

Міністерство освіти і науки, молоді та спорту України

Національний університет «Юридична академія України
імені Ярослава Мудрого»

English for Lawyers

**Підручник
для студентів вищих
навчальних закладів**

За редакцією
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Підручник «English for Lawyers» призначений для професійно орієнтованого усного і писемного спілкування. Містить інформацію про правові системи та судочинство України, Великої Британії та США, знайомить студентів з конституційним, адміністративним, міжнародним, кримінальним і цивільним правом, кримінальним і цивільним процесом цих країн.

Розрахований на студентів вищих юридичних навчальних закладів.

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Передмова

Підручник «English for Lawyers» для студентів вищих юридичних навчальних закладів є професійно-орієнтованим і спрямованим на формування комунікативних компетенцій в усіх видах мовленнєвої діяльності (читанні, говорінні, аудіюванні і письмі) в професійно-комунікативних цілях, а також на розвиток навичок, необхідних для самостійної роботи з англійською мовною правничою літературою та документами. Комунікативна компетенція за програмою АМПС розглядається як мовна поведінка, що вимагає набуття лінгвістичної компетенції (мовленнєвих умінь та мовних знань), соціолінгвістичної та прагматичної компетенцій, необхідних для виконання завдань, пов'язаних із навчанням. Розвиток комунікативних компетенцій відбувається відповідно до їх предметних знань та попереднього досвіду і здійснюється в межах ситуативного контексту, пов'язаного з навчанням і спеціалізацією.

В основу підручника покладена програма англійської мови для професійного спілкування (АМПС), що була розроблена з метою формування у студентів професійних мовних, мовленнєвих та соціокультурних компетенцій і стратегій, які сприятимуть підвищенню їхньої мобільності та конкурентоспроможності на ринку праці. Програма АМПС спрямована на розвиток загальних навичок критичного мислення, вирішення проблем, презентації ідей і т. ін. Вона забезпечує послідовність, варіативність та індивідуалізацію навчання. Цілі загального характеру цієї програми є спільними з цілями, які викладені в Загальноєвропейських Рекомендаціях з мовної освіти (ЗЕР), та з цілями, що визначені в Українських кваліфікаційних стандартах. Вона розрахована на досягнення студентом рівня володіння мовою (B2) – незалежний користувач. Рівень B2 згідно з ЗЕР є стандартом для ступеня бакалавра і передбачає, що студент може розуміти основні ідеї тексту як на конкретну, так і на абстрактну тему, може досить вільно спілкуватися з носіями мови, висловлювати свою думку щодо широкого кола професійних тем, вести дискусію.

Структура підручника складається із розділів: Legal Systems, Constitutional and Administrative Law, Judiciary Systems, Criminal Law and Criminal Proceeding, Civil Justice, European Law. Кожен з розділів містить 5 підрозділів (Units), які в свою чергу розподіляються на дві частини (Section 1, Section 2). Окремі частини підрозділів містять дидактичний, методичний інструментарій, сфокусований на систему фонетичних та лексико-граматичних вправ, що сприяють формуванню мовленнєвих умінь і викликають появу відповідного наміру для вирішення завдань комунікативного характеру за допомогою наявних текстологічних ресурсів, конкретних лексичних і комунікативних вправ, глосарію, граматичного довідника.

Завдання з фонетики спрямовані на оволодіння навичками правильної вимови, читання, усного і писемного мовлення, включаючи правила інтонації та мелодики англійського речення.

Тексти № 1 і № 2 містять базовий лексичний та інформативно-тематичний матеріал. Перший спрямований на розвиток навичок навчального читання для здобуття повної, у тому числі й другорядної інформації і використовується як тематичний словник для подальших бесід та дискусій. Другий текст спрямований на розвиток навичок переглядового читання, а саме вміння вибрати необхідний матеріал, виділити в ньому проблемні моменти, що становлять професійний інтерес, або пошукового – вміння вести без словника цілеспрямований пошук потрібної інформації. Матеріали для читання і перекладу ретельно підібрані за тематикою і використанням широкого спектру правових документів.

Лексичні вправи призначені для засвоєння лексичних одиниць з метою розвитку навичок усного мовлення і спрямовані на реалізацію комунікативних намірів та адекватну реакцію в типових ситуаціях повсякденного й професійного спілкування: встановлення контактів, запит, з'ясування думки співрозмовника, згода (незгода), спонукання тощо.

Вправи комунікативного характеру спрямовані на розвиток репродуктивних навичок і призначені для монологічного і діалогічного мовлення, як усного (вміння коментувати прочитаний (переглянутий) матеріал, робити коротке повідомлення, що торкається загальної фахової проблеми), так і писемного (завдання на складання доповідей, резюме, написання есе, коротких ділових листів, рефератів та наукових статей за фахом, project work і т. ін.).

Глосарій (Glossary) дає переклад юридичних термінів, а граматичний довідник (Grammar Guide) містить теоретичний курс граматики англійської мови з серією вправ. Для перевірки отриманих знань використовуються контрольні запитання, діалоги, фахові ситуації і т. ін.

Студент повинен оволодіти граматичним мінімумом, який охоплює основні правила морфології та синтаксису і дозволяє правильно розуміти іншомовний текст; оволодіти навичками правильної вимови, читання, усного і писемного мовлення, засвоїти лексичний мінімум, і разом з усіма іншими професійними вміннями студент повинен бути здатним ефективно спілкуватися англійською мовою у професійному середовищі, щоб розуміти без словника загальний зміст спеціального тексту, вести без словника цілеспрямований пошук потрібної інформації у фахових текстах, здобувати повну інформацію з тексту зі словником, анотувати та реферувати фахову літературу, реалізувати свої комунікативні наміри та розуміти комунікативні наміри співрозмовника в типових ситуаціях повсякденного та професійного спілкування, коментувати прочитаний матеріал, робити коротке повідомлення; написати англійською мовою короткий діловий лист, повідомлення електронною поштою, резюме, реферат на професійну тему та наукову статтю за фахом.

Автори підручника щиро вдячні за співпрацю викладачам правових кафедр.

Керівник авторського колективу — проректор Національного університету «Юридична академія України імені Ярослава Мудрого», професор Комаров В. В.

PART I
Legal Systems

Unit 1. Systems of Law

Section 1. Modern Legal Systems

I. WARMING-UP

1. Before reading the text about legal systems answer the following questions:

1. What types of legal systems do you know?
2. What type of legal system is the most commonly used in the world today?
3. What type of legal system is used in Ukraine?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|------------------------------|--|
| 1) scripture | a) заборонити щось законодавчим порядком |
| 2) adherence to | b) священна книга |
| 3) medieval | c) пророк |
| 4) revival | d) незмінність |
| 5) unalterability | e) середньовічний |
| 6) to legislate against smth | f) додержання |
| 7) prophet | g) божество |
| 8) deity | h) відродження |

3. Mind the pronunciation of the following:

Jewish	['dʒɪʃ]
Babylonian	['bæbɪlɒniən]
Quran	[ku'rʌn]
Saudi Arabia	[saudiq'relbiq]
Islamic	[iz'ɪsɪmɪk]
Belgian	['beldʒɪn]

Read the text «Legal systems» and compare the content with your answers in Exercise 1.

Notes on the text:

Sharia – Шариат – сукупність правових, морально-етичних і релігійних норм ісламу.

Halakha – Галаха – традиційне іудейське право.

MODERN LEGAL SYSTEMS

There are hundreds of *legal systems* in the world. Although each system has its own individuality, it is possible to group many of them into legal 'families'.

In general, legal systems around the world can be split into *civil law* jurisdictions, systems using *common law and equity*, *religious and customary law*. The specific system that a country follows is often determined by its history, its connection with countries abroad, and its adherence to international standards. The sources that jurisdictions *recognize as binding* are the defining features of legal systems. Yet classification of different systems is a matter of form rather than substance, since similar rules often prevail.

Civil law (sometimes known as **Continental European Law** or Romano-Germanic law) is the legal system used in most countries around the world today. In civil law the sources recognized as *authoritative* are, primarily, legislation – especially codifications in constitutions or *statutes passed* by government – and, secondarily, *custom*. Even the most ancient peoples compiled law codes. The earliest legal code known in its entirety is the Code of Hammurabi, a king who reigned over Babylon around 2000 BC. But modern civil law systems essentially *derive from* the legal practice of the Roman Empire, whose texts were rediscovered in medieval Europe. In the 6th century Emperor Justinian I *appointed* a commission to collect and consolidate existing sources of Roman law. This commission published three books that were collectively known as the Corpus Juris Civilis (Body of Civil Law), or the Justinian Code. The Code embodied many generations of legal documents as well as interpretations by great jurists (legal scholars).

The revival of the Roman civil law tradition eventually formed the basis for a common legal language throughout Europe.

Common law and equity (also called Anglo-American law) are systems of law whose special distinction is the doctrine of *precedent*. Alongside this "judge-made law", common law systems always have governments who *pass new laws* and statutes. But these are not put into a *codified* form. Common law comes from England and was inherited by almost every country that once belonged to the British Empire. Common law had its beginnings in medieval England, *influenced* by the Norman conquest of England which introduced legal concepts and institutions from the Norman and Islamic laws.

Religious law is based on scriptures and their interpretations. The source of religious law is the deity, legislating through the prophets. Examples include the Jewish law (**Halakha**) and Islamic **Sharia**, both of which mean the "path to follow". Religious laws are eternal and immutable because the word of God cannot *be amended* or legislated against by judges or governments. However religion never *provides* a thorough and detailed legal system. In a religious legal system *disputes* are usually *settled* by an officer of that religion, so the same person is both judge and priest.

Customary law. In many parts of the world unwritten local or tribal custom sets the standard of behaviour and *provides for conciliation* and dispute settlement. Most of the African countries, for instance, have a formal constitutional and commercial law inspired by French, Belgian or British models but the relations between private individuals are regulated by customary law. This also applies to China and India.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What are the main legal 'families' in the world today?
2. What factors determine the type of legal system a country follows?
3. What are the defining features of legal systems?
4. What sources are recognized as authoritative in civil law systems?
5. How was the Corpus Juris Civilis created?
6. Who makes laws in the common law countries?
7. What is the source of law in religious law system?
8. What is characteristic of customary law?

2. Find in the text words and expressions which mean:

1. something that is done by people in a particular society because it is traditional;
2. to choose someone for a position or a job;
3. the principle that a fair judgment must be made in a situation where the existing laws do not provide an answer;
4. to arrange laws, principles, facts etc in a system;
5. to correct or make small changes to something that is written or spoken;

6. an action or official decision that can be used to give support to later actions or decisions;
7. a person, book, or document that supplies you with information;
8. the process of trying to get people to stop arguing and agree.

3. Find words in the text which have a similar meaning to the words or phrases below.

para 1. identity

para 2. quality

para 3. law

formally approve

old

para 4. finally

para 6. give

permanent

unchangeable

God

III. VOCABULARY STUDY

1. Make the following sentences complete by translating the words and phrases in brackets:

1. The two great law families of modern Western civilization are (цивільне право) (also called Romano-Germanic law) and (звичаєве право) (also called Anglo-American law). They (походять від) ancient Roman law and ancient Germanic tribal law and have been altered by various customary, ecclesiastical, feudal, commercial, and sociopolitical influences.
2. (Доктрина прецеденту) is strong in English law, and means that the decisions of higher courts are (обов'язкові до виконання) for judges of lower courts.
3. Iran's highest judicial body, the Supreme Council of Justice, (призначає) all judges and (кодифікує) Islamic law. The council also drafts all (законодавчі акти) related to civil and criminal offences; the Majlis then may (вносити поправки) any proposed act.

2. Find in the text the English equivalents for the following phrases:

призначити комісію, визнавати обов'язковим до виконання, приймати закони, вносити поправки до статуту, вирішувати спор, по-

ходити з правової практики, правова система, справляти вплив, передбачати перемиріння, авторитетне джерело, створити основу, стародавні народи, приватна особа.

3. Complete the sentences with the words from the active vocabulary.

1. The ... requires motorcyclists to wear helmets.
2. New nations from the eighteenth century onward have found it both necessary and useful to ... their constitutions.
3. All of your ... have to be listed at the end of the paper.
4. Bagehot's work continued to be regarded as an ... work long after the Constitution had undergone fundamental change.
5. The meeting achieved ... between the two sides.
6. UN involvement in the country's affairs would set a dangerous
7. That security guy never ... me. I always have to show him my ID.
8. Some version of the ... is found today only in places once occupied by the British, among them Ireland , the USA, Canada, Australia, New Zealand etc.

4. Insert the right preposition (at, for, against, above, from, into, on).

1. Modern civil law systems derive ...the legal practice of the Roman Empire.
2. Critics of the amendment base their position ... the following points.
3. The book is divided ... six sections.
4. Andrew is studying law ... Harvard University.
5. Many ministers seem to regard themselves as ... the law.
6. It's ... the law to be drunk in public.
7. Most Americans rely ... television as their chief source ... information.
8. The new constitution provides ... a 650-seat legislature.

5. Translate the following sentences into English:

1. Після тривалого обговорення депутати вирішили призначити комісію, яка має розробити поправки до закону. 2. Згідно з доктриною прецеденту рішення, прийняте судом у справі, обґрунтування якого вважається нормою, є обов'язковим для інших судів при вирішенні

аналогічних справ. 3. У сучасних правових системах Європи та Америки більшість правових інститутів походить з правової практики Римської імперії. 4. Поки всі намагання адвоката вирішити спір та досягти примирення були марними. 5. Джерелом релігійного права є Бог, тому навіть уряд не може заборонити дію релігійних законів.

IV. GRAMMAR FOCUS

1. Mind the use of articles with geographical names. Put the objects in the box into the correct column in the chart. Give examples for each place.

continents	groups of islands	single islands
oceans or seas	republics or unions of states	countries
lakes rivers	single mountains	mountain ranges
cities / towns	roads / streets	

with <i>the</i>	without <i>the</i>

2. Some of these sentences are correct, but some need «the». Correct the sentences where necessary. Put 'RIGHT' if the sentence is already correct.

1. Ben was born in Netherlands, but now he lives in Switzerland.
2. 'I'd love to do a tour of European capitals and visit Paris, London and the Hague.' 'The Dutch government is in the Hague, but the capital city is Amsterdam.'
3. I've been to Brazil and Argentina, but I've never been to the People's Republic of China.
4. United Kingdom consists of Great Britain and Northern Ireland.
5. Spain is a country in southwest Europe, between France and Portugal.
6. Before it became part of US in 1845, Texas was briefly an independent country.
7. Seychelles are a group of islands in Indian Ocean.

8. Suez Canal joins the Mediterranean Sea with the Gulf of Suez and the Red Sea.
9. Himalayas include the highest mountain in the world, Mount Everest.

VI. SPEAKING

1. Characterize the four abovementioned legal systems on the basis of the following criteria: the sources of law, specific features of the legal system, spreading. Can you think of any other types of legal systems?
2. Imagine you are a politician just before an election. Prepare a speech lasting about two minutes stating your plans and intentions for making improvements in keeping law and order in Ukraine. Take turns to give your speech.

Unit 1. Systems of Law

Section 2. Law and Society

I. LEAD IN

1. Answer the following questions

1. What did Martin Luther King imply when he said «Never forget that everything Hitler did in Germany was legal.»?
2. «Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.» Plato. Do you agree with this statement?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|----------------|-----------------|
| 1) to reject | a) справа |
| 2) embodiment | b) нехтувати |
| 3) transaction | c) втілення |
| 4) framework | d) чесна гра |
| 5) inherent | e) рамки |
| 6) fair play | f) притаманний |
| 7) wisdom | g) схвалення |
| 8) approval | h) нероздільний |
| 9) inseparable | i) існування |
| 10) existence | j) мудрість |

TEXT 2

Read the text «What is Law?» and give your own definition of this notion

WHAT IS LAW?

Although «the law» may seem to be abstract and far removed from everyday life, it actually is a framework for much of what you do. Perhaps you get a traffic ticket or want a local store to replace a defective toaster

you bought. Perhaps you must *testify* as a *witness* to an accident or want to stop a road-widening project near your home. Each of these scenarios involves the law. What is law? You can surely find various definitions of it, because scholars investigate the nature of law through many perspectives, including legal history and philosophy, or social sciences such as economics and sociology. The study of law raises important questions about *equality*, *fairness* and *justice*, which are not always simple. However in the broadest terms, law is the set of rules that guides our conduct in society and is *enforceable* through *public institutions*. The most important institutions for law are the *judiciary*, the *legislature*, the *executive*, its bureaucracy, the military and police, the legal profession and *civil society*.

Our relations with one another are governed by many rules of *conduct* – from important concepts of ethics and fair play to minor etiquette matters such as which fork to use and how to introduce strangers to one another. We obey these rules because we think they are right or simply because we desire the approval of others. If we do not follow these rules, others may treat us differently – from giving us a disapproving look to completely rejecting us.

The history of law is the history of our race, and the embodiment of its experience. It is the monument of its wisdom and of its frequent want of wisdom. The best thought of a people is to be found in its legislation; its daily life is best mirrored in its customs and traditions, which constitute the law of its ordinary transactions.

There never has existed, and there never will exist, on this planet any organization of human society, any tribe or nation that has not been more or less controlled by some recognized form of law.

The recognition of the existence of law is inherent in man's nature, and is a necessity of his being. While all true philosophy recognizes that society exists for the individual, and not the individual for society, yet it is also true that the individual is intended to exist in society, and that he must in many things subordinate his own will to that of society, since society cannot exist without law. Thus the existence of law is inseparable from that of the human race.

II. DEVELOPMENT

1. Find in the text words and expressions which mean:

1. a printed note ordering you to pay money because you have done something illegal while driving or parking your car;
2. a situation in which people have the same rights, advantages etc;

3. knowledge gained over a long period of time through learning or experience;
4. to try to find out the truth about or the cause of something such as a crime, accident, or scientific problem;
5. an institution that has the power to make or change laws;
6. someone who sees a crime or an accident and can describe what happened;
7. the system by which people are judged in courts of law and criminals are punished;
8. something that is done by people in a particular society because it is traditional.

2. Find words in the text which have a similar meaning to the words below.

- para.1 to make a formal statement of what is true
behaviour
- para 2. just
to rule
- para 4. to regulate
- para 5. need
person

3. Translate the following sentences into English:

1. Історія права є втіленням досвіду людського суспільства, пам'яткою його мудрості, відображенням звичаїв та традицій. 2. Свідок злочину заявив, що він готовий давати свідчення в суді. 3. Комісія буде розслідувати причини нещасного випадку, приділяючи особливу увагу питанням безпеки. 4. Громадянське суспільство базується на рівності, справедливості й правосуддя. 5. Водії дотримуються правил обмеження швидкості руху, тільки коли знають, що поліція поблизу. 6. Саме судова, а не законодавча або виконавча гілки влади є найбільш впливовою інституцією. 7. Одна справа розробляти правила, та зовсім інша — впроваджувати їх.

III. PRACTICE AND EXPERIENCE

One of the most controversial political theories in the history of mankind is anarchism. Anarchists believe that the highest achievement

of humanity is the freedom of individuals to express themselves, without any form of repression or control. They think that the perfection of humanity will not be achieved until all government is abolished and each individual is left absolutely free.

Though examples of anarchy in the world history (Nestor Makhno in the years of the Russian revolution, the beginning of the 17 century in Russia) demonstrate how destructive, dangerous and hopeless this idea is. In groups of three or four discuss the future prospects of anarchism in the modern world. What is the difference between democracy and anarchy?

IV. WRITING

Profile the legal systems of any two countries you choose which follow different traditions in law. You can use the description below as a model.

Ukraine is a civil law country. Laws are written down, the application of customary law is the exception and the role of case law is small in theory although in practice it is impossible to understand the law in many fields without also taking into account the relevant case law. The Ukrainian system of law is based on the French Code Civil with influences from Roman law and traditional Ukrainian customary law. The new civil law books (which went into force in 2004) were heavily influenced by the German Bürgerliches Gesetzbuch.

The primary law making body is formed by the Ukrainian parliament (Verkhovna Rada). It is commonly referred to as the legislature. The power to make sub laws can be delegated to lower governments or specific organs of the State, but only for a prescribed purpose. A trend in recent years has been for parliament and the government to create "framework laws" and delegate the creation of detailed rules to ministers or lower governments (e.g. a region or municipality).

The Ministry of Justice of Ukraine is the main institution when it comes to Ukrainian law.

V. OVER TO YOU

An identity document, or also called a piece of identification (ID), is a document which evidences aspects of a person's identity. The use of identity cards is supported by law enforcement officials who claim that

it can make surveillance and identification of criminals much easier. Identity cards can be a useful administrative tool that can increase efficiency in dealings with both the government and private companies. Cards may help reduce immigration service bureaucracy and false identification. Law enforcers can locate and identify people who either do not know or cannot communicate their names and/or addresses (e.g., due to Alzheimer's disease, amnesia or heavy intoxication).

1. Study the following information.

ID is different in every country

It is important to keep in mind that every country requires different documentation that proves someone's identification (ID). In many countries such as Greece and Spain a national ID card is compulsory. Citizens are expected to have these cards on them at all times. However, in other countries ID cards are not required. Police and officials in these countries often use another system to identify people, such as asking for two pieces of ID.

Find Ukrainian equivalents for these types of ID:

- Passport
- Government-issued Photo ID card
- Driving license/Driver's license
- Birth certificate
- Permanent residence card
- Social security card
- Medical/Health card
- Voter registration card

2. Below you will find information/security items that may appear on documentation. Match the items on the left with their fits on the right.

Maiden name	a series of thick and thin black lines that holds computerized information
Photograph	date when the ID holder was born: day/month/year: 23/05/1970 (23rd May 1970) month/day/year: 05/23/1970 (23rd May 1970) year/month/day: 1970/05/23 (23rd May 1970)
Valid until/expiry date	date when documentation was created
Height	blue, brown, green, black, grey

PART I. Legal Systems

Signature	markings of a person's thumb or finger tip
Marital status	how tall a person is in centimetres or feet and inches
Magnetic stripe	a laser photograph which makes a picture or image look life-like
Serial number or PIN (Personal Identification Number)	a long black stripe found on the back of a card that can be swiped into a computer for information
Hologram	a woman's surname before marriage
Eye colour	single, married, divorced (no longer married), separated, common law wife, common law husband
Date of Issue	citizenship (native citizen, immigrant, landed immigrant, permanent resident, refugee)
Fingerprint	recent picture of ID holder
National status	city, country where ID holder was born
Place of birth	current job (doctor, teacher, retired)
Sex	number that can be entered into government systems to find information about a person
Profession	M (male), F (female)
bar code	hand-written name of ID holder
Date of birth (DOB)	the last date when an ID document can be used

Unit 2. Evolution of Law: Historical Aspect

Section 1. Roman Law

I. WARMING - UP

1. Choose the best alternative to complete the sentences below:

1. The traditional date for the founding of Rome is _____
 - a) 650 BC
 - b) 700 BC
 - c) 753 BC
 - d) 356 BC.
2. Romulus and Remus _____ .
 - a) were two consuls who saved Rome from the Carthaginians
 - b) were two Roman generals who conquered Gaul
 - c) were twin brothers who were said to have formed the city of Rome
3. The forum was _____ .
 - a) the marketplace and business center
 - b) Rome's field and track playground
 - c) an amphitheater
 - d) an enormous stadium built to hold the chariot races
4. The _____ influenced the laws of almost every European country.
 - a) Hippodrome
 - b) Justinian Code
 - c) Hagia Sophia
 - d) Tribonian
5. The language of the Romans, _____, was the basis of many modern European languages.
 - a) Roman
 - b) Spanish
 - c) Latin
 - d) Italian
6. The social status in Ancient Rome was divided into _____
 - a) slaves, freedmen and free-born citizens

- b) plebeians and patricians
- c) senators and gladiators
- d) upper class, medium class, lower class

2. Answer the questions:

1. What is the contribution of Roman civilization into the world culture?
2. Why do law students all over the world study Roman law today?

3. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|------------------|----------------|
| 1) to retain | a) прості люди |
| 2) common people | b) викладати |
| 3) to compel | c) зберігати |
| 4) to set forth | d) примушувати |
| 5) edict | e) розширення |
| 6) extension | f) починати |
| 7) to inaugurate | g) указ |

4. Mind the pronunciation of the following:

- | | |
|-------------------|---------------------|
| the Mediterranean | ["medit(q)'reɪnlɒn] |
| Bologna | [bɒ'lonjə] |
| European | ["juərə'piən] |

TEXT 1

Read the text «Roman law».

Notes on the text:

- | | |
|-------------------------------------|---|
| the law of the twelve tables | закон дванадцяти таблиць |
| praetor | претор (вищий після консулів римський магістрат, якій керував судочинством) |
| patrician | патрицій |
| jus civile | цивільне право |
| jus gentium | право народів (міжнародне право) |

ROMAN LAW

Roman law is the legal system of ancient Rome. The development of Roman law covers more than one thousand years from the law of the twelve

tables (from 449 BC) to the Corpus Juris Civilis of Emperor Justinian I (around 530).

Roman law in a broader sense refers not only to the legal system of ancient Rome, but also to the law that was *applied* throughout most of Western Europe until the end of the 18th century. The influence of Roman law is shown by the wealth of legal terminology, retained by all legal systems.

It is impossible to know exactly when the Roman legal system began. The first legal text, the content of which is known to us in some detail, is the law of the twelve tables, which dates from the middle of the 5th century BC. The common people proposed that the law should be written down in order to prevent magistrates from applying the law in an *arbitrary* fashion. After years of struggle the plebeians convinced the patricians to send a delegation to Athens to copy out the Laws of Solon. Ten Roman citizens were chosen to *record the laws*. For the period in which the delegates performed this task, they were given supreme *political power*, while the power of the magistrates was restricted. The Law of the Twelve Tables thus *drafted* was accepted by the popular assembly. This code set forth simple rules suitable for an agricultural community; it established equal law for patricians and plebs and was prized by the Romans as the source of all *public* and *private law*. The legal system established under this code, and the body of rules that developed around it, applied exclusively to Roman *citizens* and was known as the *jus civile*.

Conquest over the Mediterranean basin compelled the Romans to work out a new system of law. Each conquered territory had its own system, and a *body of law* was required that would be applicable to both citizens and *subjects*. Between about 367 bc and ad137 the new law was developed from the edicts of the praetor, or magistrate, who defined and *interpreted the law* in individual cases. This new legal system was known as the *jus gentium*. The extension of citizenship during the years from 100 bc to ad 212 to all free inhabitants of the Roman Empire made the distinction between the *jus gentium* and the *jus civile obsolete*, and the *jus civile* of Rome became the law of the empire.

In the 3rd century ad the decrees or laws *issued* by the emperors gained increasing importance in the Roman legal system. Around 530 ad emperor Justinian I appointed a committee of ten jurists to make an official digest of the older law. The law books published by Justinian are collectively known as the Corpus Juris Civilis.

Early in the 12th century a thorough study of these texts was inaugurated at Bologna and *spread* throughout Europe. With the revival of European commerce and the inadequacy of medieval law *to meet the requirements* of the changing economic and social conditions, Roman law became *incorporated* in the legal systems of the many continental European countries.

However, Rome's most important *contribution* to European *legal culture* was not the enactment of well-drafted statutes, but the emergence of a class of professional jurists and of a legal science. This was achieved in a gradual process of applying the scientific methods of Greek philosophy to the subject of law, a subject which the Greeks themselves never *treated* as a science.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What does the term Roman law refer to?
2. What law in Rome was the first to set equal rights for plebs and patricians?
3. What legislation was used to draft the law of the twelve tables?
4. Why did the distinction between the *jus gentium* and the *jus civile* become obsolete?
5. What is Justinian I famous for?
6. When and where did Europeans begin a thorough study of Roman law?
7. What is Rome's most important contribution to European legal culture?

2. Find in the text words and expressions which mean:

1. someone who legally belongs to a particular country and has rights and responsibilities there, whether they are living there or not;
2. not longer useful because something newer and better has been invented;
3. decided or arranged without any reason, often unfairly;
4. to include something as part of a group, system, plan etc;
5. to become known about or used by more and more people;;

6. the ability or right to control people or events;
7. an ordinary person who had no special rank in ancient Rome;
8. to persuade someone to do something;
9. someone who has a very detailed knowledge of law;
10. to write a plan, letter, report etc that will need to be changed before it is in its finished form.

3. Find words in the text which have a similar meaning to the words or phrases below.

to use

to write down

aristocrat

manner

resident

outdated

methodical

to integrate

to start up

rebirth

III. VOCABULARY STUDY

1. Give the English equivalents for the following words and phrases.

Сукупність правових норм, розробити проект закону, відповідати вимогам, застарілі правила, важливий внесок, приватне право, видавати закон, розповсюджувати правову культуру, переконати патриціїв, тлумачити закони, застосовувати закони, політична влада, включити до правової системи.

2. Complete the sentences with the words from the active vocabulary.

1. Our original proposals were not ... in the new legislation.
2. AIDS is not ... by common everyday contact.
3. These laws are often difficult ... in practice.
4. Einstein was awarded the Nobel Prize for his ... to Quantum Theory.

5. The government has carried out numerous executions and ... arrests.
6. In the end she ... the jury of her innocence.
7. A 16-member commission to ... a new constitution was also set up.
8. The State Department will ... a statement at noon.
9. The prisoners were well ... by their guards.
10. Some applicants who meet the... are rejected because they are not Ukrainian citizens.

3. Match a word in column A with a word/phrase in column B to make phrases from the text «Roman Law».

A	B
apply	Roman law
meet	a decree
incorporate	a thorough study
issue	supreme political power
spread	scientific methods
convince	the subject of law
treat	patricians
give	the requirements

4. Insert the right preposition.

1. The minimum requirement... the post was a degree ... law.
2. He made outstanding contributions ... children's medicine.
3. The new law was developed ... the edicts of the ruler.
4. Perhaps they could sit down and discuss things ... a civilised fashion.
5. Roman law became incorporated ... the legal systems of many European countries.
6. The extension of citizenship ... the years ... 100 BC ... AD 212 to all free inhabitants of the empire made the distinction ... the jus gentium and the jus civile obsolete.
7. The first codification of imperial legislation was published... Theodosius II.
8. Most of his books have been translated ... Ukrainian.
9. This body of rules was applied exclusively ...Roman citizens.

5. In each of the following sets of four, one word or expression is the odd one. Find the word which is different.

1. illegal unlawful criminal licit
2. government administration authorities public
3. disagreement obligation argument controversy
4. old-fashioned obsolete arbitrary outdated
5. careful thorough systematic curious
6. revival impact influence effect
7. to record to write down to set forth to register
8. citizen resident foreigner inhabitant
9. decree edict order digest
10. summit meeting gathering assembly

6. Translate the following sentences into English:

1. Римське право — це система права, яка була сформована у Давньому Римі та зіграла виключну роль у розвитку європейського права. 2. Незважаючи на численні суперечки та застарілі принципи, ця правова система поширилася на північ імперії. 3. Це був законодавчий орган, який мав формулювати проект закону та видавати закони, що відповідали вимогам тогочасної правової культури. 4. Ця людина зробила значний внесок у створення правових інститутів, що мали повноваження витлумачувати закони, записувати їх та допомагати громадянам застосовувати цей або інший закон у повсякденному житті.

IV. GRAMMAR FOCUS

Verbs: active/passive

Change the sentences below from active to passive. For example:

Active: The police officer asked for proof of identification.

Passive: Proof of identification was asked by the police officer.

1. The emperor appointed a special committee of jurists.
2. Theodosius II, ruler of the Byzantine Empire, published the first codification of imperial legislation.
3. Roman law influenced many modern civil law systems in Europe.
4. They chose ten Roman citizens to record the laws.
5. They inaugurated a more thorough study of Roman law at Bologna University

6. My uncle wrote his will in 2000.
7. The constable arrested and searched the driver of the stolen car.
8. They left the wounded man lying on the road.
9. The judge asked the witness to speak louder.
10. Between about 367 BC and AD137 they developed the new law from the edicts of the praetor.

V. SPEAKING

What do you think about the following statements?

When men are pure, laws are useless; when men are corrupt, laws are broken. Benjamin Disraeli (1804-1881) British politician and author.

It would be better to have no laws at all, than to have too many.

Law, without force, is impotent. Blaise Pascal (1623-1662) French mathematician, physicist and philosopher.

Where the law is uncertain there is no law. (proverb)

Below you will find phrases and language you can use in the discussion to express opinions, offer explanations and disagree.

Opinions, Preferences:

I think..., In my opinion..., I'd like to..., I'd rather..., I'd prefer..., The way I see it..., As far as I'm concerned..., If it were up to me..., I suppose..., I suspect that..., I'm pretty sure that..., It is fairly certain that..., I'm convinced that..., I honestly feel that, I strongly believe that..., Without a doubt...,

Disagreeing:

I don't think that..., Don't you think it would be better..., I don't agree, I'd prefer..., Shouldn't we consider..., But what about..., I'm afraid I don't agree..., Frankly, I doubt if..., Let's face it, The truth of the matter is..., The problem with your point of view is that...

Giving Reasons and offering explanations: To start with, The reason why..., That's why..., For this reason..., That's the reason why..., Many people think..., Considering..., Allowing for the fact that..., When you consider that...

Unit 2. Evolution of Law: Historical Aspect

Section 2. Anglo-Saxon Law

I. LEAD IN

1. Answer the following questions

1. What is the name England derived from?
2. What ethnic groups formed the people known as the English?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|-------------------|----------------------------|
| 1) in conjunction | a) королівське дарування |
| 2) promulgate | b) гільдія |
| 3) ecclesiastical | c) звичаєве право |
| 4) outlawry | d) порушення |
| 5) folkright | e) проголошувати |
| 6) royal grant | f) оголошення поза законом |
| 7) exertion | g) разом з |
| 8) guild | h) вияв |
| 9) infringement | i) народна мова |
| 10) vernacular | j) церковний |

TEXT 2

Read the text «Anglo-Saxon law».

ANGLO-SAXON LAW

Notes on the text:

Domesday Book Книга Судного дня

Anglo-Saxon law is the body of legal principles that prevailed in England from the 6th century until the Norman Conquest (1066) and after. In conjunction with Scandinavian law and the so-called barbarian laws of continental Europe, it made up the body of law called *Germanic law*. Anglo-

Saxon law was written in the vernacular and was relatively free of the Roman influence found in continental laws that were written in Latin. Anglo-Saxon law was made up of three components: the laws and collections promulgated by the king, authoritative statements of custom such as those found in the Norman-instituted Domesday Book, and private compilations of legal rules and *enactments*. The primary emphasis was on criminal law rather than on private law, although certain material dealt with problems of *public administration*, with *public order*, and with ecclesiastical matters.

Before the 10th century, the codes often merely presented lists of compositions — money paid to an injured party or his family — but by the 10th century a new *penal system* had evolved, based on outlawry (declaring a criminal an outlaw), *confiscation*, and *corporal and capital punishment*. By this time there had also been an increased development of the law relating to administrative and police functions.

The Anglo-Saxon legal system rested on the fundamental opposition between folkright and privilege. Folkright is the aggregate of rules, whether formulated or not, that can be appealed to as an expression of the juridical consciousness of the people at large or of the communities of which it is composed. The responsibility for the formulation and application of the folkright rested, in the 10th and 11th centuries, with the local shire moots (assemblies). The older laws of *real property*, *succession*, contracts, tariffs of fines were mainly regulated by folkright; the law had to be declared and applied by the people themselves in their communities.

Folkright could, however, be broken or modified by special enactment or grant, and the foundation of such privileges was *royal power*. In time the rights originating in the royal grants of privilege came to outweigh folkright in many respects and were the starting point for the feudal system.

Before the 10th century a man's actions were considered not as exertions of his individual will but as acts of his kinship group. *Personal protection* and revenge, oaths, marriage and succession were all regulated by the law of *kinship*. The *preservation of peace* was an important feature of Anglo-Saxon law. Peace was thought of as the rule of an authority within a specific region. Because the ultimate authority was the king, there was a gradual evolution of more and more stringent and complete rules in respect of the king's peace and its infringements.

II. DEVELOPMENT

1. Answer the following questions using the information from the text:

1. When and where did Anglo-Saxon law prevail?
2. What are the three components of Anglo-Saxon law?
3. What was the primary emphasis of Anglo-Saxon law?
4. What did folkright regulate?
5. Who the responsibility for the formulation and application of the folkright rested with?
6. What was the role of kinship?
7. How was the preservation of peace treated in Anglo-Saxon law?

2. Complete the sentences with the words from the active vocabulary.

1. He got a six-year jail sentence, a harsh ... for a first offense.
2. His elder brother Edwin was next in ... to the baronetcy, but he was a total invalid.
3. At that time, a slave was considered
4. The ... of peace in the region is the main goal of the UNO.
5. The building ... are very strict about the materials you can use.
6. Anyone who disobeys this ... will be punished.
7. He called the protesters a threat to the social
8. At the time, the law gave women very little ... from violent husbands.

3. Insert one of the following words into the text in an appropriate form.

Instrument, appeal against, trial by jury, code of laws, punishments, legal measures, assembly, legal systems

Law in Ancient Greece

The absolutism of power in the monarch was typical of ... until the time of the Greeks around 300 B.C. Before the Greeks people believed that their laws were given to them by gods, represented by their kings. The Greek system emphasized that law was made by man, for man, and could be changed by man. Instead of being a ... of total social control of the whole population by a monarch, the law was to serve peace and prosperity of the people.

In the year of 621 B.C., Draco, Athenian lawgiver, drew up Greece's first written This harsh legal code punished both trivial and serious crimes in Athens with death. The word draconian is still used to describe repressive ... In 594 B.C. Solon, Athens' lawgiver, repealed Draco's code and published new laws, retaining only Draco's homicide statutes. He revised every statute except that on homicide and made Athenian law more humane. He also retained an ancient Greek tradition – Enslaving debtors was prohibited, along with most of the harsh ... of Draco's code. Under Solon's law citizens of Athens could be elected to the ... and courts were established in which citizens could ... government decisions.

4. Translate the following sentences into English:

1. В англосаксонському праві головний акцент робили на кримінальному праві, хоча певна його частина регулювала питання управління державою, громадським порядком та діяльністю церкви.

2. У десятому столітті була створена нова пенітенціарна система, яка спиралась на оголошення поза законом, конфіскацію, тілесну та смертну карі. 3. Звичаєве право могло бути порушено або змінено спеціальним указом або поданням, підставою для яких була королівська влада. 4. Римський вплив на англосаксонське право не був прямим та здійснювався головним чином через церкву. 5. Тілесні покарання були заборонені у Швеції в 1979 році. 6. Хтось має взяти на себе відповідальність за збереження миру в регіоні.

III. PRACTICE AND EXPERIENCE

1. The influence of Roman law is shown by the wealth of legal terminology, retained by all legal systems. For example, in British law many Latin expressions are used in everyday legal practice. Match Latin expressions from the box with the definitions in the list. The first has been done for you as an example.

Pro tempore	Nolo contendere	
Compos mentis	Sine qua non	
Doli capax	Bona fide	
Inter alia	Status quo	
Toties quoties	Vice versa	
Habeas corpus	Casus belli	
Prima facie	Per capita	Ipso facto

<i>definition</i>	<i>answer</i>
1. equivalent to plea of guilty	<i>Nolo contendere</i>
2. of sound mind	
3. absolutely essential	
4. for the time being	
5. capable of crime	
6. in good faith	
7. among other things	
8. the current situation	
9. in the opposite way	
10. a legal remedy against wrongful imprisonment	
11. at first sight	
12. for each person	
13. by that very fact	
14. as often is necessary	
15. grounds for a dispute	

2. Put the words in the correct order to make sentences.

1. brutal corporal and capital punishments the Anglo-Saxons at their disposal had
2. entire kin you had broken your oath and a serious crime if your could be punished committed
3. 12 in his day, the could be anyone old enforced on penalty years or over.
4. the presiding king local officials the were agents of the courts of
5. central crime and were English the problem the early kings violence for
6. in hierarchy the new there a of courts state Anglo-Saxon in shire and borough was each

IV. WRITING

Find and mark the mistakes in the following text using the correction key.

Correction Key

- T = tense
- P = punctuation
- WO = word order
- Prep = preposition
- WW = wrong word
- GR = grammar
- Y upside down = word missing
- SP = spelling

Germanic law unlike Roman law was essentially tribal custom and not legal codes promulgated by a central government. The custom of a particular tribe or nation evolved by popular practices, was unwritten, and was applicable only to the individuals belonging to that particular tribe. The law not attached to the territory but rather to the tribe, and so when a nomadic tribe moved it took its laws with it rather than subjecting itself to the laws of the city to which it moved.

Germanic peoples were divided from tribes, which were made up of clans, with a king at the head of the government. Was assisted the king by the tribal assembly and by his council. Property law does not clearly distinguish between legal title and physical control. Land originally belonged to each family collectively, but gradually family ownership developed into private ownership by the family president, although for a long time he could sell or part with land only on the consent of the heirs. Property descended on his death to the nearest descendants, usually male.

Later, as the importance of Christianity grew, ecclesiastical law, derived from Roman law, gained in importance. The church try to lagislate matters such as marriage and succession which had previously been the subject only of secular tribal law. Also, by the 12th century a mercantile law had developed to meet the needs of traders; this was general and not dependent on nationality or domicile. Gradually local law began in importance to decline.

V. OVER TO YOU

1. Read the text about ancient Romans.

Modern motion pictures and television often portray the ancient Romans as military conquerors as well as ardent pleasure seekers, and there is some truth to those images. Their armies did brutally subjugate the Mediterranean world. Today statues of native leaders such as Vercingetorix in France or Arminius in Germany honor those patriots who battled against Roman domination in Europe, just as Christians honor early disciples martyred by the Romans. The ancient Romans also did enjoy lavish and sometimes even cruel entertainments that included gladiatorial combats, chariot races, and animal hunts in the arena.

Yet these same Romans created a civilization that has shaped subsequent world history for 2,000 years. The remains of vast building projects, including roads and bridges, enormous baths and aqueducts, temples and theaters, as well as entire towns in the North African desert, still mark Rome's former dominion. Cities throughout Western Europe stand on Roman foundations. The Romans also had enormous cultural influence. Their language, Latin, gave rise to languages spoken by a billion people in the world today. Many other languages—including Polish, Turkish, and Vietnamese—use the Roman alphabet. The Romans developed a legal system that remains the basis of continental European law, and they brought to portraiture a lifelike style that forms the basis of the realistic tradition in Western art. The founders of the American government looked to the Roman Republic as a model. Modern political institutions also reflect Roman origins: senators, bicameral legislatures, judges, and juries are all adapted from the Roman system. In addition, despite recent modernization, the Roman Catholic Church still uses symbols and ritual derived largely from the ancient Romans. Contrary to popular image, the Roman state was not continuously at war. Roman armies most often served on the frontiers of the empire while Roman lands nearer the Mediterranean were more peaceful and more culturally and economically interconnected than in any subsequent era. The Romans extended citizenship far beyond the people of Italy to Greeks and Gauls, Spaniards and Syrians, Jews and Arabs, North Africans and Egyptians. The Roman Empire also became the channel through which the cultures and religions of many peoples were combined and transmitted via medieval and Renaissance Europe to the modern world.

Discuss the following questions in groups of four.

What are the common stereotypes of ancient Romans' way of life? Do you find them true to life? Why is the Roman topic so popular with TV and movie producers?

Make a list of things, projects, institutions that the world civilization has inherited from the ancient Romans. Which of them are of paramount importance and why?

What do you think about the quality of life for most people in Ancient Rome? Think about these things:

stress

quality of food

war

illness

family life

education

human rights

transport

2. QUIZ

How many of these questions can you answer?

1. What river is Rome situated on?
2. Who, according to the legend, founded Rome?
3. What languages have evolved from Latin, the language of the Romans?
4. What Roman general invaded Britain and when?
5. What was engraved on a block of black basalt, unearthed by French archeologists at Susa, Iraq during the winter 1901 to 1902?
6. Who drew up the first Greece's written code and what is he famous for?
7. What two tribes invaded and settled in Britain during the fifth century when the Romans left the country?
8. What happened on 14 October 1066 in England?

Unit 3. Sources of Modern Law

Section 1. Legislation

I. WARMING-UP

1. Answer the following questions:

1. Do you know what the word «statute» means?
2. What language does the word «statute» come from? What meaning did it have?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------------|--|
| 1) a formal written enactment | a) прецедентне право |
| 2) case law | b) урядові органи |
| 3) government agencies | с) постанови адміністративних органів
влади |
| 4) a source of law | d) постанови місцевих органів влади |
| 5) topical arrangements | e) тематичні класифікації |
| 6) administrative regulations | f) формальний писаний закон |
| 7) municipal ordinances | g) джерело права |

3. Which of the following do you think are important for a statute?

Tradition, codification, adoption of the Parliament, court hearing, signing, royal assent, public discussion.

Read the text to understand what information is of primary importance or new for you.

TEXT 1 STATUTE

Notes:

nonetheless – проте

A *statute* is a formal written enactment of a legislative authority that governs a state, city, or county. Typically, statutes command or prohibit something, or declare policy. The word is often used to distinguish law

made by legislative bodies from case law and the regulations issued by government agencies. Statutes are sometimes referred to as legislation. As a source of law, statutes are considered primary authority (as opposed to secondary authority).

Before a statute becomes law in some countries, it must be agreed upon by the highest executive in the government, and finally published as part of a code. In many countries, statutes are organized in topical arrangements (or "*codified*") within publications called codes, such as the United States Code. In many nations statutory law is *distinguished from* and subordinate to constitutional law.

Statutory law or statute law is written law (as opposed to oral or customary law) set down by a legislature or other governing authority such as the executive branch of government in response to a perceived need to clarify the functioning of government, improve civil order, to codify existing law, or for an individual or company to obtain special *treatment*. Examples of statutory law comprehend traditional civil law and modern civil code systems in contrast to common law. In addition to the statutes passed by the national or state legislature, lower authorities or municipalities may also publish administrative regulations or municipal *ordinances* that have the force of law — the process of creating these administrative decrees are generally classified as *rulemaking*. While these enactments are subordinate to the law of the whole state or nation, they are nonetheless a part of the body of a jurisdiction's statutory law.

II. COMPREHENSION

- 1. Are the following statements true or false? Correct the false ones.**
1. A statute is a formal written document.
 2. Statutes may forbid something.
 3. A statute must be agreed upon by the highest executive in the court.
 4. In many countries, statutes are codified.
 5. As a rule, statutory law is distinguished from administrative law.
 6. Statutory law is case law.
 7. Modern civil code systems can be called examples of statutory law.

2. Complete the following sentences according to the information from the text:

1. A statute governs
2. A statute must be...
3. A legislature sets down...
4. Civil code systems can be contrasted to...
5. Traditional civil law is an example of...
6. Lower authorities may publish...
7. Rulemaking is a process of...

3. Here are the answers to some questions. Ask the questions.

1. A statute.
2. A regulation.
3. Constitutional law.
4. Written law.
5. The force of law.

III. VOCABULARY STUDY

1. Find words in the text that mean the same.

Law, to differentiate, classified, to include, lawmaking

2. Fill each gap with a suitable word from the box. Use each word once only.

laws	codify	example	civil	abolished	permanent
------	--------	---------	-------	-----------	-----------

The first civilization to its laws was ancient Babylon. The first real set of codified laws, the Code of Hammurabi, was compiled circa 1760 BC by the Babylonian king Hammurabi, and is the earliest known ... code. The first... system of codified ...could be found in China, with the compilation of the Tang Code in CE 624. This formed the basis of the Chinese criminal code, which was then replaced by the Great Qing Legal Code, which was in turn... in 1912 following the Revolution and the establishment of the Republic of China. The new laws of the Republic of China were inspired by the German codified work, the Bürgerliches Gesetzbuch. A very influential... in Europe was the French Napoleonic code of 1804.

3 Match an adjective to a noun.

- | | |
|---------------|-----------------|
| 1. government | a) authority |
| 2. primary | b) legislature |
| 3. written | c) arrangements |
| 4. state | d) order |
| 5. topical | e) agency |
| 6. civil | f) enactment |

4. Complete the chart with the different parts of speech (noun, verb and adjective). Use your dictionary to help you with the pronunciation.

Noun	Verb	Adjective
1. order	1.	1.
2.	2. organize	2.
3.	3. agree	3.
4.	4.	4. executive
5.	5.	5. existing
6. code	6.	6.
7. government	7.	7.

5. Rewrite the sentences, using the word in the italics in a different word class.

Example:

We had a long *discussion* about the law.

We *discussed* the law for a long time.

1. Contrary to popular belief, the common law has been codified in many jurisdictions in many areas.

Many jurisdictions contain ... of common law.

2. The teacher gave us advice about statutes organized ("codified") by subject matter.

The teacher...

3. We had a lot of difficulty in learning modern civil code systems.

It was....

4. I felt that the article of existing laws needed more information.

I had...

6. Complete the following with the correct auxiliary verb in the positive or negative form. Check your answers with the text.

1. A statute ... govern a family.
2. The word «statute» ... often used to distinguish law made by legislative bodies from case law and the regulations issued by government agencies.
3. Statutes... sometimes referred to as legislation.
4. In many nations statutory law... subordinate to constitutional law.
5. Common law ... written law.

7. Translate into English.

Правова карта світу досить різноманітна. Кожна країна має власну систему права. Інколи на терені однієї країни діють різні правові системи. Так, шотландське право суттєво відрізняється від англійського, хоча обидві правові системи діють у межах однієї країни – Великої Британії. Країни можуть належати до різних соціально-економічних формацій, у них можуть бути різні форми державного устрою, різні політичні режими, що не може не відбиватися на нормах права і формуванні правових систем. Статутне право є системою законів, які приймаються парламентом, а також підзаконних нормативних актів, прийнятих на виконання законів. Їх називають делегованим або допоміжним законодавством. Закон Англії про делеговані акти 1946 р. ввів поняття «акт, що видається на підставі статуту». Нормотворчими повноваженнями наділяються різні органи. Насамперед це уряд, королева, міністри, місцеві органи. Більшу частину делегованого законодавства становить урядова нормотворчість. Вона існує в різних формах: укази короля в Раді, правила, накази, інструкції тощо. Особливе місце серед актів урядової нормотворчості належить тим, що приймаються на підставі надзвичайних законів, за невиконання яких передбачені кримінальні санкції. Місцеві органи влади наділені правом видавати постанови та інструкції, сфера дії яких обмежена відповідною територією.

IV. GRAMMAR FOCUS

- 1. Point out sentences with Passive Voice in the text and explain the use.**

2. Read the text. Use the correct form of the Passive Voice.

STATUTES FREE ON WEB

Thursday 05 October 2006

The on-line statute law database moved closer to reality last month when the Department for Constitutional Affairs (DCA) told users that the final Web-based system will be fundamentally free to use.

The decision (to reveal) in a newsletter from the DCA's Statutory Publications Office (SPO), announcing the end of the first public 'beta' test phase of the database.

The next phase ... (to expect) to have more than twice the number of users from a wider audience, including members of the public.

Until now it has been unclear how the DCA would operate a charging element for the database (see (2006) Gazette, 30 March, 11). But it appears that pressure from various sources has won the day – the SPO said the Web 'will be launched free of charge to the public once piloting is complete. A commercial strategy ... (to develop), but will primarily be looking at options that concern the commercial reuse of data' as well as functionality for 'specialist users'.

The Law Society welcomed the move. A spokeswoman said: 'We ... (to please) that this is being made available to everyone free of charge. The database will be a useful resource for solicitors and others.'

However, she added that it needs to present both current and historical data, as 'an Act of Parliament may be considerably changed after it has come into force, and both the original text and the later changes to it need to be easily accessible'.

(taken from the «Law Society Gazette»)

1. Fill in articles where necessary.

In ... United States, acts of ... Congress, such as federal statutes, are published chronologically in the order in which they become law — often by being signed by ... President, and are grouped together in official bound book form, also chronologically, as "session laws." The "session law" publication for Federal statutes is called ... United States Statutes at Large. Any given act may be only one page long, or hundreds of pages, in length. An act may be classified as either a "Public Law" or a "Private Law».

Because each ... Congressional act may contain laws on a variety of topics, many acts, or portions thereof are also rearranged and published in a topical, subject matter codification. ... official codification of Federal statutes is called ... United States Code.

V. SPEAKING

1. Agree or disagree with the following sayings.

1. The United States is the greatest law factory the world has ever known. ~ Charles Evans Hughes
2. The greater the number of laws and enactments, the more thieves and robbers there will be. ~Lao-tzu
3. Everybody wants to eat at the government's table, but nobody wants to do the dishes. ~Werner Finck
4. The first myth of management is that it exists. ~**10. Murphy's Law**

Unit 3. Sources of Modern Law

Section 2. Case Law

I. I LEAD IN

.....

1. Before reading the text, check your knowledge and predict the right answers on the topic:

1. What is a precedent?
 - a) a previous decision made in court which informs future cases
 - b) a senior judge
 - c) a set of written rules
 - d) a jury's decision
2. What does stare decisis mean?
 - a) decision is made based on legislation
 - b) words said in passing
 - c) stand by things decided
 - d) once made the decision must not be changed.
3. What is the Latin for a logical basis for a decision made by a court which may bind all future cases?
 - a) ratio ultima
 - b) modus vivendi
 - c) ratio – decidendi
 - d) jus strictum

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|-----------------------------|---------------------------------------|
| 1) binding precedent | a) адвокат |
| 2) counsel | b) посилатися на справу |
| 3) to cite a case | c) розрізняти |
| 4) to distinguish | d) правове обґрунтування |
| 5) legal reasoning | e) суд нижчої інстанції |
| 6) to argue | f) доводити |
| 7) lower court | g) прецедент, що має обов'язкову силу |
| 8) to overturn the decision | h) скасувати рішення |

3. Mind the pronunciation of the following:

hierarchy	['haɪərRki]
binding	['baɪndɪŋ]
applicable	[ə'plɪkəbəl]
hypothetical	[haɪpə'tetɪkəl]

Read the text and compare the content with your answers in Exercise 1.

JUDICIAL PRECEDENT

Judicial precedent is one of the sources of law, particularly English Common Law which, itself, is the basis of legal systems in many parts of the world (e.g. the USA and Commonwealth countries).

Essential to the common law is the *hierarchy of the courts* and the principle of *binding precedent*. In practice, this means that the decision of a *higher court* is binding on a lower court, and in the course of a trial the judges must *refer to existing precedents*. This is known as *stare decisis* 'stand by what has been decided'. The judges will also consider decisions made by a *lower court*, although they are not bound to follow them. However, a rule set by a court of greater or equal status must be applied if it is relevant.

During a trial, a counsel will cite cases and either attempt to distinguish the case at trial from those referred to, or alternatively, argue that the rule established in a previous case is applicable and should be followed. At the end of each legal case the Judge gives a summary of the facts of the case; then a review of the arguments (defence and prosecution) and an explanation of the principles of law he/she is using to come to a decision. Only the legal principles used to come to a decision are referred to as the *ratio – decidendi* 'which means 'the reason for deciding'. Sometimes the Judge will consider what his/her decision would have been if the facts of the case had been different; this hypothetical situation is referred to as the *'obiter dicta'* (i.e. other things said) and the *legal reasoning* put forward may be used in future cases.

The great body of legal precedent contained in law books is the result of *appeals* to higher courts *against* the decisions of lower courts. The appeals have resulted in the clarification of specific principles, either by improving them or by *overturning* the original court's decision through the introduction of a new precedent.

So, put in broad terms, judicial precedent is the body of legal principles established by past court decisions which have survived the process of appeal to higher courts and have consequently become binding on all courts.

II. DEVELOPMENT

1. Answer the following questions using the information from the text:

- 1) What are the distinctive features of common law?
- 2) What does the principle of binding precedent mean?
- 3) Should rules set by courts of equal status be applied if they are relevant?
- 4) What is the role of the judge at the end of the case?
- 5) How would you define the 'obiter dicta'?
- 6) What are the results of appeals to higher courts against the decisions of lower courts?

2. Complete the table with the related forms.

<i>Verb</i>	<i>Noun</i>	<i>Adjective</i>
Cite		-
Apply		
Precede		
Bind	-	
Appeal		

3. Translate the following sentences into English:

1. У країнах англо-саксонської правової сім'ї прецедент є основою правової системи, тоді як у деяких інших країнах (наприклад у Франції) прецеденти використовуються для заповнення прогалин у законодавстві. 2. Існує ієрархія прецедентів, відповідно до якої рішення, які були прийняті судами вищих інстанцій (наприклад, палатою лордів у Англії), є обов'язковими для використання нижчими в аналогічних ситуаціях. 3. В Україні прецедент офіційно не вважається джерелом права, але на практиці рішення судів вищих інстанцій часто беруться до уваги при вирішенні спорів.

4. Match a word in column A with a word/phrase in column B to make as many phrases as possible and translate them.

A	B
to set	an appeal (against)
to create	a decision
to introduce	a rule
to lodge	a precedent
to overturn	a verdict
to refer to	a case
to apply	a protest (against)
to establish	
to follow	

III. PRACTICE AND EXPERIENCE

Divide into two groups (proponents and opponents of case law). Read about the advantages and disadvantages of judicial precedent and discuss them.

Advantages

- **Certainty** – It creates certainty in the law and means solicitors and barristers can advise their clients on the probable outcome of their case.
 - **Fairness** – Similar cases are treated in a similar way, this is in the interests of justice and fairness.
 - **Time Saving** – It saves court time as for most situations there is already an existing solution.
 - **Law Development** – it allows the law to develop alongside society
- R v R** (1991) – this case overturned a centuries old legal principle that a man could not rape his wife.

Disadvantages

- **Rigidity** – The system is too rigid and does not allow the law to develop enough.
- **Injustice** – The strict rules of judicial precedent can create injustice in individual cases
- **Slow Development** – The law is slow to develop under the system of judicial precedent. The law cannot be changed until a case on a particular point of law comes before one of the higher appellate courts.
- **Confusion** – Hundreds of cases are reported each year, making it hard to find the relevant precedent which should be followed.
- **Complexity** – The law is too complex with thousands of fine distinctions.

IV. WRITING

a) Describe the process of making new law in your country. What are the strengths and the weaknesses of the process?

b) Explain to a student from a different jurisdiction how cases are used and recorded in your legal system.

V. OVER TO YOU

Read the report from the BBC webpage and comment on similar cases that you have probably read about.

<p>Extra 'ingredient' in Cornish pie</p> <p><i>A Cornish pasty maker has apologised to a customer who bit off more than he could chew.</i></p> <p>Simon Enticknap, from Basingstoke, Hampshire, was enjoying a Ginsters chicken and mushroom slice before work when he crunched into a snail.</p> <p>The 21-year-old took photographs of the pasty and offending mollusc before calling Ginsters to complain.</p> <p>Ginsters has apologised for the "extra ingredient", which it believes came in a delivery of fresh mushrooms.</p> <p>Mr Enticknap bought the pasty from a petrol station shop near Ringwood on his way to work last month.</p> <p>"It was about seven o'clock and I hadn't had any breakfast," he told BBC News.</p> <p>"I'd eaten about half of it when there was a nasty crunch at my back teeth.</p> <p>"I spat it out and when I realised what it was, I was physically sick out the van, although my mate thought it was hilarious."</p> <p>Compensation offered.</p> <p>A Ginsters spokesman said the company had apologised in writing and a member of staff had been sent to Basingstoke to collect the offending product.</p> <p>"It appears that the object came in with a delivery of fresh mushrooms and had not been removed by our rigorous washing process, which is an extremely rare occurrence," the spokesman said.</p> <p>"We have sent a further letter of apology to Mr Enticknap along with £25 for the inconvenience caused, and we thanked Mr Enticknap for taking the trouble to bring the matter to our attention."</p> <p>However, air conditioning fitter Mr Enticknap said he was not fully persuaded by Ginsters explanation.</p> <p>"This was a whole snail and even if it escaped the washing process, I don't understand how it got through the slicing and chopping," he said.</p> <p>"I'm not at all thrilled and certainly won't be buying a chicken and mushroom slice again."</p>

Unit 4. Studying Law

Section 1. Training Lawyers in Ukraine

I. WARMING – UP

1. Answer the following questions:

1. Why is it important for a lawyer to be highly educated?
2. Why are the lawyers needed in the human society?
3. Do you agree that education of a good legal specialist must never stop? Why?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|----------------------------------|--------------------------------|
| 1) qualification requirements | a) юридичний навчальний заклад |
| 2) legal educational institution | b) наукові дослідження |
| 3) certificate of a specialist | c) диплом спеціаліста |
| 4) scientific research | d) освітньо-професійний рівень |
| 5) educational-proficiency level | e) відповідний рівень |
| 6) scientific degree | f) галузь науки |
| 7) field of science | g) науковий ступінь |
| 8) appropriate level | h) кваліфікаційні вимоги |

Read the text to understand what information on legal education in Ukraine is of primary importance or new for you.

TEXT 1

LEGAL EDUCATION IN UKRAINE

Notes:

Postgraduate education (Candidate's or Doctor's Degree) – освіта, спрямована на отримання наукового ступеня кандидата або доктора наук.

