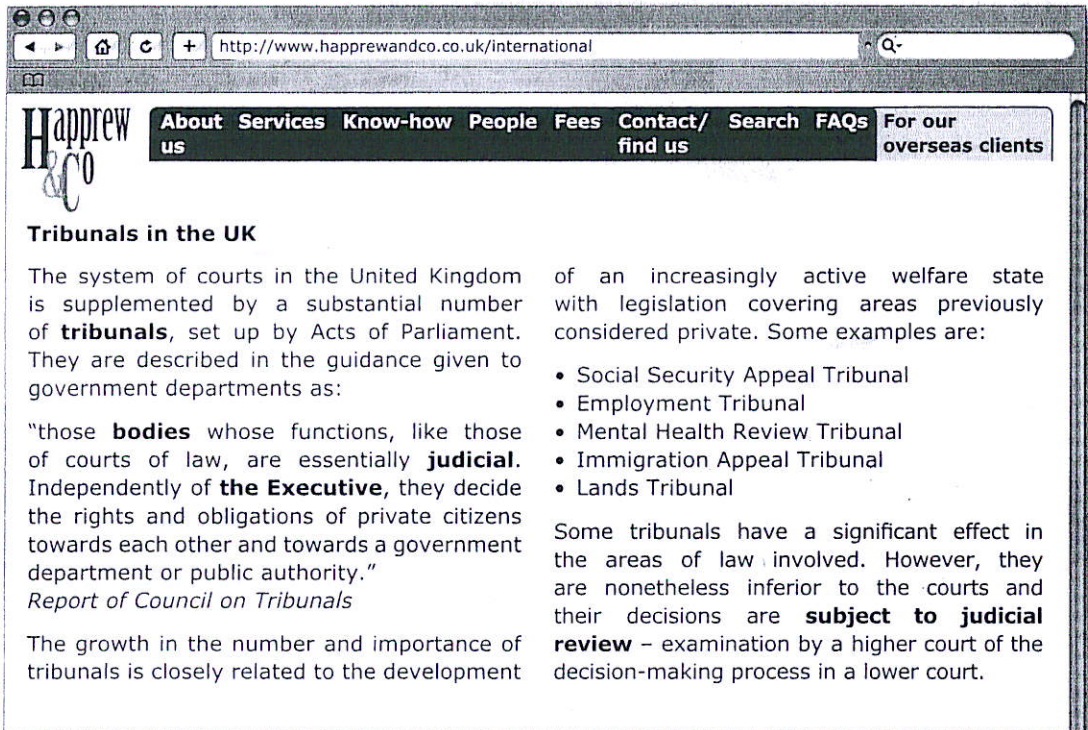


# 7 Tribunals

## A The status and range of tribunals



The screenshot shows a web browser window with the URL <http://www.happrewandco.co.uk/international>. The website header includes the logo 'Happrew & Co' and a navigation menu with links: 'About us', 'Services', 'Know-how', 'People', 'Fees', 'Contact/ find us', 'Search', 'FAQs', and 'For our overseas clients'. The main content area is titled 'Tribunals in the UK' and contains the following text:

The system of courts in the United Kingdom is supplemented by a substantial number of **tribunals**, set up by Acts of Parliament. They are described in the guidance given to government departments as:

"those **bodies** whose functions, like those of courts of law, are essentially **judicial**. Independently of **the Executive**, they decide the rights and obligations of private citizens towards each other and towards a government department or public authority."

