# THE LAWS OF BRITAIN — A TEACHING VERSION

*A Teaching Version — Prof Samba Online University of Nigeria*

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# IMPRINT

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How to use this book: read a chapter, work the example, answer the discussion questions in writing, then read the summary again before you move on. Law is learned by working, not by looking.

# Chapter 1 — Britain's Unwritten Constitution

Britain's constitution is uncodified: it lives in statutes, cases, and conventions. This chapter teaches its principles — parliamentary sovereignty, the rule of law, and the separation of powers in British form.

## Sovereignty of Parliament

The British Parliament can make or unmake any law, and no court may strike down its Act for inconsistency with a higher text — because there is no higher text of the Nigerian kind. Sovereignty is the constitution's centre of gravity: what in Nigeria is settled by constitutional supremacy is in Britain settled by Parliament's continuing authority.

Modern qualifications — devolution, human-rights legislation that lets courts declare incompatibility without striking down, and the memory of European membership — bend sovereignty without breaking the doctrine's form.

## Conventions

Much of the British constitution is convention: the monarch assents to bills, ministers resign on defined failures, the Prime Minister sits in the Commons. Conventions are not law — courts recognise but do not enforce them — yet their breach is a constitutional crisis, not a lawsuit. The Nigerian student, whose constitution is written, should study conventions as the unwritten twin of his own text's silences.

The rule of law in Britain — Dicey's classic account — means the supremacy of regular law over arbitrary power, equality before the law,

and rights as the product of ordinary courts' decisions rather than of a constitutional chapter.

## The organs

The Crown, Parliament of two Houses, the government formed from Parliament's majority, and the courts: Britain fuses executive and legislature where Nigeria separates them — the Prime Minister and ministers sit in Parliament and depend on its confidence daily. The separation of powers exists as influence and partial insulation, not as the American or Nigerian architecture.

## Worked example

A British court, faced with an Act plainly inconsistent with a cherished common-law right, applies the Act and says why: Parliament is sovereign, and the court's remedy is interpretation in the right's favour so far as the words allow — never invalidation. The Nigerian court in the mirror case strikes the Act down. One scene, two constitutions: the comparison is the lesson.

## Discussion questions

• What is parliamentary sovereignty, and what bends it today?

• How do conventions bind if courts do not enforce them?

• How does Britain's executive-legislature relation differ from Nigeria's?

## Chapter summary

In this chapter you have studied the following ground. Britain's constitution is uncodified: it lives in statutes, cases, and conventions. On sovereignty of Parliament: The British Parliament can make or unmake any law, and no court may strike down its Act for

inconsistency with a higher text — because there is no higher text of the Nigerian kind. On conventions: Much of the British constitution is convention: the monarch assents to bills, ministers resign on defined failures, the Prime Minister sits in the Commons. On the organs: The Crown, Parliament of two Houses, the government formed from Parliament's majority, and the courts: Britain fuses executive and legislature where Nigeria separates them — the Prime Minister and ministers sit in Parliament and depend on its confidence daily. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

# Chapter 2 — British Courts

This chapter maps the courts of England and Wales in general words: the Supreme Court of the United Kingdom, the Court of Appeal, the High Court, the Crown and county courts, and the magistrates.

## The structure

At the apex since 2009 stands the Supreme Court of the United Kingdom, final for civil matters across the UK and for criminal matters from England, Wales, and Northern Ireland. Below it, the Court of Appeal's civil and criminal divisions; the High Court's divisions — King's Bench, Chancery, Family; the Crown Court trying serious crime with juries; the county courts carrying civil claims; and the magistrates' courts, where lay justices and district judges try the mass of minor crime and begin the serious.

Scotland and Northern Ireland keep their own systems within the kingdom — Britain's law is three laws under one Crown, a plurality the Nigerian student will find familiar in kind.

## The jury

Serious crime in the Crown Court is tried by jury — twelve lay persons deciding fact, directed on law by the judge. The jury is the British constitution inside the courtroom: the citizen between the state and the accused. Nigeria, having retired the jury, tries fact and law together in the judge — the comparison of the two systems' safeguards runs through the comparative volume.

Precedent binds in the strict hierarchy the Legal Method volume teaches — stare decisis is Britain's gift to the common-law world, Nigeria's courts its heirs.

## Tribunals and the unified administration

A unified tribunals system handles the administrative state's disputes — immigration, tax, employment, social security — with its own appellate structure beneath the courts. Court administration is unified under a single service, and judges are appointed through an independent commission — the modern form of the independence the older constitution protected by convention.

