

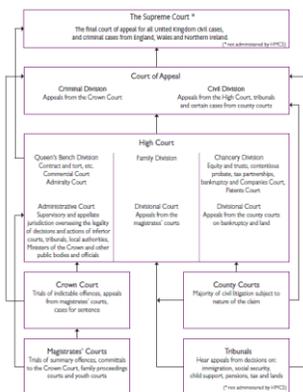


COURTS AND TRIBUNALS



XIV SEMINARIO DE ESTUDIO COMPARADO DE SISTEMAS JUDICIALES EUROPEOS A TRAVÉS DEL LENGUAJE JURÍDICO

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Magistrates' Courts

Magistrates deal with three kinds of cases:

- **Summary offences:** less serious cases, such as motoring offences and minor assaults, where the defendant is not usually entitled to trial by jury.
- **Either-way offences:** these can be dealt with either by the Magistrates or before a judge + jury at the Crown Court. Examples: theft, handling stolen goods. A defendant can insist on their right to trial in the Crown Court. Similarly, Magistrates can decide that a case is sufficiently serious that it should be dealt with in the Crown Court – which can impose tougher sentences if the defendant is found guilty.
- **Preliminary stages of indictable-only offences,** such as murder, manslaughter, rape and robbery. These must be heard at a Crown Court (commit for trial).

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County Courts

- Since 1998, no restrictions on their jurisdiction.
- Majority of civil litigation: debt repayment, personal injury, breach of contract (concerning goods or property), family issues (divorce or adoption), housing disputes (mortgage, etc.).
- Governed by County Courts Act 1984 + Civil Procedure Rules 1998 (CPR).
- District judges.

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Crown Court

- Trials for indictable offences (serious criminal cases: murder, rape, robbery), appeals from magistrates' courts, cases for sentence.
- Except in very limited circumstances, all trials take place with a jury.
- Trials: 1 judge + 12-person (randomly selected citizens) jury.
- Presided over by High Court Judges, Circuit Judges or Recorders.
- Divided into regions, not circuits.

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High Court of Justice

- **Queen's (or King's) Bench Division (72 judges):** contract and tort (civil wrongs), judicial reviews and libel. Also claims for judicial review of administrative decisions or decisions of inferior tribunals.
- **Chancery Division (18 judges):** company law, partnership claims, conveyancing, land law, probate, patent and taxation cases. It handles cases involving large sums of money and nationally important legal financial issues.
- **Family Division (19 judges):** family law and probate cases.

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Court of Appeal of England and Wales

- **CRIMINAL DIVISION:** Lord Chief Justice, Lord Judge. President of the Courts of England and Wales, Head of the Judiciary of England & Wales and President of the Criminal Division of the Court of Appeal (The Right Honourable). (My Lord/Lady).
- **CIVIL DIVISION:** Master of the Rolls (The Right Honourable) Lord Neuberger of Abbotsbury
• (My Lord/Lady).
- **Rest: Lords (Justices) of Appeal.**
- **Three judges sitting as a panel.**



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The Supreme Court

- The Supreme Court is the final court on points of law for the whole of the United Kingdom in civil cases and for England, Wales and Northern Ireland in criminal cases.
- UK body legally separate from the England and Wales Courts since it will also be the Supreme Court of both Scotland and Northern Ireland. As such it falls outside of the remit of the Lord Chief Justice of England and Wales in his role as head of the judiciary of England and Wales.

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Tribunals

- Tribunals Service created in April 2006, executive agency of Ministry of Justice.
- See <http://www.justice.gov.uk/global/forms/hmcts/index.htm>
- The Tribunals, Courts and Enforcement Act 2007 creates a two-tier system: First-tier tribunals and Upper Tribunals.
- Separate Chambers within each Tier.

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