*Report of Council on Tribunals*

The growth in the number and importance of tribunals is closely related to the development of an increasingly active welfare state with legislation covering areas previously considered private. Some examples are:

- Social Security Appeal Tribunal
- Employment Tribunal
- Mental Health Review Tribunal
- Immigration Appeal Tribunal
- Lands Tribunal

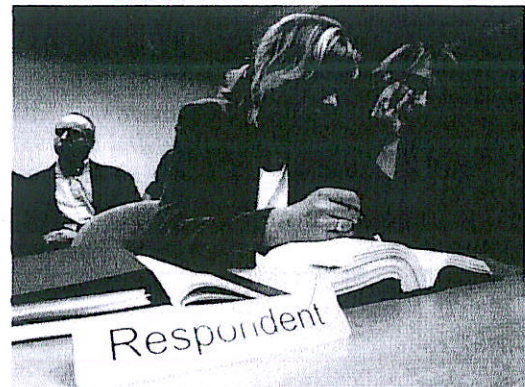
Some tribunals have a significant effect in the areas of law involved. However, they are nonetheless inferior to the courts and their decisions are **subject to judicial review** – examination by a higher court of the decision-making process in a lower court.

## B Composition of tribunals and procedure

A tribunal consists of three members. The **chairperson** is normally the only legally qualified member. The other two are **lay representatives** who usually have **special expertise** in the area governed by the tribunal, gained from practical experience. The tribunal will also have all the usual administrative support enjoyed by a court: hearing clerks, who are responsible for administering procedures, clerical staff, and hearing accommodation.

The intention of tribunals was to provide a less formal proceeding in which **claimants** could **lodge claims** and **respondents defend claims**, and ultimately **resolve** their **disputes** without the need for legal representation. However, procedures have become more complicated and cases **brought before** tribunals are often presented by solicitors and barristers. For example, a case of **unfair dismissal** – where an employer appears to not be acting in a reasonable way in removing an employee – could be brought to an Employment Tribunal. Procedure at that Tribunal may include a stage where a **government agency**

tries to **broker a settlement** so that a **claim may be withdrawn**. The costs of the hearing are **borne by the public purse**, that is, paid from tax revenue, but legal representation is at the cost of each party. **Witness statements** are normally exchanged before the hearing and at the hearing both **parties** may question witnesses and **address the Tribunal**. The Tribunal can **refer to decisions of higher courts** before making its decision in a specific case.



A tribunal in action

7.1 Complete this letter which a lawyer has written to his client about a case coming to an Employment Tribunal. Look at B opposite to help you.

### Woods & Pankhurst Solicitors

3 The Old Forge  
West Cambourne  
Cambs  
CB6 7AB

Mr D Johnson,  
Managing Director, Force Ltd

Dear David,

#### Claim for Unfair Dismissal by A.J. Blackwood

Many thanks for your faxed letter of yesterday attaching the copy ET1 in respect of the above. According to my records, Force Ltd have not had an (1) ..... claim made against it previously so I thought it would be helpful if I gave you a brief outline of the various stages of the procedure involved for you to (2) ..... the claim.

Following receipt of the ET1, the company, as (3) ....., has 28 days to complete and return a defence on form ET3. The Tribunal will acknowledge receipt of this and will forward a copy to Miss Blackwood, the (4) .....

The Tribunal appoints an officer of the (5) ....., the Arbitration Conciliation and Advisory Service (ACAS), to this case. He or she will get in touch with both you and Miss Blackwood for the purpose of offering assistance to broker a Settlement Agreement so that the claim can be (6) ..... Obviously, if this is possible then the costs of a Tribunal hearing will be saved. The costs of a hearing are (7) ..... the public purse, although obviously you will be responsible for this firm's fees in representing you if required.

Usually the Tribunal allows ACAS a number of weeks in which to (8) ..... If that doesn't happen, a date for the case to be heard will be arranged. When that date has been determined, the Tribunal will give both (9) ..... a simple set of directions to prepare for the hearing. I would normally expect to agree a bundle of relevant documents with the other side and to exchange written witness statements in advance of the hearing.

At the hearing, witnesses will be asked to swear or affirm that the contents of their (10) ..... are true. Both parties and the Tribunal will have the chance to question the witnesses.

Following that, Miss Blackwood and you on behalf of the company (or your respective legal representatives) may (11) ..... the Tribunal with an argument about why your evidence and case should be accepted. The Tribunal may also consider points about the relevant law at this point and possibly (12) ..... decisions made at a higher level of the Tribunal system, such as the Employment Appeal Tribunal, the Court of Appeal, the House of Lords, or even the European Court of Justice, before reaching its decision.

