

# LEGAL SYSTEMS

## of England and Wales

### Comprehensive Study Guide

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*Chapters 1–11 | Sources of Law | Legislation | Statutory Interpretation | Courts | Precedent | Criminal & Civil Procedure*

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This guide covers all 11 chapters of Legal Systems including: introduction to the legal system, sources of law, development of case law, legislation and Acts of Parliament, statutory interpretation, judiciary and court personnel, civil and criminal court hierarchies, civil and criminal case law and precedent, and SQE1 consolidation.

## Chapter 1 — Introduction to the Legal System of England and Wales

### What is a Legal System?

A legal system is the body of institutions that make, execute, and resolve disputes on the law of a jurisdiction, as well as the law itself. It is not optional, temporary, or for pleasure — it is the framework that governs organised society.

### 1.4 The Rule of Law

#### Lord Bingham's Definition of the Rule of Law

All persons and authorities are bound by and entitled to the benefit of laws publicly promulgated and administered. Essential components: clarity, predictability, equality before the law, adherence to international obligations.

#### 🏛️ *Benkharbouche and Janah v Secretary of State for Foreign and Commonwealth Affairs*

*The Supreme Court allowed employment claims against foreign embassies to proceed. The rule of law (Human Rights Act 1998) prevailed over executive discretion (state immunity), ensuring equality regardless of wealth or status.*

### 1.6 – 1.10 Historical Foundations

Event	Significance
<b>Norman Conquest 1066</b>	Introduced hierarchical control, primacy of land ownership, and recording of judicial decisions
<b>Magna Carta 1215</b>	Cl.12: taxation by consent; Cl.17: lawsuits in fixed place; Cls.38–40: burden of proof with prosecutor; no selling/delaying justice
<b>Prohibitions del Roy (Coke CJ)</b>	Separation of powers — judges (not monarch) resolve legal disputes
<b>Case of Proclamations</b>	The King has no prerogative except that allowed by law
<b>Liversidge v Anderson</b>	Lord Atkin: laws are not silent even during war
<b>Miller v Secretary of State (Brexit)</b>	Executive cannot use royal prerogative to bypass Parliament
<b>Bill of Rights 1688</b>	Restricted monarchy's power: freedom of speech, juries, free elections; Crown cannot suspend laws without Parliament

### 1.14 Civil vs Criminal Law

Feature	Civil Law	Criminal Law
<b>Nature</b>	Private disputes and contracts	Obligations imposed on the population
<b>Standard of proof</b>	Balance of probabilities	Beyond reasonable doubt
<b>Outcomes</b>	Remedies or money	Punishment (including imprisonment)
<b>Default presumption</b>	N/A	Innocent until proven guilty (Woolmington v DPP)

## 1.17 The UK Constitution

### The UK Constitution is UNCODIFIED

Located across multiple sources (Magna Carta, Bill of Rights 1688, case law, precedent, custom) rather than a single document. It guides the interplay between the monarch, Parliament, and the courts.

## Chapter 2 — Sources of Law of England and Wales

Law is constantly self-generating — new sources emerge daily through judicial decisions or Royal Assent for new statutes. The modern legal system is a "patchwork of constitutionality."

### 2.3 Acts of Parliament

Acts of Parliament are the most significant form of legislation because they represent the will of the elected people. The oldest statute still in force is the Statute of Marlborough 1267.

