11.1 Legal systems and jurisdiction

Name: _____ Class: _____ Date: _____ **Total: 14 marks**

KEY WORDS standard of proof • precedent

Objective

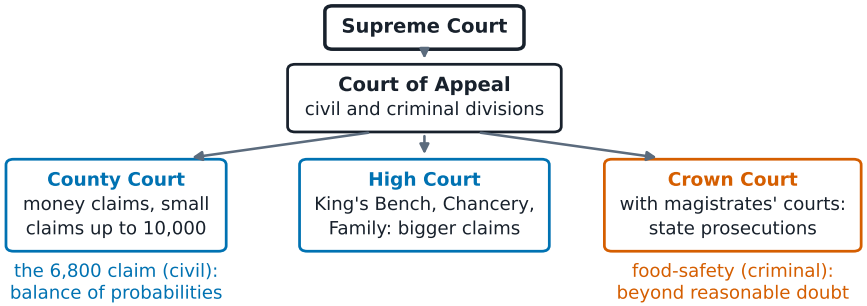
Tell civil from criminal, allocate a claim to the right court and track, read a citation, and apply limitation periods.

1 Key knowledge and worked examples

■ Two tracks, one apex

Civil: the claimant sues to be made whole, on the balance of probabilities; money claims of 10,000 pounds or less usually take the small claims track. Criminal: the state prosecutes, beyond reasonable doubt. Simple contracts: 6 years; deeds: 12.

Two tracks, one apex: the courts of England and Wales



Citations: [2015] UKSC 67 = year, court, judgment number; [1893] 1 QB 256 = volume, report series, page

Read the citation, check the court, label the jurisdiction

■ Worked example. The 6,800 claim

340 + 160 + 6,300 = 6,800 ✓ - under 10,000, so the small claims track; the parallel prosecution is a different question at a different standard ✓.

2 Practice

2.1 A schedule: lost earnings 1,200, medical 300, injury 5,500. The total, and the usual track? [3]

2.2 Read each citation: court, year, and what the number means: [1968] 2 QB 497 and [2011] UKSC 41. [4]

2.3 A simple contract is breached on 1 March 2020. By what date must a claim be issued? And if it were by deed? [3]

2.4 Which courts bind which: County Court, High Court, Court of Appeal, Supreme Court. [4]

Solutions

2.1

- $1{,}200 + 300 + 5{,}500 = 7{,}000$ pounds.
- Under 10,000: the small claims track, County Court.

2.2

1968 2 QB 497: Court of Appeal (civil), 1968, volume 2 of the reports, page 497.
2011 UKSC 41: the UK Supreme Court, 2011, judgment 41 of that year.

2.3

- Six years from breach: by 1 March 2026 (Limitation Act 1980 s.5).
- A deed gets twelve: by 1 March 2032.

2.4

- The Supreme Court binds every court below; the Court of Appeal binds itself and courts below, narrowly.
- High Court decisions bind the County Court; like cases alike at every level.

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