

What is law?



A body of rules, imposed and enforced, among the members of a given state.

The two types of law

The law is often divided into:

- civil law

and

- criminal law.



Civil law

Civil law concerns the rights and duties that people or companies owe to each other.



Civil Law

Key Points

- There is NO prosecution or punishment in civil law.
- A person brings an action against another and asks the court for a remedy (e.g. damages).
- The process of starting a civil law action is known as 'suing'.
- The person starting the action is known as the 'claimant'.
- The person being sued is known as the 'defendant'.

Main Branches of Civil Law

- Contract law
- Law of tort
- Family law
- Company law.

Criminal Law

Key Points

- The aim of criminal law is to prosecute and punish the wrong-doer.
- The police conduct most criminal investigations,
- The Crown Prosecution Service (CPS) brings most prosecutions.
- The Director of Public Prosecutions (DPP) heads the CPS.
- The person who is being prosecuted is known as the 'defendant'.

The main courts



- The main criminal courts are:
 - ❖ The magistrates' courts
 - ❖ The Crown Court.
- The main civil courts are:
 - ❖ The county courts
 - ❖ The High Court.

The burden of proof in criminal cases

- A person can only be found guilty if the case is proved beyond reasonable doubt.
- If there is reasonable doubt then the accused must be found 'not guilty'.
- The defence does not have to prove that the defendant did not commit the crime.
- The burden of proof is on the prosecution.

Criminal law



Criminal law concerns behaviour that the state so strongly disapproves of that it will seek to punish the wrongdoer.

The burden of proof in civil cases

- The burden of proof in civil law is usually on the complainant but is much lower than that required in criminal law.
- Cases are decided on the balance of probabilities
- This can be thought of as tipping the scales of justice in favour of one party or a 51% target: if this is reached then the case is won.