#### The Legislative Process — Stages of a Bill

Green Paper (consultation) → White Paper (firm proposals) → First Reading (introduction) → Second Reading (main debate) → Committee Stage (clause-by-clause scrutiny) → Report Stage (voting on amendments) → Third Reading (final approval) → Parliament Acts 1911/1949 if Lords reject twice → Royal Assent

### 2.5 – 2.7 Common Law, Equity and Merger

System	Origin	Key Features
<b>Common law</b>	Traditional judicial decision-making — contracts, damages	Focus on payment of damages; Pinnel's Case (1602)
<b>Equity</b>	Court of Chancery — more flexible than common law	Maxims: "clean hands"; "delay defeats equity". Remedies: injunctions, specific performance
<b>Judicature Acts 1873–75</b>	Merged both court systems	All civil courts can grant both types of remedies in one proceeding

#### **D & C Builders Ltd v Rees (1966)**

*Court used equitable principles to prevent a debtor taking unfair advantage of a creditor's financial distress.*

### 2.12 Key Legal Philosophers

Philosopher	Key Contribution	Associated Case/Principle
<b>Sir Edward Coke</b>	Habeas corpus — no imprisonment without lawful reason	Jalloh

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<b>John Locke</b>	Property rights; taxation only by consent	Foundation of liberal constitutionalism
<b>Montesquieu</b>	Separation of powers — executive, legislature, judiciary	Miller v Secretary of State
<b>Jeremy Bentham</b>	Utilitarianism — greatest happiness of the greatest number	Foundation of much social legislation
<b>AV Dicey</b>	Parliamentary sovereignty — Parliament can make or unmake any law	Privacy International

## Chapter 3 — Development of Case Law

Case law is the result of judges making reasoned decisions in court. Judges must rule on moral and ethical issues as an extension of the rule of law. The chapter categorises case law into six foundational areas.

### 3.3 Six Categories of Case Law

Category	Key Case	Principle
<b>Essential freedoms</b>	Okoro v Commissioner of Police (2011)	Damages for wrongful arrest and false imprisonment
<b>Entitlements</b>	Slade's Case (1602)	Innocent party in breach of contract entitled to damages beyond simple debt
<b>Constitutional matters</b>	Brass Crosby's Case (1771)	Courts cannot thwart Parliament's will — parliamentary sovereignty
<b>Societal change</b>	Somerset v Stewart (1772)	Coercive power of slavery contrary to municipal law of England — foundation for abolition
<b>Business/wealth creation</b>	Case of Monopolies (1602)	Crown-granted monopoly on playing cards declared unlawful — free trade principle
<b>Courts got it wrong</b>	R v R (1992)	House of Lords overturned centuries-old fiction that husband cannot rape wife

#### 🔪 R v Dudley and Stephens (1884)

*Castaways killed and ate a young boy to survive. Court found them guilty — "necessity" is no defence for killing an innocent neighbour. The rule of law must prevail over sympathy.*

#### 🔪 Constantine v Imperial London Hotels Ltd (1944)

*Trinidadian cricketer refused a room due to race. Judge awarded nominal damages, used purposive approach — hinted at future need to criminalise discriminatory acts.*

## Chapter 4 — Legislation and Acts of Parliament

### 4.3 Parliamentary Sovereignty

#### The Doctrine of Parliamentary Sovereignty

- Freedom of law-making: Parliament can make laws of any kind
- No external override: no court can declare an Act of Parliament invalid
- Statute prevails: in conflict with case law, statute takes precedence
- Successors cannot be bound: one Parliament cannot bind a future Parliament

### 4.4 Primary and Secondary Legislation

Type	Description	Examples
<b>Primary legislation (Acts of Parliament)</b>	Passed by Parliament — represents the will of the elected people	Human Rights Act 1998, Equality Act 2010
<b>Statutory Instruments (SIs)</b>	Created by ministers under authority of a "parent" Act — ~3,500 per year	Much more numerous than primary Acts
<b>Byelaws</b>	Local laws by councils under enabling Acts — require ministerial confirmation	Local transport, park rules

### 4.5 Format of an Act of Parliament

Component	Purpose
<b>Short title</b>	Common name (e.g. Human Rights Act 1998)
<b>Royal Coat of Arms</b>	Symbolises Crown's involvement via Royal Assent
<b>Year and Chapter</b>	Unique reference number for the parliamentary year
<b>Long title</b>	Detailed description of the Act's purpose
<b>Enacting formula</b>	Confirms all constitutional steps have been passed
<b>Sections and Parts</b>	Subdivisions organising the Act's content
<b>Commencement / Application / Extent</b>	When the law starts; who it affects; geographical reach
<b>Schedules</b>	Detailed material at the end — keeps main sections clear