The Law of Ukraine «On Education» – закон України «Про освіту» (№ 1060–XII).

The Law of Ukraine «On Higher Education» – закон України «Про вищу освіту» (№ 2984–III).

A professional licence – дозвіл на здійснення професійної діяльності.

Requirements to the contents, scope and level of the educational and *professional training* in Ukraine are *determined* by **the Law of Ukraine «On Education»** of 1991. The Law *establishes* a four level system of *higher education* and defines *qualification requirements* for *junior specialists* and *bachelor degree* holders (basic higher education), *specialists* and *master degree* holders (complete higher education). The system of education also includes **postgraduate education (Candidate's or Doctor's Degree)**.

As the *legal profession* becomes very prestigious and much in demand, a large network of *legal educational institutions* and faculties has been established in Ukraine recently. The higher educational *establishments* (HEE) that *train* lawyers in Ukraine include: *technicums*, *colleges*, *institutes*, *academies*, *universities* and other establishments. HEE have four degrees of accreditation based on their status:

- the first degree – *technicum* or other HEE of the equal status;
- the second degree – *college* or other HEE of the equal status;
- the third and the fourth degrees (depending on the results of accreditation) – *institute*, *academy*, *university* and other HEE equal to them.

Legal education in Ukraine is centred in the state and private colleges and universities. The four year education gives a *bachelor's degree*; graduates after five year studies receive a *certificate of a specialist*. Everybody has a possibility to continue his/her education and *scientific research* at the *master's* and *postgraduate* courses.

Higher education *graduates* are awarded qualifications of the *appropriate educational-proficiency levels* and they are granted diplomas of the state format. The Diploma is a *state-recognized* document which serves as both an educational certificate and a **professional licence**. It *confirms* the *attainment* of the appropriate higher educational level and a certain professional qualification in some speciality. **The Law of Ukraine «On Higher Education»** (2002) establishes the following types of documents that confirm higher education qualifications:

Dypnom Molodshoho Spetsialista (Diploma/ qualification of Junior Specialist),

Dypnom Bakalavra (Diploma/ qualification of Bachelor),

Dypnom Spetsialista (Diploma/ qualification of Specialist),

Dypnom Mahistra (Diploma/ qualification of Master).

At the postgraduate level Ukraine has a two-degree system. The first qualification is the *Candidate of Sciences* (*a scientific degree* of Kandidat

Nauk). It normally requires at least three years of postgraduate study (aspirantura) after the award of the Specialist or the Master diploma. For this qualification a thesis (dissertation) must be submitted and defended. The second qualification is the Doctor of Sciences (a scientific degree of Doktor Nauk), the highest scientific degree in Ukraine. This qualification requires some period of studies (doktorantura) following the award of Kandidat Nauk degree. The dissertation for this degree must make an original *contribution* to a certain *field of science*.

A public defence of the dissertation is held in the form of a public presentation and scientific debates.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What does the Law of Ukraine «On Education» determine?
2. What is a four level system of higher education in Ukraine?
3. What is postgraduate education?
4. Why has a large network of legal educational institutions been established in Ukraine recently?
5. What are the types of Ukrainian higher educational institutions that train lawyers?
6. What degrees are given to students of HEEs after four and five years of education?
7. What is the Diploma granted to higher education graduates?
8. What is the first qualification of the postgraduate level in Ukraine? What are the requirements to it?
9. What is the second qualification of the postgraduate level in Ukraine? What are the requirements to it?

2. Define whether the statements are true or false according to the text.

1. The Law of Ukraine «On Education» establishes a four level system of higher education.
2. The five year education gives a bachelor's degree; graduates after four year studies receive a certificate of a specialist.
3. The first postgraduate qualification in Ukraine is a master's degree.

4. The dissertation for a scientific degree of the Doctor of Sciences (Doktor Nauk) must make an original contribution to a certain field of science.
5. The Candidate of Sciences (a scientific degree of Kandidat Nauk) is the highest scientific degree in Ukraine.
6. The Diploma must not be recognized by the state.

3. Complete the following sentences consulting the text:

1. Requirements to the contents, scope and level of the educational and professional training in Ukraine are determined by
2. A large network of legal educational institutions has been established in Ukraine recently because....
3. The higher educational establishments (HEE) that train lawyers in Ukraine include:
4. Everybody has a possibility to continue his/her education and scientific research....
5. Higher education graduates are awarded qualifications of ... and they are granted diplomas of
6. A public defence of the dissertation is held in the form of

4. Explain the words and word-combinations in your own words in English:

qualification requirements, legal educational institution (establishment), certificate of a specialist, higher education, bachelor's degree, master's degree, postgraduate education.

III. VOCABULARY STUDY

1. a) Match the following nouns and noun phrases with their Ukrainian equivalents:

- | | |
|----------------------------------|--------------------------------|
| 1) educational-proficiency level | a) внесок |
| 2) higher education | b) наукове дослідження |
| 3) qualification requirements | c) вища освіта |
| 4) junior specialist | d) кваліфікаційні вимоги |
| 5) legal profession | e) навчальний юридичний заклад |
| 6) legal educational institution | f) галузь науки |
| 7) scientific research | g) освітньо-професійний рівень |
| 8) scientific degree | h) науковий ступінь |

- | | |
|----------------------|------------------------|
| 9) contribution | i) молодший спеціаліст |
| 10) field of science | j) юридична професія |
| 11) attainment | k) досягнення |

b) Match the following verbs and verbal phrases with their Ukrainian equivalents:

- | | |
|---------------------------|-----------------------------|
| 1) to train | a) отримувати |
| 2) to establish | b) готувати, навчати |
| 3) to receive | c) підтверджувати |
| 4) to require | d) захищати |
| 5) to recognize | e) містити у собі |
| 6) to confirm | f) визнавати |
| 7) to make a contribution | g) вимагати |
| 8) to submit | h) визначати, встановлювати |
| 9) to defend | i) представляти на розгляд |
| 10) to hold | j) проводити |
| 11) to include | k) робити внесок |

2. Substitute the words in italics with the words from the active vocabulary of the text:

1. Requirements to the contents, scope and level of the educational and *speciality preparation* in Ukraine are fixed by the Law of Ukraine «On Education».
2. The dissertation for the Doctor of Sciences degree must *bring something original into* a certain *scientific sphere*.
3. The first *postgraduate qualification level* is the Candidate of Sciences.
4. The Diploma *proves* the attainment of the appropriate higher educational level.
5. *The persons who graduate from HEEs* are granted diplomas of the state format.
6. Graduates after five year studies receive a *Diploma* of a specialist.

3. Choose the correct proposition of the given in brackets (to (3), of (5), by, in, at, for, on):

1. Requirements ... the contents, scope and level ... the educational and professional training in Ukraine are determined ... the Law of Ukraine «On Education» of 1991.

2. The legal profession is very prestigious and much ... demand
3. ... the postgraduate level the first qualification is the Candidate ... Sciences
4. The dissertation ... this degree must make an original contribution ... a certain field ...science.
5. HEEs ... the third and the fourth degrees (depending ... the results ... accreditation) are institutes, academies, universities and other establishments equal ... them.

4. Find in the text the nouns derived from the following verbs and make up your own sentences with them:

to educate, to require, to train, to contribute, to qualify, to establish, to certify.

5. Complete the table:

Higher education	Postgraduate education

professional training, junior specialists, bachelor degree holders, master degree holders, the Doctor of Sciences, a certificate of a specialist, scientific degree, to make a contribution, a four level system, scientific debates, basic higher education, complete higher education, a two-degree system, the Candidate of Sciences, a thesis, higher educational level, public defence.

6. 1) Give English equivalents:

встановлювати кваліфікаційні вимоги, захищати дисертацію, готувати юристів, включати в себе, представляти на розсуд, проводити захист, робити внесок, вимагати, отримувати, підтверджувати.

2) Give Ukrainian equivalents:

field of science, level, scientific degree, professional training, professional licence, higher education, qualification requirements, junior specialists, bachelor's degree, master's degree, legal profession, legal educational institutions, certificate of a specialist, scientific research, graduate, appropriate educational-proficiency level.

7. Make up sentences using the following words and word-combinations:

1. Requirements – to determine;
2. To include – postgraduate education;
3. A large network – to establish;
4. The higher educational establishments – to include;
5. Legal education in Ukraine – to centre;
6. Higher education graduates – appropriate educational-proficiency level;
7. The qualification of the Candidate of Sciences – to defend.

8. Translate the sentences into English:

1. Вимоги до змісту, обсягу та рівня освітньої професійної підготовки в Україні визначені Законом України «Про освіту».
2. Чотирирічна освіта дає ступінь бакалавра; випускники вищих навчальних закладів після п'яти років навчання отримують диплом спеціаліста.
3. Диплом – це визнаний державою документ, який служить і свідоцтвом про отримання освіти, і дозволом на здійснення професійної діяльності.
4. Диплом підтверджує отримання відповідного рівня вищої освіти.
5. Найвищий науковий ступінь в Україні – доктор наук.
6. Вищі навчальні заклади в Україні, що готують юристів, включають технікуми, коледжі, інститути, академії, університети.

IV. GRAMMAR FOCUS

1. Make up the sentences using the Present Simple Tense as in the model.

Model: *The Law of Ukraine «On Education» / to establish / a four level system of higher education.*

The Law of Ukraine «On Education» establishes a four level system of higher education.

1. The Diploma/ the attainment of a certain professional qualification / to confirm.
2. The four year education/ does not/ a master's degree/ to give.
3. to require/ the qualification of the Candidate of Sciences/ does/ three years of postgraduate study?

4. Everybody/ a possibility/ to continue/ to have/ his/her postgraduate education.

2. Make the sentences in the Present Simple Tense correct:

1. The system of education also include postgraduate education.
2. What these students know about this higher educational institution?
3. Does this qualification requires any special studies?
4. These students doesn't have a certificate of a specialist.
5. Do the Diploma serves as a professional licence?

V. SPEAKING

1. Some people believe that university students should be required to attend all the classes. Others believe that going to classes should be optional for students. Which point of view do you agree with? Give grounds to your answer.

2. Some students prefer to attend a small higher educational establishment. The others prefer to attend a big university. Discuss the advantages and disadvantages of each.

3. Discuss the following points:

- 1) A level of education defines future life of a person.
- 2) Building a future career starts:
 - at school;
 - at a higher educational establishment;
 - after graduation from an HEE, when a person begins practical professional activity.
- 3) Now, when you are a student, what are you ideas about postgraduate education?
 - postgraduate education is compulsory for developing my future career;
 - no postgraduate education, I'm tired of studying. In my opinion, it's better to work;
 - I'll try to combine postgraduate education and working;
 - your variant.

Unit 4. Studying Law

Section 2. Training Lawyers in the UK and in the USA

I. LEAD-IN

1. Answer the following questions:

1. Why is competition for a place at a US or UK law school traditionally fierce?
2. Prospective law school candidates in the USA should have a basic understanding in certain areas, including American history; political theory and the American political system; ethics and theories of justice (found in philosophy and religion courses); micro-economic theory; basic maths and accounting skills; human behaviour and social interaction (found in psychology and sociology courses) and an awareness of international issues. Are these requirements similar at Ukrainian law schools?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|-----------------------------|--------------------------------------|
| 1) pursue further study | a) довірена власність |
| 2) be «admitted to the bar» | b) учнівство |
| 3) Training Contract | c) зобов'язальне право |
| 4) mock trial | d) продовжувати навчання |
| 5) tort e | e) відшкодування збитків |
| 6) civil litigation | f) інсценований судовий процес |
| 7) trust | g) стажування |
| 8) restitution | h) вступити до колегії адвокатів |
| 9) Law of Obligations | i) цивільне правопорушення, делікт |
| 10) pupillage | j) судовий процес з цивільної справи |

TEXT 2

Read the text «Training Lawyers in the UK and in the USA».

Notes on the text:

LLB – Bachelor of Law – бакалавр юридичних наук (перший ступінь вищої освіти в галузі права)

LLM – Master of Law – магістр юридичних наук (другий ступінь вищої освіти в галузі права)

Juris Doctor (JD) – доктор права (перший ступінь вищої освіти в галузі права в США)

The United States is the only common law country that no longer offers the LL.B. While the LL.B. was conferred until 1971 at Yale University, since that time, all universities in the United States have awarded the professional doctorate J.D., which then became the required degree for the practice of law.

Inn of Court – «інн», школа підготовки баристерів

the Law Society – професійна спілка солісіторів

General Council of the Bar – генеральна рада спілки баристерів

Bar exam – іспит на право займатися адвокатською практикою

solicitor – солісітор (адвокат, який надає поради клієнту, готує справи для баристера та зазвичай виступає в судах нижчої інстанції)

barrister – баристер (адвокат, який має право виступати у вищих судах)

In the United States, the formal study of law is only available at the *postgraduate level*. To attend an American law school, a student must already hold an *undergraduate degree*.

The most common law degrees offered by American law schools are the professional **Juris Doctor (JD) degree** and the master's **degree in law (LLM)**.

The professional **JD degree** (requires three years of study) is meant for those who wish to practise law in the US. Therefore, the main concentration of the degree programme is on American law. The first year includes *compulsory courses* such as civil procedure, constitutional law, contracts, criminal law and procedure, legal method, legal writing, property law and torts (personal injury law). The first year may also include mock trials in which students argue cases against one another. During the second and third year, courses may include evidence, civil litigation, taxation, wills and trusts, administrative, corporate, commercial, family, environmental or international law.

LLM programs (typically one year at length) are intended for qualified lawyers who have several years of experience but wish to pursue further study. General **LLM** degree programmes can be individually adapted to suit a candidate's interests and normally require a *thesis*.

In order to *practise law*, one must first be «admitted to the bar» in an individual state. This entails *passing* the state **bar exam** and any other exams required by the state bar examiners. Generally, the state **bar exam** requires evidence of three qualities in exam candidates: sufficient general education

at the undergraduate level; sufficient US legal education gained from a law school; and sufficient knowledge of local bar requirements.

In England and Wales there are two distinct branches under the legal system, that of **solicitors** and **barristers**.

Both **solicitors** and **barristers** must complete two clear stages of *training*, the *academic* and *vocational stages*. The academic stage is usually accomplished by obtaining a law degree, although graduates with degrees other than law can still enter the professions by taking the *Graduate Diploma* in Law which will take a further year of study. A qualifying law degree in the England and Wales (**LLB**) consists of seven modules drawn from the following subject areas: Public law (constitutional/administrative), European Union law, Procedural Law (including law of evidence), Criminal law, Law of Obligations (contract, restitution, and tort), Property law (real property), Trusts and Equity.

Once you have completed the academic stage, you must complete the second stage of vocational training.

For **solicitors**, the **Law Society** requires to take a Legal Practice Course. This is followed by obtaining a Training Contract from a firm of solicitors who agree to provide you with a further two years of training before you are finally admitted as a **solicitor** to the **Law society**.

Barristers are required to take the Bar Vocational Course, designed by the **General Council of the Bar** to provide students of the bar with the practical skills involved in court work. On successful completion of **the Bar Exams** the student can then be called to the Bar by their **Inn of Court**. All prospective **barristers** are required to join one of the four **Inns of Court**, the tradition involves paying a membership fee and attending a required amount of sessions at their Inn.

Before a **barrister** can actually practice on their own, they must complete their 12 months 'pupillage' where they work with an experienced **barrister** to learn the practices that constitute a **barrister's** work.

II. DEVELOPMENT

1. Answer the following questions using the information from the text:

1. What law degrees are offered by American law schools?
2. What compulsory courses are included in the first year of the JD program?

3. What is a mock trial?
4. Who are LLM programs intended for?
5. What does the state bar exam in the US require?
6. What two stages of training are compulsory for both barristers and solicitors?
7. What vocational training is required for solicitors?
8. What is the purpose of the Bar Vocational Course?
9. What traditions are followed when prospective barristers join the Inns of Court?
10. How long does «pupilage» take?

2. Find in the text words and expressions which mean:

1. a long piece of writing about a particular subject that you do as part of an advanced university degree such as PhD;
2. relating to studies done at a university after completing a first degree;
3. a type of lawyer in Britain who gives legal advice, prepares the necessary documents when property is bought or sold, and defends people, especially in the lower courts of law;
4. a document showing that someone has successfully completed a course of study or passed an examination;
5. a course of study at a university or college, or the qualification that is given to you when you have successfully completed the course.

3. Fill in the correct word(s) from the list below. Use the words only once.

to hold; to provide with; successful; to enter; to pay; vocational; sufficient; to attend; to pass

1. an undergraduate degree
2.training
3.a membership fee
4.the profession
5. practical skills
6.completion
7.general education
8.a law school
9.the bar exam

4. Give the English equivalents for the following words and phrases:

Студент університету, який ще не отримав ступінь бакалавра; професійно орієнтований етап навчання; диплом (про закінчення вищого навчального закладу); майбутній солісітор; обов'язковий курс; практичні навички; готувати дисертацію; скласти іспит на право займатися адвокатською практикою; магістр юридичних наук; займатися адвокатською практикою; цивільний процес.

III. PRACTICE AND EXPERIENCE

1. Match the words for people in education with the correct definition.

1) cadet	a) person, who trains sportsmen for contests or prepares private students for an exam
2) coach	b) highest grade of a university teacher
3) dean	c) the lowest teaching rank at university
4) instructor	d) person in charge of a division of study
5) lecturer	e) person who teaches you driving
6) trainee	f) the head of some universities and schools
7) principal	g) a person studying to become an officer in the army or a policeman
8) professor	h) person undergoing some form of vocational training
9) student	i) anyone devoted to the acquisition of knowledge, especially attending university

2. Study the following information and compare admissions criteria and financing law degrees in the US and Ukraine.

APPLYING TO US LAW SCHOOLS:

Admission to US law schools is extremely competitive, especially for international applicants. Admissions criteria include:

- Undergraduate and postgraduate (if applicable) coursework
- Law School Admissions Test (LSAT) scores – for JD applicants
- 2-3 letters of recommendation
- Statement of purpose

- CV and/or writing sample for some schools – extracurricular activities and previous work experience will be taken into account during admissions

- Interview for some schools
- Financial arrangements (applicants may be asked to provide information on how they intend to fund their legal education).

In terms of previous coursework, JD programmes do not require that applicants take an undergraduate degree in a particular subject or to have completed specific courses. Instead, they emphasize the importance of a demanding and well-rounded education with experience in a variety of disciplines.

FINANCING A LAW DEGREE:

Expenses:

As the cost of higher education increases in the US, it is important for students to know what costs to expect and to develop a plan to cover these. Students should expect to pay application fees that range between \$50 and \$120 per application. Additionally, you may need to factor in the cost of sitting the LSAT exam (\$127 for JD applicants).

Tuition and fees rates can vary significantly from university to university, as there are no standard government set fees as in the USA. Rather, each university sets its own tuition and fees rates. Tuition for JD and LLM programmes can range from \$20,000 to \$45,000 per academic year. When considering funding for your degree, you should also consider living expenses (about 20, 000\$), books and personal costs.

Funding:

There is limited university funding available for law degrees; however, applicants should explore all options for university scholarships and fellowships and make sure they are considered for applicable awards. Applicants may also wish to investigate funding from external funding bodies.

IV. WRITING

Every lawyer and law student has at least one funny story about law school. Love it or hate it, law school leaves indelible impressions on our psyches. Go through these two stories and write your own.

- 1) We were in first-year torts and discussing slander. The Professor stated that one of the elements of slander was that the defamatory statement must be heard by «one third person.» A student raised her hand and told the Professor she didn't understand. The

Professor went on to explain how if one third person didn't hear the statement it wasn't considered published and didn't fulfill the elements. The student, still obviously confused, asked: "But I still don't understand which 1/3 of the person has to hear it!"

- 2) Having gone straight from college to law school, I didn't even own a suit by the time first-year mock oral arguments came around. The weekend before I was scheduled, I hit Filene's and bought a brand new «power suit.» I looked pretty sharp, felt pretty good, and come oral argument time, I was ready to blow them away. As I put the suit on, I realized, in terror, that there in very obvious plain view was the shoplifting tag that the Filene's clerk had left on my jacket! Not having any time to stop at a store to get it removed before the argument, I just went to school, hoping no one would notice. Wouldn't you know, the first words out of my opponent's mouth were: «Your Honor, opposing counsel is a common criminal and shoplifter, how can you believe anything this woman says?!» Needless to say, that comment broke the ice, and I was able to make my argument with a lot less tension.

V. OVER TO YOU

Here is an abstract from John Grisham's «Rainmaker», describing a bar exam. Read the text and fill in the blanks with words from the list below.

socializing	the bar exam	the competition	instruction
registered	flunk	profession	multiple-choice
exhausted	semester		

WE ARRIVE AT THE HOTEL MEZZANINE early Wednesday morning and are efficiently herded into a ballroom larger than a football field. We are and catalogued, the fees having long since been paid. There's a little nervous chatter, but not much We're all scared to death.

Of the two hundred or so people taking this outing, at least half finished at Memphis State last month. These are my friends and enemies.

I can feel here, very much like the first few weeks of law school when we were terribly concerned with each other's initial progress. I nod

at a few acquaintances, silently hoping they the exam because they're silently hoping I collapse too. Such is the nature of the

Once we're all properly seated at folding tables spaced generously apart, we are given ten minutes' worth of Then the exams are passed out at exactly 8 A.M. The exam begins with a section called Multi-State, an endless series of tricky..... questions covering that body of law common to all states. It's absolutely impossible to tell how well I'm prepared.

The exam ends at 5 p.m. Friday, with a whimper. We're too to celebrate. They gather our papers for the last time, and tell us we can leave. There's talk of a cold drink somewhere, for old times' sake, and six of us meet at Yogi's for a few rounds.

We learned after the first in law school that it's best never to discuss exams. If notes are compared afterward, you become painfully aware of things you missed.

Unit 5. Law and Lawyers

Section 1. Profession of a Lawyer

I. WARMING-UP

1. Answer the following questions:

1. Why did you choose law as a career?
2. What is the most attractive thing in the legal profession: salary, protection of society and individuals, prestige ?
3. What are the major objectives of lawyer's work?
4. How do lawyers apply the knowledge of law in their practice?
5. Where do lawyers work? What legal professions do you know?
6. Is it important to specialize in any particular area? Why?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-----------------------------|--------------------------------------|
| 1) Legal profession | a) Соціальні відносини |
| 2) Law-making processes | b) Слідчий |
| 3) Social relations | c) Юрист, консультант з питань права |
| 4) Investigator | d) Суддя |
| 5) Prosecutor | e) Юридична професія |
| 6) Municipal enterprises | f) Нотаріус |
| 7) Lawyer | g) Адвокат |
| 8) To improve notary system | h) Прокурор |
| 9) Judge | i) Законотворчі процеси |
| 10) Informative activity | j) Муніципальні підприємства |
| 11) Notary | k) Інформативна діяльність |
| 12) Advocate | l) Вдосконалити нотаріальну систему |

3. Read the text to find the sentences with the words from exercise 2 and translate them.

TEXT 1

LEGAL PROFESSION in Ukraine

One of the most popular professions among the young people of our country is the profession of a lawyer. It is very interesting and important.

Our country is creating a *law-governed state*, and lawyers play a very significant role in this process. They are necessary for regulating social relations in the state.

In Ukraine, training lawyers is the task of the law establishments such as Law Academies, Law Institutes, and law faculties of several higher institutions. Graduates of different law schools can work at the Bar, in the organs of the Prosecutor's Office, in different courts, in notary offices, in legal advice offices, in organs of tax inspection, militia, as well as in different firms, companies, banks, enterprises, etc. They can work as advocates, judges, notaries, investigators, prosecutors, *legal advisors*, inspectors, customs officers, traffic officers, and other workers of *law enforcement agencies*.

Legal profession combines legal practitioners and scholars, members of the *judiciary*, and *the Bar*, *prosecutors*, *defense lawyers*, *notaries*, jurists and *counsels* (legal advisors of private, public, state and municipal enterprises, establishments and organizations) etc.

The Academy of Legal Sciences was established in 1993. It is a national scientific organization, which carries out the fundamental researches and coordinates, organizes and fulfils works in the field of state and law. The academicians and known scientists are the members of the Academy. There are also some other professional unions of lawyers in Ukraine.

The Union of Lawyers of Ukraine carries out lawmaking, scientific, methodological, educational and informative activities with the aim of promoting lawyers of Ukraine in their professional and social interests, their public activities and participation in the state policy development.

The Ukrainian Bar Association unites lawyers from all spheres of legal profession with the aim of protecting their professional and other common interests, developing the legal profession, and creating a law-governed state in Ukraine.

The Union of Advocates of Ukraine is an independent and self-governed public all-Ukrainian organization. It is aimed at facilitating the role and authority of the Bar in our society and the state, the true independence and self-regulation of the Bar and developing the democratic state in Ukraine.

The Ukrainian Association of Prosecutors has a purpose to protect legal rights and interests of its members who worked/work in the Prosecutor's Office, and support the prosecutors' positive image in Ukraine and abroad, helping to fulfill their tasks.

The Ukrainian Notarial Chamber is a public organization which supports its members in their professional activities, makes efforts to improve notary system and participates in the law-making process.

The Ukrainian branch of the European Law Students' Association – ELSA Ukraine is comprised of students and recent graduates of the Ukrainian law education establishments who are interested in law and have demonstrated commitment to international issues.

II. COMPREHENSION

1. Read the following statements and decide if they are true or false according to the text. Prove your answers with the information from the text.

- 1) The profession of a lawyer is very popular in our country.
- 2) The lawyer can help in regulating social relations in the state.
- 3) Only one educational establishment trains lawyers in Ukraine.
- 4) Members of the judiciary don't belong to the legal profession.
- 5) The Academy of Legal Sciences was established in 2003.
- 6) The aim of the Ukrainian Bar Association is law enforcement.
- 7) The Union of Advocates of Ukraine is a state-governed public all-Ukrainian organization.
- 8) The Ukrainian Notarial Chamber makes efforts to improve notary system.
- 9) ELSA is the Ukrainian branch of the European Law Students' Association.

2. Read the text again and complete the table.

Organization	function	aim
The Academy of Legal Sciences		
The Union of Lawyers of Ukraine		
The Ukrainian Bar Association		
The Union of Advocates of Ukraine		
The Ukrainian Association of Prosecutors		
The Ukrainian Notarial Chamber		

3. Find in the text synonyms to the following words and use them in your own sentences:

Body, country, lawful, legislation, defence lawyer.

4. Choose the right variant:

1. Law faculties of higher institutions –
 - a) enforce law
 - b) regulate social relations in the state
 - c) train lawyers
2. Legal profession doesn't comprise
 - a) counsels
 - b) notaries
 - c) accountants
3. The Academy of Legal Sciences
 - a) carries out the fundamental researches
 - b) makes efforts to improve notary system
 - c) creates a law-governed state
4. The purpose of protecting legal rights and interests of prosecutors is carried by
 - a) The Ukrainian Notarial Chamber
 - b) The Ukrainian Association of Prosecutors
 - c) ELSA Ukraine

5. Complete the sentences:

- 1) Organization, which has a purpose to protect legal rights and interests of its members who worked/work in the Prosecutor's Office, is called...
- 2) Students and recent graduates of the Ukrainian law education establishments, who are interested in law, may join...
- 3) The Union of Advocates of Ukraine is aimed at...
- 4) A national scientific organization, which carries out the fundamental researches and coordinates, organizes and fulfils works in the field of state and law, was established in...
- 5) A public organization which supports its members in their professional activities, makes efforts to improve notary system and participates in the law-making process, is...
- 6) Lawyers from all spheres of legal profession unite in...
- 7) The Union of Lawyers of Ukraine carries out the following activities:...

III. VOCABULARY STUDY

1. Fill in the correct word from the list below:

Investigator	Judge	Notary	Prosecutor	Advocate
--------------	-------	--------	------------	----------

1. ... presides in courtroom and administers justice, resolves disputes between parties, decides the case during the trial, gives the judgment.
2. ... investigates a criminal case, collects evidence, and discovers criminals.
3. ... usually initiates a criminal case and conducts criminal proceedings, presents evidence in the court.
4. ... is a public officer who certifies the documents or its copies and official acts: wills, commercial papers, deeds, etc.
5. ... prepares a case or documents, presents a case in a courtroom, defends a client, and drafts legal documents.

2. Match the terms with their definitions and make up your own sentences with these words:

1. relations	a) to become or to make sth better
2. faculty	b) a department within a university
3. chamber	c) free from and not controlled by another person, country, etc.
4. independent	d) something that you are morally, legally or officially allowed to do or have
5. rights	e) an organization that makes important decisions
6. to improve	f) the way in which people behave toward each other

3. Write the word families of the following words:

Law, judge, nation, science, activity, protect, practice.

4. Mark the meaning in which the following words are used in the text with a tick. Use them your own to make up sentences:

1. state – a) стан, положення
b) держава
c) штат
2. counsel – a) адвокат
b) порада
c) консультація

3. image – a) репутація
b) зображення
c) подібність
4. branch – a) гілка
b) підрозділ
c) відділення, філіал

5. Arrange the letters into correct order and write the words:

- 1) foenrmentce
2) seproorcut
3) ciajurydi
4) lishtabmentes
5) viordsa

6. Translate the following into English:

Яку роботу виконує юрист у сучасному світі? Прокурора, помічника прокурора, слідчого, судді, адвоката, оперативного співробітника МВС України, поліції, податкової міліції, митних органів, різних служб безпеки, а також співробітника управління в адміністрації області, міст і районів, начальника підприємств, установ та фірм. Значна кількість юристів займається політикою, дослідженнями і викладацькою діяльністю. Таким чином, професійні можливості юриста розповсюджуються на спеціалізовані установи, тобто судові, правоохоронні, правові та економічні структури.

IV. GRAMMAR FOCUS

1. Explain the use of articles with the names of institutions and organizations mentioned in the text.
2. Give the names of 5 higher education institutions and explain the use of capital letters. If the institutions do not appear in proper names, do they require capitalization?

V. SPEAKING

1. Write down the plan of the text in the form of questions. Ask your partner to answer them.

2. Give some advice to your friend who is going to become a lawyer using the following plan:

1. choice of specialization
2. number of years of training
3. income expectations
4. responsibilities
5. kinds of clients
6. challenges and opportunities.

3. Being a lawyer is regarded as one of the best professions in many countries. Consider the areas of specialization, which you would choose, or have chosen, and why? Discuss your future career in pairs, giving reasons for your decisions. Use some of the following expressions:

- Agreeing: Yes, you are quite/absolutely right.
 Yes, I quite agree with you.
 Well, I suppose you may/could be right.
- Disagreeing: I'm not sure you're right about...
 I'm afraid I can't agree with you.
 I don't really think...

e.g. A. I think I can become an investigator because I am very good at studying Criminal Code.

B. Yes, I quite agree with you. You could also become a notary.

A. I don't really think I would choose this career because...

Unit 5. Law and Lawyers

Section 2. Spheres of Law

I. LEAD-IN

1. Read and comment the quotation by famous people:

«No man is above the law and no man is below it: nor do we ask any man's permission when we ask him to obey it.»

Theodore Roosevelt

«Lawless are they that make their wills their law.»

William Shakespeare

«The law is reason, free from passion.»

Aristotle

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------|------------------------------------|
| 1) contract law | a) профспілки |
| 2) property law | b) делікт, цивільне правопорушення |
| 3) real estate | c) договірне право |
| 4) perpetrator | d) трудове право |
| 5) employment law | e) право власності |
| 6) trade unions | f) загальне право |
| 7) common law | g) правопорушник, злочинець |
| 8) tort | h) нерухоме майно |

TEXT 2

3. Read the text and tell what information is new for you.

SPHERES OF LAW

Law is a system of rules and guidelines, usually enforced through a set of institutions. It shapes politics, economics and society in numerous ways

and serves as a social mediator of relations between people. The field of civil rights deals with the balance of governmental power and individual liberties. Contract law regulates everything from buying a bus ticket to trading on derivatives markets. Property law defines rights and obligations related to the transfer and title of personal and real property. Real estate law generally involves anything dealing with real property (land). These laws are designed to determine who owns land and the buildings on it, who has a right to possess and use land or buildings, the sale and purchase of real property, landlord and tenant issues, the development of real property, and compliance with local, state, or national regulations affecting the use of real property.

If the harm is criminalised in a statute, criminal law offers means by which the state can prosecute the perpetrator. So, it is a body of law that prohibits certain kinds of conduct and imposes sanctions for unlawful behaviour. Constitutional law provides a framework for the creation of law, the protection of human rights and the election of political representatives. Administrative law is used to review the decisions of government agencies, while international law governs affairs between sovereign states in activities ranging from trade to environmental regulation or military action. Employment law addresses the legal rights of workers and their employers. Issues might include disputes regarding wages, hours, child labor, workplace safety, discrimination based upon race, gender, age, and disabilities; and trade unions.

Legal systems elaborate rights and responsibilities in a variety of ways. A general distinction can be made between civil law jurisdictions, which codify their laws, and common law systems, where case law is not consolidated into the code. In some countries, religion informs the law. Law provides a rich source of scholarly inquiry, into legal history, philosophy, economic analysis or sociology. Law also raises important and complex issues concerning equality, fairness and justice.

All legal systems deal with the same basic issues, but each country categorises and identifies its legal subjects in different ways. A common distinction is that between "public law" (a term related closely to the state, and including constitutional, administrative and criminal law), and "private law" (which covers contract, tort and property). In civil law systems, contract and tort fall under a general law of obligations, while trusts law is dealt with under statutory regimes or international conventions. International, constitutional and administrative law, criminal law, contract, tort, property law and trusts are regarded as the "traditional core subjects", although there are many further disciplines.

II. DEVELOPMENT

1. Are the following statements true or false?

- 1) The text describes different law fields.
- 2) According to the text, law is generally enforced through a set of institutions.
- 3) The text characterizes means by which the state can prosecute the perpetrator.
- 4) Civil law system doesn't differ essentially from that of common law.
- 5) Common law systems usually codify their laws.
- 6) There are no countries where religion informs the law.
- 7) Law also raises significant and complicated problems concerning equality, fairness and justice.
- 8) Basic issues are about the same for each country.

2. Complete the chart with the information from the text.

SPHERE OF LAW	CHARACTERISTICS
Contract law	regulates everything from buying a bus ticket to trading on derivatives markets.
Property law	
	involves anything dealing with real property (land).

3. In the text find the synonyms for the following words:

course of action, put into effect, freedom, duties, to be intended, rulings, law, measures, offender, penalty, principle, concerning, develop, difference.

4. Use the information in the text to explain the meaning of the following legal terms:

- law;
- civil law jurisdiction;
- common law system;
- public law;
- private law;
- trusts law;
- traditional core subjects.

III. PRACTICE AND EXPERIENCE

1. Do the General Law Quiz. Discuss the answers in groups of four.

1) What type of law system relies heavily on tradition and precedent?

- A Civil Law
- B Common Law
- C Public Law
- D Private Law

2) Which of the following is the most appropriate explanation of Civil Law:

Civil Law is about ...

- A ensuring perpetrators of crimes are punished
- B ensuring that the processes of government are in accordance with the principles of democracy
- C settling disputes among individuals
- D protecting the rights of the individual when they are accused of a crime.

3) Which of the following is the most appropriate word used to indicate law that has come into existence through the decision of judges in previous court cases:

- A Precedence
- B Antecedence
- C Preference
- D Supposition

- 4) Which of the following is the best explanation of the term "Legislation"?
- A Law made in the courts by the decision of judges
 - B Law made in parliament by the decision of judges
 - C Law made in courts by the decision of elected representatives of the people
 - D Law made in parliament by the decision of elected representatives of the people
- 5) Which of the following is not a legal term?
- A civil tort
 - B criminal tort
 - C constitutional tort
 - D government tort
 - E personal tort
 - F public tort
- 6) In the United Kingdom, what kind of a lawyer wears a wig in court?
- A jury
 - B barrister
 - C defendant
 - D prosecutor
- 7) Which established set of laws are the laws of the United States fundamentally founded?
- A General Civil Law
 - B English Common Law
 - C French Civil Law
 - D The Laws of the Founding Fathers

2. In pairs, discuss the following questions.

- 1) Why do we have laws?
- 2) Where, when and why do you think laws first started?
- 3) Do you think all laws are good?
- 4) Would you like to be a lawmaker? What new laws would you like your country to introduce?
- 5) Do you think the laws in your country are similar to those in other countries?

- 6) Are there any laws in your country that you think should be made tighter?
- 7) What's the craziest law you know of?
- 8) What do you think of the idea of international laws that would replace all national laws?
- 9) What new laws do you think we'll have fifty years from now?
- 10) What law would you like to make for your English class?

3. Read the text and fill in the gaps with the appropriate field of law.

Constitutional Law	Civil Procedure	Criminal Law	Procedural
Criminal Law	Administrative Law	Financial Law	Civil Law
Matrimonial Law	Commercial Law	Labor Law	

The Main Areas of Ukrainian Legislation

The Ukrainian legislative system is based on the systematically organized legal rules (norms) which are combined to constitute different legal areas – spheres of regulation.

In accordance with the system applied in Ukraine, large law areas are defined in the national legislation.

1. ... comprises the norms devoted to the political and state system, human rights, freedoms and duties of citizens, legal status of the Verkhovna Rada, the President, the Cabinet of Ministers, other central state bodies and local authorities, the Procuracy, the judiciary, territorial structure, state symbols etc. The main source of it is the Constitution.

2. ... combines the legal rules that deal with relations between the state bodies and persons, and administrative offenses as well. The main source of it law is the Code on Administrative Infractions. The newest invention is the system of the administrative courts, which are governed by rules set up in the Administrative Procedural Code of Ukraine.

3. ... includes the legal rules defining crimes, forms of guilt, punishment, discharge or mitigation. The Criminal Code of Ukraine came into force from September 1, 2001. The main change in the new Criminal Code is the replacement of the death penalty by perpetual imprisonment. It also envisages such new types of punishment such as public work, arrest, deprivation of liberty, and official restrictions for persons on military service. Economic crimes in Ukraine are defined in a separate chapter "Crimes in Economic Sphere" of the Criminal Code of Ukraine.

4. ... relates to the commencement of criminal proceedings, investigation, and court examination in criminal cases. The Criminal Procedural Code administers these procedures.

5. ... includes the legal rules governing the procedure of the court consideration and solving the disputes and the enforcement of writs. This legal field is governed by the Civil Procedural Code of Ukraine.

6. ... regulates issues of the state budget, banking, tax system etc. and its object of regulation includes money, securities and other financial instruments.

Formation of the financial system of Ukraine is in a permanent progress. The Budget Code was passed at the Verkhovna Rada in 2001.

7. ... comprises provisions governing the ownership and non-property, and intellectual property rights, contracts, torts, etc. The main act in this field of legislation is the newly adopted Civil Code. The other subjects of the new Civil Code are as follows: obligations, contract law, inheritance law, legal entities concept and other. The Code introduces new types of business contracts into the legal practice: factoring, franchising, and rent service or inherited contracts etc.

8. ... relates to the grounds of marriage, its solemnization and dissolution, personal ownership and non-property rights and duties of the spouses, relations between parents and children, adoption issues etc. Such rules are incorporated into the new Family Code adopted in 2002.

9. ... regulates contracts-based relations and deals with conflicts between legal entities, individuals and/or a state. Economic Procedural Code envisages that commercial courts administer actions filed by the business participants regarding protection of their rights and interests.

10. ... includes the legal rules combined in the Labor Code of 2001 that governs the matters of the labor contracts, working hours, holidays and rest days, safety at the working place, wages, sick leave, social protection, the labor disputes resolution, as well as basics of trade union activity.

IV. WRITING

1. Imagine that you are a lawyer. Write a brief note about what sphere of law you prefer to practice in, point out advantages and disadvantages of being a practitioner in this field.

2. Prepare a report on topic: «Important and complex legal issues raised in Ukraine during last year» .

V. OVER TO YOU

LAW QUIZ

Contract law .

If performance of a contract is impossible, what is the reason for contract ending?

- a. agreement
- b. breach
- c. performance
- d. frustration.

Criminal law.

A Which of the following procedures does a defendant have a right to have counsel present?

- a. analyzing of defendant's handwriting samples
- b. a line up after formal criminal proceedings have commenced
- c. witness viewing still pictures of suspect for identification purposes
- d. analyzing of defendant's fingerprints.

Employment law.

1. Which of the following is not valid reason to bring an unlawful discrimination case against your employer?

- a. gender or gender reassignment
- b. race
- c. religion
- d. hair colour.

2. True or False: An employer can treat you less favourably because you work part time or because you work on a fixed time contract.

Administrative law.

True or False: Adjudication represents the judicial power of administrative agencies.

Constitutional law.

The President of the USA must be 35 years of age to hold office. Accordingly to the Constitution, how old must a State representative be?

- a. 35
- b. 25
- c. 27
- d. 21.

Arrange the sentences in the correct order. Read the joke and discuss it with your fellow student.

"Nothing," replied the man. "I'm here to hook up your phone."

Upon seeing a man enter the lobby of his office, he immediately picked up his phone and spoke into it, "Eight hundred thousand dollars? You're kidding me. You're going to have to do better than that. Our bottom line for settlement is a million. Don't waste my time with anything less."

Slamming down the phone, he then turned to the man who had just walked in, and said, "Now, what can I do for you?"

A young lawyer, in the process of opening a new private practice, was very anxious to impress potential clients.

PART II

**Constitutional and
Administrative Law**

Unit 1. Constitutional Law

Section 1. The Nature of Constitutional Law

I. WARMING-UP

1. Sort out the following verbs into three columns depending on their pronunciation:

[d]

[t]

[Id]

Established, outlined, believed, connected, claimed, mentioned, influenced, adopted, construed, applied, linked.

2. a. Read the definition given below.

Constitution is defined as a set of basic laws and principles that a country is governed by.

b. Add one sentence of your own to the given definition.

Read the text and work over the italicized terminology:

TEXT 1

CONSTITUTIONAL LAW: OUTLINE OF HISTORY AND DEVELOPMENT

We may begin by asking the question: «What is *constitutional law* and what part does it play in our *constitution*?» One motive for seeking a definition of constitutional law is simply to settle conventional questions of usage within the legal system for purposes of exposition: to mark, for example, the boundaries of constitutional law and administrative law, or public law and private law. Another point of asking this question is to establish the existence of clear distinction between rules of strict law and rules established by political practice or *constitutional convention*.

So, constitutional law is the law which establishes, empowers and regulates institutions of government. Simple as it may seem, there is a complication because constitution has three meanings. First, it means all the laws regulating government. From this first meaning comes a second meaning where constitution refers to a system of government. Finally,

constitution is used in a narrow sense to mean a document or statute, called «Constitution» containing basic constitutional rules.

The concept of constitution was first outlined in Aristotle's classification of governments identified with constitution. He believed that the best *form of constitution* is the combination of monarchy, aristocracy and democracy so that citizens could realize their rights and carry out the duties for the benefit of the whole society.

The modern ideological roots of the idea of constitutional law are connected with the names of Thomas Hobbes, John Locke and other scholars who claimed the concept of concentration of powers and separation of powers and developed the notion of *social contract*. According to the above-mentioned notion, people in society willingly give up absolute freedom for sake of security and prevention of rule of «the law of the jungle» (the principle that only the strongest will survive).

The works of these philosophers influenced upon the authors of the US Constitution and the French Declaration of the Rights of Man and the Citizen.

As the constitution is the framework for government then constitutional law is the study of foundational laws of *nation states*. Constitutions may limit or define the authority and procedure of political bodies to provide for enforcement of new laws and regulations.

Constitutional law is the body of law governing the *implementation and interpretation of the constitution*. It defines the range and application of the terms of the Constitution and covers fundamental aspects of the application of government authority in the nation states. It is a field of law that is both complex and broad. Some *constitutional lawyers* maintain that the Constitution purposely remains vague and subject to interpretation so that it may be *adopted to* the circumstances of a changing society. Other *constitutional scholars* however, maintain that the provisions of the Constitution should be strictly construed and their *provisions* applied in a very literal manner.

Constitution is usually understood as the main formal document of the state but, of course, dealing with constitutional law the constitutional lawyer must not only consider *constitutional history* and political practice but also conventions of various kinds that are closely linked with the constitution itself.

II. COMPREHENSION

1. Make up the plan of the text to outline the general ideas.

2. Answer the questions to check your level of understanding the text:

- a. What are the motives for seeking the definition of constitutional law?
- b. What form of government was the best possible, according to Aristotle?
- c. Whose works should we keep in mind speaking about development of constitutional law?
- d. Why is this field of law broad and complex?
- e. What two points of view of the constitution are mentioned in the text?
- f. Why does a constitutional lawyer have to take into consideration the existing conventions and extralegal rules?

3. Translate into Ukrainian:

the boundaries of constitutional law, distinction between rules, political practice, classification of forms of governments, the notion of social contract, «the law of the jungle», foundational laws of nation states, enforcement of new laws and regulations, application of the terms, subject to interpretation, the main formal document of the state.

4. Referring to the text define the meaning of the word combinations:

Legal provision

Legal system

III. VOCABULARY STUDY

1. Choose the word on the right that is associated with the word on the left:

Definition – term, exposition, custom

Constitution – work, document, tradition

Democracy – convention, custom, government

Provision – article, subject, influence

Enforcement – authority, court, regulation

Scholar – school, scientist, circumstances

- 2. Decide on the right answer choosing among the following words and putting them in the appropriate form:** to constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality

The federation was ... in 1949.

The UK is a... monarchy.

The right to speak freely is written in the ... of the USA.

A decision on the proposal's ... still has to be made.

... oppressions were the reason for the international conflict.

He was ... incapable of dealing with this matter.

- 3. State the part of speech for the following words and use them in the word combinations of your own:**

Constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality.

- 4. Read and comment upon the definition of the constitution given below:**

Constitution is the fundamental, underlying document which establishes the government of a nation or state. The U.S. Constitution, originally adopted in convention on September 17, 1787, ratified by the states in 1788, and thereafter amended 27 times, is the prime example of such a document. It is the basis for all decisions by the U.S. Supreme Court (and federal and state courts) on constitutionality.

In 1803 the power of the Supreme Court to strike down federal statutes was firmly established. The Supreme Court is the final arbiter of constitutional interpretation. The "equal rights" provision of the 14th Amendment established that the rights in the first ten amendments ("Bill of Rights") applied to state governments.

Unfortunately, state constitutions have gathered tremendous amounts of baggage of detail by amendment over the years, and it is more difficult to "fine tune" state constitutions by further amendment than it is to enact statutes (pass new laws). However, state courts are bound by their state's constitution on fundamental issues. The so-called English constitution is an unwritten body of legal customs and rights developed by practice and court decisions from the 11th to the 18th Century.

5. Put in the missing prepositions:

1. These provisions of the Constitution are not subject ... amendment.
2. The main sources ... English constitutional law are statutes and judicial precedents.
3. According ... the Constitution, the Prime Minister carries ... the domestic policy of the state.
4. The procedure ... conducting elections of the President of Ukraine is established ...law.
5. The Verkhovna Rada of Ukraine assembles ... its first session no later than ... the thirtieth day... the official announcement ... the election results.

6. Read, translate, memorize these matching combinations and use them in examples of your own:

Constitutionally	acceptable eligible proper improper
Constitutional	abuse act right bound
Constitution	of the country of the court

7. Fill in the blanks using the prompts given below:

(has been suggested, can be used, defines, may influence)

The influence of constitutional differences upon the role of the judiciary in the application of law is the question of utter importance as it ..., for example, the extent to which adjudication embodies policy as well as the permissible techniques which ... in the interpretation of statutes.

Two constitutional factors the notion ... of the judicial role and judicial interpretation. Firstly, the formal relationship between legislature and judiciary may be significantly different in different political systems.

Secondly, there may be structural differences in the modes of operation of legislatures.

It ... that these factors lie behind the differences of approach in different governmental systems, the one favouring a conservative, literal, even «wooden» approach to the interpretation of statutes, the other inclining towards more liberal, flexible attitudes.

8. Translate into English paying special attention to the terminology on the topic «Constitutional Law»:

Конституційне право (державне право) – це галузь права.

Конституційне право спирається на Конституцію як головний закон держави та основу поточного законодавства країни. Під Конституцією, що є головним джерелом системи права в державі, розуміється сукупність актів та конституційних звичаїв, які проголошують права та свободи людини і громадянина, визначають основи суспільного устрою, форму правління та територіального статусу, а також основи організації центральних та місцевих органів влади.

Конституційне право – це система правових норм, що закріплюють та регулюють групу суспільних відносин, а саме:

1. соціально-економічний, політичний та територіальний устрій держави;
2. забезпечення реалізації прав та свобод людини і громадянина;
3. систему державної влади;
4. систему внутрішнього самоврядування.

9. In the text find the sentences containing modal verbs. Pay attention to the usage of the modal verb must:

a. Obligation/Necessity:

Example: You must do your homework.

You must study hard.

b. Deduction:

Example: You must be cold.

You must hate getting up early.

c. Prohibition:

Example: You mustn't smoke here.

You mustn't tell anyone.

d. Recommendation:

Example: You must see this new film – it is fantastic!
You must read his new book.

Illustrate the usage of must in the form of four mini-dialogues.

IV. SPEAKING

1. Express your ideas as for Aristotle's belief of the best form of the constitution.
2. How does constitutional meaning shift with other changes in political structure?
3. How does constitutional meaning shift with changes in cultural norms?
4. How much weight should we give to the history of the Constitution?
5. In what ways are rights and freedoms of people embodied in constitutions?

Choose one of the questions from the previous block as the topic for representation.

Unit 1. Constitutional Law

Section 2. Constitution of Ukraine

I. LEAD-IN

1. Read the sentences. Three of these sentences are wrong. Find them and say why you have chosen them.

1. Ukraine has no written constitution.
2. The Constitution of Ukraine was adopted in 1996.
3. The form of state government is a presidential republic.
4. The power in Ukraine belongs to people.
5. The Constitution was confirmed by the Verkhovna Rada of Ukraine.
6. The Constitution can be interpreted only by the Constitutional Court.
7. Laws and other normative legal acts must conform to the Constitution of Ukraine.
8. The right to amend the Constitution is vested with the Cabinet of Ministers.

Read the text and work over the terms italicized in the text:

Vocabulary Notes:

To **promulgate** – проголошувати, оприлюднювати

TEXT 2

HISTORY OF CONSTITUTION OF UKRAINE

The Constitution of Ukraine is the main formal document of our country. The *adoption* of a new constitution of Ukraine at the 5th session of the Verkhovna Rada of Ukraine on June 28, 1996 became an important event in the life of the people of Ukraine. The constitution is the fundamental law of the land: laws and other normative legal acts must *conform* to it. The right to amend the Constitution through a special legislative procedure is vested exclusively with the parliament. The only body that may determine whether legislation conforms to it is the Constitutional Court of Ukraine.

The first Constitution of Ukraine was written by hetman Philip Orlyk in 1710. Being the first constitution in Europe it was notable for its profound

democracy. The experience of Ukrainian people's republic (1918) played a significant role in the constitutional process. Until June 8, 1995, Ukraine's supreme law was the Constitution of the Ukrainian SSR (adopted in 1978, with numerous later amendments). Present Constitution *was adopted* at a dramatic overnight parliamentary session of June 27-28, 1996. The Law No. 254/96-BP ratifying the Constitution *was ceremonially signed and promulgated* in mid-July 1996. However, according to a ruling of the Constitutional Court, current Constitution took force at the moment when the results of the parliamentary vote were announced, i.e., June 28, 1996.

On December 8, 2004, the parliament passed the Law No. 2222-IV *amending* the Constitution. The law *was approved* with a 90 percent majority (402 ayes, 21 nays and 19 abstentions while for passing it required 300 ayes) simultaneously with other legislative measures aimed at resolving the presidential election crisis.

Principles of democracy common to all mankind are embodied in the Constitution which guarantees the basic economic, social, cultural, public and political rights to the citizens of Ukraine. According to the Constitution Ukraine is a sovereign, democratic, social and juridical state. The form of *state government* is a republic. The head of the state is the President. The power belonging to the people of Ukraine is exercised through democratic elections by state government bodies and *self-government institutions*. All citizens have equal rights. People are proclaimed the greatest social value in Ukraine. These and other regulations are developed in the chapters of the Constitution.

The best national traditions *are embodied* in the fundamental law of Ukraine. The Constitution creates the *legal bases* of regulation of social relations.

II. DEVELOPMENT

1. Read the dates and make your comments referring to the text:

1996
1710
2004
1978
1918

Which date is concerning the topic «History of Amendments of the Constitution»?

2. Give the Ukrainian equivalents to the basic terms:

The main formal document, the fundamental law of the land, special legislative procedure, regulation of social relations, majority

Reconstruct the sentences with these word combinations.

3. Suggest the meaning of the following verbs:

Adopt, amend, promulgate, proclaim, exercise, vest, approve, develop, embody, announce.

Using the Passive Voice constructions make up sentences of your own with the given verbs.

4. Complete the sentences and let your fellow student translate them into Ukrainian:

1. The Constitution establishes...
2. According to the Constitution, all mineral and natural resources in our country belong to...
3. The Constitution guarantees...
4. The Constitution specifies the powers of...
5. The highest body of legislative power is...
6. The Constitution was adopted...
7. Justice in Ukraine is exercised and administered by...
8. According to the Constitution, church and religious organizations are...

5. Match the words used while voting:

Аге	Утримався
Нау	Проти
Abstention	За

Work in a group: Reconstruct the situation of the meeting of the Cabinet of Ministers (let the «secretary» announce the results of approving or rejecting the point).

6. Supply the necessary words.

The main points of the Constitution:

(Державна мова) of Ukraine is Ukrainian.

(Державні символи) are the State flag, the State Emblem and the State Anthem.

Every person has the right to free development of his/her personality as long as there are no (порушень прав та свобод інших громадян).

(Усі громадяни) have equal Constitutional rights and are equal before the law.

(Захист Батьківщини, її незалежність та територіальна цілісність, а також повага до державних символів) are the duty of Ukrainian citizens.

Citizens who have reached the age of 18 (мають право голосувати) and are guaranteed free expression of their vote.

The President of Ukraine is (голова держави) and speaks on behalf on it.

The Constitution of Ukraine (складається з 15 глав та 161 статті).

(День її прийняття) is a state holiday – the day of the Constitution of Ukraine.

III. WRITING

Work in pairs. Write notes in the chart and be ready to discuss the results in the group:

The System of Judicial Power in Ukraine

Name of a Court	Competence
The Constitutional Court	
The Supreme Court	
Court of appeal	
Local Court	

IV. PRACTICE AND EXPERIENCE

- 1. Study the contents of the Constitution of the Russian Federation and the Constitution of Ukraine. Compare the structures and make notes paying special attention to similarities and differences of the layout of these documents.**

The Constitution of the Russian Federation

First Section

Chapter 1

The Fundamentals of the Constitutional System (Art. 1–16)

Chapter 2

Rights and Freedoms of Man and Citizen (Art. 17–64)

Chapter 3

The Federal Structure (Art. 65–79)

Chapter 4

The President of the Russian Federation (Art. 80–93)

Chapter 5

The Federal Assembly (Art. 94–109)

Chapter 6

The Government of the Russian Federation (Art. 110–117)

Chapter 7

Judicial Power (Art. 118–129)

Chapter 8

Local Self-Government (Art. 130–133)

Chapter 9

Constitutional Amendments and Review of the Constitution (Art. 134–137)

Second section

Concluding and Transitional Provisions

The Constitution of Ukraine

Preamble

Chapter I

General Principles

Chapter II

Rights, Freedoms and Duties of Individuals and Citizens

Chapter III

Elections; Referendum

Chapter IV

The Verkhovna Rada of Ukraine

Chapter V

The President of Ukraine

Chapter VI

The Cabinet of Ministers of Ukraine; Other Organs of Executive Authority

Chapter VII

Prosecutor's Office

Chapter VIII

The System of Justice

Chapter IX

Territorial Structure of Ukraine

Chapter X

The Autonomous Republic of Crimea

Chapter XI

Local Self-government

Chapter XII

The Constitutional Court of Ukraine

Chapter XIII

Amending the Constitution of Ukraine

Chapter XIV

Final Provisions

Chapter XV

Transitional Provisions

V. OVER TO YOU

1. The suggested topic for further discussion:

The smallest minority on earth is the individual. Those who deny individual rights cannot claim to be defenders of minority.

2. Find out from your partner Student A:

- how the Constitution can be amended;
- what principles are embodied in the Constitution;
- how the power is exercised

Unit 2. States, Statutes and Constitutions

Section 1. Constitutional Law in the UK and USA

I. WARMING-UP

Decide where I is for [ai] and which of the following words contain [i]:
Britain, outline, rights, theorist, constitutional, written, write, sign, signature, united, unit, legislate, political, derive, exist, provide, majority, important, ideology.

Sort out the words into the columns «The UK», «The USA»

You teacher will consult you about meanings of the unknown words.

Queen/King, Congress, Parliament, the Great Charter, Bill of Rights, the PM, the Senate, MPs, House of Lords, House of Representatives, Lord-Chancellor, the Supreme Court, Federal Court of Appeal, the President, Home Secretary, Secretary of State, Royal assent.

TEXT 1

CONSTITUTIONAL LAW IN THE UK AND THE USA

Being the supreme law, the constitution helps the state function on the basis of outlined rules and generally accepted principles. If we try to compare the main characteristics of the constitutions of the United States and Great Britain, we will see that the first one is presented in the *written* form while the second one is considered to be *unwritten*. However, we should keep in mind that many parts of the British constitution exist in written form too. One of the most important *enactments* of the British constitution was the Great Charter (1215) when king John had to *sign* the document where the rights of the Englishmen were written down. Among other leading enactments, we should mention the Bill of Rights (1689), the Act of Settlement (1700-1701) and the Parliament Act of 1911.

The sources of English constitutional law are statutes, precedents, textbooks, the writings of historians and political theorists and other documents of importance. As there is no codified document then there is no special safeguard

for constitutional rules. Constitutional law can be changed or amended. The Parliament is authorized to legislate in any field. There are no fundamental ideologies and no procedures to interfere with constitutional change.

In the USA there exists a written constitution adopted in 1788. It starts with the words: «We, the people of the United States, in order to form a more perfect Union, *establish justice*, insure domestic tranquility, provide for the common *defence*, promote the general *welfare*, and secure the Blessings of Liberty to ourselves and our *Posterity*, do *ordain and establish* this Constitution of the United States of America».

While American constitutional law *derives* many of its forms *from* the common law, it is important to note that the constitutional order of the United States was very different from that of the United Kingdom. The Constitution's written nature and formal enumeration of the power of government are the main factors determining this difference. Constitutional law of the USA deals with interpretation and implementation of the United States Constitution, the fundamental law of the country. Constitutional law also deals with relationships within society, including the relations among the states, the states and the federal government, the three branches (the executive, legislature and judiciary) of the federal government, and the rights of the individuals on the federal and state level. The logic of separation of powers is as follows: the principle of separation of powers requires that the legislature not act beyond its constitutional authority; it establishes the courts as the final legal arbiter of that principle; an official who acts beyond one's legal authority acts unlawfully and is subject to legal liability accordingly. The Supreme Court has played the crucial role in interpreting the main constitutional provisions. Consequently, study of constitutional law focuses mainly on Supreme Court rulings.

The Supreme Court's interpretations of the Constitution are binding on the legislative and executive branches of the federal government, on the lower courts in the federal system and on all state courts. That is why they say that the US has a rigid constitution because proposals to amend the main constitutional document can only be added through a complex procedure of majority vote in each house of Congress.

II. COMPREHENSION

1. Answer the following questions:

1. Does the British constitution have systematic statement of law?
2. What are the main sources of constitutional law in the UK and the US?

3. What notions are stressed in the Preamble (передмові) to the Constitution of the US?
4. What judicial body in the US is given power to interpret the Constitution?
5. Can you name the leading enactments of the British constitution?

2. **Why is the division of power important? What are drawbacks (недоліки) and advantages of one-house legislature?**

3. **Compare the system of government of the United States, the United Kingdom and of Ukraine? How is power separated among different branches?**

4. Explain the meaning of the following words in English:

Executive, judicial, legislature, interpreting the Constitution.

Referring to the text make up a dialogue on the topic «Separation of powers».

III. VOCABULARY STUDY

1. Restore the word order:

- a. A/ of government/ the United States/ structure/ has/ federal.
- b. On/ the Constitution/ state/ autonomy/ imposes/ limitations.
- c. Are/ by/ constituted/ rules/ legal/ the/ and/ the/ courts/ legislature.
- d. Called/ the/ rules/ are/ creating/ of government/ agencies/ rules/ constitutive.
- e. by/ Congress/ legislative/ the/ power/ exercised/ is.
- f. Have/ the/ law/ the/ courts/ authority/ has/ to determine/ conferred.
- g. Imposes/ the U.S. Constitution/ obligations/ on/ the/ legal/ states/ with/ each/ in/ their/ other/ relationships.
- h. Defined/ the/ the U.S. Constitution/ of/ the/ powers/ government/ federal.

