

UK Law



Knowledge book

The need for laws

Countries need laws so that the country has equality, fairness, order, safety and clarity.

Overall, citizens follow laws because morally, it is the right things to do and fear of the consequences.

When creating a new law, the government must consider support, are people going to back this new law and follow it, or will it cause upset and riots? (This could also mean people do not vote for them in the future)

They must also consider impact, is the law going to have a positive impact on everyone else?

The UK follows the rule of law, this consists of three very important principles:

Innocent until proved guilty

Anyone that is brought to court is said to be innocent until they are proved guilty. This means that the court must present evidence to prove that a person is guilty beyond reasonable doubt.

Equality before the law

The law applies to everyone equally, whatever their gender, ethnicity, religion, age or disability (including law makers)

Access to justice

Everyone has the right to use the legal system whether they have been charged with an offence or have been hurt in some way.

UK parliamentary system

Monarch		
Legislature Making laws House of Commons House of Lords	Executive Creates policy Government Civil servants	Judiciary Judges Adapts laws

There are two types of law in the UK

Criminal law and civil law

Criminal law

When an Act of Parliament (law) has been broken, this is known as **criminal** law, because a **crime** has been broken.

E.g. If you steal something from a shop you have broken the Theft Act and therefore committed a crime, this is criminal law.

Criminal law can be serious e.g. murder or less serious e.g. stealing a chocolate bar from a shop.

Serious criminal crimes will go to a **Crown Court**.

Crown courts have a judge and a jury. The jury will hear the case and then decide if the person is guilty or not guilty. The judge will then use mitigation to decide the sentence. They have the power to give the full range of sanctions. The most serious being a full life tariff.

5% of UK crime is heard in a Crown court.

Less serious (minor) crimes will go to a **Magistrate Court**.

Magistrate courts have 3 magistrates. They will listen to the case and then decide if the person is guilty or not guilty. They only have the power to pass minor sentences e.g. fines, less than 6 months detention.

95% of UK crime is heard in a magistrate court.

When deciding a punishment, the judge will consider **mitigating** circumstances e.g. is it the first offense? Did they admit guilt? Have they shown remorse? The judge will also consider what the punishment will (hopefully) achieve, do they need to punish the offender? Protect the public? Change the offender's behaviour?

Sentencing

There are a range of punishments the offender could receive:

A discharge – If the crime is small and it is their first time, the judge may decide that no punishment is needed. If this is an absolute discharge, no action will be taken at all. If it is a conditional discharge, the offender will not be punished unless they commit an offense again within a set period.

A fine – Fines are the most common criminal sentence. They are usually given for less serious crimes. The amount of the fine depends on the seriousness of the crime and the offender's ability to pay.

Community sentence (service) – This normally involves unpaid work that benefits their community, this can range from 40 to 300 hours work. The aim is to punish them and reduce the risk of reoffending.

Restorative justice – Sometimes, offenders might meet their victims face to face so that they see the impact of their crimes.

Prison sentence (custodial) – This will be given when the judge feels the public need to be protected e.g. for crimes like assault, rape. Or for an offender who is repeatedly breaking the law. A determinate sentence means they will serve a fixed amount of time e.g. 6 years. Half will be served in prison and half in the community on license. An indeterminate sentence has no fixed end point, the offender won't be released until they are deemed as safe, in some cases this results in a lifetime spent in prison.

Suspended sentence – A first time offender might receive this punishment, it means they won't go to prison as long as they follow the rules and conditions, if they break them, they will be sent to prison.

Civil law

This law involves a dispute between two individuals or groups, often to do with rights e.g. parents divorcing and disagreeing about custody of their children.

Civil law can be very serious and emotive, it does not mean 'less serious crime'. E.g. a surrogate deciding, she wants to keep the baby would be classed as civil law, but the outcome would have huge consequences for all involved.

Ideally, civil cases are best dealt with without using the courts because courts are stressful and cost money.

Civil cases can be dealt with by using:

Mediation – where the two parties will sit with an impartial person who will council them through the problem and support them to reach a decision they are both happy with.

Ombudsman – Citizens that feel as though their rights have been abused can seek support from an official who is appointed to investigate their complaints against a company or organization.

