

CHAPTER 2 THE COURT SYSTEM AND ALTERNATIVE DISPUTE RESOLUTION

After studying this chapter students should be able to:

DEMONSTRATE AN UNDERSTANDING OF THE COURT SYSTEM IN ENGLAND AND WALES

- The courts in England and Wales form a hierarchy.
- At the lowest level are the Magistrates' Courts and the County Court, then the Crown Court and High Court, then the Court of Appeal, and finally the Supreme Court.

EXPLAIN IN WHICH COURTS CIVIL ACTIONS COMMENCE, CRIMINAL TRIALS ARE HEARD, AND APPEAL CASES ARE DEALT WITH

- Criminal trials are heard in the Magistrates' Court and the Crown Court.
- Criminal appeals are heard in the Court of Appeal (Criminal Division) and the Supreme Court.
- Some criminal appeals on a point of law from the Magistrates' Court or Crown Court may be heard by the High Court.
- Civil cases are commenced in the County Court or High Court.
- Civil appeals are heard in the Court of Appeal (Civil Division) and the Supreme Court.

SHOW AN UNDERSTANDING OF CRIMINAL TRIALS

- Trials in the Magistrates' Court are heard by three lay magistrates or a District Judge (Magistrates' Court).
- In a Magistrates' Court the judge or magistrates decide on the guilt of the defendant and on sentence.
- Trials in the Crown Court are heard by a judge and jury (with a few exceptions).
- In the Crown Court the jury decide on guilt and the judge on sentence.

BE FAMILIAR WITH A BASIC OUTLINE OF CIVIL PROCEDURE

- Before a civil case is commenced the pre-action protocol should be followed.
- To commence an action, a claimant completes a claim form and it is served on the defendant, who may admit the claim or deny it and submit a defence.
- A case is allocated to one of three tracks depending on its nature and seriousness.
- A civil trial is held in open court before a judge.

DESCRIBE ALTERNATIVE METHODS OF RESOLVING DISPUTES OTHER THAN THROUGH THE COURT SYSTEM

- There are a number of alternative methods of dispute resolution, including arbitration, mediation, and conciliation.
- In addition to courts a large number of disputes are dealt with by tribunals.
- The Tribunals, Courts and Enforcement Act 2007 created two generic tribunals, the First-tier Tribunal and the Upper Tribunal.
- The employment tribunals and the Employment Appeal Tribunal operate outside the two-tribunal system because of their specialist nature.