Understanding case law and law reports

What is case law?
Case law is a primary source of law, meaning it tells you what the law actually is. Case law provides the majority of UK law through the doctrine of precedent. Courts are bound by decisions made in higher courts and higher courts can also overrule decisions of the lower courts. These decisions are published in law reports.

Cases can be civil, or criminal. A civil case is between two individuals or companies (or one of each) whereas a criminal case is between the Crown (effectively the Government) and an individual or company or organisation. The case name indicates whether a case is civil or criminal. For example:

- **Atkinson v Parker**: Two individuals; a civil case
- **R v Robertson**: A criminal case; R (indicating “Rex” or “Regina” as the Prosecutor)

Appellants bring cases against respondents.

What are law reports?
Law reports contain details of the proceedings and outcomes of cases and are published after a case is heard in court. Not all cases are reported; only cases which set a precedent or discuss or clarify a significant point of law will be reported. Some cases are reported in more than one series of law reports.

The Incorporated Council of Law Reporting (ICLR) began publishing The Law Reports in 1865. There are currently four series:

- Appeal Cases (abbreviated to AC)
- Queen’s Bench Division (abbreviated to QB. Note, if there is a King on the throne then it would be the Kings Bench Division)
- Chancery Division (abbreviated to Ch)
- Family Division (abbreviated to Fam)
The ICLR also publish the Weekly Law Reports (WLR) which is a general series, meaning it contains cases on all areas of law. Cases published in the Weekly Law reports often subsequently appear in a series of The Law Reports.

The All England Law Reports (All ER) is another important general series. Specialist series concentrate on specific areas of law, such as employment law (Industrial Relations Law Reports) or medical law (Medical Law Reports).

**Which law report should I read?**
The Law Reports published by the ICLR series are considered the most authoritative and must be cited in court in preference to other reports. The Weekly Law Reports, also published by the ICLR, are the next most authoritative, followed by the All England Law Reports (All ER) and then the specialist series. In some circumstances, there may be a good reason to cite a specialist law report rather than The Law Reports, but in general, this hierarchy of authority should be followed in assignments and moots.

The ICLR series is considered to be the most authoritative because they are checked by the judges and counsel involved in the case before publication.

**What are case transcripts?**
If a case is unreported in a series of law reports, an official transcript may be the only way to obtain the full text of a judgment. A transcript will give you the full-text of the judgment without any of the annotations you find in an official law report, such as the catchwords or the headnote.

Transcripts can be found on both Lexis Library and Westlaw as well as the British and Irish Legal Information Institute website (BAILLI) [http://www.bailii.org/](http://www.bailii.org/) but coverage does vary. The UK Supreme Court provides full-text access to its decisions from 2009 onwards online at [http://www.supremecourt.gov.uk/decided-cases/index.html](http://www.supremecourt.gov.uk/decided-cases/index.html).

Note that if a case is subsequently reported in an official law report series, that report must be used in preference to a transcript.

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