### 4.7 – 4.9 Types of Bills and Categories of Legislation

Type	Description
<b>Government Bills</b>	Introduced by minister as part of Government's legislative programme
<b>Private Members Bills</b>	Introduced by backbench MPs — few become law; used to publicise causes
<b>Private Bills</b>	Affect only particular people, organisations, or localities
<b>Hybrid Bills</b>	Combine public and private elements (e.g. Channel Tunnel Rail Link Act 1996)

#### Four Triggers for Primary Legislation

1. Manifesto pledges / vote-seeking 2. Administrative and technical matters 3. Societal change (long-term public demand) 4. Crisis management (rapid response: e.g. Coronavirus Act 2020)

#### 4.11 Consolidation vs Codification

Type	Effect	Example
<b>Consolidation</b>	Re-enacts law from several statutes into one — tidies the law; does NOT materially change it	Insolvency Act 1986
<b>Codification</b>	Brings all law (case law, custom and statute) into one new statute — CAN change existing law	Theft Act 1968

## Chapter 5 — Statutory Interpretation

Statutory interpretation is a primary task for judges because language is often ambiguous and society is dynamic. Legislative drafting cannot foresee all future scenarios. Courts must interpret law to ensure a fair result.

### 5.6 The Three Rules of Construction

Rule	Definition	Case Example
<b>Literal rule</b>	Words given plain, ordinary meaning — even if result is harsh	Whiteley v Chappell (1868): acquitted for impersonating a dead person as they were not "entitled to vote"
<b>Golden rule (narrow)</b>	Choose between two literal meanings to avoid absurdity	Adler v George (1964): "in the vicinity" of an airfield includes being inside it
<b>Golden rule (wide)</b>	Add or modify words to avoid result contrary to public policy	Re Sigsworth (1935): murderer prevented from inheriting victim's estate
<b>Mischief rule</b>	Consider the "mischief" or defect the statute was intended to fix	Smith v Hughes (1960): prostitutes soliciting from windows were "in a street" — Act's purpose was public order

### 5.8 – 5.9 Purposive Approach and Human Rights

- **Purposive approach:** Looks at the policy purpose behind a statute. Heavily influenced by EU membership. In *Litster v Forth Dry Dock* (1989) the court added words to a regulation to ensure workers were protected during a business transfer.
- **Human Rights Act 1998 (s 3):** Primary and secondary legislation must be read compatibly with ECHR rights "so far as it is possible to do so" — requires broad, non-literal approach (*R v A (No 2)* 2002).

### 5.10 Rules of Language

Rule	Latin Meaning	Application
<b>Noscitur a sociis</b>	"Known by the company it keeps"	A word is interpreted by its surrounding words ( <i>Pengelly v Bell Punch Co</i> : "floors" = passageway not storage)
<b>Eiusdem generis</b>	"Of the same kind"	General words after a specific list apply only to things of the same type ( <i>Wood v Commissioner</i> : broken glass not an "offensive weapon")

<b>Expressio unius exclusio alterius</b>	"To express one is to exclude others"	Naming specific things excludes all others (R v Inhabitants of Sedgley: "coal mines" tax excluded other mines)
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## 5.11 – 5.12 Aids and Presumptions

Aid / Presumption	Detail
<b>Intrinsic aids</b>	The statute itself: long/short titles, punctuation, interpretation sections
<b>Extrinsic aids</b>	Interpretation Act 1978; dictionaries; academic textbooks; Hansard (Pepper v Hart 1993 — ministerial statements if statute is ambiguous)
<b>Presumption: no change to common law</b>	Unless Parliament clearly intends otherwise
<b>Presumption: no retrospectivity</b>	Statutes do not apply to events before enactment
<b>Presumption: mens rea required</b>	Serious crimes require criminal intent unless Parliament explicitly provides otherwise (Sweet v Parsley 1970)
<b>Presumption: no deprivation of liberty/property</b>	Without explicit authority

## Chapter 6 — Judiciary and Personnel of the Court System

Judicial appointments are managed by the Judicial Appointments Commission, established by the Constitutional Reform Act 2005. The Lord Chief Justice leads the judiciary. HMCTS handles day-to-day court administration.

