



Extralinguist Elements in English and Welsh Court Judgments: Coat of Arms, Neutral Citation and Code Numbers

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ABSTRACT

Legal documents are important in specialised translation. The aim of this article is twofold. On the one hand, this study conducted research of a digital corpus of 50 court judgments from England and Wales in order to establish all the extralinguistic codes that appear in England and Wales legal system. In addition, these codes are completed with another important extralinguistic element: the use of the Coat of Arms that appear in several court judgments in England and Wales.

The analysis shows that there are several differences in the extralinguistic elements within the heading of England and Wales court judgments, first section of the digital court judgments. The results support the view that the lack of codification in Common Law develops a complex diversification of use of code numbers and Coat of Arms. This article aims at describing them in order to be fully understood by researchers of several fields, such as Linguistics, Translation and Interpreting or Law.

1. Introduction

Legal texts, such as court judgments, constitute an important corpus to analyse linguistically in order to set patterns for researchers of different fields. This paper will deal with legal and linguistic disciplines as an introduction to the linguistic analysis of the digital corpus of court judgments. To this end, this interdisciplinary study aims to shed light on these legal documents by considering some extralinguistic parametres, such as code and Neutral Citation Numbers, alphanumerical codes in most of English and Welsh court judgments, together with Coat of Arms.

In order to enlighten this analysis, we need to explain briefly the legal context of English and Welsh court judgments. English and Welsh legal system is known as English Law or Common Law. This is one of the most important legal systems in Western countries. The *Oxford Dictionary of Law* also describes “Common Law” as:

The part of English law based on rules developed by the royal courts during the first three centuries after the Norman Conquest (1066) as a system applicable to the whole country, as opposed to local customs. The Normans (...) were mainly concerned with establishing a strong central administration and safeguarding the royal revenues (...).

(*Oxford Dictionary of Law*, 2015: 122)

Within Common Law, court judgments appear as one of the most important and essential documents. Due to this fact, this research carries out an in-depth study of extralinguistic elements that are essential parts of English and Welsh court judgments. On the one hand, code numbers in England and Wales court judgments in other to clarify doubts from experts and non-expert students and researchers and to set possible patterns.

These code numbers, frequently used in Common Law, are essential elements to cite and identify judgments from the United Kingdom. It is, therefore, imperative to study them in a corpus of judgments, and set out the distribution and use of those codes in court judgments in England and Wales.

On the other hand, we may find another extralinguistic element: the Coat of Arms. They appear in several digital judgments analysed. Both extralinguistic features are essential to consider in reading and understanding those English and Welsh court judgments.

Owing to the lack of previous studies in this subject, it is imperative to take them into consideration in order to have a clear understanding of these legal documents and how English and Welsh court judgments are structured, regarding non-linguistic elements.

2. Literature Review

This article is focused on some issues. First of all, court judgments have been considered as a research study for years. We mention some of these studies below:

In the field of Translation and Interpreting and Linguistics, we could mention Vázquez y del Árbol (2008, 2014, 2016, 2019), who had thorough studies for translation and lecturing purposes. In the discipline of Linguistics, children were the target research for other experts, such as Hall-Mills and Apel (2015) and Appose and Karuppali (2018). Altman et al. (2018), who researched for bilingual English-Hebrew children and their language impairment.

In Law, there are many researchers, such as Le Chen et al. (2008), who have a discursive approach to legal documents, Holl (2011) and Lara Chagoyán (2011). More recently, we can mention Hunter (2015), who studied judgments from a feminist perspective, Vacca (2016), who explains a brief description of the Italian Constitution, Petersen (2017), who gives a thorough description of the jurisprudence of the International Court of Justice or Baaij (2018), among many others.

The Code and Neutral Citation Numbers of England and Wales have been codified between the years 2001 and 2014. Here we can mention, among others, the official website of the Inner Temple Library (<https://www.innertemplelibrary.org.uk/>), the legal reference library in England and Wales since 1506, or Meredith and Nolan (2012), with a detailed description of citations.

3. Research Question

The research questions are formulated as follows:

1. Are there any extralinguistic patterns in England and Wales court judgments?
2. Does this pattern help in the complete understanding of these digital court judgments in England and Wales?

