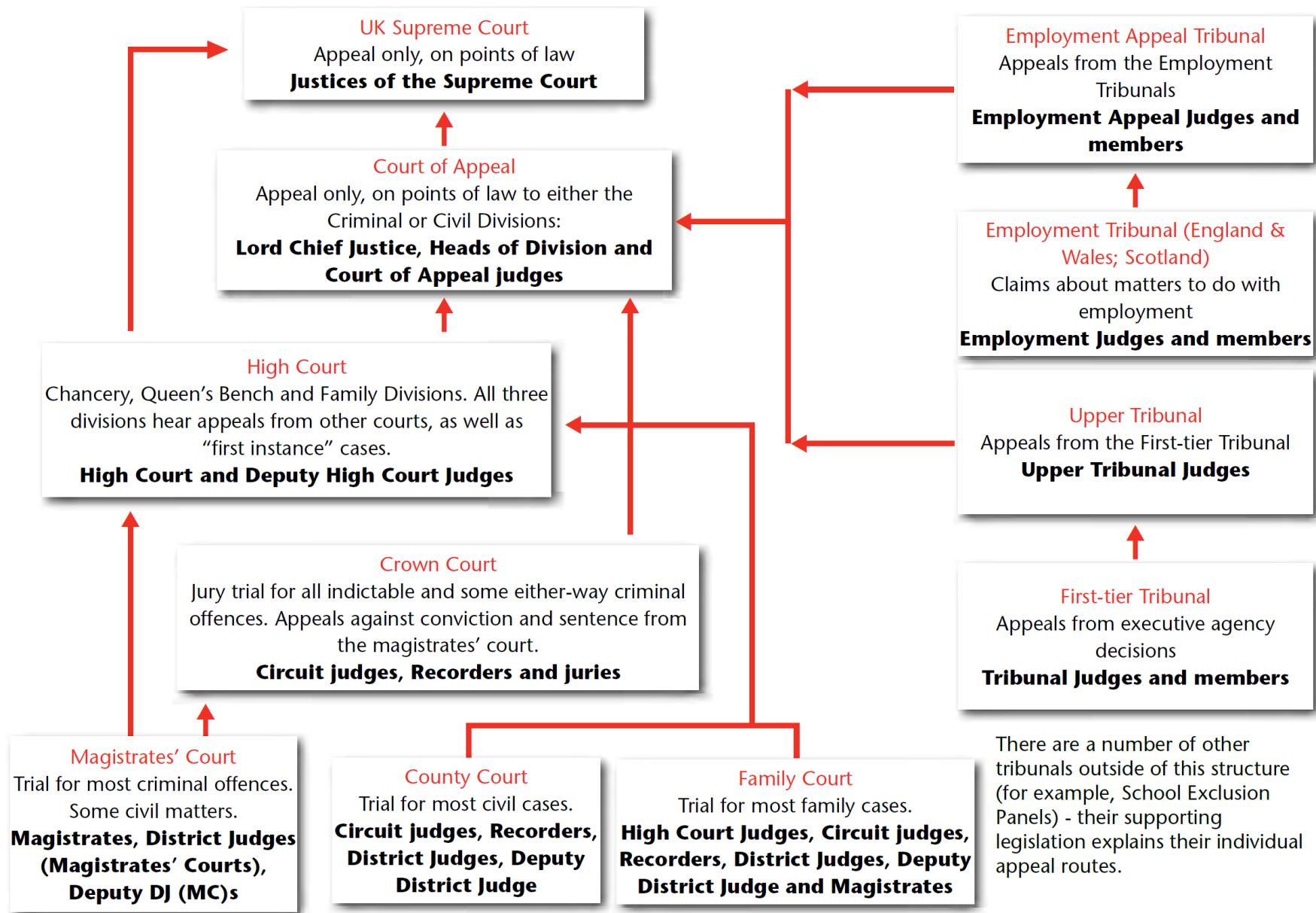


The Structure of the Courts



Overview

This information sheet provides a brief overview of some relevant legal information related to the Royal Courts of Justice, Old Bailey and Inns of Courts which can be useful for lawyers and law students who take an Old Bailey and London Legal Insight Tour. Further information on tours can be found here: <https://old-bailey.com/>

Royal Courts of Justice

At the Royal Courts of Justice you will find the High Court and the Court of Appeal of England and Wales. Both courts are Senior or Superior Courts. They also set precedents and their decisions are not subject to judicial review by the High Court.

What is the High Court of Justice?

The High Court is a Senior Court of England and Wales, based at the Royal Courts of Justice in London. However, there are many judges in towns and cities across England and Wales who sit on High Court cases in those locations. Most High Court cases are heard by a single judge. Appeal from the High Court is normally to the Court of Appeal or in exceptional cases directly to the Supreme Court.

The High Court has three main functions:

1. As a court of first instance it deals with all high value (usually over £25,000) and highly complex and serious civil cases;
2. It hears appeals from civil and criminal courts;
3. It has a supervisory jurisdiction over all subordinate courts and tribunals with the ability to judicially review such decisions.

