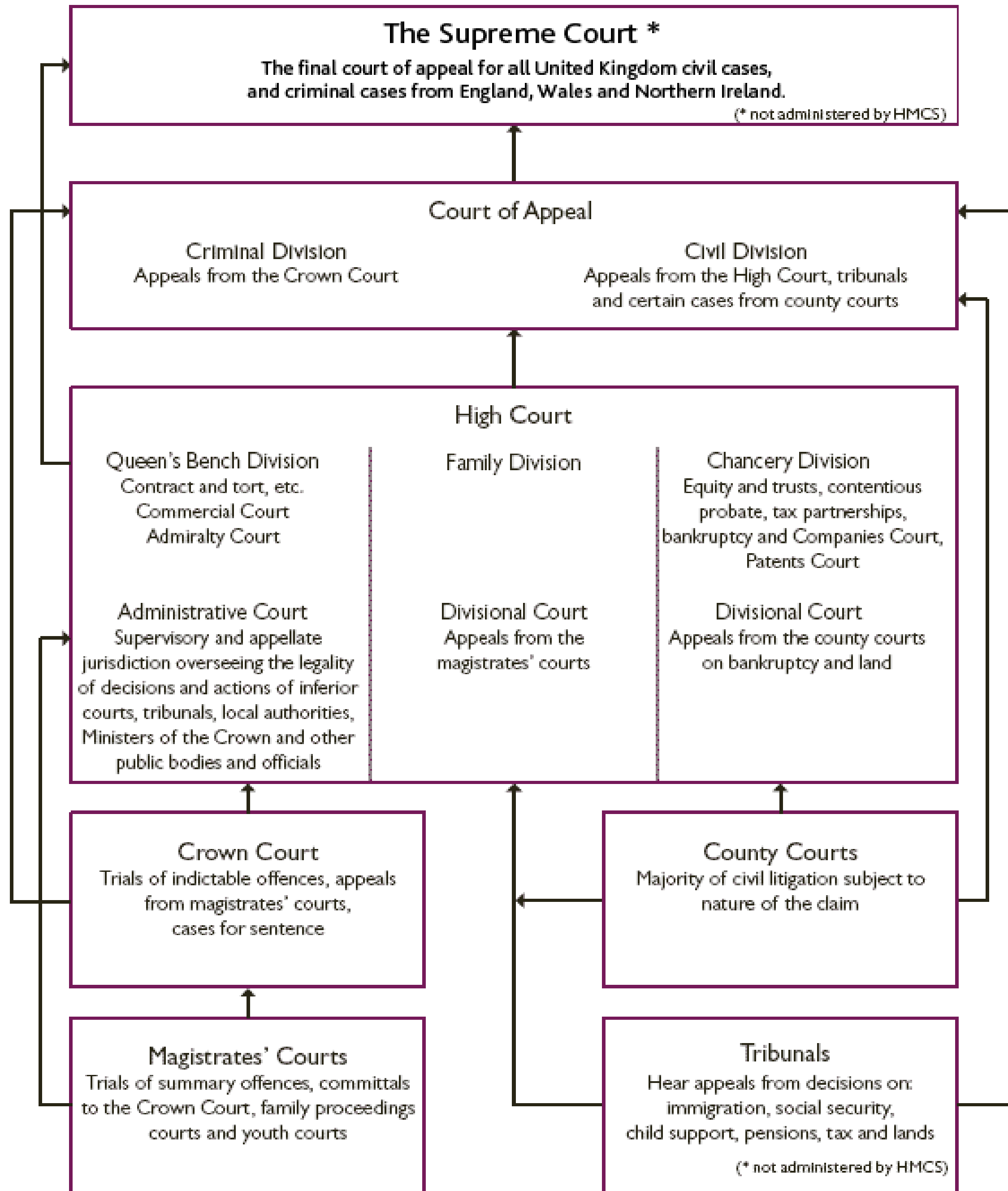
The Court Structure

A new Supreme Court has been established and in October 2009, The Supreme Court replaced the Appellate Committee of the House of Lords as the highest court in the United Kingdom. (Keep this in mind as you study the diagram of the court structure below.)

"1st October 2009 marks a defining moment in the constitutional history of the United Kingdom: transferring judicial authority away from the House of Lords, and creating a Supreme Court for the United Kingdom in the historic setting of the former Middlesex Guildhall on Parliament Square."



Courts of England and Wales

Her Majesty's Courts of Justice of England and Wales are the civil and criminal courts responsible for the administration of justice in England and Wales; they apply the law of England and Wales and are established under Acts of the Parliament of the United Kingdom.

The United Kingdom does not have a single unified legal system—England and Wales have one system, Scotland another, and Northern Ireland a third. There are exceptions to this rule; for example in immigration law, the Asylum and Immigration Tribunal's jurisdiction covers the whole of the United Kingdom, while in employment law there is a single system of Employment Tribunals for England, Wales, and Scotland (but not Northern Ireland).

The Court of Appeal, the High Court, the Crown Court, the Magistrates' Courts, and the County Courts are administered by Her Majesty's Courts Service, an executive agency of the Ministry of Justice.

Supreme Court of the United Kingdom

The Supreme Court is the highest appeal court in almost all cases in England and Wales. Prior to the Constitutional Reform Act 2005 this role was held by the House of Lords. The Supreme Court is also the highest court of appeal for devolution matters, a role previously held by the Privy Council.

Judicial Committee of the Privy Council

The Privy Council is the highest court of appeal for a small number of Commonwealth countries, colonies and the Channel Islands and the Isle of Man. There are a number of smaller statutory jurisdictions, such as appeals from ecclesiastical and professional bodies. The judges who sit on the Judicial Committee of the Privy Council are also the members of the Supreme Court.

The Senior Courts of England and Wales

The Senior Courts of England and Wales were originally created by the Judicature Acts as the "Supreme Court of Judicature". It was renamed the "Supreme Court of England and Wales" in

1981, and again to the "Senior Courts of England and Wales" by the Constitutional Reform Act 2005. It consists of the following courts:

Court of Appeal

The Court of Appeal deals only with appeals from other courts or tribunals. The Court of Appeal consists of two divisions: the Civil Division hears appeals from the High Court and County Court and certain superior tribunals, while the Criminal Division may only hear appeals from the Crown Court connected with a trial on indictment (i.e., for a serious offence). Its decisions are binding on all courts apart from the Supreme Court.

High Court

The High Court of Justice functions, both as a civil court of first instance and a criminal and civil appellate court for cases from the subordinate courts. It consists of three divisions: the Queen's Bench, the Chancery and the Family divisions. The divisions of the High Court are not separate courts, but have somewhat separate procedures and practices adapted to their purposes. Although particular kinds of cases will be assigned to each division depending on their subject matter, each division may exercise the jurisdiction of the High Court. However, beginning proceedings in the wrong division may result in a costs penalty.

Crown Court

Crown Court and County Court in Oxford.

The Crown Court is a criminal court of both original and appellate jurisdiction which in addition handles a limited amount of civil business both at first instance and on appeal. It was established by the Courts Act of 1971. It replaced the Assizes whereby High Court judges would periodically travel around the country hearing cases, and Quarter Sessions which were periodic county courts. The Old Bailey is the unofficial name of London's most famous Criminal Court, which is now part of the Crown Court. Its official name is the "Central Criminal Court". The Crown Court also hears appeals from Magistrates' Courts.

The Crown Court is the only court in England and Wales that has the jurisdiction to try cases on indictment and when exercising such a role it is a superior court in that its judgments cannot be reviewed by the Administrative Court of the Queen’s Bench Division of the High Court.

The Crown Court is an inferior court in respect of the other work it undertakes, viz. inter alia, appeals from the Magistrates' courts and other tribunals.

Subordinate courts

The most common subordinate courts in England and Wales are the:

Magistrates', Family Proceedings and Youth Courts

Magistrates' Courts are presided over by a bench of lay magistrates (aka justices of the peace), or a legally-trained district judge (formerly known as a stipendiary magistrate), sitting in each local justice area. There are no juries. They hear minor criminal cases, as well as certain licensing applications. Youth courts are run on similar lines to Adult magistrates' courts but deal with offenders aged between the ages of 10 and 17 inclusive. Youth courts are presided over by a specially trained subset of experienced Adult Magistrates or a District Judge. Youth Magistrates have a wider catalogue of disposals available to them for dealing with young offenders and often hear more serious cases against youths (which for adults would normally be dealt with by the Crown Court). In addition some Magistrates' Courts are also a Family Proceedings Court and hear Family law cases including care cases and they have the power to make adoption orders. Family Proceedings Courts are not open to the public. The Family Proceedings Court Rules 1991 apply to cases in the Family Proceedings Court. Youth courts are not open to the public for observation, only the parties involved in a case being admitted.

County Courts

County Courts are statutory courts with a purely civil jurisdiction. They are presided over by either a District or Circuit Judge and, except in a small minority of cases such as civil actions against the Police, the judge sits alone as trier of fact and law without assistance from a jury. County courts have divorce jurisdiction and undertake private family cases, care proceedings and adoptions.

County Courts are local courts in the sense that each one has an area over which certain kinds of jurisdiction—such as actions concerning land or cases concerning children who reside in the area—are exercised. For example, proceedings for possession of land must be started in the county court in whose district the property lies. However, in general any county court in England and Wales may hear any action and claims are frequently transferred from court to court.

Tribunals

The Court Service administers the tribunals that fall under the direct responsibility of the Lord Chancellor. Tribunals can be considered the lowest rung of the court hierarchy in England and Wales.

Special courts and tribunals

In addition, there are many other specialist courts. These are often described as "Tribunals" rather than courts, but the difference in name is not of any great consequence. For example an Employment Tribunal is an inferior court of record for the purposes of the law of contempt of court. In many cases there is a statutory right of appeal from a tribunal to a particular court or specially constituted appellate tribunal. In the absence of a specific appeals court, the only remedy from a decision of a Tribunal may be a judicial review to the High Court, which will often be more limited in scope than an appeal.

