**The History and Characteristic Features of English Law**

1066 – The battle of Hastings – the Norman conquest (William the Conqueror)

- Prior to 1066, the law was based on local customs. After 1066, the king realized that he needs to unify the law to gain more power.

- He was sending his judges to different parts of the country. When then they came back they informed the king about is the situation in these parts of England.

- they were trying to find the best elements of all the law systems in England, they collected them and created a Law common to all people – Common law

**Characteristic features**

* Continuity

- England has not been conquered since 1066

= old laws do not become inoperative – efficient only due to their age

- old laws are valid no matter how old they are

- they are trying to interpret the law according to the time

- the age of the law is not relevant, what is relevant is rationality

* Absence of Codification
* The system of Precedents

- precedent = a prior decision of a court, which must be followed in later cases

- categories of precedents:

* *Binding*
* *Persuasive(odporúčacie, nezáväzné, podporné)*
* *Original –* decision of the court made for the very first time on a certain point of law

**The system of precedents is based on the principle that judges are bound to apply the rules formulated by prior decisions if the cases are sufficiently similar (*primerane, dostatočne*) and the decision of earlier case was made by the court of superior (or in exceptional cases by a court of equal status)**

- this is called **“Doctrine of stare decisis”**

**Sources of English Law**

- Sources of law may be defined as different means by which law is brought into existence

1. Historical Sources – e.g. common law and equity
2. Literary sources – refers to the object, which contains the information of law (e.g. acts, law books etc.)
3. Formal sources – refers to the authorities which by law have the right to give force to the rule of law (e.g. the state, the parliament etc.)
4. Subsidiary sources – (*podporné, doplnkové*) – are not responsible for the direct creation of law (e.g. common law, Roman law, text books etc.)