2. Match the suitable translation to the following combinations with the word «power»

Powers expressly assigned
Separation of powers
The Great Powers
The power of attorney
Power to contract
Power structure
The power of attorney and substitution
Power politics

Великі держави
Політика з позиції сили
Право на укладання договорів
Розподіл владних повноважень
Безпосередньо надані повноваження
Доручення
Доручення з правом передоручення
Структура розподілу влади
The Great Charter (Magna Carta)

3. Read the text and fill in the blanks with verbs in necessary forms:

The idea that government (to be, not) powerful (to appear) with King John's signing the Magna Carta in 1215 under the threat of civil war. The document (to establish) the principle of limited government refusing the absolute role of the monarch. The Great Charter (to provide) for protection against unjust punishment and the loss of life, liberty and property except according to law. It (to stipulate) that no citizen (can, to punish) without a fair trial. Under this prominent document the king (can, not, to collect) taxes without consulting his advisors.

Though the Magna Carta (to intend) as the document protecting the aristocracy in time it (to come) one of the cornerstones of British liberties. It (to be) still (to regard) one of the oldest written constitutional papers.

4. Read and comment upon the definition of the constitutional rights given below:

Constitutional rights are given or reserved to the people by the U.S. Constitution, and in particular, the Bill of Rights (first ten amendments). These

rights include: writ of habeas corpus, no bill of attainder, no duties or taxes on transporting goods from one state to another (Article I, Section 9); jury trials (Article III, Section 1); freedom of religion, speech, press (which includes all media), assembly and petition (First Amendment); state militia to bear arms (Second Amendment); no quartering of troops in homes (Third Amendment); no unreasonable search and seizure (Fourth Amendment); major ("capital and infamous") crimes require indictment, no double jeopardy (more than one prosecution) for the same crime, no self-incrimination, right to due process, right to just compensation for property taken by eminent domain (Fifth Amendment); in criminal law, right to a speedy trial, to confront witnesses against one, and to counsel (Sixth Amendment); trial by jury (Seventh Amendment); right to bail, no excessive fines, and no cruel and unusual punishments (Eighth Amendment); unenumerated rights are reserved to the people (Ninth Amendment); equal protection of the laws (14th Amendment); no racial bars to voting (15th Amendment); no sex bar to voting (19th Amendment); and no poll tax (24th Amendment). Constitutional interpretation has expanded and added nuances to these rights.

5. Join the word pieces:

DISTR	TUTION
DRAW	BUTION
CONSTI	BACK
LEGIS	MENTATION
IMPLE	LATURE
PRESI	ING
BIND	DENT

Make up word combinations to illustrate the usage of these words.

6. Translate into English:

Біль про права 1689 року був одним із досягнень англійського народу у протистоянні до Стюартів та парламенту. Він обмежував монархію і наділяв парламент владою у вирішенні багатьох питань. Англійський Біль про права містив у собі багато ідей стосовно права та держави, які пізніше знайшли відображення в американській Декларації про незалежність. Біль про права декларував такі традиційні права англійців, як право на суд присяжних, заборона жорстоких покарань, право звертатися з петиціями до владних органів та деякі інші.

7. Translate the text into English:

У 1787 році Джеймсу Мейсону було 36 років. Він навчався у Принстоні (Princeton), а пізніше був обраний представником у Контиентальний конгрес. Томас Джефферсон вислав йому з Парижа більше двохсот книг з історії керівництва державою. Після того як Мейсон ретельно вивчив їх, він виклав свої висновки в роботі «Недоліки політичної системи Сполучених Штатів» («Vices of the Political System of the United States»). Мейсон вважав, що державне керування буде ефективним лише в тому випадку, коли урядовці будуть змушені враховувати інтереси різних соціальних груп.

Джеймс Мейсон був пізніше обраний президентом та займав посаду голови держави з 1809 до 1817 року.

8. Pay attention to the sentence containing «neither...nor» structure. Remember that it is used with the affirmative verb for emphatic effect of combining two negatives. The idiom «neither here nor there» has the meaning «not important/relevant»

Translate the following sentences into Ukrainian:

- a. Neither threats nor arguments had any effect on him.
- b. They said that the room was comfortable and bright but it was neither comfortable nor bright.
- c. He neither wrote nor phoned.
- d. The fact that she is the president's daughter is neither here nor there. She will be punished as anybody else.

9. Some adjectives are used with certain prepositions (you can find the example in the text: «different from»)

Check yourself supplying the missing prepositions after the adjectives:

- a. He is angry...me.
- b. They feel obliged...you.
- c. He is sorry...her.
- d. They went ahead contrary...my advice.
- e. She is busy...the baby at the moment.
- f. I am faithful...my principles.
- g. You will be late...classes again.
- h. Are you aware...cost of this?
- i. This service is free...charge.
- j. He is not afraid...taking risks.

IV. SPEAKING

1. Suggest your ideas on the following statements:

- It has been said that «America is the only true democracy in the western world». Do you agree?
- Are you interested in politics? Should lawyers be politically active?
- What are the main differences in the Constitutions of the UK, the USA and our country?
- What kinds of monarchy can you name? What are the pluses and minuses of living in the country ruled by king or queen?
- If you were to appoint the members of the Cabinet of Ministers what criteria would you rely on and whose recommendations would you listen to?

NB! For rendering your ideas, you can use inserted components like the one given in the text («consequently»). Among others «logical connectors» are: to begin with, firstly, secondly, notwithstanding, therefore, concluding the above-mentioned, summarizing this passage, etc.

Unit 2. States, Statutes and Constitutions

Section 2. Types and Functions of Constitutions

I. LEAD-IN

- What is the role of the constitution in establishing
- state and legal structure;
 - human rights;
 - legal procedures?

Read the text referring to the italicized terms:

TEXT 2 CONSTITUTIONAL LAW: TYPES AND FUNCTIONS OF CONSTITUTIONS

Constitutions are the framework for government and may limit or define the *authority* and procedure of political bodies to execute new laws and regulations. Not all nation states have *codified constitutions* though all law-governed states have law of land consisting of various imperative and consensual rules. They may include common law, conventions, statutory law and international rules.

Codified constitutions are considered rulemaking fundamentals, or rules about making rules to exercise power. They govern the relationships among the judiciary, *the legislature* and the executive bodies. One of the key tasks of constitutions within this context is to indicate *hierarchies of power*. For example, in a unitary state the constitution will vest ultimate authority in the central administration and legislature, and judiciary, though there is often a *delegation of authority* to local or municipal bodies. When a constitution establishes a federal state it will identify several levels government coexisting with exclusive or shared areas of jurisdiction over lawmaking, application and enforcement.

Human rights or liberties for citizens form a crucial part of a country's constitution and govern the rights of the individual against the state. Most jurisdictions, like the United States, Ukraine and France, have a single codified constitution. A recent example is the Charter of Fundamental Rights of the European Union, which was intended to be included in the Treaty establishing a Constitution of Europe.

Some countries, like the United Kingdom, have no entrenched document setting out the fundamental rights – in this jurisdiction the constitution is composed of statute, *case law* and *convention*. Inspired by a famous philosopher John Locke, the fundamental *constitutional principle* is that the individual can do anything but that is forbidden by law, while state may do nothing but that is which authorized by law.

The function of codified constitution is also to describe the procedure by which parliaments may *legislate*. For instance, special majorities may be required *to alter* the constitution. In two-chamber legislatures there may be a process laid out for second or third readings of bills before a new law can be passed.

II. DEVELOPMENT

1. Answer the following questions:

1. Do all state nations have codified constitutions?
2. In what way does a constitution defend human rights?
3. What is jurisdiction of the UK composed of?
4. What is one of the fundamental constitutional principles?
5. How can you describe the role of the constitution in establishing central-local relations of authorized bodies in a unitary state?

2. Sum up the text in five sentences paying special attention to pointing out the main functions of the constitution.

3. Give five more words with the same suffixes for each of the following groups of words:

Enforcement

Government

...

Shared

Law-governed

...

Fundamental
Constitutional

....

Imperative
Legislative

...

Illustrate the usage with the examples of your own.

4. Render the following text in English:

Конституція – це головний закон держави, який визначає її суспільний устрій, порядок та принципи утворення представницьких органів влади, виборчу систему, основні права та обов’язки громадян. Конституція – це основа чинного законодавства.

Конституція – це сукупність актів та конституційних звичаїв, які проголошують права та свободи людини і громадянина, визначають форму керування та територіального устрою, основи організації центральних та місцевих органів влади.

Конституція є головним джерелом права в державі. Конституції поділяють за формою на кодифіковані, некодифіковані та конституції змішаного типу; за засобом внесення змін — на гнучкі та жорсткі; за терміном дії — на постійні та тимчасові.

5. Match the words:

To interpret	state
Appellate	of powers
Constitutional	law
Legal	Court
Bill	courts
The form	of Rights
Rights	provision
Separation	and freedoms
Nation	branch
Judicial	of government

6. Join the English expressions containing the term «authority» with their Ukrainian equivalents:

Law-enforcement authorities	влада парламенту
Lawful authority	підривати авторитет

To abuse one's authority	законна влада
The authority of Parliament	передавати повноваження
To delegate one's authority	правоохоронні органи
Unrestricted authority	з надійних джерел
On good authority	посилатися на надійні джерела
To quote one's authority	необмежені повноваження

7. Translate into Ukrainian:

Key task, statutory law, special majorities, crucial part, forbidden by law, authorized by law, setting out the rights, imperative and consensual rule.

Use these word combinations in sentences of your own.

III. WRITING

1. Study the following saying by Friedrich Hayek (British political economist)

Liberty not only means that the individual has both the opportunity and the burden of choice; it also means that he must bear the consequences of his actions...Liberty and responsibility are inseparable.

Prepare a written comment on the meaning of the word «liberty» in the passage.

IV. PRACTICE AND EXPERIENCE

1. Mark the name of the countries with «federal state» or «unitary state»:

- Australia
- Canada
- Turkey
- Poland
- Great Britain
- Ukraine
- Russia
- the USA
- Belgium
- China
- Brazil
- Lithuania

2. Prepare a report on the constitutions of the countries with federal/unitary system of government.

V. OVER TO YOU

1. Read the summary and choose one of the points for discussing in detail.

A constitution performs the following functions:

- a. it establishes institutions of government,
- b. it defines the powers of the institutions of government,
- c. it prescribes the circumstances in which a power can be exercised
- d. it specifies procedures to exercise the power legally and effectively.

2. The suggested topic for further discussion:

How does the existence of the constitution confirm the words of Abraham Lincoln: «No man is good enough to govern another man without that other's consent»?

Unit 3. Administrative Law

Section 1. The Nature of Administrative Law

I. WARMING UP

1. Answer the following questions:

- 1) What sphere of law does administrative law belong to?
- 2) What is the main task of administrative law?
- 3) What administrative bodies can you think of?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--------------------------|-------------------------------|
| 1) rulemaking | a) винесення судового рішення |
| 2) adjudication | b) урядові установи |
| 3) regulatory agenda | c) оподаткування |
| 4) taxation | d) нормотворчість |
| 5) government agencies | e) судовий перегляд |
| 6) judicial review | f) суттєвий для оцінки |
| 7) vital in appreciating | g) регулятивна програма |

3. Divide the following words into two groups:

- 1) those in which the letter g is pronounced as [g],
- 2) those in which the letter g is pronounced as [dʒ].

Agencies, government, regulatory, agenda, general, legal, encouraging, legislative, immigration, adjudicate.

Read the text paying special attention to the most important definitions.

TEXT 1 ADMINISTRATIVE LAW

Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can

include rulemaking, adjudication, or the enforcement of a specific regulatory agenda.

Rulemaking is an agency process for formulating, amending, or repealing a rule. A rule in turn is the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.

Adjudication is an agency process for the formulation of an order. An order in turn is the whole or part of a final disposition of an agency in a matter other than rule making but including licensing.

Administrative law is considered a branch of public law. As a body of law, administrative law deals with the decision-making of administrative units of government (e.g., tribunals, boards or commissions) that are part of a national regulatory scheme in such areas as police law, international trade, manufacturing, the environment, taxation, broadcasting, immigration and transport.

Administrative law expanded greatly during the twentieth century, as legislative bodies world-wide created more government agencies to regulate the increasingly complex social, economic and political spheres of human interaction.

While administrative decision-making bodies are often controlled by larger governmental units, their decisions could be reviewed by a court of general jurisdiction under some principle of judicial review based upon due process (United States) or fundamental justice (Canada).

Judicial review of administrative decision, it must be noted, is different from an appeal. When sitting in review of a decision, the Court will only look at the method in which the decision was arrived at, whereas in appeal the correctness of the decision itself will be under question. This difference is vital in appreciating administrative law in common law countries.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

- 1) administrative law;
- 2) rulemaking;
- 3) a rule;
- 4) adjudication;
- 5) an order.

2. Answer the following questions using the information from the text:

- 1) What can government agency action include?
- 2) What does administrative law deal with?
- 3) When did administrative law expand greatly? Why?
- 4) Why could the decisions of administrative decision-making bodies be reviewed by a court of general jurisdiction?
- 5) How does judicial review of administrative decision differ from an appeal?

3. Complete the following sentences according to the information from the text:

- 1) A rule is the whole or a part of an agency statement of general or particular applicability and
- 2) The decision-making of administrative units of government (e.g., tribunals, boards or commissions) are part of ...
- 3) While administrative decision-making bodies are often controlled by larger governmental units,...
- 4) When sitting in review of a decision, the Court will only look at the method in which the decision was arrived at, whereas ...

III. VOCABULARY STUDY

1. Complete the sentences with the active vocabulary from the list.

- | |
|--|
| judicial review
rulemaking
administrative agencies
administrative law
decision-making bodies |
|--|

Most countries that follow the principles of common law have developed procedures for _____ that limit the reviewability of decisions made by administrative law bodies.

Administrative law may also apply to review of decisions of so-called quasi-public bodies, such as non-profit corporations, disciplinary boards, and other _____ that affect the legal rights of members of a particular group or entity.

Because the United States Constitution sets no limits on the tripartite authority of _____, Congress enacted the Administrative Procedure Act to establish fair administrative law procedures to comply with the requirements of Constitutional due process.

Generally speaking, most countries that follow the principles of common law have developed procedures for judicial review that limit the reviewability of decisions made by _____ bodies. Often these procedures are coupled with legislation or other common law doctrines that establish standards for proper _____.

2. Choose the right preposition in brackets according to the contents of the sentences (*up, with, of, for, to, of*).

Administrative law is the body ___ law regulating government decision-making. Review of administrative decisions can take place internally and externally. The federal system of administrative law is made ___ of four elements:

– Tribunals – independent bodies which provide ‘merits review’, that is, examining and ‘re-making’ government decisions;

– Courts – providing ‘judicial review’ ___ the lawfulness of government decision-making

– The Commonwealth Ombudsman – a permanent office holder ___ the power to investigate maladministration;

– Freedom of Information – laws which create a general right of access ___ official information, subject to exclusions.

– The benefits of having a system ___ review of administrative decisions that is well established and independent include encouraging higher-quality decision making and building public confidence in government administration.

3. The verbs below can all be used to form nouns. Find in the text the words which have related meanings. Pay special attention to the stress.

Example:: To govern (v.) – government (n.)

To act, to enforce, to state, to adjudicate, to formulate, to broadcast, to immigrate, to decide, to review.

4. Give the English equivalents for the following word combinations:

Адміністративне право, урядова установа, регулятивна програма, винесення судового рішення, оподаткування, нормотворчість, судовий перегляд, формулювати (анулювати) норму.

5. Translate into English:

Державне управління – це частина державної діяльності, що має своїм основним призначенням здійснення виконавчої влади. Державний характер такого управління полягає в тому, що в його процесі реалізуються завдання, функції та інтереси держави. Для його здійснення створюють спеціальні органи (встановлюють посади), які діють у рамках законів і в межах своїх повноважень. У той же час державне управління здійснюється і за межами функціонування виконавчої влади, наприклад на рівні державних підприємств, установ і організацій. Поняття «державне управління» за змістом є ширшим, ніж поняття «виконавча влада». Для визначення змістовно поєднаних сфер або галузей суспільного життя, що потребують державного управління, використовується термін "сектор державного управління".

IV. GRAMMAR FOCUS

1. Point out sentences with Gerund in the text and explain the use.

2. In the following sentences substitute the infinitive with the gerund according to the model.

Model: There are three ways that an individual can attain the right to a (to hear) in an adjudicative proceeding.

There are three ways that an individual can attain the right to a hearing in an adjudicative proceeding.

1) Many of the independent agencies operate as miniature versions of the tripartite federal government, with the authority to "legislate" – through (to make rules) – , "adjudicate" – through administrative (to hear) -, and to "execute" administrative goals – through agency enforcement personnel.

2) A State or Federal Administrative Procedure Act prescribes procedures only for formal (to adjudicate).

3) Formal rulemaking, which is (to make rules) for which the organic statute requires that rules be "made on the record after agency opportunity for (to hear)," and for which the APA prescribes particular procedures.

V. SPEAKING

1. Speak on Administrative law, its notions and functions.

2. In groups discuss the major directions of the Administrative and Civil Law reforms:

1) Formation of the system of unified legal concepts, which means elaboration of system for improvement of legal terminology;

2) Dissociation of Civil Law from Administrative Law. The theory of subjects belongs to the history and it is expedient to assume measures in order to avoid irrelevance on legislative stage and to ensure settlement of dissociation standards in practice.

3) Improvement of the Civil Code. The improvement of the Civil Code was prioritized by the experts. They consider that the Civil Code should be freed from unfamiliar institutes of public law. Gaps made in the process of regulation of particular institutes should be eliminated. The policy of consecutive reforms should be elaborated according to particular section and the policy of spontaneous and segmental regulation should be excluded as possible.

4) Development of special fields of Private Law. System approach should be elaborated in order to develop each direction of Private Law. The Civil Code should regulate relations based on equality of persons. The special rules established on the objective criteria should be elaborated on liberal values, by taking into consideration principles of minimal regulations and maximal support for business development. Also it should be elaborated social standards adequate to the international ones. Gaps should be eliminated, new normative acts should be elaborated especially in the fields which are negative samples of translational activities.

Unit 3. Administrative Law

Section 2. Administrative Law in the USA and UK

I. LEAD-IN

1. Answer the questions:

1. What can influence the system of administrative law of a particular country?
2. Does the system of administrative law of a common law country differ from that one in the civil law country?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--|--|
| 1) to encompass | a) впевненість |
| 2) perform their constitutional responsibilities | b) охоплювати |
| 3) maladministration | c) поширення влади |
| 4) extent of the power | d) недобросовісне управління |
| 5) encouraging | e) виконувати конституційні зобов'язання |
| 6) confidence | f) сприяння |

3. How many syllables are there in the following words? Which of the syllables is stressed in each of them?

Ombudsman, administrative, encompasses, responsibilities, executive, legislative, governmental, manufacturing, tribunals, maladministration, procedural, articulated, encouraging.

Read the text to understand what information on administrative law is of primary importance or new for you.

TEXT 2 ADMINISTRATIVE LAW IN THE USA

United States administrative law encompasses a number of statutes and cases which define the extent of the powers and responsibilities held by administrative agencies of the United States Government. The executive, legislative, and judicial branches of the U.S. federal government cannot always directly perform their constitutional responsibilities. Specialized powers are therefore delegated to an agency, board, or commission. These administrative governmental bodies oversee and monitor activities in complex areas, such as commercial aviation, medical device manufacturing, and securities markets.

Administrative law may be defined in four parts. Namely, the legal rules and principles that: (1) define the authority and structure of administrative agencies; (2) specify the procedural formalities employed by agencies; (3) determine the validity of agency decisions; and (4) define the role of reviewing courts and other governmental entities in relation to administrative agencies. Review of administrative decisions can take place internally and externally.

The federal system of administrative law is made up of four elements:

1) Tribunals – independent bodies which provide ‘merits review’, that is, examining and ‘re-making’ government decisions.

2) Courts – providing ‘judicial review’ of the lawfulness of government decision-making.

3) The Commonwealth Ombudsman – a permanent office holder with the power to investigate maladministration.

4) Freedom of Information – laws which create a general right of access to official information, subject to exclusions

U.S. federal agencies have the power to adjudicate, legislate, and enforce laws within their specific areas of delegated power. Agencies “legislate” through rulemaking – the power to issue regulations administrative law is codified as the Code of Federal Regulations.

The authority of administrative agencies stems from their organic statute, and must be consistent with constitutional constraints and legislative intent. Federal administrative agencies have the power to issue rules that have the effect of substantive law. The power to do so extends to all regulations necessary to carry out the purposes of the Administrative Procedure Act,

rather than being limited to powers expressly granted by the statute. The power extends to substantive rules as well as procedural rules.

Agencies do not have the power to enact a regulation where:

- The regulation is an unconstitutional delegation of power;
- The organic statute explicitly denies authority (but note that failure to grant authority in later legislative efforts is not dispositive);
- Congress has enacted a separate regulatory scheme;
- The regulation is not based on factual findings;
- The regulation is not pursuant to serving the "public convenience, interest, or necessity".
- The regulation is outside the agency's statutory purpose as articulated in its organic statute.

The benefits of having a system for review of administrative decisions that is well established and independent include encouraging higher-quality decision making and building public confidence in government administration.

II. DEVELOPMENT

1. Are the following statements true or false?

- 1) The three branches of power of the U.S. federal government cannot always directly perform their constitutional responsibilities.
- 2) The task of an agency, board, or commission is to oversee and monitor activities in complex areas, such as commercial aviation, medical device manufacturing, and securities markets.
- 3) Tribunals provide 'judicial review'.
- 4) The Commonwealth Ombudsman examines and 're-makes' government decisions.
- 5) U.S. federal agencies have the power to adjudicate, legislate, and enforce laws within their specific areas of delegated power.
- 6) The authority of administrative agencies stems from the civil code.
- 7) Agencies do not have the power to enact a regulation if the regulation is an unconstitutional delegation of power.

2. Use the information in the text to give definitions to the following legal terms:

- 1) tribunals;
- 2) merits review;

- 3) the Commonwealth Ombudsman;
- 4) freedom of information;
- 5) rulemaking.

3. Translate into English:

Предмет адміністративного права становлять суспільні відносини, які виникають з метою реалізації захисту прав громадян, створення нормальних умов для функціонування громадянського суспільства й держави.

Такі відносини пов'язані з:

- 1) діяльністю органів виконавчої влади;
- 2) внутрішньоорганізаційною діяльністю інших державних органів, підприємств, установ, організацій;
- 3) управлінською діяльністю органів місцевого самоврядування;
- 4) здійсненням іншими недержавними суб'єктами делегованих повноважень органів виконавчої влади;
- 5) здійсненням правосуддя у формі адміністративного судочинства.

Адміністративно-правові відносини характеризуються такими особливостями:

- виникають у результаті управлінської діяльності з реалізації публічних, найчастіше державно-управлінських інтересів;
- у них обов'язково бере участь суб'єкт, наділений державою відповідними управлінськими повноваженнями;
- для них, як і для управління взагалі, характерні владність і цілеспрямованість. Це відносини влади і підпорядкування;
- вони захищені правовими засобами, у тому числі й примусовими.

Відносини, що регулюються адміністративним правом, містяться в різних управлінських сферах. Це, наприклад, економіка, культура, комунальне господарство, охорона здоров'я, освіта, внутрішні справи, оборона і т. ін.

III. PRACTICE AND EXPERIENCE

1. A. In the table find eight administrative law terms.

B. Make up sentences of your own with these terms.

r	u	l	e	m	a	k	i	n	g
e	r	t	y	u	i	y	r	e	w
a	j	a	g	e	n	c	y	a	f
d	t	z	x	c	v	b	n	d	j
j	r	a	s	r	u	l	e	m	m
u	i	d	f	h	j	k	l	i	w
d	b	q	z	x	c	v	b	n	e
i	u	r	e	v	i	e	w	i	r
c	n	w	e	r	f	g	h	s	l
a	a	b	n	j	k	l	m	t	k
t	l	q	w	e	r	t	y	r	a
i	c	v	b	n	m	m	j	a	t
o	z	x	c	v	b	v	n	t	s
n	b	g	t	r	d	s	e	i	l
r	e	g	u	l	a	t	i	o	n
h	j	k	l	s	s	w	h	n	y

1. Use the diagram in ex. 1B to speak about the administrative system in Ukraine.
2. Compare the administrative system in Ukraine and that of the USA. Make up a plan. At first find all similar points and then the different ones.

IV. WRITING

1. Using the previous information try to write and present your possible 5 minute talk. You are suggested to choose one of the offered themes of prefer your own:
 - Administrative bodies: their tasks and duties.
 - Judicial review – what is it?
 - Actions of executive agencies in the Administrative Procedure Act.

V. OVER TO YOU

1. Do the Administrative law Quiz (the American style) concerning the question of licensing. Then check your answers.

I. LICENSE LAW AND QUALIFICATIONS FOR LICENSURE

1. In Florida, all professions (including the real estate profession) should be regulated when each of the following conditions are present, except when:

- A. The unregulated practice can harm the public, the potential harm is recognizable, and the danger of the unregulated practice outweighs any anticompetitive impact.
- B. The public is not adequately protected by other local, state or federal laws.
- C. Lawmakers believe that regulation will decrease consumer complaints.
- D. Less restrictive means of regulation are not available.

2. A person who has been issued a broker license, but operates as a salesperson in the employ of a broker or an owner-developer is known as:

- A. Broker;
- B. Salesperson;
- C. Broker-Salesperson;
- D. Office Manager;

3. Joan has been a licensed salesperson for 6 months in her home state, which has mutual recognition with Florida. After she moves to Florida, she desires to obtain a Florida Salesperson license by submitting an application and taking a 40-question law exam. Which of the following best describes her situation:

- A. Joan will receive a Florida license if her application is approved and she passes the law exam.
- B. Joan cannot receive a salesperson license, but may obtain a Broker's license if she passes the Broker's exam.

- C. Joan will not receive the Salesperson license under mutual recognition procedure because she did not work under a Broker for at least one year
 - D. Joan will not receive the Salesperson license under mutual recognition because she is now a Florida resident.
4. Kathy, an unlicensed person, helps her neighbor Cindy sell Cindy's house by showing the house to potential Buyers. As a way of saying thank you, Cindy gives Kathy a gift certificate to Kathy's favorite restaurant. Which of the following best describes this situation?
- A. This is a legal arrangement since Kathy helped without the expectation of payment.
 - B. Kathy may not legally accept the gift certificate.
 - C. Kathy may accept the gift certificate if she was the procuring cause of the sale.
 - D. Kathy may accept the gift certificate since it is not considered to be compensation.
5. What is the passing score for the state license exam?
- A. 65%
 - B. 70%
 - C. 75%
 - D. 80%
6. In order to qualify for licensure, an applicant must
- A. Be a high school graduate of equivalent (GED)
 - B. Be at least 18 years of age
 - C. Possess good character and reputation
 - D. All of the above
7. After passing the state license exam, when may an applicant begin working as a salesperson?
- A. Immediately upon passing the exam
 - B. Upon submitting the proper form to the Division of Real Estate designating their employer
 - C. 5 days after passing the exam
 - D. Upon receiving their actual license in the mail

8. Jim is applying for a Florida salesperson license. On his application, he has disclosed that he pled nolo contendere to credit card fraud in Georgia last year. Jim's application will probably...
- A. Be denied
 - B. Take longer to process
 - C. Be approved
 - D. Be returned to him with a request for more information

1c, 2c, 3d, 4b,
5c, 6d, 7b, 8a

The key

Unit 4. Administrative Proceedings

Section 1. Administrative Justice

I. WARMING UP

1. Answer the following questions:

- 1) What is the task of administrative judiciary?
- 2) What powers does it have?
- 3) Do you agree with the saying by H. L. Mencken (1880–1956), U.S. journalist, critic, and editor: «A judge is a law student who marks his own examination papers»? Why (not)?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|---------------------------|-------------------------|
| 1) forfeiture of licenses | a) розрізняти |
| 2) to be vested with | b) законність |
| 3) validity | c) мати право |
| 4) contested cases | d) позбавлення ліцензії |
| 5) to issue | e) спірні справи |
| 6) to distinguish | f) підлягати |
| 7) incur | g) видавати |

3. How are the letters in bold pronounced in the following words? Choose the correct variant.

au thority	[ə]	[au]
ræ ther	[æ]	[a]
i deal	[iə]	[i:]
ə sought	[ə:]	[əu]
ai violations	[iə]	[aiə]

Read the text paying special attention to the most important definitions.

TEXT 1

ADMINISTRATIVE JUSTICE

Administrative Justice, or, more commonly, administrative adjudication, is the exercise by an administrative agency of judicial powers delegated to the agency by a legislative body.

Agencies typically possess both legislative and judicial powers in their area of authority. The legislative power gives the agency the authority to issue regulations, and the judicial power gives the agency the authority to adjudicate contested cases within its area of jurisdiction.

Administrative courts are not ordinarily engaged in determining the rights and duties of individuals as against other individuals. Rather, they typically deal with individuals in relation to government in terms of benefits sought or disabilities incurred from government action. It is this function that chiefly distinguishes administrative tribunals from civil courts. In contrast to the criminal courts, administrative tribunals are typically empowered to assess various penalties, such as forfeiture of licenses for the violation of a statutory or administrative regulation. Some administrative agencies, however, are not vested with adjudicative powers and must proceed through the regular courts for civil or criminal punishment of violations.

Another fundamental difference between administrative tribunals and courts is the nature of subject matter jurisdiction. The subject matter of an agency's administrative regulation and adjudication is normally a single economic activity, a set of closely related economic activities, or specific benefits conferred by government. The concern of the National Labor Relations Board with labor relations is an example of the first; the jurisdiction of the Federal Communications Commission over radio, television, and telephone exemplifies the second; and adjudication of the validity of benefit claims by such agencies as the Veterans Administration represent the third. In contrast, the subject matter jurisdiction of courts embraces a broad spectrum of civil and criminal law.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

- 1) administrative justice
- 2) administrative agency
- 3) administrative courts
- 4) administrative tribunals

2. Complete the following sentences according to the information from the text:

- 1) Agencies typically possess ...
- 2) The legislative power gives the agency the authority to ...
- 3) Administrative courts typically deal with ...
- 4) Some administrative agencies are not vested with ...
- 5) Another fundamental difference between administrative tribunals and courts is...
- 6) The concern of the National Labor Relations Board with labor relations is...
- 7) In contrast, the subject matter jurisdiction of courts embraces ...

III. VOCABULARY STUDY

1. A. In the text find all the related words to the verb to administer and to justify.

B. Make up word combinations with the words you have found.

2. In the text find word combinations with the following words:

- agency
- legislative
- regulations
- courts
- government
- tribunals
- penalties
- powers
- punishment
- jurisdiction

3. Complete the text with the words from the box.

adjudicate	courts	review	administrative
	adjudication	judicial	

The current distinction between _____ within administrative agencies and adjudication in _____ of law was not made historically. For example, the English Court of Exchequer evolved from the _____ Exchequer, a tax-assessing and collecting agency. American usage derives from the separation of powers in the U.S. Constitution and from its limitation of the " _____ power of the United States" to certain types of "cases ... and controversies." Administrative adjudication was once criticized as being contrary to the reservation of judicial power to courts as set down in Article III of the Constitution. The Supreme Court held in *Crowell v. Benson* (1932), however, that agencies could _____ cases as long as provision was made for ultimate judicial _____.

4. Give the English equivalents for the following word combinations:

Адміністративне правосуддя, адміністративні органи, судова влада, законодавча влада, адміністративні суди, адміністративні норми, уряд.

5. Translate into English.

Адміністративна реформа – це вид політико-правової реформи, яка здійснюється у сфері виконавчої влади і стосується як її організаційної структури, функцій, кадрового забезпечення, так і взаємовідносин з місцевим самоврядуванням. Принципи адміністративної реформи – це головні засади її проведення, які ґрунтуються на відповідній ідеології та політиці. У принципах розкривається головне призначення і сутність цієї реформи.

Правова основа адміністративної реформи – це нормативно-правові акти, які є відправною точкою і механізмом забезпечення даної реформи. Нова система державного управління в Україні має бути створена під час проведення адміністративної реформи.

IV. GRAMMAR FOCUS

1. Point out sentences with Participle II in the text and explain the use.

2. In the following sentences substitute the infinitive with Participle II according to the model.

Model: Some agencies have had additional procedural requirements (to impose).

Some agencies have had additional procedural requirements imposed.

1) When Congress has specified that the administrative adjudication must be formal, the APA requires that the agency's decision be made upon a record (to establish) in a trial-type hearing, and that an initial decision be (to make) by the officer who hears the evidence.

2) The "administrative law judge," makes an initial decision (to base) on (to reason) analysis, written findings of fact, and conclusions of law.

3) Questions of law include allegations that constitutional or statutory rights have been denied, failure to observe (to require) procedures, and the agency's scope of authority.

V. SPEAKING

1. Read the report devoted to the improvement of the Administrative Law Infringement Code and discuss possible improvements.

The Administrative Law Infringement Code needs to be improved. Legal Issues Committee of Parliament works on it very actively. Particularly, it works on improvement of terminological problems, establishment of new principles, on which the mentioned Code will be based. These principles are: the principle of economy, proportionality and truth.

The improvement of the concept of administrative jurisdiction and competency is implemented. From the point of view of freedom of information it is important to establish the concept of Private-Common Persons, which aims to ensure the accessibility of information for the persons, who are not mentioned in the concept of administrative body, but perform administrative functions.

The exact definition of state and professional secrets is determined. Dissociation of personal data and issues on adoption of particular law concerning with it. The need of adoption of particular law on protection of personal data is discussed.

2. Sum up what you know about:

- the authority of administrative agencies;
- administrative law in common law countries;
- administrative governmental bodies.

Unit 4. Administrative Proceedings

Section 2. Ukrainian Customs Law

I. LEAD-IN

1. Have you ever seen a customs declaration? What happens if you write the wrong information?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--|--|
| 1) customs law | a) митні справи |
| 2) customs matters | b) митне право |
| 3) unified form of declaring of export and import of goods | c) прискорення товарообігу |
| 4) customs officers | d) єдина форма декларування товарів, що імпортуються або експортуються |
| 5) acceleration of commodities circulation | e) офіцери митної служби |

Read the text to understand what information on administrative law is of primary importance or new for you.

TEXT 2 UKRAINIAN CUSTOMS LAW

The law of Ukraine on customs matters made great contribution to the evolution of Ukrainian customs law. The present day system of customs law is based on the law which was adopted on 25 June 1991. Since that time customs law has developed significantly. In concordance with the Declaration of State Sovereignty of Ukraine this Law defines the legal issues of managing customs matters in Ukraine, which is oriented towards forming of common market territory in Ukraine, and customs unions with other states.

Article 1. Customs matters

Ukraine as a sovereign state independently creates its own customs system and conducts customs matters. Customs matters are part of foreign political and economic activity of Ukraine.

Customs matters in Ukraine include establishing of order and organization of shipment of goods and other articles through the customs border of Ukraine, taxation, customs clearance and examination, and other measures concerning realization of customs policy in Ukraine.

While actualizing customs matters Ukraine follows recognized in international relations systems of classification and coding of goods, unified form of declaring of export and import of goods, customs information, and other generally accepted norms and standards of international practice. Ukraine takes part in international cooperation in customs matters.

Article 2. Customs territory and customs border

Territory of Ukraine is a single whole of customs territory, within borders of which Ukraine has exclusive jurisdiction concerning customs matters.

Border of customs territory of Ukraine is regarded as customs border of Ukraine. Customs territory also includes territories of artificial islands and constructions that are created in the economic zone of Ukraine, and over which Ukraine has exclusive jurisdiction concerning customs matters.

Article 3. Common customs zones and customs unions

Common customs zones and customs unions with other states are created by Ukraine on the basis of treaties.

Article 4. Management of customs matters

General management of customs matters is executed by the Verhovna Rada (the Parliament) and the Cabinet of Ministers of Ukraine. The State Customs Committee of Ukraine is responsible for direct management of customs matters.

Article 5. Customs bodies of Ukraine

Customs matters are directly executed by customs bodies of Ukraine.

Customs bodies of Ukraine constitute the system of executive organs for managing customs matters (customs system), that consists of the State Customs Committee of Ukraine, regional customs directorates, customs houses, and other customs institutions.

Customs bodies of Ukraine, their means of auto transport, sea and river boats and aircraft bear distinctive emblem and flag. Description of the flag and distinctive emblem is adopted by the Verhovna Rada of Ukraine. The State Customs Committee of Ukraine is created by President of Ukraine. The Statute of the State Customs Committee of Ukraine is adopted by President of Ukraine.

Regional customs directorates are created by the Cabinet of Ministers of Ukraine. Creation, reorganization, and liquidation of customs houses and other customs institutions is conducted by the State Customs Committee of Ukraine provided with agreement of the Ministry of Finance of Ukraine.

State bodies, institutions, and public organizations have no right to interfere into service activities of customs bodies of Ukraine, excluding cases envisaged by laws of Ukraine.

Article 6. Competence of customs bodies of Ukraine

Legislation of Ukraine establishes competence of customs bodies concerning performing of the following functions:

- protection of economical interests of Ukraine;
- control of fulfillment of legislation of Ukraine on customs matters;
- performing obligations concerning international treaties of Ukraine on customs matters;
- implementation of means of customs tariff and non-tariff regulation concerning shipment of goods and other items through the customs border of Ukraine;
- customs clearance and taxation of goods and other items shipped through the customs border of Ukraine;
- execution of complex control of currency transactions together with the National Bank of Ukraine, etc.

Article 7. Customs officers

Only citizens of Ukraine can be customs officers.

Customs officers of Ukraine are conferred special ranks, defined by laws of Ukraine.

Customs officers committed illegal actions during performance of their duties are prosecuted according to laws of Ukraine.

Article 8. Transfer of commodities and other items through the customs border

Commodities and other items are transferred through the customs border of Ukraine under customs control and are liable to customs clearance.

Article 9. Customs duty and customs fees

Commodities and other items transferred through the customs border of Ukraine are liable to customs duty in compliance with Law of Ukraine "On customs tariff".

Rates of customs duties are determined by the Cabinet of Ministers of Ukraine on the basis of Customs Code of Ukraine.

Customs duties and customs belong to Ukraine if contrary is not stated in international treaties of Ukraine.

II. DEVELOPMENT

1. Read the text and complete the table.

Customs Declaration of Ukraine		
Articles	Name of the article	Content of the article
Article 1		
Article 2		
Article 3		
Article 4		
Article 5		
Article 6		
Article 7		

2. Are the following statements true or false?

- 1) The law of Ukraine on customs matters in Ukraine was adopted on 24 August 1991.

- 2) The law of Ukraine on customs matters defines the legal issues of managing customs matters in Ukraine, which is oriented towards forming of common market territory in Ukraine, and customs unions with other states.
- 3) Customs matters are a part of home political and economic activity of Ukraine.
- 4) Customs border doesn't coincide with the state border of Ukraine.
- 5) Common customs zones and customs unions with other states are created by the European Union on the basis of treaties.
- 6) General management of customs matters is executed by the Ukrainian Parliament and the Cabinet of Ministers of Ukraine.
- 7) Customs matters are directly executed by tax police of Ukraine.
- 8) The Statute of the State Customs Committee of Ukraine is adopted by the Prime Minister of Ukraine.
- 9) Legislation of Ukraine establishes competence of customs bodies.
- 10) Only citizens of Ukraine can be customs officers.

3. Use the information in the text to give definitions to the following legal terms:

- customs matters;
- customs border ;
- customs territory;
- customs bodies;
- customs officer.

4. Translate into English:

Митне право України: § 5. Система митного права.

Система правових норм, яка регулює формування і здійснення митної політики, а також набір форм і методів її здійснення, порядок використання митними органами інструментів Митного регулювання при її здійсненні, утворює систему митного права. Первинною клітиною митного права є його норми.

Взаємозалежна сукупність митно-правових норм, що регулює певні групи суспільних відносин, які виникають між митними органами й особами з приводу переміщення останніми товарів і транспортних засобів через митний кордон, прийнято називати інститутами митного права. Порядок розташування цих інститу-

тів усередині митного права як комплексної галузі визначається їх положенням у Митному Кодексі (МК) України. Тим часом таке положення зумовлене загальними підходами до систематизації права.

Норми митного права — це встановлені державою правила поведінки в митній сфері, які регулюють зміст митної справи і підтримуються примусовою силою держави. Так, згідно зі ст. 7 МК України законодавство України з питань митної справи становлять Конституція України, цей Кодекс, закони та інші нормативно-правові акти з питань митної справи, видані на основі та на виконання Конституції України, цього Кодексу та законів України.

Зважаючи на динамізм митного законодавства і необхідність вирішення тактичних завдань оперативного регулювання зовнішньоекономічної діяльності, МК України передбачив чітку процедуру набрання чинності новим митним законодавством.

III. PRACTICE AND EXPERIENCE

1. Work in pairs. Each pair should consist of a «smuggler» and a «customs officer». The «customs officer» questions «smuggler» to establish the truth. Using the following word combinations, make up a dialogue.

Customs border ■ taxation of goods ■ transfer of items ■ customs control ■ customs house ■ form of declaring of goods ■ customs information.

2. You are a specialist in Ukrainian Customs Law. Describe it to your colleagues from the UK using following word combinations.

Word combinations: customs officer ■ customs border ■ illegal actions ■ customs control ■ taxation of goods ■ classification and coding of goods ■ form of declaring of export and import of goods ■ customs information.

IV. WRITING

Write a short composition describing your visit to the custom-house and the prevailing atmosphere using active vocabulary.

V. OVER TO YOU

1. Read the passage and try to guess the object of smuggling.

Sam Lewis was a customs officer. He used to work in a small border town. It wasn't a busy town and there wasn't much work. The road was usually very quiet and there weren't many travellers. It wasn't a very interesting job, but Sam liked an easy life. About once a week, he used to meet an old man. His name was Draper. He always used to arrive at the border early in the morning in a big truck. The truck was always empty. After a while Sam became suspicious. He often used to search the truck, but he never found anything. One day he asked Draper about his job. Draper laughed and said, «I'm a smuggler».

Last year Sam retired. He spent his savings on an expensive holiday. He flew to Bermuda, and stayed in a luxury hotel. One day, he was sitting by the pool and opposite him he saw Draper drinking champagne. Sam walked over.

Sam Hello, there!

Draper Hi!

Sam Do you remember me?

Draper Yes . . . of course I do. You're a customs officer.

Sam I used to be, but I'm not any more. I retired last month. I often used to search your truck...

Draper . . .but you never found anything!

Sam No, I didn't. Can I ask you something?

Draper Of course you can.

Sam Were you a smuggler?

Draper Of course I was.

Sam But.. . the truck was always empty. **What were you smuggling?**

Unit 5. Local Authorities

Section 1. Local Government in Ukraine

I. WARMING-UP

1. Answer the following questions:

1. How do you understand the term *representative democracy*?
2. What do you know about the term *self-government*?

2. Give as many definitions of the word «government» as you can. Illustrate them in the word combinations.

3. Match the following English words with their Ukrainian equivalents:

- | | |
|----------------------|----------------------------|
| 1) agency | a) округ |
| 2) ability | b) відсоток |
| 3) canton / district | c) сутність |
| 4) catering | d) здатність, спроможність |
| 5) essentiality | e) засіб |
| 6) housing | f) харчування |
| 7) rate | g) житловий |

4. Match the words and their transcription. Read and translate the words:

urgent	[' iSu:]
benefit	[' vʌliju:]
issue	[,repi' zentq tiv]
responsibility	[kʌn' sju: mʌ]
mayor	[' Z: dZqnt]
representative	[' benifit]
consumer	[ri, sponsq' biliti]
value	[meq]

Read the text to understand what information on local government is of primary importance or new for you.

TEXT 1 LOCAL GOVERNMENT

A democracy is any system of government in which *rule* is exercised either directly by the people (direct democracy) or by means of elected representatives of the people (representative democracy). The acceptance of democratic *values* such as equality and individual liberty constitutes the essence of democracy. The key idea of democracy is that the people hold sovereign power. According to Abraham Lincoln democracy is «government of the people, by the people, and for the people».

Democracy may take one of the basic forms: direct or indirect. In direct democracy the people realize their power by voting on *issues* individually as citizens. But such form of democracy exists only in very small societies where citizens can actually meet regularly to discuss and decide key *urgent* problems (f.e. cantons of Switzerland). In indirect or *representative* democracy the people elect representatives and delegate them power to make laws and conduct *government*.

Government is the mechanism through which the *public will* is expressed and made effective. The public will may be voiced by the people directly, through the *agency* of the *initiative* and referendum, but more often it is *made manifest* by action of the elected representatives in parliaments, legislatures and municipal councils. Representative democracy means a system of limited government where the people are the ultimate source of governmental power.

Any social grouping possesses a kind of governmental structure. Local government is the basis of national self-government. Its *essentiality* is grounded on providing members of the community with various services *for their benefit*. The notion of self-government denotes the right and ability of local governmental authorities to exercise the regulation and administration of a *considerable* part of social rights in the interests of local inhabitants according to their competence and legislature in force. This competence is granted by the Constitution of Ukraine and the Local Self-Government Law of Ukraine and local self-government charters. The territory is the basis of the local government. Administratively Ukraine is divided into 24 regions and the autonomous republic of Crimea. Each region has its local government bodies. Local self-government has its common, economic and legal guarantees.

Every local government area has its council, elected by the *inhabitants*. Councils are the representative bodies of local self-government. Local councils' deputies and city *mayors* are directly elected by the citizens. Mayor leads the executive committee of the respective council and presides at its meetings. The council passes *ordinances*, the laws of the city sets the tax *rate* on property, and *apportions* money among the various local departments.

Material and financial basis of local government is movable and immovable property, revenues of local budgets, land, natural resources owned by territorial communities of villages, settlements, cities, city districts, as well as objects of their common property that are managed by district and oblast councils.

According to the Local Self-Government Law of Ukraine, the functions of local self-government bodies are the following: social, economic and cultural development, planning and *registration*, budget, finances and prices, administration of the municipal property, *housing* and *communal services*, *consumer* and commercial services, *public catering*, transport and connection, building, education, health protection, culture, physical training and sport; regulation of land relations and preservation of environment, social protection of population, external economic activity, *defensive* work, guaranteeing of legality law and order, the rights liberties and legal interests protection of citizens.

II. COMPREHENSION

.....

1. A. Give the definitions for the following terms or explain in other words.

1. democracy
2. rule
3. council
4. ownership
5. authorities

B. Answer the following questions using the information from the text:

1. What are the basic forms of democracy?
2. What way may be the public will exercised in?
3. What does the notion of self-government denote?
4. What are the main functions of the local self-government?

5. What is the form of city government?
6. What is local government responsible for?
7. What is the material and financial ground of the local government?

2. Complete the following sentences according to the information from the text:

1. The acceptance of democratic ... such as ... and ... constitutes the essence of democracy.
2. In indirect or representative ... the people elect ... and give them ... and ... to make laws and conduct
3. The council passes..., the ... of the city, sets the ... on property, and apportions ... among the various local departments.
4. Every local government area has its ..., elected by the
5. ... to local budgets constitute the financial base of

3. Match the following legal terms with their definitions:

incomes	a) government of the people, by the people, and for the people
self-government	b) the chief of local executive branch
Budget	c) profits
Democracy	d) the rule of people living in a local community
Mayor	e) the annual distribution of income and expenditure

III. VOCABULARY STUDY

1. Match the following English words with their Ukrainian equivalents:

1) authority	a) зайнятість
2) responsibility	b) органи охорони здоров'я
3) jurisdiction	c) влада
4) welfare	d) перевезення
5) health authorities	e) добробут
6) transportation	f) житлово-комунальне господарство
7) employment	g) пожежна безпека
8) housing	h) каналізація
9) sewage	i) відповідальність
10) fire serviel department	j) сфера повноважень

2. Read the following exchange between Mayor Samuel Yorty of Los Angeles and Senator Abraham Ribicoff of Connecticut during a Congressional hearing in 1966 and complete the words. Consult the words from the previous exercise:

SENATOR RIBICOFF: As I listened to your testimony, Mayor Yorty, I have made some notes. This morning you have really waived au.....ty and res...s.....ty in the following areas: schools, w.f... , t...p...t... , e.l...ment, h...th, h...s... , which leaves you as the head of the city basically with a ceremonial function, police and recreation.

MAYOR YORTY: That's right, and fire.

SENATOR RIBICOFF: And f... .

MAYOR YORTY: Yes.

SENATOR RIBICOFF: Collecting s...g. ?

MAYOR YORTY: Sanitation; that's right.

SENATOR RIBICOFF: In other words, basically you lack j....d.t... , ..th....y,si....y for what makes a city move?

MAYOR YORTY: That's exactly it.

3. Complete the following sentences by translating the words and expressions in brackets:

1. The functions of (місцева влада) can be divided into two main groups: objective and administrative functions. 2. Various (комунальні служби) are matters of governmental concern. 3. Every local government area has its council, elected by (мешканці). 4. (Рада) passes local normative/non-normative acts, the laws of the city, sets the tax rate on property and (розподіляти) money among the various local departments. 5. (Доходи) to local budgets constitute the financial base of local (опрани влади).

IV. GRAMMAR FOCUS

1. Match the adjectives from the left column with the nouns from the right. Translate the word combinations into Ukrainian.

1) local	a) democracy
2) democratic	b) liberty
3) individual	c) will
4) public	d) government
5) municipal	e) guarantees
6) legal	f) values
7) representative	g) councils

2. Find in the text and copy out the sentences with gerunds. Translate them and explain their functions.

3. Define the predicates in the following sentences. Determine their voice and tense.

1. A democracy is any system of government in which rule is exercised by the people. 2. Democracy may take one of the basic forms: direct or indirect. 3. Representative democracy means a system of limited government where the people are the ultimate source of governmental power. 4. Administratively Ukraine is divided into 24 regions and the autonomous republic of Crimea. 5. Each region has its local government bodies. 6. The public will may be voiced by the people directly, but more often it is made manifest. 7. The territorial communities are the subject of municipal property.

4. Ask questions to the words or expressions in italics.

1. The functions of local government can be broadly divided into two main groups: *functions of control and the provision of public services*. 2. Local self-government has its *common, economic, politic and legal* guarantees. 3. The oldest form of city government represents *an elected mayor*. 4. *An elected council* represents various neighborhoods. 5. *Territorial communities* are the subject of municipal property.

III. SPEAKING

1. Work in group:

- Say what the text is about A) in a short phrase; B) in an extended sentence.
- Discuss: A) what form of democracy is more widespread and why; B) your viewpoint to its efficiency.

- Explain A) the necessity of social grouping to possess some kind of governmental structure; B) the notion of self-government.
- Name A) the main legal documents which grant the local government bodies in Ukraine; B) the functions of local government bodies.

2. Imagine the situation and give your own viewpoints:

- if you were mayor what functions you would exercise in the first instance;
- if you were the head of State what functions you would add to local governments.

Unit 5. Local Authorities

Section 2. Local Authorities in Great Britain and in the United States

I. LEAD-IN

1. Answer the following questions:

1. Is the local government concerned with the country as a whole?
2. What is the jurisdiction of local government?

2. Match the following English words with their Ukrainian equivalents:

- | | |
|-----------------|-------------------------------------|
| 1) borough | a) місто, яке має самоврядування |
| 2) county | b) округ, адміністративне керування |
| 3) municipality | c) містечко; район (США) |
| 4) parish | d) графство; округ (США) |

Read the text to understand what information is new for you.

TEXT 2 LOCAL AUTHORITIES IN GREAT BRITAIN AND IN THE UNITED STATES

States are societies (organized communities) that occupy large territories and provide authority, security, laws, justice, and rewards. Local authorities take many *crucial* decisions that affect the well-being of their community. They are responsible for providing with social services such as education, maintenance of *vulnerable* people, environment, public order, traffic services, providing libraries, cultural and recreational facilities.

Although **the United Kingdom** is a unitary state, a very large part of public services are administrated by local authorities. Scotland and Northern Ireland have their own systems, which are not quite the same as that of England and Wales, though the differences are only superficial.

The *pattern* of local government in England is complex. England is subdivided into 9 regions. One of these, London, has an elected Assembly and Mayor. Below the region level and excluding London, England has two different patterns of local government in use. In some areas there is a *county council* responsible for services such as education, waste management and strategic planning within a county, with several *district councils* responsible for services such as housing, waste collection and local planning. Below the district level, a district may be divided into several *civil parishes*. Typical activities undertaken by a parish council include *allotments*, parks, public clocks, and entering Britain in Bloom. They also have a consultative role in planning. Councils such as districts, counties and unitaries are known as principal local authorities in order to differentiate them in their legal status from parish and town councils. In some districts, the rural area is parished and the urban is not.

Local government in Scotland is organised through 32 unitary authorities, consisting of elected councillors. *Community councils* represent the interests of local people. Local authorities have a statutory duty to consult community councils on planning, development and other issues directly affecting that local community.

Northern Ireland is divided into 26 districts for local government purposes. Their functions include waste and recycling services, leisure and community services, building control and local economic and cultural development.

Local government in **the United States** is generally structured in accordance with the laws of the various individual *states*. Each state constitution provides for the establishment of local governmental entities. In all states, these local entities include *counties* and *cities*, but most states also provide for other types of local government, including *wards*, school districts, *conservation districts*, *townships*, and transportation authorities. These special types of local government have regulatory, administrative, or taxing authority as defined in the state constitution or in state law.

Typically each state has at least two separate tiers: *counties* (known in Louisiana as *parishes* and as *boroughs* in Alaska), and *municipalities*. Some states have their counties divided into *townships*. In turn there are several different types of municipal government, generally reflecting the needs of different levels of population densities; although the types and nature of

these municipal entities varies from state to state, typical examples include the *city, town, borough*, and *village*. Many rural areas and even some suburban areas of many states have no municipal government below the county level. In a few states, there is only one level of local government: Hawaii has no legal municipalities below the county level; while Connecticut and Rhode Island's counties serve no legal function—these being filled by city and town governments.

In addition to the above, there are also often local or regional special districts that exist for specific purposes, such as to provide *fire protection, sewer service*, transit service or to manage water resources. In many states, *school districts* manage the schools. Such special purpose districts often encompass areas in multiple municipalities. Finally, in some places the different tiers are merged together, for example as a *consolidated city-county*.

II. DEVELOPMENT

1. Find in the text the information on

- a) What kind of decisions do local authorities take?
- b) The pattern of local government in England.
- c) The local governmental entities in the United States.

2. Complete the following sentences according to the information from the text:

- 1. Local authorities take many ... that affect the well-being of their
- 2. A district may be divided into several
- 3. In all states local governmental entities include ... and
- 4. Each state has at least two separate tiers: counties known as ... and ... , and
- 5. Typical municipal government examples include the ..., ..., ..., and
- 6. Many rural areas and even some suburban areas of many states have no ... below the county level.
- 7. In some places the different tiers are merged together, for example as

3. Fill in the table with the terms from the text:

Great Britain	The United States
a county council, ...	parishes, ...

4. Match the beginnings with the endings:

1. Mayor functions of county governments include	a. public utilities such as water, electric power, natural gas, and telecommunications;
2. Elected county positions may include	b. by elected officials;
3. Municipalities are	c. sheriff, judge, justice of the peace, medical examiner, comptroller, assessor, or prosecutor;
4. Cities and towns are governed	d. incorporated cities, towns, or villages;
5. Many cities own or regulate	e. recordkeeping, administration of elections, construction and maintenance of local and rural roads, zoning, building code enforcement, and law enforcement.

5. Read the extract and do the assignments:

To govern their inhabitants, states have created several levels of local government. The top level below the state is usually the county – governmental structures that are responsible for particular territorial areas. Below the level of counties, states have evolved municipal forms of government. These are cities, boroughs, towns, villages and hamlets, with cities having the most people and hamlets the least. Most of these government units are incorporated by states, that is, they are granted a state charter. Some small units, such as villages and hamlets, are unincorporated, which means that the inhabitants have not requested a charter from the state.

Forms of government vary a great deal, although most cities have a mayor or city manager, city council or board of aldermen or commissioners, and an independent judiciary that carries to the local level the separation-of-powers doctrine of the national system. Towns often have boards of supervisors usually composed of the supervisors from the villages that make up the town. These boards customarily function as both legislative and executive branches of local government. Very often major local issues, such as school budgets and taxes, are decided at town meetings, even when there are town boards. The boards usually make local laws within the restraints set by county and state governments.

*From « State and Local Government
Politics and Public Policies»
by David C. Saffell*

Assignments:

1. Choose the answer that expresses most accurately what is described in the passage. Only one answer is correct.
 - a. The US local government bodies;
 - b. Forms of state government;
 - c. The functions of state governments;
 - d. The functions of mayors;
 - e. The structure of state governments.
2. Complete the following.
 - a) The county is responsible for
 - c) States have evolved
 - d) ... are unincorporated units.
 - e) Most cities have a ... or ...,
 - f) Towns often have ... that make up the town.
 - g) The boards usually make
3. Ask the questions to the passage.

III. PRACTICE AND EXPERIENCE

1. Read the information below and make up a dialogue

- **between a mayor and a councilor (Great Britain). Take their functions into account;**
- **between the inhabitants of Virginia and Pennsylvania (the USA).**

I Councils have historically had no split between executive and legislature. Functions are vested in the council itself, and then exercised usually by committees or subcommittees of the council. In 2000, Parliament passed the Local Government Act 2000 to require councils to move to an executive-based system, either with the council leader and a cabinet acting as an executive authority, or with a directly elected mayor – either with a mayor and cabinet drawn from the councillors – or a mayor and council manager. There are now twelve directly elected mayors, in districts where a referendum was in favour of them. Every local council has its presiding officer, and this post is filled by the vote of the whole council. The presiding officer of a county or district council is called the Chairman, but in a borough or city he is called Mayor. (The title of Lord Mayor is a special mark of distinction given to the mayors of the seventeen most important English cities, and of Cardiff in Wales). The chairman of a town council is styled the Town Mayor. Major functions of local governments include recordkeeping (births, deaths, land transfers, etc.),

administration of elections (including voter registration), construction and maintenance of local and rural roads, zoning, building code enforcement, and law enforcement (especially in rural areas). The area which a council covers is divided into one or more electoral divisions – known in district and parish councils as "wards", and in county councils as "electoral divisions". In the election, the candidates to receive the most votes win, in a system known as the multi-member plurality system. There is no element of proportional representation. Councils may be elected wholly, every four years, or "by thirds", where a third of the councillors get elected each year, with one year with no elections. The term of a councillor is usually four years. Councillors cannot do the work of the council themselves, and so are responsible for appointment and oversight of officers, who are delegated to perform most tasks. Councils also have a general power to "promote economic, social and environmental well-being" of their area. However, like all public bodies, they are limited by the doctrine of ultra vires, and may only do things that common law or an Act of Parliament specifically or generally allows for. Local authorities sometimes provide services on a joint basis with other authorities, through bodies known as joint-boards. Joint-boards are not directly elected but are made up of councillors appointed from the authorities which are covered by the service. Typical services run by joint-boards include policing, fire services, public transport and sometimes waste disposal authorities.

Functions and powers

Arrangement	Upper tier authority	Lower tier authority
Shire counties	waste management, education, libraries, social services, transport, strategic planning, consumer protection	housing, waste collection, council tax collection, local planning, licensing, cemeteries and crematoria
Unitary authorities	housing, waste management, collection, education, libraries, social services, transport, planning, consumer protection, licensing, cemeteries and crematoria	waste collection, council tax collection, planning, cemeteries and crematoria
Metropolitan counties		housing, waste collection, council tax collection, education, libraries, social services, transport, planning, consumer protection, licensing, cemeteries and crematoria
Greater London	transport, strategic planning, regional development, police, fire	housing, waste collection, council tax collection, education, libraries, social services, local planning, consumer protection, licensing, cemeteries and crematoria

II Virginia has special provisions relative to cities and counties. The Commonwealth is divided into 95 counties and 39 cities. Cities are independent cities, which mean that they are separate from, and independent of, any county they may be near or within. Cities in Virginia thus are the equivalent of counties as they have no higher municipal government intervening between them and the state government. The equivalent in Virginia to what would normally be an incorporated city in any other state, e.g. a municipality subordinate to a county, is a town. For example, there is a County of Fairfax as well as a totally independent City of Fairfax, which technically is not part of Fairfax County even though the City of Fairfax is the County seat of Fairfax County. Within Fairfax County, however, is the incorporated town of Vienna, which is part of Fairfax County. Pennsylvania has 67 counties. With the exception of Philadelphia and Allegheny, counties are governed by three to seven county commissioners who are elected every four years; the district attorney, county treasurer, sheriff, and certain classes of judge ("judges of election") are also elected separately. Philadelphia has been a consolidated city-county since 1952. Allegheny County has had a council/chief executive government since 2000, while still retaining its townships, boroughs and cities. Each county is divided into municipalities incorporated as cities, boroughs, townships, and towns. The Commonwealth does not contain any "unincorporated" land that is not served by a local government. Townships are divided into one of two classes, depending on their population size. Townships of the "First Class" have a board made up of five to nine commissioners a particular ward and those of the "Second Class" have a board of three to five supervisors. Both commissioners and supervisors are elected at-large for a four-year term. Boroughs in Pennsylvania are governed by a "mayor-council" system in which the mayor has only a few powers (usually that of overseeing the municipal police department, if the borough has one), while the borough council has very broad appointment and oversight. The council president, who is elected by the majority party every two years, is equivalent to the leader of a council in the United Kingdom; his or her powers are operate within boundaries set by the state constitution and the borough's charter. A small minority of the boroughs have dropped the mayor-council system in favor of the council-manager system, in which the council appoints a borough manager to oversee the day-to-day operations of the borough. Cities in Pennsylvania are divided into three classes: Class 1, Class 2, Class 2A, and Class 3. Class 3 cities, which are the smallest, have either a mayor-council system or a council-manager system like that of a borough, although the mayor or city manager has more oversight and duties. Philadelphia city government

also has oversight of county government and as such controls the budget for the district attorney, sheriff, and other county offices that have been retained from the county's one-time separate existence; these offices are elected for separately than those for the city government proper.

