

# Explain UK Judicial System.

## → Judicial System.

A judicial system is a branch of the government that interprets legislation and enforces the law. The judiciary also has a power of judicial review, which allows the justices of the supreme court to check the constitutionality of laws.

## → Role of Judiciary in UK.

After 1000 years of restructuring, in 2009, the UK judicial system finally became a fully independent branch of the government. The UK judicial system is unique because three separate legal systems fall under its umbrella. The judiciary's role is to ensure laws are properly implemented.

Another important role of the UK judiciary is judicial review. ~~In England and Wales, judicial review is mainly undertaken.~~ The UK judiciary, including the High Court, Outer House, and UK Supreme Court, plays a significant role in judicial review, especially in cases with constitutional significance, like human rights issues.

## → History of UK Judicial System.

### 1- History of UK Judicial System.

Initially the judicial system consisted of a monarch and their advisors. Over the centuries, it has expanded to meet the needs of the people. Below is the timeline to understand

## the historical developments of the UK Judicial System.

- 1066 - the local courts were presided over by a lord. Trial by ordeal was the common way to determine innocence or guilt. By the end of the 12 Century, trial by ordeal was abolished.
- 1166 - Assize of Clarendon orders judges not on the King's Bench to travel the country to decide cases.
- 1178 - the origin of the Court of Common Pleas was created when Henry II chose two clergy members and three laypeople from his personal household to hear complaints.
- 1215 - the King is forced to sign the Magna Carta, which established the right to due process.
- 1217 - the first professional judges and magistrates were created.
- 1285 - the magistrate's court was created.
- 1346 - Judges made not to accept any bribes or gifts by parties in litigation. Judicial salaries were increased to prevent bribe-taking.
- 1533 - the Church of England is formed which gives the King almost absolute power.
- 1651 - the King is replaced during the English Civil War. Parliament is given executive authority.
- 1660 - the Monarchy was restored, but parliament retained executive authority.
- 1873 - the Judicature Acts merge common law and equity. Equity is the supreme rule of law.

- 1956 - The Crown Court was established in Liverpool and Manchester.
- 1966-69, The Royal Commission reworked assizes out the legal system, creating a new form of the Crown Court.
- 1971, The Courts Act 1971 was passed to reaffirm what the roles of each individual court in the UK are.
- 1973 - Britain joins the EU. Certain areas of the UK must follow EU laws or leave the Union.
- 2005 - The Constitutional Reform Act was passed. The capacity of the Lord Chancellor's office was modified. The Supreme Court was created and the House of Lords' appellate power was abolished.
- 2009 - The House of Lords is replaced by the Supreme Court which creates a separation b/w the legislature and the judiciary.
- 2020 - Brexit is implemented and the UK judiciary removes any influence of EU laws.

ii - Appointment of Judiciary Members.