Examples of specialist courts are:

- Employment Tribunals (formerly Industrial Tribunals) with appeal to the Employment Appeal Tribunal
- the Employment Appeal Tribunal, which is a superior court of record, and therefore not subject to judicial review, appeals go to the Court of Appeal
- Leasehold Valuation Tribunals, with appeal to the Lands Tribunal
- the Lands Tribunal
- VAT and Duties Tribunals (who deal with indirect tax cases)
- the General Commissioners and Special Commissioners (who deal with direct tax cases)
- Rent assessment committees

Coroners' courts

The post of coroner is ancient, dating from the 11th Century, and coroners still sit today to determine the cause of death in situations where people have died in potentially suspicious circumstances, abroad, or in the care of central authority. They also have jurisdiction over treasure trove.

Ecclesiastical courts

The Church of England is an established church (i.e.. it is the official state church) and formerly had exclusive or non-exclusive subject matter jurisdiction over marriage and divorce cases, testamentary matters, defamation, and several other areas. Since the nineteenth century, the jurisdiction of the ecclesiastical courts has narrowed principally to matters of church property and errant clergy. Each Diocese has a 'Chancellor' (either a barrister or solicitor) who acts as a judge in the consistory court of the diocese. The Bishop no longer has the right to preside personally, as he formerly did.Appeals lie to the Arches Court (in Canterbury) and the Chancery Court (in York), and from them to the Court of Ecclesiastical Causes Reserved (CECR). From the CECR appeals lie to the Judicial Committee of the Privy Council.

Other courts

- Military Courts of the United Kingdom (including the Summary Appeal Court, Service Civilian Court, Court Martial and Court Martial Appeal Court)

- Patents County Court (deals with simpler intellectual property cases that the High Court Patents Court)
- Restrictive Practices Court (deals with some competition matters)
- Election court (ad-hoc courts hearing petitions against election results)
- Court of Chivalry (ancient and rarely-convened court dealing with heraldry)
- Courts leet (manorial courts - now mostly ceremonial)

Criminal cases

There are two kinds of criminal trial: 'summary' and 'on indictment'. For an adult, summary trials take place in a magistrates' court, while trials on indictment take place in the Crown Court. Despite the possibility of two venues for trial, almost all criminal cases, however serious, commence in the Magistrates' Courts. It is possible to start a trial for an indictable offence by a voluntary bill of indictment, and go directly to the Crown Court, but that would be unusual.

A criminal case that starts in the Magistrates' Court, may begin, either by the defendant being charged and then being brought forcibly before Magistrates, or by summons to the defendant to appear on a certain day before the Magistrates. A summons is usually confined to very minor offences. The hearing (of the charge or summons) before the Magistrates is known as a "first appearance".

Offences are of three categories: indictable only, summary and either way. Indictable only offences such as murder and rape must be tried on indictment in the Crown Court. On first appearance, the Magistrates must immediately refer the defendant to the Crown Court for trial, their only role being to decide whether to remand the defendant on bail or in custody.

Summary offences, such as most motoring offences, are much less serious and most must be tried in the Magistrates' Court, although a few may be sent for trial to the Crown Court along with other offences that may be tried there (for example assault). The vast majority of offences are also concluded in the Magistrates' Court (over 90% of cases).

Either way offences are intermediate offences such as theft and, with the exception of low value criminal damage, may be tried either summarily (by magistrates) or by Judge and Jury in the Crown Court. If the magistrates consider that an either way offence is too serious for them to deal with, they may "decline jurisdiction" which means that the defendant will have to appear in the Crown Court. Conversely even if the magistrates accept jurisdiction, an adult defendant has a right to compel a jury trial. Defendants under 18 years of age do not have this right and will be tried in the Youth Court (similar to a Magistrates' Court) unless the case is homicide or else is particularly serious.

A Magistrates' Court is made up in two ways. Either a group (known as a 'bench') of 'lay magistrates', who do not have to be, and are not normally, lawyers, will hear the case. A lay bench must consist of at least three magistrates. Alternatively a case may be heard by a district judge (formerly known as a stipendiary magistrate), who will be a qualified lawyer and will sit singly, but has the same powers as a lay bench. District judges usually sit in the more busy courts in cities or hear complex cases (e.g. extradition). Magistrates have limited sentencing powers.

In the Crown Court, the case is tried by a Recorder (part time judge), Circuit Judge or a High Court judge, with a jury. The status of the judge depends on the seriousness and complexity of the case. The jury is involved only if the defendant pleads "not guilty".

Appeals

From the Magistrates' Court, an appeal can be taken to the Crown Court on matters of fact and law or, on matters of law alone, to the Divisional Court of Queen's Bench Division of the High Court, which is called an appeal "by way of case stated". The Magistrates' Court is also an inferior court and is therefore subject to judicial review.

The Crown Court is more complicated. When it is hearing a trial on indictment (a jury trial) it is treated as a superior court, which means that its decisions may not be judicially reviewed and appeal only lies to the Criminal Division of the Court of Appeal.

In other circumstances (for example when acting as an appeal court from a Magistrates' Court) the Crown Court is an inferior court, which means that it is subject to judicial review. When acting as an inferior court, appeals by way of case stated on matters of law may be made to the Divisional Court of Queen's Bench Division of the High Court.

Appeals from the High Court, in criminal matters, may only go to the Supreme Court. Appeals from the Court of Appeal (Criminal Division) may also only be taken to the Supreme Court.

Appeals to the Supreme Court are unusual in that the court from which appeal is being made (either the High Court or the Court of Appeal) must certify that there is a question of general public importance. This additional control mechanism is not present with civil appeals and means that far fewer criminal appeals are heard by the Supreme Court.

Civil cases

Under the Civil Procedure Rules 1998, civil claims under £5,000 are dealt with in the County Court under the 'Small Claims Track'. This is generally known to the lay public as the 'Small Claims Court' but does not exist as a separate court. Claims between £5,000 and £25,000 that are capable of being tried within one day are allocated to the 'Fast Track' and claims over £25,000 to the 'Multi Track'. These 'tracks' are labels for the use of the court system – the actual cases will be heard in the County Court or the High Court depending on their value.

For Personal Injury, Defamation cases and some Landlord and Tenant disputes the thresholds for each track have different values.

From Wikipedia, the free encyclopedia

Supreme Court of the United Kingdom

The following speech titled "Do We Really Need a Supreme Court" presented by Lord Hope of Craighead to the Newcastle Law School on 25 November 2010 provides a background and history of the creation of the Supreme Court of the United Kingdom.

Do we really need a Supreme Court?

Newcastle Law School – 25 November 2010

We live on the verge of an era of austerity. Substantial public funding reductions throughout the public sector over the next few years will leave its mark on the public funding of higher education in a way which touches everybody – from those who teach to those who learn. But higher education, which is the area to which you all belong, is not the only part of the public sector that is affected. No area of the public service can expect to be entirely immune from cuts in the funding that it needs from government. The court service is just as exposed to this process as anything else. Savings will have to be found by it to offset the effects of reduced funding. Some courts may have to be closed, there may have to be some reduction in the support services and there will, inevitably, be a reduction in the numbers of people who are employed to provide them.

The Supreme Court of the United Kingdom is now just over one year old. Despite its rather grand name, it is a very small institution in comparison with other branches of the court services in this country. By "this country" I, of course, mean the United Kingdom, not just England where we are now. This court is unique in that it exists to service, within one single organisation, appeals from each of the UK's three jurisdictions: England and Wales, Scotland and Northern Ireland. Each of these jurisdictions has its own court service and its own judiciary. The Supreme Court of the United Kingdom, by

definition, cannot be part of any of them. It has to stand on its own two feet. But its footprint, as a result, is really quite tiny. It has not had time to grow fat, as some areas of the public service did during the period when there seemed to be no shortage of money for anything and growth was the order of the day. Such savings as we can make without impairing our ability to function properly will seem modest in comparison with what others are being expected to achieve. This gives rise to a more fundamental question. If the institution cannot make further cuts without damage to its ability to function, what about the institution itself? Do we really need a UK Supreme Court at all?

The Supreme Court is, of course, a creature of statute. It owes its existence to an Act of Parliament – Part 3 of the Constitutional Reform Act 2005. So long as that existence continues it must be funded by the government. Indeed the Lord Chancellor is under a statutory duty to ensure that it has sufficient funds to enable it to do its job. He must provide it with such court-houses, offices and accommodation and such other resources as he thinks are appropriate for the Court to carry on its business[1]. So the question that I have just asked is, in that sense, an idle question. There has been no suggestion whatever that a repeal of the statutory basis for the court's existence is on the agenda. But that does not mean that the question is entirely meaningless. It is a question which is being asked in Scotland, as the Scottish Ministers have to contribute to the costs that the Lord Chancellor incurs in providing the Court with its resources[2]. Scotland is part of our Legal Union, as are Wales and Northern Ireland. Unlike the other parts, however, an appeal to

[1] Constitutional Reform Act 2005, section 50(1).
[2] Ibid, section 50(4).

the Supreme Court lies in civil cases only and in issues about devolution[3]. There has never been a right of appeal to London in criminal cases. So, if Scotland can say that it does not need the Supreme Court when it comes to crime, should civil cases and devolution issues be treated differently? And if Scotland could do without a Supreme Court altogether, might this be so for the other parts our Legal Union too? This is a question that we, the Justices of the Supreme Court, need to, and do, ask ourselves. After all, it costs money and takes time for an appeal to come to us, and almost always the case will already have been considered by the Court of Appeal. Does subjecting it to a further level of appeal really add value to the process?

Having put all these questions before you, I must set out a bit more of the background. You cannot be expected to answer them without knowing more about what we are, why we are where we are and what we do. To tell you something about this, the best thing for me to do is to begin at the beginning.