From free internet sources

2. Compare local governmental functions in Ukraine, Great Britain and the United States. What functions are common?

3. Explain the difference between:

- the county and municipal governments (the USA),
- the «boroughs» and «parishies»,
- British and American local authorities.

4. Read the pairs of sentences and decide which of them correspond to the local government

a) Counties and county towns are the administrative areas where many public services are provided;

b) The Cabinet is the main executive body which exercises the government policy;

a) The powers of government include the right to declare war; the right to borrow and coin money, and to regulate its value;

b) Transport and connection, building, education, health protection, culture, physical training and sport; social, economic and cultural development, are among the powers of government;

a) The oldest form of city government is the «Mayor-council»;

b) The government is divided into three branches;

a) The Cabinet proposes bills and arranges business of the Parliament;

b) Councils have a general power to «promote economic, social and environmental well-being» of the area.

a) The presiding officer of the Senate is the Vice-President of the USA.

b) Boroughs have not adopted a directly elected mayor, the chairman of a town council is styled the Town Mayor.

IV. WRITING

Choose the topic and prepare a report (written composition) using the given word-combinations:

The powers of the Councillors

The current arrangement, local government, in England, to be, the result, a comprehensive policy, a range of incremental measures, the structure of local government, to be reformed and rationalised, local government areas, to become, fewer and larger; to amend the functions of local councils, not to have historically split, between executive and legislature, functions, to be vested in, the council itself, to be exercised, usually, by committees or subcommittees of the council, the leader, to chair, typically, several important committees, not to have special authority, the chair of the council, to be an honorary position with no real power, councillors, cannot do the work of the council themselves, to be responsible for, appointment and oversight of officers, to be delegated, to perform most tasks, local authorities, nowadays, have to appoint, a "Chief Executive Officer", with overall responsibility, for council employees, and, who, to operate, in conjunction with, department heads, in some areas, much of the work, to be undertaken by, council employees.

The City Manager Plan

The city manager plan, to serve for, a very technical job, in public management, the city manager plan, to foster, professionalization, in the various municipal departments, the city manager, to be, highly, trained and experienced, a professional, to be entrusted, most executive powers, the city manager plan, to be adopted, a number of cities, an elected council, a city manager, to carry out, the decisions, to draw up the city budget, to supervise the departments, a professional administrator, to have power and responsibility, to place at the head, each department, the most capable individual, the city manager, to be interested in, the appointment, a chief of police, the complete separation of the legislative and administration functions, the city manager form, local government, to be adopted, the smaller communities of the nation, the officials of, local government, to be, civic leaders of, the communities.

The powers of the Governors

The chief executives, many powers, to have the veto power to a bill, to overturn a governor's veto, by a three-fourth majority of both houses of the legislature, in the event, a statewide elected official dies, or to be incapacitated, to have power to appoint a replacement, to serve until the next election, to have control over the administrative apparatus of the state, state agencies, to regulate, health, education, banking, law enforcement, gas, electric, phone utilities, other public services, all states, to have, chief financial officers, some states, the head of school system, an individual, in others, a commission, to be composed of several members, as, the Board of Regents, in, New York, governor, to have, term of

office, ten original states, one year, two years, three years, forty-seven states, four year term, most states, to institute, an executive budget, to be prepared by, governors, through their authority, to exercise strong control, the legislature.

V. OVER TO YOU

Extend your knowledge on the topic, read the passage and do the assignments.

John Locke worked a theory of representative government that has become the basis of what we now call democracy. In 1690, Locke published his Second Treatise of Civil Government as a defense of limited monarchy and parliamentary supremacy. He too based his argument on man in a state of nature agreeing to a social contract. For Locke individuals in a state of nature enjoyed complete equality, freedom, peace, and the satisfaction of working together for mutual benefit. But, Locke further argued, this harmonious condition was fragile and easily destroyed by the unjust use of force, as when a prince takes away a citizen's right or a thief steals a person's property. To protect themselves against injustice, individuals enter into a «compact», or social contract, in which they give up a portion of the «equality», liberty, and executive power they had in the state of nature». By this contract they form a «commonwealth», or state, and place their trust in a legislative authority. If this authority violates its trust, then the people have the right to rebel and change their government.

He argued that government can justly govern only with the consent of the governed. He called for an electoral system that would provide equal representation to all the people in the state. Finally, he said that the ability of the people to peacefully change their representatives is essential to a just society.

Assignments:

1. What does the passage tell about?
 - a) An electoral system;
 - b) The authorities;
 - c) An indirect democracy;
2. What theories of government do you know? Match the authors from the left column to the essence of their theories with the right:

1) Plato and Cicero	a) the totalitarian regimes
2) Aristotle	b) the absolute authority;
3) Hobbes	c) government in the public interest
3. What is the most exact evidence of the Locke's theory?
 - a) the authority;
 - b) the natural law;
 - c) the electoral system.

PART III

**Judicial Systems and Law
Enforcement Bodies**

Unit 1. Judiciary in Ukraine

Section 1. Judicial System in Ukraine

I. WARMING-UP

1. Before reading the text about judicial system in Ukraine think about the subject in general:

What is a judicial system?

What types of courts do you know?

Who are people taking part in judicial proceedings?

2. Read the following words and decide what sound unites them. Use a dictionary if it is necessary for you.

a) judicial, judge, jury, general, jurisdiction;

b) operational, official, cassation, ensure, specialized;

c) court, conformity, local, economic.

3. Read the definitions of the word 'judiciary' and decide in what meaning(s) it can be used in the text.

a) judicial power

b) judicial system

c) court organization

d) all the judges in a country who form part of the system of government.

4. Look through the words and phrases and guess which of them are used in the text. Explain your choice.

Tribunal, crime, dispute, jurisdiction, court of appeal, legal relations, monarch, prosecutor, law, legislation, arbitration.

Read the text and prove or disprove your choice in exercises 3 and 4.

TEXT I JUDICIAL SYSTEM IN UKRAINE

Judicial power in Ukraine is based on the Constitution. It is an independent branch of state power created to *solve* legal problems between

the state and citizens, citizens and legal persons; to *supervise* over constitutionality of laws; to defend citizens' rights in their relations with bodies of state power and officials; to supervise citizens' rights in the course of investigating crimes and conducting operational search activity; to establish the most significant legal facts.

Judicial power is realized by *judges* in the form of civil, criminal, economic, administrative as well as constitutional *legal proceedings*. Thus, judicial system is an aggregate of all existing courts in Ukraine. They have *jurisdiction* over all legal relations that appear in the state. The system provides availability of justice for every person. The courts *interpret* and *apply* the laws created according to the Constitution of Ukraine. Their decisions are made on behalf of Ukraine and are obligatory for enforcement on the entire territory of the country.

Judicial proceedings are administered by *the Constitutional Court* of Ukraine and courts of general jurisdiction.

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction. It decides on issues of conformity of laws and other legal acts with the Constitution and provides their official *interpretation*.

Courts of general jurisdiction form the common system of courts united by aims, tasks, principles of organization and activity, and are headed by *the Supreme Court* of Ukraine. They are set up according to principles of territoriality and specialization. General courts are *local*, *appellate*, Highest Specialized Courts, and the Supreme Court. *Economic*, *administrative* and some other courts are defined as specialized.

The lowest courts are local (district, city, etc), which are *courts of first instance* or *trial courts*, decide different types of cases. The appellate courts hear *appeals* from the local ones. The Highest Specialized Courts deal with *cassations* and determine the legality and *reasoning* of the previous court *judgments*. The Supreme Court, the highest court in their system, *administers justice*, ensures equal application of legislation by all courts of general jurisdiction.

The specialized courts of general jurisdiction consist of administrative and economic courts *resolving disputes* in the sphere of administrative and economic legal relations.

Justice is administered by professional judges and, in cases determined by law, *people's assessors* and *jurors*. Judicial proceedings are administered by *a judge* personally, a board of judges or *a jury*.

A citizen of Ukraine of at least 25 years old, who has higher legal education and work experience in the sphere of law for not less than 3 years, has resided in Ukraine at least 10 years and speaks state language may be recommended by the qualification commission for the position of a judge. The first appointment is made by the President for a five-year term. All other judges, except for judges of the Constitutional Court, are elected by the Verkhovna Rada for a lifetime. Professional judges must not belong to political parties and trade unions, occupy any other paid positions, and perform other paid work except scientific, teaching and creative activity.

The independence and *immunity* of judges are guaranteed by the Constitution and laws of Ukraine.

II. COMPREHENSION

1. Read the following statements to choose the main topics of the text. Arrange them according to the content of the text, and add or exclude any point if necessary.

- Types of courts
- Requirements for a judge
- Tasks of the judicial system
- Legal relations
- Jurisdiction of courts

2. Read the following statements and decide if they are true or false. Prove your answer with the information from the text.

1. The judicial system consists of courts of general jurisdiction.
2. Court decisions are binding for everybody in Ukraine.
3. Trial courts can hear some types of appeal.
4. A person may have work experience in the sphere of law for five years to become a judge.
5. President appoints all judges.
6. Judges are allowed to take part in political activity.

3. Answer the following questions:

1. What are the tasks of the judicial system?
2. What does the judicial system consist of?
3. What are the functions of courts?
4. What types of jurisdiction do courts possess?
5. Who can administer justice?
6. Who can become a judge?

4. Find in the text legal terms which have the following meanings:

- A person with authority to hear and decide disputes brought before a court;
- An application to a higher court to examine again a case decided by a lower court;
- The power of a court to hear and decide cases;
- A serious disagreement;
- A body of persons who decide the facts of a case and give a decision of guilty or not guilty called a verdict;
- A process of thinking carefully about something in order to make a judgment.

III. VOCABULARY STUDY

1. Give synonyms to the following words and phrases and make up word combinations.

Arise, single, lawful, binding, define, unlimited term, post, purpose, decision, important, question.

2. Give antonyms to the following words and make up your own sentences.

Legal, duty, competence, justice, constitutional, high, equal, professional.

3. Match the legal terms with their definitions.

1. a case of first instance	a) a collective term for all judges
2. a hearing	b) freedom from a legal obligation or consequence such as prosecution for crimes
3. immunity	c) one which is heard before a court for the first time
4. a judgment	d) the right to use an official power to make legal decisions, the area where this right exists
5. the judiciary	e) a meeting of a court to find out the facts about the case

6. a trial	f) an official decision given by a judge or a court of law
7. jurisdiction	g) the process of examining and deciding a civil or criminal case before a court

4. Read the sentences and fill in the gaps with the words and phrases given in the box. Pay attention that there are more words than the gaps.

court, decision, jury, dispute, arbitration, trial judge, appeal, people's assessor, apply

1. The punishment was reduced to three years on
2. She is not happy with the ..., and plans to appeal.
3. The dispute is going to
4. Both sides in the ... have agreed to binding arbitration.
5. The problem was settled out of
6. The ... determines the number of years to be spent in prison.
7. The ... plays an important role in the legal system of many countries.

5. There are 13 lexical mistakes in the following text. Correct them.

In administer of justice judges are independence and obey only the law.

The main principles of the judiciary are the following:

- 1) unlawfulness;
- 2) equality of all parties to executive proceedings before the law and the court;
- 3) ensuring the proof of guilty;
- 4) competitiveness of parties and free related to presenting evidence to the court and demonstrating its inaccuracy to the court;
- 5) support of state prosecute by a prosecutor;
- 6) guarantee of the duty to defence for an accused person;
- 7) publicity of judge process and its record by technical means;

- 8) ensuring the appellate and cassation of a court decision except cases established by president;
- 9) obligatory courts decision.

6. Continue the list of words and phrases associated with the following topics. Be ready to use them for speaking.

1. Tasks of judicial system: to solve legal problems, ...
2. Types of courts and their jurisdiction: local court, ...
3. Requirements for a judge: higher legal education, ...

7. Translate into English.

1) Судова система – це сукупність судів, що створені і функціонують на основі єдиних принципів організації та діяльності.

2) Суд першої інстанції – це суд, уповноважений у межах своєї компетенції розглядати і вирішувати кримінальні, цивільні, господарські, адміністративні справи. Суди першої інстанції розглядають справу по суті, встановлюючи обґрунтованість, необґрунтованість чи часткову обґрунтованість позову (спір про цивільне право чи про захист прав, свобод та інтересів у публічно-правових відносинах), або винність чи невинність особи (за звинувачення її у вчиненні злочину).

3) Суд апеляційної інстанції – це суд, який розглядає апеляції на рішення судів першої інстанції, що не набули законної сили, з вирішенням питання про законність і обґрунтованість рішень, що оскаржуються.

4) Касація – це спосіб оскарження судових рішень, які вступили в законну силу, до вищого спеціалізованого суду або до Верховного Суду України.

IV. GRAMMAR FOCUS

1. Find in the text sentences with Passive Voice and rewrite them in Active Voice.

2. Find in the text personal and possessive pronouns and decide instead of what nouns they are used.

V. SPEAKING

- 1. Imagine that you are a judge. Choose a court you work in and describe your job (types of cases, rights and duties, advantages and disadvantages, etc).**
- 2. You are a specialist in judicial system of Ukraine. Describe it to your colleagues from the UK. Exercise 6 in Vocabulary Study will help you.**
- 3. There is a joke, 'A jury consists of twelve persons chosen to decide who has the better lawyer'. Do you agree with it? Do you think we should have jury trial? Prepare your arguments for and against it.**

Unit 1. Judiciary in Ukraine

Section 2. Status and Role of Judges in Legal Proceedings

I. LEAD-IN

1. Before you read the text answer the following questions:

1. What are the bases for judges' independence in Ukraine?
2. What laws establish and guarantee their functions and independence?
3. What are the main responsibilities of a Ukrainian judge in a trial?

2. Divide the words into three groups according to the pronunciation of the underlined vowels. Three words do not belong to any of these groups.

Court, reach, apply, work, trial, legal, binding, reach, important, determine, appeal, law, procedure, recorder, high, appellate, provide, Lord, private.

Read the text to check your answers in exercise 1.

TEXT 2

INDEPENDENCE OF JUDGES, THEIR STATUS AND ROLE IN JUDICIAL PROCEEDINGS

Notes:

- institutional independence** – інституціональна незалежність
decisional independence – прецедентна незалежність
preliminary hearing – попереднє судове слухання справи
to be subject to – підлягати чому-небудь
to favour – підтримувати

A judge is a state official, who knows a lot about the law, and has the power to *adjudicate* on disputes and other matters brought before the court for decision. The independence of judges is guaranteed by the Constitution and the laws of the country.

In the United Kingdom judicial independence is the doctrine that decisions of the judiciary should be *impartial* and not subject to influence from other branches of government or from private or political interests. It is guaranteed by the Constitutional Reform Act 2005, s.3. Judicial independence is also secured by giving judges long, sometimes lifetime, tenure and making them not easily removable from their office. As long as judges hold their positions in «good order», they remain in post until they wish to retire or until they reach 70.

There are two types of judicial independence in the USA: institutional and decisional. The former means that the judicial branch is independent of the executive and legislative branches, while the latter lies in the idea that judges should be able to decide cases solely based on the law and facts, without letting the media, politics, or other concerns influence their decisions, and without fearing punishment in the careers for their decisions. *Law-abiding* federal judges have lifetime appointments. Another condition of judicial independence is proper judicial selection. Many state *legislatures* prefer election by the general public but many professionals view judicial elections as rewarding political skills rather than legal ones.

The Laws of Ukraine «On Status of Judges», «On the Constitutional Court of Ukraine», «On Court Organization in Ukraine», «On *Contempt* of Court» and others determine the status of judges and provide their independence. Unity of status of judges is ensured by common requirements for candidates for a post of a judge, their powers, rights and duties, protection from *interference* in their work, means of legal, social and financial protection, immunity, political neutrality, etc. Guarantees of judges' independence include the procedure of their election (appointment), secret of making a decision, *prohibition* on interference in administration of justice, responsibility for contempt of court or judge and so on.

Though there are significant differences between the functions of judges in different legal systems, they have some common functions. In judicial proceedings they are responsible for conducting a trial fairly, orderly and efficiently, observing the established procedures. Judges interpret and apply laws, decide questions related to pretrial release. In preliminary hearings and trial without a jury, they determine both the points of fact and the points of law. In jury trials they instruct jurors: the judge calls the jury's attention to all most important points in the evidence and favours neither prosecution nor defence. In common law countries they also create law by establishing precedents.

The position of a judge is usually prestigious in society.

II. DEVELOPMENT

1. The summary of the text contains mistakes. Correct them.

The text «Independence of Judges, their Status and Role in Judicial Proceedings» deals with the constitutional law. It starts with the description of judges' functions in the USA. Then it explains the judicial independence doctrine in the UK. After that the author introduces two types of judicial independence in Ukraine. Further on the author passes on to the status of judges in Ukraine. At the end of the text there is a definition of a judge.

2. Find in the text

a) – the definition of a judge;

– the explanation of the judicial independence doctrine in the UK;

– two types of judicial independence in the USA;

– the functions of a judge.

b) the legal terms which correspond to the following definitions:

– an institution that has power to make or change the laws;

– respectful of the law and obeying it;

– not involved in a particular situation and therefore able to give a fair opinion or piece of advice;

– disobedience or disrespect towards the court of law or judge;

– to officially decide who is right in a disagreement and decide what should be done;

– an order that forbids something;

– an act of interfering in something.

3. Decide which pairs of words below are the same (synonyms), opposite (antonyms) or different. Add at least one pair to each group.

Independence – dependence, long – good, term – tenure, impartial – fair, points – questions, biased – impartial, law – fact, post – position, interpret – apply, unlawful – illegal, civil – criminal.

4. Complete the lists with the words and phrases connected with the following:

Sources of judicial independence: ...

Means of judicial independence: ...

Status of judges: ...

Duties of judges: ...

5. a) Read the following definitions of the word ‘contempt’ and choose the one in which it is used in the text:

- a) a feeling that someone or something is not important and deserves no respect;
- b) disobedience(непокопа) or disrespect towards a court;
- c) disobedience or disrespect towards a judge;
- d) complete lack of fear about something.

b) Match the types of contempt of court to their Ukrainian equivalents:

Direct contempt	Невиконання судового розпорядження, винесеного на користь іншої сторони
Indirect contempt	Неповага до суду у засіданні
Civil contempt	Злочинна неповага
Criminal contempt	Неповага до суду поза засіданням, непідкорення розпорядженню (суду)

c) Find the English equivalents for the following words and phrases in the paragraphs below among those in italics:

Давати хабара; розкривати/розголошувати; образа судді; порушення громадського порядку; неповага перед судом/відкрита неповага в суді; бути упередженим; чесність; перешкоджати; нарада при-сяжних (обговорення справи).

In common law countries contempt includes the following:

- interference with the result of legal proceedings, e.g. giving a bribe or threatening witnesses, the jury or a judge;
- contempt in the face of court, e.g. using threatening language or creating a disturbance in court;
- abuse of a judge or attacks on integrity of the administration of justice;
- interference with the general process of administration of justice, e.g. disclosing the deliberations of a jury.

In the UK it is a statutory contempt to publish, by any means, anything that creates a serious risk that the justice in particular active legal proceedings will be impeded or prejudiced; to get or disclose any details of jury discussions and to bring into a court or use a tape recorder without

permission. Contempt of court is a criminal offence punishable by a jail sentence and/or a fine.

d) Which types of contempt of courts exist in our legislation?

6. Give your opinion on the following statements using the expressions in brackets:

(I think, as far as I am concerned, I believe)

1. Any attempts to pressure judges, people's assessors or jurors aimed at preventing them carrying out an examination of a case should be punished.
2. It is difficult to discipline people who try to pressure a judge.
3. The judges are human beings with all human weaknesses, so they can make mistakes.
4. Judges cannot be really independent.
5. It is necessary to provide decent conditions for the work of court.
6. One of the biggest problems is non-observance of laws, regulations and resolutions.

7. Translate the following into English:

Згідно з Конституцією правосуддя в Україні здійснюють професійні судді, а також народні засідателі та присяжні у визначених законом випадках. Справи в судах першої інстанції розглядаються суддею одноособово, колегією суддів або суддею і народними засідателями, судом присяжних. Суддя, який розглядає справу одноособово, діє як суд. Судді при здійсненні правосуддя є незалежними від будь-якого впливу, нікому не підзвітні, підкоряються лише закону. Гарантії самостійності та незалежності суддів визначаються Конституцією та законами України. Суддям забезпечується свобода неупередженого вирішення справ відповідно до їх внутрішнього переконання, що ґрунтується на вимогах закону.

III. PRACTICE AND EXPERIENCE

1. **Work in pairs. One of you is a journalist and the other is a judge in a court of your choice in the UK, the USA or Ukraine. Prepare questions and answers and be ready to reproduce the interview.**

2. Read the following text and translate the words and phrases given in brackets.

CORONER'S COURT

Notes:

a coroner	- коронер (слідчий, спеціальною функцією якого є розслідування випадків насильницької або раптової смерті)
a deceased	- покійний
a cell	- камера
a post-mortem	- розтин трупа
an inquest	- розслідування

There are special coroner's courts in some countries such as the USA, the UK, Canada, Australia and some others.

A coroner is an (посадова особа) responsible for investigating deaths, particularly those happening under (незвичайний) circumstances, and determining the cause of death. Depending on the (юрисдикція), the coroner may decide the cause himself, or (діяти) as a presiding officer of a special (суд) (а «coroner's jury»).

In England and Wales a coroner is a judicial officer (який призначається) and paid by the local authority. The Coroners are (юристи) (solicitors or barristers) or doctors of at least five years standing. This reflects the role of a coroner, to (визначати) the cause of death of a deceased in cases where the death was sudden, unexpected, occurred (за кордоном), was suspicious in any way or happened while the person was in police cells, or in prison.

The coroner's jurisdiction is (обмежений) to finding the (ім'я) of the deceased and the cause of the death. When the (смерть) was unexpected, violent or unnatural, the coroner will (вирішувати) whether to hold a post-mortem and, if necessary, an inquest. The coroner's court is a court of law, and the coroner may summon witnesses.

3. Choose the right item or items to complete the sentences.

a) (Lawyers, barristers, judges, doctors, solicitors, ordinary citizens) may be coroners.

b) Coroners investigate (all types of death, limited types of death, all unusual types of death).

c) The main tasks of coroners are to find out (the reason of the death, the name of the dead, the name of a suspect).

d) The coroner may decide a case (with other judges, alone, with a jury).

4. Decide which of the following cases a coroner will hear:

- 1) a man was found dead in his flat;
 - 2) a woman of 84 years old died in her sleep at home;
 - 3) the sudden death of a governor;
 - 4) a death of a person after an operation;
 - 5) a broken arm as a result of car accident;
- 1) a death in a car accident;
 - 2) suicide of an official.

5. a) The adjectives below are related to both positive and negative traits of a person's character. Divide them into two groups.

Hard-working, just, punctual, lazy, friendly, emotional, clever, responsible, calm, talkative, absent-minded, intelligent, well-educated, respectful, serious, formal, tolerant, reserved, highly-qualified, polite, reasonable, tactful, wise, resolute, cruel.

b) Choose those

- a judge as a lawyer should possess and make up a sentence with each of them

e.g. A judge must be fair to decide cases fairly.

- a judge should not possess

e.g. A judge should not be absent-minded at the trial, otherwise he can miss something important.

- you have and speak about yourself.

e.g. I am punctual, so I am never late.

You may use other adjectives if you wish.

6. Agree or disagree with the following statements. Use the expressions given below.

I agree. I suppose so. That's right/not right/true. That's not what I've heard. That's what I've heard. I'm not sure. I think so.

- There must be respect for the law on the part of every Ukrainian regardless of rank and position.

- It is not very easy for an ordinary citizen to refer a case to a court of law because the procedures for filing claims are very complicated.
- There are so many discrepancies (розбіжність, суперечність) in the current legislation that even the professional lawyers sometimes find it difficult to determine the jurisdiction of a case: e.g. to be handled by the administrative or the economic court.
- Our courts must serve our citizens, but in fact they serve the state.
- Ukraine will become a law-governed state only if legal punishment becomes unavoidable for everyone without exceptions, including judges and prosecutors.

7. You are participants of the International Seminar on Judicial System. Be ready to give a talk on one of the issues given below or of your own choice.

- 1) Powers of Judges: too many or too few?
- 2) Role of People's Assessors in Judicial Proceedings.
- 3) Judges Immunity: pros and cons.
- 4) Judicial Reform: what should be done to improve justice?
- 5) Protection of Judges from Interference in their Work.

IV. WRITING

- 1. Write a letter to your friend in the UK or the USA about**
- a) the judicial system of Ukraine; or
 - b) judges in Ukraine.

V. OVER TO YOU

QUIZ

1. How many of these questions can you answer?

1. What are the two main areas of jurisdiction in the English judicial system?
2. Ordinary people play two important roles in the administration of justice in the UK and the USA. What are their roles?
3. What was the role of the House of Lords in the British judicial system?

4. Can a precedent be too old to be a binding precedent today?
5. You ask Mr Cole's job and he tells you he is an attorney. Is he American or British?
6. If the US House of Representatives is equivalent to the British Commons, what is the British equivalent to the Senate?
7. What is the Old Bailey?
8. Do British judges always wear wigs in court?

2. Find 28 legal terms hidden in the square below: 16 read across and 12 read down.

J	U	R	I	S	D	I	C	T	I	O	N	Y	L	Q	P	I
U	X	L	A	W	V	P	P	R	E	C	E	D	E	N	T	N
S	R	I	G	H	T	T	R	I	A	L	N	J	G	H	I	D
T	O	C	A	S	E	H	V	B	F	E	M	K	A	R	S	E
I	C	O	D	E	N	R	J	U	D	G	E	L	L	E	U	P
C	O	U	R	T	J	A	B	N	D	I	S	P	U	T	E	E
E	N	H	E	Y	U	P	R	A	F	S	S	C	B	K	G	N
A	T	V	V	A	R	P	F	L	C	L	A	I	M	J	Z	D
G	E	O	I	C	O	E	O	N	E	A	T	T	N	O	P	E
R	M	T	E	T	R	A	R	B	I	T	R	A	T	I	O	N
L	T	E	W	K	R	L	A	C	J	U	B	P	Q	Y	W	C
K	B	U	C	L	A	W	Y	E	R	R	R	U	L	E	E	E
A	X	I	M	M	U	N	I	T	Y	E	O	I	J	U	R	Y

Unit 2. Judiciary in the UK and USA

Section 1. Judicial System in the USA

I. WARMING-UP

1. Which nouns related to courts that you already know can be used with the following adjectives?

Judicial, appellate, federal, original, civil, criminal.

2. Match the English words and phrases with their Ukrainian equivalents:

- | | |
|-----------------------------|---------------------------------|
| 1) judicial review | a) позов |
| 2) error of law | b) частково збіжна юрисдикція |
| 3) county | c) на підставі, в силу |
| 4) claim | d) судовий перегляд |
| 5) legal issues | e) відхилити, не брати до уваги |
| 6) to override | f) помилка у праві |
| 7) overlapping jurisdiction | g) правові спори |
| 8) under the authority of | h) округ |

2. Group the following words according to the stress on the first or second syllable. Two words can be both a noun and a verb and it depends on the stress (in a noun on the first and in a verb on the second syllable).

Senate, authority, permit, justice, judicial, approve, appellate, power, review, dispute, error, supreme, issue, conflict.

Read the text to find the following information:

- Six names of federal courts.
- Three names of state courts.
- The number of federal circuits.
- The number of federal districts.
- The name of the person who appoints federal judges.
- All abbreviations and give their meanings.

TEXT 1

THE USA COURT SYSTEM

Being the federal republic, the USA has both a federal and a state court system. The federal court system is responsible for interpreting and applying the laws created by the federal government under the authority of the US Constitution. Article III of the US Constitution requires the establishment of a Supreme Court and permits the US Congress to create other federal courts, and place limitations on their jurisdiction.

The Supreme Court is the highest judicial body, the court of last resort and leads the federal judiciary. It meets in Washington, D.C. It is mainly an appellate court and hears only federal appeals which it has chosen. Most of the cases involve the interpretation of the Constitution. It also has the «power of *judicial review*», i.e. the right to declare laws and actions of the federal, state, and local governments unconstitutional. Besides, the Court has limited original jurisdiction in cases *involving* foreign diplomats and in those, in which a state is a party. In practice, the only original jurisdiction cases heard by the Court are disputes between two or more states. It consists of the Chief Justice and eight Associate Justices, who serve «during good behaviour», that is while they obey the law. Cases are decided by majority vote of the Justices.

The federal Courts of Appeals (*or circuit courts*) are the intermediate appellate courts, and must hear all appeals from the district courts within their federal judicial circuits, and in some cases from other designated federal courts and administrative agencies. Now there are thirteen judicial circuits with one court of appeals. They review decisions of trial courts for *errors* of law and their decisions are *binding precedents*. An appeal is almost always heard by a panel of three judges who are selected from the available judges but in some cases all judges decide an appeal.

The District Courts are the federal trial courts. They hear both civil and criminal cases, and often decide *claims* based on state law. There are 94 federal judicial districts with at least one district court for each state, the District of Columbia and Puerto Rico. There is a US bankruptcy court as a unit of the district court.

Besides, some federal courts of special jurisdiction, such as the Tax Court, the Court of International Trade, Courts of Federal Claims and others administer justice in the country.

All federal judges *are appointed* for life by the President with the *approval* of the Senate.

Each state has an independent system of courts operating under the constitution and laws of the state. The names and jurisdiction of the courts differ from state to state but as a rule they have general jurisdiction. The highest court is the state supreme court (known by various names in various states), which hears appeals of legal disputes. In most states the lowest courts are the magistrates' courts or police courts.

The relationship between state courts and federal courts is quite complicated. Although the United States Constitution and federal laws override state laws where there is a conflict between federal and state law, state courts are not subordinate to federal ones. Rather they are two parallel sets of courts with different often overlapping jurisdiction.

II. COMPREHENSION

1. Read the text to answer the following questions:

1. What are the tasks of the federal court system?
2. What types of courts have been created according to the US Constitution?
3. What body created other federal courts?
4. What types of cases does the US Supreme Court hear?
5. What do the federal Courts of Appeals do?
6. What is the jurisdiction of the federal District Courts?
7. What is the term of office for federal court judges?
8. Are state courts inferior to federal courts or not?

2. Choose the meaning of the following words in which they are used in the text.

1 state

- a) the physical or mental condition that someone or something is in;
- b) a country considered as a political organization;
- c) one of the areas with limited law-making powers that together make up a country controlled by a central government.

2 justice

- a) the system by which people are judged in courts of law and criminals are punished;
- b) the fair treatment of people;
- c) a judge in a law court.

3 case

- a) a question or problem that will be dealt with by a law court;
- b) a special box used as a container for holding or protecting something;
- c) all the reasons that one side in a legal argument can give against the other side.

4 party

- a) a social event when a lot of people meet together to enjoy themselves;
- b) a political organization with particular beliefs and aims, which you can vote for in elections;
- c) one of the people or a group of people involved in a legal argument.

5. precedent

- a) an official action or decision that can be used to give support to later actions or decisions;
- b) something of the same type that has happened or existed before;
- c) the way that things have always been done.

3. Explain the following phrases in your own words:

Exclusive jurisdiction, binding precedent, overlapping jurisdiction, intermediate courts.

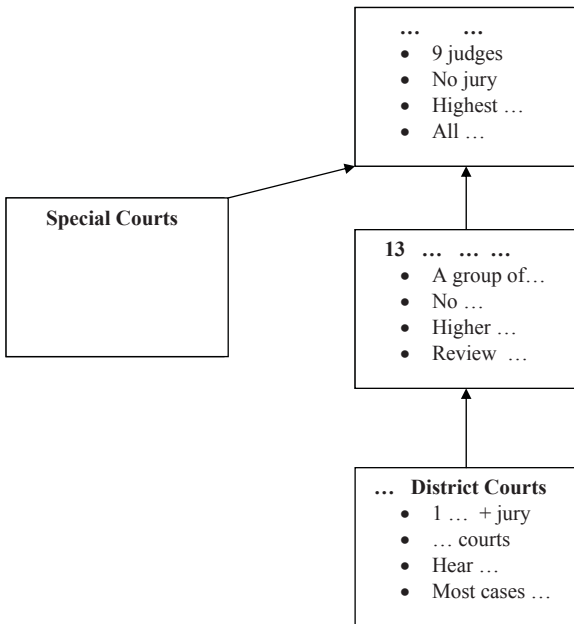
4. To check your understanding the text, complete each sentence below by choosing the correct answer:

- 1. The highest court in the country is
 - a) the Supreme Court;
 - b) the State Supreme Court;
 - c) the US Supreme Court.
- 3) The US President appoints
 - a) all judges in the country;
 - b) all federal judges;
 - c) all judges in the supreme courts.
- 4) The US Supreme Court has
 - a) appellate jurisdiction;
 - b) appellate and limited original jurisdiction;
 - c) appellate and original jurisdiction.
- 5) The federal Courts of Appeals hear

- a) all kinds of appeals;
- b) appeals on points of law;
- c) appeals on points of fact.
- 6) The District Courts decide
 - a) civil and administrative cases;
 - b) civil and criminal cases;
 - c) criminal cases and appeals.
- 7) A state court may hear any case if it is connected to its
 - a) criminal law;
 - b) constitution and laws;
 - c) civil or criminal law.

5. To complete the diagram of the federal court system in the USA at first use the information given in brackets and then from the text.

The US Federal Court System



(Court of Custom, court in the USA, 3 judges, start and stop at this level, district court decisions, cases about federal laws and constitutional rights, lower, Supreme Court, judge, decisions are final, jury, courts, 94, Courts of Appeals)

III. VOCABULARY STUDY

1. Substitute the words in *italics* with the words from the text.

1. Federal *system of rules that people in a particular country must obey* protects people from injustice.
2. They filed a *formal request to a court asking for a decision to be changed* against the judgment.
3. *All the judges in a country* must serve the justice.
4. *The official in control of a court who decides how criminals should be punished* specifies the number of years to be spent in prison.
5. All people have the right to a fair *legal process in a court of where a judge examines information to decide if somebody is guilty or not*.
6. Mr Brown asked for the *careful judicial examination of the decision*.

2. Find in the text synonyms to the following words and make up your own sentences:

Power, to appoint, body, obligatory, mistake, special.

3. The table below shows relationship between the verb, noun and adjective forms in different word families. Complete the table and make up word combinations using the words from the table.

Verb	Noun (thing or concept)	Noun (person)	Adjective (positive and negative)
	approval	-----	
-----	law		lawless
		interpreter	
	application		
decide			decisive
appoint			appointive (US)
		dependant	
	judgment		
lead			
		-----	exclusive

4. Who or what do the pronouns in *italics* refer to?

1. *It* is the court of last resort.
2. *They* serve as long as they obey the law.
3. *It* has limited original jurisdiction in cases related to foreign diplomats and *those* in which a state is a party.
4. President appoints *them* for life with the consent of the Senate.
5. *They* hear appeals from the district courts.
6. *Their* decisions may be appealed to the federal courts of appeal.
7. *It* has federal and state courts.

5. Each of the groups of words can be linked by one other word – a noun or nouns. What are they? Add any other adjectives if you can.

- a) original, limited, exclusive, constitutional;
- b) civil, criminal, federal, state;
- c) district, county, trial, intermediate, police;
- d) judicial, wrong, legal, binding.

6. Translate the following into English:

Суд останньої інстанції; право/повноваження судового перегляду; розглядати позови; банкрутство/неспроможність; слухати апеляції; судовий округ; федеральний районний суд; призначати довічно; застосовувати закони; тлумачити закони; податковий суд; суд із питань міжнародної торгівлі; відхиляти закони штату; підпорядкуватися закону; на основі Конституції; правові спори; прецедент, який має обов'язкову силу.

7. Each of the sentences contains a mistake. The mistakes are all in the prepositions. Find and correct them.

1. The system in federal courts hears cases related to the federal jurisdiction.
2. All federal judges are appointed before life.
3. The courts of law have jurisdiction for legal disputes that appear in the country.
4. A judge is responsible on making decisions at the trial.
5. Each of the sides involved upon legal proceedings is a party to a case.

6. On the doctrine of binding precedent decisions of courts in previous cases are considered as a source of law which will influence or bind courts in later similar cases.

7. The task of conducting trials is placed from different types of courts.

8. Complete the text with the words from the box:

<p>Justice, superior, law, court, appeals, administer, trial, appellate, civil, military, jurisdiction, criminal</p>

Courts are established to 1)... civil law and criminal 2).... The term 3) ... is also applied to international tribunals created to resolve controversies among governments, e.g. the International Court of 4)...., established by the UNO.

Among the general classifications are courts of 5)... and inferior jurisdiction, trial courts, appellate courts, civil and criminal courts and some others. Courts of superior 6)...., often called higher courts or 7)... courts, are generally those to which 8) ... are made from decisions of courts of inferior jurisdiction, referred to as lower courts or 9)... courts. Civil and criminal courts deal with breaches of the 10)... law and 11)... law respectively. Courts with special limited jurisdictions – such as 12)... courts – are known by the names of these jurisdictions.

9. Translate the articles of the Constitution of Ukraine:

Стаття 147. Конституційний Суд України є єдиним органом конституційної юрисдикції в Україні.

Конституційний Суд України вирішує питання про відповідність законів та інших правових актів Конституції України і дає офіційне тлумачення Конституції України та законів України.

Стаття 148. Конституційний Суд України складається з вісімнадцяти суддів Конституційного Суду України.

Президент України, Верховна Рада України та з'їзд суддів України призначають по шість суддів Конституційного Суду України.

Суддею Конституційного Суду України може бути громадянин України, який на день призначення досяг сорока років, має вищу юридичну освіту і стаж роботи за фахом не менш як десять років,

проживає в Україні протягом останніх двадцяти років та володіє державною мовою.

Суддя Конституційного Суду України призначається на дев'ять років без права бути призначеним на повторний строк.

Голова Конституційного Суду України обирається на спеціальному пленарному засіданні Конституційного Суду зі складу суддів Конституційного Суду України шляхом таємного голосування лише на один трирічний строк.

IV. GRAMMAR FOCUS

1. Find Present and Past Participles in the text, define their functions and translate them.

2. Complete the sentences with suitable Participles. What are their functions?

1. All criminal trials in Britain are held before a judge and a jury (to consist) of twelve ordinary citizens. 2. Everybody supported the decision (to make) by the judge. 3. Civil law (to use) in many countries is based on ancient Roman law. 4. Congress has powers in domestic affairs (to include) the power to regulate commerce among states. 5. There are 94 district courts (to establish) by the Congress. 6. The lawyer (to announce) the decision is a judge.

V. SPEAKING

1. Use the diagram in exercise 5 of COMPREHENSION to speak about the federal court system in the USA.

2. Choose a court in the US judicial system you would like to work in. Explain your choice.

3. Speak about a) similar features in the court systems of Ukraine and the USA and b) their differences.

UNIT 2. Judiciary in the UK and USA

Section 2. Judicial System in the UK

I. LEAD-IN

1. Answer the following questions:

1. What are types of jurisdiction in the UK courts?
2. What is the relationship between different courts?
3. What is the role of the Monarch in the judicial system?

2. Match the following words and phrases with their Ukrainian equivalents:

- | | |
|--------------------------|---------------------------------------|
| 1) county court | a) судовий секретар |
| 2) magistrates' court | b) умова надання права займати посаду |
| 3) Crown Court | c) суд графства |
| 4) recorder | d) суд корони |
| 5) clerk to the justices | e) магістратський суд, суд магістрату |
| 6) qualification | f) рикордер, міський мировий суддя |
| 7) tort | g) делікт, цивільне правопорушення |

Read the text to find out if you have answered correctly in exercise 1.

TEXT 2

JUDICIAL SYSTEM IN ENGLAND AND WALES

Notes:

- The Queen's Bench Division** – відділення Королівської Лави
The Chancery Division – канцлерське відділення
The Family Division – відділення в сімейних справах
The High Court of Justiciary – Суд юстиціарію, Вищий кримінальний суд у Шотландії
Privy Counselor – член Таємної Ради

The Ministry of Justice is a department of the government in the UK, created under the Constitutional Reform Act 2005. The Lord Chief Justice is the head of the Judiciary.

The Supreme Court of the United Kingdom is the court of last resort, highest appellate court in all matters under English law, Welsh law, Northern Irish law and Scottish civil law (the High Court of Justiciary is the supreme

criminal court in Scotland). The Supreme Court started work on 1 October 2009. It replaced the Appellate Committee of the House of Lords as the highest court in the UK. The court hears appeals on arguable points of law of the greatest public importance. There are 12 Justices of the Supreme Court; one of them is the President.

The Court of Appeal, the High Court of Justice and Crown Court are senior courts in the English legal system. The Court of Appeal consists of two divisions: the Civil Division hears appeals from the High Court and County Courts, and some superior *tribunals*, while the Criminal Division may hear appeals from the Crown Courts connected with a *trial on indictment* (i.e. trial by judge and jury, (the jury is present if the defendant *pleads «not guilty»*)). Three Lord Justices of Appeal hear an appeal, reaching a decision of majority. The decisions are binding on all courts apart from the Supreme Court of the United Kingdom. Lords Justices are selected from the ranks of senior judges.

The High Court of Justice or the High Court functions both as a civil court of first instance and a criminal appellate court. It consists of three divisions: the Queen's Bench Division mainly deals with civil actions based upon contract law or tort, and *appeals on points of law* from Crown Courts; the Chancery Division is concerned with matters relating to business law, intellectual property and some others; the Family Division hears cases connected with family law. High Court Judges are normally Privy Counselors.

The Crown Court is the higher court of first instance in serious criminal cases, which also hears criminal appeals from Magistrates' Courts, and handles a number of civil cases both at first instance and on appeal. The court carries out four principal types of activity: appeals from decisions of magistrates, *sentencing* of defendants *committed* from Magistrates' Courts, *jury trials*, and the sentencing of those who are *convicted* in the Crown Court, either after trial or on pleading guilty. High Court Judges, Circuit Judges and Recorders may sit in the Crown Court. Circuit Judges are the same ones who sit in the County Courts, and have had a seven-year qualification, or from Recorders. Recorders are barristers or solicitors in private practice, who sit as *part-time judges*.

Magistrates' Court is the court where all criminal prosecutions are initiated. Though they hear only minor criminal *offences*, 95% of all criminal *cases are tried* there. These courts have a limited jurisdiction in civil matters relating to family law (Family Proceedings Court) and licensing applications. Youth Courts, special magistrates' courts, deal with offenders under 18 years old. Magistrates' Courts *are presided over* by three lay magistrates (*Justices of the Peace*) who are unpaid but trained volunteers, or by a District Judge. The magistrates are assisted by a professional legal adviser or Clerk to the Justices,

and there is no jury. District Judges are barristers or solicitors of 5 years' general practice. Deputy District Judges, i.e. practising *solicitors* or barristers, can sit as part-time judges in Magistrates' and County Courts.

The *County Courts* are courts of purely civil jurisdiction. They are local courts and deal mostly with certain kinds of actions concerning land. Most matters are decided by a District Judge or Circuit Judge sitting alone. Civil cases (with some exceptions, e.g. in some actions against the police) do not have juries. Judges in the County Courts are either former barristers or solicitors.

The independent Judicial Appointment Commission selects candidates for judges, who are appointed on behalf of the Monarch.

II. DEVELOPMENT

- 1. Find in the text the information on:**
 - a) courts of appellate jurisdiction;
 - b) courts of original jurisdiction;
 - c) courts of both original and appellate jurisdiction;
 - d) judges and their appointment.

- 2. Draw up a diagram, which shows the hierarchy and jurisdiction of the courts in England and Wales. Start with the highest court in the country.**

- 3. Complete the table with the information from the text and rearrange it from superior to inferior judges. Pay attention that some types of judges may sit in different types of courts.**

Judicial Office	Court(s)	Qualifications
Deputy District Judges		
	The Supreme Court of the UK	
		Barrister or solicitor, 5 years' general practice
Circuit Judges		
	County Court	
	High Court of Justice	
Recorders		

4. Fill the gaps of the text with suitable words and entitle it. The first and sometimes the last letters of the missing words are given.

The Courts of Northern Ireland are civil and criminal courts responsible for the administration of justice in Northern Ireland.

The UK Supreme Court is the highest court of appeal. The Supreme Court of Judicature (відправлення правосуддя) is the most superior court of Northern Ireland. It consists of the following courts: the Court of Appeal, the High Court, and the Crown Court.

The Court of Appeal is the highest court of Northern Ireland. It hears appeals from the lower courts and tribunals.

The High Court, like its English equivalent, consists of the Queen's Bench, Family and Chancery Divisions.

The Crown Court handles more serious criminal cases.

The County Courts are the main civil courts. They hear different civil cases and appeals from magistrates' courts.

Magistrates' Courts (including Youth Courts and Family Proceedings Courts) hear less serious criminal cases.

5. Arrange the following sentences logically to make up the paragraph on the courts in Scotland.

1) The Court of Session is the supreme civil court and both a court of first instance and a court of appeal.

2) District Courts sitting in each local area handle less serious criminal cases.

3) The High Court of Justiciary is the supreme criminal court and both a court of the first instance and a court of appeal.

4) The Sheriff Court is the other civil court.

5) The UK Supreme Court is the highest civil court of appeal in Scotland.

6) The Sheriff Court is the main criminal court.

7) The civil, criminal and heraldic Courts of Scotland are responsible for the administration of justice.

6. Read the definitions and put the letters in order to make up the words connected with the English judicial system.

1) Not allowed by law egllial

2) A law made by a government tca

- | | |
|--|-------------------------|
| 3) A type of lawyer in the UK | <u>iolstrico</u> |
| 4) A lawyer trained to speak for you in higher courts | <u>tarebisrr</u> |
| 5) An illegal action | <u>cfenfoe</u> |
| 6) A court which decides who is right in some types of cases | <u>urtaibln</u> |

7. Choose any two types of the UK courts and compare them. Use information from the table and the text. The following words and phrases will help you:

As compared with, unlike, neither of, both, both...and, the same is true of...

8. Translate the following into English:

Верховний Суд України є найвищим судовим органом у системі судів загальної юрисдикції. Він здійснює правосуддя, забезпечує однакове застосування законодавства всіма судами загальної юрисдикції.

Верховний Суд України здійснює такі повноваження:

- 1) розглядає в касаційному порядку рішення загальних судів у справах, віднесених до його підсудності процесуальним законом;
- 2) переглядає в порядку повторної касації всі інші справи, розглянуті судами загальної юрисдикції в касаційному порядку;
- 3) як суд першої інстанції в окремих випадках розглядає справи, пов'язані з винятковими обставинами;
- 4) дає судам роз'яснення з питань застосування законодавства на основі узагальнення судової практики та аналізу судової статистики;
- 5) веде та аналізує судову статистику, вивчає та узагальнює судову практику, знайомиться в судах з практикою застосування законодавства та ін.

III. PRACTICE AND EXPERIENCE

1. Use the diagram in exercise 2 from DEVELOPMENT to speak about the judicial system in England and Wales.
2. Compare the judicial system of the USA and that of England and Wales. Make up a plan. At first find all similar points and then the different ones.

3. Explain the difference between a magistrate and a judge.

4. Mrs George is a witness to the robbery. The judge is questioning her. Complete the dialogue with the answers given below.

Notes:

witness – свідок
robbery – грабіж
inscription – напис
wig – перука

Judge: Now, Mrs George, you saw the shop robbery, didn't you?

Mrs George: Yes, I did.

- Did you see a man?
- Can you see that man in the courtroom?
- Was he alone when he went into the shop?
- Look around the court. Can you see that woman?
- Now look at the man and woman again. This is very important. Are you absolutely sure about them?
- Mrs George, what was the man wearing when he went into the shop?
- Look at the bags on the table. Can you see it?
- Do you remember anything about the woman?
- How do you know that it was a wig?
- Which of the wigs on the table?
- Thank you, Mrs George.

Mrs George's answers:

- Yes. A red coat and a blond wig.
- Yes, that's the man I saw.
- Absolutely.
- I don't remember everything... but I remember his grey coat and a large black bag.
- That's right. I saw him when he came into the shop and when he came out.
- On the left, with short blond curly hair.
- Yes, that woman over there.
- It fell off when she was running to the car.

- No, he was with a woman.
- The large black bag with the golden inscription.

Why does the judge ask such detailed questions?

Now speak about the case as 1) a judge; 2) Mrs George 3) one of the robbers.

IV. WRITING

1. Prepare a report on the route of a criminal or civil case from the lowest court to the highest one in the UK.

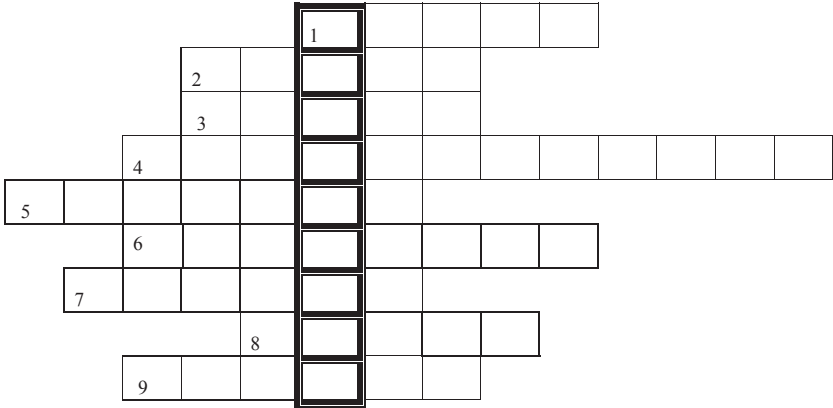
V. OVER TO YOU

1. Use the clues on the left to complete the words on the right.

- 1) Senior official in a court of law. _ u _ _ e
- 2) The branch of law dealing with crime. c _ _ _ i _ a _ I _ a _
- 3) A country's body of judges. j _ _ _ _ i _ _ _ y
- 4) A panel of twelve people who decide whether the accused committed a crime. _ _ _ _ y
- 5) Untrained lawyer who presides over the lowest criminal court. _ a _ _ _ t _ _ t _

2. Read the definitions and write the words in the grid to find the mystery word.

- 1) A member of a jury;
- 2) The place where a trial is held;
- 3) The chief official in control of a court of law;
- 4) The right to use an official power to make legal decisions, or the area where this right exists;
- 5) An official decision made in a court of law, especially about whether someone is guilty of a crime or how a death happened;
- 6) Relating to law, judges or their system;
- 7) A formal request to a court or someone in authority asking for a decision to be changed;
- 8) A legal process in which a judge and often a jury examine information to decide whether a person is guilty of a crime;
- 9) A person who has a certificate in law.



Unit 3. Lawyer

Section 1. Defence Lawyer in Ukraine

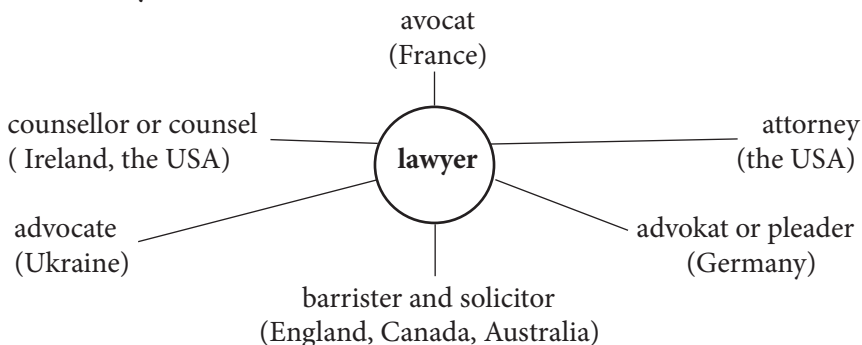
I. WARMING-UP

1. Read the statement and discuss the questions it leads to. Pay attention to the italicized words.

“Advocacy is a condition as ancient as a magistrature, as majestic as fairness, as necessary as justice”. (Dagezzo)

1. What do you know about the institution of advocacy and its development?
2. What is it called upon?
3. What is the main task of a lawyer?

2. Study the mind map to learn words denoting the profession of a lawyer in different countries.



TEXT 1

Read the text to understand what information on the lawyer’s profession is of primary importance or new for you.

THE LAWYER

The word “*advocacy*” origins from the Latin words “*advocare*”, “*advocatus*” which mean “to call upon”, “invited”. In ancient Rome the term “*advocate*” denoted the plaintiff’s relatives and friends who accompanied

him to the court, gave him advice and supported him. Later the term was used to name the persons assisting a plaintiff to prepare documents and to plead a case.

A lawyer is a general term to denote a person trained and licensed to prepare, manage, and either prosecute or defend a court action as an agent for another.

The lawyers' activity in Ukraine is provided for by the Law on *Advocacy (Bar)*.

Lawyers of Ukraine perform various functions. A lawyer may act as a defence counsel during pre-trial investigation and in court, representing interests of the plaintiff and the defendant in civil and criminal cases. In a civil case, lawyers can work for the parties involved in the *suit*, representing either the plaintiff (the party *bringing the suit*) or the defendant (the party being sued). They take an active part in legal proceedings on *housing, labour, property* and other *disputes*, representing interests of their clients. At the request of the clients they draw up *applications, complaints* and other legal documents.

The lawyer has duties at various stages in the criminal process. The lawyer's first and foremost duty in the proceedings is to facilitate the protection of the rights and freedoms of the accused. This includes informing the client of the rights guaranteed by law and determining what procedural steps should be taken to ensure those rights.

The lawyer investigates the circumstances of the case by securing information held by the prosecutor or police and interviewing *witnesses*. On completing an investigation, the defence lawyer advises the accused on all aspects of the case. During the trial, the lawyer and the prosecutor perform essentially the same duties: presentation of *evidence* and examination of witnesses. At the end of the court hearing he *pronounces* his *speech for the defence*. While discharging numerous and complicated duties, lawyers fulfill roles of *an advocate* and a spokesperson of an accused. An accused is *presumed innocent* until his *guilt* is proven in a court. Even if an accused *admits guilt*, the person is still entitled to the full protection of the law, that is, representation of a lawyer. The lawyer *provides legal assistance* to citizens or legal persons explaining the risks and benefits of alternative courses of action.

Lawyers cannot work in court, Prosecutor's Office, notary bodies, Ministry of the Interior and Security Service of Ukraine.

Lawyers may work individually, open law offices, join into associations and firms. The voluntary professional association of lawyers in Ukraine is the Ukrainian Bar Association.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words:

1. lawyer
2. bar
3. defendant
4. witness
5. plaintiff

B. Answer the following questions using the information from the text:

1. What is the origin of the term “advocate”?
3. What does the word “lawyer” mean?
4. What are the main functions of a lawyer?
5. Whose interests does a lawyer represent in a civil case?
6. Whose interests does a lawyer represent in a criminal case?
7. What functions does a lawyer perform in a courtroom?
8. What professional duties does a lawyer discharge?
9. What activity is incompatible with the lawyer’s status?

2. Complete the following sentences according to the information from the text:

1. A lawyer is.....
2. The lawyer’s activity is
3. A lawyer may act.....
4. During the trial a lawyer
5. Lawyers provide
6. At the end of the court hearing a lawyer

3. Match the following legal terms with their definitions:

1.defendant	a) the party who begins an action, complaints or sues
2.civil case	b) a court case that involves a private dispute arising from such matters as accidents, contractual obligations, divorce
3.witness	c) a person, company, etc. against whom a criminal charge or civil claim is made

4.plaintiff	d) any form of proof legally presented at a trial through witnesses, records, documents
5. evidence	e) a court case involving a crime, or violation of public order
6.criminal case	f) a person who testifies to what he has seen, heard or otherwise observed

III. VOCABULARY STUDY

1. Study the word families of the following words. Mark the meaning in which they are used in the text. Give their Ukrainian equivalents, compose your own sentences.

lawyer

- 1) a member of the legal profession;
- 2) advocate, barrister, solicitor.

bar

- 1) a barrier in a law court, separating the part where the business is carried on from the part for spectators;
- 2) a place where drinks are served;
- 3) profession of a barrister;
- 4) a collective term for all barristers(in the US all lawyers).

case

- 1) state of affairs;
- 2) any proceeding, action, lawsuit;
- 3) a box and its contents.

office

- 1) public position of authority;
- 2) room used as a place for business;
- 3) buildings of government department.

2. Complete the sentences with the words of the active vocabulary:

1. Equal rights are guaranteed towith the other participants of the judicial proceeding.

- 2. Discharging his professional duties the lawyer
- 3. Many lawyers spend a large portion of their time
- 4. ...is a voluntary professional public association of lawyers governed by the rule of law, principles of independence, democracy, humanity and confidence.
- 5. The lawyer is entitled to
- 6. In the closing arguments called the a defence lawyer summarizes the case from his point of view.

3. Read word combinations, sort them into four different categories. Think of a title for each group.

- 1) to detect crimes;
- 2) to try cases in court;
- 3) to draw up complaints, applications;
- 4) to administer justice;
- 5) to inspect places of confinement;
- 6) to make a requisite search and inspection;
- 7) to prepare the defence material for a trial;
- 8) to pronounce speech for the defence;
- 9) to preside over trials;
- 10) to detain a person;
- 11) to verify the legality of keeping convicted criminals;
- 12) to pronounce speech for the prosecution.

...
...
...

Compose your own sentences using the table.

4. Look through the list of functions performed by the Ukrainian lawyer. Put them in order they are performed. Translate these word combinations into Ukrainian.

Before a trial	During a trial	After a trial

- 1) to be present at an interrogation of a suspected person;
- 2) to pronounce speech for the defence;
- 3) to question the defendant;
- 4) to interview witnesses;
- 5) to review the documents of the case;
- 6) to submit evidence;
- 7) to draw up various applications, complaints;
- 8) to examine evidence accumulated by an investigator;
- 9) to prepare pre-trial motions;
- 10) to appeal against a court judgement in a higher court.

Using the list above speak about the lawyer's responsibilities in judicial proceedings.

5. Give the English equivalents for the following word combinations:

Надавати правову допомогу, позов, вважати невинним, житловий спір, заява, виголошувати захисну промову, переслідувати в судовому порядку, визнавати вину, наведення доказів.

6. Translate the article of the Law on Advocacy in Ukraine:

Стаття 5. Види адвокатської діяльності

Адвокати дають консультації та роз'яснення з юридичних питань, усні і письмові довідки щодо законодавства; складають заяви, скарги та інші документи правового характеру; посвідчують копії документів у справах, які вони ведуть; здійснюють представництво в суді, інших державних органах перед громадянами та юридичними особами; надають юридичну допомогу підприємствам, установам, організаціям; здійснюють правове забезпечення підприємницької та зовнішньоекономічної діяльності громадян і юридичних осіб, виконують свої обов'язки відповідно до кримінально-процесуального законодавства у процесі дізнання та попереднього слідства.

Адвокат може здійснювати й інші види юридичної допомоги, передбачені законодавством.

IV. GRAMMAR FOCUS

1. Find modal verbs in the text and explain their meaning.

2. Make up sentences using the words of the Active Vocabulary. Pay attention to the usage of modal verbs.

The lawyer	can cannot may may not must must not	<ul style="list-style-type: none"> • possess high moral and professional qualities. • defend interests of the persons who have no command of the language. • take part in interrogation of the suspect and the accused. • work in court, Prosecutor’s Office, notary bodies, Ministry of the Interior, Security Service of Ukraine. • participate in cases on crimes committed by the juveniles, the dumb, the blind. • defend only the lawful interests of the suspect, the accused or the convict. • submit evidence. • interrogate witnesses. • draft pleadings, petitions. • decide any legal issue. • use one’s authority to harm the defendant. • use information only for the defence of a client. • admit the guilt of the defendant if he pleads not guilty.
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V. SPEAKING

1. Read and translate the dialogue:

Journalist: Good morning, Mr. Mason. May I ask you a few questions about secrets of your proficiency?

Mr.Mason: Yes, indeed.

Journalist: The typical TV image of the defence lawyer is a brilliant legal detective, strategist, and orator, whose clients are never guilty and who always succeeds in making the prosecutor look silly. What is the main thing in your profession?

