

Lecture 1 - The English Legal System

Features of the English Legal System

- o Common Law
- o Custom
- o No Legal Code or Constitution
- o Law was originally mainly made by Judges
- o Importance of Procedure
- o Absence of Roman Law
- o Adversarial System of Trial

Problems with Common Law

- o The court which dealt with claims was the Kings Bench.
- o The only common law remedy was damages.
- o Claimants needed to issue proceedings by obtaining a writ.
- o The system was very inflexible.

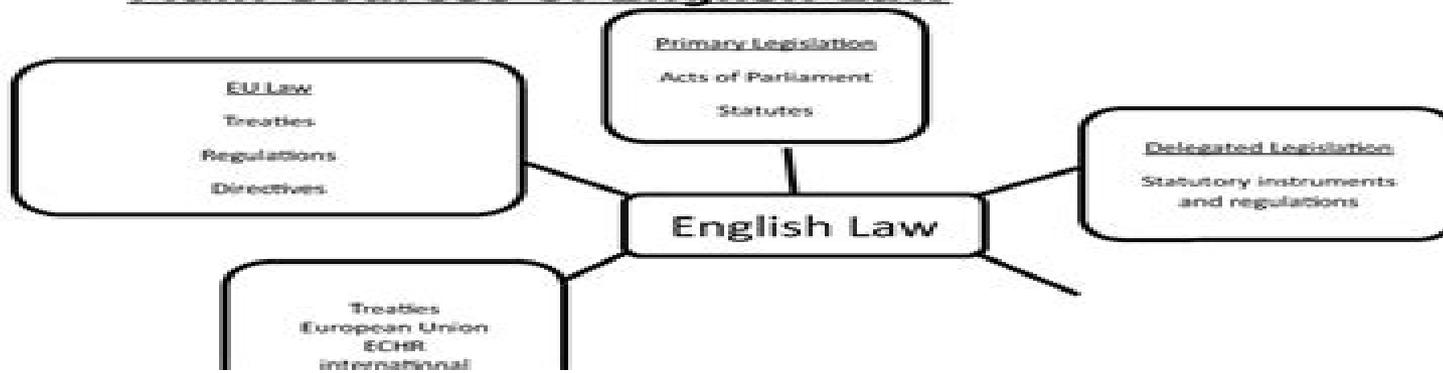
Equity

- o People were allowed to petition the king directly for a remedy.
- o The petitions were delegated to the Lord Chancellor who heard the claims in the court of Chancery.
- o Decisions were based more upon fairness, morality and natural justice.
- o Equity developed its own legal principles and remedies.
- o If there was a conflict between common law and equity then equity prevailed.

Classification of English Law

- o Public Law and Private Law
- o Criminal Law and Civil Law
- o Common Law and Equity

Main Sources of English Law



English Legal System Lecture Notes

Patrick Vollmar



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