

JURISDICTION AT FIRST INSTANCE IN CRIMINAL COURTS

HOUSE OF LORDS

The House of Lords has little original jurisdiction left. What remains includes the trial of disputed peerage claims and breaches of Parliamentary privilege in relation to itself.

The jurisdiction of the House of Lords is now almost exclusively appellate. It is the final appeal court for England and Wales and Northern Ireland in both civil and criminal cases, and for Scotland in civil cases only.

Most appeals heard by the House of Lords come from the Court of Appeal. Others come from the Queen's Bench Divisional Court, and from Northern Ireland.

Judicial Committee of the Privy Council

The House of Lords also sits as the Judicial Committee of the Privy Council. Its jurisdiction consists of hearing appeals from courts in Her Majesty's dominions outside the UK and from independent members and associate members of the Commonwealth which have not abolished the right of appeal to the Privy Council.

COURT OF APPEAL (CRIMINAL DIVISION)

The jurisdiction of the Court of Appeal, criminal division, is to hear appeals in criminal cases from persons convicted at the Crown Court. An appeal lies as of right, against conviction, on a point of law, but leave must be obtained to appeal against sentence only or against a finding of fact. Although they should not, strictly, be called 'appeals', the criminal division also hears cases referred to it by the Attorney-General and the Criminal Cases Review Commission (which took over the jurisdiction of the Home Secretary).

QUEEN'S BENCH DIVISION DIVISIONAL COURT

Two or more judges sitting together may constitute a Divisional Court of the Queen's Bench Division. The functions of the Queen's Bench Divisional Court are:

- * To supervise public authorities, inferior courts and tribunals by entertaining applications for judicial review.
- * To hear applications for the writ of *habeas corpus* from persons who allege that they are being unlawfully detained.
- * To hear criminal appeals on points of law by way of cases stated direct from the magistrates' courts or via the Crown Court.
- * To hear applications to punish contempts committed in inferior courts.

CROWN COURT

The jurisdiction of the Crown Court is as follows:

- (a) It has exclusive jurisdiction in relation to trial on indictment for offences wherever committed. Where the accused pleads not guilty, trial on indictment in the Crown Court takes place before judge and jury.
- (b) It hears appeals by persons convicted summarily in the magistrates' courts.
- (c) To sentence persons committed for sentence following conviction in the magistrates' courts.
- (d) It has a limited civil jurisdiction which allows it to hear, in particular, licensing appeals from the magistrates' courts.

MAGISTRATES' COURTS

Magistrates try mainly summary offences, ie, offences which are triable without a jury, such as motoring offences. The case must be heard by at least two justices or a stipendiary magistrate. The magistrates' courts also have jurisdiction to try offences triable either way, ie, offences which are triable either summarily by magistrates or on indictment in the Crown Court

Magistrates also acted as examining justices during committal proceedings in the preliminary examination of a person accused of indictable offences.

Magistrates also issue summonses and warrants which start the whole criminal process and grant bail.

Youth Court

Children (aged 10 or over but under 14) and young persons (aged 14 or over but under 17) will normally be tried in a youth court (previously known as juvenile courts). This is a magistrates' court sitting for that purpose and composed of justices from a special panel. There must be three justices on the bench to hear a case and at least one of them must be a woman and at least one must be a man.