4.1. Materials

This study compiles a corpus of 50 court judgments from England and Wales in order to set some extralinguistic patterns of court judgments in that legal system. On the one hand, the use of Neutral Citation and case numbers and, on the other hand, the use of Coat of Arms in most of the judgments analysed in the digital corpus previously mentioned.

The materials used in this study are recent court judgments in England and Wales (issued from 2013 to 2019) with different legal issues. In addition, this research has been divided into the main courts of the legal system aforementioned, so as to give a proportional number of these extralinguistic features in each of the courts in England and Wales.

Owing to this non-linguistic analysis, researchers will understand the inconsistencies observed in these court-related documents and, therefore, have an overview of how these features may appear in court judgments.

4.2. Method

All the court judgments in the digital corpus were thoroughly analysed by considering the use and position of these extralinguistic elements within court judgments issued in England and Wales. Our research is focused on the first part of the documents, the Heading, which is located at the very beginning of our court judgments. This section shows some variety in the elements that compose the macrostructural section. Due to the complexity of this first section, we believe it would be appropriate to list the most distinctive characteristics observed in these judgments.

Within this introductory section, we can observe several codes. Owing to this reason, it is advisable to have an in-depth consideration of these frequent constituents of English and Welsh court judgments in order to have an explanation of their use and how they appear in the documents.

Modern cases in England and Wales are officially reported in law report series such as: *The Law Reports*, *Appeal Cases*, and *All England Law Reports*. These publications are available online in the legal databases, Lexis Library and Westlaw UK.

Firstly, *The Law Reports* act as a source of law that provides the bulk of the British precedent. These documents, the most authoritative series of law, will fall into two main types: Full-text law reports, which incorporate the full judgment given at courts with a detailed explanation of the document. On the other hand, summary reports, which consist of summaries of judgments in a less formal way.

Legally important cases will be published in more than one report series. ICLR Online, The Incorporated Council of Law Reporting database, offers premium access – including internal links directly to the judgments

The majorities of cases are not considered significant for the understanding and development of the Law, and so are not ‘reported’ at all. With the advent of online sources, many ‘unreported’ case transcripts (records of what the judge said in judgment) are also available in Lexis Library, Westlaw UK and Lawtel (including some prepared by their own legal reporters and not available elsewhere) or on websites, like BAILII www.bailii.org or the Judiciary site www.judiciary.gov.uk/judgments/.

Other cases may only be available in national or local archives, or by application to the court in which they were heard or the company that made the transcript. Factiva on Library Search, a database of articles from a wide range of newspapers, might be a good place to start looking for newspaper descriptions of the proceedings in these cases.

Case citations can be defined as a system of referencing court cases heard in courts of England and Wales. Court judgments have been given a Neutral Citation Number, which is not a reference number to a Law Report Series. Each case is given a unique number and / or a paragraph number in order to cite each case accurately.

Law Report Series, which provides the legal bulk in the United Kingdom, act as a recorded source in British Case Law. Nowadays, about 2% of more than 2,500 judgments are recorded in the Law Report Series, mainly judgments with weight of precedent heard in Courts of Appeal Courts and the Supreme Court.

Owing to this fact, it is advisable to understand the use of the Neutral Citation Numbers in English and Welsh judgments in order to both cite and find the court judgments efficiently, especially in unreported cases, that is, those cases that have not been published in law reports.

5. Neutral Citation Number in England and Wales Court Judgments

Our study is the England and Wales legal system. Origin of Common Law, the Heading from these judgments shows several code numbers.