## Worked example

A defendant in the Crown Court watches twelve strangers retire to decide his guilt while the judge, who knows the law, must accept their verdict on the facts. In Makurdi the same week, a judge alone weighs fact and law and must give reasons for both. Neither scene is primitive and neither is perfect; they are two answers to one question — whom do you trust with fact?

## Discussion questions

• Name the courts in descending order.

• What does the jury decide, and what does the judge direct?

• Why is precedent called Britain's gift to the common-law world?

## Chapter summary

In this chapter you have studied the following ground. This chapter maps the courts of England and Wales in general words: the Supreme Court of the United Kingdom, the Court of Appeal, the High Court, the Crown and county courts, and the magistrates. On the structure: At the apex since 2009 stands the Supreme Court of the United Kingdom, final for civil matters across the UK and for criminal matters from England, Wales, and Northern Ireland. On the jury: Serious crime in

the Crown Court is tried by jury — twelve lay persons deciding fact, directed on law by the judge. On tribunals and the unified administration: A unified tribunals system handles the administrative state's disputes — immigration, tax, employment, social security — with its own appellate structure beneath the courts. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

# Chapter 3 — British Criminal Law in Outline

This chapter teaches British criminal law's general part and principal offences in general words, as a mirror for the Nigerian student's own codes.

## The general part

British criminal law is uncodified — a landscape of common-law offences and statutes — though its general principles match the Nigerian student's: actus reus and mens rea, coincidence, the defences, attempts and participation, and proof beyond reasonable doubt on the prosecution. The absence of a code is the great formal difference: the Nigerian codes state in chapters what English law states in cases and scattered Acts.

Murder remains a common-law offence; manslaughter, theft, fraud, and the assaults are statutory in their modern forms, the Theft Acts and their successors having codified property crime piecemeal.

## Procedure's character

Prosecutions are brought by the Crown Prosecution Service, an independent public prosecutor created to separate investigation from prosecution — the police investigate, the Service decides and conducts. Trials on indictment are by jury; summary trials by magistrates. The Police and Criminal Evidence Act codifies arrest, detention, and questioning with a lawyer's care — its codes of practice are a model the Nigerian reforms have studied.

Sentencing is guided by a Sentencing Council's guidelines, binding in structure, discretionary in application — an institutional answer to consistency that Nigeria pursues through precedent and appellate guidance.

## Defences and doctrines

The defences — insanity under the famous nineteenth-century rules, automatism, duress, self-defence, intoxication — parallel the Nigerian student's own, often in the very words his codes borrowed. Loss of control has replaced provocation in homicide by statute, with qualifying triggers stated — reform by legislation where Nigeria's doctrine still speaks the older language.

## Worked example

An English student and a Nigerian student compare their criminal law shelves: hers is cases and a shelf of statutes; his is two codes and the cases upon them. Yet element by element — act, mind, defence, burden — they are studying one subject in two bindings. The codes were the empire's export; the principles were its cargo.

## Discussion questions

• Why is British criminal law called uncodified?

• Who prosecutes in England, and why was the Service created?

• Name one homicide doctrine Britain has reformed by statute.

## Chapter summary

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brought by the Crown Prosecution Service, an independent public prosecutor created to separate investigation from prosecution — the police investigate, the Service decides and conducts. On defences and doctrines: The defences — insanity under the famous nineteenth-century rules, automatism, duress, self-defence, intoxication — parallel the Nigerian student's own, often in the very words his codes borrowed. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

# Chapter 4 — British Contract and Land in Outline

This chapter teaches the British law of contract's modern face and the land law from which Nigeria's received system grew.

## Contract

The doctrines of the Contract volume of this library are Britain's doctrines in their home: offer, consideration, exemption control under the unfair-terms legislation, consumer rights under the modern consumer statute — the student's Nigerian learning is this law's descendant, and the differences are of statute and date more than of spirit.

Britain's consumer law is now codified in a single modern Act — information, quality, digital content, unfair terms — a consolidation Nigerian reformers study when they draft.

## Land — the parent system

English land law is the doctrine of estates in its birthplace: the fee simple, the leasehold, and since 1925 a deliberately shortened list of legal estates and interests, with the trust carrying the rest in equity, and registered title replacing deeds investigation across the country. The 1925 property legislation is the conveyancer's constitution, and the Nigerian student reads his own Conveyancing and property statutes as its colonial cousins.

Overreaching — the device by which a sale by trustees sweeps equitable interests off the land and onto the money — and the register's mirror and curtain principles are the system's elegant machinery, worth the student's admiration and his caution: Nigeria's Land Use Act chose

a different road entirely, and the comparison volume walks both.

## The profession in preview

Britain divides its profession — solicitors and barristers — where Nigeria fuses it; the next chapter teaches the division, and the comparison volume asks what each arrangement buys and costs.

