



ENGLISH LEGAL SYSTEM

precedents

ENGLISH LEGAL SYSTEM

- english law - system based on other principles than continental law
 - it's centralised throughout the court structure, which is common to the whole country
- In english legal system judges play important role
 - They are independent of the government – impartial decisions
 - They have important role in
 - developing case law (common law)



COMMON LAW

- Law system in England and Wales (Scotland and Northon Ireland have their own law systems)
- before William of Normandy's invasion in 1066 – law wasn't the same in the whole country. He sent travelling judges – they were picking the best rules and customes and spreading them to the whole country – beginning of common law.
- Sources of common law – precedents and customs
- We can also find common law in other countries – usually former colonies of UK (U.S.A., Australia,...)



PRECEDENTS

- Precedent is decision of court, which is legally binding for inferior courts and the court which made the decision – stare decisis
- Precedent has two parts
 - Ratio decidendi – binding part, reasoning in the judgement
 - Obiter dicta – only persuasive, contains the rest of the judgement
- Judges have to follow earlier precedent.
- If they find out, that none of the earlier precedents are the same as their current case, they can create a new one



PROS/ CONS OF PRECEDENTS

- +
 - Flexibility
 - It's practical
- -
 - Unsystematic
- Example



Faculty of law students started an action against the university according to the precedent from middle-age. The university has to give every student a glass of beer before the examination, so the students could refresh themselves. They won, but the university struck back. They found precedent, that every student has to carry a sword on the area of the university. If not, they have to pay a fine. Then every student had to pay 1 pound to the university.



EQUITY

- Established in 14./15. century
- Reason ? A lot of people were dissatisfied with inflexibility of common law
- Legal system , that exist alongside the common law. In equity the legal disputes are more informal than in common law, it's usually faster .
- right to enforce somebody to fulfill the contract, than just let him simply pay the damages
- Trust - an arrangement in which property is managed by one person or entity for the benefit of another



HIERARCHY OF COURTS

- **Supreme Court of the United Kingdom**
- **Judicial Committee of the Privy Council**
- **The Senior Courts of England and Wales**
 - **Court of Appeal**
 - **High Court**
 - **Crown Court**
- **Subordinate courts**
 - **Magistrates', Family Proceedings and Youth Courts**
 - **County Courts**
 - **Tribunals**
- **Special courts**
 - **Coroners' courts**
 - **Ecclesiastical courts**
 - **Other courts**



ADVOCATES IN UK

- Solicitors – they deal with clients, give legal advices
- Barristers – they go to courts , they are organised in Inns of Court



- Zdroje : New introduction to legal english, Marta Chromá
Powel unit 2
[www.david.kuzela.cz/anglicky-pravni - system](http://www.david.kuzela.cz/anglicky-pravni-system)
www.en.wikipedia.org/wiki/English_law

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