

Courts of England and Wales

"English court" redirects here; for the royal and noble court, see [Court \(royal\)](#).

Her Majesty's Courts of Justice of England and Wales are the [civil](#) and [criminal courts](#) responsible for the [administration of justice](#) in [England and Wales](#); they apply [English law](#), the law of England and Wales, and are established under Acts of the [Parliament of the United Kingdom](#).

The [United Kingdom](#) does not have a single unified legal system—[England and Wales](#) have one system, [Scotland](#) another, and [Northern Ireland](#) a third. There are exceptions to this rule; for example in [immigration law](#), the [Asylum and Immigration Tribunal](#)'s jurisdiction covers the whole of the United Kingdom, while in [employment law](#) there is a single system of [Employment Tribunals](#) for England, Wales, and Scotland (but not Northern Ireland). Additionally, the [Military Court Service](#) has jurisdiction over all members of the armed forces of the United Kingdom in relation to [offences against military law](#).

The Court of Appeal, the High Court, the Crown Court, the magistrates' courts, and the county courts are administered by [Her Majesty's Courts and Tribunals Service](#), an executive agency of the [Ministry of Justice](#).

Supreme Court of the United Kingdom

Main article: [Supreme Court of the United Kingdom](#)

The [Supreme Court](#) is the highest appeal court in almost all cases in England and Wales. Before the [Constitutional Reform Act 2005](#) this role was held by the [House of Lords](#). The Supreme Court is also the highest court of appeal for [devolution](#) matters, a role previously held by the [Privy Council](#).

Judicial Committee of the Privy Council

Main article: [Judicial Committee of the Privy Council](#)

The [Privy Council](#) is the highest court of appeal for a small number of [Commonwealth](#) countries, colonies and the Channel Islands and the Isle of Man. There are a number of smaller statutory jurisdictions, such as appeals from ecclesiastical and professional bodies. The judges who sit on the Judicial Committee of the Privy Council are also the members of the Supreme Court and the Court of Appeal.

Senior Courts of England and Wales

The Senior Courts of England and Wales were originally created by the Judicature Acts as the "Supreme Court of Judicature". It was renamed the "Supreme Court of England and Wales" in 1981,^[1] and again to the "Senior Courts of England and Wales" by the [Constitutional Reform Act 2005](#) (to distinguish it from the new [Supreme Court of the United Kingdom](#)). It consists of the following courts:

- [Court of Appeal](#) (formally Her Majesty's Court of Appeal in England^[2])
- [High Court of Justice](#) (High Court, formally Her Majesty's High Court of Justice in England^[3])
- [Crown Court](#)

Court of Appeal

Schematic of court system for England and Wales

Main article: [Court of Appeal of England and Wales](#)

The Court of Appeal deals only with appeals from other courts or tribunals. The Court of Appeal consists of two divisions: the Civil Division hears appeals from the High Court and County Court

and certain superior tribunals, while the Criminal Division may only hear [appeals from the Crown Court](#) connected with a trial on indictment (i.e. for a serious offence). Its decisions are binding on all courts, including itself, apart from the [Supreme Court](#).

High Court

Main article: [High Court of Justice](#)

The High Court of Justice functions both as a civil [court of first instance](#) and a criminal and civil [appellate court](#) for cases from the subordinate courts. It consists of three divisions: the Queen's Bench, the Chancery and the Family divisions. The divisions of the High Court are not separate courts, but have somewhat separate procedures and practices adapted to their purposes. Although particular kinds of cases will be assigned to each division depending on their subject matter, each division may exercise the jurisdiction of the High Court. However, beginning proceedings in the wrong division may result in a costs penalty.

Crown Court

Main article: [Crown Court](#)

The Crown Court is a criminal court of both original and appellate jurisdiction which in addition handles a limited amount of civil business both at first instance and on appeal. It was established by the [Courts Act 1971](#). It replaced the [Assizes](#) whereby High Court judges would periodically travel around the country hearing cases, and [Quarter Sessions](#) which were periodic county courts. [The Old Bailey](#) is the unofficial name of London's most famous Criminal Court, which is now part of the Crown Court. Its official name is the "Central Criminal Court". The Crown Court also hears appeals from [Magistrates' Courts](#).