The Reform

The origin of the Supreme Court's jurisdiction is to be found in the appellate jurisdiction of the House of Lords[4]. Under the Norman kings each county had its county court, but they were notoriously corrupt, unjust and oppressive. So it was to the king that those who could not find justice anywhere else addressed their appeals. A system of royal courts was developed which later was to become the King's Bench, but the king retained

[3] Ibid, sections 40(3) and 40(4) and Schedule 9.
[4] For a detailed account of the history of the jurisdiction of the House of Lords, see Thomas Beven, *The Appellate Jurisdiction of the House of Lords* (1901) 17 LQR 155.

his residual judicial power. To begin with he had no definite body of advisers whom he could consult. But when Henry III came to the throne in 1216 he was still a minor. A regency was needed to run the country, so a council of advisers was created which became permanent when he attained majority. This was the origin of what we know today as the Privy Council. By this time there had been moves towards the setting up of an assembly of bishops, earls and greater barons. Edward I consolidated this process by bringing them together with his permanent council in all important matters of state as a great council of the realm. During the reign of Edward III the peers became separated off as a body distinct from the rest of the community. Appeals which previously had been heard by the council came in time to be treated as appeals to the peers in the House of Lords, and this right of appeal was finally acknowledged by statute during the reign of Elizabeth I. The House of Lords ceased to exist upon the institution of the Commonwealth in 1649, but it reappeared with renewed vigour upon the restoration of the monarchy in 1660. Prior to the Union of 1707 which created the United Kingdom of Great Britain there had been a right of appeal in civil cases in Scotland from the Court of Session to the Scots Parliament, so it was assumed when the Parliaments of England and Scotland were united that those cases could be taken on appeal to the House of Lords too. Union with Ireland brought that country within the system that applied to England and Wales, and Northern Ireland retained that system when the Irish Free State was established on 6 December 1922.

To begin with the appellate business of the House of Lords was handled by the House itself. This was not very satisfactory. Membership was, of course, given as of right to

peers under the hereditary system. Apart from serving and retired Lord Chancellors, there were very few lawyers and, as sitting for the hearing of appeals was unpopular, the House had to ballot lay members to get them to attend. But under the Appellate Jurisdiction Act 1876, after much discussion as to whether a separate supreme court should be created, life peerages were given to members of the judiciary so that they could sit in the House as Law Lords and conduct the appellate business there on its behalf. This greatly improved the system, as the whole process was now in the hands of professional judges. Their numbers were gradually increased from two to twelve. It became the convention for two of the Law Lords to be appointed from Scotland so that Scots appeals could be handled by a panel some of whose members were familiar with Scots law and practice. Latterly it became the convention that one of the Law Lords should have knowledge and experience of the law and practice of Northern Ireland.

There was one flaw in the system, however. As members of the House, the Law Lords were entitled to take part in the ordinary business of the House just like any other peer. This meant they could take part in the legislative process and, although they were careful not to involve themselves in political issues, some of them did just that and did so quite frequently. Nobody thought that there was anything wrong with this, provided they confined themselves to legal issues, until it became fashionable to subject the independence of the judiciary to public scrutiny. Ensuring judicial independence became even more important after the passing of the Human Rights Act 1998, as article 6 of the European Convention on Human Rights gives to everyone the right in the determination of his civil rights or of any criminal charge against him to a fair and public hearing before

an independent and impartial tribunal. Several senior judges argued that this situation could not be allowed to continue and that the system should be reformed by the setting up of a supreme court outside the Palace of Westminster. So it was that in June 2003 the government announced that the appellate jurisdiction of the House of Lords was to be transferred to a new Supreme Court of the United Kingdom and that the Law Lords were to be disqualified from taking any part in the proceedings of the House.

Separation of the Law Lords from the process of legislation could have been achieved without any significant cost by changing the House's Standing Orders to confine serving Law Lords' right to participate in the business of the House of Lords to judicial work. In retrospect, as budgets are being cut right across the public sector, that might have been the wiser course. The House of Lords had conducted its appellate work very efficiently for many years at minimum extra cost. This was because most of its facilities – all its corporate services such as accommodation, IT and security – were shared with other users of the House. It had a small dedicated staff headed by the Principal Clerk which had to be budgeted for. But the overheads were small, and the administration was conducted with a very light touch with the minimum of bureaucracy. In those happy days, however, before the crash of 2008 which led to the current financial crisis, cost was not a relevant factor. Public perception was everything. There was to be a Supreme Court for the United Kingdom, and that was that. There was a consultation paper on the Supreme Court, but it was interesting as much for what it did say as for what it did not. Respondents were not asked whether the government should replace the appellate House of Lords. That was taken as a given. There were some other curious features too. The

paper did not ask whether the new court should hear Scottish criminal appeals or, indeed, any Scottish appeals at all. The consequence, some said, was that the country remained ignorant of what it would mean to create a genuinely new Supreme Court for the United Kingdom in the twenty-first century.

The Constitutional Reform Bill, when it was produced in February 2004, did address some of these issues. Although it was amended in some respects during its passage through Parliament, all the essential points survived scrutiny. Its key provisions tell us that, while there was to be a change of place and a change of name and a new system of appointing Justices of the Supreme Court, the existing arrangements for the handling of appeals were to remain unchanged and that nothing in that Part of the Act was to affect the distinctions between the separate legal systems of the parts of the United Kingdom. Thus the basic framework was set in place. The passing of the Bill was, of course, only the first step. Life had to be breathed into this new institution. A place had to be found for it to sit, and a host of other arrangements had to be made before it could open for business. That, however, is all in the past. The UK Supreme Court began its life, together with the Judicial Committee of the Privy Council which had been relocated from elegant premises where it sat in Downing Street, in a newly refurbished Middlesex Guildhall building in Parliament Square on 1 October 2009. The Judicial Committee deals with appeals from the British overseas territories, the Isle of Man, the Channel Islands and a few independent states within the Commonwealth. For the most part those who sat on it to hear appeals were serving Law Lords, whose functions were being

transferred to the Justices of the Supreme Court. It made sense for both of the institutions on which the Justices sit to be located in the same building.

The concept of a Supreme Court is not an entirely easy one to grasp in our legal system. Until now we have had supreme courts both in England and Wales, Northern Ireland and in Scotland that were not, in the strict sense, supreme at all as their decisions could be appealed to the House of Lords. The supreme court for England and Wales was given the title "the Supreme Court" by statute[5]. In ringing tones it was declared by the Supreme Court of Judicature Act 1925 that "there shall be a Supreme Court of Judicature of England consisting of His Majesty's High Court of Justice and His Majesty's Court of Appeal, with such jurisdiction as is conferred on those Courts respectively by this Act." That title had to be changed to make way for the newcomer – the words "Senior Courts" replacing "Supreme Court"[6]. Unusually, the short title of the Act itself – formerly, the Supreme Court Act 1981 – had to be given a new name too. The Supreme Court of Judicature of Northern Ireland, as it was previously called, has also been re-named, by deleting the word "Supreme"[7]. Substituting the word "Senior" for "Supreme" is not a particularly happy choice of language. It suggests a kind of demotion from the previous status, which is entirely unwarranted. The Scots have been more fortunate. It has been the practice there for well over a century to refer to the Court of Session and the High Court of Justiciary collectively as the "Supreme Courts", although only the supreme criminal court, the High Court of Justiciary, is supreme in the strict sense of the word as

[5] See the Supreme Court of Judicature Act 1873; the Supreme Court of Judicature (Consolidation) Act 1925; Supreme Court Act 1981, section 1.
[6] Constitutional Reform Act 2005, section 59(1).
[7] Ibid, section 59(2).

its decisions – except on devolution issues – are declared by statute to be final and conclusive and not subject review by any court whatsoever[8]. But those words were not set out in any statute. There was nothing to amend, so the practice of referring to those courts as the supreme courts in Scotland lives on there as if nothing had happened.

The fact is that the words "Supreme Court" are used to describe a variety of courts at different levels. It is commonly used in various states in the Commonwealth such as The Bahamas to describe first instance courts of superior jurisdiction. Its Supreme Court resides below the Court of Appeal in the judicial hierarchy. At the other extreme there are courts that are undoubtedly supreme, such as the Supreme Court of Canada. But the word "Supreme" is not used to describe courts at that level in the judicial hierarchy everywhere. Its equivalent in Australia is called the High Court of Australia. The most supreme court of all, of course, is the Supreme Court of the United States. It occupies a central place under the Constitution which does not appear to be matched precisely anywhere else, and which could certainly not be matched in this country.

In our case the decision to call the new court the Supreme Court was not set in stone at the outset. It is just that no-one could think of a better name for it. But it was necessary to make it clear to everyone that it was not to be modelled on the US Supreme Court – that it was just a change of name, not a change of functions or jurisdiction. The creation of a genuinely new Supreme Court, as the commentators described it, would have been a much greater undertaking than was ever likely to appeal to the government. It would have had to begin with a genuinely open-ended consultation process. But there was no

[8] Criminal Procedure (Scotland) Act 1995, section 124(2).

inclination to go down that road. The guiding principle was that of separation of the judicial from the legislative process, and the aim was to achieve this as simply and as quickly as possible. A Royal Commission would have been the way to deal with it, if there had been a genuine desire to create something new. The situation would, of course, have been quite different if we had been contemplating a written constitution. But in our un-codified constitutional system there is no obvious place for a court of that kind. It is hardly surprising that the opportunity of re-writing the extent of the court's jurisdiction was not taken. The political aim could be achieved without it. A change of place and of name was all that was required.

That all having been said, and despite the desire to change as little as possible, the move – paradoxically, perhaps – has turned out to be one of great constitutional importance. It has created something that is new. The fact that it has separated the tribunal of last resort from Parliament is not just a means of ironing out a constitutional wrinkle. It has changed the public's perception of what that tribunal stands for. The very fact that these decisions are now being issued in the name of a court – of the Supreme Court indeed – does seem to have given them an added authority. Transparency has lifted the veil which always hung over decisions of the House of Lords, as most people had no idea of how its decisions were taken – if they were aware of them at all. I do not think that the Justices have changed their perception of their relationship with the other organs of government. But under our system the law – public law in particular, which plays a key role in supervising decisions taken by the executive – is never settled. The boundaries between what can and cannot be done are constantly being tested on all sides. That was as true

when the appellate jurisdiction resided in the House of Lords as it is today. But each adjustment that is made, however slight, is now that much more conspicuous.