### 6.3 Criminal Courts Personnel

Role	Key Features
<b>Magistrates (JPs)</b>	Unpaid lay volunteers — deal with ~95% of all criminal cases. Sit in panels of 3. Summary offences, minor assaults, bail applications. Six essential qualities: good character, communication, social awareness, maturity, sound judgment, reliability.
<b>Legal advisers</b>	Qualified solicitors/barristers who advise magistrates on law and procedure — independent function
<b>District judges (magistrates' courts)</b>	Salaried, legally qualified — sit alone on complex matters; same sentencing powers as bench of three
<b>Crown Court judges</b>	High Court judges (puisne), circuit judges, recorders — serious indictable offences; wear wigs and robes
<b>Jury (Crown Court)</b>	12 ordinary citizens — sole responsibility for evaluating facts and reaching verdict; judge directs on law

### 6.4 Civil Courts Personnel

Role	Key Features
<b>District judges</b>	Legal professionals — case management conferences, interim applications, damages claims. In Royal Courts of Justice: Masters
<b>County Court judges</b>	Primarily circuit judges — negligence, insolvency, trust matters; encourage ADR
<b>High Court judges</b>	Most weighty civil matters — assigned to QBD, Chancery, or Family divisions

#### The Senior Judiciary

12 Supreme Court Justices (Law Lords); Lord and Lady Justices of Appeal. Alternative forums: Arbitration (Arbitration Act 1996 — common for international commercial disputes); Mediation (out-of-court settlement); Tribunals (2007 Act — employment, tax, immigration).

#### Judicial Diversity (2018/19)

32% of judges were female | 6% from BAME backgrounds | 42% aged 60 or older Three

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political roles not to be confused with the independent judiciary: • Secretary of State for Justice / Lord Chancellor • Attorney General (government's chief law officer) • Solicitor General

Continued in Part 2 — Chapters 7–11

## Chapter 7 — Civil Court Hierarchy, Appeal System and Jurisdiction

### Three Core Concepts

**HIERARCHY** — seniority of courts (lower courts follow higher courts) **APPEALS** — review by senior courts **JURISDICTION** — extent of a court's power (geography, subject matter, financial value)

### 7.7 – 7.9 The County Court

County Courts are located in provincial population centres. CPR Practice Direction 7A: claims valued at £100,000 or less (£50,000 for personal injury) should generally commence in the County Court.

Track	Value	Key Features
<b>Small Claims</b>	Up to £10,000	Simplified procedure; legal costs generally not recoverable
<b>Fast Track</b>	£10,001–£25,000	30-week timetable; trial limited to 1 day; single joint expert standard
<b>Multi Track</b>	Over £25,000	Flexible, bespoke management; costs budgets required

### 7.11 – 7.12 Appeals from the County Court and the High Court

From	To	Basis
<b>District judge</b>	Circuit judge (County Court)	Decision "wrong" or "unjust" due to procedural irregularity; new evidence generally not allowed
<b>Circuit judge</b>	High Court	Same basis
<b>High Court</b>	Court of Appeal (Civil Division)	Panel of three; "real prospect of success" required
<b>Court of Appeal</b>	Supreme Court	Arguable point of law of general public importance — "leapfrog" appeal available