The Crown Court is the only court in England and Wales that has the jurisdiction to try cases on indictment and when exercising such a role it is a superior court in that its judgments cannot be reviewed by the Administrative Court of the Queen's Bench Division of the High Court.

The Crown Court is an inferior court in respect of the other work it undertakes, viz. inter alia, appeals from the magistrates' courts and other tribunals.

Subordinate courts

The most common subordinate courts in England and Wales are the

- [Magistrates' courts](#)
- [Family proceedings courts](#)
- [Youth courts](#)
- [County courts](#)

Magistrates', family proceedings and youth courts

Magistrates' courts are presided over by a bench of lay magistrates (a.k.a. [justices of the peace](#)), or a legally trained district judge (formerly known as a stipendiary magistrate), sitting in each [local justice area](#). There are no [juries](#). They hear minor criminal cases, as well as certain licensing appeals. Youth courts are run on similar lines to adult magistrates' courts but deal with offenders aged between the ages of ten and seventeen inclusive. Youth courts are presided over by a specially trained subset of experienced adult magistrates or a district judge. Youth magistrates have a wider catalogue of disposals available to them for dealing with young offenders and often hear more serious cases against youths (which for adults would normally be dealt with by the Crown Court). In addition some magistrates' courts are also a [family proceedings court](#) and hear Family law cases including care cases and they have the power to make adoption orders. Family proceedings courts are not open to the public. The Family Proceedings Court Rules 1991 apply to cases in a family proceedings court. Youth courts are not open to the public for observation, only the parties involved in a case being admitted.

County Court

The County Court is a statutory court with a purely civil jurisdiction, sitting in 92 different towns and cities across England and Wales. As from 22 April 2014 there has been a single County Court for England and Wales where previously there was a series of courts. The County Court is so named after the ancient sheriff's court held in each county, but it has no connection with it nor indeed was the jurisdiction of the county courts based on counties.

A County Court hearing is presided over by either a district or circuit judge and, except in a small minority of cases such as civil actions against the police, the judge sits alone as trier of fact and law without assistance from a jury. The old county courts' divorce and family jurisdiction was passed on 22 April 2014 to the unified [Family Court](#).

Until unification in 2014, county courts were local courts in the sense that each one has an area over which certain kinds of jurisdiction, for example proceedings for possession of land must be started in the county court in whose district the property lies, but in general any county court in England and Wales may hear any action and claims are frequently transferred from court to court.

Special courts and tribunals

In addition, there are many other specialist courts. These are often described as "Tribunals" rather than courts, but the difference in name is not of any great consequence. For example an [Employment Tribunal](#) is an inferior court of record for the purposes of the law of [contempt of court](#). In many cases there is a statutory right of appeal from a tribunal to a particular court or specially constituted appellate tribunal. In the absence of a specific appeals court, the only remedy from a decision of a Tribunal may be a judicial review to the High Court, which will often be more limited in scope than an appeal.

Examples of specialist courts are:

- [Employment Tribunals](#) (formerly Industrial Tribunals) with appeal to the [Employment Appeal Tribunal](#)
- the Employment Appeal Tribunal, which is a superior court of record, and therefore not subject to judicial review, appeals go to the [Court of Appeal](#)
- the [First-tier Tribunal](#) and the [Upper Tribunal](#) established under the [Tribunals, Courts and Enforcement Act 2007](#) have absorbed the function of many pre-existing tribunals.

Coroners' courts

The post of [coroner](#) is ancient, dating from the 11th century, and coroners still sit today to determine the cause of death in situations where people have died in potentially suspicious circumstances, abroad, or in the care of central authority. They also have jurisdiction over [treasure trove](#).

Ecclesiastical courts

The [Church of England](#) is an established church (i.e. it is the official state church) and formerly had exclusive or non-exclusive subject matter jurisdiction over marriage and divorce cases, testamentary matters, [defamation](#), and several other areas. Since the 19th century, the jurisdiction of the [ecclesiastical courts](#) has narrowed principally to matters of church property and errant clergy. Each Diocese has a 'Chancellor' (either a [barrister](#) or [solicitor](#)) who acts as a judge in the [consistory court](#) of the diocese. The [Bishop](#) no longer has the right to preside personally, as he formerly did.^{[\[citation needed\]](#)} Appeals lie to the [Arches Court](#) (in Canterbury) and the [Chancery Court](#) (in York), and from them to the [Court of Ecclesiastical Causes Reserved](#) (CECR). From the CECR appeals lie to the [Judicial Committee of the Privy Council](#).