I hope this is helpful to you. Obviously, we will need to discuss in some detail the facts of the matter and the merit, or otherwise, of the claim when we meet on Friday. I already have a copy of Miss Blackwood's contract so will make sure I have that to hand. I look forward to seeing you then.

Kind regards,

Yours sincerely,

Paul Hedges

Paul Hedges  
Partner, Woods & Pankhurst

### Over to you



Describe how disputes between private citizens are resolved in your legal system. What are some of the advantages and disadvantages of tribunals?

For information on UK tribunals, go to: [www.council-on-tribunals.gov.uk/](http://www.council-on-tribunals.gov.uk/).

# 8

## European Union law

### A What is the EU?

The **European Union (EU)** was created in 1992 by the **Treaty on European Union** (the **TEU**), generally called the Maastricht Treaty. The EU consists of three different Communities: the **ECSC** (European Coal and Steel Community), the **European Community** (the **EC**, formerly known as the European Economic Community Treaty, or the **EEC** treaty - also known as the Treaty of Rome), and **EURATOM** (European Atomic Energy Community Treaty). The EU has what are referred to as 'the three pillars':

**The European Union**

Common Foreign and Security Policy

ECSC  
EC  
EURATOM

Justice and Home Affairs Policy

Put simply, the original aim of the Community was **economic integration**: to create a **common market**, later defined as a **Single Internal Market**, in which there could be **free movement of goods, persons, services and capital**. This was to be achieved by the creation of a **free trade area**, where **Member States** agreed to remove all **customs duties** (import taxes) and **quotas** (restrictions on the amount of goods imported across Member States' **frontiers**, or borders) between themselves, and a **customs union**, in which all members agreed to **impose on** goods coming into the area from non-member states a common level of **duty** (the **Common Customs Tariff**, or **CCT**).

The three sources of EU law are the Treaties (EC, TEU, etc.), **secondary legislation** enacted by the EC (such as **regulations** and **directives**), and **general principles**, including fundamental **human rights**, **subsidiarity**, and **citizenship** of the EU for every **national** of a Member State.

**Note:** subsidiarity – the Community may only take legal action where it has exclusive competence, that is, power to govern, and where an action cannot be achieved by member states acting within their natural institutions, for example a trans-national action.

### B How does the EU impact on Member States?

The EC Treaty is **directly applicable** in every Member State. **Accession to** (membership of) the Community limits the power of national governments and affects **national sovereignty** – the power to govern. Community law **has supremacy over**, that is, overrides, national law. This supremacy was established in the case of *Costa v ENEL* (Case 6/64) ECR 545. The **Single European Act 1986** made **provisions** (legal conditions) creating an **obligation on** the Community to **take** the necessary **measures** to achieve the Internal Market. Under Article 249 (ex Art 189) there are five types of legal act which the Community may use:

- **Regulations** – have **general application** and are **binding in their entirety** on all Member States and **have direct effect**, meaning they automatically become law in Member States.
- **Directives** – are binding on Member States as to their result but do not bind individuals until they have been **transposed into national law** (implemented).
- **Decisions** of the **European Court of Justice (ECJ)** – are binding on those to whom they are addressed.
- **Recommendations** and **opinions** – have **no binding force** but may be **persuasive**, that is, have influence.

8.1 Find five phrases in A opposite used to indicate that a term has another name, for example 'formerly known as'. Then use appropriate phrases to complete the sentences below. There is more than one possibility for one of the answers.

- 1 Under EC law, anything which can be bought or sold is ..... goods.
- 2 Beijing was ..... Peking in the West.
- 3 Customs duty is ..... any charge that is imposed on goods because they are imported.
- 4 The third pillar of the European Union, ..... the Justice and Home Affairs pillar, is incorporated into the EC treaty.

