

## Doctrine Of Judicial Precedent Peter Jepson

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Judicial Precedent: The first major use of the 1966 Practice Statement**Doctrine Of Judicial Precedent Peter**  
the doctrine of judicial precedent Judicial precedent also called case law. 'It is the system adopted by judges where the judges follow previous decisions.'It simply means that the previous decision made by judges in similar cases are binding upon future cases depending on the hierarchy of the court.

### THE DOCTRINE OF JUDICIAL PRECEDENT - The Lawyers & Jurists

The doctrine of judicial precedent means that judges can refer back to previous decisions to help decide similar cases where the law and facts are alike. This doctrine is concerned with the influence and value of past decisions of case law and the judge's prior legal experience. Advertisement. For the doctrine of judicial precedent to work, a hierarchy of courts is needed.

### What Is the Doctrine of Judicial Precedent?

Here, in 2010, Mr. Justice Peter, a higher court judge sitting alone in deciding a case which has similar material facts to one decided by the Court of Appeal in 2009. Based on the explanation of doctrine of judicial precedent and the example of cases above, therefore, he is bound to the decision made by the Court of Appeal.

### The Doctrine Of Judicial Precedent Law Essay

THEORY OF DOCTRINE OF JUDICIAL PRECEDENT. From the question, we have been told that there are similar materials facts to one decided by the Court of Appeal in year 2009. In year 2010, similar case occurs and Mr. Justice Peter as the high court judge. Whether the decision decided by Court of Appeal is bounded or not, first of all we must understand the hierarchy of court structure in Malaysia and the theory of doctrine of judicial precedent.

### THEORY OF DOCTRINE OF JUDICIAL PRECEDENT - The Lawyers ...

The Doctrine of Judicial Precedent. Chapter: (p. 160) 6. The Doctrine of Judicial Precedent Author(s): James Holland and Julian Webb DOI: 10.1093/he/9780198799900.003.0006. Page of . PRINTED FROM OXFORD LAW TROVE (www.oxfordlawtrove.com).

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### Doctrine of Judicial Precedent Peter Jepson

The doctrine of judicial precedent comes from the principle of stare decisis which means 'stand by decisions already made' and requires that like cases are treated alike. And in doing so provides consistency and continuity in the application of the law. There are two types of precedent: binding precedent and persuasive precedent.

### Understanding the Doctrine of Judicial Precedent

The doctrine of judicial precedent is based on stare decisis. That is the standing by of previous decisions. Once a point of law has been decided in a particular case, that law must be applied in all future cases containing the same material facts.

### Judicial precedent - e-lawresources.co.uk

The doctrine of precedent means that the following of the legal principles made by the higher courts and the court of appeal in prior cases. Once judges in the higher court, normally means the House of Lords or the Court of Appeal make a decision to a case, it is come to binding precedent that the lower courts have to follow in the future cases as regards to share similar facts.

### How the Doctrine of Precedent Operates - LawTeacher.net

Doctrine of 'Per Incuriam': Critical Analysis based on Precedents. Meaning: According to the Black's Law Dictionary (Fourth Edition, 1891) per incuriam means through inadvertence. The word ' incuria' literally means 'carelessness'. [1] The purport of the doctrine of per incuriam is that, a decision should be treated as given per incuriam when it is given in ignorance of the terms of a statute, or of a rule having the force of a statute. [2] '.

### Doctrine of 'Per Incuriam': Critical Analysis based on ...

Judicial precedent means the process whereby judges follow previously decided cases where the facts are of sufficient similarity. The doctrine of judicial precedent involves an application of the principle of stare decisis ie, to stand by the decided. In practice, this means that inferior courts are bound to apply the legal principles set down by superior courts in earlier cases.