Military courts

- [Military Courts of the United Kingdom](#) (including the Summary Appeal Court, Service Civilian Court, Court Martial and Court Martial Appeal Court)

Other courts

- [Election court](#) (ad-hoc courts hearing petitions against election results)
- [Court of Chivalry](#) (ancient and rarely convened court dealing with [heraldry](#))

Criminal cases

There are two kinds of criminal trial: 'summary' and 'on indictment'. For an adult, summary trials take place in a magistrates' court, while trials on indictment take place in the Crown Court. Despite the possibility of two venues for trial, almost all criminal cases, however serious, commence in the [Magistrates' Courts](#). It is possible to start a trial for an [indictable offence](#) by a [voluntary bill of indictment](#), and go directly to the Crown Court, but that would be unusual.

A criminal case that starts in the Magistrates' Court may begin either by the defendant being charged and then being brought forcibly before Magistrates, or by summons to the defendant to appear on a certain day before the Magistrates. A summons is usually confined to very minor offences. The hearing (of the charge or summons) before the Magistrates is known as a "first appearance".

Offences are of three categories: indictable only, summary and either way. Indictable only offences such as murder and rape must be tried on indictment in the Crown Court. On first appearance, the Magistrates must immediately refer the defendant to the Crown Court for trial, their only role being to decide whether to remand the defendant on bail or in custody.

Summary offences, such as most motoring offences, are much less serious and most must be tried in the Magistrates' Court, although a few may be sent for trial to the Crown Court along with other offences that may be tried there (for example assault). The vast majority of offences are also concluded in a magistrates' court (over 90% of cases).

Either way offences are intermediate offences such as theft and, with the exception of low value criminal damage, may be tried either summarily (by magistrates) or by judge and jury in the Crown Court. If the magistrates consider that an either way offence is too serious for them to deal with, they may "decline jurisdiction" which means that the defendant will have to appear in the Crown Court. Conversely even if the magistrates accept jurisdiction, an adult defendant has a right to compel a jury trial. Defendants under 18 years of age do not have this right and will be tried in the [youth court](#) (similar to a magistrates' court) unless the case is homicide or else is particularly serious.

A magistrates' court is made up in two ways. Either a group (known as a 'bench') of 'lay magistrates', or a district judge, will hear the case. A lay bench must consist of at least three magistrates. Alternatively a case may be heard by a district judge (formerly known as a stipendiary magistrate), who will be a qualified lawyer and will sit singly, but has the same powers as a lay bench. District judges usually sit in the more busy courts in cities or hear complex cases (e.g. extradition). Magistrates have limited sentencing powers.

In the [Crown Court](#), the case is tried before a Recorder (part-time judge), [Circuit Judge](#) or a [High Court](#) judge, and a jury. The seniority of the judge depends on the seriousness and complexity of the case. The jury is involved only if the defendant enters a plea of "not guilty".

Appeals

From the magistrates' courts, an appeal can be taken to the Crown Court on matters of fact and law or, on matters of law alone, to the [Administrative Court](#) of Queen's Bench Division of the High Court, which is called an appeal "by way of [case stated](#)". The Magistrates' Court is also an inferior court and is therefore subject to [judicial review](#).

The Crown Court is more complicated. When it is hearing a trial on indictment (a jury trial) it is treated as a superior court, which means that its decisions may not be judicially reviewed and appeal lies only to the Criminal Division of the [Court of Appeal](#).

In other circumstances (for example when acting as an appeal court from a Magistrates' Court) the Crown Court is an inferior court, which means that it is subject to judicial review. When acting as an inferior court, appeals by way of case stated on matters of law may be made to the Administrative Court.

Appeals from the High Court, in criminal matters, lie only to the Supreme Court. Appeals from the Court of Appeal (Criminal Division) may also only be taken to the Supreme Court.

Appeals to the Supreme Court are unusual in that the court from which appeal is being made (either the High Court or the Court of Appeal) must certify that there is a point of law of general public importance. This additional control mechanism is not present with civil appeals and means that far fewer criminal appeals are heard by the Supreme Court.