Rules and Conventions

Although the aim seemed to be, in the interests of simplicity, to change as little as possible, it was never in prospect that Justices in the new court would behave in exactly the same way as they had done in the House of Lords. It was quite difficult, while the plans for the move were being discussed, to anticipate what was going to happen. To some extent this was because it would have been unwise to try to decide more than we needed to at that stage. The most significant force for change, as it has turned out, was the fact that the Supreme Court was released from the many rules and conventions of the House of Lords and the Justices were free to develop new rules and conventions for themselves. The rules and conventions of the House, always carefully observed by the Clerk to the Judicial Office, gave dignity to the proceedings. But they also gave rise to something that characterises any society whose traditions depend on ceremony and the ever-watchful eye of officials who have been trained to ensure that they are adhered to – the feeling that, because everything has always been done that way, it must be right.

If you had been fortunate enough to visit us in the House of Lords, where we sat in a committee room in the Palace of Westminster overlooking the River Thames, you would have seen what I mean. First, once you had found your way there through the huge building, there was a long, very long, red-carpeted corridor. Close to the far end were two door-keepers, supremely and obviously in charge, immaculately turned out in white

ties and morning dress, with magnificent gold badges on their chests. They marshalled the lawyers and others who had gathered outside the committee room into some sort of order as the time approached for the hearing to begin. Then the words "Their Lordships" were shouted out by the senior doorkeeper, and the Law Lords appeared from round a corner at the far end of the corridor. They were bowed to, one by one, as they entered the committee room by their own door before everyone else. And there they were, already seated, pens or pencils in hand and ready for the argument when eventually the door was thrown open, the word "Counsel" was shouted out – always a rather intimidating moment for counsel – and the lawyers, their clients and the public were admitted to their presence. From the very first the Law Lords had the advantage. And so it was at the end, when the words "Clear the Bar" were shouted out and everyone except the Law Lords had to clear out in a hurry, grabbing such of their belongings as they could get hold of before the door was closed and locked and the Law Lords were left in peace to discuss the case between themselves there in private.

Judgments were given in the red and gold magnificence of the Chamber itself. Once again the Law Lords assembled first, the Mace was carried in and laid on the Woolsack and a Bishop said prayers before the doors were opened. Then the word "Counsel" was shouted out by a doorkeeper and the counsel and the public were admitted to observe the ceremony. After the case was called each of the noble and learned Law Lords rose in turn to deliver their speeches, and the motion that decided the case was put and voted on. In retrospect, it was quite impossible for anyone not familiar with the case to understand what was going on. The ceremony followed a pre-ordained pattern: always the Mace,

because proceedings could not be conducted in the Chamber without it; always prayers, for the same reason; always the same formula when the motions were put and voted on; and the Law Lords invariably referring to each other as "my noble and learned friend" because that was how they were expected to address each other in the House. But no mention was made of the subject matter of what was actually being decided.

Today in the Supreme Court all that has gone and, it has to be confessed, much of the dignity. There are no long corridors in our building. We have an attendant who is suitably robed, friendly and approachable, but there are no exquisitely attired, commanding doorkeepers. The courtrooms are designed for the convenience of the public. We admit the public to our courtrooms first, as they are larger and many more people attend than previously. Our visitors since last October have numbered about 700 to 800 a week – about ten times as many as we might see during a good week in the House of Lords committee room. Counsel have the advantage as they watch the Justices come in and take their seats. They enjoy the advantage at the end too, as in the Supreme Court it is the Justices who clear out in a hurry when the hearing ends, grabbing such papers as they can, and disappear into another room to discuss the case while counsel are left to pack up their belongings at their leisure.

That is not all. The Justices no longer refer to each other as "noble", or "learned" or even "friends". Revisionism has extended to the way judgments are given too. No mace, no prayers, no motions put and voted on. When judgments are given an explanation of what the case is about is read out by one of the Justices so that members of the public can

follow what is going on. This is available for broadcasting on radio and television, and press releases are given out to the media. In the House of Lords it was the Law Lords who came first. Everyone else was there, one felt, on sufferance. In the Supreme Court the reverse is true. Democracy has taken over. Access to the building is very simple. The public are made to feel that they are welcome and – as it is a public building – to appreciate that in that sense it is their court. Many students come to visit us. If you can find time, and the money, to travel to London you too would be very welcome there.

Other aspects of practice which required attention were those that affect how the Justices themselves are organised. This is where the greatest revolution has taken place. In the House of Lords practice was largely in the hands of officials in the Judicial Office. The parliamentary status and trappings of the final appeal were its prerogative, and it had built up years of experience of how things were done. Here in the Supreme Court there was room for innovation. What should we call each other? Should we wear robes? What styles should we adopt when preparing our judgments? As we are no longer required to give speeches, should we join with each other in producing joint judgments or even single judgments in the name of the court? As we can no longer refer to what we have written as speeches, what should we call them? Should we sit in larger panels? To sit more than five was always difficult in the House of Lords, as this required us to move to a larger committee room which was not always available. In the Supreme Court we have the luxury of a courtroom, Court 1, which has been specially designed to accommodate panels of up to nine Justices. So the old conventions need not apply. Should we alter our

approach to giving permission to appeal, which is an essential requirement for all appeals except for civil appeals from Scotland?

One might have expected these questions to present little difficulty to the Justices. But they are strong-minded people, and without any law or convention to guide them there was ample room for different views, ranging from the most conservative to the most liberal. For us to be let loose in such an unstructured world was an interesting social experience. In the end resolution of our differences has been arrived at by a process of evolution, discussion and compromise. We decided to retain the titles "Lord" and "Lady" instead of calling ourselves "Justice X or "Justice Y", although we have become accustomed to referring to ourselves collectively as "Justices".[9] People felt very strongly about robes. There was never any desire to wear them every day as it the practice in other courts. We had got used to sitting without robes in the House of Lords, and we sit in the same building now as members of the Judicial Committee of the Privy Council which is not a court and where robes are never worn. The question was whether there should be a robe for special occasions. There were some who said that, if robes were provided, they would refuse to wear them. But in the end, as it became clear that we would not be given a place at the State Opening of Parliament unless we were properly robed, the objections were withdrawn. Happily everyone was wearing their official robe at the opening ceremony. A team photograph of us, thus attired, was turned into a postcard. It has proved to be a best seller in the Supreme Court gift shop.

[9] Section 23(6) of the Constitutional Reform Act 2005 provides that the judges other than the President and the Deputy President are to be styled "Justices of the Supreme Court".

There have been some rather more important changes in our behaviour. No longer constrained by the rules of the House, we have been able to re-shape the way our judgments are delivered. In the House of Lords the reasons which each Law Lord produced when judgment was being given in the Chamber, always in strict order of seniority as you will see if you study its judgments in the Appeal Cases, were usually referred to as speeches. Now, as Justices are sitting in a court as members of the Supreme Court, we refer to what we have written as judgments, not opinions – although the word "opinion" is still used in the Judicial Committee of the Privy Council when the Board is advising Her Majesty as to what her judgment should be. We are scrupulous in our choice of language in these matters.

Several judgments have been delivered on behalf of the Court by one Justice[10]. There have been others where a Justice has been able to say at the start of his or her judgment that other Justices agree with it[11]. This makes it unnecessary for those who agree to add a separate concurring judgment. And we have developed the practice of putting the leading judgment first. The others usually follow in order of seniority, with dissenting judgments at the end[12]. This is more in keeping with the way other courts now behave, such as the Supreme Court of Canada, the High Court of Australia and the Court of Session in Scotland too. But we have rejected suggestions that we should strive to arrive at a single judgment in all cases. We value our independence from each other, and our right to say what we believe in if we want to. There are, of course, cases where a single judgment is preferable. But if we wish to dissent or to express different reasons for arriving at an

[10] Eg *Application by Guardian News and Media Ltd* [2010] UKSC 1, [2010] 2 WLR 325.
[11] Eg *In re Sigma Finance Corporation* [2009] UKSC 2, [2010] 1 All ER 571.
[12] Eg *R(E) v Governing Body of JFS and others* [2009] UKSC 15, [2010] 2 WLR 153.

agreed conclusion then we are entitled to do this, and no one is actively discouraged from doing so. This was the tradition in the House of Lords. Lord Reid was of the view that it was never wise for the House to have only one speech dealing with an important question of law. Too many speeches can make it find to find a ratio for the decision, however, so we try not to be extravagant in the use of this prerogative.

We have been sitting more often in larger numbers. The default position is that we sit in panels of five, which was almost always the case in the House of Lords. But our practice is to sit in panels of seven or nine if the Court is being asked to depart from a previous decision, or there is a possibility of its doing so, or if the case raises significant constitutional issues or for other reasons is of great public importance[13]. It has been suggested that we should always sit in these larger numbers. But this would be likely to reduce the number of cases we could hear each week, as we have to serve the needs of the Judicial Committee as well as those of the Supreme Court. It usually sits in panels of five, and there are only twelve of us. A selective approach enables to us to make the most efficient use of the resources that are available.

The selective approach raises questions as to which Justice should sit on which case. Courts which always sit en banc, such as the US Supreme Court, .do not need to address this problem. Nor do courts whose function is limited to dealing with constitutional issues in which all its members have equal expertise. As we take all sorts of cases, we

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[13] Seven in *R v Horncastle* [2009] UKSC 14, [2010] 47; *Application by Guardian News and Media Ltd* [2010] UKSC 1, [2010] 2 WLR 325; *A v HM Treasury* [2010] UKSC 2, [2010] 2 WLR 378; nine in *R(E) v Governing Body of JFS and others* [2009] UKSC 15, [201] 2 WLR 153; *Norris v Government of United States* [2010] UKSC 9, [2010] 2 WLR 572.

have to decide upon the membership of the panel for each case individually. It has been suggested that we should sit in rotation or that the Justices should be chosen for each case at random. But that approach would mean abandoning the convention that the two Scots Justices sit on all appeals from Scotland, if available. It would also risk depriving the panels of the assistance of those members of the Court who had expertise in the point at issue. One might end up with a criminal appeal from the Court of Appeal in England, for example, being heard by five Justices who had never sat in an English criminal court at all. So here too a selective approach is being adopted, as it was in the House of Lords, under the supervision of the President and the Deputy President. The result is that the Panel will normally include at least two Justices with experience in the area of the law that is the subject of the appeal.