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### Doctrine Of Judicial Precedent Peter Jepson

The modern doctrine of 'Precedent' is subject to a series of presumptions: Cases with the same or similar material facts should be decided in the same way; Decisions made in higher level courts carry greater weight than those lower in the hierarchy. Therefore, a court is normally bound by courts which are higher or equal to them;

### - Statutory interpretation and the doctrine of judicial ...

The Law of Judicial Precedent is the first hornbook-style treatise on the doctrine of precedent in more than a century. It is the product of 13 distinguished coauthors, 12 of whom are appellate judges whose professional work requires them to deal with precedents daily.

### The Law of Judicial Precedent: Amazon.co.uk: Garner, Bryan ...

DOCTRINE OF PRECEDENT • PRE-INDEPENDENCE • According to section 212 of the Government of India Act, 1919, the Law laid down by the Federal Court and the judgment of the Privy Council was binding on all courts of the British India. Hence, Privy Council was supreme judicial authority. 5.

### Precedents

The doctrine of Judicial Precedent is founded on the principle of 'stare decisis', meaning to stand by the decision. Essentially it refers to the idea that once a court makes a decision, both they and other courts beneath them are bound by that decision, except for in certain, limited circumstances.

### Judicial Precedent - A Level Law AQA Revision - Study Rocket

Theory and practice of English doctrine of precedence Terminology associated with the doctrine of precedent Stare decisis The basic principle that a court is bound to follow decisions in former cases, both those from a court of higher authority and (usually) its own. For England see Practice Note (Judicial Precedent) 3 All ER 77

### Precedent - Case law: e-resources for common law countries ...

As Courts Rule on Constitution's Basic Structure, Landmark Doctrine Turns Out to Be Elastic. The 1973 'Kesavananda Bharati' case is hailed as having protected India's democracy from sliding into ...

Challenging traditional accounts of the development of American private law, Peter Karsten offers an important new perspective on the making of the rules of common law and equity in nineteenth-century courts. The central story of that era, he finds, was a

First published in 1998. Routledge is an imprint of Taylor & Francis, an informa company.

What is the justification for following precedents? Are judicial pronouncements on precedent rules, or just conventions? Contributors to this book address these and other intriguing questions vital to the understanding and interpretation of precedent and the workings of law.

In this study, the author identifies six types of judicial precedent-ideology and are tests them against judicial experiences in various countries.

Hong Kong has a curious mixture of laws old and new, written and unwritten, home-grown and imported. Made by various bodies in various ways with various results, these laws constitute a reasonably coherent body of rules, principles, practices, procedures, assumptions, and attitudes. How are these differing sources of law best described and explained? How are they mobilized and employed? How do they achieve the coherence they seem to display, and can that coherence be maintained? Such are the questions which this book seeks to illuminate. They are vital questions for a legal system undergoing significant change at a crucial time in the political development of Hong Kong.

This article seeks to displace the traditional concept of precedent as based upon textual reasoning with a concept of imago decidendi or the binding image of a prior decision.

Technological revolutions have had an unquestionable, if still debatable, impact on culture and society—perhaps none more so than the written word. In the legal realm, the rise of literacy and print culture made possible the governing of large empires, the memorializing of private legal transactions, and the broad distribution of judicial precedents and legislation. Yet each of these technologies has its shadow side: written or printed texts easily become static and the textual practices of the legal profession can frustrate ordinary citizens, who may be bound by documents whose implications they scarcely understand. Parchment, Paper, Pixels offers an engaging exploration of the impact of three technological revolutions on the law. Beginning with the invention of writing, continuing with the mass production of identical copies of legal texts brought about by the printing press, and ending with a discussion of computers and the Internet, Peter M. Tiersma traces the journey of contracts, wills, statutes, judicial opinions, and other legal texts through the past and into the future. Though the ultimate effects of modern technologies on our legal system remain to be seen, Parchment, Paper, Pixels offers readers an insightful guide as to how our shifting forms of technological literacy have shaped and continue to shape the practice of law today.

'Presents the results of a questionnaire-based survey circulated to the main players in the petroleum sector, revealing actual existing contractual risk management techniques and showing a true picture of the political risk situation in the petroleum sector'--P. [4] of cover.