

Civil justice in England and Wales part 2

Court of Appeal – Civil Division

The Civil Division of the Court of Appeal hears appeals from all Divisions of the High Court and, in some instances from the County Courts and certain tribunals. The Civil Division is presided over by the Master of the Rolls. Bringing an appeal is subject to obtaining 'permission', which may be granted by the court below or, more usually, by the Court of Appeal itself. Applications for permission to appeal are commonly determined by a single Lord Justice, full appeals by two or three judges. The Civil Division of the Court of Appeal also deals with family cases.

High Court – Queen's Bench Division – Civil

The President of the Queen's Bench Division presides over that Division, which includes both its criminal and civil jurisdiction. Judges who sit in the Queen's Bench Division of the High Court deal with 'common law' business i.e. actions relating to contract except those specifically allocated to the Chancery Division, and civil wrongs (known as tort). They also hear more specialist matters, such as applications for judicial review.

Examples of contract cases dealt with by Queen's Bench Division judges are failure to pay for goods and service and breach of contract.

Judges who sit in the Queen's Bench Division of the High Court deal with actions relating to various different types of tort. These include:

- Wrongs against the person e.g. defamation of character and libel
- Wrongs against property e.g. trespass
- Wrongs which may be against people or property – e.g. negligence or nuisance.

They also deal with matters that involve both contract and tort, such as personal injury cases which show negligence and breach of a contractual duty of care. Other cases dealt with may be crimes as well as torts, such as assault.

The Queen's Bench Division also contains:

- The Commercial Court
- The Admiralty Courts; and administrators
- The Technology and Construction Court

High Court judges who sit in these courts hear cases involving prolonged examination of technical issues, for example, construction disputes.

Judges of The Queen's Bench Division also sit in the Employment Appeals Tribunal.

High Court – Chancery Division

The Chancery Division is a Division of the High Court of Justice. The Division is headed by the Chancellor of the High Court, the Right Honourable Sir Terence Etherton, and is based at the Rolls Building (off Chancery Lane/Fetter Lane).

At the Rolls Building in London, there are currently eighteen High Court Judges attached to the Chancery Division, in addition to the Chancellor of the High Court. The Enterprise Judge, Head of the Intellectual Property and Enterprise Court, is also considered a member of the Division. In addition, there are six judges referred to as Chancery Masters (one of whom is the Chief Master) and five judges referred to as Bankruptcy Registrars (one of whom is the Chief Registrar).

The areas of work that the Chancery Division deals with are:

- Business and property related disputes
- Competition cases
- Patents claims
- Other Intellectual Property claims, such as Trademarks or Design
- Companies work
- Insolvency claims, both personal and corporate
- Trust claims
- Contentious probate claims
- General Chancery work, trade and industry disputes and the enforcement of mortgages

The Division includes:

- The Bankruptcy and Companies Court
- The Patents Court
- Chancery Chambers (Masters)
- The Intellectual Property and Enterprise Court

I. Match the expressions with the definitions:

1 Master of the Rolls	A physical or bodily injury
2 application for permission	B claims involving Copyright, Trademarks, Design
3 the Chancery Division	C trade and industry disputes, enforcement of mortgages
4 common law business	D failure to fulfil a contractual obligation
5 torts	E there are 18 High Court Judges attached to the Chancery Division
6 Queen's Bench Division	F Judges of the Rolls Building
7 to allocate	G legal a document by which the owner of transfers to the lender an interest in real estate to secure repayment of debt
8 defamation	H conduct that falls below the standards established by law
9 trespass	I an intentional act which creates immediate harmful or offensive contact
10 nuisance	J a Division of the High Court which hear civil and criminal cases connected with sea
11 personal injury	K a wrongful conduct directly causing injury or loss
12 negligence	L the unlawful use of one's property that substantially interferes with enjoyment of another individual's property
13 assault	M libel or slander
14 the Admiralty Courts	N assign, designate, administer
15 the Rolls Building	O claims regarding contract
16 mortgage	P a motion for consent
17 breach of contractual duty	R court which has appellate civil and criminal jurisdiction
18 Intellectual Property Claims	S civil wrongs
19 the General Chancery work	T Court for bankruptcy, mortgage, liquidation
20 Bankruptcy Registrars	U the Judge presiding the Civil Division

II. Mark the sentences true or false:

1. The Civil Division of the Court of Appeal hears appeals only from Divisions of the High Court.
2. If you want to bring an appeal, you must apply for 'permission' granted by the court.
3. A Lord Justice usually determines application for consent to appeal.
4. The President of the Chancery Division presides over the Queen's Bench Division.
5. The Queen's Bench Division has both civil and criminal jurisdiction.
6. The Chancery Division deals with torts and motions for judicial review.
7. The Queen's Bench Division judges hear cases connected with wrongs against the person, property.

8. They do not deal with matters involving crimes, e.g. assaults.
9. The Admiralty Courts hear cases involving construction disputes.
10. The Chancery Division is presided over by the Chancellor of the High Court.
11. Head of the Intellectual Property and Enterprise Court is a member of the Chancery Division.
12. Disputes relating to patent claims and Insolvency claims belong to the areas of work the Chancery Division.

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