### 7.12 High Court Divisions

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Division	Subject Matter
<b>Queen's Bench Division</b>	Contract, tort; Commercial Court, Admiralty Court, Administrative Court (judicial review), Technology and Construction Court
<b>Chancery Division</b>	Wills, trusts, mortgages, revenue, IP; Patents Court, IPEC
<b>Family Division / Family Court</b>	Child protection, divorce, domestic violence — public law (local authority) and private law (individuals)

### 7.13 – 7.16 Rights of Audience, Tribunals and Supreme Court

Forum	Key Rule
<b>Rights of audience</b>	Qualified lawyers (solicitors/barristers) have rights; litigants in person may represent themselves; unqualified third parties only in exceptional circumstances
<b>First Tier Tribunal</b>	Chambers: Social Entitlement, Tax, Employment, Immigration and Asylum
<b>Upper Tribunal</b>	Appeals from First Tier; legally qualified chair + lay members
<b>Supreme Court</b>	Final court of appeal — arguable point of law of general public importance only; 12 justices
<b>Privy Council</b>	Court of last resort for 27 Commonwealth countries — gives "advice" to monarch; decisions persuasive not binding

## Chapter 8 — Criminal Court Hierarchy, Appeal System and Jurisdiction

### 8.4 – 8.5 The Criminal Court Hierarchy and Offence Types

All prosecutions begin in the Magistrates' Court — the hierarchy then progresses upward

Magistrates' Court → Crown Court → Court of Appeal (Criminal Division) → Supreme Court  
 Other courts: Youth Courts (under 18); Coroners Courts (violent/unnatural deaths — no blame or guilt)

Offence Type	Description	Court
Summary only	Minor offences (e.g. minor assaults, motoring)	Magistrates' Court only
Triable either way	More serious (e.g. theft, burglary)	Magistrates' OR Crown Court — defendant chooses
Indictable only	Most serious (e.g. murder, rape)	Crown Court only — with jury

### 8.6 The CPS Test

#### Two-Stage Crown Prosecution Service Test

1. EVIDENTIAL STAGE: sufficient evidence for a "realistic prospect of conviction"
2. PUBLIC INTEREST STAGE: prosecution must be in the public interest

### 8.9 Legal Aid for Criminal Defence

Test	Detail
Interests of Justice	Likelihood of loss of liberty; complex legal questions; ability to understand proceedings — automatically met for Crown Court and under-18s
Means Test	Financial assessment — average salaries may not qualify; criminal defence can be a significant burden

### 8.15 Criminal Appeals

From	Route	Basis
Magistrates' Court — defendant	Crown Court (full rehearing, automatic right)	Conviction or sentence

<b>Magistrates' Court — both parties</b>	High Court (case stated)	Point of law only
<b>Crown Court</b>	Court of Appeal (Criminal Division) — leave required	Conviction "unsafe" due to error of law or fresh evidence
<b>Court of Appeal</b>	Supreme Court	Point of law of general public importance

**🗑️ Stephen Lawrence case (1993–2012)**

*Murder exposed "institutional racism" (Macpherson Inquiry 1999). Criminal Justice Act 2003 allowed retrial for serious crimes with "new and compelling" evidence — demonstrating how landmark events drive legal reform.*

## Chapter 9 — Civil Case Law and Precedent

Precedent (stare decisis — "the previous decision should stand") ensures consistency and allows judges to rely on established principles rather than starting from scratch for every case.

### 9.4 The Hierarchy of Precedent

Court	Binding On?	Bound By?
<b>Supreme Court</b>	All courts	Itself (subject to 1966 Practice Statement — can depart when it "appears right to do so")
<b>Court of Appeal</b>	All courts below	Itself (subject to Young v Bristol Aeroplane exceptions: conflicting own decisions; implicitly overruled by Supreme Court; per incuriam)
<b>High Court (appellate)</b>	Itself	Court of Appeal, Supreme Court
<b>High Court (first instance)</b>	Persuasive on other High Court judges (not binding)	Court of Appeal, Supreme Court
<b>County / Family / Magistrates'</b>	Not binding on anyone	All above

### 9.5 – 9.7 Ratio Decidendi and Obiter Dicta

#### What Makes a Case Binding?

A case is binding if it contains: 1. A PROPOSITION OF LAW 2. Which forms part of the RATIO DECIDENDI (central legal reasoning) 3. Decided in a SUPERIOR COURT 4. With NO RELEVANT MATERIAL DISTINCTIONS on the facts OBITER DICTA — "other things said" — not necessary for the outcome; persuasive only, not binding. But can become binding ratios in later cases.

