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The Difference Between Criminal and Civil Law, UK

Criminal Law

Offences and breaches that negatively impact society as a whole rather than just one person. If someone breaches criminal law they're subject to criminal prosecution by the state. Proceedings will be brought by the CPS (Crown Prosecution Service). Cases are heard in a Magistrate's Court or the Crown Court. As it's brought by the state - the lawyer is provided by the state. There are no costs to the survivors/victims.

Examples:

Sexual Assault

Murder

Fraud

Drug Dealing

If convicted, the offender will receive punishment in the form of fines, prison sentence, or community orders.

The burden of proof is much higher - the person must be proven guilty beyond reasonable doubt. In Sexual abuse and rape cases this means that there must be sufficient evidence to prove that the accused did not reasonably believe that there was consent.

Civil Law

Civil law settles disputes between individuals and organisations, which may not always be protected by criminal law. It often involves compensation being awarded, rather than a prison sentence.

Examples:

Employment Law (such as discrimination - refer to [Equalities Act 2010](#))

Breach of Contract

Family Disputes



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Key Differences

Criminal	Civil
Case is brought by the state	Case is brought by an individual
Decision is guilt or not guilty	Decision is liable or not liable
Outcome if found guilty is prison sentence, fine or community sentence	Outcome if found liable is awarding of compensation
Only the defendant can appeal decision	Both parties can appeal decision
Lawyers are selected by the state	Solicitors hired by claimant - usually charge on a no win no fee basis (ie they are only likely to take on the case if they think they can win)
No media coverage during the trial	Publicly documented and media coverage allowed
Burden of proof significantly higher - must be proven guilty beyond reasonable doubt	Must be proven more likely than not that the accusations behind the claims are true

Please note that a person can face both criminal and civil action. Civil and Criminal cases can happen simultaneously but civil action will often be put on pause until the criminal case has concluded.

Some Potential Benefits to Civil (SH specific)

- Public documentation and media coverage could expose the abuses regardless of outcome
- Less rigid burden of proof works in favour with the complexities of coercion and control and consent
- A “minor” claim (i.e. something seemingly insignificant in the context of the wider abuses - such as data protection) could be enough to expose the whole school/venue/institution if targeted and strategic
- The claimants have more control
- The cases tend to be a faster process



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Recommended Solicitors:

- Leigh Day: <https://www.leighday.co.uk/>
- McAllister Olivarius: <https://mcolaw.com/practice-areas/sexual-abuse/>