

GCSE Citizenship – Rights and Responsibilities

The Law

Key terms

Civil law - Law that deals with disputes between individuals or groups. There are civil courts which award damages (a money payment).

Common law - Law made by the decisions of judges over the years.

Criminal law - Law which deals with individuals who break the law, and which punishes offenders because they have broken laws that Parliament has stated we must all obey.

Human Rights - Basic rights and freedoms which all people are entitled to.

Judiciary - Branch of the state that is responsible for enforcing the law. It comprises Judges and other legal officials.

Juries - A group of local people who are chosen randomly to make a decision in a legal case.

Justice - The fairness as a result of the application of a Law, usually by a judge, in society.

Legislature - The law making body of the state ie the Parliament.

Rights - A right is something we are entitled to by law.

Trade Unions - A group of workers in the same trade or profession who have joined together to protect their rights.

Appeals - apply to a higher court for a reversal of the decision of a lower court.

Defendant - a person in a court of law who is accused of having done something wrong.

Tribunal - This is where a dispute is settled, quite often an employment related one for example, someone who feels they were dismissed from their job unfairly.

UK Supreme Court – The highest court of appeals in the UK.

The principals of law

Justice
Fairness
Presumption of innocence
Equality



The nature of laws

They offer legal certainty

They are properly enacted and clear in their purpose

They operate with equality and fairness

Laws are not retrospective

There is due legal process in enforcing the law

What rights protect citizens in global conflict situations?

Universal Declaration of Human Rights

International Criminal Court

European Arrest Warrant

The importance of Magna Carta for our rights in the UK

Magna Carta was a document signed by King John in 1215. Today, it is interpreted as the first time it was written down that nobody (not even the King) was above the law.

The difference between civil and criminal law

Criminal cases are brought on behalf of the state against the citizen for breaking the law of the land. Civil cases relate to disputes between individuals or organisations and are resolved by the award of damages.

The UK Justice System – The Police

Roles:

Maintain law and order; protect members of the public; detect and investigate crime.

Powers: Stop and search; Power to Arrest; Entry, search and seize.

The UK Justice System – The Judiciary

The judiciary examines issues and cases where the citizen is accused of breaking the law, and has to make a judgement as to whether they have.

A sentence is then given if they are guilty.

The judiciary also deals with citizens who appeal against an outcome.

If citizens do not agree, they can appeal at the next level of court.

The judiciary is politically neutral and should not show bias.

The UK Justice System – Legal Representatives

There are three main branches:

Legal executives – employed by solicitors to carry out work in specialised areas i.e. house purchases

Solicitors – carry out most of the work in magistrates and county courts. Also do private work for clients such as buying houses, making wills and advising on tax matters.

Barristers – present cases in court. Work in Magistrates and Crown Courts. Specialise in criminal or civil law and have studied law at university.

The UK Justice System – Judges

In control of a trial in a court room and grant adjournments (breaks in the proceedings).

Hear evidence to help decide a case. Direct a jury on evidence they have heard in regard to the law before deciding on a sentence.

Scotland has a slightly different structure

In Scotland there are four levels of courts:

- 1) Justices of the peace: act in a similar fashion to the Magistrates' Court system in England and Wales.
- 2) Sheriff and summary: the sheriff (judge) determines guilt or innocence as well as presiding over the trial. They can impose a custodial sentence of up to one year and impose a fine of up to £10,000.
- 3) Sheriff and jury: cases are heard by the sheriff and a jury of fifteen jurors (members of the public). A Sheriff Court can impose a custodial sentence of up to five years.
- 4) The High Court: deals with the most serious cases such as: murder, rape and armed robbery. Cases are presided over by a single judge and tried by a jury of fifteen people.

The UK court system

The diagram shows the court structure for England and Wales. Scotland and Northern Ireland follow a similar structure, but there are slight differences.

To try and summarise:

Criminal cases will start at a Magistrates Court. If a defendant wishes to appeal a decision, they can do this at the High Court, and further at the UK Supreme Court.

For serious criminal cases, these will then move from the Magistrates Court to the Crown Court where a jury is used to decide on innocence. If the defendant wishes to appeal the decision, they can do this at the Court of Appeal, and then the UK Supreme Court if necessary. An appeal is where you challenge the original judgement of the case.

For Civil Cases, they start at the County or Family court, and then go through the same appeals process as Criminal Cases.

The separate flow chart shows how a Tribunal works. This is where a dispute is settled, quite often an employment related one for example, someone who feels they were dismissed from their job unfairly.

The right to representation and Trade Unions

A defendant is entitled to be represented when in court. Some people will be able to afford to pay for a solicitor, whereas others will have someone appointed to them by the court.

Trade Unions are part of this representation. A Trade Union is a group of workers in the same trade or profession who have joined together to protect their rights. They became prominent in the 19th Century, and have been protected by law since the early 20th Century. The Trade Union Congress (TUC) is one of the biggest unions, whilst other industries like teachers have their own. The main aim of Unions is to protect the rights of their workers in areas such as health and safety, fair pay and working conditions. Trade Unions can call a strike, but only if members of the union back it.