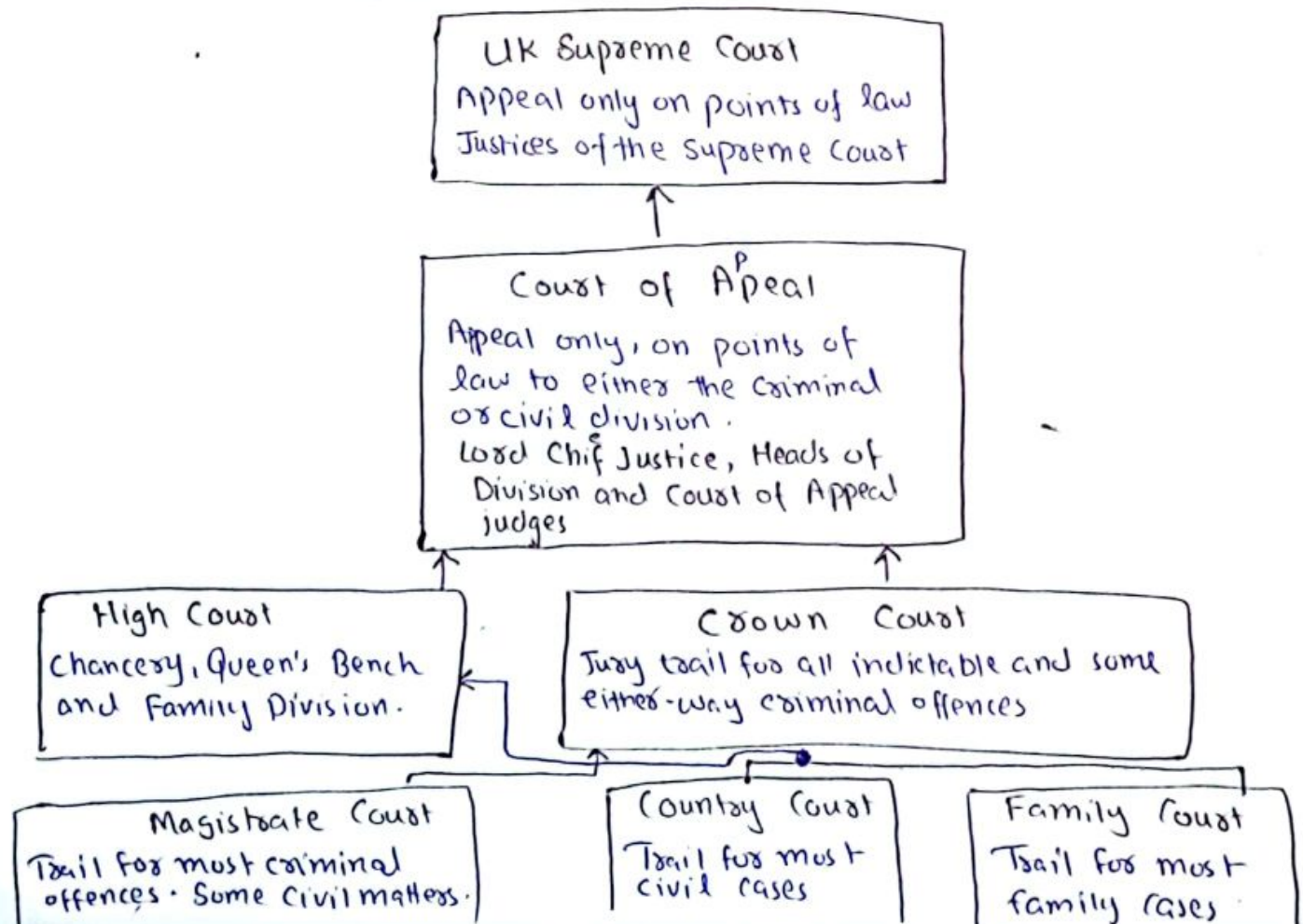
Judges are appointed by the monarch on the recommendation of the Lord Chancellor. The exception is Justices of the Peace who are recruited by Local Advisory Committees. All potential applicants must be a citizen of the UK, the Republic of Ireland or a Commonwealth country (or a holder of dual nationality in respect of any of the above). There is a statutory retirement age of 70 for judges and Justices of the Peace.

### iii - UK Judicial system structure

The judicial system of the UK is made up of regional court systems in England and Wales, Scotland, and Northern Ireland. As a result of a system of devolution, the central Westminster government shares its powers with Scotland and Northern Ireland.

In England and Wales, the legal system is non devolved as it is under the direct control of Parliament and the Westminster government. However, Scotland and Northern Ireland have devolved judicial systems, which look a little different to England and Wales. However the UK Supreme Court is the final court of appeal for all three judiciary systems in the UK and is what unit them.

### The Structure Of the Courts



## o- English and Welsh Courts

The Judicial system in England and Wales consists of five levels:

- The Court of Appeal deals solely with appeals. It is divided into two divisions: criminal and civil.
- The High Court hears more complex civil and family cases at first instance. It contains three divisions: the Queen's Bench, Family, and Chancery.
- The Crown Court deals with more serious criminal cases and appeals from Magistrate's Court.
- Magistrate's Court is the court of first instance. It handles 95% of all criminal cases and some civil cases.
- Tribunals make decisions on asylum, immigration, and numerous social services. There are also upper tribunal courts for appeals. County Courts deal with civil and family matters.

## o- Scottish Courts

The Scottish judicial system consists of four levels.

- The Court of Session and the High Court of the Judiciary are the highest courts of appeal in Scotland and cover very serious criminal or civil offences, respectively, at the first instance or in appeal.
- The Sheriff Appeal Court sees less serious criminal appeals and all civil appeals from the Sheriff Courts.

- Sheriff Courts deal with most criminal and civil cases and are only bypassed if the offence is very serious.
- The Justice of the Peace Courts are similar to England's Magistrate Courts and deal with minor criminal offences.

### Northern Ireland Courts

The courts of Northern Ireland have the same function and those in England and Wales, though there are fewer of them. They are:

- The Court of Appeal
- The High Court.
- The Crown Court and County Courts
- Magistrate's Court.

### iv - Features of British Judicial System

The salient features of the British judicial system are as follow.

- 1- Impartiality and independence of the court.
- 2- Absence of judicial review.
- 3- Absence of separate administrative court
- 4- Jury system
- 5- Integration of courts in England and Wales.
- 6- High quality of justice.