6. The Doctrine of Judicial Precedent

This chapter examines the use of case law to solve legal problems. In the study and practice of law we seek to analyse legal principles; and the ‘principles’ in English law are derived from pure case law or from case law dealing with statutes. The discussions cover the idea of binding precedent (*stare decisis*); establishing the principle in a case; the mechanics of *stare decisis*; whether there are any other exceptions to the application of *stare decisis* to the Court of Appeal that have emerged since 1944; whether every case has to be heard by the Court of Appeal before it can proceed to the Supreme Court; precedent in the higher courts; other courts; and the impact of human rights legislation.

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