

Introduction to English Law

Lecture 1: The Legal System

8th December 2008

Dr. Ian Curry-Sumner
UCERF, School of Law, Utrecht University

Teaching Schedule

Monday 8th December

11.10-12.40 Room 136

Introduction and legal history

Monday 8th December

13.30-15.10 Room 025

Constitutional law

Tuesday 9th December

18.15-19.45 Room 025

Criminal law

Wednesday 10th December

16.40-18.10 Room 025

Family Law

Wednesday 10th December

18.15-19.45

Contract Law

Thursday 11th December

09.35-11.00 Room 133

Tort Law



Structure of the lecture

1. Introduction to the Common Law System
2. Introduction to the English Legal System
3. Sources of Law
4. Balance of Powers: Legislature, Judiciary and Executive
5. The Court System
6. Cases

1. Introduction to the Common Law System

Usage of the term "Common law"

Usage

Please note the use of the term common law as opposed to:

- Common law v. Civil law
- Common law v. Equity
- Common law v. Local law
- Common law v. Statute law
- Common law v. Any foreign system of law

2. Introduction to the English Legal System

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Population
60,441,457

Area
242,900 m²

Capital
London



Terminology

Useful dictionary
Law Dictionary, Mozley & Whiteley, 12th Edition, Butterworths, 2001

The country
England
Wales
Scotland
Northern Ireland
Great Britain
United Kingdom
British Isles
Commonwealth

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Basic Underlying Thoughts

- No written constitution
- Legislation seen as incursion into common law
- Academic writings not seen as a source of law
- No codification
- System based on tradition, custom and convention
- System based on pragmatism and reasonableness

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3. Sources of Law

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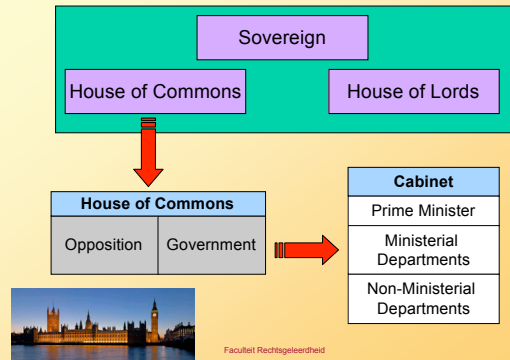
Sources of Law

- 1. Supranational Law**
 1. International treaties: Dualistic system
 2. EC Law
- 2. Legislation**
 1. Statutes: www.statutelaw.gov.uk (updated up to at least 2001)
 2. Statutes: www.opsi.gov.uk/acts (since 1988, not updated)
 3. Statutory instruments: www.opsi.gov.uk/stat (since 1987, not updated)
- 3. Judicial Precedent**
 1. All England Law Reports All ER
 2. Law Reports Ch, QBD, CA, HL
 3. Weekly Law Reports WLR
- 4. Subsidiary Sources**
 1. Custom
 2. Books of authority: Visit university websites (e.g. www.law.cam.ac.uk)

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4. Balance of Powers: Legislature, Executive and Judiciary

The British Parliament

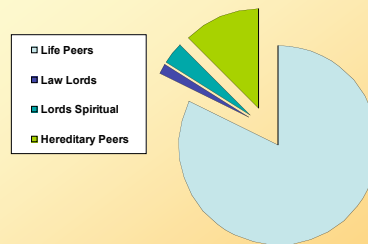


Monarchy

- Queen
 - Sovereign of the UK
 - Distinction:
 - "The Commonwealth"
 - "The Commonwealth Realm"
 - Commonwealth Realm: 16 countries
 - Includes Australia and Canada
 - Often represented by Governor General
 - The Commonwealth: 53 countries
 - Includes Nigeria, India
 - Independent and voluntary organisation



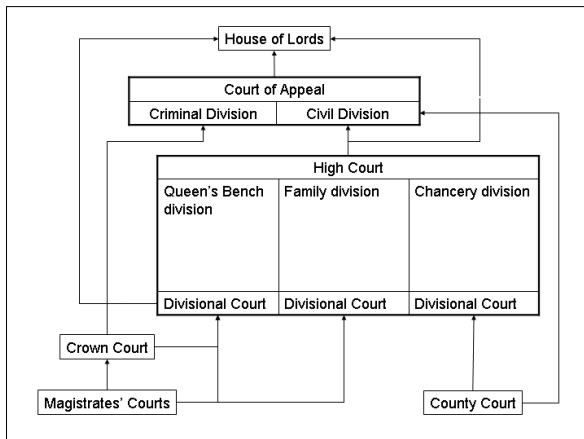
House of Lords: Composition



5. The Court System

The Court System

- Civil and criminal systems
- No public law vs. private law distinction other than in academia
- Major reform due in 2008
- Constitutional Reform Act 2005



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Who binds who? Precedent

House of Lords
Binds all courts below but not itself (since 1966).

Court of Appeal
Bound by House of Lords and itself and binds all lower courts


All lower courts
Bound by higher decisions only. Binds no-one.

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6. Cases

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How to read a case!

Donoghue v. Stephenson [1932] AC 562


Document

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