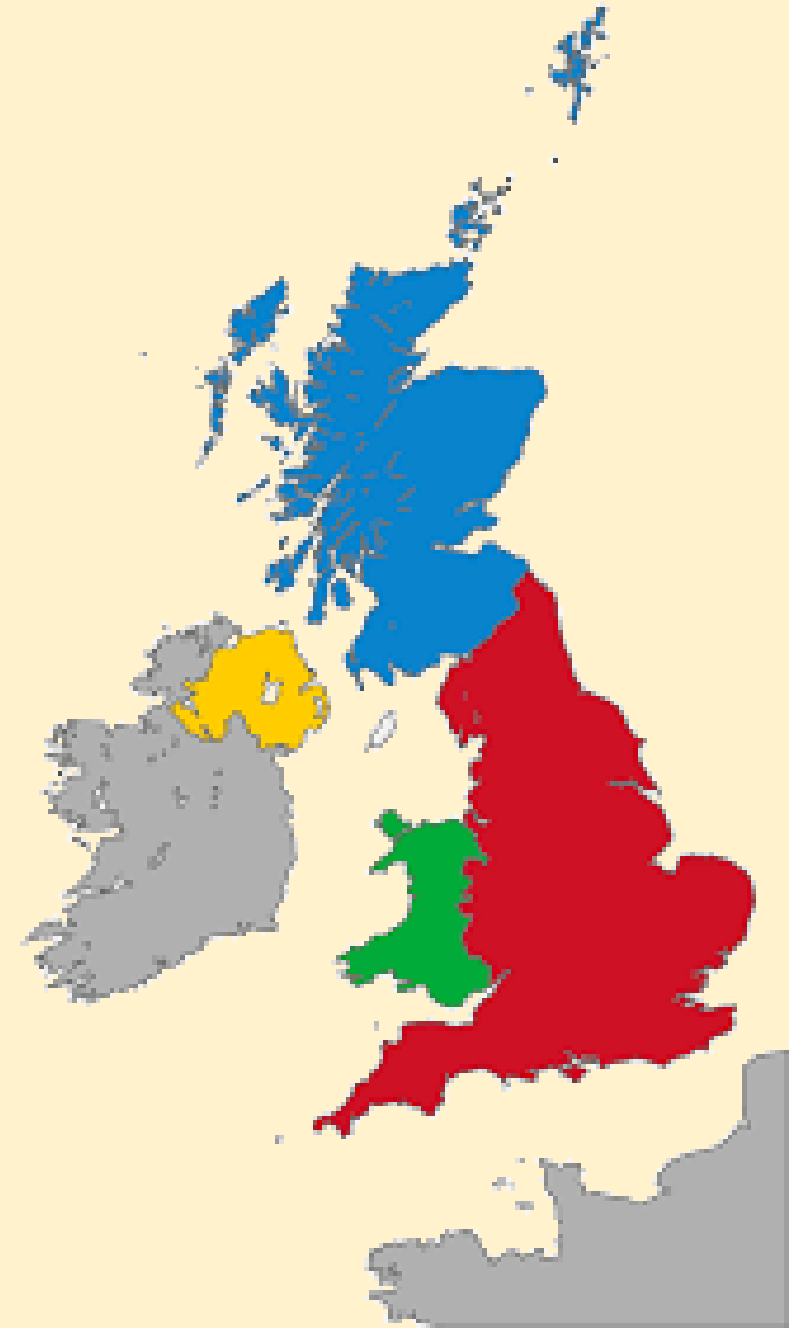
THE EUROPEAN UNION

- Uk joined in 1973.
- EU law was enforced on other countries who are part of the EU.
- The Uk left in 2019.



JURISDICTION

- **Jurisdiction:** area in which legal system applies
- Includes a single court system
- 3 legal jurisdictions in the UK
 - England and Wales
 - Scotland
 - Northern Ireland
- This module refers to E&W
- Wales is not a separate jurisdiction despite having a devolved legislature
- All 3 jurisdictions have own court system
- But all have a combined Supreme Court (final court of appeal)





CLASSIFYING THE LAW

WHAT IS THE DIFFERENCE BETWEEN PRIVATE AND PUBLIC LAW?

- Public law – Between state and person.
- Private law- between two private people.



CRIMINAL LAW V CIVIL LAW

- Criminal – brought by the CPS.
- Burden of proof- on prosecution.
- Standard of proof- beyond reasonable doubt.
- Range of difference sentences.
- Civil- Brought by claimant.
- Burden of proof on claimant.
- Standard of proof- Balance of probabilities.



COMMON LAW AND EQUITY

Common law v civil legal systems

- Different legal systems work in different ways
- E&W system is a **common law legal system**
 - Reliance on case law
 - Adversarial (two parties argue their case before a judge)
 - USA, Canada, Australia, New Zealand
- Other jurisdictions: **civil legal system**
 - Code based
 - Judges applied the code to cases before them
 - Inquisitorial approach
 - More active involvement and direct in evidence gathering
 - France, Germany, Italy, Spain (dominant in West Europe)



**LEGAL
PERSONS**

Knowledge check (1)

- Which of the following statements about the European Convention on Human Rights is true?
 - a) It has its own court, the European Court of Justice.
 - b) The UK is no longer bound by the European Convention on Human Rights after leaving the European Union.
 - c) The European Convention on Human Rights was incorporated into UK law by the Human Rights Act 1998.

Knowledge check (2)

- Which of the following statements about criminal law and civil law are correct?
 - a) Criminal cases are usually prosecuted by the Crown Prosecution Service
 - b) The standard of proof in a civil case is beyond reasonable doubt
 - c) The normal remedy in a civil law case is a fine
 - d) The burden of proof in a criminal case is on the prosecution

SUMMARY

- Content is released to be completed before the lesson.
- Primary and Secondary
- Case law
- International law
- The European Union.
- Common law and equity
- Legal Persons

[illegible]