Mr. Mason: You know, the main thing in the lawyer’s activity is to represent a client zealously within the bounds of the law.

Journalist: But how can you defend people who you know are guilty?

Mr.Mason: Under the legislation every person is entitled to a fair trial, every person is to be presumed innocent until proven guilty. That’s why I

think the defence lawyers are to ensure that the interests of an accused are fully protected.

Journalist: Does it mean that you must go beyond the limits of your own conscience?

Mr.Mason: Surely, it doesn't. All the more so, lawyers are expected to adhere to high standards of ethical conduct.

Journalist: Can you give examples of unprofessional conduct?

Mr.Mason: Such examples include using illegal means to obtain evidence, paying a witness for testimony and knowingly entering false evidence.

Journalist: And if a client believes that a lawyer has acted unethically, can he accuse the lawyer of his misconduct?

Mr.Mason: The client may contact the lawyer's disciplinary agencies which are authorized to investigate cases of lawyer's misconduct.

Journalist: Thank you very much. It was really a pleasure to talk to you.

2. Imagine you are a journalist of some newspaper. Using the materials received during an interview with Mr. Mason, think over your future article. Present it beginning with the words:

The headline of my article is...

The article deals with (concerns, dwells upon, describes, draws the reader's attention to) the problem of...

3. Imagine that you are a journalist of the TV channel. You are to present a report using the materials received during interview with Mr. Mason.

4. Make up a dialogue between a lawyer and his son discussing the peculiarities of father's profession.

You may discuss **rules of lawyer's ethics**: rule of law, independence, observance of law, prevailing of the clients' interests, confidence, competence, fairness and honesty.

Unit 3. Lawyer

Section 2. Functions of Lawyers in Different Countries

I. LEAD-IN

1. Answer the following questions:

1. What words denoting the profession of a lawyer do you know?
2. In what countries are they used?
3. Does the system of advocacy differ in these countries?
4. What is the reason for it?

Read the text to understand what information is of primary importance or new for you.

TEXT 2

THE FUNCTIONS OF LAWYERS IN DIFFERENT COUNTRIES

A lawyer is a person learned in the law; as an attorney, counsel or solicitor; a person licensed to practice law.

The role of the lawyer varies significantly across legal jurisdictions. In practice, legal jurisdictions exercise their sovereign right to determine who is recognized as a lawyer. As a result, the meaning of the term "lawyer" may vary from place to place. In Australia, the word "lawyer" is used to refer to both barristers and solicitors. In Britain, "lawyer" is used to refer to a broad variety of law-trained persons. It includes practitioners such as barristers, solicitors, legal executives.

In civil law countries legal professions consist of a large number of law-trained persons, known as jurists, of which only some are advocates who are licensed to practice in the courts. In England, Canada and Australia (common law jurisdiction) there is a divided legal profession where a lawyer is either a solicitor or a barrister.

The solicitor can be characterised as a general practitioner: a lawyer who deals with clients directly. He undertakes advocacy in the lower courts and instructs barristers (in England and Wales) or advocates (in Scotland)

to represent their clients in the higher courts. Solicitors are responsible for the preparatory stages of litigation such as the preparation of evidence, interviewing witnesses, issuing writs and conducting interlocutory proceedings. They also deal with some non-litigious matters such as drafting of wills, the supervision of trusts and settlements, the administration of estates and conveyances.

The historical difference between two professions is that a solicitor is an attorney of his client and may conduct litigation. A barrister is not an attorney and is forbidden, both by law and by professional rules, from conducting litigation. Professional barristers are competent to perform all advocacy for the prosecution or defence in criminal cases and for a plaintiff or defendant in a civil action. Barristers have a major role in trial preparation, including drafting pleadings and reviewing evidence.

The US legal system does not distinguish between lawyers who plead in court and those who do not. The attorney at law (defense attorney, the defense counsel (Am.)) is a person admitted to practice law in his respective state and authorized to perform both civil and criminal legal functions for clients. He drafts legal documents, gives legal advice, and represents them before courts, administrative agencies, boards.

The defence counsel role is to review the documents and other evidence the police have accumulated against the accused, and to interview or question the arresting officers and others involved in the case. The defence attorney may interview witnesses to the crime, and may even conduct an independent investigation.

At bail hearings and plea negotiations defence attorneys represent the accused. At trial defence attorneys question jurors, cross examine prosecution witnesses, call defence witnesses, represent the accused and help them to get the best possible sentences.

II. DEVELOPMENT

1. Find in the text the information on:

- a) variety of the lawyer's functions due to different jurisdictions;
- b) types of legal profession in Great Britain;
- c) professional duties of solicitors and barristers;
- d) the functions of the US attorney.

2. Fill in the table with the words from text

The duties of solicitors and barristers (Great Britain)	The duties of attorney at law (the USA)

3. Tell about the variety of legal professions in civil law and common law countries.

4. Explain the difference between the functions of a solicitor and a barrister.

5. Insert one of the following words into the text in an appropriate form.

solicitors, branches, practitioners, courts, wear, jurisdictions, employed, advisory

The traditional distinctions between the two ...of the profession are breaking down nowadays. Barristers used to enjoy a monopoly on appearances before the higher courts, but in most countries this has now been abolished, and solicitor advocates can generally appear for clients at Firms of solicitors are keeping even the most advanced ... and litigation work in-house for economic and client relationship reasons. Similarly, the prohibition on barristers taking instructions directly from the public has also been widely abolished, but in practice, direct instruction is still a rarity in most In most countries, barristers operate as sole ..., and are prohibited from forming partnerships (although in England and Wales the Clementi report has recommended the abolition of this restriction). However, barristers normally band together into “chambers”. Some barristers, on the other hand, are ... by firms of solicitors, banks or corporations as in-house legal advisers.

In court, barristers are often visibly distinguished from ...by their clothes. For example, in Ireland, England and Wales, barristers usually ... a horsehair wig, stiff collar, bands and a gown. Beginning from January 2008 Solicitor advocates are also entitled to wear a wig, but a different gown.

6. Translate into English:

Адвокати повинні постійно дбати про честь і гідність своєї професії як важливі учасники відправлення правосуддя.

Виконуючи свої обов'язки, адвокати надають консультації клієнту про його права та обов'язки, роз'яснюють принципи роботи правової системи, надають допомогу клієнту будь-яким законним способом та вчиняють правові дії для захисту його інтересів, надають клієнту допомогу в судах, трибуналах та адміністративних органах.

Надаючи допомогу клієнтам при здійсненні правосуддя, адвокати повинні дотримуватись прав людини й основних свобод, визнаних національним і міжнародним правом, діяти вільно і наполегливо відповідно до закону й визнаних професійних стандартів та етичних норм. Адвокат має бути лояльним до інтересів свого клієнта.

III. PRACTICE AND EXPERIENCE

1. ROLE-PLAY “The International Association of Lawyers’ Seminar”

The students are suggested to choose the roles of the registering clerks, representatives of mass media, lawyers of some certain countries and a presiding officer.

The registering clerks are to meet the guests (lawyers from different countries), to communicate with them and give them registration cards.

The representatives of mass media are to interview the participants before the seminar. They get Questionnaires.

Write down questions (3-5) you will ask the lawyers of International association before their seminar. The topic of your interview is the peculiarities of the lawyer’s profession in his or her country. Make notes, be ready to make a report of your results.

Ask about the main principles of the lawyer’s activity, membership organizations or associations, legal ethics and lawyer disciplinary agencies of their countries.

Questions	Answers	
	Country:	Country:

The presiding officer presents top issues on agenda.

Top Issues on Agenda

1. Institution of advocacy, its historical roots.
2. World standards of advocacy.
3. Discussion in working groups.

Topic for discussion:

The role of the defence lawyer in modern society
(status, main tasks, functions, training of lawyers).

Look through the texts to review your knowledge on the subject under discussion. Use some additional literature and try to deliver a report on the top issues on agenda.

The guests of the seminar are suggested to discuss how the main principles of advocacy provided for by the main documents are realized in their countries. Question at least two lawyers from different countries to get precise information on the topic. Here is the list of questions:

- 1) Who can become a lawyer? What demands does a person meet to become a lawyer?
- 2) Does a legal system influence the functions of a lawyer? What are the rights and duties of a lawyer?
- 3) Does the institution of advocacy depend upon the state? Who governs the work of the lawyers in your country?

Write the answers in the table, give a short summary of your interview.

The participants of the conference are suggested to follow the reports and to make notes in the table.

Make notes to report your boss about the seminar:

TOP ISSUES ON AGENDA

1. The institution of advocacy, its historical roots.

The word "advocacy":

means _____ .

2. World standards of the advocacy functioning.

The main documents: _____

3. The role of a lawyer in modern society.

Notes:

- + necessary
- not necessary

Demands	COUNTRIES					Notes
	The UK	The USA	Ukraine	France	Germany	
Citizenship						
Higher legal education						
Work experience/ practice						
Age						
Rights and duties						
The controlling body						

Look through the notes, summarize the results of the meeting.

IV. WRITING

Write a composition on one of the following topics:

- The institution of advocacy, its historical roots.
- The role of a lawyer in modern society.
- Rules of lawyer's ethics.

V. OVER TO YOU

1. Read the joke, pay attention to the adverbs which are typical of legal documents:

When asked to explain the difference between an ordinary citizen and a lawyer, a well-known barrister explained, "If an ordinary citizen gave you an orange, he would say, "I give you this orange." But if a lawyer gave you an orange, he would say, "I hereby give, grant and convey to you all my interest, right, title and claim of and in this orange, together with all its rind, skin, juice and pulp, and all right and advantage therein with full power to bite, cut, suck, or otherwise eat or consume the said orange, or give away or dispose of to any third party the said orange, with or without its rind, skin, juice and pulp, subject to any amendments subsequently introduced or drawn up to this agreement."

2. In the formal language typical of the law (particularly in the legal documents) you will find many adverbs. They are used to refer clearly to specific times and places in and around documents. Most are formed using *here* and *there*.

Here means this document – the one you are reading;

there means that document – the one which is being discussed, not the one you are reading.

Some adverbs with here and there are listed below. Match them to the correct definition.

HERE

- | | |
|--------------|--|
| 1. hereafter | a) appearing somewhere in this document |
| 2. hereby | b) following this document |
| 3. herein | c) in the future – from the production of this document on |
| 4. hereof | d) relating to this document or part of it |
| 5. hereto | e) resulting from this document |

THERE

- | | |
|--------------|---|
| 1. thereby | a) appearing somewhere in that document |
| 2. therefore | b) following that document |

3. therein c) for that reason or purpose
4. thereof d) relating to that document
5. thereto e) resulting from that document or decision

3. Read the text and say what way the lawyer's profession is governed in our country. Is it important for the development of the law-governed society? Why? Do you agree that institution of advocacy is a guarantor of enforcement of people's rights and freedoms? Why? Who Regulates Lawyers?

A key difference among countries is whether lawyers should be regulated solely by an independent judiciary and its subordinate institutions (a self-regulating legal profession), or whether lawyers should be subject to supervision by the Ministry of Justice in the executive branch.

In most civil law countries, the government has traditionally exercised tight control over the legal profession. That is, lawyers were expected first and foremost to serve the state. Even in civil law countries, like Norway, which have partially self-regulating professions, the Ministry of Justice is the sole issuer of licenses. Brazil is an unusual exception in that its national Order of Advocates has become a fully self-regulating institution and has successfully resisted government attempts to place it under the control of the Ministry of Labour. Common law lawyers have traditionally regulated themselves through institutions where the influence of non-lawyers was weak and indirect.

Unit 4. Review on Law-enforcing in Ukraine

Section 1. Ministry of the Interior. Security Service. Tax Police

I. WARMING – UP

1. Answer the following questions:

1. What is meant by law enforcing agencies?
2. What law enforcing agencies do you know in Ukraine? Predict their main aim and tasks.

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|------------------------------------|--------------------------------------|
| 1) Ministry of the Interior | a) територіальна цілісність |
| 2) Bodies of the Internal Affairs | b) посягання |
| 3) Public security | c) оборонний потенціал |
| 4) Inalienable and inviolable | d) міністерство внутрішніх справ |
| 5) Territorial integrity | e) єдиноначальність |
| 6) Intelligent-subversive activity | f) органи внутрішніх справ |
| 7) Interference | g) невід’ємний та недоторканий |
| 8) Defense potential | h) розвідувально-підривна діяльність |
| 9) Sole management | i) громадська безпека |

Read the text to understand what information on Law Enforcing agencies in Ukraine is of primary importance or new for you.

TEXT 1 MINISTRY OF THE INTERIOR

The Bodies of the Internal Affairs present a total combination of the state specialized institutions which are *subordinated* to the Ministry of the Interior of Ukraine. They perform law-enforcement and law using functions to keep law and order in the state.

According to Ukrainian *legislation* the Bodies of the Internal Affairs occupy specific place among the law enforcing agencies. They fulfill the

main amount of law enforcing work to maintain law and order: *carry out* various tasks to prevent, *disclose*, *expose*, remove offences and *punish offenders*. In performing their numerous duties the Bodies of Internal Affairs are structured in the following divisions:

- militia;
- *departments* on fighting organized crime (special forces: “Berkut”, “Sokol”);
- *department* on fighting drug trafficking;
- *investigation departments*;
- *department* on fighting economic crime;
- interior forces.

The Bodies of the Internal Affairs are gathered and work in a structure headed by the Ministry of the Interior. It is a state executive organ which *supervises* protection of personal rights and *freedoms*, preservation of law and order, ensuring public *security*. It also delimits main *directions* of the Bodies of the Internal Affairs activity.

The head of the Ministry of the Interior is the Minister of the Internal Affairs. He is proposed by the Prime Minister of Ukraine and appointed by the President.

All work of the Ministry of the Interior is based on the principal of equality of all people before the law, security of rights and *freedoms* of an individual which are inalienable and inviolable.

SECURITY SERVICE OF UKRAINE

Notes:

Intelligence – розвідка

Counterintelligence – контррозвідка

In accordance with Ukrainian *legislation* the Security Service of Ukraine is a part of law-enforcement bodies. It composes a unified centralized system which includes:

- the central administration of the Security Service of Ukraine;
- regional organs *subordinated* to the central administration;
- Security Service of the Autonomous Republic of Crimea;
- organs of military **counterintelligence**, military forces;
- educational, research and other institutions of the Security Service of Ukraine.

This system is headed by the Chief of the Security Service of Ukraine. He is *subordinated* to the President of Ukraine.

To work effectively the Security Service of Ukraine must 1) perform functions fixed by law; 2) act in conformity with law; 3) *secure rights and freedoms* of an individual and a citizen.

Legislation in force sets up the tasks and *authorities* of the Security Service of Ukraine. They are to protect state sovereignty; constitutional order; territorial integrity; economic, technical, scientific and defense potential of Ukraine; lawful interests of the state; rights of the citizens from **intelligent**-subversive activity of foreign secret services; to prevent interference of separate organizations, groups and persons. Additional tasks are prevention, disclosing and exposing crimes against peace and *security* of mankind, acts of terrorism, corruption and organized crime in economic sphere, and other unlawful actions that *threaten* vital interests of Ukraine.

Operational service activity of the Security Service of Ukraine is based on principals of sole management and collegiality, conspiracy and publicity, and divided into three main *directions*: 1) **counter intelligence** activity, 2) fighting crime, 3) **intelligence** activity.

Work of the Security Service of Ukraine is founded on legality, respect of rights and *freedoms* of an individual, responsibility before Ukrainian people and on the principle of not belonging to any political party.

Tax police

Tax militia (police) is the law-enforcement body providing economic security of Ukraine.

Its tasks are as follows: 1) the prevention, *detection* and investigation of tax crimes; 2) the *search* for evasive *taxpayers*; 3) the prevention and detection of corruption in the bodies of State Tax Service; 4) the safeguarding of activity of State Tax Service officers.

According to the law on State Tax Service in Ukraine (December 4, 1990 N 509-XII, Article 20.) the tax militia consists of:

Main Department of Tax Militia, Investigative Department of Tax Militia, Department for counteraction to corruption in state tax service authorities of State Tax Administration of Ukraine;

Department of Tax Militia, Investigative Divisions of Tax Militia, Divisions for counteraction to corruption in state tax service authorities of correspondent state tax administrations in Autonomous Republic of Crimea, oblasts, city of Kyiv and Sevastopol;

Divisions of Tax Militia, Investigative Subdivisions (Groups) of Tax Militia of correspondent state tax inspections in districts, cities, districts in cities, inter-district and unified state tax inspections.

Within the structure of tax militia operates special structural unit responsible for *counteraction* to illegal *turnover* of alcoholic *beverages* and tobacco goods.

The Tax Militia is managed by Head of Tax Militia – First Deputy Head of Sate Tax Administration of Ukraine. The Tax Militia in state tax administration in Autonomous Republic of Crimea, oblasts, city of Kyiv and Sevastopol is managed by Heads of Departments of Tax Militia – First Deputy Heads of correspondent State Tax Administration.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. special forces
2. interior forces
3. intelligence
4. counterintelligence
5. intelligent-subversive activity

B. Answer the following questions using the information from the text:

1. Which organ performs the main amount of law enforcing work to keep law and order?
2. Which organ defends our state from intelligent-subversive activities of foreign secret services?
3. What are the directions of the Security Service of Ukraine activity?
4. What kind of crimes does the Security Service of Ukraine deal with?
5. What are the tasks of the bodies of the interior affairs?
6. Who heads the bodies of the internal affairs? How is he appointed? Who is the head of the Ministry of the Interior now?
7. Would you like to work in law enforcing agencies of Ukraine? Which body would you prefer to work in? Give your own arguments.

2. Compare two law enforcing agencies: bodies of the interior affairs and the Security Service of Ukraine according the following points. Use the information from the text.

1. tasks;
2. structure;
3. head;
4. directions of activity;
5. crimes they deal with;
6. additional information.

3. Determine which part of the text the following word combination belong to. Translate them into Ukrainian.

To delimit main directions, to carry out various tasks, to threaten vital interests, to be subordinated to the President, to secure rights, to punish offenders, to respect rights and freedoms, public security, tasks and authorities, executive organ.

III. VOCABULARY STUDY

1. Substitute the words in italics with the words from the active vocabulary.

1. The main task of all law enforcing agencies is to *provide* law and order in the state.
2. The Security Service must give the citizen written explanation as for the limitation of his rights and *liberties*.
3. *Powers* fixed in the Ukrainian legislation are the foundation for considering the Security Service as a law enforcing agency.
4. Several organs of the law-enforcement system have their own investigation *offices*.
5. You must not visit places where you are not sure in your *safety*.
6. Militia must *perform* such functions as: administrative activity, preventive actions, operational search actions, procedural, executive and guardian activity.

2. Choose the right preposition according to the contents of the sentences (for, in, against, by, to).

1. All law enforcing agencies carry out their duties ...conformity with the law.

2. Regional bodies of the internal affairs are subordinated ... the Ministry of the Interior.

3. Bodies of the internal affairs perform tasks as ... prevention, disclosing, exposing and removal offences.

4. Tasks and authorities of the Security Service of Ukraine are provided for ... the law.

5. The Security Service fights crime ... peace and security of mankind.

3. Divide the words into three groups according to parts of speech.

Translate them into Ukrainian:

Security, direct, supervision, punishable, freedom, free, secure, directive, direction, disclosure, punishment, punish, authorize, legislative, offence, offender, offensive, offense, authority, legislation, legislator, expose, supervise, supervisor, disclose, legislature, subordination, subordinate, subordinator.

4. Complete the sentences with the words from the active vocabulary. Put them in an appropriate form.

1. Workers of law-enforcement organs are called upon to ... and ... persons guilty in crimes.

2. Militia is a united system of organs ... to the Ministry of Interior.

3. Actions that ...to the territorial integrity of our state are criminal and persons who perform them must be

4. Bodies of the Interior are called upon to ... the defense of rights and ... of an individual.

5. ... of law-enforcement organs are fixed in Ukrainian ... and must be ... strictly in conformity with the law.

6. There are many different ...in our institution.

5. Match synonyms. Compose your own word combinations with the words of the active vocabulary.

A	B
To secure	to reveal
To perform	to oversee
To supervise	to threaten
To expose	to carry out
To endanger	to provide
Power	office

Department	liberty
Safety	authority
Offender	security
Freedom	criminal

6. Give English equivalents for the following word combinations:

Забезпечувати права та свободи, загрожувати життєво важливим інтересам, виявляти та розкривати злочини, карати злочинців, підпорядкований Міністерству Внутрішніх Справ, виконувати різні завдання, здійснювати нагляд за захистом прав, повноваження Служби безпеки, відповідно до українського законодавства, громадська безпека, відділ боротьби з незаконним обігом наркотиків, напрямок діяльності.

7. Using words from two groups make up as many word combinations as you can. Translate them into Ukrainian.

to secure to supervise to threaten to carry out to punish	duties, freedom, offender, activity, protection, law and order, legal rules, child, liberty, public order, criminal, work, investigation, requisite search, interests, rights, tasks, legislation, terrorist, drug dealer.
---	--

8. Give the words with the opposite meaning. Use the words from the active vocabulary.

Danger, weakness, slavery, law-abiding citizen, to guard, to compliment, to shelter, to be equal.

9. Translate the following documents:

A. The Law on Militia 20.12.1990.

Міліція в Україні – державний озброєний орган виконавчої влади, який захищає життя, здоров'я, права і свободи громадян, власність, природне середовище, інтереси суспільства і держави від протиправних посягань.

B. An article of the Criminal Code of Ukraine.

Стаття 259. 1. Завідомо неправдиве повідомлення про підготовку вибуху, підпалу або інших дій, які загрожують загибеллю людей чи іншими тяжкими наслідками, —

карається штрафом ...або арештом на строк до 6 місяців, або обмеженням волі на строк до 3 років.

IV. GRAMMAR FOCUS

1. Point out ten sentences with Present Simple in the text 1 and explain the usage.

2. Choose the right item.

1. Verhovna Rada ... the Minister of the internal affairs.

a) appoint b) is appointed c) appoints

2. The Chief of the Security Service ... the Security Service of Ukraine.

a) heads b) is headed c) head

3. The Prime Minister of Ukraine ... the candidate to the post of the Minister of the internal affairs.

a) is proposed b) propose c) proposes

4. The Ministry of the Interior ... the work of bodies of the internal affairs.

a) controls b) control c) is controlled

5. Law enforcing agencies ... rights and freedoms of Ukrainian citizens.

a) secure b) secures c) are secured

V. SPEAKING

What Special Forces of the Security Service of Ukraine do you know? Analyze their aims and tasks in Ukraine nowadays.

Compare aims and tasks of the Security Service Special Forces and the Ministry of the Interior Special Forces. What do you think of them?

What do you think about subordination of high-rank officials of the law enforcing agencies appointments in modern Ukraine?

Unit 4. Review on Law-Enforcement Bodies in Ukraine

Section 2. Prosecutor's Office

I. LEAD-IN

1. Answer the following questions:

What do you know about the Prosecutor's Office of Ukraine?

What do you know about penal system of Ukraine?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|----------------------------------|------------------------------|
| 1) The rule of law | a) від імені держави |
| 2) Observance of laws | b) єдина державна політика |
| 3) On behalf of the state | c) дотримання законів |
| 4) Penal Department | d) органи виконання покарань |
| 5) Sole state policy | e) пенітенціарне відомство |
| 6) Organs of Executing Penalties | f) верховенство права |

Read the text to understand what information is of primary importance or new for you.

TEXT 2 THE PROSECUTOR'S OFFICE

The Prosecutor's Office of Ukraine is a part of the law-enforcement system of Ukraine. It composes a centralized system of organs united by common tasks, functions, principles of organization and activity. The head of this system is the Prosecutor General of Ukraine. He is appointed to the post for a five-year term by the President of Ukraine. But Verhovna Rada must approve this appointment. His resignation from the office may be made either by the President of Ukraine or by Verhovna Rada as a result of a vote of no confidence.

Units of the Prosecutor's Office are created and function according to the administrative and territorial principle and their specialization.

The Prosecutor's Office activity is directed at comprehensive consolidation of the rule of law and keeping law and order. Its task is to protect various public and personal values by preventing any offence. While fighting crime the Prosecutor's Office also defends the foundations of our state and society: democratic order, sovereignty, independence, humanity, law and order and so on.

In accordance with the Constitution of Ukraine the Prosecutor's Office is entrusted with the following functions:

- 1) *supervision of the observance* of laws by agencies conducting detective and search activity, inquiry and preliminary investigation;
- 2) supervision of the observance of laws while executing court decisions on criminal cases and applying other enforcement measures as for the restriction of personal liberty of citizens;
- 3) upholding prosecution in court on behalf of the state ;
- 4) representation of the interests of the State and its citizen in cases fixed by the law.
- 5) supervision of the observance of personal rights and freedoms, observance of laws relating to these problems by executive bodies their officials and office workers

Activity of the Prosecutor's Office of Ukraine is based on principles of unanimity and centralization, independence, publicity, equal defense of rights and freedoms of citizens, priority of rights of an individual, legality and the rule of law.

PENAL SYSTEM IN UKRAINE

Notes:

Transgressor- правопорушник

From the beginning of human history, society has a problem of crime and criminal. At first to keep a criminal in prison was not profitable. It was easier just to kill a **transgressor**. With development of industry crimes not only increased in number but became more various. Governments found economic advantages in convict labor. As the laws increased so did correctional labor institutions and penal system. Now in many countries including Ukraine the most severe form of punishment is life imprisonment.

In 1998 Penal Department was created in independent Ukraine. Ukrainian State Department Executing *Penalties* (USDEP) is a centralized state executive organ with a special status which realizes state policy as for executing criminal punishments. It subordinates territorial *Organs of Executing Penalties* and Inspection on criminal performance. Among Institutions Executing Penalties there are prisons, special bringing up institutions and institutions on criminal performance divided into: correctional labor institutions and correctional labor settling.

The main tasks of USDEP are:

- to realize sole state policy according to executing criminal punishments;
- to work out recommendations as for 1) arrested persons, 2) executing court decisions and 3) using correctional and bringing up means provided for by the law;
- to supervise executing court decisions on separate kinds of complementary punishments;
- to provide forced medical treatment of alcohol and drug addict;
- to provide the observance of laws by Organs and Institutions of Executing Penalties (OIEP), prevention crimes among convicts, disclosing and exposing crimes committed in OIEP, carrying out inquiries and operational search activity;
- to head OIEP: to organize working activity for convicts, to provide them with professional training and education;
- to protect rights and freedoms of an individual in conditions of serving criminal punishment.

II. DEVELOPMENT

1. Find in the text information about:

- a) activity of the Prosecutor's Office;
- b) system of the Prosecutor's Office;
- c) crimes and punishments;
- d) structure of the penal system.

2. Fill in the table with the information from the text, concerning

Tasks of the Prosecutor's Office	Functions of the Prosecutor's Office

3. State your opinion about Institutions of Executing Penalties in Ukraine. Do you agree with the statement that a convict must only feel lack of freedom? Does this statement work for our society and our mentality?

4. Compare the Prosecutor's Office of Ukraine and Penal System of Ukraine as for their tasks, functions, structure and others.

	Tasks	Functions	Structure	Other information
The Prosecutor's Office of Ukraine				
Penal System of Ukraine				

5. Insert one of the following words into the text in an appropriate form.

Prosecutor.

**To examine, to inspect, to supervise
indictment, supervision, court,
direction, prosecution, speech,
fixed**

Prosecutor's job is complicated and has different First of all he ... comprehensive, impartial and full investigation of cases. He also approves the

In court he presents public His rights in the trial are the following: to submit and ... evidence, to question witnesses, to challenge the members of the At the end of court hearing he pronounces his ... for the prosecution where he explains applicable criminal law and ... punishment.

One more duty of the prosecutor is ... over the observance of laws by penal system. For this purpose he ... places of confinement, questions convicts, checks living and working conditions and so on.

6. Look through the list of functions performed by the Ukrainian prosecutor. Put them in order they are performed. Translate these word combinations into Ukrainian.

- 1) to pronounce speech for the prosecution ;
- 2) to question the defendant ;
- 3) to interview witnesses ;
- 4) to study the documents to the case ;
- 5) to submit evidence ;
- 6) to examine evidence accumulated by an investigator ;
- 7) to appeal against a court decision in a higher court.

Using the list above tell about the prosecutor's responsibilities.

7. Translate the text about Penal Institutions of the USA.

Виправні установи у Сполучених Штатах

Типова в'язниця у Сполучених Штатах сьогодні – це фортеця зі сталі та каменю. У ній знаходяться будівлі з камерами для засуджених, адміністрація, школи, каплички (chapels), фабрики, майстерні, їдальня, лікарня та подвір'я для прогулянок. Інколи в'язниці містять спортивні майданчики. Поза стінами фортеці розташовані головні офіси адміністрації, будинки охоронців, допоміжного складу та їх сімей. Деякі в'язниці мають особисті фермерські господарства. Кількість в'язнів зазвичай становить від декількох сотень до тисячі. Але існують виправні установи, де засуджених три і навіть шість тисяч. Зазвичай уночі засуджених тримають в одиночних камерах, а вдень вони працюють у майстернях. Спілкуватися в'язні не мають права. Разом вони тільки харчуються. Така система організації американських в'язниць була створена у XIX сторіччі і має назву Обурнська система.

III. PRACTICE AND EXPERIENCE

1. Imagine that you are a prosecutor.

A. Give instructions to a young investigator who has just been appointed to the post. Use the following key-words:

To be	a good actor; patient; calm;
To ask	direct questions; one question at a time; continually;
To dominate	the situation;
To use	psychological gestures; several lines of attack;
To change	the line often;
To prepare	a list of questions;
To control	your mood; emotions; the interrogation;
To demand	the truth;
To let	the suspect think that you know all

B. Question a prisoner. Start your questions with:

1) what (at least 5); 2) when (at least 3); 3) where (at least 3); 4) who (at least 2); 5) how often (at least 2); 6) how many (at least 2).

C. Question a witness of the prosecution. Start your questions with:

1) what (at least 4); 2) when (at least 3); 3) where (at least 3); 4) whom (at least 2); 5) who (at least 2); 6) how (at least 2)

D. Question a witness of the defense. Start your questions with:

1) what (at least 4); 2) when (at least 3); 3) where (at least 3); 4) who (at least 2); 5) whom (at least 2); 6) how (at least 2)

2. Compose speech for the prosecution at the trial over an accused of murder

- a) which was committed during hunting;
- b) which was committed at self-defense;
- c) of his wife during family brawl;
- d) of his friend who got a big sum of money.

IV. WRITING

1. Prepare reports on the following topics:

- “Role of the Law-Enforcement System in Ukraine”
- “The Most Famous Spies of the XX Century”

V. OVER TO YOUR

1. Read the abstracts and give the names of law-enforcement bodies and institutions mentioned in them.

1. Although enforced degradation and hopelessness have proven a failure in the war against crime this institution has not changed greatly. In our country it is a state institution used to correct persons who have been convicted by court. It is subordinated to the Penal Department. The observance of legality in this institution is supervised by the Prosecutor's Office of Ukraine.

2. This organ performs different kinds of law enforcing activity: detection and disclosing crimes; supervision; upholding state prosecution in court; representing interests of citizens or state.

3. History of this body was always connected with different myths. Its workers often lived double lives and had pseudonyms. This is the law enforcing agency of Ukraine. Its main aim is to protect state sovereignty, territorial integrity, state secrets and so on.

4. The workers of this structure sometimes get into criminal sphere in order to disclose criminal activity of the criminal group. This organization is a part of law enforcing agencies. Its activity has many directions and there are many departments in this bodies.

2. Read the abstract from Sydney Sheldon "If Tomorrow Comes" about life in American prison and be ready to speak about:

A. the education in prison;

B. an ordinary day in the prison;

C. a prison cell.

Tracy soon learned why inmates referred to a term in the penitentiary as 'going to college'. Prison was an educational experience, but what the prisoners learned was unorthodox.

The prison was filled with experts of every conceivable type of crime. They exchanged methods of grafting, shoplifting, and rolling drunks. They brought one another up to date on games and exchanged information on snitches and undercover cops.

In the recreation yard one morning, Tract listened to an older inmate give a seminar on pick pocketing to a fascinated young group.

'The real pros come from Columbia. They got a school in Bogota, called the school of the ten bells, where you pay twenty-five hundred bucks

to learn to be a pickpocket. They hang a dummy from the ceiling, dressed in a suit with ten pockets, filled with money and jewelry’.

‘What’s the gimmick?’

‘The gimmick is that each pocket has a bell on it. You don’t graduate till you kin empty every damn pocket without ringing the bell’.

Lola sighed, ‘I used to go with a guy who walked through crowds dressed in an overcoat, with both his hands out in the open, while he picked everybody’s pockets like crazy’.

‘How the hell could he do that?’

‘The right hand was a dummy. He slipped his real hand through a slit in the coat and picked his through pockets and wallets and purses’.

In the recreation room the education continued.

‘I like the locker-key rip-off,’ a veteran said. ‘You hang around a railway station till you see a little old lady trying to lift a suitcase or a big package into one of them lockers. You put it in for her and hand her the key. Only it’s the key to an empty locker. When she leaves, you empty her locker and split’.

In the yard another afternoon, two inmates convicted of prostitution and possession of cocaine were talking to a new arrival, a pretty young girl who looked no more than seventeen.

‘No wonder you got busted, honey,’ one of the older women scolded. ‘Before you talk price to a John, you have got to pat him down to make sure he isn’t carrying a gun, and never tell him what you are going to do for him. Make him tell you what he wants. Then if he turns out to be a cop, it’s entrapment, see?’

The other pro added, ‘Yeah. And always look at their hands. If a trick says he is a working man, see if his hands are rough. That’s the tip-off. A lot of plainclothes cops wear working men’s outfits, but when it comes to their hands, they forget, so their hands are smooth.’

Time went neither slowly nor quickly. It was simply time. Tracy thought of St Augustin’s aphorism: ‘What is time? If no one asks me, I know. But if I have to explain it, I do not know.’

The routine of the prison never varied:

- 4.40 a.m. Warning bell
- 4.45 a.m. Rise and dress
- 5.00 a.m. Breakfast
- 5.30 a.m. Return to cell
- 5.55 a.m. Warning bell

lineup	
10.00 a.m.	Exercise yard
10.30 a.m.	Lunch
11.00 a.m.	Work detail
lineup	
3.30 p.m.	Supper
4.00 p.m.	Return to cell
5.00 p.m.	Recreation room
6.00 p.m.	Return to cell
8.45 p.m.	Warning bell
9.00 p.m.	Lights out

The rules were inflexible. All inmates had to go to meals, and no talking was permitted in the lines. No more than five cosmetic items could be kept in the small cell lockers. Beds had to be made prior to breakfast and kept neat during the day.

3. Answer the questions using the information from the text:

1. Who was the prison filled with?
2. What education did the inmate get in prison?
3. What kind of information did they exchange?
4. Which seminar did an older inmate give in the yard?
5. How much did people pay to learn to become a pickpocket?
6. What was the school of the ten bells like? Why was it called in such a way?
7. What was the trick with a locker?
8. What was 'time' for Tracy?
9. What was the timetable in prison?

4. Describe the situation in which these words were used:

- 1) methods of shoplifting; 2) seminar on pick pocketing; 3) ten bells;
- 4) jewellery; 5) overcoat; 6) suitcase; 7) key to an empty locker; 8) aphorism;
- 9) routine.

5. What crimes were mentioned in the text? Give their definitions.

Unit 5. Review on Law-Enforcement Agencies in the UK and USA

Section 1. Law enforcement bodies in the UK

I. WARMING-UP

1. Answer the following questions:

1. What are your ideas on improvement of the police work?
2. Isn't the existence of the law-enforcement agencies a serious threat to the freedom of the individual?
3. What is the public attitude to the police in Great Britain? Does it differ from the public attitude to the police in Ukraine?
4. Should the police control the moral behaviour of individuals?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|-------------------------------|------------------------------|
| 1) to disseminate | a) що стосується |
| 2) re-offending | b) розповсюджувати |
| 3) miscellaneous | c) пом'якшення наслідків |
| 4) mitigation of consequences | d) повторне порушення закону |
| 5) to lessen | e) вищі посадовці |
| 6) senior figures | f) зменшувати |
| 7) relevant to | g) різноманітний |

Read the text to find out new information about law enforcement in the UK.

TEXT 1

LAW ENFORCEMENT BODIES IN THE UNITED KINGDOM

Notes on the text

UK Border Agency – служба прикордонного контролю Великої Британії

the Home Office – Міністерство внутрішніх справ

HM Revenue and Customs **Державне** – управління Великої Британії з податків та митних зборів

SOCA – служба боротьби з організованою злочинністю

Police and *law enforcement* in the UK is part of the justice sector, which works *to create and maintain a safe, just and stable society*. The purpose of the sector is to *reduce crime* and re-offending, promote confidence in the criminal justice system, *protect people* and contribute to the reduction and fear of crime, and *support the administration of justice*. The sector employs around 600,000 employees in the UK across a range of organisations operating with different *areas of responsibility*.

Policing and law enforcement within the UK includes agencies responsible for: *the maintenance of law and order*; *the prevention and detection of crime*; and the reassurance and support for communities. Among them we should mention: territorial police forces (e.g. the Metropolitan Police Service); special police forces (e.g. the **Serious Organised Crime Agency**); non-police law enforcement agencies (e.g. **UK Border Agency, HM Revenue and Customs**); and miscellaneous forces, having a responsibility *to police* specific local areas or activities (e.g. ports, parks etc.) (look at the summary table below).

The oldest police force in continuous service is the Metropolitan Police Service, which was established in 1829. Until then, law enforcement had lacked in organization. As London expanded during the 18th and 19th centuries the whole question of maintaining law and order had become a matter of public concern. Parliamentary committees were appointed to investigate the subject of crime and policing. But it was not until 1829 when Sir Robert Peel introduced his police Bill, which led to the setting up of an organized police service in London. Later London police served as the model for modern urban police departments throughout the English speaking world.

Today the Mission statement of the Metropolitan Police Service is: "Working together to make London the safest major city in the world." The MPS also has significant national responsibilities such as co-ordinating and leading on *counter-terrorism* matters and protection of the British Royal Family and senior figures of Her Majesty's Government.

A new law enforcement agency – the Serious Organised Crime Agency (**SOCA**) – was created in April 2006 *to tackle serious organised crime* that affects the UK and its citizens. This includes Class A drugs, people smuggling and human trafficking, major gun crime, fraud, computer crime and money laundering. SOCA is sponsored by, but operationally independent from, **the Home Office**. SOCA's main functions are:

- preventing and detecting serious organised crime and contributing to the reduction of such crime in other ways and to lessening its consequences; and,
- gathering, storing, analysing and disseminating information relevant to the prevention, detection, *investigation or prosecution of offences*, or the reduction of crime in any other ways, or the mitigation of its consequences.

Summary table **Police and law enforcement in the UK (to be used in Ex.1 V Speaking)**.

	England	Wales	Scotland	Northern Ireland
POLICING AND LAW ENFORCEMENT	Police Service (39 forces)	Police Service (4 forces)	Scottish Police Service (8 forces)	Police Service of Northern Ireland
	Serious and Organised Crime Agency (SOCA)	Serious and Organised Crime Agency (SOCA)	Serious and Organised Crime Agency (SOCA)	Serious and Organised Crime Agency (SOCA)
			Scottish Crime and Drug Enforcement Agency	Northern Ireland Organised Crime Task Force
	UK Border Agency	UK Border Agency	UK Border Agency	UK Border Agency
	HM Revenue and Customs	HM Revenue and Customs	HM Revenue and Customs	HM Revenue and Customs
	Non Home Office Forces, <i>including for example:</i> Ministry of Defence Police British Transport Police Civil Nuclear Constabulary	Non Home Office Forces, <i>including for example:</i> Ministry of Defence Police British Transport Police Civil Nuclear Constabulary	Other Police Forces, <i>including for example:</i> Ministry of Defence Police British Transport Police Civil Nuclear Constabulary	

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What is the purpose of the justice sector in the UK?
2. How many people are employed in the sector?
3. What forces do the police and law-enforcement agencies in the UK include?
4. What is the oldest police force in the UK?
5. What caused setting up an organized police service in London?
6. What is Robert Peel's role in the history of the MPS?
7. Why is the MPS known all over the world?
8. What is the MPS responsible for today?
9. When was SOCA created?
10. What are SOCA's main functions?

2. Find in the text words and expressions which mean:

1. the job of making sure that the law is obeyed;
2. to try to deal with a difficult problem;
3. an official attempt to find out the truth about or the causes of something such as a crime, accident, or scientific problem;
4. when a charge is made against someone for a crime, or when someone is judged for a crime in a court of law;
5. a duty to be in charge of someone or something, so that you make decisions and can be blamed if something bad happens;
6. a situation in which rules are obeyed and authority is respected;
7. the use of violence such as bombing, shooting, or kidnapping to obtain political demands such as making a government do something.

III. VOCABULARY STUDY

1. Complete the sentences with the words from the active vocabulary.

<i>offence</i>	<i>crime prevention</i>	<i>to tackle</i>	<i>the investigation</i>
<i>to police</i>	<i>justice</i>	<i>to reduce</i>	<i>order</i>

1. Effective..... must be our main goal.
2. A private detective was hired to conduct

3. There is more than one way the problem.
4. The governor announced a new plan crime.
5. The killers will be brought to
6. The police was called in to restore
7. The possession of stolen property is a criminal
8. The army was brought in the city centre.

2. Find in the text the English equivalents for the following phrases:

Слугувати моделлю; створити та зберігати безпечно, справедливе та стабільне суспільство; протидія тероризму; зменшувати рівень злочинності; сприяти відправленню правосуддя; підтримання правопорядку; запобігання та розкриття злочинів; правоохоронні органи; боротися з організованою злочинністю; розслідування та переслідування правопорушень; сфера відповідальності; аналізувати та розповсюджувати інформацію.

3. Fill in the correct word(s) from the list below. Use the words only once.

<i>to set up</i>	<i>to serve</i>	<i>to analyze and disseminate</i>
<i>to police</i>	<i>to create and maintain</i>	<i>to prevent and detect</i>
<i>people</i>	<i>significant</i>	<i>to promote</i>

1. a safe, just and stable society
2. serious organised crime
3.as the model
- 4..... national responsibilities
5.information
6.an organized police service
- 7.....specific local areas
8.smuggling
9.confidence

4. Playing with words.

Find the phrase equal in meaning to each single word on the right.

<i>in this place</i>	<i>instantly</i>
<i>as a rule</i>	<i>gradually</i>
<i>at the same time</i>	<i>seldom</i>
<i>at once</i>	<i>here</i>
<i>now and then</i>	<i>presently</i>
<i>in every possible place</i>	<i>generally</i>
<i>little by little</i>	<i>occasionally</i>
<i>in that place</i>	<i>never</i>
<i>not very often</i>	<i>there</i>
<i>in a moment or two</i>	<i>recently</i>
<i>not long ago</i>	<i>simultaneously</i>
<i>at no time</i>	<i>everywherer</i>

5. Guess the meaning of the following idioms, then fill in the gaps in the sentences below.

doing time – at large –as thick as thieves – daylight robbery- caught red-handed –on the alert – crime doesn’t pay – in cold blood

1. “You shouldn’t even think about stealing money from the firm; you should know that.....”
2. “They charged me 50 \$ for that awful lunch! That’s!”
3. The burglar was caught trying to break the window of the house.
4. After for pick pocketing, he swore he would never commit another crime.
5. To avoid being robbed in large cities, one should be at all times.
6. He killed his accomplice and said that he felt no regrets afterwards.
7. The police announced that a serial killer was and advised people to remain inside with their doors and windows locked.
8. Tom and Jerry are; they spend all their free time together.

IV. GRAMMAR FOCUS

1. Rewrite the sentences using the infinitive or-ing form, as in the example.

1. It's difficult to learn a foreign language.
Learning a foreign language is difficult.
2. Gathering and analyzing up-to-date information is hard.
3. It is important to activate any security devices when you leave your car unattended.
4. Preventing serious organized crime is crucial.
5. It is vital to be aware of your surroundings and stay alert to what's going on around you.
6. Avoiding dark or deserted areas late at night is important.
7. It's easy to get lost in this city.
8. It's risky to leave your phone on tables in pubs or restaurants.
9. It's dangerous for a woman to walk alone at night.
10. Maintaining law and order is impossible without public support.

2. Join the sentences using who(m), which or whose as in the example.

1. I am reading a detective novel. It is very interesting.
I am reading a detective novel, which is very interesting.
2. The Metropolitan Police Service is the oldest police force in continuous service. It was established in 1829.
3. Jurors will be paid \$40 a day. Their identities will be kept secret.
4. Mr Twister is retiring. His son is a police constable.
5. Robert Peel established the first official British police. He was prime minister from 1834 to 1835 and 1841 to 1846.
6. My neighbors' car was stolen yesterday. It was very expensive.
7. I discussed it with my brother. He is a lawyer.

3. Rewrite these jumbled words to form correct sentences.

1. by according to calls for service have the chief constable 85 percent increased
2. forces the five are by U.N. security zones policed
3. the investigation continuing into of the air is the cause crash
4. town's force was to tackle the rising crime a special formed rate
5. officers being new crime powers to help police combat given are
6. that around 7.30 p.m. investigators the crime was committed at believe
7. sufficient him the evidence is to bring not against a prosecution

V. SPEAKING

- 1. Look at the summary table Police and law enforcement in the UK and compare the structures of law-enforcement agencies in the UK and Ukraine. The following phrases might be useful for you:**

very/quite different
completely/totally/entirely different
significantly/markedly different
slightly different
have a lot in common (with sth)
have much in common
have sth in common
nothing in common
broadly/roughly similar to sth
remarkably/strikingly similar to sth
to be much the same as
to be identical to
there is a world of difference between

- 2. Look through the following recommendations for vehicle crime prevention. Imagine you are a policeman and give advice to an ordinary citizen on safeguarding mobile phones.**

Vehicle crime – protect yourself

Did you know that...

Most vehicle crime is preventable. It can take as little as 10 seconds for a thief to steal something from your car. If at all possible, leave nothing on view.

NEVER leave valuable items in your car, including sunglasses, the removable radio cover and your Sat Nav. Do you really need all those things you keep in the glove box?

Consider fitting anti-tamper screws to your number plate.

Never leave your car keys where they can be seen from the front door.

Vehicle common sense

Always

Close the windows and sunroof; lock the doors and activate any security devices when leaving your car unattended.

Park with care, particularly at night or if you are leaving the vehicle for a long time. If possible, park in a busy, well-lit area.

Never

Leave cash, credit cards, chequebook, mobile phones, vehicle documents or other valuables in the car.

Never leave your keys in the car, even for a second – treat them as you would your cash and credit cards.

Buying a used car – Be prepared!

Always ask to see proof of the seller's identity and address – an official letter or driving licence, for example.

Make sure the car's VIN matches that on the registration document (V5) – The VIN, formerly known as the chassis number, is a unique 17 character number issued to every vehicle by the manufacturer.

Unit 5. Review on Law-Enforcement Agencies in the UK and USA

Section 2. Law-Enforcement Bodies in the USA

I. LEAD-IN

1. Answer the questions:

1. What law-enforcement agencies in Ukraine do you know?
2. What agencies in the USA can exercise law-enforcement powers?
3. Could a society exist without law-enforcement agencies?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|---------------------------------|---|
| 1) domestic intelligence agency | a) загроза з боку іноземної розвідки |
| 2) to seek fugitives | b) злочини, пов'язані з фальсифікацією |
| 3) monetary instruments | c) пряма відповідальність |
| 4) first aid rendering | d) надання першої допомоги |
| 5) foreign intelligence threat | e) внутрішня контррозвідка |
| 6) primary responsibility | f) інструменти грошової та кредитної політики |
| 7) counterfeiting crimes | g) розшукувати втікачів |
| 8) terrorist threat | h) терористична загроза |

Read the text to understand what information is of primary importance or new for you.

TEXT 2

LAW-ENFORCEMENT AGENCIES IN THE USA

Notes:

The Federal Bureau of Investigation (FBI) – Федеральне бюро розслідувань.
The Department of Justice (DOJ) – Міністерство юстиції (в США); федеральний виконавчий департамент Сполучених Штатів, відповідальний за засто-

сування закону та відправлення правосуддя, дорівнює Міністерству юстиції або Міністерству внутрішніх справ інших країн.

The Drug Enforcement Administration (DEA) – Управління з боротьби з наркотиками; федеральний правоохоронний орган, завданням якого є боротьба з контрабандою та вживанням наркотиків на території Сполучених Штатів.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) – Бюро з боротьби з незаконною торгівлею та використанням алкогольних та тютюнових виробів, вогнепальної зброї та вибухових речовин.

The United States Marshals Service – Служба федеральних маршалів США.

The United States Department of Homeland Security (DHS) – Міністерство внутрішньої безпеки США.

The federal government of the United States established a wide range of law-enforcement agencies to maintain law and public order related to matters affecting the country as a whole.

The Department of Justice (DOJ) is the most prominent group of law-enforcement agencies, and handles most law-enforcement duties at the federal level. It includes **the Federal Bureau of Investigation (FBI)**, **the Drug Enforcement Administration (DEA)**, **the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**, **the United States Marshals Service**, and others. The Marshals Service is the oldest federal law-enforcement agency. It is a part of the executive branch of government, and the enforcement department of the United States federal courts, and is responsible for the protection of court officers and buildings and the effective operation of the judiciary. The service assists with court security, protects federal witnesses, transports federal convicts, and seeks fugitives.

The Federal Bureau of Investigation (FBI) is a law-enforcement and *domestic intelligence agency* charged with protecting and defending the United States against *terrorist* and *foreign intelligence threats*; upholding and enforcing the criminal laws of the United States; and providing leadership and criminal justice services to federal, state, municipal, and international agencies and partners. The FBI has investigative jurisdiction over violations of more than 200 categories of federal crime. Its motto is "Fidelity, Bravery, Integrity" – FBI.

The United States Department of Homeland Security (DHS) is a department of the United States federal government, created in response to the September 11 attacks, and with the *primary responsibility* of protecting the territory of the U.S. from terrorist attacks. It now includes the United States Secret Service, which protects the President and the Vice President of the United States, their families as well as investigating *counterfeiting*

crimes involving U.S. currency and *monetary instruments*; U.S. Immigration and Customs Enforcement and others.

An agency that maintains order, prevents and detects crime is the Police. Federal law-enforcement officers have the power to enforce various laws not only at the federal level, but also state, county, and local in many circumstances. The federal government is prohibited from exercising general police powers due to restrictions in the constitution, because the United States is organized as a union of sovereign states, which each retain their police, military and domestic law-making powers. Police functions are as follows: crime fighting; order maintenance; *first aid rendering*. Because police agencies are traditionally available year-round, 24 hours a day, citizens call upon police departments not only in times of trouble, but also when just inconvenienced. As a result, police services may include roadside auto assistance, finding lost pets or property, or checking locks on vacationers' homes.

In the United States, a sheriff is a county official and is typically the top law-enforcement officer of a county. Historically, the sheriff was also a commander of the militia in that county. Distinctive to law-enforcement in the United States, sheriffs are usually elected. The political election of a person to serve as a police leader is an almost uniquely American tradition. The law-enforcement agency headed by a sheriff is typically referred to as a sheriff's office or sheriff's department.

II. DEVELOPMENT

1. Find in the text the information on

- a) the United States Marshals Service;
- b) the Federal Bureau of Investigation (FBI);
- c) the United States Department of Homeland Security (DHS).

2. Complete the names of the U.S. law-enforcement bodies:

Homeland, Firearms, Service, Immigration, Administration, Federal, Department
--

- the U. S. ... of Justice;
- the U. S. ... Bureau of Investigation;
- the U. S. Drug Enforcement ... ;
- the U. S. Bureau of Alcohol, Tobacco, ... , and Explosives;

- the U. S. Marshals ... ;
- the U. S. Department of ... Security;
- the U. S. ... and Customs Enforcement.

3. Give the Ukrainian equivalents to the following English word-combinations:

a) federal witness, federal convict, federal level, federal law-enforcement agency, the Federal Bureau of Investigation, the United States federal court, the United States federal government.

b) law-enforcement agency, law-enforcement duties, the Drug Enforcement Administration, enforcement department, to enforce the criminal laws, the top law-enforcement officer.

4. Match the beginnings with the endings consulting the text:

<p>1. The federal government of the United States established law-enforcement agencies to...</p> <p>2. The most prominent group of law-enforcement agencies is...</p> <p>3. The Marshals Service assists with ...</p> <p>4. The Federal Bureau of Investigation is...</p> <p>5. The FBI motto is...</p> <p>6. The United States Department of Homeland Security was created ...</p> <p>7. An agency that maintains order, prevents and detects crime is ...</p> <p>8. Police agencies are traditionally available ...</p> <p>9. The political election of a person to serve as a police leader is ...</p>	<p>a) in response to the September 11 attacks.</p> <p>b) an almost uniquely American tradition.</p> <p>c) the Police.</p> <p>d) the domestic intelligence agency.</p> <p>e) year-round, 24 hours a day.</p> <p>f) maintain law and public order.</p> <p>g) court security, protects federal witnesses, transports federal convicts, and seeks fugitives.</p> <p>h) "Fidelity, Bravery, Integrity".</p> <p>i) the Department of Justice (DOJ).</p>
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5. a) Complete the table (some combinations may be used not once):

The Department of Homeland Security	The Federal Bureau of Investigation	The Police	The sheriff

domestic intelligence agency, currency and monetary instruments, the September 11 attacks, inconvenienced, terrorist threat, foreign intelligence

threat, available year-round, 24 hours a day, a commander of the militia, the United States Secret Service, counterfeiting crimes, election of a person, international agencies, checking locks on vacationers' homes, to protect the President and the Vice President of the United States, to maintain order, to find lost pets or property, county official, "Fidelity, Bravery, Integrity", first aid rendering, to provide leadership, U.S. Immigration and Customs Enforcement, sheriff's office or sheriff's department, to prevent and detect crime, roadside auto assistance, almost uniquely American tradition.

b) Speak about the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the Police, a sheriff.

6. Translate into Ukrainian:

The FBI's top investigative priorities are:

Protect the United States from terrorist attack (counter-terrorism);

Protect the United States against foreign intelligence operations and espionage (counter-intelligence);

Protect the United States against cyber-based attacks and high-technology crimes;

Combat public corruption at all levels;

Protect civil rights;

Combat transnational/national criminal organizations and enterprises;

Combat major white-collar crime*;

Combat significant violent crime*;

Support federal, state, local and international partners;

Upgrade technology for successful performance of the FBI's mission.

** A white-collar crime is a crime committed by a person at a the place of work using his/her related powers;*

** A violent crime is a crime in which the offender uses or threatens to use violent force upon the victim.*

III. PRACTICE AND EXPERIENCE

1. Describe the main functions of the following law-enforcement agencies of the USA. Consult the Note above the text:

a) the Department of Justice (DOJ);

b) the Federal Bureau of Investigation (FBI);

c) the United States Marshals Service;

- d) the United States Department of Homeland Security (DHS);
- e) the Police;

2. Read about the process of hiring FBI agents and do the tasks.

In order to apply to become an FBI agent, an applicant must be between the ages of 23 and 37. The applicant must also hold American citizenship; have a clean record, and a four-year bachelor's degree.

All FBI employees require a Top Secret (TS) security clearance. Special Agents candidates also have to pass a Physical Fitness Test (PFT) that includes a 300-meter run, one-minute sit-ups, maximum push-ups, and a 1.5-mile (2.4 km) run. There is also a polygraph test that personnel have to pass, with questions including possible drug use.

After potential special agent candidates are cleared with TS clearance and a non-disclosure agreement is signed, they attend the FBI training facility located on Marine Corps Base Quantico in Virginia. Candidates spend approximately 21 weeks at the FBI Academy, where they receive over 500 classroom hours and over 1,000 simulated law enforcement hours to train. Upon graduation, new FBI Special Agents are placed all around the country and the world, depending on their areas of expertise.

A. Guess about the meanings of the following combinations:

to have a clean record, a Top Secret (TS) security clearance, one-minute sit-ups, maximum push-ups, a polygraph test, to be cleared (with TS clearance), a non-disclosure agreement, training facility, simulated law enforcement hours, areas of expertise.

B. Answer the questions:

1. What are the requirements for a potential FBI agent? (Age, citizenship, quality of a record, education).
2. Why is a Top Secret (TS) security clearance so important for FBI employees?
3. What does a Physical Fitness Test include?
4. Why do personnel have to pass a polygraph test?
5. What documents do candidates sign before attending FBI training facility?
6. What does FBI agents training consist of?

IV. WRITING

Prepare a report on “The Structure of Law-Enforcement Agencies in Ukraine”.

V. OVER TO YOU

- 1. Read the information about the FBI Motto – “Fidelity, Bravery, Integrity”. Do you agree that this variant of the motto is the best? What your own variant of the FBI Motto can you suggest?**

The origins of the FBI's motto may be traced to a brief comment by Inspector W. H. Drane Lester, the editor of the employee magazine, The Investigator, in September 1935:

"F B I"

At last we have a name that lends itself to dignified abbreviation the Federal Bureau of Investigation, which quite naturally becomes "F B I." In the past our nicknames, which the public are so prone to give us, have been many and varied. "Justice Agents", "D. J. Men", "Government Men" are but a few of them, with the Bureau itself incorrectly referred to as "Crime Bureau", "Identification Bureau" and "Crime Prevention Bureau." The latest appellation, and perhaps the one which has become most widespread, is "G-Men", an abbreviation itself for "Government Men."

But "F B I" is the best and one from which we might well choose our motto, for those initials also represent the three things for which the Bureau and its representatives always stand: "Fidelity – Bravery – Integrity."

2. The Police Jokes.

1) Act out the situations:

A. The sheriff of a small town was also the town's animal Vet. One night the phone rang, and his wife answered. A sharp voice shouted: "Is your husband there?" "Do you require his services as a sheriff or as a vet?" the wife asked. "Both!" was the reply. "We can't get our dog's mouth open, and there's a burglar in it."

B. An elementary school class goes on a trip to the police station. Officer points to the MOST WANTED list and tells them that these are the most wanted fugitives in the USA. Little Boy says pointing to one of the photos " He is the MOST WANTED in the USA?!" Officer says "Yes." Little Boy asks "Why didn't you keep him when you were taking his picture?"

2) Read the anecdote. Describe the driver's behaviour. Predict the end of the story.

A police officer stops a guy over for speeding (перевищення швидкості).

Officer: May I see your driver's license?

Driver: I don't have one. I had it suspended when I got my 5th DUI (керування транспортним засобом у нетверезому стані).

Officer: May I see the owner's card for this vehicle?

Driver: It's not my car. I stole it.

Officer: The car is stolen?

Driver: That's right. But I think I saw the owner's card in the glove box when I was putting my gun in there.

Officer: There's a gun in the glove box?

Driver: Yes, sir. That's where I put it after I shot and killed the woman who owns this car and stuffed her in the trunk.

Officer: There's a BODY in the TRUNK?!?!?

Driver: Yes, sir.

Hearing this, the officer immediately called his captain. The car was quickly surrounded by police, and the captain approached the driver to handle the tense situation.

Captain: Sir, can I see your license?

Driver: Sure. Here it is.

It was valid.

Captain: Whose car is this?

Driver: It's mine, officer. Here's the registration.

Captain: Could you slowly open your glove box so I can see if there's a gun in it?

Driver: Yes, sir, but there's no gun in it.

Sure enough, there was nothing in the glove box.

Captain: Would you mind opening your trunk? I was told you said there's a body in it.

Driver: No problem.

Trunk is opened; no body in it.

Captain: I don't understand it. The officer who stopped you said you told him you didn't have a license, stole the car, had a gun in the glove box, and that there was a dead body in the trunk.

Driver: Yeah, sir. I'll bet he told you I was speeding, too.

Part IV

**Criminal Law and Criminal
Proceedings**

Unit 1. Law of Crimes

Section 1. The nature of Criminal Law

I. WARMING UP

1. Read and comment on the quotation by Edmund Burke (1729 - 1797), Irish-born British statesman and political philosopher: “Bad laws are the worst sort of tyranny”.

2. Answer the question: What is the main task of criminal law?

3. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--|---|
| 1) to be tempted to | a) типовий злочин |
| 2) to threaten with punishment | b) забороняти |
| 3) conduct | c) на відміну від |
| 4) archetypal crimes | d) намагатись розв’язати правові спори |
| 5) disturbance of the public peace and order | e) призвести до шкідливих наслідків |
| 6) to forbid | f) бути схильним до чогось |
| 7) lead to harmful results | g) бути ув’язненим |
| 8) unlike | h) загрожувати покаранням |
| 9) to seek to resolve legal disputes | i) поведінка |
| 10) to be incarcerated | j) порушення суспільного миру й порядку |

4. A. Divide the following words into two groups:

- those in which the letter combination – ea is pronounced as [i:];
- those in which the letter combination – ea is pronounced as [e]

Lead, already, threaten, deal, peace, health, treating, death, least, European.

