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TOPIC: common law

## ▶ Content


- ▶ 1 / common law in England (history , structure , sources)
- ▶ 2 / law of the united state (history , structure , sources)

- ▶ History of English law
- ▶ The English common law originated in the early Middle Ages in the King's Court (Curia Regis), a single royal court set up for most of the country at Westminster, near London. ... The common law of England was largely created in the period after the Norman Conquest of 1066.

# COMMON LAW

- Created by decisions of courts.
- E.g. much of contract created by courts although now overlaid with statutory provisions e.g. Sale of Goods, consumer laws, employment law.
- Most of the law of Negligence is common law.
- Some criminal law but most now legislation

- ▶ Structure of English law
- ▶ Within the English common law system, judges have more authority to interpret law but are bound by precedent. ... The ratio sets a binding precedent for the lower courts. There is flexibility built into the system by the ability to overrule (usually by a higher court) and to distinguish one case from another.

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- ▶ Sources of English law
  - ▶ Principle sources of UK Law
  - ▶ Legislation.
  - ▶ Case Law.
  - ▶ European Union Law.
  - ▶ European Convention of Human Rights.

- ▶ History of US law
- ▶ Background. At both the federal and state levels, the law of the United States was mainly derived from the common law system of English law, which was in force at the time of the Revolutionary War. However, U.S. law has diverged greatly from its English ancestor both in terms of substance and procedure.

- ▶ Structure of US law
- ▶ The American system is a “common law” system, which relies heavily on court precedent in formal adjudications. ... Civil law systems rely less on court precedent and more on codes, which explicitly provide rules of decision for many specific disputes.



- ▶ Sources of US law
- ▶ These four sources of law are the United States Constitution, federal and state statutes, administrative regulations, and case law. Each country's legal system has its own sources of law, but for those systems that enact Constitutions, the Constitutions are the most fundamental of the sources of law.

# **The 5 Main Sources of U.S. Law**

- 1. Constitutional Law  
(Federal and State)**
- 2. Common Law**
- 3. Statutory Law**
- 4. Court Decisions**
- 5. Administrative Regulations**