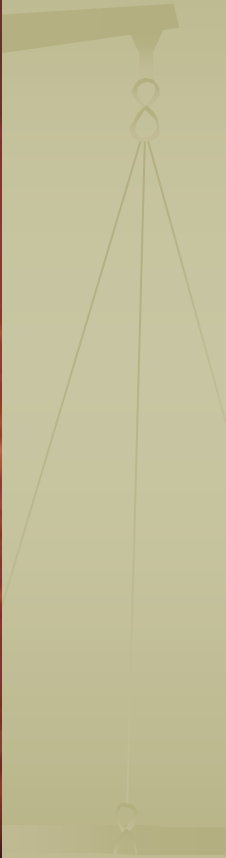


COMMON LAW SYSTEM



Origin and history

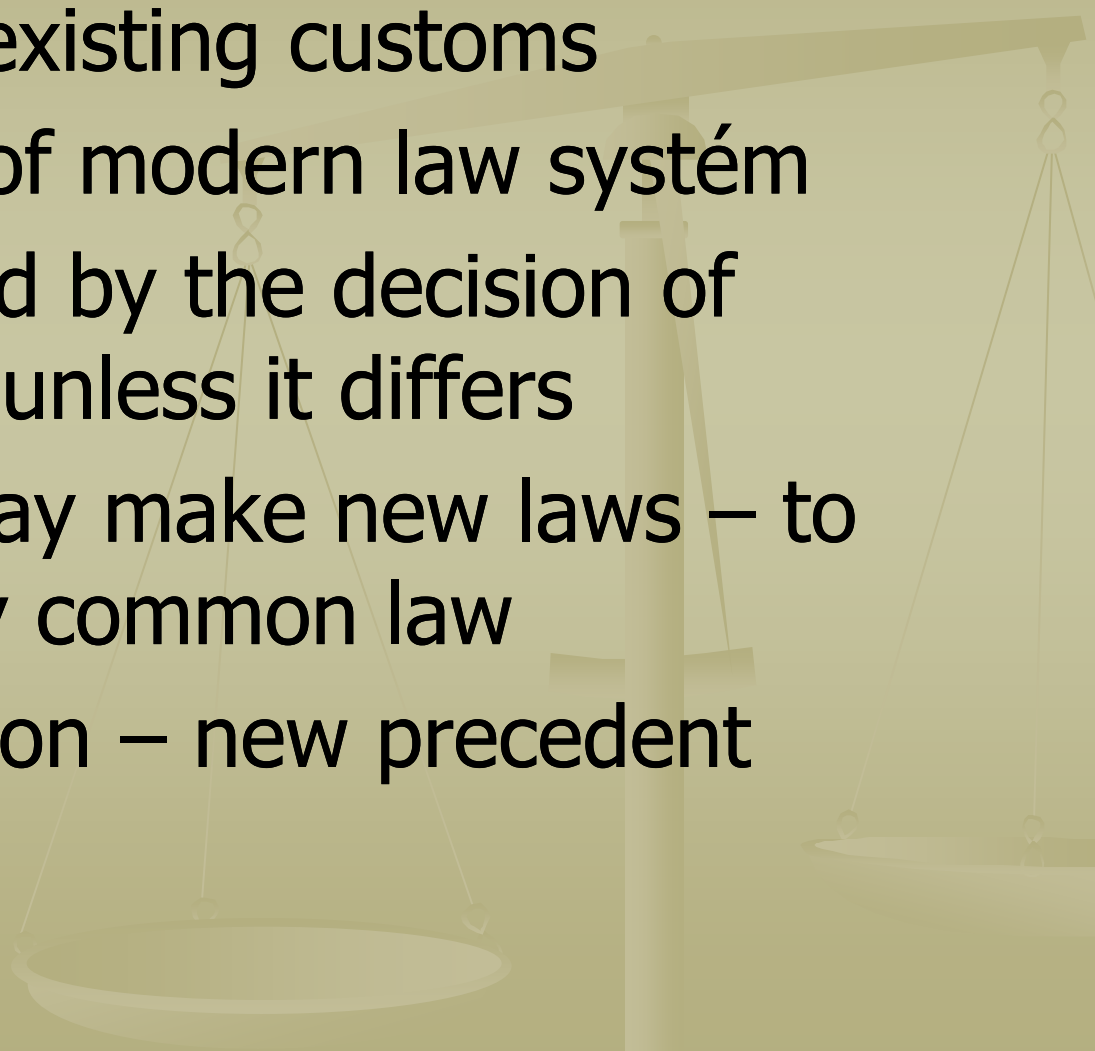


- birth of common law system = long history
- the Norman Kings sent travelling judges around the country
- before 1066 no law was common (law administered by local courts)
- ancient customs are step by step replaced by uniform application of law