B. In the text below find the sentence with the word conduct. What syllable is stressed in this word? When is the stress on the second syllable?

5. Read the text.

TEXT 1
CRIMINAL LAW

Criminal law (also known as penal law) is the body of law that deals with crime and the legal punishment of criminal offenses.

Criminal law seeks to protect the public from harm by inflicting punishment upon those who have already done harm and by threatening with punishment those who are tempted to do harm. The harm that criminal law aims to prevent varies. It may be physical harm, death, or bodily injury to human beings; the loss of or damage to property; sexual immorality; danger to the government; disturbance of the public peace and order; or injury to the public health. Criminal law also often tries to avoid harm by forbidding conduct that may lead to harmful results.

Criminal punishment, depending on the offense and jurisdiction, may include execution, loss of liberty, government supervision (parole or probation), or fines. There are some archetypal crimes, like murder, but the illegal acts are not wholly the same between different criminal codes, and even within a particular code lines may be blurred, as civil law violations sometimes give rise also to criminal consequences. Criminal law typically is enforced by the government, unlike the civil law, which may be enforced by private parties.

Criminal law involves prosecution by the government of a person for an act that has been classified as a crime. Civil cases, on the other hand, involve individuals and organizations seeking to resolve legal disputes. In a criminal case, the state, through a prosecutor, initiates the suit, while in a civil case the victim brings the suit. Persons convicted of a crime may be incarcerated, fined, or both. However, persons found liable in a civil case may only have to give up property or pay money, but are not incarcerated.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1) What does the term “criminal law” denote?

- 2) What way does criminal law seek to protect the public from harm?
- 3) What can criminal punishment include?
- 4) Are illegal acts the same in different criminal codes?
- 5) What is criminal law / civil law usually enforced by?
- 6) Who initiates the suit in a civil case / criminal case?

2. Match the two parts of the sentences:

- 1) Criminal law often tries to ...
- 2) Criminal law typically is enforced ...
- 3) Civil law may be enforced ...
- 4) Criminal law involves ...
- 5) Civil cases involve ...
- 6) In a criminal case ...
- 7) In a civil case ...
- 8) Persons convicted of a crime ...
- 9) Persons found liable in a civil case ...

- a. by the government.
- b. the victim brings the suit.
- c. prosecution by the government of a person for an act that has been classified as a crime.
- d. may only have to give up property or pay money, but are not incarcerated.
- e. may be incarcerated, fined, or both.
- f. avoid harm by forbidding conduct that may lead to harmful results.
- g. individuals and organizations seeking to resolve legal disputes.
- h. the state initiates the suit
- i. by private parties.

III. VOCABULARY STUDY

1. In the text “Criminal Law” find the synonyms for the following words and word combinations.

Penal law, criminal offense, civil offence, damage, penalty, prohibited, human being, disagreement, to be imprisoned, responsible, criminal code, control, be found guilty.

2. Arrange the letters in the following legal terms; then match these terms with their definitions:

1. imcre	a. the crime of killing another person deliberately and not in self-defense
2. eiocutexn	b. the early release of a prisoner, conditioned on good behavior and regular reporting to the authorities for a set period of time
3. fein	c. an action prohibited by law
4. mdreur	d. case brought to a law court
5. aplero	e. somebody who is hurt or killed
6. optirbnao	f. a sum of money that somebody is ordered to pay for breaking a law or rule
7. utis	g. lawyers trying to prove somebody's guilt
8. secoiutpron	h. the supervision of the behavior of a young or first-time criminal offender by a probation officer. During the period of supervision, the offender must regularly report to the probation officer and must not commit any further offenses.
9. ctimvi	i. the killing of somebody as part of a legal or extralegal process

3. Choose and read the word that best completes the sentence.

1) Criminal / Civil law is the branch of law that defines crimes, treats of their nature, and provides for their probation / punishment.

2) A Criminal Code / Execution is a compilation of government laws that outline a nation's laws regarding criminal offenses, and the maximum and minimum punishments that courts can suit / impose upon offenders when such crimes are committed (for example: vandalism, retail theft, theft of property etc.).

3) A tort / crime is a civil wrong committed against an individual; a tort / crime, on the other hand, is regarded as an offense committed against the public, even though only one individual may have been wronged.

4) It'll be some weeks before your offence / case comes to trial.

5) A penalty / supervision is a legal or official punishment for committing a crime or other offense, e.g. a fine or imprisonment.

4. Complete the text with the words from the box.

penalties	Roman	criminal	theft	civil	law
	enforcement	codes	offences		

The first written _____ of law were produced by the Sumerians around 2100-2050 BC. Another important early code was the Code Hammurabi, which formed the core of Babylonian _____. Neither set of laws separated _____ codes and civil laws.

Law of the Twelve Tables, earliest code of _____ law, was formalized in 451-450 BC from existing oral law by ten magistrates and inscribed on tablets of bronze or wood, which were posted in the principal Roman Forum. The Twelve Tables covered all categories of the law and also included specific _____ for various _____. This code conflated the _____ and criminal aspects, e.g. treating _____ as a tort.

The first signs of the modern distinction between crimes and civil matters emerged during the Norman Invasion of England. The special notion of penalty, at least concerning Europe, arose in Spanish Late Scholasticism, when the theological notion of God's penalty became transfused into canon law first and, finally, to secular criminal law.

The development of the state provided justice emerged in the eighteenth century when European countries began maintaining police services. From this point, criminal law had formalized the mechanisms for _____, which allowed for its development as a recognized entity.

5. Give the English equivalents for the following word combinations:

Кримінальне право, кримінальний кодекс, злочин, правопорушення, покарання, призначати покарання, загрожуючи покаранням, запобігати злочину, тілесні ушкодження, забороняти, втрата свободи, нагляд, умовне покарання, типові злочини, призвести до шкідливих наслідків, бути схильним до чогось, бути ув'язненим, порушення громадського порядку.

6. Translate into English:

Згідно зі ст. 3 КК України законодавство України про кримінальну відповідальність становить кримінальний кодекс України. Цей письмовий нормативно-правовий акт приймається Верховною Радою України або всеукраїнським референдумом, який визначає, які суспільно небезпечні діяння є злочинами і які покарання застосовуються до осіб, що їх вчинили.

IV. GRAMMAR FOCUS

- 1. Point out sentences with Passive Voice in the text and explain their use.**
- 2. Transform the sentences in Active Voice into the sentences in Passive Voice according to the model:**

**Model: The government typically enforce the criminal law.
The criminal law is typically enforced by the government.**

- 1) Private parties usually enforce the civil law.
- 2) Criminal punishment may include execution, loss of liberty, government supervision (parole or probation), or fines.
- 3) They classify this act as a crime.
- 4) In a criminal case the state initiates the suit.
- 5) In a civil case the victim brings the suit.
- 6) They may incarcerate persons convicted of a crime.

V. SPEAKING

1. A. Read the questions and discuss them in groups.

- Q 1: What is the difference between criminal and civil law?
Q 2: Can an event be both a criminal and civil offence?
Q 3: Can being present at the scene of a crime make you guilty?
Q 4: What is the definition of "criminal trespass?"
Q 5: What exactly is the felony murder law?
Q 6: What exactly does the term "eluding a police officer" mean?
Q 7: I was the victim of a hit and run. I located the offending vehicle and owner. What should I do to pursue this?
Q 8: I was involved in a hit and run accident but left the scene. Do I need an attorney to go to court with me?

B. Match the questions from part A with the answers (ATTENTION: the answers are given from the point of view of American legislation).

A: Felony murder means that all persons engaged in a felony are liable for murder if one of them kills a person during the crime.

The precise definition of felony murder varies from state to state. Generally, someone is liable for murder if, during the course of committing a serious felony with another person, someone other than one of the participants is killed.

A "serious felony" is one like arson, robbery, burglary, kidnapping, or rape.

In some states, it's a defense to felony murder if the defendant was unarmed and had no reason to believe that any of his co-conspirators was either armed or intended to engage in any conduct dangerous to life.

A: Civil law is concerned with relationships between individuals and is addressed in civil court. Criminal law pertains to the relationship between an individual and the state. Cases that are prosecuted are heard in criminal court.

A: Leaving the scene of an accident (hit and run) is a serious offense. In many states, it carries enough points to result in a revocation of your driving privileges. It also carries a possible fine and jail sentence. So, you should seek legal advice right away. A criminal defense attorney in your town can tell you what action is best to take, and whether you should have an attorney accompany you to court to speak for you and attempt a favorable resolution of the case for you.

A: If you're the victim of a hit and run accident, you should immediately report the accident to the police, and advise them that the driver left the scene without providing you with identification and insurance information. Ask the police to fill out a report. The report will likely be assigned a case number either immediately or within a few days.

You should also call the claims department of your insurance company as soon as possible.

A: Yes. Depending on the circumstances, a single event may be tried in both courts. This is not considered double jeopardy.

A: In most states, juries are instructed that merely being present at the scene of a crime, even with guilty knowledge that a crime is being committed, isn't enough to convict a person of a crime. But there are principles of criminal liability that apply to people other than the actual

perpetrator of a crime. For example, under federal law there is a crime called "misprision" of a felony, which applies to a person who has actual knowledge of the commission of a felony and doesn't report it to the authorities.

A: While the precise definition can vary from state to state, a person commits the crime of "criminal trespass" when she enters or remains on another's property without the owner's consent. You may have a defense against criminal trespass if the property was open to the public, or your conduct didn't substantially interfere with the owner's use of the property, or you immediately left the premises when requested.

A: Fleeing or eluding police occurs when a police officer gives you a visual or audible signal to stop, whether by hand, voice, emergency light or siren, and you don't obey.

It's unlawful for a person who's either driving or in a vehicle, or not to disobey an officer's order to stop, by fleeing on foot or by any other means.

2. The criminal justice process typically begins when a police officer places a person under arrest. Discuss the following questions concerning the arrest:

1. When is a person considered to be arrested?
2. Is the use of physical restraint or handcuffs always necessary? Give the examples.
3. In which of the following circumstances can a police officer arrest a person?
 - The police officer personally observes a crime
 - The police officer has a reasonable belief, based on facts and circumstances, that a person has committed or is about to commit a crime.
 - The police officer suspects but is not sure that a person has committed or is about to commit a crime.
 - A police officer receives a report of an armed robbery that has just occurred at a liquor store, then sees a man who matches the suspect's exact description running down the street near the store.
 - An arrest warrant has been issued.
 - The police officer has a reasonable belief, based on facts and circumstances, that a person has committed or is about to commit a crime, but he hasn't obtained a valid warrant to arrest this person.

Unit 1. Law of Crimes

Section 2. Criminal Law of the UK and the USA

I. LEAD-IN

1. Read and comment the quotation by John Selden (1584–1654), English historian, jurist, and politician: “Ignorance of the law excuses no man; not that all men know the law, but because it is an excuse every man will plead, and no man can tell how to confute him”.

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|------------------------|---|
| 1) diverse sources | a) бути виправленим |
| 2) summary offences | b) “за себе” |
| 3) unifying factor | c) злочини, що переслідуються в порядку сумарного провадження; дисциплінарні правопорушення |
| 4) to be remedied | d) об’єднуючий чинник |
| 5) impartial jury | e) різноманітні джерела |
| 6) indictable offences | f) безпристрасне журі |
| 7) “pro se” | g) злочини, що переслідуються за обвинувальним актом; кримінальні злочини |

3. How many syllables are there in the following words? Which of the syllables is stressed in each of them?

Administered, hierarchically, magistrates, procedurally, offences, indictable, indictment, considerably, separate, requirement

TEXT 2

4. Read the text and tell:

- what information is new for you;
- what you have already known about criminal law of England and the USA.

Criminal Law of England and the USA

Criminal law in England derives from a number of diverse sources. The definitions of the different acts that constitute criminal offences can be found in the common law (murder, manslaughter, conspiracy to defraud) as well as in thousands of independent and disparate statutes and more recently from supranational legal regimes such as the EU. As the law lacks the criminal codes that have been instituted in the United States and civil law jurisdictions, there is no unifying factor to how crimes are defined, although there have been calls from the Law Commission for the situation to be remedied. Criminal trials are administered hierarchically, from magistrates' courts, through the Crown Courts and up to the High Court. Appeals are then made to the Court of Appeal and finally the House of Lords on matters of law.

Procedurally, offences are classified as indictable and summary offences; summary offences may be tried before a magistrate without a jury, while indictable offences are tried in a crown court before a jury. The distinction between the two is broadly between that of minor and serious offences. In common law crimes are classified as either treason, felony or misdemeanor.

The way in which the criminal law is defined and understood in England is less exact than in the United States as there have been few official articulations on the subject. The body of criminal law is considerably more disorganised, thus finding any common thread to the law is very difficult. A consolidated English Criminal Code was drafted by the Law Commission in 1989 but, though codification has been debated since 1818, as of 2007 has not been implemented. Scotland has a completely separate legal system.

In the United States, criminal prosecutions typically are initiated by complaint issued by a judge, or by indictment issued by a grand jury. As to felonies in Federal court, the Fifth Amendment to the United States

Constitution requires indictment. The Federal requirement does not apply to the states, which have a diversity of practices. Three states (Connecticut, Pennsylvania, and Washington) and the District of Columbia do not use grand jury indictments at all. The Sixth Amendment guarantees a criminal defendant the right to a speedy and public trial, in both state and Federal courts, by an impartial jury of the State and district wherein the crime was committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense. The interests of the state are represented by a prosecuting attorney. The defendant may defend himself pro se, and may act as his own attorney, if desired.

II. DEVELOPMENT

1. In the text find the words (sentences) ...

a) comparing the way in which the criminal law is defined in England and the USA;

b) describing classifications of crimes/offences in England;

c) characterizing the initiation of criminal prosecutions in the USA.

2. Use the information from the text to divide the sentences into two groups: those relating to the criminal law of England, and those relating to the criminal law of the USA.

- 1) The law lacks the criminal codes.
- 2) The criminal codes have been instituted.
- 3) The defendant may defend himself pro se, and may act as his own attorney, if desired.
- 4) Offences are classified as indictable and summary offences.
- 5) The criminal law is not strictly defined and is rather disorganised.
- 6) Criminal prosecutions are initiated by complaint issued by a judge, or by indictment issued by a grand jury.
- 7) Different states have a diversity of practices.
- 8) The Sixth Amendment guarantees a criminal defendant the right to a speedy and public trial
- 9) The interests of the state are represented by a prosecuting attorney.

- 10) There is no common idea to how crimes are defined
 11) Criminal trials are administered by magistrates' courts, Crown Courts, High Court and the Court of Appeal.

The criminal law of England	The criminal law of the USA
1,	

3. In the text find the related word to the following verbs:

to indict, to offend, to conspire, to try, to accuse, to defend, to codify.

4. Translate into English

Особи, які вчинили злочин на території України, підлягають відповідальності згідно з чинним Кодексом.

Питання про кримінальну відповідальність дипломатичних представників іноземних держав та інших громадян, які за законами України і міжнародними договорами, згода на обов'язковість яких надана Верховною Радою України, не є підсудні у кримінальних справах судам України, в разі вчинення ними злочину на території України вирішується дипломатичним шляхом.

Громадяни України, які вчинили злочин за межами України, підлягають кримінальній відповідальності згідно з чинним Кримінальним Кодексом, якщо інше не передбачене міжнародними договорами України, згода на обов'язковість яких надана Верховною Радою України.

III. PRACTICE AND EXPERIENCE

1. How good are you at detective work? Below there are two conversations.

They include 6 colloquial speech words. The synonyms for these words you can find in the box. Read the conversation and use the context to match the words with their synonyms.

- 1) A defense lawyer
- 2) An informer
- 3) In prison
- 4) to arrest
- 5) To rob using weapons
- 6) To inform the police

Dialogue 1.

- Have you heard about Henry?
- No. What?
- He's been nicked.
- You are joking. What happened?
- He was blagging a bank with his brother and somebody grassed on them.
- Who's the nark?
- Who knows? Henry's got a lot of enemies.

Dialogue 2.

- What did he get?
- Eight years.
- Eight years inside! You said he had a good brief.
- Well, he thought he did.

2. A. Below there are the quotations by famous people about law. Match the parts of the quotations and then try to guess who each of the quotations belong to. Then check your answers.

B. Which of the quotations do you agree with? Which of them can you argue? Motivate your point of view.

- 1) Law grinds the poor,
- 2) Law is a form of order and
- 3) Law is founded not on theory but
- 4) Laws, like houses,
- 5) Laws were made
- 6) Let all the laws be clear, uniform,

- A. lean on one another.
- B. and rich men rule the law.
- C. to be broken.
- D. good law must necessarily mean good order.
- E. upon nature.
- F. and precise

I. Oliver Goldsmith (1730–1774), Irish-born British novelist, playwright, and poet.

II. Voltaire (1694–1778), French writer and philosopher.

III. Christopher North (1785–1854), Scottish poet, essayist, and critic.

IV. Edmund Burke (1729–1797), Irish-born British statesman and political philosopher.

V. Cicero (106–43 BC), Roman orator and statesman.

VI. Aristotle (384 BC–322 BC), Greek philosopher.

The key:

1	B	I
2	D	VI
3	E	V
4	A	IV
5	C	III
6	F	II

3. Preventing Theft

The teen theft prevention campaign addresses teen identity theft and the theft of personal, portable property in schools.

Young people today are faced with theft in schools and universities (about one-third of reported identity theft victims are between the ages of 18 and 29). In groups make up a plan of prevention posters which can help teens learn how to protect their identities and possessions. Choose the topic from given below.

Posters:

“Teens: Protect Your Identity From Thieves”

“A Teen's Guide to Protecting Portable Property”

“Identity Theft Prevention Poster”

“Property Theft Prevention Poster”

IV. WRITING

.....

1. You are John. This is a part of a letter that a 19-year old law student has sent you. Read it, then write him/her a letter giving your advice. Use the following useful expressions and plan.

Dear John,

I've just found out that I've failed my exam in Criminal law. The question I had to answer was not very difficult (as it seemed then): "The sources of criminal law in the USA". I was sure that it's worth speaking about precedent – and that's all, but the lecture wasn't satisfied with my answer and gave me bad mark; he even didn't explain what my mistake was. The good thing is that I will be able to retake the exam in two weeks, but I'm so scared to fail it again! What can I do? Please, help me!

Useful expressions;

Start with: I just got your letter; I think I can help you; I was sorry to hear about your problem.

Giving advice: You should...; Why don't you...? It would be a good idea...; The best thing you can do is...; I strongly advice you to...; Your mistake was...; If I were you, I'd...

Finish with: I hope this helps you; Let me know what happens; Hope this advice is of some help to you; Things will get better soon.

Plan

Introduction:

Dear _____ (name) _____

Para 1: Express sympathy

Main body

Para 2: Give your advice

Conclusion

Para 3: End the letter offering some encouragement

V. OVER TO YOU

Debates

This is an unusual sort of quiz, because the "right" answers are a matter for debate. Below there are the facts of some true crimes, and you are invited to guess what you believe the verdict was in each case, and, if you consider that the verdict was "guilty", what the sentence was.

You could also consider what you think the verdict and sentence should have been if you think they ought to have been different from what actually happened.

Case 1

M was an eighteen year old University student, appearing older than his years, who neglected his studies in favour of the local dance hall and its hostesses. He financed this life-style by forging his mother's signature on cheques. One morning, his mother, seated at her writing desk, fell to the floor with a gunshot wound in her head. She was not, however, dead, and was taken to the hospital unconscious, where she remained under careful watch. M gloomily told the police that his mother had shot herself over money worries.

The wounded woman regained consciousness long enough to give her version of events to a doctor. She stated that she had been seated at her desk writing, while her son stood behind her. She had just told him to go away and not annoy her, when there had been a loud explosion, and she remembered nothing more after that. She lapsed into unconsciousness again, and a few days later she died. Meanwhile, the cheque forgeries had been discovered, and M was arrested and charged with the murder of his mother, and uttering twenty-nine forged cheques.

Case 2

Mrs C was the second wife of a prominent politician. For some time he had been the subject of vilification and derision in a major newspaper. When the editor published a letter written by C to his first wife, the couple were desperate. The first Mrs C had in her possession other letters, both amorously and politically indiscreet, written by C to the second Mrs C when she was his mistress. It was essential that publication of these letters should be stopped.

Mrs C took legal advice, and was told that there was no way that she could prevent the newspaper from publishing the damaging letters. She made a decision. She left a note for her husband – "I will see that justice is done....I will carry out the task.." She bought a gun, test-firing weapons at the shop's firing range before making her choice. She went to the office of the offending newspaper, confronted the editor, and shot him four times, killing him. She was charged with murder

Case 3

B, an apparently mild-mannered little man, raped and murdered large numbers of women and girls. He was arrested when a policeman noticed blood on his clothes, and he at once began to boast about his exploits, and led the authorities to the sites of some fifty graves. Appearing on television, he proudly asserted that he had had no accomplices, but had committed all the murders himself. He stated that he had committed the crimes because of traumatic experiences he had suffered in his childhood. He was, however, considered to be sane.

The Answers

Case 1. The fact that is that the case took place in Scotland. It was 1926, and the eminent pathologist Sir Bernard Spilsbury, was appearing for the defence. He took the view that the absence of powder blackening around the wound, usually seen in suicide cases because of the near discharge, was not inconsistent with suicide. The prosecution, who had conducted tests with the gun actually used, took the opposite view. Unsure whom to believe, the jury brought in a verdict of Not Proven on the murder and Guilty on the cheque frauds. John Donald Merrett was free in eight months. Changing his name to Ronald Chesney, he took to a life of crime – blackmail, thieving, smuggling and fraud.

Did he kill his mother? If it had not been for the considerable reputation of Sir Bernard Spilsbury, he might very well have been found guilty, and in my opinion, that was probably the right result.

Case 2. Looks pretty open-and-shut, doesn't it? This crime took place in France in 1914. Henriette Cailleaux pleaded provocation and said that the gun had gone off accidentally. Evidence was produced which implicated the deceased editor in anti-French propaganda, and Mme. Cailleaux was acquitted in a storm of patriotic fervour.

As for the point of law, Mme. Cailleaux committed premeditated murder, albeit under considerable provocation. After all, if she had not intended to fire the gun, why had she test-fired it? In a British court she might well have bargained her way to a charge of manslaughter.

Case 3. Daniel Camargo Barbosa had, a year before his arrest, been in prison in Colombia, serving a life sentence for rape and murder, but he had managed to escape to Ecuador, where he carried out a series of rapes and murders of women and girls. He was found guilty of his crimes and sentenced to sixteen years in prison. This was the maximum sentence under the laws of Ecuador.

Unit 2. Crimes and Criminals

Section 1. Definition and Elements of Crime

I. Warming up

1. Answer the following questions:

- 1) What action can be considered a crime?
- 2) What is the main difference between a tort and a crime?
- 3) What crimes are considered to be the gravest from the point of view of Ukrainian law?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------|------------------------------|
| 1) mens rea | a) бездіяльність |
| 2) actus reus | b) на відміну від |
| 3) injurious to society | c) намір |
| 4) as distinguished | d) злочинний намір |
| 5) be accomplished by | e) злочинна дія |
| 6) omission | f) шкідливий для суспільства |
| 7) intent | g) супроводжуватися (чимось) |

3. Choose the correct variant of pronunciation of the letters in bold in the following words:

guilty	[ui]	[iu]	[i]
physical	[u]	[i]	[ai]
indictment	[ai]	[ei]	[i]
conviction	[i]	[i:]	[ai]
legally	[e]	[ea]	[i:]

4. Read the text and tell:

- what the crime is;
- what the elements of the crimes are.

TEXT 1

Definition and Elements of the Crime in English Law

In English legal tradition crime is defined as an act or omission that violates the law and is punishable by the state. Crimes are considered injurious to society or the community, as distinguished from torts and breach of contract.

As defined by law, a crime includes both the act, or *actus reus*, and the intent to commit the act, or *mens rea*.

Actus reus is Latin for "guilty act" and is the physical element of committing a crime. It may be accomplished by an action, by threat of action, or exceptionally, by an omission to act. For example, a parent's failure to give food to a young child also may provide the *actus reus* for a crime.

Where the *actus reus* is a failure to act, there must be a duty. A duty can arise through contract, a voluntary undertaking, a blood relation with whom one lives, and occasionally through one's official position.

Mens rea is another Latin phrase, meaning "guilty mind." A guilty mind means an intention to commit some wrongful act. Intention under criminal law is separate from a person's motive. If Mr. Hood robs from rich Mr. Nottingham because his motive is to give the money to poor Mrs. Marion, his "good intentions" do not change his criminal intention to commit robbery.

Unless the act of which a defendant is accused is expressly defined by statute as a crime, no indictment or conviction for the commission of such an act can be legally sustained. This provision is important in establishing the difference between government by law and dictatorial government.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

- 1) What is a crime?
- 2) What can be crimes dangerous for?
- 3) What does a crime include?
- 4) What is *actus reus* / *mens rea*?

- 5) Give an example of actus reus / mens rea.
- 6) How can the difference between government by law and dictatorial government be shown?

2. Complete the sentences using the information from the text.

- 1) Crimes are considered injurious to ...
- 2) Actus reus may be accomplished by ...
- 3) Where the actus reus is a failure to act...
- 4) A guilty mind means ...
- 5) Unless the act of which a defendant is accused is expressly defined by statute as a crime...

III. VOCABULARY STUDY

1. In the text “Definition and Elements of the Crime” find the antonyms for the following words:

innocent, harmless, exclude, right, illegally, liberal, insignificant.

2. Choose the words which best complete the text below.

The criminal law generally prohibits undesirable 1) _____. Thus, proof of a 2) _____ requires proof of some act. Scholars label this the requirement of an actus reus or 3) _____ act. Some crimes require no more, and they are known as strict liability offenses. Nevertheless, because of the potentially severe consequences of criminal conviction, judges at common law also sought proof of an 4) _____ to do some bad thing, the 5) _____ rea or guilty mind. As to crimes of which both actus reus and mens rea are requirements, judges have concluded that the elements must be present at precisely the same moment and it is not enough that they occurred sequentially at different times.

- | | | |
|-------------|---------------|-------------|
| 1) a. acts | b thoughts | c. words |
| 2) a. law | b. indictment | c. crime |
| 3) a guilty | b. motive | c. innocent |
| 4) a. crime | b. intent | c. wrongful |
| 5) a. actus | b. mens | d. reus |

3. In the sentences below complete the de-voweled legal terms with the missed letters.

1) A "crime" is any act or __m__ ss__ __n in violation of a public l__w forbidding or commanding it.

2) Though there are some common law cr__m__s, most crimes in the United States are established by local, state, and federal governments.

3) American cr__m__n__l laws vary significantly from state to state.

4) In the USA there is a Model P__n__l Code (MPC) which serves as a good starting place to gain an understanding of the basic structure of criminal l__ __b__l__t__. 5) Crimes include both f__l__n__s (more serious __ff__ns__s like murder or rape) and misdemeanors (less serious offenses like petty th__ft or jaywalking).

6) Felonies are usually crimes punishable by imprisonment of a year or more, while m__sd__m__ __n__rs are crimes punishable by less than a year.

7) No act is a crime if it has not been previously established as such either by st__t__t__ or c__mm__n law.

4. Give the English equivalents for the following word combinations:

Злочин, правопорушення, суспільно небезпечна дія, бездіяльність, обвинувачуваний, умисел, суспільно небезпечний умисел, обвинувальний вирок, засудження.

5. Translate the articles of the Criminal Code of Ukraine:

Стаття 162. Порухення недоторканності житла

1. Незаконне проникнення до житла чи до іншого володіння особи, незаконне проведення в них огляду чи обшуку, а так само незаконне виселення чи інші дії, що порушують недоторканність житла громадян, – караються штрафом від п'ятдесяти до ста неоподатковуваних мінімумів доходів громадян або виправними роботами на строк до двох років, або обмеженням волі на строк до трьох років.

2. Ті самі дії, вчинені службовою особою або із застосуванням насильства чи з погрозою його застосування, – караються позбавленням волі на строк від двох до п'яти років.

IV. GRAMMAR FOCUS

1. Complete the following word combinations with the correct prepositions. Find and read the sentences with these word combination in the text "Definition and Elements of the Crime"

by under to through of by to

Punishable _____ the state, injurious _____
society, breach _____ contract, as defined _____
law, arise _____ contract, intention _____ commit
some wrongful act, _____ criminal law

V. SPEAKING

- 1. Look at the report showing the crime statistic in the USA. Then answer the following questions:**
- 1) What crimes are considered violent?
 - 2) What crimes are property crimes?
 - 3) What are the most frequent crimes in the USA? Were the most frequent crimes the same in 1999 and 2007?
 - 4) What are the least frequent crimes in the USA?
 - 5) Were the least frequent crimes the same in 1999 and 2007?
 - 6) How had the crime rate changed by the year of 2007? Which crimes became more frequent / less frequent?

Reported Crimes in the United States

Although the exact number of crimes that occur in the United States is unknown, criminal activity can be gauged by the incidents reported to law enforcement. The Crime Index is composed of selected offenses and is used to monitor fluctuations in the overall volume and rate of reported crime. Totals are based on data from all reporting agencies and estimates for unreported areas.

	1999	2007
Population	272,691,000	288,368,698
Crime index total	11,635,100	11,877,218
Violent crime	1,430,690	1,426,325
Property crime	10,204,500	10,450,893
Murder and nonnegligent manslaughter	15,530	16,204
Forcible rape	89,110	95,136
Robbery	409,670	420,637
Aggravated assault	916,380	894,348
Burglary	2,099,700	2,151,875
Larceny-theft	6,957,400	7,052,922
Motor vehicle theft	1,147,300	1,246,096

- 1) Populations are Bureau of the Census provisional estimates as of July 1, except 2000, which are the decennial census counts.
- 2) Offenses may not add up to totals due to rounding.
- 3) Violent crimes are the offenses of murder, forcible rape, robbery, and aggravated assault.
- 4) Property crimes are the offenses of burglary, larceny-theft, and motor vehicle theft. Data for arson are not included.

Source: U.S. Federal Bureau of Investigation.

Unit 2. Crimes and Criminals

Section 2. Classification of Crimes

I. LEAD-IN

1. How are crimes classified in the Ukrainian legislation?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------------------|---|
| 1) felony | a) порушення прав інших осіб |
| 2) misdemeanor | b) винність |
| 3) culpability | c) кримінальний злочин |
| 4) infringe on the rights of others | d) засудження парламентом винного в державній зраді |
| 5) acts of attainder | e) кримінальний проступок |

3. How many syllables are there in the following words? Which of the syllables is stressed in each of them?

Misdemeanors, circumstances, imprisonment, culpability, naturally, antitrust, legislature, authority, Amendment, administrative, retroactively.

TEXT 2

4. Read the text and tell:

- what information is new for you;
- what you have already known about types and classification of crimes.

Classification of Crimes

Crimes are usually classified as treason, felony, or misdemeanor. The fundamental distinction between felonies and misdemeanors rests with the penalty and the power of imprisonment. In general, a misdemeanor is an offence for which a punishment other than death or imprisonment in the state prison is prescribed by law. The term "degree of crime" refers to

distinctions in the culpability of an offense because of the circumstances surrounding its commission. Crimes are sometimes divided according to their nature into crimes *mala in se* and crimes *mala prohibita*; the former class comprises those acts that are thought to be immoral or wrong in themselves, or naturally evil, such as murder, rape, arson, burglary, larceny, and the like; the latter class embraces those acts that are not naturally evil but are prohibited by statute because they infringe on the rights of others (e.g., acts in restraint of trade that have been made criminal under antitrust legislation). For example, in the United States, the power to define crimes and set punishment for them rests with the legislatures of the United States, the several states, and the territories, the principal authority being that of the individual states. This power in the states is restricted by the federal Constitution, e.g., in the Fourteenth Amendment and in prohibitions against acts of attainder (an act of attainder is a legislative declaration that a particular individual is guilty of a crime) and against *ex post facto* laws (laws that retroactively declare certain actions to be criminal). State constitutions may also limit state legislative action. The courts cannot look further into the propriety of a penal statute than to ascertain whether the legislature has the power to enact it. Administrative rules may have the force of law, and violations of such rules are punishable as public offenses, provided that the legislature has made such violations misdemeanors.

II. DEVELOPMENT

1. Are the following statements true or false?

- 1) The fundamental distinction between felonies and misdemeanors is in the type of punishment.
- 2) The term "degree of crime" refers to distinctions in the culpability of an offense because of the person committing this crime.
- 3) Crimes *mala in se* are thought to be naturally evil.
- 4) Crimes *mala prohibita* include murder, rape, arson, burglary, larceny etc.
- 5) In the United States, the power to define crimes and set punishment for them rests with the judiciary of the United States
- 6) The federal Constitution restricts the power of the state to define laws.
- 7) State constitutions may also limit state legislative action.
- 8) The violations of administrative rules are not punishable as public offenses.

2. Use the information in the text to give definitions to the following legal terms:

- a misdemeanor
- a degree of crime
- crimes mala in se
- crimes mala prohibita
- an act of attainder
- ex post facto laws

3. In the text find the crimes which are:

- **against people;**
- **against property;**
- **against state.**

4. A. In the box below you can see the names of the crimes. Match the crimes with their definitions.

B. Work with a partner and check each other. One person turns the page over, while the other asks questions such as “What do you call the crime of setting fire to a building?” or “Define ‘arson’”.

embezzlement, slander, libel, smuggling, assault, assassination, treason, murder, arson, extortion, robbery, theft, burglary, espionage

- 1) the crime of taking for personal use money or property that has been given on trust by others, without their knowledge or permission
- 2) trying to find out secrets by illegal means
- 3) the killing of somebody, especially a political leader or other public figure, by a sudden violent attack
- 4) the crime of entering a building to commit a felony, usually theft
- 5) the crime of carrying goods into a country secretly because they are illegal or in order to avoid paying duty on them
- 6) betraying your country to a foreign power.
- 7) the crime of obtaining something such as money or information from somebody by using force, threats, or other unacceptable methods
- 8) a violent physical or verbal attack
- 9) the act or an instance of illegally taking something that belongs to somebody else, especially by using force, threats, or violence

- 10) killing someone intentionally
- 11) the crime of setting fire to a building
- 12) the act or crime of stealing somebody else's property
- 13) the offense of saying something false or malicious that damages somebody's reputation
- 14) the offense of writing or publishing something false or malicious that damages somebody's reputation

5. Translate the articles of the Criminal Code of Ukraine:

Стаття 146. Незаконне позбавлення волі або викрадення людини

1. Незаконне позбавлення волі або викрадення людини – караються обмеженням волі на строк до трьох років або позбавленням волі на той самий строк.

2. Ті самі діяння, вчинені щодо малолітнього або з корисливих мотивів, щодо двох чи більше осіб або за попередньою змовою групою осіб, або способом, небезпечним для життя чи здоров'я потерпілого, або таке, що супроводжувалося заподіянням йому фізичних страждань, або із застосуванням зброї, або здійснюване протягом тривалого часу, – караються обмеженням волі на строк до п'яти років або позбавленням волі на той самий строк.

3. Діяння, передбачені частинами першою або другою цієї статті, вчинені організованою групою, або такі, що спричинили тяжкі наслідки, — караються позбавленням волі на строк від п'яти до десяти років.

III. PRACTICE AND EXPERIENCE

1. Do the Crime and Punishment Quiz (the British style). Then check your answers.

CRIME AND PUNISHMENT QUIZ

1. According to the 2002 British Crime Survey, what was your average risk of being burgled in 2001?

- A: One in 20 B: One in 50 C: One in 5 D: One in 500

2. How many mobile phones were stolen in the year 2001-2002?

A: 700,000 B: 350,000 C: 170,000 D: 900,000

|

3. Ruth Ellis was the last woman to be executed in Britain at Holloway Prison. When was she hanged?

A: 13 July 1955 B: 14 March 1926
C: 15 August 1967 D: 16 September 1905

|

4. Approximately how much does it cost to lock up a criminal in a UK prison for a year?

A: £10,000 B: £27,500 C: £50,000 D: £105,000

5. Which of the following European countries has the highest prison population per head?

A: Germany B: France C: England and Wales D: Sweden

6. What percentage of serious sexual offences against children occurs in the home of the victim or the offender?

A: 20% B: 40% C: 60% D: 80%

7. What is the average sentence length for a 21-year-old rapist?

A: Four and a half years B: Six years
C: Eight and a half years D: Ten years

8. Who is most likely to be a victim of violent crime by a stranger?

A: Old ladies B: Old men C: Young women D: Young men

9. Approximately how many children a year are separated from their mother by prison?

A: 13,000 B: 9,000 C: 5,000 D: 20,000

10. How often does a crime take place in England and Wales?

A: Every 2 seconds B: Every 5 seconds
C: Every 12 seconds D: Every 20 seconds

The key

1b, 2a, 3a,
4b, 5c, 6d,
7c, 8d, 9a,
10 b

2. How well do you know Phrasal Verbs on the topic “Crimes and Punishment”? Read the definitions and choose the corresponding phrasal verbs. Then check your answers.

1. To get into a building or car using force is to ____.
a. break out b. break down c. break in
2. To steal money from a bank by using force is a ____.
a. hold in b. hold down c. hold up
3. To steal or take something without asking is to ____.
a. run off with b. do without c. do over
4. To hurt someone badly by hitting or kicking is to ____.
a. pull them over b. beat them up c. put one over
5. To kill someone in informal English is to ____ with them.
a. do away b. have away c. stay
6. To destroy something with a bomb is to ____.
a. beat it up b. blow it up c. knock it over
7. To take a criminal to the police is to ____.
a. turn them over b. turn them in c. turn them down
8. To put someone in prison is to ____.
a. lock them up b. do them in c. blow them up
9. To not punish someone for their crime is to ____.
a. give them over b. let them off c. put them away
10. To succeed in not being punished for a crime is to ____ it
a. get away with b. make off with c. pick through

The key 1 c, 2
c, 3 a, 4 b, 5 a,
6 b, 7 b, 8 a, 9
b, 10 a

IV. WRITING

1. Use the following words to write a story. Start like this:

Jessica Rockefeller is a niece of the well-known millionaire. She was kidnapped yesterday.

Jessica Rockefeller/ kidnapped/yesterday

calls/ made/ before

Jessica/seen/last/park

same day/ letter/ sent

Jessica/released/ as soon as/ kidnappers given \$100.000

police/informed/immediately

all areas/ searched/ since yesterday

Jessica/not found/ so far

V. OVER TO YOU

1. Do the Criminal Law Quiz (the American style). Then check your answers.

1. A defendant has the right to have counsel present at which of the following procedures?

a. Analyzing of defendant's handwriting samples.

b. A line up after formal criminal proceedings have commenced.

c. Witness viewing still pictures of suspect for identification purposes.

d. Analyzing of defendant's fingerprints.

2. Actus Reus is:

a. The physical portion of the crime.

b. The mental portion of the crime.

c. Why the person committed the crime.

d. The punishment for the crime.

3. If "the action is wrong but the actor is not morally culpable for the harm and therefore shouldn't be punished for causing that harm," what type of defense is the accused making?

- a. Justification defense
- b. Excuse defense
- c. Offense modification
- d. Failure of proof defense

4. Which of the following is not an intentional tort?

- a. Battery
- b. Assault
- c. False imprisonment
- d. Strict liability

The key

1b, 2a,
3a,
4d

Unit 3. Crime Investigation

Section 1. Crime Investigation in Different Countries

I. WARMING-UP

1. Answer the following questions:

1. What is meant by investigation in the Criminal-Procedure Code of Ukraine?
2. What is the main task of criminalistics?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|----------------------------|-----------------------------------|
| 1) subdivision | a) свідчення свідків |
| 2) DNA profiling | b) аналіз ДНК |
| 3) crime lab | c) аналіз за допомогою мікроскопа |
| 4) testimonial evidence | d) криміналістична лабораторія |
| 5) microscopic examination | e) підрозділ, сфера |
| 6) court appearance | f) виступ в суді |

3. Match the words and their transcription read and translate the words. Pay attention to the pronunciation of Y:

1. identify	a) [lq' b0rqtrl]
2. rely on	b) [' flzlk(q)l] [' qvld(q)ns]
3. laboratory	c) [al' dentlfal]
4. testimony	d) [testlfal]
5. testify	e) [testlmqnl]
6. physical evidence	f) [r'l' laI Nn]

Read the text to understand what information on crime investigation is of primary importance or new for you.

TEXT 1

Notes:

to enter plea bargain – проводит переговоры про заключения угоди про визнання вини (амер.)

Crime Investigation: Forensic Science

Forensic science and scientific expertise serves the administration of justice by providing scientific support in the investigation of crime and providing evidence to the courts.

When a crime is reported to the police, patrol officers are usually the first to arrive at the scene. They perform the initial investigation; fill out the forms, such as the complaint; interview *witnesses*; make an arrest if there is a suspect. If a crime requires expert investigation, detectives are called in. The detective's first task usually is to examine the facts in order to determine whether a crime has actually been committed and whether further investigation is required. If a full investigation is initiated, detectives collect evidence, interview witnesses and victims, contact informants. After an arrest is made, investigative work is extremely important to the outcome of a court case. Case preparation includes reviewing and evaluating all evidence and reports on the case; re-interviewing witnesses and assisting in their preparation for court appearances; and preparing the final report.

Legal detectives and investigators in common-law countries have a wide variety of techniques available in conducting investigations. However, the majority of cases are solved by the *interrogation* of suspects and the interviewing witnesses, which takes time. Besides interrogations, detectives may *rely on* a network of informants they have processed over the years. Informants often have connections with persons a detective would not be able to approach formally. The best way is to obtain a *confession* from the suspect, usually this can be done in exchange for **entering plea bargain** for a lesser *sentence*. *Evidence* collection and preservation can also help in *identifying* a potential suspect(s).

Criminalistics as a subdivision of forensic science is the application of various sciences to answer questions relating to examination and comparison of different types of evidence in criminal investigations. Typically, evidence is examined in a crime lab.

A Crime Laboratory (often Crime Lab), is a scientific laboratory where scientists examine evidence from a criminal case. A typical crime lab has

two sets of personnel. These are the investigators who go to crime scenes and collect evidence and process the scene. The second type of personnel in a crime lab is the people who run experiments on the evidence once it is brought to the lab.

Each type of evidence has a specific value in an investigation. Evidence used to resolve an issue can be split into 2 areas. The *testimonial evidence* refers to any witnessed records of an incident. The *physical evidence* is any material item that is on the crime scene. What will evidence collected at a scene do for the investigation:

- May prove that a crime has been committed.
- Establish any key elements of a crime.
- Link a suspect with a *scene* or a victim.
- Establish the identity of a victim or suspect.
- Confirm verbal witness *testimony*.
- *Release* the innocent.

Among the identification methods there are *fingerprinting*, *DNA profiling* and microscopic examination.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. witness
2. fingerprinting
3. microscopic examination
4. evidence
5. testimony

B. Answer the following questions using the information from the text:

1. What is the principle objective of forensic science and scientific expertise?
2. What does an initial investigation include?
3. What may detectives rely on?
4. What is a crime lab?
5. What are 2 types of evidence? What is physical evidence?
6. In what way does evidence help in an investigation?

2. Complete the following sentences according to the information from the text:

1. Forensic science serves...
2. Majority of criminal cases are solved by...
3. When a detective has a suspect in mind the next step is...
4. Evidence from a criminal case is usually examined in...
5. In a crime laboratory staff there are investigators who... and...
6. Evidence collected at a scene of a crime helps to...

3. Match the following legal terms with their definitions:

1. confession	a) the judgement of a criminal court stating what punishment is to be given to a person
2. testimony	b) questioning witnesses
3. sentence	c) witness's statement under oath
4. interrogation	d) objects, statements, documents which help to show how a crime happened
5. evidence	e) declaration (of one's guilt)

III. VOCABULARY STUDY

1. Translate the pairs of sentences and explain the difference in the meanings of the following words. Find the words in the text and decide from the context what the word could mean, then give your own examples.

1. **accident/incident**
 - a. A bomb exploded in a department store but no one was killed in the incident.
 - b. Her father was killed in a car accident.
2. **matter/case**
 - a. This piece of land is the main matter of dispute.
 - b. He needed 2 months to solve Martin's murder case.
3. **crime/offence**
 - a. This act of terrorism is considered as a crime against humanity.
 - b. Most prosecutions of crimes are brought by police.
 - c. I think it is a real offence against the law.

4. **proof/evidence**

- a. This evidence is reliable and can be admissible.
- b. This requires no proof.
- c. Evidence consists of testimony, documentary evidence, physical evidence, and, when admissible, hearsay evidence.

5. **inquiry/investigation**

- a. The investigator has made inquiries about the suspects.
- b. An inquiry into a death the cause of which was unknown was conducted by a coroner.
- c. Who is responsible for the results of the investigation?

6. **scene/place**

- a. What place do you come from?
- b. Most investigators begin at the scene of a crime.
- c. It was a striking scene.

2. Choose the right preposition in brackets according to the contents of the sentences (for, on, through, of).

1. Why do detectives usually rely...a network of informants instead of meeting or interviewing people themselves?
2. The suspect can make a confession in exchange... plea bargain for a lesser sentence.
3. The use of fingerprinting spread rapidly ...Europe.
4. The method of fingerprinting is a means ...identifying criminals.

3. Substitute the words in italics with the words from the active vocabulary.

1. This physical evidence confirms *the witness's words*.
2. An investigator has a right to make a search and *question* witnesses.
3. *Criminal offence* is defined as an illegal act for which a person may be punished by the State.
4. A crime scene sketch (малюнок) is a drawing that shows the appearance of a *crime place*.
5. Mrs. Smith who saw the accident tells that the suspect looked rather strange.
6. Mr. Black said he was ready to *tell of his guilt*.
7. After the long considerations he was *set free*.

4. Complete the sentences with the words of the active vocabulary.

1. At last the judge pronounces the
2. Sherlock Holmes featured a detective using a number of ... methods.
3. A ... is an investigator either a member of a police agency or a private person.
4. Evidence collection helps in ... (-ing form) a potential suspect.
5. Sometimes evidence helps to ... the innocent.
6. Testimonial evidence refers to any...

5. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example:: To lead – a leader (n.) e.g. Who is the leader of this political party?

to compare, to record, to identify, to investigate, to examine, to present

6. Give the English equivalents for the following word combinations:

Допит свідків, отримати визнання, скоїти злочин, підтвердити свідчення, звільнити невинного, встановити ідентичність, місце злочину, представити речові докази, покластися на інформаторів, вирішити справу, перевірити докази, потенційний підозрюваний.

7. Complete the words using definitions

A person injured or killed or made to suffer	_ i _ _ _ m
The judgement of a criminal court stating what punishment is to be given to a person convicted of a crime	_ e _ t _ _ _ e
A person who has committed a crime	o _ _ e _ _ _ r
Allowed by law, not contrary to law	_ _ _ g _ _
To find out and examine all the facts in order to obtain the truth	_ n _ _ s _ _ g _ _ _
Everything which helps to show how a crime happened	_ v _ _ _ _ n _ _

8. Translate articles of the Criminal Procedure Code of Ukraine:

Стаття 102. Органи досудового слідства

Органами досудового слідства є слідчі прокуратури, слідчі органів внутрішніх справ, слідчі податкової міліції і слідчі органів безпеки.

Стаття 115. Затримання слідчим підозрюваного у вчиненні злочину

Слідчий має право затримати і допитати особу, підозрювану у вчиненні злочину, за підставами і в порядку, передбаченими статтями 106, 106-1 і 107 цього Кодексу.

IV. GRAMMAR FOCUS

1. Point out sentences with Participles I in the text and explain the use.

2. Make up sentences according to the model.

Model: He helped me a lot/ to provide medical assistance to my uncle.

He helped me a lot by providing medical assistance to my uncle.

1. Forensic science serves the administration of justice/ to provide scientific support in the investigation.

2. Scientific expertise serves the administration of justice / to provide evidence to the courts.

3. An investigator obtains a key-element of the crime / to identify a potential suspect.

V. SPEAKING

1. Work in group:

– **Discuss what the necessary aspects are to be considered in the investigation of a crime? Use key words** (scene, evidence, witness, informant, to rely on, to collect, to arrest, to question).

– **What is the main function of a crime laboratory? What questions of investigation does a scientific lab help to answer?**

– **Why is an investigation of a crime scene so important?**

– **Explain in other words what testimonial evidence is.**

– **Why do victims not report their crimes to the police?**

– **Is there any link between IQ and crime?**

2. A crime was reported last night. Look at the list of the objects, then in pairs decide how these objects are related to the incident reported: picture frame, CD, purse with cash, golden bracelet. What do you think happened?

Unit 3. Crime Investigation

Section 2. Investigators, Detectives. Identification Methods

I. LEAD-IN

.....

1. Answer the following questions:

What types of evidence do you know?

What are the essential qualities of a successful investigator?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-----------------------|-------------------------|
| 1) search and seizure | a) зброя |
| 2) firearms | b) пошук і захоплення |
| 3) tire marks | c) трасеологічні докази |
| 4) trace evidence | d) відбитки шин |

TEXT 2

Read the text to understand what information is of primary importance or new for you.

Notes:

warrant – ордер, посвідчення

spent bullet – стріляна куля

cartridge case – гільза

projectile – снаряд

Investigators, Detectives. Identification Methods

In most countries detectives may obtain their position by competitive examination covering such subjects as principles, practices and procedures of investigation; interviewing and interrogation; criminal law and procedures; applicable law governing arrests, search and seizures, warrants and evidence; police department records and reports; principles, practices

and objectives of courtroom testimony; and police department methods and procedures.

Detective Police, also called Investigations Police (USA) are responsible for investigations and detective work. Detectives are plainclothes investigators who gather facts and collect evidence for criminal cases. They conduct interviews, examine records, observe the activities of suspects, and participate in arrests.

Mass media have done much to create a romanticized version of the detective. Their counterparts do exist in real life but the modern detective may easily be someone who sits at a computer screening lots of methods used in commission of a crime or who tests samples for DNA identification. Most detectives are trained in modern investigative techniques and in the laws of evidence and criminal procedure. They spend most of their time on paperwork and hours of interviewing.

Most police investigations begin at the scene of a crime. There are some types of evidence that is located and recovered at a scene: 1) Impression evidence includes fingerprints, tool marks, footwear, fabric impressions, tire marks and bite marks. 2) Biological evidence includes *blood*, body fluids, hair, nail. 3) Trace evidence includes paint, glass and fibres. 4) Firearms include weapons, gun powder patterns, casings, **projectiles**, and cartridges. Experts are particularly adept in the microscopic examination of spent **bullets** and **cartridge cases**.

The use of *DNA profiling* is regarded as reliable as fingerprinting to check the unique characteristics of an individual. Fingerprints (also includes palm prints and bare footprints) are the best evidence to place an individual at the scene of a crime. The identifying fingerprint pattern dusted with powder could be seen and photographed or digitally recorded. By comparing fingerprints at the scene of a crime with the fingerprint record of suspected persons, absolute proof of the presence or identity of a person can be established.

If using the method of DNA analysis, then blood can be matched back to an individual with a high degree of probability. DNA profiling can positively identify an individual from a *specimen* of blood, hair roots etc.

In the Scientific community the crime scene investigator is accepted as a forensic specialist. His specialty is considered a professional organized step by step approach to the processing of a crime scene. Extensive study, training, and experience in crime scene investigations are needed for the

investigator to be proficient in the field. He must be a specialist in all areas of recognition, documentation and recovery of physical evidence that may be deposited at the scene.

II. DEVELOPMENT

- 1. Find in the text the information on**
 - a) types of evidence at the scene of a crime;**
 - b) methods of identification;**
 - c) professional qualities of an investigator.**

2. Fill in the table with the words from the text

Fingerprinting	DNA profiling

3. Tell what proficiency of an investigator includes.

4. Complete the following sentences according to the information from the text:

1. To obtain a position of an investigator one has to pass an examination on such legal subjects as...
2. Investigator's job includes...
3. At a scene of a crime some types of physical evidence may be recovered such as...
4. Fingerprinting is a method of...(-ing form).
5. Modern detectives spend most of their time on...(-ing form).

5. Explain why recovering and collecting physical evidence is important in the investigation of a crime?

6. 1) Insert one of the following words into the text in an appropriate form.

What Makes an Investigator?

instinct, competent, search, intelligence, field-criminalist, witnesses, fingerprints, evidence
--

Investigation means a That's why the duty of an investigator is to search for the truth, for the offender, for ... who help to reconstruct the event and will present evidence of it in court.

The duties of the investigator together with the ... are to find, to collect and to protect evidence, such as ..., footprints, and other traces of the criminal act.

Every good investigator should be intelligent, ..., patient, tactful, composed, and persistent, but he should be firm if it is necessary. He must also possess special investigative aptitudes and professional The quick and accurate solution of crime depends largely on the personal efforts. It also depends on his education, his ... and his decision-making judgements.

2) Give adjectives that can characterize a good investigator. Add the list from the text above.

7. Translate into English:

Для розслідування справи слідчі та детективи використовують різні методи і засоби. Для розкриття злочину необхідно враховувати багато аспектів. Важливим завданням є збір свідчень та доказів і пошук потенційного підозрюваного. У процесі допиту свідків слідчий може отримати важливу інформацію щодо винності особи, присутності підозрюваного на місці злочину. Цей факт може бути підтверджений чи спростований завдяки перевірці фізичних доказів. Існують спеціальні методи встановлення ідентичності особи: аналіз відбитків пальців та ДНК. Шляхом порівняння відбитків пальців на місці злочину та відбитків підозрюваного можна встановити абсолютний доказ присутності або ідентичності особи.

III. PRACTICE AND EXPERIENCE

1. To obtain testimonial evidence an investigator has to deal with different types of people. Here are some psychological types of witnesses indicated in scientific literature: 1) honest and cooperative witness; 2) silent, know-nothing, or uninterested witness; 3) hostile and deceitful witness; 4) timid or bashful witness; 5) talkative or boastful witness; 6) “under the influence” witness. [Weston and Wells, Criminal Investigation, 1985]

Try to characterize these types of witnesses. Explain why it is difficult/ easy/ necessary/ important to interrogate each type of witnesses even not interested.

2. Situation: you are at the scene of a crime. Explain the steps you'd take to collect evidence from a criminal case.

3. Investigator Ruse (хитроуці). React to the suspect's words, he tries to hide the necessary information. Complete the dialogue:

- Please tell your story backward.
- I won't do it. You ask me to do it because you want me to make a mistake.
 - Mr. Stevenson, if you are innocent as you assert why not tell it? I just want to confirm your innocence. By the way what mistake do you mean?
 - What would you say, we have found...

4. Give instructions to a young specialist how he should carry out an interrogation and what he shouldn't do to get necessary information using the following key-expressions:

- to collect information (suspect: name, age, criminal history)
- to find out (a suspect, at a scene of a crime)
- to be a good listener
- to control emotions
- to hurry
- to show sympathy
- to blame society
- to be friendly
- to offer cigarettes
- to observe physical reaction
- to let the suspect tell...without interruption
- to confront with physical evidence
- to lie (physical evidence has been found...)
- to use unexpected questions
- to tell that anybody could do the same in the similar situation

Mind that there are emotional and non-emotional offenders.

IV. WRITING

Prepare a report “Famous detectives in fiction”.

V. OVER TO YOU

1. An investigator is to ask and answer a lot of questions to disclose a crime and classify it. Write them out, they are beginning with:

1) who (at least 5); 2) what (at least 7); 3) where (at least 7); 4) when (3); 5) how (4); 6) with what (2); 7) why (2); 8) with whom (4); 9) how much (4).

2. Read the extract from “If Tomorrow Comes” by Sydney Sheldon and do exercises

... The seven-storey headquarters building of Interpol, the International Criminal Police Organization, is at 26 Rue Armengaud, about six miles west of Paris. The extraordinary security is mandatory, for within this building are kept the world’s most elaborate dossiers with files on two and a half million criminals.

The inspector was in his mid-forties, an attractive figure, with an intelligent face, dark hair, and shrewd brown eyes behind black horn-rimmed glasses. Seated in the office with him were detectives from England, Belgium, France and Italy.

‘Gentlemen,’ Inspector Trignant said, ‘I have received urgent requests from each of your countries for information about the rash of crimes that has recently sprung up all over Europe. Half a dozen countries have been hit by an epidemic of ingenious swindles and burglaries, in which there are several similarities. The victims are of unsavoury reputation, there is never violence involved, and the perpetrator is always a female. We have reached the conclusion that we are facing an international gang of women. We have identi-kit pictures based on the descriptions by victims and random witnesses. As you will see, none of the women in the pictures is alike. Some are blonde, some brunette. They have variously been reported as being English, French, Spanish, Italian, American – or Texan.’

Inspector Trignant pressed a switch, and a series of pictures began to appear on the wall screen. ‘Here you see an identi-kit sketch of a brunette with short hair.’ He pressed the button again. ‘Here is a young blonde with

a shag cut...Here is another blonde with a perm...a brunette with a pageboy... Here is an older woman with a French twist...a young woman with blonde streaks...an older woman with a coup sauvage.' He turned off the projector. 'We have no idea who the gang's leader is or where their headquarters is located. They never leave any clues behind, and they vanish like smoke rings. Sooner or later we will catch one of them, and when we do, we shall get them all. In the meantime, gentlemen, until one of you can furnish us with some specific information, I am afraid we are at a dead end...'

1. Answer the questions
 1. Where is the building of Interpol situated?
 2. What is kept in the building?
 3. What kind of information did the inspector tell?
 4. Who was a perpetrator of all felonies? Was ever violence involved?
 5. Which conclusion have the detectives reached?
 6. Were the women of the gang alike? What was their nationality?
 7. Describe the women's appearance.
 8. Who is the gang's leader?

2. Explain the following word-combinations:
 - 1) at a dead end; 2) to vanish like smoke rings; 3) identi-kit pictures;
 - 4) gang of women; 5) epidemic of burglaries; 6) female perpetrator.

3. Predict the end of the story.

Unit 4. Criminal Justice

Section 1. Criminal Proceedings

I. WARMING-UP

1. Answer the following questions:

1. What are the main steps in criminal procedure?
2. What is the difference between 'arrest' or 'apprehension' and 'detention'? (Revise Criminal Law part)
3. Why are the police officers sometimes called 'aggressive preventive patrol'?

2. Think of the words that characterize a person before and after detention (the suspect, ...).

3. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-----------------------------|-------------------------------------|
| 1) to plead guilty | a) очікувати на вирок |
| 2) to acquit the defendant | b) адвокат правопорушника |
| 3) offender's counsel | c) виправдати підсудного |
| 4) to await sentencing | d) велике журі |
| 5) to impose a sentence | e) визнати винним |
| 6) formal charging document | f) офіційний обвинувальний документ |
| 7) grand jury | g) винести вирок |

4. Match the words and their transcription, read and translate the words:

1. indictment	a) [q' kwIt]
2. issue	b) [' tralq]
3. acquit	c) [' 0nq]
4. charge	d) [pq' lJs]
5. trial	e) [In' daltmqnt]
6. honour	f) [' lsjH]
7. proceedings	g) [' valq' leltq]
8. violator	h) [tSRG]
9. police	i) [prq' sJdIN]

Read the text to understand what information on crime investigation is of primary importance or new for you.

TEXT 3

- Notes:** 1) **adversarial system** – змагальна система процесу
2) **inquisitorial system** – система дізнання в кримінальному процесі
3) **information** – обвинувальна заява районного прокурора (the USA)
4) **arraignment** – пред'явлення обвинувачення, притягнення до суду

Criminal Proceedings

The **adversarial system** is generally adopted in common law countries. On the continent of Europe among some civil law systems (i.e. those deriving from Roman law or the Napoleonic Code) the **inquisitorial system** may be used for some types of cases.

The adversarial system is the two-sided structure under which criminal trial courts operate that opposes the prosecution against the defense. Justice is done when the most effective adversary is able to convince the judge or jury that his or her perspective on the case is the correct one.

Crime Reported (1)

In most common-law jurisdictions the criminal process normally includes a largely uniform set of procedures and begins when the police set out to investigate a crime either because they have received a report that a crime was committed.

Pre-Arrest Investigation (2)

Further investigation takes place. This often means the police stop and question the individuals whose actions seem suspicious and other people in the area, known as field investigation, and perform other operational-search actions.

Arrest (3)

Their next action is to determine who the violator was and *apprehend* the individual. When a police officer has obtained a valid warrant to arrest a person, the arrest is lawful. At all stages of the criminal process including arrest, police officers must protect citizens' constitutional rights, such as the right to remain silent and the right to be free from unreasonable searches. A criminal suspect may question the lawfulness of an arrest when it is happening.

Booking (4)

Within a reasonable time after the arrest, the accused must be taken before a magistrate and informed of the charge. After arrest the individual is taken into *custody* and 'booked', that is the defendant's name and other relevant information about the defendant is recorded (telephone number and address, etc.), the arrest is registered and the suspect fingerprinted and photographed.

Post-Arrest Investigation (5)

The next step is in-custody investigation which involves *interrogation*. After in-custody investigation, the suspect is taken to a court for what is called the 'initial bail phase'. The judge can set a certain amount of *bail* or free the person on his word of honor to appear for later proceedings.