8.2 Rearrange the underlined letters to make words in the extracts below. Look at A and B opposite to help you.

The (1) laennirt market shall comprise an area without internal (2) stenroirf in which the (3) reef (4) vemmnote of goods, persons, (5) essricev and capital is ensured in accordance with the (6) noopssivir of this (7) vetrat.

from Article 7a, the Single European Act 1986

Member (8) eattss shall take all appropriate (9) russeame whether general or particular, to ensure fulfilment of the (10) tooglisnabi arising out of this Treaty or resulting from an action taken by the institutions of the (11) timmouncy. They shall facilitate achievement of the Community's tasks.

from Article 5, the EC Treaty

A (12) ulegnotair shall have general (13) pintclapoia. It shall be binding in its (14) teentryi and directly (15) capbellpia in all Member States.

A (16) vetcriide shall be binding, as to the result to be achieved, upon each (17) beermm State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

from Article 189, the Treaty of Rome

8.3 Are the following statements true or false? Find reasons for your answers in A and B opposite.

- 1 Member states are required to incorporate European legislation into national law and to recognise the jurisdiction of the European Court of Justice in matters of EU law.
- 2 The national legislation of Member States takes precedence over Community rules.
- 3 The Common Customs Tariff applies to all goods imported by countries like Japan and the USA from the EU.
- 4 EU law prevents Member States from charging importers for bringing goods into that State from another Member State.

### Over to you



How has membership of the EU affected a jurisdiction you are familiar with?

For access to European Union legislation, including Treaties and case law (for example, *Costa v ENEL*), go to EUR-Lex at: <http://eur-lex.europa.eu/en/index.htm>

# 9 Solicitors

## A Legal practitioners

Lawyers in the United Kingdom jurisdictions generally **practise as solicitors** in private firms, as **legal advisers** in corporations, government departments, and advice agencies, or as **barristers** (see Unit 10). They can each **do advocacy**, **draft legal documents** and give written advice, but solicitors, unlike barristers, cannot **appear in every court**.

Traditionally, solicitors **undertake work** such as **conveyancing** (see Unit 40), and **drawing up contracts** (see Units 31–41) and **wills**. Barristers spend more time in court and have a **right of audience** in the higher courts. Unlike solicitors, barristers cannot usually be employed directly by clients but are **instructed** by solicitors. Solicitors normally **form partnerships** with other solicitors and work in offices with support staff. The qualification and practice of solicitors are regulated by the Law Society.

## B Training

Sami, a 25 year-old **graduate**, is talking about his experience as a **trainee**.

'My first degree was in engineering at Manchester University. Then I did two one-year law courses. The first led to the Common Professional Examination, or CPE; the second was the Legal Practice Course. I had a vacation **placement** at Applewood Branston, who offered me a two-year **traineeship**. They have a six seat system, which is quite common. Trainees spend time attached to different law departments, which suits me as I get a basic grounding in the main departments of the firm, helping me find which area of the law I'd like to **specialise in**. I can work in four or more different areas of law for four months at a time and then decide on a **specialism** later in the **training contract**. In my third seat, in Corporate Finance, I've learnt a lot from being **on secondment** with a client and got excellent back up from my seat supervisor, that is, **supervising partner**. It was good to put the professional skills training into practice straight away.'



## C A partner in a law firm

Hélène, from Monaco, is an **avocat** admitted to the Paris Bar – the professional association for lawyers. She **graduated** with a Bachelor of Law (LLB) in Paris and **obtained a Master's Degree (LLM)** in European Law from University College, London. She is a graduate of the Paris Institut d'Études Politiques.

'I **joined** Applewood Branston two years ago and was promoted to **partner** in the corporate and banking team in Paris. Before that I worked for twelve years for other leading international law firms. I've got extensive experience of **privatisations, mergers and acquisitions**, and I advise investment banks and corporates.'



9.1 A potential Polish client is talking to an English solicitor. Complete the solicitor's statements (1-3). Look at A opposite to help you. There is more than one possibility for one of the answers.