Are we needed?

Let me return then, to the questions that I posed at the outset. Do we really need a UK Supreme Court at all? Does subjecting a case to a further level of appeal really add value to the process?

Our type of appellate structure is common in other legal systems. That, of course, is not a reason why we should also have a second appeal. But it does suggest that other systems see value in the additional tier of appellate court, and it should cause us to question any suggestion that it provides us with no benefit. When New Zealand was considering whether to abandon the appeal to the Privy Council which it previously enjoyed, it had to consider whether to provide a domestic replacement for the right of appeal which would

be lost. The expense of having to take their appeals to London was thought to have deprived many litigants of the value of having important points of law determined by means of a second appeal. So when the link with the Privy Council was broken in 2004, a new Supreme Court was established in order to retain that level of appellate jurisdiction. What benefits did the New Zealanders see in this system? The key to working this out lies in thinking about the types of case we hear and the nature of the judicial process.

We do not see it as our function simply to act as a further court of appeal, substituting our opinion of the case from that reached in the court below. There has to be something more than that. Virtually all cases which we hear require permission to appeal to have been granted[14], so we exercise a close control over the cases with which we hear. Our function is not simply one of correcting an error in the application of the law by the lower courts to the facts of the individual case. If that was all the Supreme Court was doing, it might legitimately be said – in most cases at least – that there was no value in allowing more than one appeal. The costs of litigation suggest that a line has to be drawn somewhere. In 1985 Lord Roskill was at pains to dispel the view that the refusal of leave to appeal indicated the House of Lords' implied approval of the decision which it was sought to appeal. Refusal of leave, he said, did not imply that the judgments below were thought to be right, just as granting of leave did not suggest that they were thought to be wrong[15]. The role of a second level appeal court such as the Supreme Court is broader than error correction.

[14] Scottish private law cases as an exception, but even here there is a control: a case must be certified as suitable for appeal by two advocates.
[15] *In re Wilson* [1985] AC 750, 756.

This does not mean that the case must be one of constitutional importance for it to be given permission. If it is, then it will indeed fall within the required category as in the case of the former MPs accused of offences in relation to their claims for expenses who sought to rely on parliamentary privilege as a bar to the criminal process[16]. But our jurisdiction is much more far-reaching than that. We take all sorts of cases, as anything that has passed through the Court of Appeal's criminal and civil divisions can come to us with permission. But to pass the test they must raise an issue that is wider than the matters that are of concern to the parties themselves. That is the question we ask ourselves when considering whether permission should be given: is there an issue of general public importance about the current state of the law that needs to be addressed, as in the recent case which raised questions about the weight to be given to an ante-nuptial marriage contract[17]? And the way we resolve these issues makes law. As Lord Bingham has explained, "the inescapable fact is that [judges] do have to make choices, and unless superseded by Act of Parliament their choice determines what the law shall be."[18] The Supreme Court's role, therefore, is, cautiously of course, and carefully, to develop the law. We control what constitutes precedent and we supervise its application.

There are benefits too in the fact that we sit in larger panels than is usual in the Court of Appeal, and in the spread of specialist judicial expertise among our membership. And we are an entirely separate institution from the court systems for the jurisdictions in England

[16] *Chaytor and others v The Queen* [2010] UKSC ...
[17] *Radmacher v Granatino* [2010] UKSC 42, [2010] 3 WLR 1367.
[18] Lord Bingham of Cornhill, *The Judges: Active or Passive*, The Maccabaean Lecture in Jurisprudence (2006) 139 Proceedings of the British Academy 50, 63.

and Wales, Scotland and Northern Ireland. There is a geographical separation – even in England and Wales, as the Law Courts in the Strand for that jurisdiction are well beyond easy walking distance. There is a distinct feel to the court, due to the presence of justices from Scotland and Northern Ireland. This helps to create an independent frame of mind when we are dealing with appeals, wherever they come from. It all contributes to the atmosphere of critical analysis. Cases of general public importance are usually very well researched and argued by counsel, and we are very well served by a team of judicial assistants who work with us for a year at an early stage in their professional careers and bring with them the practical knowledge and enthusiasm that we need to keep us in touch with reality. This encourages us to produce judgments that move the law on where it is in need of explanation or development. The fact that cases have already been considered by two courts below as opposed to one means that the legal issues have been refined by the time they reach us. The arguments have been distilled; propositions made, tested and rejected if they are false; consequences thought through. Law is, after all, a very challenging discipline. It taxes even the best of minds. Speaking for myself, I find it very useful, when considering an appeal, to have the benefit of the views not of one court but of two, and of counsel's pleadings also, so that I can engage with the arguments on each side. It helps me grapple much more quickly and, I trust, more effectively, with the points of an appeal.

Do we ever get things wrong? I hope that we have moved on from the state of affairs in the 1930s which led a despairing Scottish judge, when confronted by a decision of the House of Lords with which he disagreed, to say with more than a touch of sarcasm[19]:

> "The House of Lords has a perfect legal mind. Learned Lords may come and go, but the House of Lords never makes a mistake. That the House of Lords should make a mistake is just as unthinkable as that Colonel Bogey should be bunkered twice and take 8 to the hole. Occasionally to some of us two decisions of the House of Lords may seem inconsistent. But that is only a seeming. It is our frail vision that is at fault."

I do not think any of us today regards ourselves as infallible. But there is no doubt that our decisions carry with them an authority which is not matched by any other court in our country. That is a heavy responsibility. It is with that in mind that we examine each case very closely as we go about our business and, as we say at the end of every hearing, we take time to consider our decisions.

I invite you to conclude, therefore, that a second tier of appeal is worth retaining. It performs a different function from a first level of appeal, and there are good reasons for thinking that this function is a valuable one. And I hope you will agree, from what I have said, that the Supreme Court is well placed to discharge it.[20]

25 November 2010 — Lord Hope of Craighead

[19] Lord Sands, in *Assessor for Glasgow v Collie* 1932 SC 304, 312.

[20] I am grateful to my judicial assistant, Peter Webster, for his help in the preparation of this lecture.

Royal Courts of Justice

The **Royal Courts of Justice**, commonly called the **Law Courts**, is the building in London which houses the Court of Appeal of England and Wales and the High Court of Justice of England and Wales. Courts within the building are open to the public although there may be some restrictions depending upon the nature of the cases being heard.

The main entrance

Royal Courts of Justice sign

The building is a large grey stone edifice in the Victorian Gothic style and was designed by George Edmund Street, a solicitor turned architect. It was built in the 1870s. The Royal Courts of Justice were opened by Queen Victoria in December 1882. It is on The Strand, in the City of Westminster, near the border with the City of London (Temple Bar) and the London Borough of Camden. It is surrounded by the four Inns of Court and London School of Economics. The nearest tube stations are Chancery Lane and Temple.

Those who do not have legal representation may receive some assistance within the court building. The Citizens Advice Bureau has a small office in the main entrance hall where lawyers provide free advice. There is usually a queue for this service. There is also a Personal Support Unit where litigants in person can get emotional support and practical information about what happens in court.

The Central Criminal Court, popularly known as the Old Bailey, is situated about half a mile to the East. It has no other connection with the Royal Courts of Justice.

History and architecture

The Royal Courts of Justice

The 11 architects competing for the contract for the Law Courts each submitted alternative designs with the view of the possible placing of the building on the Thames Embankment. The present site was chosen only after much debate.

The Great Hall in 1882

In 1868 it was finally decided that George Edmund Street, R.A. was to be appointed the sole architect for the Royal Courts of Justice and it was he who designed the whole building from foundation to varied carvings and spires. Building was started in 1873 by Messrs. Bull & Sons of Southampton.

There was a serious strike of masons at an early stage which threatened to extend to the other trades and caused a temporary stoppage of the works. In consequence, foreign workmen were brought in – mostly Germans. This aroused bitter hostility on the part of the men on strike and the newcomers had to be housed and fed in the building. However, these disputes were eventually settled and the building took eight years to complete and

was officially opened by Queen Victoria on the 4 December 1882. Street died before the building was opened.

The Strand facade of the Royal Courts of Justice in 1890.

Parliament paid £1,453 for the 6 acre site upon which 450 houses had to be demolished. The building was paid for by cash accumulated in court from the estates of the intestate to the sum of £700,000. Oak work and fittings in the court cost a further £70,000 and with decoration and furnishing the total cost for the building came to under a million pounds.

The dimensions of the building (in round figures) are: 470 feet from east to west; 460 feet from north to south; 245 feet from the Strand level to the tip of the fleche.

Entering through the main gates in the Strand one passes under two elaborately carved porches fitted with iron gates. The carving over the outer porch consists of heads of the most eminent Judges and Lawyers. Over the highest point of the upper arch is a figure of Jesus; to the left and right at a lower level are figures of Solomon and Alfred the Great; that of Moses is at the northern front of the building. Also at the northern front, over the Judges entrance are a stone cat and dog representing fighting litigants in court.

On either side are gateways leading to different courts and to jury and witness rooms from which separate staircases are provided for them to reach their boxes in court. During the 1960s, jury rooms in the basement area were converted to courtrooms. At either end of the hall are handsome marble galleries from which the entire Main Hall can be viewed.

The walls and ceilings (of the older, original Courts) are panelled in oak which in many cases is elaborately carved. In Court 4, the Lord Chief Justice's court, there is an elaborately carved wooden Royal Coat of Arms. Each court has an interior unique to itself; they were each designed by different architects.

There are, in addition to the Waiting Rooms, several Arbitration and Consultation Chambers together with Robing Rooms for members of the bar and solicitor-advocates.

From Wikipedia, the free encyclopedia

Magistrates and Magistrates' Courts

Magistrates' courts are a key part of the criminal justice system and 95% of cases are completed there. In addition magistrates' courts deal with many civil cases e.g. family matters, liquor licensing and betting and gaming. For over 600 years Justices of the Peace have held courts in order to punish law breakers, resolve local disputes and keep order in the community.

