

- The case law of the European Court of Justice: works like a normal court – hear cases and those cases are bind UK courts and other member states
- 4 MAIN INSTITUTIONS IN THE EU
 - The Council of the EU
 - Based in Brussels
 - Main decision making body of the EU and it comprises the head of state usually of each country
 - Passes EU laws (together with the parliament) based on commission proposals and establishes or approves or amends the EU Budget
 - From time to time makes decisions by → **vote** for important principles
 - Often PM attends this meeting or she may delegate to a particular minister if its relating to a specialized area e.g. transport and minister of transport would go)
 - The European Commission
 - Based in Brussels
 - Body that runs the EU on a daily basis
 - Responsible for formulating and administering EU policies, ensuring treaty obligations are observed, drafting legislation and preparing the EU budget
 - Commissioners are appointed by each member state for 5 years
 - The European Parliament
 - Sits in Strasbourg (France) and Brussels → criticized of wasting of money that every 6 months move from one location to another
 - Voted for every 5 years by individuals from the member states
 - Passes EU laws together with the council based on commission proposals
 - Establishes (together with the council) / approves or amends the EU budget, approves new appointments to the commission and can dismiss it
 - The European Court of Justice
 - Sits in Luxembourg
 - Made up of judges from member states assisted by advocate-generals
 - Gives ruling on EU law as well as hearing cases, rulings on EU law → because the law passed to take effect in 28 countries with different legal systems, EU law is often drafted very generally so it is up to judges in different countries to interpret what it is meant and apply in the case before them. Sometimes judges come across a problem not really knowing how to interpret the law, so they apply for a ruling from the European court or ask for advice → ensures the EU law is dealt with in the same way across the 28 member states
- The effect of EU law on UK Law
 - Doctrine of parliamentary sovereignty → parliamentary was supposed to be the main law maker in the UK, but once they became the

- Obiter Dicta → When a case gets into the Supreme Court, judges take the opportunity to make other statements NOT strictly speaking the reason for the decision but relevant to the area of law // of talking the case in a wider way laying down guidelines that if the case is slightly different, they would have decided this
- Obiter Dicta of the Case; it is not just manufacturers that owe consumers the duty of care, we also think that everybody owes their **neighbour** a duty of care (The Neighbour Principle → shapes modern law of negligence // your neighbour is somebody you can foresee as being affected by your actions)
- A case does not remain a precedent indefinitely and may be:
 - Overruled: when the judge in the later case says the decision in the earlier case is no longer a good law (but doesn't affect the decision in the earlier case) → a new law takes over
 - **Warren v Henlys Ltd (1948)** → related to carrier's liability: when somebody – a person or a company – is responsible for the torts (e.g. the negligence of others) e.g. employers are responsible for the torts committed by their employees at the cost of their employment a petrol pump attendant thought that a customer was going to drive off the garage forecourt without paying for the petrol that he had put in his car and they ended up in an argument and the employee ended up bumping the customer and he sued → the court held that the employer was not liable because the employee wasn't acting in the cause of his employment which bumped the customer.
 - **OVERRULED in the Mohamud v Morrison Supermarkets (2016)** → Mr Mohamud was assaulted in a garage forecourt (kiosk where you pay) and they got into an argument and Mr Mohamud was hit and this case Morrison, the employer was held liable because actions are carried out in the course of their employment. His orders to the customer to stay away from the premises suggesting that he was acting on his employer's behalf.
 - Distinguished: a judge does not follow a precedent because he or she considers the material facts of the case being decided are different from the precedent (the general rule in contract is that between family members and friends, there is no intention to enter into a legally binding agreement enforceable through the court when you make an agreement)
 - **Balfour v Balfour (1919)** → Mr Balfour and Mrs Balfour were working overseas and Mrs Balfour became ill and had to return to the UK. Mr Balfour promised her to pay monthly allowance and then at some point stopped paying her; so Mrs Balfour took Mr Balfour to court for breach of contract. She argued that they had a legally binding agreement to give monthly allowance but he stopped paying, so it was a breach of contract. The court said it is purely a domestic matter, so there was no legally binding contract and he didn't have to pay.

- Dictionaries and textbooks → looking at the reports about law and Hansard (official reports of the parliamentary debates)
- The presumptions of legislative intent
 - If you presume something that is assumptions that are made, if an active parliament doesn't say to the contrary, judges can make certain presumptions about the act, judges going to assume that the criminal is guilty is that they have a guilty mind (mens rea)
 - If something is made in an offence, it should only be applied to the future and not past (laws should not operate retrospectively)
 - If there is any doubt, the defendant should be found not guilty (laws that are ambiguous should be interpreted in favour of the defendant)
- Internal aids found within the statute itself, such as: titles, headings, the statute's interpretation section, explanatory notes
- Rules of Language
 - The same type/ **ejusdem generis rule**: the general words will only apply to things of the same type as the specific words, e.g. they are saying specific things then say the general one → should be related to the specific words (only applies to lions, tigers, and other animals → leopards but not cows)
 - To express one excludes the other/ **expression unius est exclusio alterius** → applies to "lions" would only apply to lions and not tigers or other animals
 - A word is known by the company it keeps / **Noscitur a sociis** → dog baskets, dog collars, and food → FOOD would mean DOG FOOD

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