

The eighth lecture

Accordingly, the judicial organization in England is based on the existence of two types of judicial bodies:

First/ The Supreme judicial bodies: divided into four courts:

1- The Supreme Court of Justice: It decides on all cases without exception. It has no limited jurisdiction, as it is competent to consider appeals submitted to it against judicial rulings issued by the courts of the first and second instance. It consists of three branches:

✓ **The King's Platform or King's Chair Section:** It is divided into two courts: the Admiralty Court and the Commercial Court.

✓ **Advisors Department:** Companies Court - Bankruptcy Court.

✓ **Personal Status Department:** Specialized in adjudicating family-related disputes. Claims are decided by a single judge assisted by a jury if necessary, and its rulings are appealed before the Court of Appeal.

2- The Crown Court: Established pursuant to the 1979 amendment, it is competent to adjudicate criminal disputes by a single judge assisted by a jury.

3- Court of Appeal: It consists of the civil section, which hears appeals brought to it against the rulings of the courts of first instance and the rulings of the Supreme Court, and the criminal section, which decides on appeals filed against the rulings of the Crown Court. It is composed of a president and two different judges without the participation of the jury. It makes its decisions by majority, and if not, the appeal is rejected, and the rulings of this court are appealed before the supreme body, which is the Appeals Committee of the Supreme Court.

4- The Chamber of Lords: This chamber had judicial and legislative powers, after which its jurisdiction was reformed according to the 2005 amendment, which changed its name from the Chamber of Lords to the Supreme Court of the United Kingdom, and made its jurisdiction limited to the judicial function only. This body is competent to hear appeals filed against the rulings of the Court of Appeal. As well as the rulings of the Supreme Court of Justice without going through the Court of Appeal if the cases are of distinct importance and privacy.

Second/ Lower judicial bodies: They decide on all matters. Civil and commercial rulings are appealed directly before the Court of Appeal, while criminal rulings are appealed before the Crown Court, in addition to the presence of quasi-judicial courts and committees that decide on administrative rulings.

The courts that are competent to hear civil matters are called district courts. Their judges are originally lawyers and are made up of one judge. As for the courts that are competent to hear criminal matters, they are made up of the courts of judges and the Crown Court, whose jurisdiction is determined according to the seriousness of the crime committed. The Crown Court is also competent to hear and decide on appeals. Filed against the rulings of the courts of judges.

Although the structure and nature of English law does not assume the existence of an administrative judiciary at all, the year 2000 witnessed the creation of some judicial bodies specialized in matters of an administrative nature within the Supreme Court, and this is in response to calls from jurisprudence for a kind of rapprochement between the unified judicial system and its dual counterpart.

The second section: Legislation

Legislation in England is considered the second source after the judiciary, and it completes the legal structure of the latter. It is known as parliamentary law in distinction from the common law, and it has broad powers as it can change even constitutional rules, and basic legislation includes the “constitution”, whether written or customary. It also includes ordinary legislation, whose goal is to protect basic rights and limit the arbitrariness of power, and the legislation does not become binding until it is implemented by judges.

According to the classical theory, legislation was considered a secondary source of law, as it corrects the basic structure of English law, which originally consists of judicial law. According to this theory, jurists do not take into account the legal rule issued by the legislator unless the judiciary takes over its application and reformulates it according to judicial rulings.

Recently, there has been an increasing interest in issuing parliamentary legislative texts or by delegation, and what is known as the modern theory has emerged that recognizes the legislative nature of English law, due to the inadequacy of the traditional method of establishing legal rules by the judiciary for the requirements of economic life, which is characterized by speed, in light of the activity of the legislative movement. In multiple fields to organize broad sectors in the economic and social field, this is due to the following reasons:

- Britain's accession to the European Union, which requires it to issue

legislation that is consistent with the legislation of other countries in the Union.

- Britain's entry into economic regulation

British legislation is distinguished by the absence of a written constitution, but it does not deny the existence of written constitutional texts, which are mainly represented in the "Grand Charter" issued in 1215, which is the basis of the system of government in Britain, and the Parliament Act issued in 1911 amended and supplemented by the 1949 law.

But this development remains limited, and the law of this family remains primarily judicial, because legislative laws, despite their importance, remain dependent and dependent on the intervention of the judiciary to implement them, and the lawsuit is controlled by the judge and there are no official newspapers in this system.

The third Section: Custom

Custom is considered a secondary source in this system after its status declined and it no longer has only a secondary role. However, no one can deny its role in forming the rules of the Common Law. However, it does not gain legal force unless it is enshrined judicially or legislatively.

The status of custom became apparent with the emergence of English law, which was before the emergence of the Common Law rules, especially in the Anglo-Saxon era, where most of its rules were derived from local customs, which resulted in the issuance of many legal rules from a customary source, and the Westminster courts also applied local customs. On the occasion of disputes brought before it and arising between individuals.

With the passage of time, custom gradually began to lose its prominent position as a primary source of English law to become only a reserve source, as judges were limited to relying on commercial customs that arise on the occasion of disputes related to commercial transactions, and as for the rest of the other customs, they only resort to those that they see as achieving conscience-inspired justice. The king, using reason and logic to determine it.

Jurisprudence, which consists of the writings and opinions of jurists, also constitutes a secondary source of law in the Anglo-Saxon system, as it is sometimes used to establish new judicial precedents.