



## JUDICIAL OFFICE

### NOTES ON THE JURISDICTION OF THE CIRCUIT JUDGE

#### The Crown Court

1. The Crown Court has exclusive jurisdiction in trials on indictment.
2. The Crown Court also sentences persons convicted by Magistrates' Courts but who are committed to the Crown Court because the Magistrates are of the opinion that a more severe sentence may be called for than they have power to pass.
3. The Court also has an appellate jurisdiction which comprises mainly appeals from Magistrates' Courts in criminal and some civil matters and Youth Court proceedings. Many of the civil appeals relate to licensing and betting and gaming cases.
4. In the Crown Court, cases are classified into 3 classes under directions made by the Lord Chief Justice. Those in classes 1 and 2 are nominally reserved for trial by High Court Judges. In class 1, however, some cases of murder, or of incitement, attempt or conspiracy to commit murder, may be tried by authorised Circuit Judges, whilst in class 2, the great majority of offences, other than piracy, mutiny, sedition and offences under the Geneva Convention, are tried by authorised Circuit Judges. Class 2 includes most serious sexual offences, along with manslaughter and child destruction.
5. The majority of fraud cases are tried by Circuit Judges; some may be allocated to High Court Judges.
6. All other offences are either automatically listed for trial by Circuit Judges, Recorders or are normally so listed unless a particularly difficult case is specially reserved for trial by a High Court Judge. When trying a case in the Crown Court, the Circuit Judge has the full range of powers, by way of sentence or otherwise, fixed by statute or at common law, in relation to particular offences.
7. In relation to offences tried on indictment, the right of appeal lies against conviction or sentence from the Crown Court to the Criminal Division of the Court of Appeal, subject to leave. The right of appeal in appellate matters lies by way of case stated to the Divisional Court of the Queen's Bench Division.

## **The County Courts**

8. The jurisdiction of the county courts is entirely statutory and covers almost the whole field of civil and family law. The general jurisdiction in civil law is mostly concurrent with that of the High Court.
9. A number of statutes confer exclusive jurisdiction on the county courts. These cover important areas of work of the county courts, for example virtually all cases under the Consumer Credit Act, actions by mortgage lenders for possession and actions by landlords under the Rent Acts and the Housing Acts 1985 and 1988.
10. Since 1 July 1991 the concurrent jurisdiction has been substantially increased by orders made under the Courts and Legal Services Act 1990. In common law cases, basically tort including personal injuries, debt and other breaches of contract, there is no monetary limit on the jurisdiction of the county courts.
11. In equity proceedings the monetary limit is currently £30,000. The county courts have unlimited jurisdiction in applications under the Inheritance Act 1975 and s. 30, s. 146 and s. 147 of the Law of Property Act 1925. In Companies Act cases the jurisdiction covers cases where the total paid up share capital of the company is less than £120,000.
12. In addition to the general jurisdiction, about 80% of county courts have jurisdiction in insolvency. A few Circuit Judges in a small number of courts also exercise specialist jurisdictions under, for example, the Race Relations Act 1976.
13. In family law the jurisdiction is similarly divided either by statute or practice direction. In some matters, such as adoption, the county courts have concurrent jurisdiction with the High Court. In other matters county courts have exclusive jurisdiction, e.g. virtually all divorce proceedings.
14. The county courts share jurisdiction with the High Court and the Family Proceedings Court in applications under the Children Act 1989, the work being dealt with at the appropriate level pursuant to allocations directions. In the county courts where such applications relate to public law cases such as care and supervision orders they are heard by designated Circuit Judges sitting at Care Centres and all directions in such matters are dealt with by designated District Judges sitting at the Care Centres.

## **The High Court and Court of Appeal**

15. In addition to the concurrent jurisdiction of the county courts and the High Court mentioned above, under Section 9(1) of the Senior Courts Act, a Circuit Judge may be invited to sit as a judge of the High Court to provide flexibility in the disposal of High Court business. Where a Circuit Judge sits in the High Court he or she possesses all the powers of a High Court Judge. The most experienced Circuit Judges may be authorised to sit in the Court of Appeal (Criminal Division) by virtue of Section 9(1) of the 1981 Act (as amended by section 52 of the Criminal Justice and Public Order Act 1994).