Cases in the magistrates' courts are usually heard by a panel of three magistrates (Justices of the Peace) supported by a legally qualified Court Clerk. The magistrates are collectively called a **Bench** and are assigned to a Local Justice Area but have a national jurisdiction pursuant to the Courts Act 2003.

Magistrates are appointed by the Crown (retiring at the age of 70). They are not paid but may claim expenses and an allowance for loss of earnings. They come from all walks of life and do not usually have any legal qualifications. Qualified clerks advise them on the law. They are unpaid but receive travel and subsistence allowance. There are around 30,000 in England and Wales. They undergo a substantial amount of training supervised by the Judicial Studies Board.

In addition, there are also about 130 **District Judges**. District judges in magistrates' courts are required to have at least seven years experience as a Barrister or Solicitor and two years experience as a Deputy District Judge. They sit alone and deal with more complex or sensitive cases e.g. cases arising from Extradition Act, Fugitive Offenders Act and Serious Fraud. Until August 2000 these District Judges were known as Stipendiary Magistrates, but were renamed in order to recognise them as members of the professional judiciary

Magistrates cannot normally order sentences of imprisonment that exceed 6 months (or 12 months for consecutive sentences) or fines exceeding £5,000. In triable-etes' court or the Crown Court) the offender may be committed by the magistrates to the Crown Court for sentencing if a more severe sentence is thought necessary.

A day in the life of a Magistrate

A magistrate writes:
As court starts at 10am I like to get there about 9.30am – this gives me a chance to look through the lists to make sure none of the defendants' names are familiar.
There are three courts in action today: the main charges court, as it is commonly known, deals with a variety of cases; another court was dealing with breaches of community sentences; and the third had a trial listed.

I was allocated to chair the main charges court with two magistrates - a Sikh man, aged 32, who works in recruitment and was appointed about ten months ago, and a 54-year-old

woman who works as cabin crew for a well-known airline. Great efforts are made to list magistrates from all walks of life to provide a 'mixed' bench in every sense to hear the cases.

Before going into court we have a brief chat with our legal adviser who confirms the majority of the court business. He also identifies one potentially difficult case, where the defendant had had to be taken down to the cells at the last court appearance because of his behaviour in court.

As always, we go into court promptly at 10am; on our appearance in court everyone stands. It is a clear sign that chatting is over and it is time for business.
The first case called on by the usher was a 45-year-old defendant who pleaded guilty to driving with excess alcohol. The breath reading was at the lower end (47mg alcohol per 100ml of breath, where the legal limit is 35) and the defendant had no previous convictions or points on his driving licence. We disqualify the driver for 12 months and fine him £250 - double his weekly income, but with a one-third discount because he pleaded guilty at the first opportunity, wasting no court time.

The second case is a woman charged with shoplifting. She too enters a plea of guilty. However, because of a very long list of previous convictions plus the fact that she already has been charged with another two shoplifting offences for which she is due to appear in court again in two weeks time to be sentenced, we decide to adjourn the case so that all matters can be dealt with at the same time. The court on that day will be presented with a report prepared by the probation service. With this pattern of offending it is likely that there will be some sort of drug/alcohol abuse or mental health issues. People think magistrates only see bad people, but in reality many who appear before us are very sad people who have a great deal of difficulty living in our society for many reasons.

The third case involves two 19-year-old men, charged with assaulting the landlord of the pub where they had been drinking the previous night. We are told that they are not ready to enter a plea, as evidence has not been disclosed. The case will therefore be adjourned, but we have to consider whether or not we are prepared to grant bail.
Everyone has a right to bail, and we have to listen carefully to the arguments put by the prosecution and defence. After hearing evidence from the prosecution and defence, and consulting amongst ourselves, we grant conditional bail to reside at their given addresses and not to go within 100m of the pub. They are warned that if they failed to turn up at court next time, they may be committing a further offence for which they could be fined/and or imprisoned.

With no more cases ready, we retire for ten minutes.

Back in court, we are asked to hear an application for a search warrant by a police officer. The police officer relays the information, source and reasons why a warrant is needed. They wish to search a property where it is believed there were stolen goods. We ask a couple more questions and check that there are no vulnerable people likely to be there

when they carry out the search. We grant the search warrant and I sign the relevant papers.

The next three cases have all been in court before. After four appearances, the first defendant is ready at last to enter a plea to a charge of shop lifting - guilty. This is his 15th shoplifting offence and he has all the characteristics of a heroin addict. However, this offence took place two weeks before he was given a community sentence with a drug rehabilitation requirement. We learn that things are going well, and there are signs that this time he is determined to change his lifestyle. It's good news - but news that we have heard many times before, only to find a lapse at a later stage. However, we want to encourage him so we fine him, making sure that the goods were recovered so that there is no claim for compensation.

The next three cases are all adjourned for a week. One defendant's defence representative has not shown up as there was a mix up on dates. The next defendant has not shown up due to an accident, and we request medical evidence next time he appears in court. The third defendant has been arrested overnight and is appearing at another magistrates' court.

The last case of the morning can now start as the prisoner has arrived. This was the potentially difficult defendant. The committal proceedings take place – he faces two charges of robbery, serious charges and if found guilty he is likely to be in prison for some time. This time he causes no trouble.

Our legal adviser announces that the list had come to an end and we retire to have a post-court review. We talk about the work that we have done, whether we have come across anything new that would indicate an information need or some training, or whether there was anything that could have been handled differently.

No court sitting is the same. There is always something new to learn, similar maybe but cases are different, defendants are different! So that's it for me. I am listed for just the morning session, and so go off to work.

The Old Bailey

The **Central Criminal Court** in England, commonly known as the **Old Bailey** ***(or sometimes simply "The Bailey)***, is a court building in central London, one of a number housing the Crown Court. The Crown Court sitting at the Central Criminal Court deals with major criminal cases from Greater London and, exceptionally, from other parts of England. It stands on the site of the medieval Newgate Gaol, on *Old Bailey*, a road which follows the line of the City's fortified wall (or bailey), and gives the court its popular name. It lies between Holborn Circus and St Paul's Cathedral.

The building and its history

The original medieval court was located on the western wall of the City of London, but was destroyed in the 1666 Fire of London. It was rebuilt in 1674, with the court open to the weather to prevent the spread of disease. In 1734 it was refronted, enclosing the court and reducing the influence of spectators: this led to outbreaks of typhus, notably in 1750 when sixty people died, including the Lord Mayor and two judges. It was rebuilt again in 1774 and a second courtroom was added in 1824. In 1834 it was renamed as the *Central Criminal Court* and its jurisdiction extended.

The Court was originally for trial only of crimes committed in the capital but in 1856, public revulsion at the accusations made against doctor William Palmer, that he was a prisoner and murderer, led to fears that he could not enjoy a fair trial in his native Staffordshire. The Central Criminal Court Act 1856 was passed to enable his trial to be held at the Old Bailey.

The present building dates from 1902 (officially opened on 27 February 1907), was designed by E.W. Mountford and built on the site of the infamous Newgate Prison, which was demolished to allow the Courts to be built. Above the main entrance is inscribed "Defend the Children of the Poor & Punish the Wrongdoer". King Edward VII personally opened the courthouse.

On the dome above the court stands a statue of Lady Justice by British sculptor F. W. Pomeroy. She holds a sword in her right hand and a pair of weighing scales in her left (representing Blind Equality). The statue is popularly supposed to show Blind Justice, with the figure depicted wearing a blindfold, but there is in fact no blindfold present.

During the Blitz, the Old Bailey was bombed and severely damaged, but subsequent reconstruction work restored most of it in the early 1950s. In 1952 the restored interior of the Grand Hall of the Central Criminal Courts was once again open.

From 1968 to 1972 a new South Block, designed by the architects Donald McMorran and George Whitby, was built containing more modern courts.

The famously recognized front of the Old Bailey holds the now unused front door due to the bombing attacks of the IRA. Now the entrance can be found down the road which is a security tight building. An inscription "Defend the children of the poor and punish the wrongdoer" is above the entrance.

Judges

All judges sitting in the Old Bailey are, usually, addressed as "My Lord" or "My Lady" whether they be High Court, circuit judges or Recorders. The Lord Mayor of the City of London and aldermen of the City of London are entitled to sit on the judges' bench during a hearing but do not actively participate in trials.

The most senior permanent judge of the Central Criminal Court has the title of the Recorder of London, and his deputy has the title of Common Serjeant of London. The present Recorder of London is His Honour Judge Peter Beaumont QC, who was appointed in December 2004 following the death earlier that year of his predecessor, His Honour Judge Michael Hyam. The position of Recorder of London should not be confused with that of Recorder, which is the name given to lawyers who sit part-time as Crown Court judges. A select number of the most senior criminal lawyers in the country sit at as Recorders in the Central Criminal Court.

The most recent Common Serjeant was His Honour Judge Brian Barker QC, who was the 79th person to hold that office but with his promotion to the rank of Recorder of London, the office is currently vacant. Judge Barker received his undergraduate degree in the United States from the University of Kansas. He has a keen appreciation of the similarities and differences between American and English jurisprudence. He has generously opened his court and chambers to meet with Week in Legal London participants since 2004.

Sir John Mortimer, a criminal barrister and author, often appeared at the Old Bailey. His courtroom experiences led him to create the fictional character Horace Rumpole, alias *Rumpole of the Bailey. Sir John was our guest speaker at the final dinner during the 2008 Week in Legal London. Sadly, he passed away six months later.*

In popular culture

- In the book *A Tale of Two Cities* by Charles Dickens, the Old Bailey is the courthouse named in the book where Charles Darnay is put on trial for treason.
- In the novel *Patriot Games* and the eponymous film, terrorist Sean Miller is tried in the Old Bailey.
- The Old Bailey is destroyed by the character V in the graphic novel *V for Vendetta* and its film adaptation.