1 I'm looking for a lawyer to help me buy some land for a business. My firm undertakes a lot of ..... We could advise you and help to ..... contracts.

2 We've had some trouble in the past with getting large invoices paid. We can do ..... If your case goes to court, we have ..... and I can ..... in the lower courts.

3 Can you appear in the Appeal Court? No, I'm a ..... but my firm would instruct a ..... if a case were to go to the Appeal Court.

9.2 Complete the table with words from A, B and C opposite and related forms. Put a stress mark in front of the stressed syllable in each word. The first one has been done for you.

Verb	Noun	Noun - person
'partner	'partnership	'partner
		trainee
advise		
	practice	
specialise		

9.3 Ana García is talking about her career. Complete what she says with words from the table above and B and C opposite. There is more than one possibility for one of the answers.



I'm an *abogada*, a lawyer in Spain. I obtained my law (1) ..... in Barcelona. In the summers, as a student, I did a vacation (2) ..... in my uncle's law (3) ..... I (4) ..... from university six years ago. Because my English and French are good I got a (5) ..... to the New York office of my firm. While I was there I was (6) ..... by the mergers and acquisitions team. I've always enjoyed working with large companies so now I want to (7) ..... in (8) .....

### Over to you

Write or talk to someone about your experience of legal education and training. For information on the work of solicitors and links to other international professional organisations, go to: [www.lawsociety.org.uk/home.law](http://www.lawsociety.org.uk/home.law) and the International Bar Association: [www.ibanet.org/](http://www.ibanet.org/).

# 10

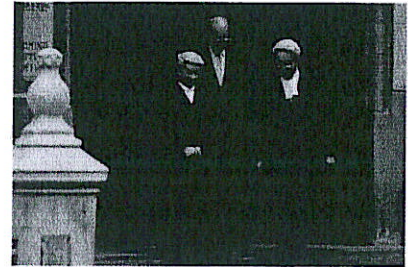
## Barristers

### A

#### Organisation

Sylvia Garrison, a practising **barrister**, is describing the training and organisation of the profession.

‘There are currently around 9,000 barristers **in practice** in England and Wales. Unlike solicitors, barristers can’t form partnerships but must act as **sole traders** with **unlimited liability**. Some barristers are in employed practice and may only represent their employer, for example as **in-house counsel** or in government departments like the Crown Prosecution Service. Many work independently in **self-employed practice** in groups called **chambers** or **sets** and **practise at the Bar** as a **barrister**. Chambers are traditionally located in the four Inns of Court in London – Gray’s Inn, Lincoln’s Inn, Middle Temple, and Inner Temple – and are also located in the UK regions, known as **circuits**. The Inns are principally non-academic societies which provide collegiate and educational resources for barristers and **trainees**. Members of chambers, known as **tenants**, share common expenses and support services, which are administered by an administrative manager known as the **Clerk**, along with ancillary staff such as secretaries.



A barrister’s main work is to **provide representation** in the courts, where they are referred to as counsel, to **draft documents** associated with court procedure, and to **give opinions**, that is, specialist legal advice. They are normally **instructed** by solicitors or other recognised professionals, such as patent agents or Legal Advice Centres, on behalf of **lay clients**. As the law has become more complex, barristers increasingly specialise in particular areas, such as personal injury, crime, family or commercial law. A number of Specialist Bar Associations, also known as SBAs, support and represent members. Barristers are governed by the General Council of the Bar, known as the **Bar Council**, and the **Inns of Court**.’

