



Overview of the Law

What is the Law?

Law is essentially the formalised rules within a society that regulates the actions of its members. If these rules are breached, the state may impose penalties.

Classifications of Law

The law of England and Wales has developed over many centuries through statutes and case law.

There are two broad classifications of law – Criminal and Civil.

Criminal Law

Covers offences against society that are punishable by the state. These offences include theft, assault, murder, rape and many others.

Prosecutions are generally brought by the Crown. If someone is found guilty of a criminal act, they are liable to receive punishment, this can include imprisonment in serious cases.

Civil Law

Focuses on private matters between members of society. It includes issues such as breach of contract, negligence, libel, fraud, house purchase, divorce, rights of access etc.

It is a vast area and essentially covers anything that is not criminal. Such cases can be lengthy and costly, therefore only disputed issues of civil law see the inside of a court room.

Sources of Law

The main sources of law in England and Wales are Statutory Law and Common Law.

Statutory Law

Statutory law derives its authority from Acts of Parliament. Key statutes that affect your work are the Consumer Insurance Disclosure and Representations Act, the Insurance Act, the Consumer Rights Act, Consumer Credit Acts and the Data Protection Act.

Common Law

Statute law is interpreted by judges but not everything is covered by an Act of Parliament. Judges, over many centuries, have developed the law through the individual cases brought before the courts. This is a practice followed in both the criminal and civil law.

Tort

This is a civil legal wrong (other than a breach of contract) that causes another party to suffer loss or harm.

Main examples of tort include negligence, trespass, nuisance and defamation.

Case Law

The decisions of judges are referred to as case law. Case law arises when a judge has a case that presents the need to clarify or interpret an Act of Parliament. It may also arise when a court is faced with a case that has a set of circumstances that have not arisen before or if old case law is inappropriate for the needs of modern society.

Law of Agency

Common law also covers 'Agency'. This is a legal relationship in which an agent has the power to act on behalf of another person to create and/or alter the rights, duties and relationships. This law applies to the relationship between a broker and their client.