

# Contents

<i>Preface</i> .....	v
<b>1. THE DIVISIONS OF THE LAW</b> .....	1
The common law .....	1
Crimes and Civil Wrongs .....	2
Elementary Legal Terminology .....	3
Civil terminology.....	4
Criminal terminology .....	4
The classification of offences.....	4
The terminology of criminal procedure.....	5
Classification of Civil Wrongs.....	6
Public and Private Law .....	8
Common Law and Equity.....	9
Common law .....	9
Equity.....	10
Common law as made by the judges.....	12
Legislation.....	12
<b>2. THE COURTS AND THE JUDICIARY</b> .....	13
Open justice.....	13
Magistrates' courts .....	13
Courts With Civil Jurisdiction.....	14
The High Court .....	15
Court of Appeal (Civil Division) .....	16
The county court .....	17
The Supreme Court .....	17
Courts With Criminal Jurisdiction .....	20
Crown Court .....	20
Court of Appeal (Criminal Division).....	21
Tribunals and other courts .....	24
Other Courts .....	24
European Court of Justice.....	24

European Court of Human Rights .....	25
Judicial Committee of the Privy Council .....	25
Further Reading.....	26
<b>3. THE MECHANISM OF SCHOLARSHIP.....</b>	<b>27</b>
Navigating the Law Library.....	29
Law Reports .....	30
Neutral citation .....	33
House of Lords/Supreme Court.....	33
Court of Appeal.....	33
High Court .....	33
The structure of a law report .....	34
The commercially published and specialist law reports.....	35
The English Reports.....	37
How to find a reference .....	39
Abbreviations: law reports and periodicals.....	41
Scottish decisions.....	42
Two references given.....	42
Square and round brackets .....	42
Electronic searching .....	43
Titles of cases.....	43
Pronouncing case names .....	45
Statutes .....	46
The state of the statute book .....	46
The citation of statutes .....	47
The parts of a statute .....	48
Statutory Instruments .....	49
Periodicals.....	49
<b>4. METHODS OF STUDY .....</b>	<b>51</b>
Textbooks, Lectures and Classes.....	51
Cases and Materials Books .....	55
Taking Notes .....	57
Using Shorthand .....	58
Tutorials, Seminars and Supervisions.....	60
The Study of History.....	61

## Contents

xi

5. TECHNICAL TERMS.....	65
Latin and French .....	65
Dictionaries.....	67
Pronunciation .....	67
Legal Abbreviations.....	70
Judicial titles.....	70
Citations and cross-references .....	72
6. CASE LAW TECHNIQUE .....	75
Ratio Decidendi .....	75
Distinguishing .....	82
Obiter Dictum.....	87
How Much of a Case to Remember .....	89
Divergent Opinions.....	91
The Hierarchy of Authority .....	92
Precedent in the House of Lords and Supreme Court.....	93
Court of Appeal.....	96
Divisional Court .....	100
Circumstances Affecting the Weight of a Decision.....	103
Judicial Law-Making .....	104
Further Reading.....	106
7. STATUTES AND THEIR INTERPRETATION.....	107
The Structure of a Statute .....	108
The Importance of Context.....	109
Definition Sections .....	110
Interpretation in the Light of Policy: Fringe Meaning.....	111
The Literal Rule .....	113
A “Purposive” Approach: The Mischief Rule .....	117
Pepper v Hart .....	118
Interpretations to Avoid Absurdity: The Golden Rule .....	122
Presumptions .....	124
Human Rights Act 1998 Section 3.....	127
Further Reading.....	129

European Court of Human Rights .....	25
Judicial Committee of the Privy Council .....	25
Further Reading.....	26
3. THE MECHANISM OF SCHOLARSHIP .....	27
Navigating the Law Library.....	29
Law Reports .....	30
Neutral citation .....	33
House of Lords/Supreme Court.....	33
Court of Appeal.....	33
High Court .....	33
The structure of a law report .....	34
The commercially published and specialist law reports.....	35
The English Reports.....	37
How to find a reference .....	39
Abbreviations: law reports and periodicals.....	41
Scottish decisions.....	42
Two references given.....	42
Square and round brackets .....	42
Electronic searching .....	43
Titles of cases.....	43
Pronouncing case names.....	45
Statutes .....	46
The state of the statute book .....	46
The citation of statutes .....	47
The parts of a statute .....	48
Statutory Instruments .....	49
Periodicals.....	49
4. METHODS OF STUDY .....	51
Textbooks, Lectures and Classes.....	51
Cases and Materials Books .....	55
Taking Notes .....	57
Using Shorthand .....	58
Tutorials, Seminars and Supervisions.....	60
The Study of History.....	61

## Contents

xi

5. TECHNICAL TERMS.....	65
Latin and French .....	65
Dictionaries.....	67
Pronunciation .....	67
Legal Abbreviations.....	70
Judicial titles.....	70
Citations and cross-references .....	72
6. CASE LAW TECHNIQUE .....	75
Ratio Decidendi .....	75
Distinguishing .....	82
Obiter Dictum.....	87
How Much of a Case to Remember .....	89
Divergent Opinions .....	91
The Hierarchy of Authority .....	92
Precedent in the House of Lords and Supreme Court.....	93
Court of Appeal.....	96
Divisional Court .....	100
Circumstances Affecting the Weight of a Decision.....	103
Judicial Law-Making .....	104
Further Reading.....	106
7. STATUTES AND THEIR INTERPRETATION.....	107
The Structure of a Statute .....	108
The Importance of Context.....	109
Definition Sections.....	110
Interpretation in the Light of Policy: Fringe Meaning.....	111
The Literal Rule.....	113
A “Purposive” Approach: The Mischief Rule .....	117
Pepper v Hart .....	118
Interpretations to Avoid Absurdity: The Golden Rule .....	122
Presumptions .....	124
Human Rights Act 1998 Section 3.....	127
Further Reading.....	129

Local Government .....	236
Crown Prosecution Service.....	237
Civil Service: General Category.....	238
Business Management .....	239
The Academic Profession .....	240
Accountancy .....	243
Legal Publishing and Court Reporting.....	243
Applying For Jobs—Some General Advice.....	244
14. GENERAL READING .....	247
Fiction.....	247
Biographies .....	250
Trials.....	254
Essays.....	256
Humour .....	257
Drama.....	258
Film .....	259
History .....	261
The Constitution .....	261
Jurisprudence, Logic, Philosophy and Economics.....	261
15. THE EUROPEAN DIMENSION .....	265
The EU .....	266
The principal institutions.....	267
Council of Ministers .....	267
The European Council.....	268
Commission .....	268
European Parliament .....	269
European Court of Justice .....	269
Court of Auditors .....	270
Sources of law .....	270
The law-making procedure .....	272
European Convention On Human Rights and the Human Rights Act 1998 .....	273
European Court of Human Rights .....	274
Publications.....	275
European Court.....	275
Commission.....	275

Contents

xv

Human Rights Act 1998 .....	276
The Influence of Europe.....	277
<i>Index</i> .....	281