

**Name: Agaiby Mina**  
**Group: 19LS3a**

Topic-3 : Legal system of the world  
1) Common Law

# Contents :

□ 1. Introduction .....	3
□ 2. Law in England .....	4
□ 3. History of English law .....	6
□ 4. Structure of English law .....	7
□ 5. Source of English law .....	8
□ 6. Law of the US .....	9
□ 7. History of US law .....	11
□ 8. Structure of US law .....	12
□ 9. Source of US law .....	13
□ 10. Conclusion .....	14

# introduction: common law

- Precedent
  - law found in courts' **decisions**
  - modern law is based heavily on **legislation**, but legislation once played a secondary role to 'judge-made law'
  - when writing essays and answering problem questions:
    - a key skill you must develop is the ability to identify precedents which support your argument

# Introduction of Common Law :

- common law is the body of law created by judges. The court states an opinion that gives reasons for the decision, and those reasons agglomerate with past decisions.
- Common law, as the body of law made by judges, stands in contrast to and on equal footing and regulations which are promulgated by the executive branch. Stare decises, the principle that cases should be decided according to consistent principled rules so that similar facts will yield similar results, lies at the heart of all common law systems.

# Law in England :



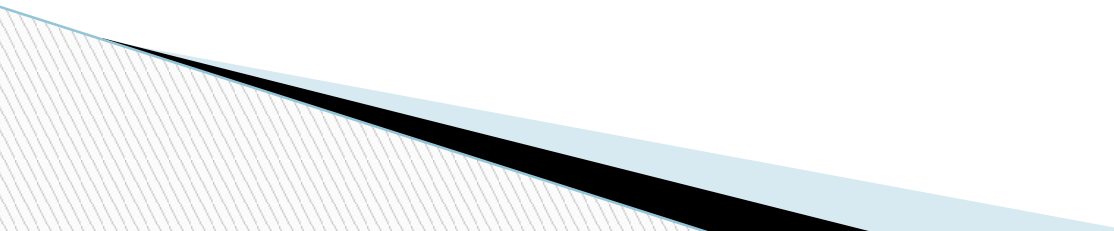
- The United Kingdom does not have a single legal system because it was created by the political union of previously independent countries. Article 19 of the Treaty of Union, put into effect by the Acts of Union in 1707, created the Kingdom of Great Britain but guaranteed the continued existence of Scotland's and England's separate legal systems.

# History of English Law :

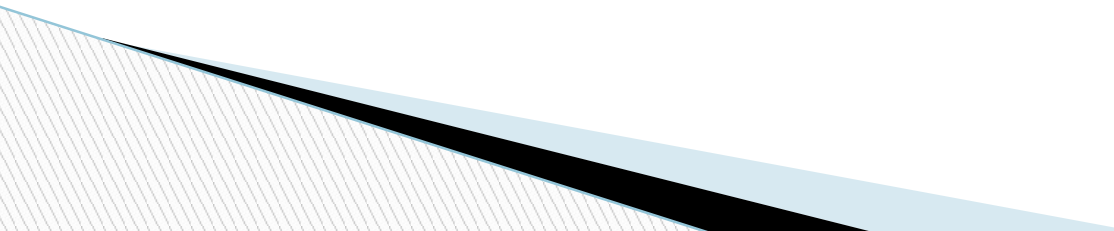
- ▣ The English common law originated in the early Middle Ages in the King's Court (Curia Regis), a single royal court set up for most of the country at Westminster, near London. ... The common law of England was largely created in the period after the Norman Conquest of 1066.



# Structure of English law :

- ▣ Criminal law and civil law .
  - ▣ Common law and civil law .
  - ▣ Common law and equity .
  - ▣ Public law and private law .
  - ▣ Legal remedies .
- 

# Source of English law :

- Primary sources of law are statements of the law itself. Primary legal sources can be divided into two categories: legislation and case law .
  - In England, there is a hierarchy of sources, as follows:
    - Legislation (primary and secondary)
    - The case law rules of common law and equity, derived from precedent decisions
    - Parliamentary conventions
    - General customs
    - Books of authority
- 



# Law of the US :

- The law of the United States consists of many levels of codified and uncodified forms of law, of which the most important is the United States Constitution, which prescribes the foundation of the federal government of the United States, as well as various civil liberties. The Constitution sets out the boundaries of federal law. The United States Code is the official compilation and codification of general and permanent federal statutory law.



# Law of the US :

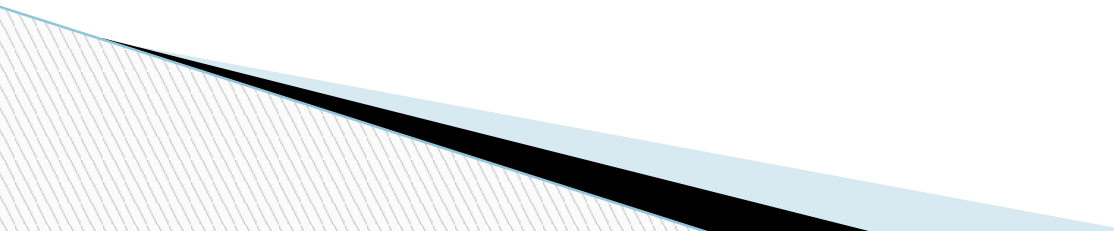
- Federal law and treaties, so long as they are in accordance with the Constitution, preempt conflicting state and territorial laws in the 50 U.S. states and in the territories. However, the scope of federal preemption is limited because the scope of federal power is not universal. Indeed, states may grant their citizens broader rights than the federal Constitution as long as they do not infringe on any federal constitutional rights. Thus, most U.S. law , which can and does vary greatly from one state to the next.

# History of US law :

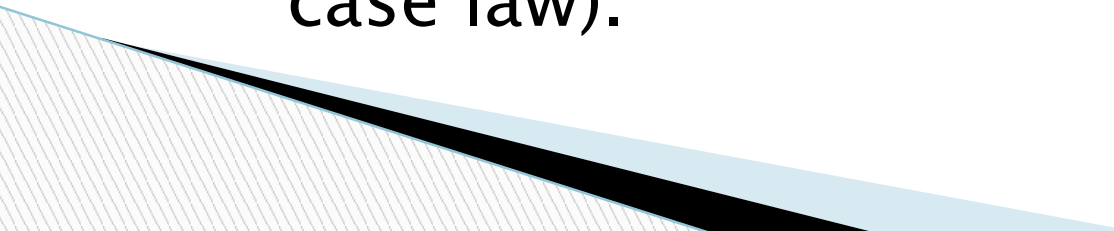
- Background. At both the federal and state levels, the law of the United States was mainly derived from the common law system of English law, which was in force at the time of the Revolutionary War. However, U.S. law has diverged greatly from its English ancestor both in terms of substance and procedure.



# Structure of US law :

- Criminal law and procedure .
  - Civil procedure .
  - Contract law .
  - Tort law .
  - Property law .
  - Family law
- 

# Source of US law :

- In the United States, the law is derived from five sources:
  - constitutional law.
  - statutory law.
  - treaties.
  - administrative regulations.
  - and the common law (which includes case law).
- 

# Conclusion :

- in the common law system, the judge can produce law and also to declare it by means of interpretation of previous judgments or a written law. While the English law is being increased by written statutes and EU regulations the role of the judge will be limited to the new legislation.