#### 🏛️ **Donoghue v Stevenson (1932)**

*Established the "neighbour principle" in negligence — one of the most important ratios in English law.*

#### 🏛️ **Caparo Industries v Dickman (1990)**

*Contains both a NARROW ratio (auditor duties) and a WIDE ratio (three-stage test for novel duties of care).*

### 9.8 – 9.9 Flexibility and Terminology

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Term	Meaning
<b>Overruling</b>	Higher court declares a DIFFERENT (lower court's) previous case wrong — Ivey v Genting Casinos (2018)
<b>Distinguishing</b>	Court finds material facts sufficiently different — can reach different conclusion without following precedent
<b>Affirming</b>	Higher court agrees with lower court in the SAME case
<b>Applying</b>	Adopting reasoning from other decisions
<b>Departing</b>	Court disagrees with its OWN previous decision in a DIFFERENT case
<b>Reversing</b>	Higher court disagrees with lower court in the SAME proceedings
<b>Per incuriam</b>	Decision made through carelessness or ignorance of binding law — does not bind

## Chapter 10 — Criminal Case Law and Precedent

Because juries do not provide reasons for their verdicts, criminal jurisprudence relies heavily on appellate decisions to establish principles. The key role of a criminal lawyer is to challenge authority and ensure the state proves its case beyond reasonable doubt.

### 10.2 Murder and Manslaughter

Offence	Definition	Basis
<b>Murder</b>	Unlawful killing by person of "sound memory" with "malice aforethought" (Coke CJ)	Common law — no statutory definition
<b>Manslaughter</b>	Killing WITHOUT malice aforethought	Common law
<b>Involuntary manslaughter</b>	Death resulting from unlawful and dangerous act a reasonable person would realise carries risk of harm (R v Goodfellow 1986; R v Bristow 2013)	Common law

### 10.4 Theft

#### Theft Act 1968 — Codified Definition

DISHONEST APPROPRIATION of property belonging to another with INTENTION TO PERMANENTLY DEPRIVE them of it. Ancient common law principles (dating to 1674) remain consistent in modern applications such as R v Ibrahim (2011).

### 10.5 Sentencing

#### Criminal Justice Act 2003 — Five Sentencing Principles

1. Punishment of offenders 2. Reduction of crime (including deterrence) 3. Reform and rehabilitation 4. Protection of the public 5. Making reparation to victims Courts follow a "sentencing ladder": discharges and fines → community sentences → custodial sentences. Sentencing Council guidelines focus on CULPABILITY and HARM.

### 10.6 Evidence

Rule	Key Point
<b>Confessions (PACE 1984)</b>	Excluded if obtained through OPPRESSION or circumstances making it UNRELIABLE (R v Roberts 2011 — employer's lie)
<b>Unlawfully obtained</b>	Admissible if use does not have "adverse effect on fairness" of

<b>evidence</b>	proceedings (R v Stewart 1995)
<b>Previous convictions</b>	Generally excluded — but Criminal Justice Act 2003 allows admission in certain circumstances (R v Hassan Mohammed 2020)
<b>Standard of proof</b>	Beyond reasonable doubt — prosecution bears the burden (Woolmington v DPP)

## 10.8 Lawyer's Conduct in Criminal Cases

### Defending a Client Who Says "I Did It"

A lawyer CAN continue to act for a client who confesses privately but pleads not guilty: • Duty of confidentiality remains • CAN test prosecution evidence and challenge proof A lawyer CANNOT: • Mislead the court • Assert the client's innocence actively • Allow the client to give false evidence

