

# 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.