BrE: chamber/set; ScotE: stable

BrE: barrister; ScotE: advocate; AmE: trial lawyer / appellate attorney

### B

#### Training and qualifications of practising barristers

‘Intending barristers need a qualifying law degree, for example a **Bachelor of Laws**, also known as an **LLB**. However, many students graduate in a non-law subject and undertake a one year **conversion course** known as a **postgraduate Diploma in Law**, or **GDL**. The student barrister then applies to join one of the Inns of Court to study for the **Bar Vocational Course**, or **BVC**. It’s also mandatory for students to **keep terms**, which means dining at their Inn a fixed number of times, before they can be **called to the Bar**, that is, qualify as a barrister. Then the new barrister faces intense competition to obtain a funded **pupillage** in chambers for twelve months in order to get practical training. All applicants are advised first to **do a mini-pupillage** of one or two weeks to get some insight into what being a pupil is like. Pupillage, known as **devilling** in Scotland, is divided into two parts – a **non-practising** six months when pupils **shadow their pupil master**, an experienced barrister, by observing professional activities, and the second, **practising** six months when pupils, with their supervisor’s permission, can undertake to **supply legal services** and **exercise rights of audience**, in other words, speak in court. To gain a Full Qualification Certificate pupils must learn the rules of conduct and etiquette at the Bar, learn to prepare and present a case competently, learn to **draft pleadings** and **opinions**, have **advocacy training**, and pass a **forensic accountancy** course which covers the use of financial information in litigation. If successful at the end of the twelve months, the qualified barrister applies for a **tenancy** in chambers. When a **junior barrister** has practised at the Bar for 10 to 15 years, it’s possible to apply to become a **senior barrister**, or **Queen’s Counsel (QC)**, whose work concentrates on court appearances, advocacy, and opinions.’

**10.1** Match the two parts of the definitions. Look at A opposite to help you.

- |  |  |
|--|--|
| 1 Someone who works for his or herself is                                    | a provide representation.                |
| 2 If you speak on behalf of clients in court, you                            | b lay clients.                           |
| 3 Non-professional clients are known as                                      | c self-employed / a sole trader.         |
| 4 Barristers working solely for a company are called                         | d instructed.                            |
| 5 The governing authorities of barristers are                                | e in-house counsel.                      |
| 6 When a solicitor gives a barrister the details of a case, the barrister is | f practise at the Bar.                   |
| 7 When you work as a barrister you   | g the Bar Council and the Inns of Court. |

**10.2** Complete the extracts from a trainee barrister describing her professional life. Look at A and B opposite to help you. There is more than one possibility for two of the answers.



I took a first degree in Modern History, then did the (1) ..... in law at City University, which was much harder. I then did the (2) ..... at the Inns of Court School of Law.

Most days I'd expect to be present in (3) ..... from about 8.45 am to 7.00 pm, working almost throughout in my (4) ..... 's room. During that time I (5) ..... his professional life completely.

I generally look at papers when they first come in. I'm expected to be able to suggest how the case might be approached. In a week I might draft a (6) ....., prepare notes for a conference with clients, comment on draft witness statements, and research legal points.

Although all (7) ..... are for twelve months, if they think you have no prospect of finding a (8) ..... in the chambers, after six months you would be told discreetly.

Chambers runs (9) ..... training evenings to reduce the loss of opportunity to (10) ..... in court.

When I've practised for more than ten years, I'd be interested in being appointed as a (11) ....., with a specialist area such as employment law.

**Over to you**

Explain the organisation of your profession as if you were speaking to a fellow legal practitioner.

For more information on barristers, go to the Bar Council: [www.barcouncil.org.uk/](http://www.barcouncil.org.uk/).



## 11

## Working lives

A

## A company commercial lawyer

Sophie Brettle is talking about her work at Melton Deans.

'I'm a **partner** in a medium-sized regional law firm, working within the Company Commercial Department. I **head up** a team of eight, comprising six lawyers and two **paralegals** – legal researchers – undertaking projects work for **Public Sector** clients. Our main client is a Government Department. We're **instructed** by them to advise and act on Private Finance Initiative Projects, also known as the PFI. This involves negotiating with a number of other parties comprising the funders, the building contractors, and facilities management and ensuring that the client's aims and objectives are met and their **best interests protected**.