## Chapter 11 — SQE1 Consolidation: The Legal System

### 11.1 – 11.2 Court Structure Summary

Court	Type	Jurisdiction
<b>Magistrates' Court</b>	Inferior, trial	~95% criminal cases; summary; either-way (1st instance); up to 12 months custody
<b>County Court</b>	Inferior, trial	Civil claims ≤£100,000 (≤£50,000 PI); tracks: small claims/fast/multi
<b>Crown Court</b>	Superior, trial	Indictable only; either-way (allocated up); serious sentencing
<b>High Court</b>	Superior, trial + appellate	Civil claims >£100,000; judicial review; appeals from County Court
<b>Court of Appeal</b>	Superior, appellate	Civil and criminal appeals — permission required
<b>Supreme Court</b>	Superior, appellate	Final appeal — points of law of general public importance only

### 11.5 – 11.6 Judicial Hierarchy and Rights of Audience

Judge	Court
<b>Lord Chief Justice</b>	Head of the Judiciary
<b>Master of the Rolls</b>	Head of Civil Justice
<b>Supreme Court Justices</b>	Supreme Court
<b>Lord / Lady Justices of Appeal</b>	Court of Appeal
<b>High Court Judges</b>	High Court
<b>Circuit Judges / Recorders</b>	Crown Court and County Court
<b>District Judges</b>	County Court and Magistrates' Court
<b>Magistrates (JPs)</b>	Magistrates' Court — lay unpaid

#### Rights of Audience

Solicitors: Magistrates' and County Courts by right. Higher Courts Advocacy Qualification (HCAQ) required for: Crown Court, High Court, Court of Appeal, Supreme Court. Litigants in person: may represent themselves in any court.

### 11.7 – 11.10 Precedent Quick Reference

### When is a Case Binding?

A judicial proposition is binding if: 1. It is a PROPOSITION OF LAW 2. It forms the RATIO DECIDENDI 3. It was decided in a SUPERIOR COURT 4. There are NO RELEVANT MATERIAL DISTINCTIONS from the present case Obiter dicta = persuasive only, not binding.

Court	Can Depart?	How?
<b>Supreme Court</b>	Yes (sparingly)	1966 Practice Statement — "appears right to do so" to avoid injustice
<b>Court of Appeal</b>	Yes (rarely)	Young v Bristol Aeroplane exceptions: conflicting decisions; SC overruled; per incuriam
<b>High Court (appellate)</b>	Yes	Not bound by own first-instance decisions
<b>Inferior courts</b>	Not binding on anyone	Follow superior courts only

## 11.11 – 11.14 Legislation and Interpretation Quick Reference

Interpretation Method	Definition
<b>Literal rule</b>	Plain, ordinary meaning — even if harsh
<b>Golden rule</b>	Adapted literal rule — avoid absurd or obnoxious results
<b>Mischief rule</b>	What defect or mischief did the Act intend to fix?
<b>Purposive approach</b>	Overall policy intent and reasons behind the legislation

Aid Type	Examples
<b>Intrinsic aids</b>	The Act itself: long/short title, punctuation, interpretation sections
<b>Extrinsic aids</b>	Interpretation Act 1978; dictionaries; Hansard (Pepper v Hart — ministerial statements if statute ambiguous or absurd)

Presumption	Rule
<b>No change to common law</b>	Unless Parliament clearly states otherwise
<b>No retrospectivity</b>	Statutes do not apply to pre-enactment events
<b>Mens rea required</b>	Serious crimes need criminal intent unless Parliament explicitly provides otherwise
<b>No deprivation of liberty/property</b>	Without explicit authority

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<b>Crown not bound</b>	Unless explicitly stated
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## **END OF DOCUMENT — LEGAL SYSTEMS OF ENGLAND AND WALES**

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