

## CHAPITRE 46

## LA JUSTICE AU ROYAUME-UNI

**1.) Architecture**

-Previously divided in 6 regions for the administration of justice, the UK has now 3 distinct legal jurisdictions: England/Wales, Scotland and Ireland.

Law consists herein statute laws, voted by the House of Commons and the House of Lords, and case laws. Both apply to England and Wales if passed by Parliament before Scotland and Ireland get amended versions.

Different jurisdictions try civil and criminal cases. Civil cases are heard in County Courts or in the High Court composed by the Family Bench, the Chancery Division and the Queen's Bench

**MILESTONES**

- 1066: laws became standardised and more common
- 1973: European legislation incorporated in UK's traditional laws
- 1990: Act made solicitors eligible

**2) Hierarchy**

-In England and Wales, the Lord Chancellor, head of the judiciary, recommends most judicial appointments to the Crown and appoints magistrates.

Then comes the Lord Chief Justice and the Master of the Rolls respectively heads of the Criminal Division and Civil Division. Lords Justice, Circuit judges and Recorders are appointed by the Queen.

Two Law officers exist: the Attorney General, head of the English Bar and the Solicitor General that advises government departments. As for the Home Secretary, he is responsible for the criminal justice system.

There are two other branches in the legal profession: solicitors and barristers.

Solicitors provide legal advices, draft legal documents and advises client facing criminal charges.

Barristers are lawyers admitted to plead at the bar to argue a client's case and are hired by a solicitor to represent his client at the court

The Scottish legal system uses different names: the principal law officer is referred as the Lord Advocate

**3) Functioning**

Most Criminal cases are sent for a summary trial to a Magistrates' Court if the case is a minor offense. The accused is asked whether he pleads guilty or not. The Court can imprison someone for up to 6 months, impose fines for up to £5000 and community services. If the crime is serious enough, the defendant can be committed to the Crown Court or the sentence can become heavier. Once the suspect has been indicted, it is decided whether he is prosecuted or not. He can be released on bail or brought to a court to decide if his offense is appropriate for the Crown Court or the Magistrate's Court. To declare an accused guilty, a jury of 12 people has to give out a 10 to 2 verdict.

The age of criminal responsibility is 10 and Youth Courts gives out limited sanctions and its access is restricted.