

IT'S THE LAW



There are two types of law:

- **civil law**
- **criminal law**

CIVIL LAW

- Is a private matter
- It is a dispute between individuals, groups or organisations
- It is often about rights
- It does not involve the police
- It is usually settled by payment of money
- It very rarely results in imprisonment

EXAMPLES OF CIVIL LAW

- Taking your neighbour to court over a large tree which cuts out your sunlight
- A celebrity suing a newspaper for saying she is having an affair
- Claiming damages from an accident at work
- Suing a company who have sold you faulty goods

HOW CIVIL LAW WORKS

- Most cases are heard in the **County Court**
- The person bringing the case is called the **claimant**; the person who the case is against is called the **defendant**
- The claimant has to prove the defendant is in the wrong
- Big cases involving a lot of money can be heard in the **High Court**
- Cases involving a claim of less than £5000 are heard in the **Small Claims Court**
- Civil cases are heard before a **judge** and **jury**
- Because a court case is so expensive, the dispute is often settled "**out of court**"

CRIMINAL LAW

- Is a public matter to do with issues that affect everyone e.g. theft, murder
- It is used when specific laws have alleged to have been broken
- The **Crown** (i.e. the Government) prosecutes on behalf of the public
- The police are always involved
- There are **felonies** (serious crime like theft) and **misdemeanours** (less serious crime like driving offences or public order e.g. drunk and disorderly)
- The penalties are fines and/or imprisonment

HOW CRIMINAL LAW WORKS

- Less serious cases are heard in a **Magistrates Court**
- More serious cases are heard in a **Crown Court**
- In a Magistrates Court the case is heard by either one full-time magistrate or a panel of three part-time magistrates
- In the Crown Court the case is heard by a judge and jury
- The Crown Court can impose much tougher sentences than the Magistrates Court
- **The accused is presumed innocent until proved guilty**

ENFORCING THE LAW: THE POLICE



- The police do not make law, they enforce it
- The police:
 - investigate crimes
 - gather the evidence
 - arrest suspects
 - bring suspects to court

ENFORCING THE LAW: THE JUDGE



- The judge makes sure the trial is conducted properly
- The judge does **not** (except in special circumstances) decide whether someone is innocent or guilty
- The judge imposes the **sentence**

ENFORCING THE LAW: THE JURY



- The jury is made up of 12 adults chosen at random
- The jury decides whether the accused is innocent or guilty
- Juries only sit in the Crown Court
- The jury have all to agree on the **verdict**, although if they cannot agree the court will accept a majority of at least 10 to 2

ENFORCING THE LAW: MAGISTRATES



- Magistrates hear all cases first. The more serious ones are passed up to the Crown Court
- **Full time magistrates** hear cases on their own
- **Part time magistrates** sit with at least one other, usually two magistrates
- There is a limit to the sentences a magistrate can impose – up to 6 months in gaol; maximum of £5000 fine
- Youth courts are run by magistrates
- Magistrates do not dress in a wig and gown



ENFORCING THE LAW: SENTENCES

Discharge:



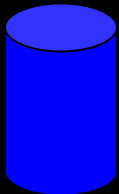
absolute – let off

conditional – let off provided you behave for a set period



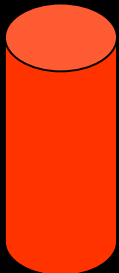
Fine:

Crown Court – unlimited; Magistrates Court – up to £5000; 14 – 17 years old – up to £1000



Community sentence – includes:

work for community, curfew, exclusion order, reparation



Prison

up to full life for serial murder

Prison for over-21s

Young Offenders Institution 18 – 21 (in theory)



ENFORCING THE LAW: SENTENCES

Oh – and **death** – for high treason, armed piracy on the high seas and arson in Her Majesty's shipyards

You can also be shot without trial by the police or army under the Emergency Powers Act