

UNITED KINGDOM

(UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Common law tradition with early Roman and modern continental influences; has nonbinding judicial review of Acts of Parliament under the Human Rights Act of 1998; accepts compulsory ICJ jurisdiction, with reservations.
POLITICAL SYSTEM	Constitutional Monarchy.
HEAD OF STATE	Monarch (hereditary).
HEAD OF GOVERNMENT	Prime Minister.
SUBNATIONAL ENTITIES	England, Scotland, Wales, Northern Ireland.
SUBLOCAL ENTITIES	England: 47 boroughs, 36 counties, 29 London boroughs, 12 cities and boroughs, 10 districts, 12 cities, 3 royal boroughs. Scotland: 32 council areas. Wales: 11 county boroughs, 9 counties, 2 cities and counties. Northern Ireland: 24 districts, 2 cities, 6 counties.

United Kingdom

TRANSLITERATION SYSTEM

None.

LANGUAGES

English, Welsh (about 26% of the population of Wales),
Scottish form of Gaelic (about 60,000 in Scotland).

CONSTITUTION

OFFICIAL NAME

The United Kingdom has no written constitution. Unwritten, common law constitutional elements are known as constitutional conventions, which are accompanied by statutory provisions.

Three principles underlie British constitutionalism:

- sovereignty of Parliament
- rule of law
- separation of powers

STATUTES

GOVERNMENT STRUCTURE	Bicameral Parliament comprised of House of Lords (consists of approximately 500 life peers, 92 hereditary peers and 26 clergy) and House of Commons (646 seats since 2005 elections; members are elected by popular vote to serve five-year terms unless the House is dissolved earlier).
LEGISLATIVE PROCESS	Bills may be introduced in either House of Parliament. Most often, bills are introduced in the House of Commons. After a first reading and a second reading, which includes an opportunity for debate, a bill is reviewed by a Standing Committee. The Standing Committee amends the bill as it sees fit and then reports to the full House. After a third reading, at which time no more amendments may be made, the bill is passed if a majority votes for it. After passing one House, the bill goes through the same procedure in the other House. The Houses must agree on a final version of the bill. Once this is done, the bill becomes law upon the granting of royal assent by the monarch. Parliament is considered sovereign: once an Act has been passed by both Houses, given royal assent by the monarch, and enrolled on the parliamentary roll, it cannot be questioned by the courts. However, European Community (E.C.) member states can only legislate on topics not covered by the Treaty of Rome, and if an act is contrary to E.C. law, it can be suspended or declared invalid.
CITATION FORMAT	<p><short title, where available>, <year(s)>, <regnal year(s) for statutes enacted prior to 1963>, <chapter number>, <section number>, <schedule, if any>, (<jurisdiction if not evident from context or citation>).</p> <p>For statutes enacted since 1963, omit regnal year.</p>
<i>Example</i>	Supreme Court of Judicature Act, 1925, 15 & 16 Geo. 5, c. 49, § 226, sched. 6 (Eng.).

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	Parliament passes administrative laws in the form of secondary legislation or “statutory instruments,” tertiary legislation and “soft law.” Secondary legislation is enacted in two forms (regulations and orders) and consists primarily of regulations passed without full parliamentary oversight. Tertiary legislation is made under the authority of an Act of Parliament, but is not subject to any parliamentary oversight. “Soft law” or “quasi-legislation” consists primarily of guidelines, often made under the authority of an Act of Parliament, that are not subject to any parliamentary oversight. Neither tertiary legislation nor “soft law” is published by the Statutory Office.
REPORTER	Statutory Instruments 1947-present. Statutory Rules and Orders 1890-1947.
CITATION FORMAT	<title>, <year>, <instrument number>, <article number>, <paragraph number>, (<jurisdiction if not evident from citation or context>.
<i>Example</i>	Patent Rules, 1958, S.I. 1958/73, art. 3, ¶3 (U.K.).

CASE LAW

JUDICIAL OVERVIEW

In both civil and criminal matters, Magistrates handle less serious matters. Criminal offenses beyond traffic violations and similar offenses are heard in the Crown Court, which is broken down into three tiers. Appeals can be heard in the Queen's Bench Division of the High Court, or the Court of Appeal (Criminal Division). The Court of Appeal can review decisions of both law and fact. The court of last resort is the House of Lords (Appellate Committee).

Civil matters handled by Magistrates are usually limited to matters of family law, tax enforcement, and licensing. More serious matters can be heard in the county courts or the High Court. Appeals can be made to the Court of Appeal (Civil Division). The court of last resort is the House of Lords (Appellate Committee).

REPORTERS

Law Reports, published by the Incorporated Council of Law Reporting for England and Wales:

- Appeal Courts (A.C.)
- Queen's Bench (Q.B.)
- Chancery (Ch.)
- Family (Fam.)
- Probate (P.).

Weekly Law Reports, published weekly.

CITATION FORMAT

<case name>, (<year>), <volume, if available>, <reporter>
<page> (<court if not clearly indicated by reporter>)
(<jurisdiction if not evident from context or citation>).

Example

British Columbia Elec. Ry. v. Loach, [1916] 1 A.C. 719 (P.C. 1915).

ALTERNATIVES TO
COURTS

Tribunals

- Over 100 sets of tribunals developed outside the court system.
- Each tribunal is specialized, dealing with only one area of the law (national insurance, immigration, etc.).
- Supervised by the Council on Tribunals.

Arbitration

- A dispute is adjudicated, usually by a lawyer or an expert in the subject matter.
- Can arise in three ways: by contract, by reference from the court, or by statute.

Small Claims

- Established in 1973.
- Exists in the county courts for claims under 5,000 pounds.

SOURCES

The CIA Factbook:

<https://www.cia.gov/cia/publications/factbook/geos/uk.html>

BLUEBOOK, *United Kingdom*

Martin Partington, *Introduction to the English Legal System* (2d ed. 2003).

Penny Darbyshire, *Nutshells: English Legal System*. (5th ed. 2001).

SPECIAL THANKS

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