Civil cases

Under the [Civil Procedure Rules 1998](#), [civil](#) claims under £5,000 are dealt with in a [county court](#) under the 'small claims track'. This is generally known to the lay public as 'small claims court' but does not exist as a separate court. Claims between £5,000 and £25,000 that are capable of being tried within one day are allocated to the 'fast track' and claims over £25,000 to the 'multi track'. These 'tracks' are labels for the use of the court system – the actual cases will be heard in a county court or the High Court depending on their value.

For personal injury, defamation cases and some landlord and tenant disputes the thresholds for each track have different values.

International relationships

Relationship with the European Court of Justice

The [European Court of Justice](#) acts only as a supreme court for the interpretation of [European Union law](#). Consequently, there is no right to appeal at any stage in UK court proceedings to the ECJ. However, any court in the UK may refer a particular point of law relating to [European Union law](#) to the ECJ for determination. However, once the ECJ has given its interpretation, the case is referred back to the court that referred it.

The decision to refer a question to the ECJ can be made by the court of its own initiative, or at the request of any of the parties before it. Where a question of European law is in doubt and there is no appeal from the decision of a court, it is required (except under the doctrine of [acte clair](#)) to refer the question to the ECJ; otherwise any referral is entirely at the discretion of the court.

Relationship with the European Court of Human Rights

It is not possible to appeal the decision of any court in England and Wales to the [European Court of Human Rights](#) (ECtHR). Although it is frequent to hear media references to an "appeal" being taken "to Europe", what actually takes place is rather different.

The ECtHR is an international court that hears complaints concerning breaches of the European Convention on Human Rights and Fundamental Freedoms. An unsatisfied litigant in England and Wales might complain to the ECtHR that English law has violated his rights. A decision in the ECtHR will not change English law, and it is up to the Government of the United Kingdom to decide what action (if any) to take after an adverse finding.

Courts in England and Wales are not bound to follow a decision of the ECtHR, although they should "take into account" ECtHR jurisprudence when applying the Convention. The Convention has always had an influence on decisions of courts in England and Wales, but now the Convention has two further effects:

1. a court, being a public body, must act in accordance with the Convention Rights found in the [Human Rights Act 1998](#), which includes a requirement to construe statutes in accordance with the Convention; and

2. direct claims may be made under the Human Rights Act 1998 against a public body for breach of Convention rights.

Relationship with the International Criminal Court

History

For nearly 300 years, from the time of the [Norman Conquest](#) until 1362, [French](#) was the language of the courts, rather than [English](#). Until the twentieth century, many legal terms were still expressed in [Latin](#). The Supreme Court of Judicature was formed in 1873 from the merging of various courts then existing, such as the

- [Court of Queen's Bench](#)
- High [Court of Chancery](#)
- Court of [Exchequer](#)
- High Court of [Admiralty](#)
- [Court of Common Pleas](#)
- Court of [Probate](#) and [Matrimonial Causes](#)

Other historical courts include:

- [House of Lords](#)
- [Star Chamber](#)
- [Court of High Commission](#)
- [Court of Piepowders](#) (marketplace courts)
- [Assize Court](#)
- [Restrictive Practices Court](#)
- [Courts leet](#)
- [Quarter sessions](#)

Local courts of special jurisdiction

The Courts of Session of the [County Palatine of Chester](#) and the [Principality of Wales](#) were abolished section 14 of by the [Law Terms Act 1830](#).

The [Court of the County of Durham](#) was abolished by section 2 of the [Durham \(County Palatine\) Act 1836](#).

The [Stannary Court](#) was abolished by the [Stannaries Court \(Abolition\) Act 1896](#).

The following courts were merged into the High Court by section 41 of the [Courts Act 1971](#):

- The [Court of Chancery of the County Palatine of Lancaster](#)
- The [Court of Chancery of the County Palatine of Durham and Sadberge](#)

Section 42 replaced the [Mayor's and City of London Court](#) with a [county court](#) of the same name.

Section 43 abolished:

- The Tolzey and Pie Poudre Courts of the City and County of Bristol
- The [Liverpool Court of Passage](#)
- The [Norwich Guildhall Court](#)
- The [Court of Record for the Hundred of Salford](#)

[Section 221](#) of the [Local Government Act 1972](#) abolished the [borough civil courts](#) listed in [Schedule 28](#) to that Act.

Part II of Schedule 4 to the [Administration of Justice Act 1977](#) curtailed the jurisdiction of certain other anomalous local courts.