

Civil Law

Intention of the Civil Law

The main intention of the [civil law](#) is to protect individuals against one another specifying the rights and duties of individuals. For example if we look at individuals using the highway, road users have a duty of care to other individuals using the road. If for example one individual road user is driving in a poor manner and causes an accident which injures another, a civil claim can be brought under the laws of negligence.

In order for negligence to be established the following elements must be present:

- A duty of care
- This duty of care must have been breached
- The breach must have caused injury to another

Furthermore if we look at the [employment sector](#) we can see that all employees have a right to be safe and work in a safe environment at work. This means that their [employers](#) have a duty to protect their safety. If an employer does not do this and an employee becomes injured this will bring about a civil claim.

Public Law

There are certain other elements of civil law whereby the state will be required to protect the rights of individual people from other people. For example the state imposition of an [anti-social behavioral order](#) on an individual will be a civil remedy as will various orders on domestic abuse offenders. Breach of these orders will result in a criminal offence.

Individual Starting the Proceedings

The individual who has been wronged will start the court action themselves – they will be referred to as the claimant and the person who they are suing will be referred to as the defendant.

Burden of Proof

In an action for a civil claim the burden of proof will be on the claimant. The claimant will thus be required to establish that on the balance of probabilities that the defendant wronged him in the way which has been alleged – this is less than what is required for the criminal law.

Remedies

Under the Civil Law the following remedies will be available:

- Damages
- Injunction

If the defendant has been found to be guilty he must remedy his wrong to the claimant – a civil case will not involve the imprisonment or the imposition of a fine by the state.

In Brief [online], [dostęp 03.12.2015] dostępne w Internecie: <http://www.inbrief.co.uk/legal-system/difference-between-civil-criminal-law.htm#>

I. Answer the questions:

1. What is the main intention of the [civil law](#)?
2. What elements must be present in order to establish negligence?
3. What a right does all employees have at work?
4. What duty do their [employers](#) have?
5. What happens if an employee becomes injured during employment?
6. What is a civil remedy on domestic abuse offenders?
7. What is the state required to protect?
8. Who can start an action against another citizen?
9. Who will a civil claim the burden of proof be on?
10. How are the parties in a civil action called?
11. What remedies will be available to the claimant?
12. What must the defendant remedy?

II. Explain in English (give synonyms):

1. remedy
2. an [anti-social behavioral order](#)
3. damages
4. injunction
5. the defendant
6. the claimant
7. negligence
8. the injured
9. an action in civil law
10. wrong
11. imposition
12. to breach

III. Change into Passive Voice:

1. The employer has wronged his employee.
2. The court finds the defendant guilty.
3. The state imposed an [anti-social behavioral order](#) on domestic abuse offenders.
4. The the claimant has alleged the way in which that defendant wronged him.
5. The claimant will bring a claim against the defendant tomorrow.
6. The state protects the rights of individual people from other people.
7. Courts award civil remedies to the injured.
8. The claimant will have to prove harm he has suffered.