It has three divisions:

Queen's Bench Division (Royal Courts of Justice)

- Hears cases involving contract and tort law (over £100,000);
- Hears appeals on points of law from Magistrates' Court and Crown Court;
- Judicial reviews cases from inferior courts;
- Within this division there are specialised courts including Administrative Court, Technology and Construction Court and Commercial Court;
- Cases are normally heard by a single High Court judge or a 'master' in London and a circuit or district judge outside of London;
- A jury of 12 members may be used in civil proceedings involving the torts of defamation and wrongful imprisonment;
- Appeals from the High Court are made to the Court of Appeal Civil Division (Civil matters) and Supreme Court (Criminal Matters).

Chancery Division (Rolls Building)

- Hears cases dealing with trusts, business law, probate law and land law matters related to equity;

- Within this division there are various specialist courts; Patents Court, Intellectual Property and Enterprise Court, Companies Court and Bankruptcy Court;
- Cases are heard by one High Court judge or one 'master' in London, and by a chancery judge or circuit judge outside of London;
- Juries are never used.

Family Division (Royal Courts of Justice)

- Hears first instance cases concerning complex and serious family matters which are too complex for the regular Family Court to deal with;
- Hears certain cases on appeal from the Family Court;
- Cases are heard by a one High Court judge in London and a District Judge outside of London;
- Juries are not used.

Court of Appeal

The Court of Appeal is the highest Senior Court of England and Wales. It is based in London at the Royal Courts of Justice. It only deals with appeals from other courts or tribunals. It is divided into a civil and criminal division and which hear civil and criminal cases on appeal in England and Wales respectively.

Court of Appeal Criminal Division

- Hears appeals from for example the Crown Court dealing with convictions, sentencing and on points of law;
- Cases are heard by Lord or Lady Justices of Appeal or in some cases High Court Judges.

Court of Appeal Civil Division

- Hears appeals on points of law from all three divisions of the High Court of Justice and their specialist courts as well as county courts and the Family Court;
- Cases are heard by Lord or Lady Justices of Appeal or in some cases High Court Judges.

What is precedent?

In common law systems precedent refers to a legal decision made by a superior court which may or must be followed by lower courts and courts of the same level in future similar cases. There are different types of precedent: authoritative precedent (which is generally binding and must be followed) or persuasive precedent (which need not be followed). The precedent comes from the part of the judgement called the *ration decidendi*, which means the legal reasoning.

Therefore, the *ratio decidendi* of the Supreme Court are binding upon the Court of Appeal and all lower courts and are normally also followed by the Supreme Court itself. The *ratio decidendi* of the Court of Appeal are binding on all lower courts and in most cases the Court of Appeal itself. *Ratio decidendi* of the High Court are binding on inferior courts, but not on itself. Inferior courts do not create precedent.

What is judicial review?

Judicial review is a type of court proceeding where a judge reviews the lawfulness of a decision or action made by a public body. It is concerned with whether the decision-making process was correct and not about whether the decision itself was right or wrong. If the judge finds that the decision-making process was not followed correctly then it is likely that the public body will have to remake the decision. The public body may reach the same decision as before, but this time they must make sure they follow the correct procedure.

What is a Senior and Inferior Court?

Inferior Courts are supervised by the High Court. This means that if a party in a court case heard in an inferior court believes that the decision was unlawful or unfair, the decision can be judicially reviewed by the High Court. Whereas, decisions of Superior Courts are not subject to judicial review.

Inferior Courts are also limited by the monetary value of cases and geographical location. For example, they hear cases at a specific location dealing with a matter in that specified location.

On the other hand, Superior Courts are part of the same court irrespective of where the case is heard. For example, a Superior Court, the Crown Court is always the Crown Court irrespective of its location. Therefore, if a criminal appeal is heard at the 'Crown Court sitting at Brighton Magistrates' Court' it is considered to be a case heard by one court – the Crown Court. Whereas a first instance criminal case heard at an inferior court for example, Brighton Magistrates' Court, would be a case heard at this specific independent court.

Inferior Courts include: County Courts, Magistrates Courts

Superior Courts include: High Court, Court of Appeal, Crown Court

The Old Bailey/ Central Criminal Court

The Old Bailey or Central Criminal Court refers to the Crown Court when it sits in the City of London. Here the most serious criminal cases are heard. There are other locations around the U.K. where the Crown Court sits.

What is the Crown Court?

The Crown Court is a Senior Court of England and Wales. It deals with:

- Cases involving the more serious criminal offences, called 'indictable offences' such as murder, rape, robbery, which are passed to the Crown Court from the magistrates' courts;
- Cases which are passed to the Crown Court from the magistrates' courts for trial or sentencing;
- Appeals against a magistrates' court conviction or sentence;
- Normally cases are tried by a judge and jury.

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- From here the defendant may appeal his/her conviction or sentencing to the Court of Appeal.

Inns of Court

In the London there are four Inns of Court which are the professional association for barristers in England and Wales. The Inns of Court are responsible for admitting people to the English Bar and providing educational and social support for barristers.

The Inns are located close to the Royal Courts of Justice and here there are various buildings and facilities for barristers such as libraries, dining halls and barristers' chambers. Chambers refer to barristers' offices.

What is the difference between a barrister and a solicitor?

A barrister and solicitor are both lawyers. They can both practise law, which means that they can both advise and represent clients on legal matters. The main differences between them are:

- They take different training routes to qualify;
- Barristers wear wigs and a gown in court whereas solicitors do not;
- Most barristers are self-employed whereas most solicitors work for a law firm or inhouse;
- Barristers are specialised in advocacy and spend most of their time in court whereas solicitors mainly advise clients outside of court.

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