- The television series *Rumpole of the Bailey* concerns a defence lawyer who works at the Bailey.
- In the popular Australian folk song "Botany Bay", the first verse references the "well known Old Bailey". The song tells the tale of a group of prisoners being taken from Britain to the penal colonies of Australia.
- *In the 1957 movie, "Witness for the Prosecution," Charles Laughton portrayed Sir Wilford Robarts, a master barrister who, though in ill-health, takes on a client charged with murder (Tyrone Power) and the movie accurately depicts a trial in Courtroom No. 1 at the Old Bailey. The movie also demonstrates the relationship between the solicitor and the barrister practicing criminal law in London*

Judiciary of England and Wales

There are various levels of **judiciary in England and Wales** — different types of courts have different styles of judges. They also form a strict hierarchy of importance, in line with the order of the courts in which they sit, so that judges of the Court of Appeal of England and Wales are generally given more weight than district judges sitting in County Courts and Magistrates. At 31 March 2006 there were 1,825 judges in post in England and Wales, most of whom were Circuit Judges (626) or District Judges (572).

By statute, judges are guaranteed continuing judicial independence.

The following is a list of the various types of judges who sit in the Courts of England and Wales:

Lord Chief Justice and Lord Chancellor

Since 3 April 2006 the Lord Chief Justice has been the overall head of the judiciary. Previously he was second to the Lord Chancellor, but that office lost its judicial functions under the Constitutional Reform Act 2005. The Lord Chief Justice is also the head of the Criminal Division of the Court of Appeal. He was also President of the Queen's Bench Division of the High Court, but on becoming head of the judiciary that responsibility was transferred to a new office.

Although the Lord Chancellor is no longer a judge, he still exercises disciplinary authority over the judges, jointly with the Lord Chief Justice. He also has a role in appointing judges.

In law reports, the Lord Chief Justice is referred to as (for example) "Smith LCJ" or "Lord Smith CJ", and the Lord Chancellor as "Smith C".

In court, the Lord Chief Justice wears a black damask gown with gold lace along with a short wig during criminal cases and the black civil gown with gold tabs during civil cases. Ceremonially, the Lord Chief Justice wears the red robe with white trim along with a gold chain and full wig.

The Lord Chancellor, no longer a judge, simply wears the black damask gown with gold lace and full wig during ceremonial occasions.

Heads of Division

There are four Heads of Divisions — the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court.

The Master of the Rolls is head of the Civil Division of the Court of Appeal. The other Heads are in charge of the three divisions of the High Court.

The Chancellor of the High Court is President of the Chancery Division of the High Court. Until 2006 this role was nominally held by the Lord Chancellor, but was in practice delegated to the Vice-Chancellor. The Vice-Chancellor was renamed Chancellor of the High Court when the Lord Chancellor's judicial role was abolished.

The Heads of Division are referred to in law reports as "Smith MR", "Smith P", "Smith P", and "Smith C" respectively. Vice-Chancellors from pre-2006 Chancery cases are referred to as "Smith VC".

In court the Heads of Division wear a black damask gown with gold lace along with a short wig during criminal cases and the black civil gown with gold tabs during civil cases. Ceremonially, the Heads of Division wear red gowns with white trim along with full wigs except for the Master of the Rolls who wears the black damask gown with gold lace and full wig.

Court of Appeal

Judges of the Court of Appeal are known as Lord Justices, and they too are Privy Counsellors. Before swearing in they may be addressed as The Honourable Lord Justice Smith, and after swearing in as the Right Honourable Lord Justice Smith. Female Lord Justices are only known as Lady Justices informally. Addressed as "My Lord" or "My Lady". In law reports, referred to as "Smith LJ", and, for more than one judge, "Smith and Jones LJJ".

Formerly, Lord Justices of Appeal could only be drawn from barristers of at least 10 years' standing. In practice, much greater experience was necessary and, in 2004, calls for increased diversity among the judiciary were recognised and the qualification period was changed so that, as of 21 July 2008, a potential Lord Justice of Appeal must satisfy the judicial-appointment eligibility condition on a 7-year basis.

The Lord Justices wear black damask gowns with gold lace and short wigs during criminal cases and the black civil robe with gold tabs for civil cases. For ceremonial occasions, they wear the full wig and black damask gown with gold lace.

High Court

High Court judges are not normally Privy Counsellors. High Court judges are therefore referred to as the (Right) Honourable Mr/Mrs Justice Smith. Addressed as "My Lord" or "My Lady". In law reports, referred to as "Smith J", and, for more than one judge, "Smith and Jones JJ".

High Court justices normally wear a short wig along with red and black gowns for criminal cases, and a civil robe with red tabs for civil cases. The exception to this is justices in the family division who do wear formal suits. Ceremonially, all High Court justices wear the red gown with white trim along with a full wig.

Circuit Judges

Unlike the more senior judges, Circuit Judges are referred to as His/Her Honour Judge {surname} e.g. His/Her Honour Judge Smith. If a circuit judge is appointed who has the same surname as another serving circuit judge, he (she) will be referred to as His (Her) Honour Judge {first name} {surname}. eg His Honour Judge John Smith. Addressed as "Your Honour", unless sitting in the Central Criminal Court (the Old Bailey), in which case addressed as "My Lord (Lady)", and in law reports referred to as "HHJ Smith".

Formerly, Circuit Judges could only be drawn from barristers of at least 10 years' standing. However, in 2004, calls for increased diversity among the judiciary were recognised and the qualification period was changed so that, as of 21 July 2008, a potential Circuit Judge must satisfy the judicial-appointment eligibility condition on a 7-year basis.

For criminal cases, circuit judges wear a violet and black gown with a red sash and short wig and for civil cases exchange the red sash for a lilac one. Ceremonially, they wear black robes with a purple trim and a full wig.

Recorders

A Recorder is a part-time circuit judge, usually a practicing barrister or solicitor. Recorders are addressed in court in the same way as circuit judges (as 'Your Honour'). There is no formal abbreviation for the position and recorders are referred to as 'Mr/Mrs Recorder Smith' (as opposed to circuit judges, who can be referred to as 'HHJ Smith' in judgments, law reports or other legal documents).

Formerly, Recorders could only be drawn from barristers of at least 10 years' standing. However, in 2004, calls for increased diversity among the judiciary were recognized and the qualification period was changed so that, as of 21 July 2008, a potential Circuit Judge must satisfy the judicial-appointment eligibility condition on a 7-year basis.

The senior circuit judge in a metropolitan area will often be given the honorary title of the Recorder of the city – e.g. the Recorder of Manchester. Despite still being circuit judges, these recorders are addressed in court as 'Your Lordship/Ladyship' as if they were High Court judges.

Masters and Registrars

A Master is a level of judge in the High Court lower than that of a High Court judge. They are mainly responsible for case management pre-trial, and cases are then heard at trial by a full High Court judge. Masters (who may be male or female) are addressed simply as Master. Each of the divisions has a senior Master who ranks above the other Masters, and each division has a different title. They are:

- Queen's Bench Division - Senior Master
- Chancery Division - Chief Chancery Master

- Costs Office - Senior Costs Judge
- Bankruptcy Court - Chief Bankruptcy Registrar
- Admiralty Court - Admiralty Registrar

The Senior Master of the Queen's Bench Division also holds the ancient judicial post of King's Remembrancer (Queen's Remembrancer when the monarch is female), and is also the Registrar of Election petitions and Foreign judgments as well as being the designated authority for the Hague Service Convention and Hague Evidence Convention and receiving agency under the EU Service Regulation - Council Regulation (EC) No. 1348/2000 and EU Taking of Evidence Regulation - Council Regulation (EC) No. 1206/2001. The Senior Master is assisted in this role as Central Authority by the Foreign Process Section of the Queen's Bench Action Department at the Royal Courts of Justice.

In spite of their title the Bankruptcy Registrars of the High Court sit in Bankruptcy and in the Companies Court. They hear and dispose of almost all the insolvency and companies cases heard in the High Court, including trials (i.e. cases arising under the Insolvency Act 1986, the Company Directors Disqualification Act 1986, the Companies Acts and related legislation).

Masters and Registrars are not referred to by an abbreviation in the law reports, and appear as "Master Smith" or "Mr/Mrs Registrar Smith".

Formerly, Masters and Registrars could only be drawn from barristers and solicitors of at least 7 years' standing. However, in 2004, calls for increased diversity among the judiciary were recognised and the qualification period was changed so that, as of 21 July 2008, a potential Master or Registrar must satisfy the judicial-appointment eligibility condition on a 5-year basis.

District Judges

"District Judge" is the title given to two different categories of judges. One group of District Judges sit in the County Court, having previously been known as County Court Registrars until the Courts and Legal Services Act 1990. The other group sit in the Magistrates' Courts and were formerly known as Stipendiary Magistrates until the Access to Justice Act 1999. Members of this latter group are more formally known as "District Judge (Magistrates' Courts)" (see the Courts Act 2003). Judges in both groups are addressed as "Sir" or "Madam". In law reports, referred to as "DJ Smith".

Formerly, District Judges could only be drawn from barristers and solicitors of at least 7 years' standing. However, in 2004, calls for increased diversity among the judiciary were recognised and the qualification period was changed so that, as of 21 July 2008, a potential District Judge must satisfy the judicial-appointment eligibility condition on a 5-year basis. From November 2010 other types of lawyer, such as Legal Executives (ILEX Fellows), will also be eligible to be District Judges.

Deputy District Judges

A practising solicitor or barrister who sits part-time as a District Judge (who may be taking his first steps on the route to becoming a full-time District Judge). Retired District Judges may occasionally sit as Deputies. Addressed as "Sir" or "Madam". In law reports, referred to as "DDJ Smith".

Formerly, Deputy District Judges could only be drawn from barristers and solicitors of at least 7 years' standing. However, in 2004, calls for increased diversity among the judiciary were recognised and the qualification period was changed so that, as of 21 July 2008, a potential Deputy District Judge must satisfy the judicial-appointment eligibility condition on a 5-year basis and so that other types of lawyer, such as Legal Executives(ILEX Fellows), would also be eligible.

Magistrates

Laymen drawn from the community who generally sit in threes in order to give judgment in Magistrates' Courts and Youth Courts. Addressed as "Sir" or "Madam" but often addressed as 'Your Worships' by the police and some lawyers. In law reports, referred to as "John Smith JP" (for Justice of the Peace).