A **significant proportion** of my time is spent in **all parties meetings**. As these transactions are complex, and the meetings are attended by all sides and their legal advisers, I have to make sure **comprehensive notes** are taken by an assistant solicitor. Following a meeting, documents reflecting the **terms agreed** are prepared and circulated for approval.

Within the practice, I'm a member of the Executive Committee and have responsibility for aspects of financial management within the department. I also deal with recruitment, training, and development within the department. During a working day as a **fee earner**, I have to combine my **chargeable work** for clients with administrative duties.'



An all parties meeting

B

## A legal secretary

An assistant solicitor is instructing Marie Lapotaire, the Commercial Department's legal secretary:

Solicitor: I've just sent you some **sound files with the minutes on** from yesterday's meeting. Is there any way you can **type those up** before anything else? I know you've got a **substantial amount of work** at the moment.

Marie: No problem. Do you want me to **circulate them by email** as soon as I've finished, **get a hard copy** and put it on the file?

Solicitor: Please. I'm going to be running between meetings for a **large part of the day** but if I get a minute, I'll have a quick look at the hard copy and **mark it up** with any changes. Don't wait for me to do that before **getting the draft out** – there are **action points** that the paralegals need to be **getting on with**.

Marie: Fine, I'll **copy everyone in**. Anything else? I've put all the documentation for Project Angel on your desk. I don't know if it's **ready to go out** yet?

Solicitor: I saw that, thanks. No, I need to make sure that the client is happy with the latest clauses the funder wants. Also, I think they may have negotiated more concessions so I'll have to **get back to you** on those.

Marie: OK. By the way, I think your **out of office message** is still on, although the date's wrong. Don't worry, I'll change it. Your calls are still coming through to my phone so I'll carry on **taking messages**.

11.1 Make word combinations from A opposite using words from the box. Then use appropriate word combinations to complete Sophie Brettle's sentences below.

fee	terms	interests	work	comprehensive	best
chargeable	notes	meeting	earner	agreed	all parties

1 I don't think we can accept that clause. It's not in the ..... of the client.

3 Will you check the ..... match the notes taken from the meeting with the contractors and client?

2 Marie, can you go ahead and set up the next ..... ? We need everyone to be there.

4 We can't spend any more time on this. It's not .....

11.2 Find three expressions in A and B opposite which can be used in the combinations below to mean 'a lot of'.

.....  
 ..... my time / my week / my workload  
 .....

11.3 Marie Lapotaire is talking about her working day. Replace the underlined words and phrases with alternative words and phrases from B opposite. Pay attention to the grammatical context. There is more than one possibility for one of the answers.



In addition to typing up (1) recorded notes from meetings, (2) sending a copy to everyone by email, and (3) printing off emails, most days I'll be given various other tasks to carry out, such as document generation. If the solicitor (4) indicates changes on a draft text, I'll (5) word process them. I sometimes have to get addresses and contact details from the Internet and make appointments for meetings or conference calls. Obviously, I also take incoming calls when the fee earners aren't available and I let the caller know the solicitor will (6) call them back. I'll also (7) continue with any other tasks she's given me. Once a month I attend the secretarial committee as the representative for my department.

**Over to you**

What is your function within your organisation? Talk about your responsibilities and a typical working day or week.

For information on the work of solicitors in specific law firms in the UK, go to: [www.venables.co.uk/](http://www.venables.co.uk/).

# 12 Judges

## A Judicial appointments in England and Wales

Judicial Office	Court (see Unit 4)	Number
Lords of Appeal in Ordinary (also known as Law Lords)	House of Lords	12
Lord Justices of Appeal	Court of Appeal	37
High Court Judges	High Court of Justice	107
Circuit Judges	Crown Court and County Court	638
Recorders	Crown Court and County Court	1359
District Judges (Civil)	County Court	422
Deputy District Judges (Civil)	County Court	751
District Judges (also known as Stipendiary Magistrates)	Magistrates' Court	139
Deputy District Judges	Magistrates' Court	148

**Note:** Recorders generally hear less complex or serious cases than Circuit Judges and start by sitting in the Crown Court. After two years they might sit in the County Court. Number of judges listed in above table correct as of 27/11/06. See [www.judiciary.gov.uk/](http://www.judiciary.gov.uk/).

