

CIVIL CASES

Prior to these lessons you should have read and précised chapter 2 of 'OCR Law for AS' by Jacqueline Martin



PRECIS NOTES WILL BE CHECKED

In this lesson...

- Check your mobile is switched off
- Take notes
- Feel free to ask questions – but raise your hand first

Reasons for Negotiation

A court case should be seen as a last resort

Courts are expensive - e.g. courts & lawyers fees

Even if you win - other side may not be able to pay

Complicated cases take time and cost a lot.

The Courts

The two courts which hear civil cases are:

- The County Court
- The High Court

The court a case will be heard in will depend on the seriousness of the case and the amount of money involved.

From the textbook write down ...

- (1) How to issue a claim ...
- (2) How to defend a claim ...
- (3) List the value of a claim in relation to the Court it is usually tried in.

Allocation of Cases

Following the new Civil Procedure Rules, a three-track system was introduced.

The tracks are:

1. The small claims track
2. The fast track
3. The multi-track

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County Court

What types of cases can be tried in the County Court?

The County Court can try small claims, fast track and multi-track cases.

Claimants and defendants will usually be represented by a solicitor (or even a barrister) and the winner of a case may claim costs.



Small Claims

- For claims worth less than £5000
- Quicker, cheaper and simpler than using the main County Court
- Parties are encouraged to represent themselves to keep costs to a minimum

List the advantages *and* the disadvantages of small claims ...



Fast Track Cases

- Used for claims worth between £5000 and £15000
- Strict timetable is set by the judge
- Hearing is limited to one day only, with usually only one expert witness allowed.

Why was the fast track idea brought in?
What improvements have resulted?



Multi-track Cases

For claims worth more than £15,000...
...or which raise difficult points of law.

The judge will “manage” the case and set timetables according to the needs of the case.

Which court(s) would a multi-track case be heard in?

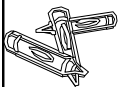


High Court

This court has the power to hear any civil case.

It has three divisions, each of which specialises in hearing certain types of case...

- Queen’s Bench Division
- Chancery Division
- Family Division



High Court (cont’d)

Draw a table explaining what types of cases are heard in each of the three divisions of the High Court.

Who is the head of each Division?

When may juries be used in the High Court?



Activity ...

- Break into Law Firms and do the activities on page 23 of *OCR Law for AS*.
- Produce a written list of the key reforms recommended by Lord Woolf.
- Summarise - in your own words - the comments of Jacqueline Martin on page 24.

Appellate Courts

The main appellate courts are:

- The Divisional Courts
- The Court of Appeal
- The House of Lords

What are the two main functions of the Queen's Bench Divisional Court?

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Court of Appeal (Civil Division)

Mainly hears appeals from all three divisions of the High Court, the County Court (for multi-track cases) and some tribunals.

Permission to appeal is required, either from the lower court where the decision was made or from the Court of Appeal.

House of Lords

This is the final court of appeal in our legal system (though if the case involves EU Law it could be sent there), hearing appeals from the C of A, the Divisional Courts and occasionally the High Court.

It is very difficult to get permission to appeal to the House of Lords – the Law Lords hear about 60 cases per year involving civil law.

The Supreme Court

The Constitutional Reform Act 2005 has provision to replace the House of Lords with a Supreme Court which will not be part of Parliament.

- Will start work in 2009.
- The first members of the Supreme Court will be existing judges from H of L.

Appeal Routes in Civil Cases

All students should, in pairs, produce a flow-chart showing the appeal routes from both the County Court and the High Court.

Be prepared to explain your flow-chart to the class!

Exam Questions ...

**Plan both examination questions
shown on page 29 of '*OCR Law for AS*'.**

**Your Laws teacher will ask you
to answer one question in exam conditions.**