## Worked example

A London conveyancer completes a purchase by inspecting a register and exchanging contracts in a day; the machinery of 1925 — few legal estates, overreaching, registered title — was built to make land as marketable as goods. The Nigerian conveyancer, perfecting consent, stamping, and registration under the Land Use Act, works a system with the opposite instinct: land held under the community's trust, marketable within the governor's gate. Two philosophies of land, one ancestor.

## Discussion questions

• What did the 1925 property legislation do to legal estates?

• What is overreaching?

• How does Britain's consumer contract law differ in form from Nigeria's?

## Chapter summary

In this chapter you have studied the following ground. This chapter teaches the British law of contract's modern face and the land law from which Nigeria's received system grew. On contract: The doctrines of the Contract volume of this library are Britain's doctrines in their home: offer, consideration, exemption control under the unfair-terms legislation, consumer rights under the modern consumer statute — the

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# Chapter 5 — The British Legal Profession

Solicitors, barristers, and judges: this chapter teaches Britain's divided profession and its judiciary in general words.

## The division

The solicitor is the client's first lawyer — advice, transactions, litigation's preparation, and advocacy in the lower courts; the barrister is the specialist advocate and opinion writer, traditionally instructed through the solicitor, pleading in the higher courts, organised in chambers and governed by the Bar's code, with the cab-rank rule obliging acceptance of briefs within competence. Rights of audience have widened — solicitor-advocates plead above — but the division's shape endures.

King's Counsel marks the advocate's summit, as the Senior Advocate's rank does in Nigeria — the same honour wearing two names, each borrowed from the other's history.

## Judges and appointments

Judges are appointed from the senior profession through an independent appointments commission, by competition and merit criteria — a reform that replaced the Lord Chancellor's tap on the shoulder within living memory. Judicial independence rests on tenure, salary, and the convention and law that the government does not instruct judges and rarely criticises their decisions.

Legal education runs degree, vocational course, and training contract or pupillage — the divided profession dividing the training, where Nigeria's Law School unifies it.

## Legal aid and access

Legal aid, once broad, has been narrowed by statute and budget to defined categories — a contraction British lawyers debate as an access-to-justice question, and a cautionary comparison for every system that promises aid it must fund.

## Worked example

A Nigerian practitioner visiting London watches a solicitor instruct counsel in chambers: two lawyers where his own practice is one. He notes what the division buys — advocacy as a pure specialty, an independent referral Bar — and what it costs — two fees, two files, a client's story told twice. The comparison volume will weigh both professions on the same scales.

## Discussion questions

• What does each branch of the divided profession do?

• What is the cab-rank rule?

• How are British judges now appointed?

## Chapter summary

In this chapter you have studied the following ground. Solicitors, barristers, and judges: this chapter teaches Britain's divided profession and its judiciary in general words. On the division: The solicitor is the client's first lawyer — advice, transactions, litigation's preparation, and advocacy in the lower courts; the barrister is the specialist advocate and opinion writer, traditionally instructed through the solicitor, pleading in the higher courts, organised in chambers and governed by the Bar's code, with the cab-rank rule obliging acceptance of briefs within competence. On judges and appointments: Judges are appointed from the senior profession through an independent appointments

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# Chapter 6 — Devolution and the Modern Constitution

Britain's constitution has not stood still: devolved legislatures, a Supreme Court, and human-rights legislation have reshaped it within a generation. This chapter teaches the modern settlement.

## Devolution

Scotland, Wales, and Northern Ireland now have their own legislatures and governments, exercising devolved competences — health, education, much of law's daily matter in Scotland's distinct system — while Westminster remains sovereign and retains the reserved fields. Devolution is delegation from a sovereign Parliament, revocable in law, entrenched in politics: the distinction is the British constitution in miniature.

The Sewel convention — that Westminster will not normally legislate on devolved matters without the devolved legislature's consent — is convention doing constitutional work, recognised by courts but not enforced by them.

## The Supreme Court and the Constitutional Reform Act

The Constitutional Reform Act separated what the old constitution fused: the Lord Chancellor's judicial role ended, the Law Lords became a Supreme Court in its own building, and judicial appointments passed to an independent commission. Britain moved, in a decade, measurably toward the separation its textbooks said it lacked — a living lesson that constitutions evolve by statute as well as by text.

The Human Rights Act lets courts interpret legislation compatibly with Convention rights and declare incompatibility where they cannot — a

remedy that preserves sovereignty while naming the breach, leaving the political organs to answer.

## The constitution's direction

Codification is debated perennially and adopted never; the British constitution prefers accretion to architecture. The Nigerian student, whose constitution was architected, should study the preference without condescension: accretion has carried Britain through eight centuries, and architecture has its own ruins in other lands.