The Neutral Citation Numbers were introduced in court judgments in England and Wales from 11th January 2001. This code is a unique way to cite judgments by the HM Courts and Tribunal Services in the United Kingdom. This number refers to a judgment itself. Holborn describes this as follows:

... as a consequence of the much wider availability of unreported cases from electronic sources, and because of electronic promulgation of law reports series, the Lord Chief Justice issued on 11 January 2001 the Practice Direction (Judgments: Form and Citation) [2001] 1 W.L.R. 194. This introduced three matters: the provision of a court-assigned number for every judgment; paragraphing of judgments; and the authorisation of the citation before the courts of reported cases derived from an electronic version of the reports. The first two innovations together provide a so-called ‘neutral citation’, which uniquely identifies a case, and a passage in it, whether or not it is reported. This comprises the year, an abbreviation for the court, the number of the case, and then any reference to a particular paragraph in square brackets. Thus:

Smith v Jones [2001] EWCA Civ 10 at [30]

This refers to case no 10 of the Court of Appeal (Civil Division) – EW for England and Wales – of 2001 and a passage at para 30.

Holborn, 2006: 187

Those Neutral Citation Numbers were gradually introduced in England and Wales judgments from 11th January 2001, especially in Higher Courts, such as Courts of Appeal and the former British Supreme Court, House of Lords. In 2001, these numbers were also introduced in Privy Council, Court of Appeal and Administrative Courts. From 2002, these codes were further included in other judgments of other courts, such as the High Court judgments and, more recently, in England and Wales Family Court judgments from 22nd April 2014. The Code Numbers appear in the top right part of the introductory Heading section, while the Neutral Citation Number is placed in the top left part of it.

6. Coat of Arms

On the other hand, we observe another extralinguistic element in several court judgments, the Coat of Arms. The Royal Court of Arms first came into being in 1399 under the reign of King Henry IV. As a representation of the monarch, it nowadays appears in every courtroom in England and Wales, except in Magistrates’ Courts in the City of London. Our digital corpus shows two main Coat of Arms, the Royal Court of Justice Coat of Arms and the United Kingdom Coat of Arms. The following image shows the Royal Courts of Justice Coat of Arms:

Image 1: Royal Courts of Justice Coat of Arms



The United Kingdom Coat of Arms is a symbol of the country chosen by Richard I (Lionheart) nine centuries ago, as a union of England, Normandy and Aquitaine. This shield also symbolised the King’s authority once Henry VIII came to the throne and he became the head of the Church of England in 1534. In addition to the England

symbol (lion, left), the Royal Arms of Scotland brought together Scotland (the main symbol is the unicorn, right) and Ireland (the harp, bottom left part of the shield). Wales has not any part of the United Kingdom Coat of Arms, as it was an integral part of England by the time of the Act of Union in 1707, when there were further changes. The United Kingdom Coat of Arms appears as follows:

Image 2: United Kingdom Coat of Arms



6. Extralinguistic elements in England and Wales Court Judgments

Below we introduce a further analysis of these extralinguistic symbols in the most important courts of England and Wales, starting from the first-tier courts (Magistrates' and County Courts) to the highest courts of England and Wales, the Courts of Appeal.

6.1. Magistrates' Courts and Crown Courts

England and Wales first tier courts hear 90% of criminal cases and cases dealing with:

- Summary offences. Less serious cases, such as motoring offences and minor assaults.
- Either-way offences. These can be dealt with either by magistrates or before a judge and jury at the Crown Court. Such offences include theft and handling stolen goods. Indictable-only offences, such as murder, manslaughter, rape and robbery must be heard at a Crown Court.

As previously mentioned, English and Welsh judgments have Neutral Citation Numbers that help barristers and solicitor find and cite these judgments.

However, the ratio of judgments with Neutral Citation Number is non-existent at Magistrates' Courts. According to the corpus analysed, none of the judgments published online have a Neutral Citation Number. Instead, these judgments may be cited by mentioning the two parties in the document.

In addition, Crown Court judgments follow the same extralinguistic patterns as Magistrates' Court judgments. Both courts have not adopted the Neutral Citation in their court judgments.

6.2. Family Courts

Family Courts pass the following sentences:

- parental disputes over the upbringing of children
- local authority intervention to protect children
- decrees relating to divorce
- financial support for children after divorce or relationship breakdown
- some aspects of domestic violence

- adoption

The Neutral Citation Number can be summarised as follows:

Table 2. Family Court structure of Neutral Citation Numbers

[Year]	EWFC	Court Number
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In case of the Coats of Arms, the ratio 2/5 is the Royal Courts of Justice, 2/5 the British Coat of Arms, while one of the court judgments does not use any coat.