The Charging Decision (6) and Filing a Complaint (7)

While the suspect is free on bail or waiting in jail for the first appearance, the police prepare a *complaint* against the suspect. The complaint is a document that describes the crime. It is passed to the prosecutor for a decision on whether to *charge* the suspect with criminal activity, and then it is submitted to the court. The court reviews the complaint to determine if there is sufficient legal basis to hold the person in custody. The magistrate may otherwise dismiss the complaint and order to *release* the person from custody.

First Appearance (8)

The next step is 'initial appearance before a judge'. In minor misdemeanour cases the initial appearance may be the only one, if the *defendant* pleads guilty. When the charge is more serious, the accused at the initial appearance may be informed of the charges, advised of the right to counsel and the right to remain silent, warned that any statement made may be used against the suspect in court, and advised of how to seek release on bail. In some jurisdictions, including the federal courts, a *plea* may be entered and bail may be set at this first appearance. If the plea is not guilty, a time is set for the *trial* and once again bail is reconsidered or the defendant is returned to jail to await trial. If the plea is guilty and the court accepts it, the defendant is usually sent to jail to await sentencing. Many criminal cases are resolved through a "plea bargain", usually well before trial. In a plea bargain, the defendant agrees to plead guilty to one or more charges in exchange for a lesser sentence. In other jurisdictions, the suspect will not be allowed to make a plea if the offense is a *felony* or gross *misdemeanour*, and a preliminary hearing will be promptly scheduled.

Preliminary Hearing (9)

Preliminary hearing only occurs in felony offenses. A preliminary hearing is best described as a "trial before the trial" at which the judge decides, not whether the defendant is "guilty" or "not guilty," but whether there is enough evidence to force the defendant to stand trial. In reaching this decision, the judge listens to arguments from the government (through a government attorney, or "prosecutor"), and from the defendant (usually through his or her attorney). The prosecutor may call witnesses to testify, and can introduce physical evidence in an effort to convince the judge that the case should go to trial. The defence usually cross-examines the government's witnesses and calls into question any other evidence presented against the defendant, seeking to convince the judge that the prosecutor's case is not strong enough, so that the case against the defendant must be dismissed before trial.

Grand Jury Decision (10) and Filing of the Information or Indictment (11)

In some states, review by a grand jury is also required before a felony prosecution may continue. Where the grand jury system is used, the prosecutor appears before a grand jury, presenting some of the evidence and asking the grand jury to issue an indictment (a formal charging document describing in legal language the crime of which the defendant is accused). As an alternative to grand jury indictment in those jurisdictions where the grand jury system is not used, the prosecutor can issue **information**, a document roughly equivalent to an indictment. If the judge has determined that there is probable cause to support charges, the prosecutor will file Information in the Superior Court.

Arraignment on the Indictment or Information (12)

During the arraignment, the defendant is taken before a Superior Court and informed of the charges. At that time, the defendant will answer to the charges by pleading not guilty, guilty or no contest. At the Superior Court Arraignment the amount of bail may be reviewed (increased or decreased).

Pre-Trial Conference (13)

At a pre-trial stage the parties exchange information about the evidence and arguments they will offer at trial, they also negotiate to obtain the best possible plea for the defendant.

Trial (14)

A trial determines the question of the defendant's guilt. The verdict of the jury is either "guilty" or "not guilty" on each charge given to the jury for determination.

Sentencing (15)

If the defendant is *acquitted* at trial, he is freed. If *convicted*, by trial or plea, the defendant is returned to court for sentence. At sentencing the judge listens to whatever the offender or the offender's counsel wishes to say, and ordinarily requests a sentence recommendation from the prosecutor. The judge then imposes sentence on the convicted person.

Appeal (16)

After conviction of a crime, the defendant has a right to appellate proceeding which may be available to determine whether all substantive and procedural law issues were properly conducted at the trial.

II. COMPREHENSION

1. A. Answer the following questions using the information from the text:

1. What is the starting point of the criminal process?
2. What does 'booking a suspect' include?
3. What is a complaint?
4. What is the defendant informed of at 'first appearance'?
5. What does the judge decide at preliminary hearing?
6. What is the role of the jury at different stages of criminal process?
7. At which stage(s) does the defendant plead?
8. What does a trial determine?
9. What is 'appeal'?

B. Give the definitions for the following terms and expressions or explain them in other words:

- to release / free on bail;
- trial;
- sentence;
- to book a suspect;
- to charge;
- to convict;
- to acquit
- plea;
- information.

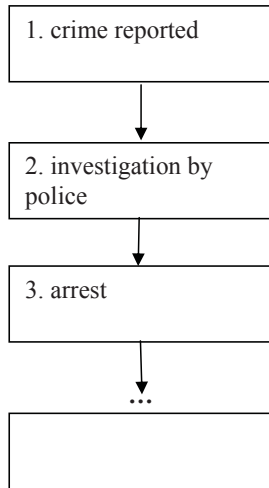
2. Complete the following sentences according to the information from the text:

1. After arrest the suspect is usually taken
2. Booking means recording all the information about the suspect,
3. The suspect may be released on bail or freed on....
4. While the suspect is waiting in jail, the police reports are passed on to the prosecutor for....
5. The prosecutor presents some evidence to the grand jury and the grand jury is to....
6. If the defendant pleads guilty he is....
7. A person is called convicted after....
8. Trial is a stage of a criminal process when...
9. 'A person is acquitted' means that a person is found...by....

3. Use the information from the text and choose the right item to complete the sentences:

1. In fact the criminal process starts from the
 - a) preliminary hearing;
 - b) crime reported;
 - c) booking a suspect.
2. When a suspect is fingerprinted and photographed it means that a suspect is
 - a) interrogated;
 - b) booked;
 - c) charged.
3. A formal charging document by the grand jury describing the crime of which the defendant is accused is called
 - a) information;
 - b) charge;
 - c) indictment.
4. After the defendant is charged with a specific crime he is asked to
 - a) plead charges;
 - b) to accept charges;
 - c) to listen to the sentence.
5. A person may be convicted either by a judge or by his
 - a) a juror;
 - b) plea;
 - c) the prosecutor.

4. Draw up a scheme of a criminal justice process giving your own names of criminal procedure stages and starting with the following:



5. In Ex.4 you were to draw up a scheme of criminal procedure. In this test we will look at what happens at each typical stage. Read the definitions below and name the steps of criminal procedure:

- a) the police free the person alleged to have committed the crime on condition that the accused appears at court at a future date;
- b) the police arrest the person who is alleged to have committed a crime;
- c) the police carry out a detailed enquiry into the alleged crime;
- d) the police receive information that a crime may have been committed;
- e) the accused comes to court to face charges;
- f) the defendant is found not guilty of the charge;
- g) the defendant is found guilty and convicted of a crime;
- h) the defendant pleads guilty;
- i) the defendant swears that he is innocent;
- j) the judge decides punishment;
- k) the accused is detained and stays in jail;
- l) the accused is taken into custody, and all relevant information about him is recorded;

m) a jury or prosecutor issues a formal charging document describing the crime of which the defendant is accused;

n) the determination of an accused person's guilt or innocence after hearing evidence for the prosecution and for the accused and the judicial examination of the issues involved.

6. Fill in the table with the words or sentences that can go with the following the stages of criminal procedure:

Bail	Trial	Crime Reported	Appeal	Arrest	Preliminary hearing

III. VOCABULARY STUDY

1. Choose and read the words that best complete the sentences:

1. If the defendant pleads guilty he is sent to jail to await verdict/ sentencing.
2. After conviction a person has a right to charge/ to appeal.
3. When the charges are read the defendant is asked to consider/ plead them.
4. Indictment describes the verdict/ the crime of which the defendant is accused.
5. A suspect may be freed on plea/ bail.

2. Choose the right preposition in brackets according to the contents of the sentences (before, with, into, on, on, from):

1. After arrest a person is usually taken ... custody.
2. The suspect is interrogated and then brought ... a judge.
3. A person may be freed ... his word of honour or ... bail.
4. You know, famous Dr. Stivenson is charged ... murder!
5. The judge requested a sentence recommendation ... the prosecutor.

3. Substitute the words in italics with the words from the active vocabulary:

1. A *person who is brought before a court of law* may be convicted or acquitted.

2. Declaration in a law court that a person is guilty is followed by judge's sentence.

3. The judge imposes his *decision as for the punishment*, and the defendant has a right to appeal.

4. *The body of persons who passed on a verdict* found the offender not guilty.

5. A *formal charging document by grand jury* is to be issued after a prosecutor presents some evidence to the jury.

6. A *formal charging document by a prosecutor* is issued in those jurisdictions where the grand jury system is not used.

4. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example:: To violate – a violator (n.) e.g. One of the tasks of investigation is to determine who the violator was.

To investigate, to record, to interrogate, to charge, to convict, to sentence, to hear, to try, to acquit, to appeal, to recommend, to plead

5. Give the English equivalents for the following word combinations:

Визнати себе винним, бути виправданим, засуджений злочинець, винести вирок, видати обвинувальний висновок великого журі, посадити до в'язниці, винести офіційне обвинувачення проти підозрюваного, затримати особу, звільнити під заставу.

6. Complete the words using definitions

A person against whom a legal action is brought	D _ _ N _ _ T
A person who prosecutes on behalf of the state	P _ _ S _ _ _ _ _
A person found guilty and sentenced to punishment	_ _ N _ _ T
Having committed an offence, responsible for an offence	_ U I _ _ _
The punishment allotted to a convicted criminal	S E _ _ _ _ _
Formal accusation of a crime in law	_ _ A _ _ E

7. Complete the text using the words from the box:

murderer hospital mind plea prosecutor insanity

Not Guilty by Reason of Insanity

Psychiatrists who evaluated Milwaukee serial ... Jeffrey Dahmer gave many reasons for his strange behaviour: “The drugging was done to satisfy his sexual need for a not-fully cooperative partner”. “Death was an unintended by-product of his efforts to create a zombie”. But it was Dahmer who summed it up best, “I carried it too far, that’s for sure”.

Defendants who enter a ... of not guilty by reason of ... are claiming that they cannot be held criminally responsible for their acts. The issue in the insanity defence is whether the defendant had the requisite guilty ... – or whether it was obliterated by mental illness. When a plea is not guilty because insane is entered, the defendant, upon the request of the ..., is commonly sent to mental ... for psychiatric examination, with the trial time fixed for a date following this diagnosis interval.

8. Which stages of criminal procedure do the following headlines correspond to?

1. ‘Judge Pickings Set Britney Free’
2. ‘Diana’s Death. Jury’s Decision’
3. ‘Naomi Campbell Arrested for Assaulting’
4. ‘President Killed by Single Bullet’
5. ‘Factory Fire ‘No ACCIDENT’
6. ‘Witness Refuses from Telling the Truth’
7. ‘Kirkorov Accused of Public Insult. Court Decision?’

9. Use the table to make up sentences. Add the appropriate adverbial phrases. Mind Passive Voice.

John Smith	to sentence to to send to prison to fine to be kept to be accused to be charged to appear to be brought to be convicted	of kidnapping before a judge in court with theft of murder in custody for life 500\$ 5 years
------------	---	--

10. Translate the article of the Criminal Procedure Code of Ukraine:

Стаття 94. Приводи і підстави до порушення кримінальної справи
Приводами до порушення кримінальної справи є:

1) заяви або повідомлення підприємств, установ, організацій, посадових осіб, представників влади, громадськості або окремих громадян; 2) повідомлення представників влади, громадськості або окремих громадян, які затримали підозрювану особу на місці вчинення злочину або з поличним; 3) явка з повинною; 4) повідомлення, опубліковані в пресі; 5) безпосереднє виявлення органом дізнання, слідчим, прокурором або судом ознак злочину.

Справа може бути порушена тільки в тих випадках, коли є достатні дані, які вказують на наявність ознак злочину.

IV. GRAMMAR FOCUS

1. Point out sentences with Participles II in the text and explain the use.

2. Make up sentences according to the model.

Model: To present to the lawyers/ to be not sufficient/ documents.
The documents presented to the lawyers were not sufficient.

1. To charge with shoplifting/ to listen to the person/ they.
2. To accuse of kidnapping/ may be cross-examined/ Mr.Simpson.
3. Martha Black/ to convict by the court/ to be imprisoned.
4. To be going to appeal the court decision/ William/ to sentence to 5 years.
5. The offender/ to bring before a court/ to release on bail.

V. SPEAKING

1. Do you know what 'Miranda Warnings' are?

Fill in the gaps in the text below with the appropriate words from the box and answer the questions:

1. What was the result of 'Miranda v Arisona' case?
2. What is called by 'Miranda rights'?

3. What are 'Miranda warnings'?

questioning	rape	retial	arrest	require	silent	attorney
			confessions			

Before ... a suspect in custody, the police must inform him or her of certain legal rights, including the right to remain silent and the right to have an ... present during questioning. These Miranda warnings are named after the 1966 US Supreme Court case, *Miranda v. Arizona*, in which the Court declared the necessity of such a procedure.

From *Miranda v. Arizona*: In 1963, after two hours of police interrogation, Ernesto Miranda confessed to the kidnapping and ... of a young woman in Phoenix, Arizona. Prior to this incident all ... made during police custody had to be considered voluntary and uncoerced to be admissible in court. Police officers failed to inform Miranda of his right to counsel while he was under State courts convicted Miranda, but he later appealed, arguing that the Fifth Amendment to the Constitution of the United States, which protects against self-incrimination was linked to the Sixth Amendment guarantee to counsel. In 1966, by a vote of 5 to 4, the Supreme Court of the United States granted Miranda a Chief Justice Earl Warren established what have become known as the Miranda Rights. These rights ... that suspects in police custody must be warned prior to any questioning that they have the right to remain ...; that is anything they say can be used against them in a court of law; that they have the right to the presence of an attorney; and that, if they cannot afford an attorney, one will be appointed for them prior to any questioning if they so desire.

Discuss the following in a group:

1) Do you think that Miranda decision has impacted American law-enforcement system a lot?

2) Miranda served primarily to protect uneducated suspects from intimidating practice of police interrogation, didn't it?

3) Speak on the suspects' rights under arrest in Ukraine.

2. A) You are a judge. Ask questions

- to the defendant about his plea,
- to the prosecutor about the recommendation as for a sentence,

– to the defence counsel about his view.

Inform the defendant about his rights. Key words: to plead guilty, to understand rights, to be under the influence of smth., to be old, to still wish to plead, to actually do, to be under oath.

Make up mini-dialogues in pairs.

B) Is the role of a defence counsel so important at this stage? Why?

3. Read the titles of the articles in the ex. 8 and try to guess what type of story each suggests:

1. 'Judge Pickings Set Britney Free'
2. 'Diana's Death. Jury's Decision'
3. 'Naomi Campbell Arrested for Assaulting'
4. 'Factory Fire 'No ACCIDENT''
5. 'Kirkorov Accused of Public Insult. Court Decision?'

Unit 4. Criminal Justice

Section 2. Criminal Trial

I. LEAD-IN

.....

1. Answer the following questions:

1. What does a trial begin with?
2. Does a defence counsel have a right to be present at all stages of a trial?
3. Why do you think most accused criminals choose a jury trial in the legal systems where jury is used in criminal proceedings?
4. What is the principle of a jury selection?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------------|--|
| 1) felony charges | a) обирати жеребом або випадково |
| 2) To select by lot or chance | b) обвинувачення у скоєнні тяжкого злочину |
| 3) circumstantial evidence | c) непрямий доказ |
| 4) closing arguments | d) докази на користь |
| 5) applicable points of law | e) застосовані питання права |
| 6) favourable evidence | f) заключні дебати сторін |

TEXT 2

Read the text to understand what information is of primary importance or new for you.

TRIAL

Notes: petit jury – мале журі, суд присяжних (колегія дванадцяти присяжних, що розглядають справу по суті)

The USA's common law heritage makes it possible for all the states to follow in criminal trials a uniform set of procedures. They have developed over centuries.

It is the function of the trial court to find and express the judgement, under law as to the guilt or innocence of an accused person. Defendants who plead not guilty to felony charges can opt for either a jury or a bench trial. In most cases, a defendant chooses to stand trial before a judge sitting alone. It is called a bench trial.

If he chooses a jury trial the first step is the jury selection (which is called the **petit jury**). Jury members are ordinarily selected by lot or chance, from a master list of persons in the community where the trial will take place.

After a jury has been seated, the trial begins with an opening statement by a prosecutor, which is an attempt to tell the jury what crime the defendant is charged with. The defence may then make its own opening statement.

Next the prosecutor presents his or her evidence against the defendant – physical evidence such as fingerprints; testimonial evidence of witnesses or experts; eyewitness evidence; and any circumstantial evidence. This is done by calling witnesses and questioning them (direct examination).

After each witness for the prosecution has testified, defence counsel may carry out a cross-examination in order to test the truth of what each witness says. The prosecution then is allowed to question the witnesses again on redirect examination in order to give the witnesses an opportunity to clarify any issues raised in the cross examination.

At the next stage (defense case-in-chief) the defendant through his attorney introduces witnesses or other evidence that favour the defendant's claim of being not guilty. The defence may begin with opening statements. Then all the defence witnesses are examined and cross-examined. There may be some further witnesses called by both sides.

At this point a recess is taken in the proceedings to allow the judge to prepare instructions to the jury, and the attorneys of both prosecution and defence prepare their closing arguments. In their closing arguments, the two opposing lawyers present a summary of their case to the jury, emphasizing the evidence that is most favourable to their side.

After the closing statements the judge instructs the jury in the applicable points of the law, in the nature and meaning of evidence they have seen or heard. Then the jury retires to a private room to deliberate the guilt or innocence of the accused. If the agreement is reached, they return to the courtroom where their decision will be announced.

The defendant is asked to stand to hear the verdict of the jury. The judge is then to determine the sentence. If the jury cannot reach a verdict

the judge declares a mistrial. If this happens, the defendant may be tried for the same offence again before a different jury. If the defendant is found not guilty by the jury he is acquitted. If the verdict is guilty the defence counsel brings out those facts which should be considered by the court before the sentence is announced by the judge.

In a case tried before a judge sitting alone, the decision of the judge constitutes a termination of the trial.

II. DEVELOPMENT

1. Find in the text the information on

- a) the role of the prosecutor at trial;
- b) the role of the defence counsel;
- c) reaching a jury's verdict.

2. Complete the flowchart of steps of a trial:

3. Fill in the table with the words/ sentences from text:

Jury	Prosecution/ defence
Verdict, ...	Opening statements, ...

4. Try to describe each stage of a trial (exercise 2) using the information from the text.

5. Match the beginnings with the endings:

1. The function of a trial court is	a. the judge is to determine the sentence.
2. After the opening statements by the prosecutor	b. to determine the guilt or innocence of the accused person.
3. Cross examination includes	c. summarize the case to the jury
4. In closing arguments the two opposing lawyers	d. questioning the defendant/ witnesses by the opposing party.
5. After the verdict is announced	e. he presents evidence against the defendant.

6. Find the odd word out:

1. Defendant – convict – accused – prosecutor;
2. Defendant – defence counsel – prosecutor – judge – law;
3. Evidence – witness – experts – not guilty;
4. Indictment – verdict – sentence – arrest.

7. Give Ukrainian equivalents to the following English expressions:

A. final verdict; to reach a verdict; to return a verdict; verdict of conviction; verdict of guilty; to agree upon a verdict;

B. convicted defendant; defendant's story; defendant's record; defendant in custody;

C. evidence on oath; false evidence; physical evidence; evidence of guilt; to introduce evidence;

D. trial by jury; bench trial; to stand trial; party to a trial; open trial

8. Review the information on criminal procedure and explain at which stage or stages of criminal process a person is called:

- 1) a convict;
- 2) an accused;
- 3) a charged offender;
- 4) a sentenced criminal;
- 5) a defendant;
- 6) a suspect;
- 7) an offender;
- 8) criminal.

9. Insert one of the following words into the text about presumption of innocence in an appropriate form:

Innocent, to acquit, guilt, the prosecution, a reasonable doubt, standard
--

In criminal cases, the defendant is presumed ... until ... proves each element of the crime beyond a reasonable doubt. Thus, the law requires the jury ... the defendant unless it is convinced of the defendant's guilt beyond The jury in a criminal case may not convict on a finding that the

defendant's ... is more likely than not. On the other hand, the law does not require absolute certainty. The standard for determining guilt is somewhere in between these two ... of proof.

10. Translate into English:

Вердиктом є рішення колегії присяжних. З питання винності підсудного присяжні виносять вердикт:

- без стороннього впливу,
- відкритим голосуванням,
- шляхом єдиногосного рішення або більшістю голосів.

Відповіді даються з кожного питання окремо.

Суддя в своєму слові пояснює присяжним, що при винесенні вердикту вони повинні:

- керуватися здоровим глуздом,
- керуватися принципом презумпції невинності,
- оцінювати досліджені в суді докази (свідчення підсудного, потерпілого, свідків, висновки експертів) в їх сукупності.

III. PRACTICE AND EXPERIENCE

1. Describe and discuss the principle of reasonable doubt and the presumption of innocence as they are applied to criminal trials.

2. A) Look at the dialogue at the trial. Who do the replies A belong to? B) Fill in the gaps describing the rights of the defendant (key words are below). C) Reproduce the dialogue on behalf of the a) judge; b) defendant; c) defence lawyer; d) prosecutor.

Judge: Mr. Rogers, you have just heard your attorney say you wish to plead guilty to burglary. Is that how you wish to plead?

A: Yes sir.

Judge: How old are you?

A: 26.

Judge: Have you ever been treated for mental problems?

A: No sir.

Judge: Are you now under the influence of any alcohol, drugs, or medication of any kind?

A: No.

Judge: You do not have to plead guilty. You have the right to plead not guilty and have the following rights at trial: the rights to a ..., to see and hear...testify and have your lawyer question them for you, to call witnesses and present...you want the jury to consider; the right to ... yourself or not to testify; the right to require the...to prove your guilt by the evidence before you can be found guilty. Do you understand these rights?

A: Yes sir.

Judge: Do you understand that if I accept your plea, you give up each of these rights, that there will be no trial and all I have to do is sentence you, and that you give up your right to an appeal?

A: Yes sir.

Judge: Mr. Schuffstal, have any agreements been made between the state and the defendant relative to any plea or any sentence?

Counsel: Yes, Your Honour. My client has agreed to plead guilty to a single charge of burglary in exchange for the prosecution's promise to drop additional charges.

Judge: Mrs. Prosecutor, is this correct?

Prosecutor: Yes, Your Honour.

Judge: Mr. Rogers, has anyone, including your lawyer, or the prosecuting attorney, or anyone else forced or pressured you into entering this plea?

A: No sir.

Judge: Are you pleading guilty because you are guilty?

A: Yes sir.

Key words: jury, prosecutor, evidence, testify, witnesses.

3. Read the extract from "If Tomorrow Comes" by Sydney Sheldon and do exercises.

He came to visit Tracy the following morning. She saw the smile on his face, she knew there was good news.

'We got lucky', he exclaimed. 'I've just left Judge Lawrence and Topper, the district attorney. Topper screamed like a dog, but we've got a deal.'

'A deal?'

'I told Judge Lawrence your whole story. He's agreed to accept a guilty plea from you.'

Tracy stared at him in shock. 'A guilty plea? But I'm not-'

He raised a hand. 'Hear me out. By pleading guilty, you save the state the expense of a trial. I've persuaded the judge that you didn't steal the painting. He knows Joe Romano, and he believes me.'

'But...if I plead guilty,' Tracy asked slowly, 'what will they do to me?'

'Judge Lawrence will sentence you to three months in prison with-'
'Prison!'

'Wait a minute. He'll suspend the sentence, and you can do your probation out of state.'

'But then I'll-I'll have a record,'

Perry Pope sighed. 'If they put you on trial for armed robbery and attempted murder during the commission of a felony, you could be sentenced to ten years.'

Ten years in Jail!

Perry Pope was patiently watching her. 'It's your decision,' he said. 'I can only give you my best advice. It's a miracle that I got away with this. They want an answer now. You don't have to take a deal. You can get another lawyer and-'

'No.' She knew that this man was honest. Under the circumstances, considering her insane behaviour, he had done everything possible for her. If only she could talk to Charles. But they needed an answer now. She was probably lucky to get off with a three-month suspended sentence.

'I'll - I'll take the deal,' Tracy said. She had to force the words out.

He nodded. 'Smart girl.'

1. Answer the questions:

1. What kind of deal did Perry Pope talk about?
2. What was going to happen to Tracy if she accepted a proposed idea?
3. Did Tracy have any time to think it over?
4. Do you think she was innocent?
5. What was the charge going to be?

2. Describe the situation in which these words were used:

1) to plead guilty; 2) to sentence to 10 years; 3) in shock; 4) miracle; 5) three months in prison; 6) smile; 7) I'm not...; 8) smart girl; 9) another lawyer.

3. Explain in other words:

1) to suspend a sentence; 2) insane behaviour; 3) commission of felony; 4) attempted murder; 5) to take a deal.

4. Predict the end of the story.

4. A crime was reported last night. Look at the list of the objects, then in pairs decide how these objects are related to the incident reported: knife, glass of whiskey, gloves, cigarette. What do you think happened?

You can start with: "It was reported that Mr. Stivenson had been murdered in his apartment last night..."

5. Read the dialogue. Who are the three speakers? What is meant by "Are all parties in agreement?"

- The court has been informed that the defendant wishes to change her plea from not guilty to guilty. Is that correct?

- Yes, Your Honour.

- Are all parties in agreement?

- Yes, Your Honour.

- The state agrees, Your Honour.

IV. WRITING

Do researches on "Typical Trial in Ukraine".

V. OVER TO YOU

Do the Criminal Law Quiz (the American style). Then check your answers.

Introduction:

"Police officers have to make quick judgements in all kinds of situations. They don't have the luxury of carrying law books or having weeks and months to make up their minds when deciding to arrest someone. Let's see how much you know about the law."

1. When a police officer makes an arrest without a warrant he/she must have obeyed this rule of law.

a) The facts b) General suspicion c) Probable cause d) Preponderance of evidence

2. What is first degree murder?

- a) It is when there is premeditation or when the murder happens during the commission of a felony.
- b) It is when the person is caught red handed.
- c) It is when someone shoots another in cold blood.
- d) It is when the defendant makes a complete confession.

3. Which one of these calls for service would the police probably NOT respond to?

- a) When a credit card company calls to complain that someone has not paid their monthly balance.
- b) When someone complains that the neighbours radio is too loud.
- c) When someone calls the police about a barking dog that keeps them awake.
- d) When someone complains about a hole in the street.

4. Aunt Tillie and Mr. Jones have a minor traffic accident in the parking lot of the mall. One of them calls the police but the dispatcher says that the police would not be coming. Why is that?

- a) Officers can't be bothered with accidents involving old people.
- b) The mall security guards would probably handle the accident and arrest whoever was at fault.
- c) A traffic accident, especially when there is no major damage, is a civil matter.
- d) The police don't go onto mall property unless there is a murder.

5. Joe Smith is walking down the street and finds a wallet on the sidewalk. It contains two hundred dollars and the driver's license of Mary Jones. Joe considers this a stroke of luck and keeps the money. This is called finder's keepers and Joe gets to keep the money.

- a) True
- b) False

6. What crime has been committed when a man confronts someone on a sidewalk, hit them over the head knocking them down, and then takes their wallet?

- a) Robbery b) Theft c) Larceny d) Coercion

7. What crime has been committed when someone goes into a store, hides a twenty dollar item under their coat, and leaves without paying?

- a) Robbery b) Encroachment c) Embezzlement d) Theft

8. What is one test that an officer might give to a driver who is suspected of driving while drunk?

a) Saying the alphabet backwards b) Walking on a straight line heel to toe

c) The hop, skip, and jump test d) Spelling the names of five U.S. senators

9. When someone has been arrested and is due to appear in court he/she is called:

- a) The prosecutor b) The suspect c) The defendant d) The plaintiff

Answers: 1.c) 2. a) 3 a) 4 c) 5 b) 6 a) 7 d) 8 b) 9 c)

Unit 5. Punishment

Section 1. Types of Punishment

I. LEAD-IN

1. Answer the following questions:

What types of punishment do you know?

Which of them can be found in Ukraine?

What punishment do you consider to be the least/most severe?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|------------------------|---------------------------------------|
| 1) fine | a) правопорушення, проступок |
| 2) corporal punishment | b) штраф |
| 3) confinement in jail | c) а також |
| 4) substitute | d) заміщувати |
| 5) as well as | e) страта |
| 6) revenge-based | f) тілесне покарання |
| 7) misdemeanour | g) заснований на помсті |
| 8) execution | h) заключення до в'язниці, ув'язнення |

3. Match the words and their transcription, read and translate the words:

violate	a) [traɪəl]
incarcerated	b) [ɪn'kɑːrət]
behaviour	c) [bɪ'heɪvjər]
throughout	d) [θruː'ɔːt]
ancient	e) ['eɪnʃənt]
release	f) [rɪ'liːs]
trial	g) [traɪəl]
felony	h) [fɛl'ɒni]

4. Read the text to understand what information on crime investigation is of primary importance or new for you.

TEXT 1

Types of Punishment

Criminal Punishment is a penalty imposed by the government on individuals who violate criminal law. People who commit crimes may be punished in a variety of ways. Offenders may be subject to fines or other monetary assessments, the infliction of physical pain (corporal punishment), or confinement in jail or prison for a period of time (incarceration). In general, societies punish individuals to achieve revenge against wrongdoers and to prevent further crime—both by the person punished and by others contemplating criminal behaviour. Some modern forms of criminal punishment reflect a philosophy of correction, rather than (or in addition to) one of penalty. Correctional programs attempt to teach offenders how to substitute lawful types of behaviour for unlawful actions.

Throughout history and in many different parts of the world, societies have devised a wide assortment of punishment methods. In ancient times, societies widely accepted the law of equal retaliation (known as *lex talionis*), a form of corporal punishment that demanded “an eye for an eye.” If one person’s criminal actions injured another person, authorities would similarly maim the criminal. Certain countries throughout the world still practice corporal punishment. For instance, in some Islamic nations officials exact revenge-based corporal punishments against criminals such as amputation of a thief’s hand. Monetary compensation is another historic punishment method. In England during the early Middle Ages payments of “blood money” were required as compensation for death, personal injury, and theft.

Although some societies still use ancient forms of harsh physical punishment, punishments have also evolved along with civilization and become less cruel. Contemporary criminal punishment also seeks to correct unlawful behaviour, rather than simply punish wrongdoers.

Certain punishments require offenders to provide compensation for the damage caused by their crimes. There are three chief types of compensation: fines, restitution, and community service.

A fine is a monetary penalty imposed on an offender and paid to the court. However, fines have not been widely used as criminal punishment because most criminals do not have the money to pay them. Moreover,

fining criminals may actually encourage them to commit more crimes in order to pay the fines.

The term restitution refers to the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused. This damage may include psychological, physical, or financial harm to the victim. In most cases, crime victims must initiate the process of obtaining restitution from the offender. Judges may impose restitution in conjunction with other forms of punishment, such as probation (supervised release to the community) or incarceration.

Alternatively, restitution may be included as a condition of an offender's parole program. Prisoners who receive parole obtain an early release from incarceration and remain free, provided they meet certain conditions.

Offenders sentenced to community service perform services for the state or community rather than directly compensating the crime victim or victims. Some of the money saved by the government as a result of community service work may be diverted to a fund to compensate crime victims.

The most serious or repeat offenders are incarcerated. Criminals may be incarcerated in jails or in prisons. Jails typically house persons convicted of misdemeanours (less serious crimes), as well as individuals awaiting trial. Prisons are state or federally operated facilities that house individuals convicted of more serious crimes, known as felonies.

The most extreme form of punishment is death. Execution of an offender is known as capital punishment. Like corporal punishment, capital punishment has been abolished in Ukraine.

II. COMPREHENSION

1. Read the statements. Are they true or false?

1. Criminal Punishment is imposed by the individuals who violate criminal law.
2. A fine is a kind of a monetary assessment.
3. Confinement in jail or prison for a period of time is called incarceration.

4. The only reason to punish offenders is to achieve revenge against wrongdoers.
5. At present societies widely accept the law of equal retaliation.
6. No societies use the forms of harsh physical punishment nowadays.
7. Community service is one of the three types of compensation for the damage caused by their crimes.
8. Fines are often used as criminal punishment.
9. Restitution may be included as a condition of an offender's parole program.
10. The most serious or repeat offenders are incarcerated.
11. Criminals may be incarcerated in courts or police office.
12. Both corporal and capital punishments have been abolished in Ukraine.

2. Match the parts of the sentences.

A. Corporal punishment	1) supervised release to the community
B. Incarceration	2) less serious crimes
C. Lex talionis	3) a monetary penalty imposed on an offender and paid to the court
D. Fine	4) the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused
E. Restitution	5) the infliction of physical pain
F. Probation	6) performing services for the state or community
G. Parole	7) execution of an offender
H. Community service	8) confinement in jail or prison for a period of time
I. Capital punishment	9) obtaining an early release from incarceration while remaining free, provided an offender meets certain conditions
J. Felonies	10) more serious crimes
K. Misdemeanours	11) the law of equal retaliation, a form of corporal punishment that demanded "an eye for an eye"

III. VOCABULARY STUDY

1. Match the words with their definitions and with the crimes committed.

traffic ticket	remain in one's home for a certain period of time	assault
license suspension	spend the rest of one's life in prison with no chance of going back into society	a young offender who is waiting to go to court
fine	driving rights are removed for a certain period of time	speeding, parking
house arrest	leaves marks on driving record/ involves paying a fine	hunting out of season
community service	pay money as punishment for minor/petty crime	a youth that steals a car for the first time
jail time	do volunteer work such as teaching children about crime or cleaning up garbage	homicide
life in prison	spend a certain amount of months or years locked away from society	drunk driving

2. Complete the text with the words from the box.

criminal	punished	rehabilitate
revenge	wrongdoing	impose
		crime

Goals of Criminal Punishment

The major driving force underlying all punishment is _____, also referred to as retribution. The word retribution derives from a Latin word meaning “to pay back.” In retaliation for _____, societies seek to punish individuals who violate the rules. Criminal punishment is also intended as a deterrent to future criminality. Offenders who are _____ may be deterred from future wrongdoing because they fear additional punishment. Others who contemplate _____ may also be deterred from _____

behaviour. Societies also _____ punishments in order to incapacitate dangerous or unlawful individuals by restricting their liberty and to _____ these wrongdoers and correct their behaviour.

3. Make up sentences from the words.

1) from society /or incarceration /crime prevention /Isolating criminals /is the most direct method of/ through confinement /.

2) penalize wrongdoers / seeks to /and transform their behaviour,/ rather than /correct criminals /merely /Contemporary criminal punishment /.

3) harsh physical punishment,/ some societies /punishments have also /Although/ evolved along with civilization /and become less cruel /still use ancient forms of/.

4) contemporary punishments /In most industrialized societies,/ are /or /either fines /or both /terms of incarceration/.

5) refers to /requiring offenders /to financially compensate /for the damage /the offenders caused /The term restitution /the practice of /crime victims/.

6) or /are incarcerated /The most serious /repeat offenders/.

7) certain undesirable individuals,/ such as /Some societies /with banishment or exile/ criminals and political and religious dissidents,/ punish/.

8) capital punishment /Opponents of /barbaric and degrading /see it as /to the dignity of the individual/.

4. Give the English equivalents for the following word combinations:

Накладати покарання; порушувати закон; скоїти злочин; тілесне покарання; запобігти злочину; правомірна поведінка; неправомірні дії; грошова компенсація; суворе фізичне покарання; громадські роботи; штрафування злочинців; для того щоб сплатити штраф; компенсувати шкоду жертвам злочину; отримання відшкодування; відповідати певним умовам; страта злочинця; смертна кара.

7. Translate into English:

Мету покарання можна розглядати в чотирьох площинах, в яких вона проявляється:

- кара засудженого;
- виправлення засудженого;
- спеціальне попередження;
- загальне попередження.

Коли до засудженого застосовується покарання, то обов'язковою його складовою є кара. Кара засудженого становить зміст покарання – позбавлення або обмеження прав і свобод особи, засудженої за вчинення злочину. Це обумовлено законами. При вчиненні злочину особою, завдається шкоди суспільству, тому це викликає справедливе обурення. Держава, захищаючи суспільство і виправдовуючи його сподівання, карає винного. Щодо самої кари є важливим, щоб вона відповідала принципу справедливості, тобто винний повинен зрозуміти, що він відплачує за вчинені ним протиправні дії і відплачує справедливо, відповідно до шкоди, яку він своїми діями завдав суспільству. Обмеження прав та свобод засудженого повинне бути належно обґрунтованим.

IV. GRAMMAR FOCUS

1. Look at the list of the connectors and match them with their synonyms.

Connectors	Synonyms
for instance although rather than however moreover provided as well as	but under condition even if and also what is more for example but not

2. Point out sentences with these connectors in the text and explain the use.

V. SPEAKING

1. Role-play

Student A is a police officer and student B is a suspect. Make up a dialogue. The replies below will help you.

Questions from law breakers or suspected criminals

- Why did you pull me over?
- Have I done something wrong?
- Is this illegal?
- What are my rights?
- Can I call a lawyer?
- Where are you taking me?
- Can I make a phone call?

Questions police may ask a suspected criminal

- Are you carrying any illegal drugs?
- Do you have a weapon?
- Does this belong to you?
- Whose car is this?
- Where were you at eight last night?

Informing someone of laws and police procedures

- You are under arrest.
- Put your hands on your head.
- I am taking you to the police station.
- Please get in the police car.
- You will have to pay a fine for this.
- I will give you a warning this time.
- I'm going to write you a ticket.
- We'll tow your car to the station.
- Smoking in restaurants is illegal in this country.
- It is against the law to do drugs in public.

Unit 5. Punishment

Section 2. Capital Punishment

I. LEAD-IN

1. Agree or disagree with the statements:

- Prisons will never be empty
- The debate about capital punishment will never finish
- Let the punishment fit the crime

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------|--|
| 1) stoning | a) закидання камінням |
| 2) burning at the stake | b) зупиняти, утримувати |
| 3) impaling | c) відплата, кара |
| 4) retribution | d) садити на кіл |
| 5) to deter | e) спалювання на стовпі |
| 6) capital offence | f) відродження |
| 7) Enlightenment | g) злочин, що карається смертною карою |

Text 2

Read the text to understand what information is of primary importance or new for you.

Notes: **crucifixion** – распятие

Capital Punishment

Capital punishment is legal *infliction* of death as a penalty for violating criminal law. Throughout history people have been put to death for various forms of *wrongdoing*. Methods of execution have included such practices as **crucifixion**, stoning, drowning, burning at the stake, impaling, and beheading. Today capital punishment is typically accomplished by lethal gas or injection, electrocution, hanging, or shooting.

The *death penalty* is the most controversial penal practice in the modern world. The practice of *capital punishment* is as old as government itself. Since ancient times most governments have punished a wide variety of crimes by death.

The first significant movement to abolish the death penalty began during the era known as the Age of Enlightenment. Critics of capital punishment contend that it is brutal and degrading, while supporters consider it a necessary form of retribution (revenge) for terrible crimes. Executions were public involving cruel methods. Opponents of capital punishment assert that it is degrading to the humanity of the person punished. Early opponents of capital punishment also argued that inflicting death was not necessary to control crime and properly punish wrongdoers. Instead, alternative punishment—such as imprisonment—could effectively isolate criminals from the community, deter other potential offenders from committing offenses. Supporters of capital punishment countered that the ultimate penalty of death was necessary for the punishment of terrible crimes because it provided the most complete retribution and condemnation. Furthermore, they argued that the threat of execution was a unique deterrent. Supporters and opponents of capital punishment still debate its effectiveness.

Modern opposition to the death penalty is seen as a reaction to the political history of the 20th century, most notably the Holocaust—the systematic mass killing of Jews and others during World War II (1939–1945). Some of the nations involved in the war supported the abolition of capital punishment. Italy formally abolished the death penalty in 1947 and the Federal Republic of Germany did so in 1949. The British government instituted a Royal Commission to study capital punishment in 1950 and abolished the death penalty in 1965. By the early 1980s every major country in Western Europe had stopped executing criminals. Canada abolished the death penalty in 1976. New Zealand held its last execution in 1957.

By 2005, 83 countries all over the world no longer authorized the penalty of death for any crimes. Another 13 countries authorized capital punishment only for exceptional crimes, such as crimes under military law and crimes committed in exceptional circumstances, such as during wartime. Asian countries and Islamic nations tend to practice capital punishment. The majority of countries in Africa also authorize the death penalty. Only two advanced industrial democracies, the United States and

Japan, retain the death penalty. A number of newly industrialized Asian nations, such as South Korea, also practice capital punishment.

Execution of criminals and political opponents has been used by nearly all societies—both to punish crime and to suppress political dissent. In most places that practice capital punishment it is reserved for murder, espionage, treason, or as part of military justice. In some countries sexual crimes, such as *rape*, *adultery*, and *incest* carry the death penalty. In many countries that use the death penalty, *drug trafficking* is also a capital offence. The following is a list of countries with statutory provisions for the death penalty for drug-related offenses: United States, Iran, Singapore, India (no execution carried out for such offenses), Kuwait, Bangladesh, Indonesia, Egypt, Saudi Arabia, Pakistan, Afghanistan, Zimbabwe, Brunei, Vietnam, Laos, Iraq, Oman, Republic of China.

II. DEVELOPMENT

1. Find in the text the information on

- a) the methods of execution;
- b) the history of debate;
- c) the countries that retain the death penalty.

2. Fill in the table with the words/ sentences from text:

Arguments for death penalty	Arguments against death penalty
1.	1.
2.	2.

3. Match the beginnings with the endings:

1. Capital punishment is	a) tend to practice capital punishment.
2. The death penalty is the most	b) still debate its effectiveness.
3. Supporters of the capital punishment consider it	c) legal infliction of death as a penalty.
4. Supporters and opponents of death penalty	d) a necessary form of retribution.
5. Asian countries	e) controversial penal practice.

4. A. Form nouns from the following verbs and translate them:

To deter –

To abolish –

To punish –

To debate –

To offend –

To execute –

B. Make up word combinations with following words:

To deter; punishment of; execution; to abolish; supporters; retribution; brutal; exceptional crimes; political opponents; treason.

C. Explain the following in English:

– death row;

– capital offense;

– crime;

– execution;

– electrocution;

– crime deterrence;

– isolation of criminals;

– threat of execution.

5. Give Ukrainian equivalents to the following English expressions:

Кара, скасування смертного вироку, засуджувати до смерті, жорстокі методи, потенційний злочинець, утримання від учинення дій залякуванням, ізолювати злочинців, захисники та опоненти, суперечлива практика, здійснювати страту, виключні обставини, придушувати політичну незгоду.

6. Fill in the gaps in the text below with the appropriate words from the box

criticize	abolished	serious	controversial	practice	capital
punishment					

In the late 18th century, social commentators began to ... penal practices they considered brutal and unnecessary. Many of these philosophers condemned the use of..., initiating a debate that has continued

to modern times. During the 19th century, legal reformers in England and the United States helped enact laws limiting the death penalty to the most ... crimes. Shortly after World War II (1939-1945), many countries in Western Europe, beginning with Italy and Germany, ... capital punishment. Britain, Canada, and Australia followed suit. A similar abolition movement coincided with the breakup of the Union of Soviet Socialist Republics in 1991, when several nations in Eastern Europe eliminated capital punishment. The use of the death penalty has become increasingly..., especially in the United States and Japan, the only industrialized democracies that continue to ... capital punishment.

6. Translate into Ukrainian:

Görlng's Death Sentence

German field marshal Hermann Görlng, second only to dictator Adolf Hitler in the National Socialist (Nazi) government, stands trial before the International Military Tribunal, held in Nürnberg, Germany, in 1945 and 1946. Görlng was convicted of all the charges brought against him and sentenced to death by hanging. He committed suicide hours before his scheduled execution on October 15, 1946.

III. PRACTICE AND EXPERIENCE

- 1. Find the information on different views on death penalty and give your own reasons FOR and AGAINST it. Key words below may help you.**

FOR	AGAINST
1.	1.
2.	2.

Key words: to support, to defend, to revenge, retribution, to punish, (in)effective, to argue against, to maintain human dignity, brutal, alternative punishment, to threat, to (dis)agree, to oppose.

- 2. What are capital offences? Name all the crimes that deserve death penalty as a punishment.**

3. **Capital punishment has been executed in different ways. Here is the list of methods. Divide them into out-dated and still used: electrocution, stoning, beheading, shooting, gassing, hanging, crucifixion, drowning, impaling and lethal injection. Why have the methods changed?**

Out-dated	Still used

4. **Name different types of punishment and present your own view: which punishment fit the following crimes:**

- rape
- drug-trafficking
- pick-pocketing
- homicide
- hooliganism
- bribery
- bigamism
- speeding

5. **JUSTICE or INJUSTICE? World War II was the bloodiest period of the human history. Massive killing occurred as the resolution of war. Here are some acts considered as crimes by Soviet Union's military government and punished by death during that period: desertion, cowardice, marauding (мародерство), shirking under enemy fire (to shirk – увиливать). Present your own view on each offence.**

6. **What is the religious context of capital punishment? Read the following quotes and comment on the religious views of different nations. Explain, if they forbid or permit death as a penalty.**

Buddhism: “Everyone fears punishment; everyone fears death, just as you do. Therefore do not kill or cause to kill. Everyone fears punishment; everyone loves life, as you do. Therefore do not kill or cause to kill” (Chapter 10 of Dhammapada);

Islam: “If anyone kills person – unless it be for murder or for spreading mischief in the land – it would be as if he killed all people. And if anyone saves a life, it would be as if he saved the life of all people” (Qur'an 5:32).

Christianity

The sixth commandment is preached as “Thou shalt not kill” (Do not kill).

IV. WRITING

Do researches on “Current Executions”.

V. OVER TO YOU

Read the text and tell about executing of war criminals

NÜRNBERG TRIALS

The most important war crimes trials following World War II were held in Nürnberg, Germany, under the authority of two legal instruments signed by representatives of the United States, the United Kingdom, France, and the Union of Soviet Socialist Republics (USSR) in 1945.

On October 18, 1945, the chief prosecutors lodged an indictment with the tribunal charging 24 individuals with a variety of crimes and atrocities (зверства), including the deliberate instigation of aggressive wars, extermination of racial and religious groups, murder and mistreatment of prisoners of war, and the murder, mistreatment, and deportation to slave labour of hundreds of thousands of inhabitants of countries occupied by Germany during the war.

Among the accused were Nationalist Socialist leaders Hermann Göring and Rudolf Hess, diplomat Joachim von Ribbentrop, munitions maker Gustav Krupp von Bohlen und Halbach, Field Marshal Wilhelm Keitel, Grand Admiral Erich Raeder, and 18 other military leaders and civilian officials. Seven organizations that formed part of the basic structure of the Nazi government were also charged as criminal. These organizations included the SS (Schutzstaffel, German for “Defense Corps”), the Gestapo

(Geheime Staatspolizei, “Secret State Police”), the SA (Sturmabteilung, “Storm Troops”), and the General Staff and High Command of the German armed forces.

The trial began on November 20, 1945. The judgment of the International Military Tribunal was handed down on September 30-October 1, 1946. With respect to war crimes and crimes against humanity, the tribunal found overwhelming evidence of a systematic rule of violence, brutality, and terrorism by the German government in the territories occupied by its forces. Millions of persons were destroyed in concentration camps, many of which were equipped with gas chambers for the extermination of Jews, Roma (Gypsies), and members of other ethnic or religious groups. Under the slave-labour policy of the German government, at least 5 million persons had been forcibly deported from their homes to Germany. Many of them died because of inhuman treatment. The tribunal also found that atrocities had been committed on a large scale and as a matter of official policy.

Twelve defendants were sentenced to death by hanging, seven received prison terms ranging from ten years to life, and three, including the German politician and diplomat Franz von Papen and the president of the German Central Bank Hjalmar Horace Greeley Schacht, were acquitted. Those who had been condemned to death were executed on October 16, 1946. Göring committed suicide in prison a few hours before he was to be executed.

Subsequent Trials

After the conclusion of the first Nürnberg trial, 12 more trials were held and provided for war crimes trials in each of the four zones of occupied Germany.

About 185 individuals were indicted in the 12 cases. Those indicted included doctors who had conducted medical experiments on concentration camp inmates and prisoners of war, judges who had committed murder and other crimes under the guise of the judicial process, and industrialists who had participated in the looting of occupied countries and in the forced-labour program. Other persons indicted included SS officials who had headed the concentration camps, administered the Nazi racial laws, and carried out the extermination of Jews and other groups in the eastern territories overrun by the German army; and high military and civilian officials who bore responsibility for these and other criminal acts and policies of the Third Reich. A number of doctors and SS leaders were condemned to death by hanging, and approximately 120 other defendants were given prison sentences of various durations. The tribunals acquitted 35 defendants.

Part V

Private Law

Unit 1. Civil Law

Section 1. The Nature of Civil Law

I. WARMING-UP

1. Answer the following questions:

What is a civil law system?

What is the main difference between civil law and common law?

What do you know about the history of civil law?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|------------------|-----------------------|
| 1) deterioration | a) табличка з написом |
| 2) tablet | b) уникати |
| 3) transaction | c) занепад |
| 4) to eliminate | d) правочин |
| 5) vast | e) великий |

3. Circle the word in each group which is different in pronunciation of the underlined vowel(s).

- | | | | |
|-------------------------|--------------------------|--------------------|--------------------|
| [i:] medi <u>u</u> eval | s <u>pr</u> ead | l <u>e</u> gal | ag <u>re</u> ement |
| [ei] n <u>a</u> ture | b <u>a</u> sis | orig <u>i</u> nate | mar <u>r</u> riage |
| [ai] i <u>d</u> entical | d <u>i</u> vor <u>ce</u> | Un <u>i</u> ted | appl <u>y</u> |

4. Write the words using their transcription.

[ˌmediˈi:v(ə)l] [ˈkwontəti] [ˌkɒmpriˈhɛn(t)sɪv] [aɪˈdɛntɪk(ə)l]

Read the text to understand what information is of primary importance or new for you.

TEXT 1

The Nature of Civil Law

Civil Law, is a term applied to a legal tradition originating in ancient Rome and to the contemporary *legal systems* based on this tradition. Modern civil law systems, which were originally developed in Western

European countries, have spread throughout the world. Civil law is typically contrasted with *common law*, a system that evolved in medieval England and that is the basis of law in most of the United Kingdom, Canada, and the United States.

The term civil law also applies to all *legal proceedings* (whether taking place in a civil law or a common law system) that are not criminal in nature. Under this definition laws regulating *marriage*, *contracts*, and payment for *personal injury* are examples of civil law.

The most obvious feature of a civil law system is the presence of a written *code* of law. The code is a systematic and comprehensive accumulation of legal rules and principles.

The civil law tradition traces its origin to the Roman Republic. The early *custom* and laws of Rome were put in writing for the first time in 451 and 450 BC, when they were inscribed on 12 bronze tablets. The principles contained within these Twelve Tables constituted the basis for all Roman civil law.

In compiling the *Corpus Juris Civilis*, Justinian sought to rescue the Roman legal system from years of deterioration and to restore it to its former glory. The vast quantity of material written on the civil law convinced him that the code should eliminate error, resolve conflicts.

The rise of nationalism that began in the 18th century led to the adoption of distinct civil codes for each European country, of which the French Code Napoléon of 1804 is the most famous. In the early 1900s Switzerland and Germany *adopted* similar *codes*. The subject matter of all these codes is almost identical with the first three books of the *Corpus Juris Civilis*.

The civil law tradition makes a sharp distinction between *private* and *public law*. Private law is the law that governs relations between private citizens and private businesses. When applied to financial and commercial transactions, it is known as commercial law. All other private law is known as civil law or labour law. Civil law refers to the law of persons, family law, marital property law, property law, contract law and tort law. Labour law regulates the relations of employers and their employees.

In general, public law regulates the relations between organs of the government and between the government and private citizens. Public law consists of matters that concern the government: *constitutional law*, *criminal law*, and *administrative law*, it also includes taxation and business licensing. In many countries with civil law systems, two sets of courts exist—those that hear public law cases and those that address matters of private law.

II. COMPREHENSION**1. A. Give the definitions for the following terms and expressions or explain in other words.**

1. civil law
2. legal proceedings
3. private law
4. public law
5. civil code

B. Answer the following questions using the information from the text:

What is civil law typically contrasted with?

What does the term civil law also denote?

What is the main feature of a civil law system?

When and where were the early custom and laws of Rome put in writing?

What does private law include?

What does public law consist of?

2. Complete the following sentences according to the information from the text:

1. Civil law is usually contrasted with ...
2. The term civil law is used to mark all ...
3. The most evident characteristic of a civil law system is ...
4. The rise of nationalism led to the adoption of ...
5. The civil law tradition makes ...
6. Private law involves ...
7. Public law is composed of ...

3. Match the following legal terms with their definitions:

1. code	a) a traditional practice that is so long-established and universal that it has acquired the force of law
2. contract	b) system of accepted laws and regulations that govern procedure or behavior in particular circumstances or within a particular profession
3. custom	c) the law of a state dealing with the rights of private citizens; a system of law based on Roman law rather than common law or canon law
4. civil law	d) a session of an official body that has authority to try cases, resolve disputes, or make other legal decisions
5. court	e) a formal or legally binding agreement

III. VOCABULARY STUDY

1. Write sentences using the following terms.

civil law, legal system, civil code, private law, marriage, constitutional law, criminal law, personal injury, custom, administrative law, court, contract, public law, to adopt a code, legal proceedings, common law.

2. Choose the right preposition in brackets according to the contents of the sentences (with, on, from, in).

The role of judges in civil law jurisdictions differs considerably ... that of judges in common law systems.

The term civil law was used to combine all non-English legal traditions together and contrast them ... the English common law.

Civil law is based ... written legal codes, a hallmark of the Roman legal system.

The tendency ... civil law is to create a unified legal system by working out with maximum precision the conclusions to be drawn from basic principles.

3. Substitute the words in italics with the words from the active vocabulary.

1. Civil law is typically contrasted with *case* law.

2. Civil law is made by legislators who strive to supplement and modernize *a system of laws or written rules*, usually with the advice of legal scholars.

3. The civil law system assumes that there is only one correct solution to a specific *law* problem.

4. In civil-law countries, the *official written agreement* of carriage first achieved distinct form in the early 19th century.

5. The manner in which *legal actions* are conducted in civil law jurisdictions demonstrates a great concern for the protection of personal privacy.

4. Complete the sentences with the words of the active vocabulary.

marriage	civil law (2)	common law	contract	code	personal injury
----------	---------------	------------	----------	------	-----------------

... .. judges administer the law, but they do not create it.

Systems of and also differ in how law is created and how it can be changed.

Private law includes the rules governing civil and commercial relationships such as ..., divorce, and ... agreements.

Laws regulating marriage, contracts, and payment for ... are examples of civil law.

The ... is a systematic and comprehensive accumulation of legal rules and principles.

5. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example: To administer – an administrator (n.) e.g. The pension funds are administered by commercial banks.

to proceed, to accumulate, to adopt, to govern, to injure

6. Give the English equivalents for the following word combinations:

Адміністративний кодекс, приватне право, публічне право, правова система, процесуальні дії, конституційне право, шлюб, договір, звичаєве право, цивільно-правова система, суд, кримінальний, правові принципи, розв'язувати конфлікти, термін, походити.

7. Complete the words using definitions

harm done to a person's or an animal's body, for example in an accident	i_j__y
connected with organizing the work of a business or an institution	_d_____st_a_____
the legal relationship between a husband and wife; the state of being married	m_rr_____
the group of people who are responsible for controlling a country or a state	__v_r_____
the place where legal trials take place and where crimes, etc. are judged	_____t
a question to be decided in court	m_tt__

8. Translate into English.

Цивільне право виникло в Стародавньому Римі. Цивільне право регулює шлюб, угоди, сплату завданої особистої шкоди тощо. Традиційно цивільне право порівнюють із загальним правом. Загальне право є основою правової системи більшої частини Великої Британії, Канади та США. Цивільно-правова традиція передбачає відмінності між приватним та публічним правом. Приватне право стосується регулювання цивільних торговельних правовідносин. Конституційне право, кримінальне право та адміністративне право складають приватне право.

IV. GRAMMAR FOCUS

1. Point out sentences with Participles II in the text and explain the use.

2. Read the text. Use the correct form of the participle.

Civil law systems do not have any process like the common law practice of discovery—the pretrial search for information *conducting/conducted* by the parties *involving/involved* in the case. In civil law systems the judge supervises the collection of evidence and usually examines witnesses in private. Cross-examination of witnesses by the *opposing/opposed* party's attorney is rare. Instead, a civil law action consists of a series of meetings, hearings, and letters. This eliminates the need for a trial and, therefore, for a jury.

3. Fill in articles where necessary.

Civil law countries today include many countries in ... Asia, including ... Japan and ... South Korea, countries of ... Africa, including ... Ethiopia, ... Latin American countries, and most ... European countries, most notably ... France and ... Germany. ... United States and ... United Kingdom and its commonwealth countries are common law, not civil law, countries. However, because of their French origins, ... Quebec in ... Canada, and ... Louisiana in ... United States have adopted and followed the civil law tradition.

V. SPEAKING

1. You have three minutes to list the expressions in the box under one of the three headlines:

Agreeing

Half agreeing

Disagreeing

1. You're absolutely right.
2. I don't think that's true.
3. I disagree, I'm afraid.
4. I take your point, but...
5. Absolutely!
6. Do you really think so?

7. To a certain extent, but...
8. I see what you mean, but...
9. That's true in a way, but...
10. That's right.
11. Well, it depends.
12. I would agree with that.

Use these statements to agree or disagree with the following sayings.

Good men must not obey the laws too well.

Ralph Waldo Emerson (1803–1882)

In commercial law, the person duped was too often a woman. In a section on land tenure, one 1968 textbook explains that "land, like women, was meant to be possessed."

Ruth Bader Ginsburg (1933–), U.S. jurist and educator.

In university they don't tell you that the greater part of the law is learning to tolerate fools.

Doris Lessing (1919–), British novelist and short-story writer.

Where there's a will, there's a lawsuit.

Attributed to Addison Mizner (1872–1933), U.S. architect.

2. The most common type of civil case (perhaps other than divorce matters) is a claim arising from an automobile crash (car, truck, van, semi or other vehicle collision). Motor vehicle crashes are a leading cause of accidental death and injury. In the following list the instructions for an aggrieved party are mixed. Arrange them in the right order. What should one do after an accident? Suggest your own ideas.

Steps To Follow After A Motor Vehicle Accident

If you, or someone you know, has been injured in automobile collision you (or the person involved) should do the following:

1) Don't sign anything except a ticket, citation or report issued by police. Never sign anything else at the accident scene. Signing some types of documents may jeopardize your rights.

2) Get out of your vehicle. Although you must remain on the accident scene, remove yourself from further danger by getting out of your vehicle – and out of traffic.

3) Turn off your engine to minimize the risk of fire.

4) Stop your car . . . no matter who is at fault, the law requires you to stop and exchange names, addresses and insurance information at the scene of an accident.

5) Collect information. If possible, collect information about the accident at the scene or as soon after as appropriate.

6) Call for police or medical assistance. Even if there are no injuries, assistance may be necessary to clear the accident scene, handle traffic, and file an accident report.

7) Inform your insurance company. Call your agent or your company's claims number and inform them that you have been involved in a collision and give them the information about the time, date and place of the collision and the people involved.

8) Don't discuss the accident . . . except for giving necessary details to police, medical personnel, your insurance company, or your attorney, do not discuss the accident...especially with insurance companies or lawyers representing other people or insurance companies.

Unit 1. Civil Law

Section 2. Unification of European Civil Law

I. LEAD-IN

.....

1. Answer the following question:

What is a harmonisation of law?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|----------------------------|---|
| 1) internal market | a) влада права |
| 2) authority of law | b) орган влади, що має всі повноваження |
| 3) party (of an agreement) | c) влада, правління |
| 4) governance | d) справа |
| 5) overarching body | e) поширення |
| 6) case | f) сторона (договору) |
| 7) extent | g) внутрішній ринок |

Read the text to understand what information is of primary importance or new for you.

TEXT 2

Harmonisation of Law

Harmonisation of law means “make or form a pleasing or consistent whole”. In the case of harmonisation of law, the aim is to make a consistent whole of law. It is an important concept in the European Union for creating common standards across the internal market.

It is a process of admitting limits of international unification but does not necessarily mean total uniformity. Harmonisation is usually not comprehensive but is relatively partial. That is, harmonisation of law doesn't seek to create a sole authority of law on a particular subject. This is because measures to harmonise law cannot go further than that which is necessary. Harmonisation is unsystematic. The Directives of the European Union do

not focus on or contain comprehensive regulation of the entire law. The Directives regulate some very specific issues and they regulate them only for particular situations or circumstances and only for particular types of parties.