An Act of Parliament lays down the mandatory requirements for most judicial offices. Candidates must have practised as a lawyer or judge for a specified time and must meet other statutory requirements for specific posts. The hierarchical structure of the courts informs the process of selection to the Judiciary. Experience gained as a judge in a lower court is one of the qualifications for appointment to a higher court. Senior appointments to the Court of Appeal and the High Court are made by the Queen following the recommendation of the Prime Minister, currently on the advice of the Lord Chancellor – a senior member of the government and head of the judicial system.

## B The training of judges

The Judicial Studies Board (JSB) is responsible for the training of judges, lay magistrates, and members of Tribunals in England and Wales. The JSB would normally organise the following for an appointee Recorder in the Crown Court: an induction course; visits to penal establishments, for example prison and young offender institutions; meetings with personnel from the Probation Service, which deals with criminals, often young offenders, who are not sent to prison unless they reoffend, but who are under the supervision of a probation officer.

The appointee would experience a period of sitting in on the Bench – the judge's area of the Court – with a Circuit Judge. In his first week after appointment he would be supervised by a Circuit Judge. Practical guidelines for judges are set out in Bench Books.

## C Civil courts: sentencing and court orders

Judges in civil courts can fine, commit to imprisonment (normally between 28 days and six months) or give a suspended sentence – where imprisonment does not take place unless the offender commits another offence. An applicant can seek an injunction – an order – against a respondent. The court may grant an interim injunction, that is, a temporary one, to stop the defendant from doing something before the hearing of the application. The judge can grant or refuse an injunction against a legal person to do or not do specified acts. The judge can, alternatively, require an undertaking, or promise, from the relevant party at the hearing proceedings.

12.1 Match the judicial offices in the box with the required qualifications below (1–4). Bear in mind the hierarchical structure of the courts. Look at A opposite to help you.

Lord of Appeal in Ordinary Circuit Judge	Lord Justice of Appeal District Judge (Magistrates' Court)
---	---

- 1 must have been qualified as a lawyer for at least seven years
- 2 must have been qualified for ten years, although three years' service as a full-time District Judge is allowed
- 3 must have been qualified as a lawyer for at least 15 years and is usually drawn from judges in the Courts of Appeal in England, Wales, and Northern Ireland, and in the Court of Session in Scotland
- 4 the statutory qualification is at least ten years in the High Court as a lawyer and, in practice, to be a High Court Judge

12.2 Complete the definitions. Look at A and B opposite to help you.

- 1 ..... – collective word for a group of judges and the name of the place where a judge sits in court
- 2 ..... – formal collective word for all the judges in the legal system
- 3 ..... – the specific post of a judge (for example, a High Court Judge)
- 4 ..... – place where people are held as a punishment when convicted of an offence.

12.3 Complete the sentences. Look at C opposite to help you.

- 1 Judges may make a first sentence for a non-serious offence a ..... sentence.
- 2 The period of ..... awarded by the judge should reflect the number and seriousness of the offences and their context.
- 3 A person who seeks an injunction is generally described as the .....
- 4 Instead of ordering a specific act, the court can seek the agreement of the relevant party to an ..... to do the specified act.
- 5 An applicant may seek an ..... to prevent a breach of contract.
- 6 If an applicant claims that the defendant is about to do something that infringes his/her rights before there can be a hearing (for example, to dispose of disputed property), the judge may grant an .....



### Over to you

Describe the appointment and training of judges in your legal system. What powers of sentencing do judges have?

For more information on judges in the UK, go to: [www.jsboard.co.uk/](http://www.jsboard.co.uk/), [www.dca.gov.uk/judicial/](http://www.dca.gov.uk/judicial/) and [www.judiciary.gov.uk/](http://www.judiciary.gov.uk/).