6.3. County Courts

County Courts deal with the following issues:

- Breach of contract.
- Hoising issues.
- Claims.

Judgments at County Courts have an inconsistent use of codes. As it happens with Magistrates Court judgments, judgments issued from County Courts show a frequent use of code numbers on the right-hand side of the Heading. Neutral Citation Numbers, however, do not appear in any of the court judgments analysed in this study.

As it happens with Magistrates' and Family Court judgments, the use of the Coat of Arms remains unstable in the County Court judgments of our digital corpus. The British Coat of Arms appears in 3 out of 5 court judgments, 1 judgment with the Royal Court of Justice Coat of Arms and one judgment shows an unusual symbol of a single crown. It undoubtedly represents the Crown of the Monarchy, but it is a noticeable extralinguistic element which is not present in other court judgments of our digital corpus.

6.4. Courts of Appeal

Created in 1875, the Court of Appeal is England and Wales' highest court in the Senior Courts of the English and Welsh legal system. Divided in two divisions (civil and criminal), the Court of Appeal only deals with appeals coming from other courts.

The analysis of our digital corpus shows that Court of Appeal judgments have a homogeneous extralinguistic code number, whose macrostructure can be summarised in the table below:

Table 3. Court of Appeal structure of Neutral Citation Numbers

Court Name	[Year]	Court Acronym	Division Acronym	Case Number
Civil Division	[Year]	EWCA [Acronym for England and Wales Court of Appeal]	Civ	[Number]
Criminal Division			Crim	

In addition, the use of the Coat of Arms is more stable in Court of Appeal judgments than in lower courts of England and Wales. Its great frequency of this element in the Heading of the judgments is undeniable: a remarkable proportion of 11 out of 12 court judgments include the coat of arm belonging to the Royal Court of Justice.

6.5. High Courts

England and Wales High Courts of Justice can be divided into three divisions:

- Queen’s Bench Division: both civil and criminal jurisdictions, Queen Bench Division deals with ‘Common Law’ business, such as contracts which are not located to Chancery Division or civil wrongs, called ‘torts’, the latter including wrongs against the person, such as defamation and libel, against property, such as trespassing, or judicial reviews.
- Family Division: Judges who sit in the High Court can hear all cases relating to children and have an exclusive jurisdiction in wardship Family Division Courts also hear appeals from the family court.
- Chancery Division: it undertakes civil work of many kinds, including specialist work such as companies, patents and contentious probate, among others.

From 14th January 2002 Neutral Citation Numbers have been introduced in most of High Court judgments.

Table 4. High Court of Justice structure of Neutral Citation Numbers

[Year]	Court Acronym	Number	‘Division Acronym’
	EWHC [Acronym for England and Wales High Court]		

The Division acronyms appear in brackets at the end of the Neutral Citation Number, and they differentiate the divisions of High Courts in England and Wales. The main acronyms in the analysed corpus are:

- (Ch) – Chancery Division
- (Pat) – Patent Court
- (QB) – Queen’s Bench Division
- (Comm) – Commercial Division
- (Fam) – Family Division
- (Mercantile) – Mercantile Court

The coats of arms, another element analysed in those court judgments, appear consistently in most of the documents. The ratio is extremely high, with a proportion of 21 in the case of the Royal Court of Justice Coat of Arms and only 3 without any Coat of Arms.

Here we show the position of the Neutral Citation Number, Case Number and Coat of Arms (when applicable):

	[Royal Courts of Arms] or [The United Kingdom Coat of Arms]	
[Neutral Citation Number]		[Case Number]

The table below reflects the ratio of these code numbers and coats of arms, the Royal Court of Justice (in the table: RC), the British Coat of Arms (in the table: UK) or none. The highest proportion of Neutral Citation, Case Numbers and Coat of Arms has been clearly marked in the boxes:

Table 6. Summary of Neutral Citation Number, Code Number and Coat of Arms in England and Wales court judgments

