

SOURCES OF UK LAW

The four principal sources of UK law are legislation, common law, European Union law and the European Convention on Human Rights. There is no single series of documents that contains the whole of the law of the UK.

Legislation

Legislation is law that is created by a legislature. The most important pieces of legislation are Acts of Parliament.

The principal legislature is the UK Parliament, which is based in London. This is the only body that has the power to pass laws that apply in all four countries. The UK Parliament consists of the House of Commons and the House of Lords.

The House of Commons consists of 650 Members of Parliament (MPs). Each MP represents a defined geographic constituency, whose electors vote using a “first-past-the-post” system. Each elector has one vote, and the candidate with the highest number of votes is elected as MP for that constituency. On 5 May 2011, a referendum was held on whether the voting system should change to an Alternative Vote system. If this happened, the number of constituencies would be reduced to 600. The electorate rejected this system of voting.

The House of Lords consists of nearly 800 peers, of whom 600 are formally appointed by the Queen on the recommendation of the Prime Minister. The other members of the House of Lords are people who have inherited aristocratic titles such as “Lord” or “Lady”, and senior bishops of the Church of England.

The Scottish Parliament, Northern Ireland Assembly and National Assembly for Wales each have the power to pass laws on devolved matters: these laws apply only in the country in which they were passed. Each of these legislatures has its own website.

Common law

The legal system of England and Wales is a common law one, so the decisions of the senior appellate courts become part of the law.

European Union Law

The UK is a Member State of the European Union (EU), which means that EU law takes precedence over UK law.

The European Convention on Human Rights

As a Member State of the Council of Europe, the UK is a signatory to the European Convention on Human Rights (ECHR). The Human Rights Act 1998, which came into effect in October 2000, enables all the courts in the UK to protect the rights identified in the ECHR.

How UK Law is classified

A distinction is made between public law, which governs the relationship between individual citizens and the state, and private law, which governs relationships between individuals and private organisations.

Civil law covers such areas as contracts, negligence, family matters, employment, probate and land law.

How Civil Law is enforced in England and Wales

A person who believes that another individual or organisation has committed a civil wrong can complete a claim form and send it to the appropriate court. The County Court, which is based at over 200 locations, deals with most claims involving less than £25,000 and claims for less than £50,000 that involve injury to a person. The High Court, which is in London, hears most higher-value cases. In the County and High Courts, each case is heard by a single judge.

The person who starts a civil case is called a claimant, and he or she has the burden of proving that, more probably than not, the other party (the defendant) committed a civil wrong. If the claimant is successful, the usual remedy is damages: a sum of money paid by the defendant to the claimant. Other remedies, such as a court order that prohibits a person from behaving in a certain way, are available in some circumstances.

Either party to a civil case may appeal to a higher court against the decision.

ILEX Chartered Institute of Legal Executives, [online],[dostęp 20.02.2016] dostępne w Internecie:
http://www.cilex.org.uk/about_cilex_lawyers/the_uk_legal_system.aspx

I. Decide whether the sentences are true or false:

1. The whole of the UK laws is included in one document.
2. Legislation is contained in Acts of Parliament.
3. There are two bodies which can pass laws in UK.
4. Peers appointed by the Queen are those with inherited aristocratic titles.
5. The decisions of the higher courts of appeal become part of UK law.
6. A person who committed a tort can sue another individual.
7. Civil law includes such fields as torts, contracts, family law, employment.
8. A court order prohibiting the defendant to behave in a certain way is not remedy.

II. Complete the gaps with the given words: hereditary, distinction, claim, burden, involving, constituencies, available, signatory, precedence, into effect

1. An important _____ is made between public and private law.
2. The UK is a _____ to the European Convention on Human Rights.
3. The Human Rights Act came _____ in 2000.
4. EU law takes _____ over UK law.
5. The injured can complete a _____ form and send it to court.
6. After the referendum the number of _____ will decrease.
7. Claims _____ 25000 pounds are dealt with the County Court.
8. Damages or orders are _____ in case of a civil wrong.
9. The claimant has the _____ of proving that the defendant committed damage.
10. Lords, members of the House of Lords, are _____ or life peers.

III. Match the terms with the definitions:

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|---|--|
| 1 common law | A It governs the relations between individual citizens |
| 2 legislation | B it enables to protect the rights contained in ECHR |
| 3 EU law | C the principal UK legislative |
| 4 public law | D all EI members are signatories of this document |
| 5 private law | E law created by the UK Parliament |
| 6 a constituency | F the legal system of England and Wales |
| 7 Lords, Ladies, archbishops, appointed peers | G that law takes precedence over the UK law |
| 8 first-pass-the post | H laws passed in Wales, Scotland, Northern Ireland |
| 9 the Human Rights Act | I members of the House of Lords |
| 10 the UK Parliament | J the elected candidate with the highest number of votes |
| 11 ECHR | K a geographical area where people elect an MP |
| 12 laws that apply only in the country where they were passed | L it governs the relationships between individuals and the state |

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