

## Courts and tribunals – Introduction

England and Wales are, along with Scotland and Northern Ireland, part of the United Kingdom, but Scotland and Northern Ireland have different court systems and, in many cases, different legislation.

All, however, being part of the UK, are required to recognise the jurisdiction of the **European Court of Justice** and incorporate European Legislation into their law.

In England and Wales there is a division between criminal and civil courts.

## Criminal cases

All criminal cases first go to the **Magistrates' Courts**.

Criminal cases are divided into three main categories:

- i) Summary offences - minor offences which are fully tried in the magistrates' court;
- ii) 'Either way' offences - more serious crimes which can either be tried in the magistrates' court or can be committed to the Crown Court;
- iii) Indictable offences - serious offences (e.g. murder) must be tried in the Crown Court. The magistrates' court, however, shall decide if the defendant should be given bail."

From the Crown Court an appeal can be made to the **Criminal Division of the Court of Appeal** and certain issues can be taken to the **Divisional Court of the High Court**.

As of 1st October 2009, the **Supreme Court** became the ultimate appeal court on matters of important legal dispute.

## Civil cases

Not only are civil cases commenced in the county and high courts, the magistrates' courts deal with some civil cases, too; for example, liquor licensing, gaming licensing and some family matters

The High Court is divided into the Family, Chancery and Queen's Bench divisions.

**The Family division** deals with divorce, child welfare and administration of wills.

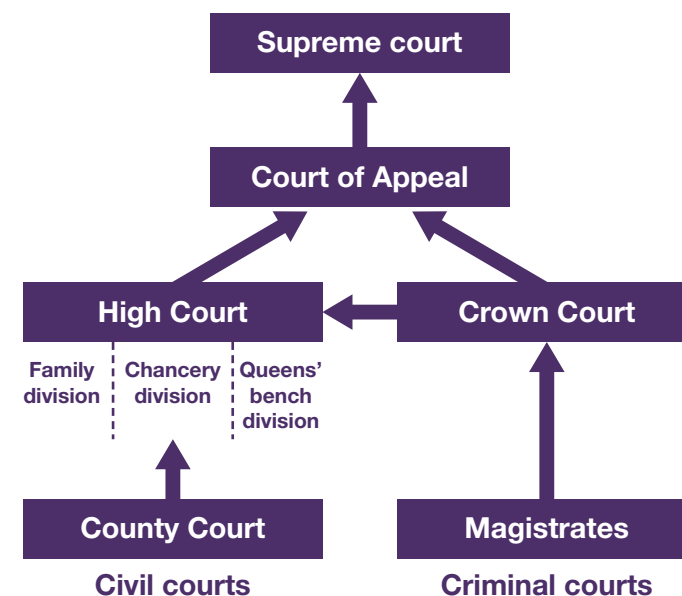
**The Chancery division** deals with such things as bankruptcy, intellectual property, company law and land law.

**The Queen's Bench division** deals with the remaining disputes and has specialist sub-divisions such as the **'Administrative Court'** (which deals with the public and administrative law cases) and the **Commercial Court** (which deals with complicated business disputes).

Appeals, on matters of law only (i.e. they cannot be made on disputes of fact), from the **County Court** can be made to the **High Court** or the **Court of Appeal**, or from the **High Court** to the **Civil Division of the Court of Appeal**. Appeal can also be made directly, in very limited circumstances, from the High Court to the **Supreme Court** on a matter of particular public importance and appeal to the **Supreme Court** can also be made from the **Court of Appeal**.

Proceedings in the civil courts are governed by the **Civil Procedure Rules** that came into operation in 1999 with the aim of modernising the courts, speeding up procedures and reducing the cost of litigation.

## Diagrammatic structure of court system



## Hierarchy of courts

Each judge has to follow decisions of any higher courts.

The Court of Appeal is **normally** bound by its own previous decisions; there are some exceptions when it is not bound (e.g. when the Supreme Court overturns a Court of Appeal decision).

Various tribunals also operate under the court service and deal with specialist matters. These include The Lands Tribunal, Leasehold Valuation Tribunal and Valuation Tribunal (rating matters). They tend to adopt simplified procedures and can be less formal than a court and have different appeal routes.

## Further reference

The court service – [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)  
– for information on the various courts and the lands tribunal.

Civil Procedure Rules 1998 –  
[www.justice.gov.uk/civil/procrules\\_fin/](http://www.justice.gov.uk/civil/procrules_fin/)