Judicial salaries

There are nine pay points for judges in England and Wales. The following is a simplified list of the salaries with effect from 1 April 2010, showing only the most widely held grades and some of the best known specific appointments. A complete list of all the posts at each pay point can be found on the website of the Ministry of Justice.

- Group 1: Lord Chief Justice, £239,845
- Group 1.1: Master of the Rolls and President of the Supreme Court, £214,165
- Group 2: Justices of the Supreme Court and several other appointments, £206,857
- Group 3: Lords Justices of Appeal and certain others, £196,707
- Group 4: High Court Judges and certain others, £172,753
- Group 5: Numerous specialist appointments, including Senior Circuit Judges, £138,548
- Group 6.1: Circuit Judges and several other appointments, £128,296
- Group 6.2: Numerous specialist appointments, £120,785
- Group 7: District Judges, Chairmen of Employment Tribunals, and several other appointments, £111,155

Judges also have a pension scheme, which is considered to be one of the most generous in the British public sector.

From Wikipedia, the free encyclopedia

Judicial Court Dress

The robes worn by judges are just about the most distinctive working wardrobe in existence. This isn't surprising, not many uniforms have evolved through seven centuries. Read more about changes to court dress, the history and see some examples specific to different types of judges.

Changes to court dress
In July 2007 the Lord Chief Justice announced reforms to simplify judicial court working dress in England and Wales. The changes, which included the introduction of a new civil gown, took effect on 1 October 2008.

New judicial robes

In July 2007 the Lord Chief Justice announced reforms to simplify judicial court working dress in England and Wales. The changes, which included the introduction of a new civil gown, came into effect on 1 October 2008. Fashion designer Betty Jackson CBE worked on a pro-bono basis as the design consultant for the new gown.

Criminal jurisdiction

From 1 October 2008 High Court judges adopted a single set of red robes for criminal proceedings throughout the year, rather than different sets of robes for summer and winter. Apart from this there was no change to court dress worn by judges when sitting in criminal proceedings.

Civil and family jurisdiction – The new civil robe

Court of Appeal and High Court judges no longer wear wigs, wing collars and bands when sitting in open court in civil and family proceedings; the new civil robe is worn.

Circuit judges, in accordance with their wish, continue to wear the same gown and tippet less the wig, wing collar and bands.

In civil and family hearings in open court, all other judges wear the new civil gown.

The design favoured by a judicial working group incorporated coloured bands to identify seniority. The chosen colours were:

- Heads of Division and Appeal Court judges - gold
- High Court judges - red
- District judges - blue
- Masters and Registrars – pink

History
Think of the word 'judge', and probably the first thing to come to mind will be either a wig or a colourful robe.
The costumes worn by judges are just about the most distinctive working wardrobe in existence. But that's not altogether surprising: after all, not many uniforms have had seven centuries to evolve…

When robes and wigs weren't traditional

Strange as it might seem now, when judges first started wearing robes and wigs they probably wouldn't have stood out on the street.

The costume of a High Court judge, for example – a long robe, a full hood with a cowl covering the shoulders and a mantle (or cloak) – was more or less established by the time of Edward III (1327-77) and was based on the correct dress for attending the royal court.
The material for these robes was originally given to judges as a grant from the Crown, and included ermine and taffeta or silk. The colours were violet for winter and green in summer, with scarlet for best, but the last mention of green robes dates back to 1534.

In 1635 the definitive guide to court dress was published in the Judges' Rules. But this didn't introduce new costumes; it just set out what existing robes should be worn, and when.

So after 1635, the correctly-dressed judge would have worn a black robe faced with miniver (a light-coloured fur) in winter, and violet or scarlet robes, faced with shot-pink taffeta, in summer. A black girdle, or cincture, was worn with all robes.

Breaking the rules?

Not that these guidelines made the matter of correct court dress simple.

By the mid-eighteenth century, the rules of 1635 were not being stuck to as strictly as the author might have hoped.

A less formal version of the robes – a scarlet robe, black scarf and scarlet casting-hood (also known as a tippet or stole) – was used for criminal trials, and for civil trials some judges had begun to wear a black silk gown.

When sitting in Westminster Hall – at the time the home of the courts of law - the mantle was not worn; this was now saved for ceremonial wear. And grey taffeta was becoming increasingly popular as an alternative to the pink taffeta used on summer robes.

Plain linen bands began to be worn at the neck, in place of the ruffs associated with Queen Elizabeth I. These were originally wide collars, but by the 1680s had become what we see today: two rectangles of linen, tied at the throat.

Bands are still usually worn with a winged collar, rather than the turn-down collar seen on a typical shirt today.

New courts, new codes

Sometimes changes to the court structure itself have had a major effect on what is worn by judges. The High Court, for example, was created by the Judicature Acts of 1873-5, absorbing the courts of Chancery, Admiralty, Probate and Matrimonial Causes. This led to a new dress dilemma; trial judges in these courts were used to wearing plain black silk gowns.

These judges were allowed to keep the dress code they were used to, and even today, black silk gowns are worn by judges in the Chancery, Probate, Admiralty, Divorce and Family Divisions.

When county courts were created in 1846 the black gown was also worn. However, in 1915 Judge Woodfall suggested that a new robe – similar to those worn by High Court judges - be introduced.

A violet robe was chosen, faced – to distinguish it from the violet High Court robe – in lilac or mauve taffeta. A lilac tippet and black girdle also formed part of the costume, which due to wartime conditions did not become compulsory until 1919.

A full violet hood for ceremonial occasions was added in 1937, and the creation of the Crown Court in 1971 led to the introduction of a scarlet tippet, to be worn during criminal trials.
However, this was not compulsory; judges could choose to wear a black gown instead. Judges at the Central Criminal Court (the Old Bailey) still wear their black gowns.

The Court of Appeal was created at the same time as the High Court, again combining several existing courts. The Master of the Rolls (head of the Civil Division of the Court of Appeal) and two other members of the Court of Appeal in Chancery were among the new members of this court – which probably explains why a black silk gown was chosen.

The Court of Criminal Appeal, founded in 1908, originally wore the full black, scarlet or violet robes and regalia, but in 1966 the court was abolished and re-formed as the Court of Appeal (Criminal Division). At this point, judges of this court adopted the black silk gown, with the Queen's Bench Division following suit soon afterwards.

Dress at the top

Elaborate robes of black flowered silk damask, with gold lace and decorations, have been worn by the two senior Chancery judges – the Master of the Rolls and the Lord Chancellor – for ceremonial occasions since the seventeenth century.

Examples

The English and Welsh judicial system is made up of a series of different courts, each of which deals with specific types of case and is presided over by a certain type of judge

Judges have their own title and in some cases their own distinctive style of dress, which may change depending on the type of case they are hearing.

The horsehair wigs and colourful robes worn by judges can be traced back to medieval times. And although they're now a tradition, both robe and wig started out as essential fashionable attire for polite society.

Judicial attire has changed over the years – for example, shoulder-length wigs are now only worn on ceremonial occasions – and judges hearing family cases in private tend not to wear robes in order to keep the atmosphere more informal.

Court Working Dress Reforms - October 2008

On 1 October 2008 reforms to Court working dress for judges hearing civil and family cases were introduced. Judges hearing such cases now wear a new civil robe, without a wig.

Robes for judges hearing criminal cases were unaffected by the changes, although High Court judges' court dress was simplified. Where previously High Court judges wore different robes for summer and winter, they now wear winter robes in summer and winter alike.

Examples

What different members of the judiciary wear, including details of the changes introduced in October 2008.

The Heads of Division and Court of Appeal

The Lord Chief Justice, the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division and the Chancellor, and Lords Justices of Appeal.

Dress: For criminal hearings Heads of Division and Court of Appeal judges wear a court coat and waistcoat (or a sleeved waistcoat) with skirt or trousers and bands (two strips of fabric hanging from the front of a collar), a black silk gown and a short wig.

When presiding over civil cases this group of judges wear the civil robe introduced on 1 October 2008, with gold tabs at the neck of the gown and no wig.

High Court Judge

High Court judges are sometimes known as “red judges” because of their colourful robes, but their dress codes are actually more complex than that.
Red robes are usually worn only by judges dealing with criminal cases.

High Court judges presiding over civil cases wear the civil robe introduced on 1 October 2008, with red tabs at the neck of the gown and no wig.

Judges hearing Family Division cases in Chambers do not wear court dress.
High Court judges sitting in the criminal division of the Court of Appeal wear a black silk gown and a short wig.

On Red Letter Days, which include the sovereign's birthday and certain saints' days, all High Court judges wear a scarlet robe.

Circuit Judges

Bands worn over a violet robe and a short wig.
When hearing criminal cases, circuit judges wear a red tippet (sash) over the left shoulder.

When dealing with civil business, circuit judges dress as in criminal cases, but with a lilac tippet and without a wig or bands, wing collar or collarette.

On some occasions - when dealing with certain types of High Court business, or when sitting at the Central Criminal Court (Old Bailey) in London - circuit judges wear a short wig and black silk gown over a court coat and/or waistcoat.

District Judges

In open court district judges wear the civil robe introduced in October 2008, with blue tabs at the neck and without a wig.

Deputy District Judges

In open court, Deputy District Judges wear a black coat with bands, a Queens Counsel's or junior barrister's gown with no wig.

High Court Masters Group

In open session members of the High Court Masters Group, which includes Masters of the Chancery or Queen's Bench Division, District Judges of the Principal Registry of the Family Division, Bankruptcy Registrars and Costs Judges, wear the new civil robe introduced on 1 October 2008, with pink tabs at the neck and no wig.

Recorders

Whether sitting in the Crown or County court, Recorders wear a black coat with bands, a Queen's Counsel or junior barrister's gown.

Magistrates

In court magistrates wear clothing which provides a professional and dignified appearance.

Tribunal Chairmen and Judges

In Tribunal suits are worn.

Examples of the new civil robes

Male robe

<>

Female robe

(Source: http://www.judiciary.gov.uk/about-the-judiciary/judges-magistrates-and-tribunal-judges/court-dress, March 11, 2011)