Courts in England and Wales	Divisions (when applicable)	Total Number of Judgments	Neutral Citation Number	Case Number	Coat of Arms
Magistrates' Court	--	5	0	0	2 none 3 UK
Family Court	--	5	5	5	1 none 2 RC 2 UK
County Court	--	5	0	5	3 UK 1 others 1 RC
Crown Court	--	5	1	4	1 none 1 RC 3UK
High Court of Justice	Queen's Bench Division	6	6	6	2 none 4 RC
	Chancery Division	6	6	6	1 none 5 RC
	Family Division	6	6	6	6 RC
Court of Appeal	Civil Division	6	6	6	6 RC
	Criminal Division	6	6	6	1 none 5 RC
Courts in England and Wales	Divisions (when applicable)	Total Number of Judgments	Neutral Citation Number	Case Number	Coat of Arms

7. Conclusion

British judgments have certain characteristics in the extralinguistic use of codes in order to use them in citations.

1. Are there extralinguistic patterns in court judgments in England and Wales?

According to our research, we have observed some extralinguistic patterns that, due to its importance, are worth mentioning in addition to the linguistic sections of English and Welsh court judgments. They have not been researched and compiled in a single study

2. Does this pattern help in the complete understanding of these digital court judgments in England and Wales?

Thanks to the patterns observed in this study, we can understand the extralinguistic features of court judgments in England and Wales. Owing to this reason, we may find some similarities in several court judgments. However, the lack of a codification in court judgments results in some variations in the non-linguistic aspects of the court judgments in the English and Welsh legal system.

On the one hand, the inconsistent use of Neutral Citation Numbers and Code Numbers in most of the court judgments is the clear consequence of the lack of codification. In spite of the fact that there has been an introduction of Neutral Citation Numbers in English and Welsh court judgments since 2001, there are several inconsistencies in their use.

This inconsistency is also noticeable in the use of Coat of Arms in England and Wales court judgments. Although we can observe a remarkable consistency of higher court judgments, especially in the case of courts of appeal, there is not any extralinguistic pattern in their use in most of the court judgments.

Therefore, we can establish some conclusions observed in the corpus analysis of the England and Wales court judgments. Our study has observed the following characteristics:

- Codification of citation in British judgments.

Most of the court judgments have a codified structure in terms of Neutral Citation Numbers. However, such codification remains unstable in the use of other extralinguistic elements, such as the code number and the Coat of Arms. In the first case, the code number does not follow a pattern as it happens with the Neutral Citation. On the other hand, the use of the Coat of Arms is unpredictable in most of the court judgments.

- Lack of consistency in the use of code numbers in English and Welsh judgments of lower courts (Magistrates' and County Courts) and Crown Courts.

The lack of consistency in most of the court judgments analysed results in a fluctuation of the use of codes in all the court judgments of our digital corpus. As it was explained at the beginning of our study, there is not a codification of Neutral Citation and Code Numbers in Magistrates', County and Crown Courts to this day. Such inconsistency is more noticeable in Magistrates' Court judgments, where there is not use of code numbers. This omission of codes may also be extended to the use of coats of arms, almost inexistent in most of the Magistrates' judgments. In addition, this variation also appears in the use of coats of arms in these court judgments (both the Royal Court of Justice and the British coats of arms).

- Consistency in the use of code numbers in High Court and Court of Appeals. More complex codification in higher court judgments.

Unlike our previous observation, there exists a much more complex codification in judgments from higher courts. As Common Law is based on the precedent, court judgments of higher courts constitute a precedent for lower court judgments. Owing to this reason, it may seem advisable to codify those that may have precedent in court judgments of lower courts. That is the case of court judgments coming from England and Wales Higher Court and Courts of Appeal (100% of the cases). Such consistency appears in the use of the Royal Courts of Justice Coat of Arm, with a 6/6 ratio in civil cases and 5/6 in criminal judgments.

Despite the codification of how to write citation codes, this study shows the lack of consistency in the use of Neutral Citation and Code Numbers, especially in those judgments issued in lower courts. This pattern seems more stable in higher courts, as an attempt to codify these judgments as a whole in order to be an appropriate element of the precedent, essential in Common Law. This analysis also proves the unstable use of the United Kingdom and the Royal Courts of Arms in several court judgments analysed in this study.

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