Prebiehajúce postupy a konania v oblasti civilnej justície, ktoré sa začali v prechodnom období, budú podľa práva EÚ ďalej prebiehať. Na portáli elektronickej justície budú na základe vzájomnej dohody so Spojeným kráľovstvom príslušné informácie týkajúce sa Spojeného kráľovstva uverejnené do konca roku 2024.

National ordinary courts

Anglicko a Wales

This page provides you with information about the ordinary courts in England and Wales.

Ordinary courts – introduction

The organisation of the various courts in England and Wales is as follows. You can find more details on the website of Her Majesty's Courts and Tribunals Service, which provides administration and support for all courts except the Supreme Court.

Supreme Court

The **Supreme Court of the United Kingdom** took over the jurisdiction of the Appellate Committee of the House of Lords on 1 October 2009. It also took over the devolved functions of the Judicial Committee of the Privy Council (the highest court of appeal in several independent Commonwealth countries, UK overseas territories and British Crown dependencies).

The Supreme Court is the **final court of appeal** in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to the Supreme Court. Permission to refer a case for appeal to the Supreme Court will usually be granted only if it involves points of law of public importance.

Court of Appeal

The Court of Appeal is divided into criminal and civil divisions and usually sits in London.

The **Criminal Division**, presided over by the **Lord Chief Justice**, hears appeals against conviction and sentencing from people convicted or sentenced in the Crown Court. The Court of Appeal criminal division has power to quash or uphold a conviction, order a re-trial and, in sentence appeals, vary the sentence (but not increase it). However, in instances where the Attorney General refers a case to the Court of Appeal, the court has the power to increase a sentence if it considers it unduly lenient.

The court has a wider jurisdiction to hear ad hoc appeals, such as appeals regarding reporting or public access restriction, appeals against rulings adverse to the prosecution, and various appeals under the Proceeds of Crime Act 2002. Additionally, the court deals with appeals in court martial cases.

Three judges usually sit together in the Court of Appeal criminal division, but only one judgement (the majority opinion) is given as the court's decision.

The Court of Appeal, **Civil Division**, is presided over by the **Master of the Rolls**. The court hears appeals mainly against decisions of the High Court (including Chancery, Queens Bench and Family Division) and of county courts across England and Wales and certain tribunals. Three Lord Justices usually sit together, forming a constitution. In reaching their decision, the judges may make any order they decide ought to have been made in the court from which the case was referred. In some cases, a re-trial is ordered.

Witnesses are rarely heard in the Court of Appeal. Decisions are usually based on documents, transcripts of previous hearings and the arguments of the lawyers appearing for the parties.

High Court

The High Court is based in London, although cases can be heard in other parts of England and Wales. The High Court can hear almost any civil action – although, in practice, it deals mainly with larger or more complex cases. The court is organised into three divisions:

The **Queen's Bench Division** is the largest of the three and deals with a wide range of civil matters. These include actions for damages arising from breaches of contract, tort, libel, commercial disputes, technology and construction and admiralty cases (civil actions relating to ships, such as collision, damage to cargo and salvage).

The **Chancery Division** is particularly concerned with property matters, including the administration of the estates of people who have died, the interpretation of wills, patents and intellectual property, insolvency and disputes about companies and partnerships.

The **Family Division** deals with many of the more complex divorce and related financial and matrimonial matters. It deals with care cases concerning children (in particular wardship, adoption and child abduction) cases involving those within the Court of Protection, and cases related to the medical treatment of children under the inherent jurisdiction of the court.

Administrative Court

The work of the Administrative Court is varied, consisting of the **administrative law jurisdiction** of England and Wales as well as **supervisory jurisdiction** over inferior courts and tribunals.

The supervisory jurisdiction, exercised in the main through the procedure of **judicial review**, covers persons or bodies undertaking a public law function. The purpose of judicial review is to ensure that the decisions of these bodies or individuals are properly and lawfully made, and do not go beyond the powers given to them by Parliament.