## Worked example

When the Supreme Court held that a Prime Minister's advice to prorogue Parliament for an exceptional length was unlawful because it frustrated Parliament's constitutional functions without justification, the unwritten constitution enforced itself through the courts — conventions and principles, without a codified text, decided the state's gravest modern case. The Nigerian student should read the judgment beside his own constitution's text and ask what each system would do with the other's tools.

## Discussion questions

• What is devolution, and why is it delegation rather than federation?

• What did the Constitutional Reform Act separate?

• What remedy does the Human Rights Act give, and what does it preserve?

## Chapter summary

In this chapter you have studied the following ground. Britain's constitution has not stood still: devolved legislatures, a Supreme Court, and human-rights legislation have reshaped it within a generation. On

devolution: Scotland, Wales, and Northern Ireland now have their own legislatures and governments, exercising devolved competences — health, education, much of law's daily matter in Scotland's distinct system — while Westminster remains sovereign and retains the reserved fields. On the Supreme Court and the Constitutional Reform Act: The Constitutional Reform Act separated what the old constitution fused: the Lord Chancellor's judicial role ended, the Law Lords became a Supreme Court in its own building, and judicial appointments passed to an independent commission. On the constitution's direction: Codification is debated perennially and adopted never; the British constitution prefers accretion to architecture. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

# Chapter 7 — Revision: The British Map

The closing chapter rebuilds the British system as one map: sovereignty, courts, crime, contract, land, profession.

## The whole in one view

Britain: a sovereign Parliament under an unwritten constitution; courts in strict precedent beneath a young Supreme Court; juries in serious crime; an uncodified criminal law; contract doctrine in its ancestral form; land law rebuilt in 1925 for marketability; a profession divided into solicitors and barristers. Every element is a comparison waiting to be drawn, and the comparison volume draws them.

The historical root must be stated plainly, as this wing states it throughout: Nigeria's law grew with British law — the common law was received, the codes were modelled, the profession was patterned — and to study Britain's law is to study the parent of much of Nigeria's, with the respect and the independence that parentage, outgrown, deserves.

## Worked example

The revision scene is a single question put six ways: where does final authority sit — in a text, a parliament, a court, a jury, a market, a profession? Britain's answers differ from Nigeria's at almost every point, yet the questions are the same. That identity of questions is what makes comparison possible — and useful.

## Discussion questions

• Recite the British map's six elements.

• Why does the historical root matter to the comparison?

• In what sense are the two systems' questions identical though their answers differ?

## Chapter summary

In this chapter you have studied the following ground. The closing chapter rebuilds the British system as one map: sovereignty, courts, crime, contract, land, profession. On the whole in one view: Britain: a sovereign Parliament under an unwritten constitution; courts in strict precedent beneath a young Supreme Court; juries in serious crime; an uncodified criminal law; contract doctrine in its ancestral form; land law rebuilt in 1925 for marketability; a profession divided into solicitors and barristers. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

# PRACTICE PROBLEMS WITH GUIDED OUTLINES

Four problems follow, one for each of the first four chapters' ground. Attempt each in writing, under time, before reading its outline. The outline names the points a full answer must reach; it does not write the answer — that labour is yours, and it is where the learning is.

## Problem 1 — Britain's Unwritten Constitution

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: Sovereignty of Parliament; Conventions; The organs. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "A British court, faced with an Act plainly inconsistent with a cherished common-law right, applies the Act and says why: Parliament is sovereign, and the court's remedy is interpre..."

## Problem 2 — British Courts

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: The structure; The jury; Tribunals and the unified administration. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "A defendant in the Crown Court watches twelve strangers retire to decide his guilt while the judge, who knows the law, must accept their verdict on the facts. In Makurdi the same w..."

## Problem 3 — British Criminal Law in Outline

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: The general part; Procedure's character; Defences and doctrines. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "An English student and a Nigerian student compare their criminal law shelves: hers is cases and a shelf of statutes; his is two codes and the cases upon them. Yet element by elemen..."

## Problem 4 — British Contract and Land in Outline

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: Contract; Land — the parent system; The profession in preview. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "A London conveyancer completes a purchase by inspecting a register and exchanging contracts in a day; the machinery of 1925 — few legal estates, overreaching, registered title — wa..."

# A LAST WORD TO THE STUDENT

You have finished this teaching book. Finish is the wrong word: a law book is a tool, and it earns its place only when you return to it with a problem in your hand. Keep it beside the other books of this library, work the questions again after a month, and let each return teach you what the first reading could not. That is how lawyers are made — by return, by work, and by patience.

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