Court Hierarchy In The United Kingdom

Magistrates Court

The Magistrates Court is a court of the first instance, this usually is where the case is heard for the first time. All cases start at the Magistrates Court and around 95% of criminal cases are completed here, this is because they deal with two different categories of offences. The Magistrates Court deals with summary cases (minor offences) for example, they deal with driving offences like driving recklessly and drunk driving. They also deal with either-way cases like theft, cases that can be heard in either the Magistrates Court or the Crown Court, the magistrates determine whether the case is out of their sentencing powers or not. The nature of the case also sways the decision on whether the case will remain in the Magistrates Court or be heard in front of the Crown Court. If the Magistrates Court can't provide the appropriate sentence, this is due to the Magistrates Court only having limited sentencing powers, they pass the case onto the Crown Court where the defendant will get sentenced. The defendant can opt to take his/her case to the Crown Court. The Magistrates Court consists of a legal clerk who is accompanied by three lay Magistrates (Justices of the Peace) they deal with cases that tend to be less serious, they're part-time volunteers that receive training from the legal clerk, they usually live in the community. The Magistrates Court doesn't have the authority to give a sentence over 12 months and that is only if the defendant has committed two or more crimes, for one crime they can only sentence up to 6 months. Crimes committed by anyone under the age of 18 (not including murder) are usually heard in the youth court, however, if the youth offended is in custody for the same crime as an adult it may be heard in the Magistrates Court. Youth offenders are often given a lighter sentence than adults, mainly because of their age and they're not as mature as an adult.

Crown Court

The Crown Court handle of the more serious cases such as rape and murder, it also deals with triable either-way offences such as grievous bodily harm, actual bodily harm and theft. Under the circumstances that there's an either-way case, they have to take into consideration an abundance of components like the complexity of the case, the suitability of the sentencing and the severity of the case. The Crown Court has a 12 person jury and a judge, each member of the jury will not be paid because jury service is mandatory unless you have valid reasoning to say you can't attend. The role of the 12 person jury is Unlike the Magistrates Court the Crown Court's judgment has the power to give any sentence appropriate, this means they can sentence the defendant a life-long sentence (if necessary) and an unlimited fine. Appeals by the Magistrates Court are heard in the Crown Court, you can only appeal the sentence if you plead guilty and if you plead not guilty you can appeal your conviction and the sentence. The appeal process varies on the reasoning, the Crown Court appeals directly to the Criminal Division (Court of Appeal), one of the reasons that the prosecutors can appeal is if they find out the jury members have been nobbling which will result in an acquittal. The defence can appeal against an unfair sentence or an unjust conviction, the court has to allow the appeal if they think the conviction wasn't safe.

High Court (QBD)

The High Court also is known as the Queen's Bench Division, is one of three Divisions of the High Court. It is the biggest of the three. The Queen's Bench Division houses a Lord Chief Justice and puisne judges (a junior judge). The Queen’s Bench Division hears appeals from the Magistrates Court and the Crown Court, mainly for errors in the law. The prosecution and the defence are allowed to appeal in the QBD this is why prosecution from the Magistrates Court appeals at the high court because they aren’t allowed to appeal at the Crown Court, they only receive appeals from the defence. On top of that, the judges from the Queen’s Bench Division are involved at the Court of Appeal where they hear appeals from the Crown Court. Judges from the Queen’s Bench Division hear the higher-profile cases and the more serious cases.

Court of Appeal (Criminal Division)

The Court of Appeal deals with appeals from the Crown Court, this means it is an appeal court. Appeals are heard by three judges, either two Heads of Division and a Lord Justice of Appeal or a Head of Division and two Lord Justices of Appeal. They hear appeals from the Crown Court (defence) usually consisting of convictions and sentencing. They also hear appeals from the prosecution team in the crown court, these appeals may consist of instances where the judge had made an error which lead to the defendant's acquittal if there’s new compelling evidence which proves the acquitted defendant’s guilt, where they feel that the defendant wasn’t given the right sentence (too lenient) and also where the jury had been caught or suspected of nobbling (talking about the case to other jury members to try to influence them to change their verdict) this would lead to an acquittal. To appeal you have to seek permission from a judge.

Supreme Courts

The Supreme Court is the final court of appeal, they only deal with matters of public and constitutional importance (something that will affect the public). They receive appeals mainly from the Court of Appeal and in some rare cases they may receive some from the high court. The Supreme Court consists of 9 Justices, only 5 hear appeals. The Supreme Court cannot hear any appeals unless they are relevant and of public importance as the Supreme Court only focuses on cases regarding the general public. The appeal process is very difficult but if your appeal is relevant then you’ll appeal to the Court of Appeal and they will decide whether it’s relevant enough to appeal to the Supreme Court and even then you’re not guaranteed to be heard by the Supreme Court, even though the chances of you needing to appeal to them are very slim.