Other matters dealt with by the Administrative Court include a number of **statutory appeals and applications**:

The right given by certain statutes to challenge decisions of ministers, local government, tribunals

Applications under the Nationality, Immigration and Asylum Act 2002

Appeals by way of case stated against certain decisions of magistrates' courts and the Crown Court

Applications for habeas corpus

Applications for committal for contempt of court

Applications relating to vexatious litigants

Applications under the Coroners Act 1988

Various applications made under the Prevention of Terrorism, Proceeds of Crime, Drugs Trafficking and Criminal Justice Acts.

In 2009, regional offices of the Administrative Court opened in Birmingham, Cardiff, Leeds and Manchester, making it possible for claimants/applicants to issue certain types of applications closer to the region with which they have the closest connection. A further regional office opened in Bristol in November 2012.

Divisional courts

Certain **appeals from the lower courts** are heard in the divisional courts of the High Court (i.e. a court consisting of at least two judges).

Appeals from county courts, with respect to Chancery and Queen's Bench jurisdictions, are heard by the respective divisional courts.

Divisional courts of the Queen's Bench division hear, among other things, appeals on points of law from magistrates' courts and the Crown Court (except where the Crown Court is dealing with a matter on indictment).

A divisional court of the family division hears appeals against decisions about family matters made by magistrates' courts.

County courts

County courts deal with the majority of **civil cases** in England and Wales. Put in the simplest terms, the less complicated civil cases are heard in the county courts and the more complex cases in the High Court. The greater number of cases handled by county courts relate to debt recovery. However, property repossession (e.g. where mortgage payments have lapsed), personal injury or negligence claims and bankruptcy matters are also heard in the county court. Some County Courts also act as High Court District Registries, where High Court cases can be issued. In addition some have specialist jurisdiction to allow them to hear less complex matters that otherwise would be in the High Court.

Claims for debt or damages under £5000 are usually decided under a **special small claims procedure**. This is designed to provide a low cost and informal way of resolving disputes without the need to use a lawyer. In such cases, the judge can adopt an inquisitorial role and help both the claimant and defendant to explain their case. County courts also offer an in-house small claims mediation service, although external mediation is available for other disputed claims.

County courts also deal with **family work**, which includes divorce, children's matters like residence, and care cases and adoptions. Some family work is complex and may be dealt with in the High Court. In central London, all family work is dealt with by the principal registry of the family division and not the local county courts. Family mediation is available through the Children and Family Court Advisory and Support Service (CAFCASS).

Crown Court

The Crown Court is a national court, which sits in different centres in England and Wales. It deals with all **serious criminal cases** passed up from the magistrates' courts. Cases for trial are heard before a judge and a jury of 12 members of the public.

Sometimes jurors are also needed in civil cases (such as libel and actions against the police for malicious prosecution), although this does not happen often. When it does, the trial will take place in the High Court or a county court. The Crown Court also acts as an appeal court for cases heard by magistrates in the magistrates' courts.

Magistrates' courts

Magistrates' courts deal mainly with **criminal matters**; most criminal offences are heard in the magistrates' courts. The more serious offences are passed to the Crown Court for trial. Magistrates' courts also deal with **some civil cases**, including family law matters; the recovery of some types of debt, such as council tax; and licensing issues (for example, liquor licences), breaches of the terms of licences or court orders, and betting and gaming issues.

Most cases in magistrates' courts are heard by **lay magistrates** (also known as justices of the peace or JPs). Lay magistrates are not legally trained. They usually sit in threes and are advised on matters of law by legally-qualified clerks. The more complex matters that come before magistrates' courts are heard by members of the professional judiciary, known as district judges (magistrates' courts) who sit full-time. Deputy district judges (magistrates' courts) sit part-time.

The magistrates' courts have the power to fine and imprison (for limited periods) those who have been convicted of crime – thus some cases are referred up to the Crown Court for sentence.

Certain magistrates' courts are designated 'youth courts' or 'family proceedings courts'. These are composed of specially trained magistrates and deal respectively with charges against, and applications relating to, children and young people, or with family cases.

Related Links

Her Majesty's Courts and Tribunals Service

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