

Substantive and Procedural Law

Criminal and Civil Procedure

Tomáš Vojtíšek, 25. 10. 2010

SUBSTANTIVE LAW

- The part of law which creates, defines, and regulates **rights and duties** of parties
- e.g. contract law, criminal law, tort law, ...

PROCEDURAL LAW

- That which prescribes **the method** of enforcing rights or obtaining redress for their invasion, machinery for carrying on procedural aspects of civil or criminal action
- e.g. Rules of Civil, Criminal, and Appellate procedure

WHAT?

SUBSTANTIVE LAW

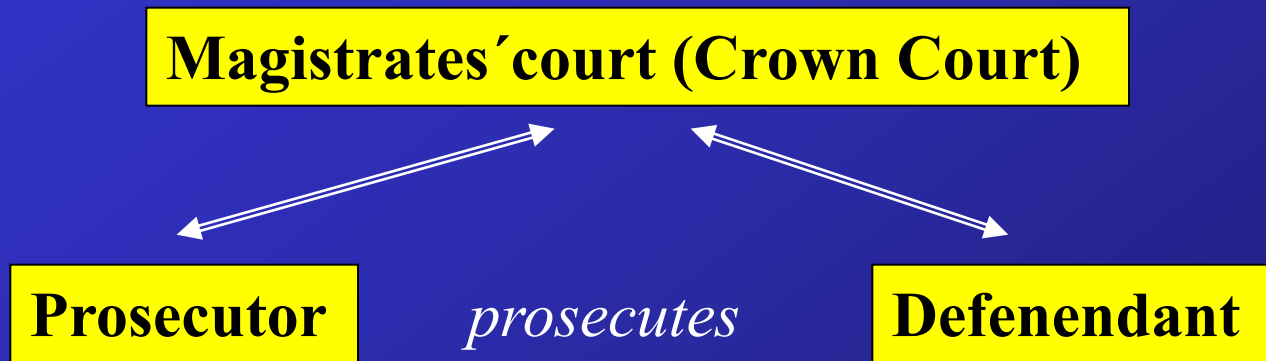
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PROCEDURAL LAW

HOW?



CRIMINAL PROCEDURE (UK)



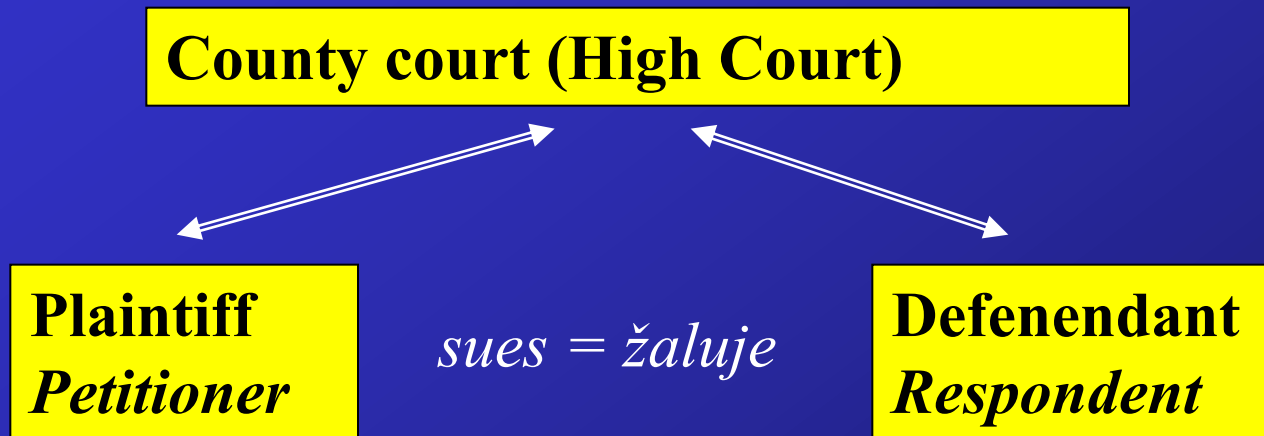
...beyond all reasonable doubt...

GUILTY ➡ CONVICTION ➡ PUNISHMENT

NOT GUILTY ➡ ACQUITTAL



CIVIL PROCEDURE (UK)



...on the balance of probabilities...

ORDER awarding damages
to act
refrain from acting



CITATION – Criminal case

- Reg. v. Whomever [... v:i ...]
- Rex v. Whomever
- R. v. Whomever
- Whomever (textbooks on criminal law)

in court: „*The King or The Queen against Whomever*“

CITATION – Civil case

- Rylands v. Fletcher [... „and“ ...]
- Whomever v. The Queen

„Lawyers write one thing and say another“

Thanks for your attention!



Chromá M.: New Introduction to Legal English, 2009