Tribunal – An aggrieved person can take their civil case to a special court or group of people who are officially chosen, especially by the government, to examine problems of a particular type. E.g. education tribunal, employment tribunal.

Civil cases can go to a **County Court**, this would be for more serious and complex civil matters. Before trying a civil case, the judge reads the relevant case papers and becomes familiar with their details. Most civil cases tried in court do not have a jury and the judge hears them on his own, deciding them by finding facts, applying the relevant law to them – and there may be considerable argument about what that law is – and then giving a reasoned judgment. Judgement not punishment.

Responsibilities

As well as following the law, citizens can play a part in the legal system in many other ways.

Jury service - If you're called to Jury Service (criminal law) you'll sit in on a trial as a juror. You will be one of a group of 12 people chosen at random, who will decide whether the defendant is guilty or not. The chances of being called for Jury Service actually vary depending on where you live. You can be called upon from 18 to 75 years old.

Special constable - These are trained volunteers that work with their local police, they work a minimum of 4 hours a week. Once training is complete, they have the same powers as a regular officer and wear a similar uniform.

Magistrate - Most people between the ages of 18-65 can apply to be a magistrate. Applicants are given training in how to carry out the role. They do not need to have a legal background, as court officials will give them advice.

Tribunal member hearing - A citizen may volunteer to support a tribunal if they are an expert in that particular field. They provide a specialist view and will play a role in the decision that is made.

Your rights if arrested

You must be:

Told the reason for your arrest

Given the opportunity to tell someone about your arrest

Able to get free legal advice from a solicitor

Offered medical help if needed

Able to see a written notice about your rights

Youth Justice System

This deals with offenders between the ages of 10-17

Young people are more likely to end up in court if they:

Have a troubled background

Are in/have been in care (looked after)

Have poor literacy (GCSE results)

In a youth court there is no jury, the public is not allowed in, a parent or guardian must be there and offenders are called by their first name.

If the crime is serious, it can be passed to the Crown Court.

The number of young people who appear in court has gone down over recent years. This is positive as it suggests that society is doing a better job of ensuring young people are not criminalised.

However, those young people that do end up in custody are very likely to reoffend. This is negative as it shows that society are not doing a good job of rehabilitating young people within the justice system.

Young people can receive many of the same sentences as adults. They can also receive:

Referral orders – The young person attends a youth offender panel and agrees to a set of rules and conditions so that they can avoid more serious punishment.

Youth rehabilitation orders – This is a commitment to attend rehabilitation sessions for a fixed amount of time e.g. drug rehabilitation.

If a child under the age of 10 breaks the law. They will be referred to the Youth Offending Team and may receive a child curfew.

Why does crime occur?

When there is greater inequality in income and education, people are more likely to commit crime

Drugs and alcohol affect the way people behave. Alcohol related crime is falling but victims of violent crime often report that their attacker was drunk.

The environment can affect how people behave. In streets that are dirty, full of rubbish and graffiti, there is likely to be more crime.

There are attempts to reduce crime in the community by using street lighting, CCTV, community support officers and improving community cohesion.

Education also plays a big role; many schools have safer schools police officers and pastoral staff who work with young people who might be at risk of offending.

Community groups such as youth clubs and neighbourhood watch can also be beneficial in reducing crime.

Reoffending

A large proportion of crime is committed by people who have already been in trouble with the police.

The term for this is **reoffending**

47% of people leaving prison reoffend within a year

58% of people on short sentences reoffend in a year

70% of under 18s leaving prison reoffend in a year

The UK justice system aims to rehabilitate. Many people believe our prison system is ineffective due to the large numbers of offenders who reoffend upon release.

What's happening to crime?

The Crime Survey for England and Wales shows a steady decline in violent crime over the last 20 years.

Violent crime rates have fallen by more than half since peaking in the mid-1900s

Homicide has shown a general downward trend since 2002/03

In 2015, the number of sexual offenses was the highest recorded by the police since 2002/03

In 2015, total crime rose due to the introduction of cyber crime

It is important to remember that not all crimes are reported. For example, victims of rape may not report the attack due to the fear of being cross-examined in court/not believed.