William of Normandy



Doctrine of precedent

- judges applied existing customs
 - central feature of modern law system
 - courts are bound by the decision of previous courts unless it differs
 - governments may make new laws – to modify or clarify common law
 - new interpretation – new precedent
- 

Equity



- important subsystem in common law system
- law is to be „equitable“
- equity fills the gap in law, where is no opportunity to apply the common law
- lord chancellor – legal administration
- the courts of common law and of equity existed alongside each other
- nowadays equity and common law works together

Evolution



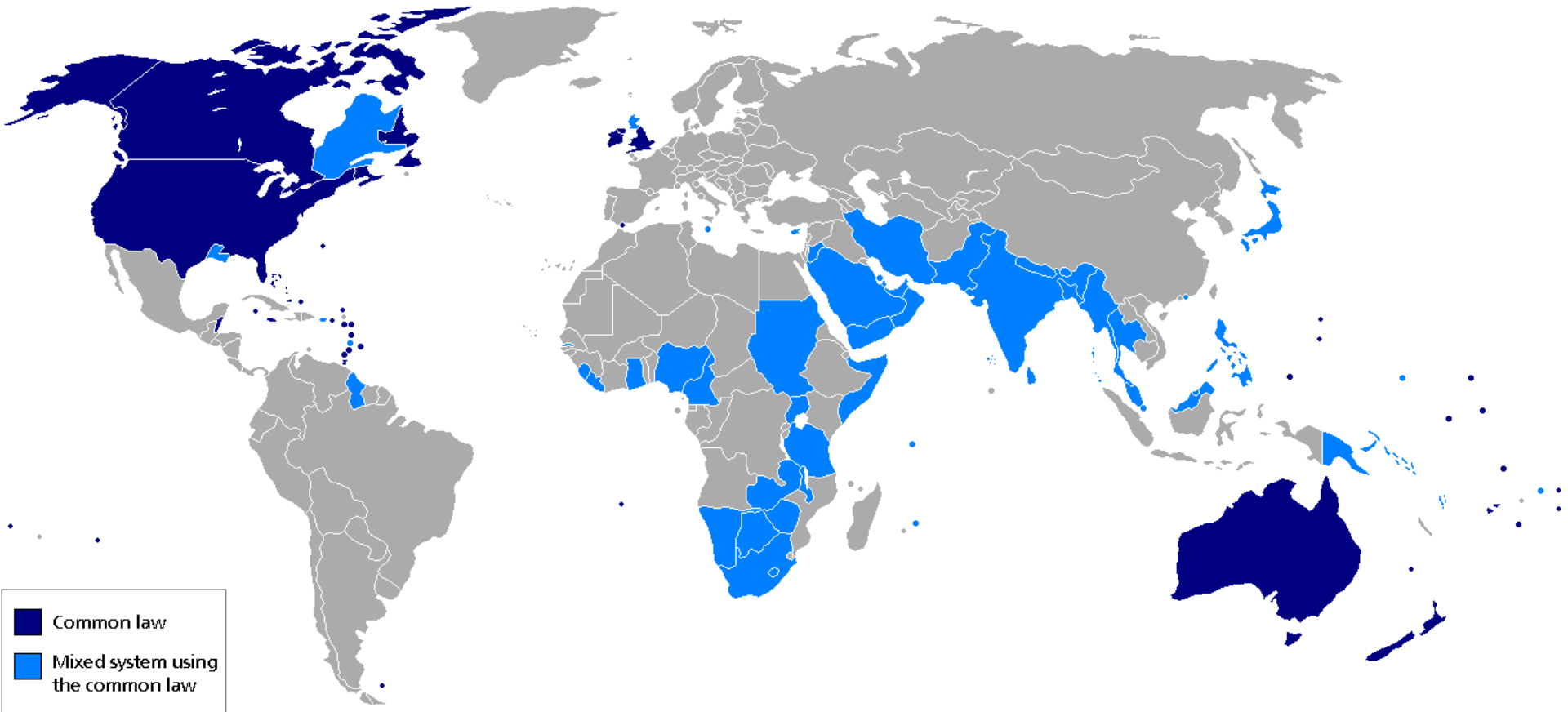
- beginning actions in different courts (2 systems of justice – 1873 – unification, lawyer can follow common law and equitable claims
- legislation has become the most important source of new law
- government contributes to revise and clarify the common law by new legislation

Spread of common law



1. widespread influence of Britain in the world (trade with other countries...)
 2. growth of british former colony – the USA
- judges cannot support their decisions by cases from another country, but it is permissible for a judge to note such evidence in giving an explanation

Common law on the Earth



Summary



- origin in England
- role of judges is very different from the role in our country
- they make as well as apply the law
- accent on other sources of law (precedents, customs...)
- common law system may be more flexible but less resistant to licence of judges



HENRY II ATTEMPTS TO
INVENT THE COMMON LAW

Thank for your patience !!!