Harmonisation generally takes place on two levels of governance, the overarching body and the each of the members individually. Taking the European Union, the two levels are the European level and national level. Although both European and national legislators share the legislative responsibilities, neither of these bodies has final responsibility for the whole. Also, there is no superior political authority which has the final say on who is responsible for what, i.e. no overarching authority over the European and national legislators. The European Court of Justice may however determine the extent of harmonisation when determining cases.

Harmonisation can be seen as a step towards unification of European Union Law.

II. DEVELOPMENT

1. Find in the text the information on

- a) definition of harmonisation of law;
- b) harmonisation and unification;
- c) levels of unification.

2. Prove the following statements.

1. Harmonisation of European law is partial.
2. Harmonisation is unsystematic.
3. Directives of the EU are of specific character.
4. Harmonisation of law acts on two levels of governance.

3. Speak on differences between harmonisation and unification of EU law.

4. Explain the difference between a law and a directive.

5. Insert one of the following words into the text in an appropriate form.

to assemble	to discuss	to enact	to feel	to apply	to bind
-------------	------------	----------	---------	----------	---------

In February 1997, a large symposium was convened in The Hague _____ the further harmonization of European private and commercial law. More than 200 jurists _____ for this particular purpose, most of them academics, judges, practitioners and civil servants from EU Member States, but also representatives from the EU Parliament and Commission, as well as observers from countries currently _____ for EU membership.

The conference title was "Towards a European Civil Code". The ultimate goal for the pro-Code group in Europe is the enactment of comprehensive legislation, _____ upon all European Union Members and comprising virtually all aspects of private and commercial law.

Though the idea of drafting and implementing such a codex is not really new, it might seem both unworkable and unattainable, at least in the foreseeable future. Then again, as certain influential delegates emphasized in the Hague, the Code project has already gained the support of the ever-more-powerful European Parliament, and if a Civil Code were to be _____ as a Directive or Regulation, it would not even require a unanimous vote! For these and other reasons, even the most skeptical among the symposium participants _____ compelled to take a second, more serious look.

6. Translate into Ukrainian. Make a title of the text. Explain the difference of the terms: a decree – an act; to adopt – to pass; a purpose – an aim.

According to the Minister of Economic Affairs of Ukraine, Anatoly Kinah, for the purpose of efficient realization of our state exports capacity, harmonization of monetary policy and in the context of increase in competitiveness of Ukrainian exports, the Government has adopted the Decree "On validation of procedure of determination of periods and conditions of completion of import transaction without carriage of goods inwards Ukraine". it was passed in 2007.

The aim of the Decree is very important for the European integration. "The subject-matter of this draft decree is governed by banking law, which, according to the Act of Ukraine "On nationwide programme of harmonization of the law of Ukraine with the law of the European Union", belongs to priority sectors, within which the laws of Ukraine are harmonized with the laws of the European Union", – the Minister of Economic Affairs of Ukraine, A. Kinah has told.

III. PRACTICE AND EXPERIENCE

1. Prepare a report “Ukraine and harmonisation of European law”.
2. Speak on the future development of harmonisation of European laws in Ukraine.

IV. WRITING

Write an essay using on of the topics:

- 1) Business-government partnerships, cooperation by government and certain types of businesses to further technological development or economic quality.
- 2) Intellectual property laws and corporations in Cyberspace.
- 3) Globalization in the coming decades.

V. OVER TO YOU

Read the definitions and put the letters in order to make 10 words connected with the law.

1. belonging to or shared by members of one or more nations or communities; public — MMOOCN;
2. of the ordinary life of citizens as distinguished from military, legal, or ecclesiastical affairs — LIICV
3. established by or founded upon law; lawful — EAGLL
4. legal action — SGPREEOCDIN
5. not widely or publicly known, confidential, secret — EIATPRV
6. of, relating to, or concerning the people as a whole — PBLUIC
7. a formal agreement between two or more parties — CCTTAONR
8. relating to crime or its punishment — IILNAMRC
9. a failure to act, to meet a financial obligation or to appear in a court of law at a time specified — FRDAU
10. a moral or legal requirement, duty — IIOONTABLG

Unit 2. Contract Civil Law and Intellectual Property

Section 1. Contract Law

I. WARMING-UP

1. Answer the following questions:

What is a contract?

Have you ever concluded a contract? What was it?

What can the consequences of breaking a contract be?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------|----------------------------|
| 1) obligation | a) грошовий |
| 2) covenant | b) невиконання зобов'язань |
| 3) pecuniary | c) нерухоме майно |
| 4) default | d) предмет обговорення |
| 5) fraud | e) юридична сила |
| 6) subject matter | f) шахрайство |
| 7) real estate | g) домовленість, договір |
| 8) validity | h) гарантія, зобов'язання |

3. Arrange the words from the list in two groups according to the pronunciation of the stressed vowel.

fraud, default, above, order, court, to come.

4. Read the following words. Pay attention to pronunciation of the underlined vowels.

Real, sealed, to create, enforceeable.

Read the text to understand what information is of primary importance or new for you.

TEXT 1

Notes:

thereby – ТАКИМ ЧИНОМ

CONTRACT LAW

Contracts are an integral part of everyday life. Working for an employer; insuring your car or your house and even buying a pint of milk are all governed by the law of contract. Although each of the three situations given above have their own specialist areas of law (employment law, insurance law and consumer law respectively) they are all governed by a set of underlying fundamental principles often referred to as the "general law of contract".

Contract, in US law, is an *agreement* that creates an *obligation* binding upon the parties. The essentials of a contract are as follows: (1) mutual assent; (2) a legal consideration, which in most instances need not be pecuniary; (3) parties who have legal capacity to make a contract; (4) absence of *fraud* or duress; and (5) a subject matter that is not illegal or against public policy.

In general, contracts may be either oral or written. Certain classes of contracts, however, in order to be *enforceable*, must be written and signed. These include contracts involving the sale and transfer of real estate; contracts to guarantee or to answer for the debt, or default of another person; and, in most states of the U.S., contracts for the sale of goods above a certain value.

Contracts are often classified as either contracts by specialty or simple contracts. Another class of obligations, sometimes referred to as contracts of record, are conclusive legal obligations created by the judgment or order of a court of record.

Contracts by specialty depend for their validity on the formality of their execution. They are required to be written, sealed, and delivered. The usual form of specialty contract is a *covenant*. A bond has always been regarded and classified as a specialty contract. Contracts by specialty do not require consideration or *surrender of a right*, given in exchange for the promise, to give them *validity*. Courts of equity, however, will not enforce a specialty contract unless it is founded on a consideration.

Simple contracts do not depend for their validity on any particular formality in their execution, but rather on the existence of a consideration.

Simple contracts are frequently classified as express and implied. An express contract is one entered into on terms expressed in spoken or written words. An implied contract is one that is inferred from the acts or conduct of the *parties*.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. valid contract
2. party (of a contract)
3. legal
4. obligation
5. terms

B. Answer the following questions using the information from the text:

1. What is the definition of a contract?
2. What basic types of contracts can you point out?
3. What is a contract of record?
4. What is a covenant?
5. What are the requirements for a valid contract?
6. What is an express contract?

2. Complete the following sentences according to the information from the text:

1. According to US law, a contract is ...
2. The four basic features of a contract are ...
3. A subject matter of a contract must not be...
4. Contracts may be either...
5. ... must be written and signed.
6. Contracts of record, are ...
7. Courts of equity will not enforce... from the acts or conduct of the parties.

3. Complete the consonants and match the following legal terms with their definitions:

1. a..ee.e..	a) the state or quality of being legal or lawful
2. .a.i.i.y	b) a person, especially one who participates in some activity such as entering into a contract
3. .e...	c) the act of agreeing
4. .a..y	d) a legally enforceable agreement to perform some act, especially to pay money, for the benefit of another party
5. .o.e.a.	e) any claim, title, etc., that is morally just or legally granted as allowable or due to a person
6. o..i.a.io.	f) conditions of an agreement
7. .i...	g) a binding agreement; contract

4. Choose an answer for each question.

1. What do simple contracts depend on?
2. What is the usual form of specialty contract?
3. What is one of the essentials of a contract?
4. What kinds of contracts do not require consideration or surrender of a right?
5. What is the other term for contracts by specialty?
6. What is an express contract?
7. What kinds of contracts must be written and signed?
 1. It is entered into on terms expressed in spoken or written words.
 2. They are contracts involving real estate; debt, or default of another person; etc.
 3. A covenant.
 4. Mutual assent.
 5. On the existence of a consideration.
 6. Simple contracts.
 7. Contracts by specialty.

III. VOCABULARY STUDY

1. Match a line in A with a line in B.

A	B
to create	a contract
to have	surrender of a right
to make	an obligation
to be	on the formality
to depend	from the acts
to require	enforceable
to be inferred	legal capacity

2. Fill the gaps by adding a suffix to the word in brackets.

One of the ... (interest) complexities of English contract law is that it bears the marks of two ... (differ) conceptions of how a contract is formed, which derive from two different periods of English legal history. On the one hand, most legal ... (history) agree that up until the nineteenth century the predominant conception of a contract in England was as a mechanism of exchange: giving something of value entitled one to something in return. When, on the other hand, the first contract textbooks came to be written in the late eighteen and early nineteenth centuries – the era when the teaching of ... (nation) law began in English universities – authors drew inspiration from continental authors, especially the French legal academics Pothier and Domat. These authors developed structures and ideas in their work ... (design) to describe the French law of contract, based ... (large) on ... (Rome) law as developed by medieval thinkers.

3. Choose the right preposition in brackets according to the contents of the sentences (on, as, between, upon, to, into, from, by, of).

- Contract law has come to us ... common law and it is said that it is an offspring of tort law.
- Contracts, ... the other hand, are a mechanism by which persons voluntarily create obligations themselves.
- Contract law is the body of law that governs oral and written agreements associated with exchange ... goods and services, money, and properties.
- It includes topics such ...the nature of contractual obligations, limitation of actions, freedom of contract, privacy of contract, termination

of contract, and covers also agency relationships, commercial paper, and contracts of employment.

5. The important thing about any contract is to enter ... a proper agreement that covers all the possible aspects of the arrangement and that you get it in writing.

6. Legally, contracts relating... the sale of land, disposition of any interest in land (including leases) and charges or mortgages over land, must be in writing and signed by the parties to the contract.

7. The exchange of goods and services is governed ...contract law.

8. The law of contract is a set of rules governing the relationship, content and validity of an agreement ... two or more persons (individuals, companies or other institution) regarding the sale of goods, provision of services or exchange of interests or ownership.

4. Explain what a contract includes. Use the following words and word combinations: written, pecuniary, duress, mutual, legal capacity, consideration, parties, fraud, oral, signed.

5. Explain when a contract may be cancelled.

6. Read this summary of the text. Say if the sentences are true or false.

The main features of a contract include five issues. Contracts may be oral, written or signed. All contracts must be simple. It is not good for a contract to be specialized. A covenant is the usual form of a simple contract. Validity is important for contracts by specialty. Simple contracts may be often express and implied.

6. Translate into Ukrainian.

Consulting agreement

This agreement is made as of the day of *, 20*

Between:

The N Performing Art Company (hereinafter referred to as "N")

And:

... (hereinafter referred to as the "Consultant")

1. Engagement

N hereby retains the Consultant and the Consultant hereby agrees to provide N with consulting services as set forth in Appendix 1, for a term

of * days/months, commencing on [date], in accordance with the terms and conditions of this Agreement.

2. Consulting fee

N shall pay to the Consultant the sum of ... * a day for up to, but not exceeding, * days. Payment shall be made to the Consultant on a monthly basis upon receipt of an invoice detailing the number of days for which services were rendered.

3. Confidential information

The Consultant acknowledges and agrees that it shall not, during the term of this Agreement, or at any time thereafter, directly or indirectly, disclose or grant access to N's confidential information to any third party, nor shall it use or exploit such information for any purpose other than those of N.

4. Status of parties

The Consultant's relationship with N shall be that of an independent contractor and not that of an employee or agent.

5. Termination

This Agreement shall be terminated immediately in the event: a) that a party has failed to perform or otherwise breached any of its obligations; b) of bankruptcy, insolvency or dissolution of either party; or (c) that either party shall make a general assignment for the benefit of its creditors or suffer or permit the appointment of a receiver for its business or assets.

SIGNED, SEALED AND DELIVERED THIS * DAY OF

PER: SECRETARY-TREASURER
THEN PERFORMING ARTS COMPANY

PER: CONSULTANT Name:

APPENDIX I

Expertise and services required to be performed by the Consultant:

(a) Expertise to be made available to N:

The Consultant will provide Mr./Ms. * to perform the services as required pursuant to the provisions of this Agreement.

(b) Services:

Insert the proper details. Some suggested considerations are outlined above in the guide – Section #12 (a – m). Please include any other relevant material

IV. GRAMMAR FOCUS

- 1. Point out sentences with Infinitives in the text and explain the use.**

- 2. Put the verbs in brackets into the infinitive form (with or without to).**
 1. Why are you reading this journal? – ... (read) the new article about contract law.
 2. I would like ... (ask) a few questions about concluding of a contract.
 3. I managed ... (get) to the library quickly.
 4. We regret ... (inform) you that we don't have this Code in the library.
 5. You must not ... (use) this brand. It's illegal.
 6. I have ... (work) on Saturday. We're very busy at the agency.
 7. Could we ... (borrow) your book, please?
 8. Do you intend ... (make) a complaint?
 9. I can't wait ... (see) the books you took.
 10. They arranged ... (go) to the office together.

V. SPEAKING

- 1. Speak on the types of contracts.**

- 2. Work together to make a marriage contract (or contract of employment). Think of questions to ask parties about their requirement, termination, fee etc. Use the following issues while making a contract: 1) property, care of children, mutual obligations etc.; 2) work conditions, time of work, salary, social insurance etc.**

- 3. Speak on the differences between Ukrainian and US Contract Law. According to the US legislation** “the contract of a lunatic, an idiot, or a person so under the influence of a narcotic or of intoxicating liquor as not to be capable of a free exercise of will is sometimes said to be wholly void. In recent cases, however, such contracts have usually been regarded as merely voidable; and in some instances they are enforced if the other contracting party is unaware of the incompetency and the terms are fair. The contract of a minor, usually a person under the age of 18, is not void,

but voidable, and it may be affirmed by that person on attainment of full age.”

4. The article below gives examples of an illegal agreement. List arguments for and against illegal contracts. Are there any types of illegal contracts mentioned or implied in Ukrainian legislation? Write an essay on illegal agreements in Ukraine in comparison with that of other countries. Give your own examples of illegal contracts.

A contract is void if it is based on an illegal purpose or contrary to public policy. One example, from Canada, is *Royal Bank of Canada v. Newell*. A woman forged her husband's signature on 40 cheques, totalling over \$58,000. To protect her from prosecution, her husband signed a letter of intent prepared by the bank in which he agreed to assume "all liability and responsibility" for the forged cheques. However, the agreement was unenforceable, and struck down by the courts, because of its essential goal, which was to "stifle a criminal prosecution." Because of the contract's illegality, and as a result voided status, the bank was forced to return the payments made by the husband.

In the U.S., one unusual type of unenforceable contract is a personal employment contract to work as a spy or secret agent. This is because the very secrecy of the contract is a condition of the contract (in order to maintain plausible deniability). If the spy subsequently sues the government on the contract over issues like salary or benefits, then the spy has breached the contract by revealing its existence. It is thus unenforceable on that ground, as well as the public policy of maintaining national security (since a disgruntled agent might try to reveal all the government's secrets during his/her lawsuit).

Unit 2. Contract Civil Law and Intellectual Property

Section 2. Intellectual property

I. LEAD-IN

1. Answer the following questions:

1. What is the definition of 'intellectual property' according to Ukrainian Civil Code?

2. How is intellectual property protected in Ukraine?

2. Can you give examples of breaking intellectual property laws?

3. Match the following English words and expressions with their Ukrainian equivalents:

1) copyright

a) невідчутний (на дотик)

2) trademark

b) авторське право

3) intangible

c) оголошення, реклама

4) advertisement

d) нововведення

5) innovation

e) фабрична марка

Read the text to understand what information is of primary importance or new for you.

TEXT 2

INTELLECTUAL PROPERTY

Intellectual property, creative works that have economic value and are protected by law. Intellectual property laws reward the creators of most types of intellectual property by preventing others from copying, performing, or distributing those works without permission. The main

purpose of this protection is to provide incentives for people to produce scientific and creative works that benefit society at large. grant of rights from a government agency before they can be protected by law. Nearly all nations have laws protecting intellectual property. However, some nations do not vigorously enforce intellectual property laws, making illegal copying, or piracy, a major problem in these areas.

Intellectual property was not always recognized as a single field of law. Historically, the fields of patent, copyright, and trademark developed independently. In the late 20th century, however, legal experts began to recognize that these various fields of law had a great deal in common because they all pertained to intangible products of the mind. Nevertheless, an attorney will often specialize in only one area of intellectual property, such as patent law, and the legal rules for the different branches of intellectual property law vary greatly.

In all branches of intellectual property, the legal system seeks to balance two competing concerns. On the one hand, protection must be strong enough to encourage authors and inventors to invest the necessary effort in innovation. On the other hand, the law must also allow people some freedom to use the intellectual property of others. This is because artistic, technological, and commercial progress always requires building on the work of others. To strike this balance, all branches of intellectual property law confer general rights on creators but also limit those rights with a variety of exceptions. For example, in patent law, a scientist may use someone else's invention to conduct experiments. Similarly, copyright law allows a literary critic to quote passages of a novel in a review. Under trademark law, a company may use a competitor's brand name in a comparative advertisement. In all these ways, intellectual property law tries to be flexible enough to protect the property rights of the creator while also allowing the public to benefit from the protected work.

II. DEVELOPMENT

1. Match the titles to each paragraph:

a) The definition of the intellectual property;

- b) A balance of different branches of intellectual property;
- c) History of the intellectual property laws.

2. Fill in the table with the words from text

Protection of creative works	
Types of intellectual property laws violations	
Copyright law	
Patent law	
Trademark law	

3. Speak on types of intellectual property laws and their functions.

4. Translate the text into Ukrainian. Write a list of measures that a legislator should take to protect intellectual property in the Internet.

In the last years of the 20th century, the growth of the Internet and related digital technologies began to pose new problems for intellectual property owners. Unauthorized parties began using trademarks such as domain names for Web sites, which made it difficult for consumers to find the trademark owner's official Web site. Copyright owners found that their works, particularly music and movies, could be perfectly duplicated by parties using file-sharing software. New devices were sold that made it possible to defeat copy-control features, such as those designed to prevent duplication of digital video discs (DVDs). The U.S. government attempted to respond to these developments by adopting several complex new laws protecting intellectual property. These laws became controversial. On the one hand, intellectual property owners claimed that the laws failed to provide full protection against unauthorized use of their property. On the other hand, various consumer groups argued that the laws interfered with the public's rights to engage in free speech and may also invade privacy.

III. PRACTICE AND EXPERIENCE

- 1. Speak on the types of intellectual property.**
- 2. Work in pairs. You are interviewed by a journalist who wants to know about the protection of intellectual property in Ukraine. Use the following words and expressions to answer the reporter's questions and to make a dialogue:**

Talking/Speaking about...

According to...

I'm rather worried about...

Frankly speaking...

- 3. Read the text. Speak on protection of inventions. Find arguments for and against protection of all inventions. Is it possible to define all types of intangible products of the mind?**

In most countries, certain classes of inventions are legally recognized, and their use is temporarily restricted to the control of the inventor. In the United States, any new and useful art, machine, manufacture, or material, or any new and useful improvement of these, may be protected by patent; written material, music, paintings, sculpture, and photographs may be protected by copyright. The protection afforded by this legal recognition is limited; in many cases, if a person alters an invention and thereby improves or changes it, that person may be eligible for a new patent or copyright. Patent and copyright laws do not provide coverage for all inventions. Many processes and ideas lacking clear characteristics, such as psychological concepts useful in advertising, cannot be legally protected.

IV. WRITING

Write an essay using on of the topics:

- 1) Business-government partnerships, cooperation by government and certain types of businesses to further protection of intellectual property rights.
- 2) Intellectual property laws and corporations in Cyberspace.
- 3) Globalization in the coming decades.

V. OVER TO YOU

Write the words to complete the chart

civil		court
	law	
criminal		school
magistrates'		action
	...	
open		order
grand		service
	...	
petty		box
under		work
	...	
service		law
small		form
	...	
legal		back

Unit 3. The Basic Aspects of Labour Law in Ukraine

Section 1. Ukrainian Labour Law

I. WARMING-UP

1. Have you ever looked for a job? Have you already had a work experience or have been interviewed? What do you know about the procedure of employment? Speak about your experience. Use the synonyms of words and word combinations given below.

Шукати роботу – to look for a job
to seek employment
job-hunt

Особа, яка шукає роботу – job-seeker

Наймати – to hire
to employ
to recruit

2. Match English verbal expressions with their Ukrainian ones:

- | | |
|---------------------------------------|---|
| 1) to proclaim major labour rights | а) вимагати внесення поправок та змін у законодавство |
| 2) to come into effect | б) здійснювати тільки зі згоди |
| 3) to be adjoined by innumerable acts | в) укласти колективний договір |
| 4) the working week shall not exceed | г) проголосувати головні трудові права |
| 5) to permit overtime work | д) доповнювати численними актами |
| 6) to carry out only with the consent | е) наділяти профспілки повноваженнями |
| 7) to vest trade unions with powers | ж) визначити межі поширення |
| 8) to conclude a collective agreement | з) дозволяти понаднормову працю |

- 9) to call for amendment of legislation и) робочий тиждень не може перевищувати
- 10) to determine the borders of extension к) набувати чинності

Notes: Br.E: labour; Am.E: labor
Br.E: trade union; Am.E: labor union

Read and translate the text.

TEXT 1

UKRAINIAN LABOUR LAW

Apart from the Constitution of Ukraine, which proclaims major labour rights and guarantees, the Labour Code of Ukraine (LCU) has remained the main source of Ukrainian Labour Law since 1972, the year when it came into effect. It has been adjoined by innumerable acts and subordinate legislation.

The LCU provides for the conclusion of an employment agreement between an employer and an employee as the basis of their employment relations. An employment agreement shall contain the following: the employee's application and the relevant employer's administrative order on employment; the execution of a written agreement by the parties and the actual start of work by the employee.

Ukrainian law distinguishes between an employment agreement and an employment contract. The latter is a particular form of the former that can provide for additional terms and conditions (e.g. additional grounds for employment termination and liabilities of the parties) as compared to the statutory requirements. Employment contracts can only be concluded with employees strictly specified by the law: as a rule, for private companies this refers only to a chief executive.

As basic work conditions the following major requirements are to be observed by an employer: the monthly wage of an employee shall not be less than a minimum wage established by law; the working week shall not exceed 40 hours; overtime work is permitted only (1) under the circumstances provided for by the law, (2) upon the prior consent of a trade union (if any), (3) with a limited duration, and (4) with payment at double

rates; the basic annual paid vacation of an employee shall not be less than 24 calendar days; transfer to another job, work at another company or in another location can be carried out only with the consent of an employee; changes in material work conditions (modification of the system and amount of labour remuneration, benefits, work regime, etc.) can be introduced upon provision of 2-months prior notice to an employee, etc.

Employees are entitled to join the trade unions. Ukrainian law vests trade unions with significant powers, namely: to conclude a collective agreement on behalf of the employees; to consider issues on introduction, revision and change of work norms, labour remuneration, additional payments and benefits; to consider the need for overtime work, issues on the dismissal of employees at the demand of the employer; to control the performance of employer's obligations with regard to labour and labour protection law, etc.

In 2003 the Parliament accepted the new draft Labour Code as a basis. The bill is still being worked on. The latest draft determines the borders of extension of the labour law to relations with foreign participation, stipulates the rules of succession in employment relationship, the terms and conditions of employment of a chief executive, etc.

II. COMPREHENSION

1. Answer the questions.

1. What year did the Labour Code of Ukraine come into effect?
2. What is the basis of the employment relationship?
3. What is the difference between employment agreement and employment contract?
4. What major requirements are to be observed by an employer?
5. What powers are vested in trade unions by Ukrainian law?
6. What does the latest draft of Labour Code determine?

2. Are the following statements true or false? Find reasons for your answers in Text 1.

1. Only the Constitution of Ukraine proclaims major labour rights and guarantees.
2. There isn't any difference between employment agreement and employment contract.

3. The latest draft of Labour Code is perfect and isn't required any improvement.

4. The Labour Code of Ukraine doesn't provide the clear term of annual vacation.

5. Trade unions are entitled to have agreements only with an employee.

6. The Labour Code of Ukraine foresees the employment provisions as the basis of employment relations.

3. Complete the following sentences according to the information from Text 1.

1. Ukrainian law distinguishes between an employment_____ and employment_____.

2. An employer should observe the following requirements: to provide an employee a minimum_____, an annual paid _____ etc.

3. An employee has the right to associate in_____.

4. Ukrainian law vests trade unions with such powers as: labour_____, issues on_____ and so on.

5. The new _____of Labour Code was accepted by the Parliament.

III. VOCABULARY STUDY

1. Give the English equivalents for the following words and word combinations:

приєднуватись до/вступати;

оплата праці;

матеріальна допомога;

понаднормова праця;

відповідальність;

заява робітника;

заробітна платня;

адміністративний наказ;

скарга;

звільнення.

2. Fill in the missed letters using the definition above.

1. A person who is hired to work for another or for a business, firm, etc., in return for payment.

_ m _ _ o _ _ _

2. Those areas of law which are part of the relationships between employers and employees and between employers and trade unions.

_a _ _ _ _ _ w

3. (In England, Scotland, and Wales) a tribunal that rules on disputes between employers and employees regarding unfair dismissal, redundancy, etc.

_ _ p _ _ _ _ _ _ r _ _ _ _ _ l

4. A regular payment made by an employer to former employees after they retire.

_ _ _ _ _ n

5. A fixed regular payment made by an employer, often monthly, for professional or office work as opposed to manual work.

_ _ _ _ _ y

3. Match the words with their definitions considering differences in their meaning.

- | | |
|-----------------|---|
| 1. Fee | – a. money or its equivalent received in exchange for labour or services, from the sale of goods or property, or as profit from financial investments |
| 2. Charge | – b. money made in a business venture, sale, or investment after all expenses have been met |
| 3. Remuneration | – c. a payment or series of payment to one in need |
| 4. Salary | – d. a fixed or regular payment or allowance (винагорода, матеріальна допомога, надбавка до окладу) |
| 5. Wage | – e. payment for work done or services rendered |
| 6. Earnings | – f. smth earned, as salary, wages or profit |
| 7. Income | – g. a fixed charge, a payment for professional service |
| 8. Stipend | – h. regular compensation for services or work (Lat. money given to Roman soldiers for purchase of salt) |
| 9. Profit | – i. cost, price |
| 10. Benefit | – j. paying for goods provided, services rendered |

4. Translate the text into English.

Трудове право — це галузь права, яка регулює трудові відносини між робітником та роботодавцем, трудовими колективами та профспілками. Трудовий кодекс України, що набрав чинності в 1972 році, встановлює вимоги, які повинен виконувати роботодавець. Серед них є такі: місячна заробітна платня повинна бути не нижчою від мінімальної, встановленої законом; робочий тиждень не повинен перевищувати 40 годин; оплачувана відпустка не менше 24 календарних днів; понаднормова робота дозволяється тільки при обставинах, передбачених законом і за умови подвійної оплати; переведення на іншу посаду та місце праці здійснюється лише за згодою самого працівника і т. д.

IV. GRAMMAR FOCUS

1. Using the information below find in the text the sentence with these words, translate it. Give your own sentences with these adjectives.

The former – the first of two people or things that have been mentioned: distinguished from latter.

The latter should only be used to refer to the second of two items.

2. Complete the text with the correct form of the verb in brackets (Passive or Active). Explain grammar phenomena of the underlined words. Translate the text.

The existing labour codes _____(contain) conditions of work, individual employment relations, wages and compensations and so on. The activities and rights of trade unions also _____(regulate) by labour law. The latter also covers the issues of making and terminating individual employment relations. Historically speaking, this kind of law used _____(describe) as the law of master and servant. The Ukrainian Labour Code provides that an employment contract is a special form of employment agreement that may _____(use) only where permitted by law. It should _____(note) that unlike common-law countries, the civil-law ones attach more importance to the individual contract of employment.

V. SPEAKING

1. Explain the difference between these words using all information from the unit.

- employer and employee
- employment agreement and employment contract

2. Work in pairs. Choose 5 questions which you take an interest in and ask your partner to answer them and vice versa. Discuss them with the group.

1. What legal steps should you take in employment recruiting?
2. During the application and interview process, what qualifications can an employer look for?
3. What would an illegal advertisement contain?
4. What are permissible and impermissible interview questions?
5. Do you have to give references?
6. How must employees be paid?
7. Should you be paid for lunch and rest breaks?
8. Are you entitled to overtime for working on weekends, holidays, or at night?
9. What is the minimum wage?
10. Is drug testing legal?

3. Work in pairs. Choose any word or word combination from the list below and let your partner guess the word you have chosen. Your partner should ask you questions and your answer must be just “Yes” or “No”. There will be no more than 20 questions.

Employer, employee, labour law, dismissal, grievance, wage, trade union, collective agreement, collective contract.

Unit 3. The Basic Aspects of Labour Law in Ukraine

Section 2. The Main Terms and Conditions of Employment (statutory rights of employee and employer)

I. LEAD-IN

.....

1. Match English and Ukrainian phrases:

- | | |
|---|---|
| 1) statutory rights | a) відсутність на роботі |
| 2) written statement of the main terms and conditions of employment | b) відпочинок та оплачувана відпустка |
| 3) rights to pay | c) здоров'я та безпека |
| 4) holidays and holiday pay | d) письмове формулювання щодо строків та умов наймання |
| 5) time off work | e) право на письмове повідомлення про підстави звільнення |
| 6) parental leave | f) право на компенсацію при звільненні |
| 7) the right to ask for flexible working | g) право на сплату |
| 8) health and safety | h) статутні права |
| 9) the right to written reasons for dismissal | i) право на гнучкий графік роботи |
| 10) the right to claim compensation | j) відпустка у зв'язку з наглядом за дитиною |

2. Find 2 synonyms for the nouns in the box:

right, term, employment, dismissal, compensation, wage, entitlement, contract, prerogative, specifications, redundancy, permission, job, repayment, claim, privilege, discharge, request, provisions, right, agreement, redress, salary, work, demand, bargain.

Read the text.

TEXT 2

THE MAIN TERMS AND CONDITIONS OF EMPLOYMENT

The state has extensive authority over labour relation matters, including the labour market, unemployment, social insurance, labour safety, standard employment conditions and resolution of labour disputes. The state provides additional employment guarantees to women with children under the age of 6, single mothers with children who are disabled or under the age of 14, senior citizens of pre-retirement age and persons released from prison.

The Labour Code, which covers nearly all aspects of employee relations in Ukraine, governs employment agreements and contracts; working hours and time off; compensation and social benefits; discipline; employment of women and minors; resolution of employment disputes; liabilities of employees and employers.

The Labour Code provides that an employment contract is a special form of employment agreement that may be used only where permitted by law. While an employment contract may be entered into for a definite term or until a specific job is completed, an employment agreement, being the major legal basis of employment relationships, is usually concluded for an indefinite term.

An employment contract allows for more discretion in determining employment rights and duties, including working conditions, termination, compensation and benefits. A contract usually provides benefits to an employee as compensation for the contract's limited duration, including a longer annual vacation and more flexible working hours than those provided by the Labour Code. Neither a contract nor an agreement may diminish the employment guarantees provided by the Labour Code, other labour laws and regulations, or applicable collective agreements.

An employment contract must be in writing, however, an employment agreement may be verbal. Either party may terminate an employment contract if the other party defaults, provided that the non-defaulting party provides a two-week notice. Under an employment agreement, the

employee may terminate the agreement upon two-weeks notice, while the employer must provide two-months notice when the termination is because of liquidation, reduction in force or reorganization.

At the time of hire, an employer and employee may agree to a probationary period to determine if the new employee is suited for the job. The probationary period may not exceed three months.

An employee's rights at work will depend on the statutory rights and the contract of employment. All employees, regardless of the number of hours they work per week, are entitled to receive a written statement from their employer, within two months of starting work. The statement describes the main terms of the contract of employment.

- job title
- wages
- hours of work
- holiday entitlement
- sick pay
- pension schemes
- notice
- grievance, dismissal and disciplinary procedure.

Many employees will be entitled to statutory sick pay if they are off work due to sickness. In addition, some employees may receive occupational sick pay from their employer but this will depend on their contract of employment.

All employers have a statutory duty to take care of the health and safety of all their employees, for example, they should provide first aid equipment, and adequate means of escape in case of fire, protective clothing and ensure all machinery is safe.

II. DEVELOPMENT

1. Using information from the text define whose rights are below (employer's or employee's).

1. The right to take the case to an employment tribunal.
2. The right to redundancy payments.
3. The right to dismiss for reasons such as misconduct or poor work.
4. The right to claim compensation if unfairly dismissed.
5. The right to written reasons for dismissal.

6. The right to take paid parental leave for parents.
7. The right to interview the applicant.
8. The right to dismiss for theft.

2. Read the sentences about employer's duties. Find 10 mistakes and correct them.

1. An employer should reduce an employee's duties, which can be implied by the law or may be found in the employment contract.
2. An employee should pay an employer the agreed amount.
3. An employer should provide an employee with work, gifts and rest.
4. An employer should breach sick and safety regulations.
5. An employer should give an employee incorrect information about rights under their contract.
6. An employer should take an employee a reasonable opportunity to have its complaints looked at.
7. An employer and an employee also owe each another a duty of "Mutual (взаємний) Trust and Confidence", basically they must show contempt for each other.
8. An employee will be entitled to at least 10 weeks holiday in any one year period.
9. An employer shouldn't pay contractual illness pay.

3. In each sentence, there is one word which is wrong. Find the mistake and correct it. Translate the sentences.

Example: All companies should have a dignity at work police. policy

1. Labour responsibilities advocates work to prevent child labour.

2. They think that child labour as exploitative, cruel, and often economically damaging. _____
3. Child labour opponents often argue that walking children lack of education. _____
4. Child labour is the employment of children over the age determined by law or custom. _____
5. This practice is considered exploit by many countries and international organizations. _____

4. Translate the following into English.

1. Статутні права та обов'язки працівників та працедавців.
2. Неможливість насильства з боку як працівника, так і працедавця.
3. Право на працю.
4. Право на заробітну плату.
5. Право на відпочинок.
6. Право на безпечні та здорові умови праці.
7. Право працедавця подати позов на працівника за крадіжку.
8. Гарантії трудових прав працівника.
9. Право на об'єднання в професійні спілки.
10. Право на безоплатну професійну підготовку.

III. PRACTICE AND EXPERIENCE

1. Imagine it's an interview with an employer. Here are 3 parts of dialogues. Choose one of them and complete it with interviewer's questions. Headline the dialogue on the basis of its content.

Notes: Interviewer (I.) Applicant (A.)

1.

Interviewer (I.) _____

Applicant (A.) – I'm fascinated by the latest development of international law, and I've always wanted to be in a position where I can develop my own initiatives.

I. _____

A. – Well, I was born in Kharkiv, I really enjoyed school, and the academy where my lecturers understand me.

I. _____

A. – My CV more or less reflects who I am. I'm an open book; it's all there.

2.

I. _____

A. – People say I'm good at my job.

I. _____

A. – I'm ambitious, communicative and can be quite persuasive, and I believe my sales skills reflect those qualities.

I. _____

A. – Oh, I'm good at anything really. I couldn't name just one strength in particular.

3.

I. _____

A. – I'd say that I work best alone.

I. _____

A. – I've been accused of being a bit of a perfectionist – that I work too hard and demand a lot from the people who work with me.

I. _____

A. – I'm not as strong as I'd like to be with Excel, but I'm taking an intensive weekend class that will perfect my skills.

2. Here are 2 parts of dialogues. Complete an applicant's answers with words and word combinations, which are given in brackets and add your own.

1.

I. Explain your wish to hold this position.

(International projects; experience; to coincide; the company's goals; skills)

A. _____

I. Do you have other reasons for applying for this post?

(Opportunity; legislation; to match with the company; to want; salary)

A. _____

2.

I. Why did you leave your previous job?

(can't progress; salary; career; requirements)

A. _____

I. What kind of salary are you seeking?

(to depend on; to be worth smth, to require; at least; in future; between)

A. _____

IV. WRITING

1. Using the previous information make up a plan of annotation. Annotate Text 1 or Text 2.

V. OVER TO YOU

1. Read 10 interviewer's questions below and determine if they are acceptable or unacceptable. Give full explanations for your answers.

Example: **Q.** In your job you will handle large sums of money. Have you ever been arrested for stealing?

1. **A.** Unacceptable. Employment cannot be denied on the basis of arrests without convictions.

1. **Q.** There will be a number of weekend conferences you will need to attend. Does overnight and weekend travel present a problem for you?

A. _____

2. **Q.** Have you ever filed a discrimination complaint against any of your former employers?

A. _____

3. **Q.** Would your husband (wife) be willing to relocate?

A. _____

4. **Q.** This job requires fluency in Spanish. Are you fluent?

A. _____

5. **Q.** We need a two-year commitment when hiring for this position. Are you planning to take any maternity leave over the next two years?

A. _____

6. **Q.** What kind of work does your spouse do?

A. _____

7. **Q.** Are you legally entitled to work in this country?

A. _____

8. **Q.** From your resume, I noticed that you are actively involved in your church. Would it be a problem for you to work on Sundays?

A. _____

9. **Q.** How many days were you out sick last year?

A. _____

Unit 4. Protection of Employees

Section 1. Contract of Employment and Collective Bargaining

I. WARMING-UP

1. Answer the questions:

- Have you ever met the term “a contract”?
- What kinds of contract do you know?

2. Do you agree with the following statements?

- A Contract of employment isn't so significant document; the process of employment should be informal.
- Trade unions can't solve problems with employers because they lack powers.

3. Choose the correct prefix from the list below to make the negative forms of the adjectives. Translate them.

-un-non- il-ir-in

1. relevant 2. legal 3. lawful 4. restrictive 5. fair 6. statutory 7. voluntary

Read and translate the text. Prove or disapprove your answers in exercise 2.

TEXT 1

CONTRACT OF EMPLOYMENT AND COLLECTIVE BARGAINING

An employment contract is an agreement between an employer and an employee at the commencement of the period of employment and stating the exact nature of their business relationship, specifically what compensation the employee will receive in exchange for specific work performed.

The basic feature of labour law in almost every country is that the rights and obligations of the worker and the employer between one another are mediated through the contract of employment between the two. Many terms and conditions of the contract are implied by legislation, in such a way as to restrict the freedom of people in order to protect employees, and facilitate a fluid labour market. As an example in many countries is the duty to provide written particulars of employment with an employee. This aims to allow the employee to know concretely what to expect and is expected in terms of wages, holiday rights, notice in the event of dismissal, job description and so on. An employer may not legally offer a contract in which the employer pays the worker less than a minimum wage. An employee may not, for instance, agree to a contract which allows an employer to dismiss them unfairly.

There are certain categories that people may simply not agree to because they are thought categorically unfair. However, this depends entirely on the particular legislation of the country in which the work is. There are two ways of termination. According to the employment contract an employee have the right to leave the job and such decision is called voluntary termination. Such an action is commonly known as "resignation", or "giving notice". Involuntary termination refers to the employee's departure at the hands of the employer. Some terminations occur as a result of mutual agreement between the employer and employee.

There are differing classifications of workers within a company. Some are full-time and permanent and receive a guaranteed salary, while others are hired for short term contracts or work as temps (temporary workers) or consultants. These latter differ from permanent employees in that the company where they work is not their employer, but they may work through a temp-agency or consulting firm.

Collective bargaining is the process whereby workers organize collectively and bargain with employers regarding the workplace. Collective bargaining permits workers to achieve a form of workplace democracy and to ensure the rule of law in the workplace. Workers gain a voice to influence the establishment of rules that control a major aspect of their lives.

Employees can be organized into labour unions (American English), or trade unions (British English), they represent most of the available work force in a single organization. Ukrainian law entrusts trade unions with significant powers. The Universal Declaration of Human Rights identifies the ability to

organize trade unions as a fundamental human right. The International Labour Organization's Declaration on Fundamental Principles and Rights at Work defines the "freedom of association and the effective recognition of the right to collective bargaining" as an essential right of workers.

A collective agreement or bargaining is a labour contract between an employer and one or more unions. Collective bargaining consists of the process of negotiation between representatives of a union and employers (represented by management, in some countries by employers' organization) in respect of the terms and conditions of employment of workers, such as wages, hours of work, working conditions and grievance-procedures, and about the rights and responsibilities of trade unions. The parties often refer to the result of the negotiation as a Collective Bargaining Agreement or as a Collective Employment Agreement.

II. COMPREHENSION

1. Are the following statements true or false? Find reasons for your answers in the text.

1. Trade unions have powers to conclude a collective agreement on behalf of the employees.
2. Collective bargaining is a process of negotiation between the representatives of local power and trade unions.
3. An applicant should be employed only on a full-time work as provided for by the law.
4. The monthly wage of an employee shall not be less than a minimum wage established by law.
5. Trade unions may represent employees in individual and collective disputes with an employer.
6. The particulars of an employment agreement should be done only in oral form.

2. Explain the meaning of the following words according to the text:

- trade union
- full-time work
- termination
- contract of employment

3. Match the terms with their definitions.

- | | |
|--------------------------|---|
| 1. collective bargaining | a. payment by employers for some part of the cost of injuries. |
| 2. family leave | b. association of workers for the purpose of improving their economic status and working conditions through collective bargaining with employers. |
| 3. labour law | c. an arrangement by which people work at home using a computer and telephone, transmitting work material to a business office by means of a modem and telephone lines. |
| 4. pension | d. social policy permitting workers to take a specified amount of time off from the job to attend to pressing family needs. |
| 5. Stakhanovism | e. procedure whereby an employer or employers agree to discuss the conditions of work with representatives of the employees, usually a labour union. |
| 6. telecommuting | f. periodic payments to one who has retired from work because of age or disability. |
| 7. union | g. movement in the Soviet Union aimed at increasing industrial production by the use of efficient working techniques. |
| 8. workers' compensation | h. legislation dealing with human beings in their capacity as workers or wage earners. |

III. VOCABULARY STUDY

1. Find in the text the word combinations with the terms below and make up your own sentences.

Договір; початок; право; закінчення терміну; спілка; постійний; платня; умови; процедура; колективний

2. Choose the best word from the brackets to fill in the gaps.

1. I work in a small law firm in Kiev. I 8 Hr an hour. (earn/ to be paid)
2. It's not a lot, but it's more than the.....wage. (maximum/ minimum)
3. My sister works in a bank and her.....is 3.000 Hr a month. (salary/wages)
4. The bank also provides her with a good.....package. (bonus/ benefits)
5. When she is 55 she will be able to give up work and live on her.....(package/pension)

3. The words below are connected with labour law. Divide them into six groups. Make one sentence with a word from each group.

Salary, post, end, prospective employee, work, redundancy, arrangement, competitor, dismissal, bargain, closing, candidate, service, contract, discharge, stopping, job-hunter, notice, employment, conclusion, profession, earnings, quit, stipend, job, finish, hiring, occupation, fee, deal, job-seeker, firing, position, cancellation, labour, interviewee, agreement, wages, termination, payment, ending, income, applicant.

1.Salary -----	2.Post -----	3.Dismissal -----	4.Contract -----	5.Termination -----	6.Employment -----
-------------------	-----------------	----------------------	---------------------	------------------------	-----------------------

4. The extract below is a skeleton contract of employment for a full-time employee. The key words/phrases from each section have been removed. Complete the text using the words/phrases from the box.

date of commencement ; duties and responsibilities; grievance; commencing salary; holiday entitlement; notice; pension; probation period; sickness pay; terms and conditions; *position*

Example: You have been appointed to the position of a judge assistant.

1. Your _____ will be detailed in the labour contract.
2. The _____ of your service with this organization is 1 January 2008.
3. Your specific _____ are contained in the collective agreement negotiated by this organization.
4. Confirmation of your appointment will be finally decided after your 3 months' _____.
5. Your _____ is Hr 2000 per month, paid monthly.
6. Your _____ entitlement is 30 days in any calendar year.
7. Your annual _____ is 25 days.
8. The minimum period of _____ to which you are entitled is 3 month.
9. Your position with regard to _____ is set out in the labour contract.
10. If you have a _____ relating to your employment, you should refer to the complaint procedure outlined in the collective agreement.

5. Translate the text from Ukrainian to English.

Трудовий контракт

Особливою формою трудового договору є контракт. У ньому угодою сторін встановлюються строк дії, права, обов'язки і відповідальність сторін, організація праці й умови розірвання договору з працівником. Вимоги контракту двосторонні, конкретніше й чіткіше обумовлені порівняно з трудовим договором як стосовно працівника, так і підприємства. Наприклад, у контракті можуть визначатися додаткові, окрім установлених чинним законодавством, підстави його розірвання.

IV. GRAMMAR FOCUS

1. **Form adjectives from the following nouns, which characterize your personality. Translate the words and speak about yourself using them. Give a number of adjectives that best describe your ideal work colleague.**

Intellect, intelligence, integrity, responsibility, efficiency, sociability, honesty, friend, optimism, initiative, creativity, innovation.

2. There are 15 grammar mistakes in the text. Find and correct them. Explain your answers and translate the text.

1. The Labour Code provide that an employment contract are a special form of employment agreement that may used only where permit by law.

2. While an employment contract may be enter into for a definite term or until a specific job is completing an employment agreement, being the major basis of employment relation, is usually conclude for an indefinite term.

3. Employment contract must been in writing, however, an employment agreement may be verbal.

4. At the time of hire, an employer and employees may agreed to a probationary period to determined if the new employee are suited for the job.

5. The probationary period may not exceed three months.

V. SPEAKING

1. Imagine you are seeking a job and now you are at the meeting with your perspective employer. Here are frequently asked interview questions.

Work in pairs. Make up dialogues using these questions.

1. When would you expect your next promotion?
2. What do you know about this organization?
3. What kind of salary are you seeking?
4. What can you tell us about yourself?
5. Do you expect to work regular hours? / Would working irregular hours cause a problem?
6. Why would you like to work for this organization?
7. What are your weaknesses? How do you overcome them?
8. Why are you seeking a new job?
9. What has been your favorite job?
10. How do you feel about your previous employer?
11. What problems did you have with your previous colleagues?
12. Do you have any questions?

Unit 4. Protection of Employees

Section 2. Employment Protection Legislation

I. LEAD-IN

.....

1. Discuss the following questions:

- Can you be fired for no reason at all?
- Should you file a claim against your employer for violating the Labour Code?
- What is employment discrimination?
- How much overtime pay are you entitled to?
- Does your employer have to notify you in advance that you are being fired?
- Can you be forced into early retirement?
- What is severance pay?

2. There are some grounds for discrimination below. Link the ground with its description.

- | | |
|--|--|
| 1. race | a. where the job applicant will give birth in the near future |
| 2. sex | b. where the candidate comes from a country in the developing world |
| 3. religion | c. where the person is over 40 |
| 4. colour | d. where the employee is homosexual |
| 5. national origin | e. where a prospective employee is a woman |
| 6. physical disability | f. where the employee has a young family |
| 7. age | g. where the employee belongs to a lesser known sect |
| 8. pregnancy | h. where an applicant is dark-skinned |
| 9. childbirth | i. where an employee has been sick as a result of pregnancy |
| 10. medical conditions related to childbirth | j. where the applicant has a bodily handicap, but still is able to perform the job |
| 11. sexual orientation | k. where the candidate is non-European |

Read and translate the text. Make up a plan of annotation and annotate the text.

Notes: prenotification – попередження про звільнення заздалегідь
severance payments – виплата при звільненні
to itemize – перелічувати по пунктах
reinstatement – відновлення

TEXT 2

EMPLOYMENT PROTECTION LEGISLATION

Ukrainian Labour Code refers to all types of employment protection measures, which are grounded primarily in legislation, court rulings and collectively bargained conditions of employment.

Employment protection refers both to regulations concerning hiring and firing (e.g. redundancy procedures, prenotification periods and severance payments, special requirements for collective dismissals and short-time work schemes).

If you have a problem with your employer you should usually try to sort it out informally first. If this doesn't work, you should follow the special three-step grievance procedure which all employers are required to have by law.

If you have followed this procedure and are still not happy with the outcome, you can take your case to an employment tribunal. You should bear in mind that if you haven't followed the grievance procedure properly first, the employment tribunal may decide to reduce any compensation it awards to you.

Employment tribunals are legal bodies which deal with complaints about employment rights. A tribunal is made up of a legally qualified employment judge and two other people representing the employer's and the employee's sides of industry. A tribunal can deal with problems on the following:

- written statement of terms and conditions
- maternity rights
- holiday rights
- itemized pay statement
- unpaid wages
- sex discrimination/equal pay
- race discrimination
- disability discrimination

- age discrimination
- discrimination because of sexual orientation
- discrimination because of religion or belief
- some health and safety problems
- unfair dismissal and redundancy.

Wrongful dismissal, also called wrongful termination or wrongful discharge, is an idiom and legal phrase, describing a situation in which an employee's contract of employment has been terminated by the employer in circumstances where the termination breaches one or more terms of this contract, or a statute provision in employment law.

Wrongful dismissal will tend to arise first as a claim by the employee so dismissed. Many jurisdictions provide tribunals or courts which will hear actions for wrongful dismissal. A proven wrongful dismissal will tend to lead to two main remedies: reinstatement of the dismissed employee, and/or monetary compensation for the wrongfully dismissed.

A related situation is constructive dismissal, in which an employee feels no choice but to resign from employment for reasons imposed by the employer. To avoid potential liability for wrongful dismissal is to institute an employment probation period after which a new employee is automatically terminated.

II. DEVELOPMENT

1. Answer the questions.

1. What cases does the employment tribunal deal with?

What is wrongful dismissal?

How many types of illegal employment discrimination are mentioned in the text?

What is an employment probation period?

What is workers' compensation?

2. Choose the best verb from the brackets to fill in the gaps. The first one is an example. Translate the sentences into Ukrainian.

1. If a company desires (desires/demands) to _____ (dismiss/detain) an employee without explaining the reasons, it might not be easy. 2. The Ukrainian Labour Code _____ (prohibits/probates) dismissal of an employee during the period of their temporary disability or a vacation. 3. In cases _____ (provided/promised) for by the law, the employer shall _____ (obtain/

advise) the consent of a trade union before the dismissal of an employee. 4. In the event of unlawful dismissal, an employee may _____ (apply/obligate) to a court and _____ (demand/detail) the re-employment and the compensation of the average wage for the period of forced absence, but not more than for a year. 5. Moral damages can also be _____ (sought/signed).

3. Rearrange the underlined letters to make words in the extract.

The Labour Code of Ukraine protects (1) esplymeoe from groundless (2) dsimisasl and restricts the (3) cesas of dismissal at the demand of the employer by the following (4) resonas:

- related to certain (5) fulat of the employee;
- systematic non-fulfillment of (6) luaobr duties without valid reasons;
- absence (7) woituht a valid reason;
- sick (8) laeev for more than 4 months running;
- appearance at (9) wrok intoxicated by (10) aloochl, narcotics or other toxic substances;
- (11) tfhet of employer's property;
- single gross (12) beacrh of labour duties by a worker;
- (13) otehr particular grounds.

4. Match English terms with their definitions.

- | | |
|---------------------------|---|
| 1. Employment court | a. the termination of an employee's contract, when an employee is dismissed without the notice. |
| 2. Constructive dismissal | b. a period of paid absence from work to which a woman is legally entitled during the months immediately before and after childbirth. |
| 3. Wrongful dismissal | c. termination of the contract by an employee because his employer has shown that he does not intend to renew the term of the contract. |
| 4. Severance pay | d. it's a decision of an employment court directing an employer who has been found to have unfairly dismissed an employee to restore to his former job. |
| 5. Discrimination | e. a court that rules on disputes between employers and employees regarding unfair dismissal, redundancy, etc. |

- | | |
|--------------------|--|
| 6. Maternity leave | f. unfair treatment of a person, racial group, minority, etc.; action based on prejudice. |
| 7. Reinstatement | g. compensation paid by an organization to an employee who leaves because, through no fault of his own, the job to which he was appointed ceases to exist and no comparable job is available to him. |

5. Read the verbs and find related nouns and their word combinations in the text. Form adjectives from the nouns if it possible. Make up sentences.

To employ, to dismiss, to probate, to terminate, to discriminate, to require.

6. Match English phrases with their explanations.

- | | |
|------------------------------|--|
| 1. maternity rights | a. to single out a particular person, group, etc., because of a characteristic such as race, sex, intelligence |
| 2. holiday rights | b. rules of medical care and protection from danger |
| 3. unpaid wages | c. unjust discharge |
| 4. disability discrimination | d. working without pay |
| 5. health and safety plan | e. non-business day; non-working day |
| 6. employment tribunal | f. a period of paid absence from work to which a woman is legally entitled during the months immediately before and after childbirth |
| 7. unfair dismissal | g. discrimination on the condition of being redundancy unable to perform a task or function because of physical or mental impairment |
| 8. sex/ race discrimination | h. a court that rules on disputes between employers and employees regarding unfair dismissal, redundancy, etc |

7. Give English equivalents for the following word combinations:

- звільнення за власним бажанням;
- право на відпочинок;
- відповідальність роботодавця;

- умови контракту;
- несправедливе звільнення;
- випробувальний строк;
- порушувати договір;
- звільнення робітника;
- повідомлення про звільнення;
- виплата при звільненні;
- припинення договору;
- процедура подання скарги;
- дискримінація під час прийому на роботу;
- трудові відносини;
- суд з трудових спорів;
- трудовий кодекс.

III. PRACTICE AND EXPERIENCE

1. The sentences from a letter of redundancy have been mixed. Put them in order and fill in the box.

1. Details of your forthcoming redundancy and severance pay are enclosed.

2. Finally, I shall be pleased to supply any prospective employer with a reference on your behalf.

3. Your sincerely, Maria Petrova, Personal Manager.

4. It is much regret that I must ask you to accept this letter as a formal notice of the redundancy of your position as an assistant of lawyer with effect from 12 November 2008.

5. Dear Mr Ivanov.

6. On behalf of the company, I would like to thank you for the services you have given us in the past and wish you every success in the future.

7. Please, do not hesitate to contact me if you need clarification.

8. The company will gladly grant you reasonable time off with pay for the purposes of attending job interviews or undertaking any training for alternative employment.

9. The assistant of the Personal Department will help you in obtaining suitable alternative employment.

5								
---	--	--	--	--	--	--	--	--

2. Fill in the missed letters using the definition above.

1. Negotiation between one or more trade unions and one or more employers or an employers' organization on the incomes and working conditions of the employees.

c _ _ _ e _ _ i _ _ _ _ r g _ _ _ i _ g

2. An association of employees formed to improve their incomes and working conditions by collective bargaining with the employer or employer organizations.

_ r _ _ _ _ _ _ n

3. A negotiated agreement, which is not enforceable at law, between an employer and employees' representatives, covering rates of pay or terms and conditions of employment, or both.

_ _ l _ e _ _ _ v _ _ _ _ _ _ m _ _ t

4. A written agreement between an employer and an employee, that, taken together with the rights of each under statute and common law, determines the employment relations between them.

_ o _ t _ _ _ _ _ _ m _ _ _ _ _ t

3. Explain in your own words what an accident at work is. Answer the questions.

Examples of accidents: *Occupational poisoning – професійне отруєння*

Gassing – отруєння газом

Shock hazard – удар струму

1. Must your injury at your workplace be covered by workers compensation?
2. What are the employer's responsibilities if an employee is injured at his job?

4. Work in pairs. Choose any concept from the list below and ask your partner to guess which one you have chosen. Your partner should ask you questions and your answer must be just "Yes" or "No". There will be no more than 20 questions.

- gender and pregnancy discrimination;
- religious discrimination;

- national origin discrimination;
- disability discrimination;
- age discrimination;
- race discrimination.

IV. WRITING

1. Using the previous information make a report. You are suggested to choose one of the proposed themes or prefer your own.

1. Basic work conditions.
2. Termination of employment.
3. Nondiscrimination and social guarantees.
4. Wages and vacations.
5. Distinguishing between employment agreements and employment contracts.
6. Hiring employees.
7. The prospects.

V. OVER TO YOU

1. Find the words given below. There are 11 words across and 11 down.

F	A	C	T	O	R	Y	W	O	R	K	E	R
R	V	E	M	P	L	O	Y	E	R	C	D	E
F	I	R	I	N	G	G	J	P	I	O	I	D
W	L	A	B	O	U	R	U	O	G	U	S	A
A	J	F	Y	B	A	I	D	S	H	R	M	N
G	O	E	I	C	E	E	G	T	T	T	I	D
E	B	E	U	R	S	V	E	B	S	B	S	A
T	E	R	M	I	N	A	T	I	O	N	S	N
B	A	R	G	A	I	N	G	T	O	R	A	C
M	P	R	O	S	E	C	U	T	O	R	L	Y
S	A	L	A	R	Y	E	N	O	T	I	C	E
I	N	T	E	R	V	I	E	W	O	R	K	O

2. Below is an extract from a labour contract which contains two parts.

- A) Entitle each section choosing the title from the box.
- B) Fill in all gaps according to the context.
- C) Translate this extract from English into Ukrainian.

- Labour Insurance, Welfare and Benefits;
- Work Conditions and Labour Protection;
- Labour Discipline;
- Terms of Contract and Probation Period;
- Compensation;
- Other Matters;
- Termination of, Changes to, Renewal and Dissolution of Labour Contract;
- Liabilities for Breach of This Labour Contract;
- Job Post and Job Duties.

LABOUR CONTRACT

Law firm (hereinafter referred to as "Party A")

and

Name of Employee: _____ Identification Card No.: _____
(hereinafter referred to as "Party B")

hereby execute this Contract in accordance with the applicable provisions of

"The Labour Law Code" and other laws and regulations on the basis of equality, voluntariness and consensus.

Section 1. _____

1. The term of this Contract shall be __ years __ months, from _____ to _____, during this: there shall be a probation period of _____ years _____ months, from _____ to _____.

2. This Contract shall take effect on the day Party B actually commences work for Party A.
3. During probation period, Party A shall perform all obligations on Party B, and shall decide whether to formally hire Party B based on Party B's work performance and capabilities. The probation period shall end upon notice from Party A of Party B's formal hiring, and Party B shall become Party an employee.

Section 2. _____

1. Party A shall implement a 40-hour work week schedule. Due to business needs, management, sales and service departments, etc., shall implement an irregular work system or comprehensive work hour system.
2. In the event that Party A needs Party B to work overtime due to business needs, Party A may provide make up breaks or compensation. In the event that the provisions of this Contract contravene applicable laws and regulations Party A may sue Party B.

This Contract shall be in duplicate copies, with one copy for each of the parties, and shall take effect upon affixation thereto of the signatures and seals of the parties.

Party A (Seal)
Law firm

Signature of Authorized Representative: Date: _____

Party B's signature: Date: _____

Unit 5. Environmental Law

Section 1. The Nature of Environmental Law

I. WARMING-UP

1. Answer the following questions:

1. What is meant by *the environment*?
2. What is the main task of environmental law?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|----------------------------|-------------------------------------|
| 1) conservation | a) відродження |
| 2) environmental law | b) поліпшення |
| 3) revival | c) рослинний світ |
| 4) amelioration | d) охорона навколишнього середовища |
| 5) vegetation and wildlife | e) екологічне право |

3. Match the words and their transcription read and translate the words. Pay attention to the pronunciation:

alter	[lɑlq' biliti]
acid rains	[depTs]
layer	['xsid reinz]
consequences	['weistiz]
depths	['vaiqbq]
wastes	['Llte]
authorities	['konsikwqnsiz]
viable	['0Toritiz]
liability	['leiq]

Read the text to understand what information on environmental law is of primary importance or new for you.

TEXT 1

ENVIRONMENTAL LAW

Conservation is the main problem facing humanity nowadays. The biosphere is strongly affected by all sorts of human activity. Mineral resources, rivers and forests of the Earth demand rational use. A wide variety of synthetic and numerous industrial materials *alter* the biosphere. The *discharge* of dust and gas into the atmosphere returns to the Earth in the form of *acid rains*. It also destroys the *ozone layer* of the Earth and causes “greenhouse effect”. The environmentally harmful consequences of human technological and industrial innovative activities affected the formation and continuous development of law.

Environmental law is a body of (international or national) law that comprises those substantive, procedural and institutional rules which have their primary *objective* the protection of environment. The meaning of the term “environment” encompasses both the features and products of the natural world and those of human civilization – the living and working environment (see the Preamble of the Declaration of the United Nations Stockholm Conference on the Human Environment (UNCHE)). Acid rain, *ozone depletion*, climate change, loss of biodiversity, toxic and *hazardous wastes*, *pollution* of rivers and depletion of freshwater resources are some of the issues for emergent addressing in the environmental law.

The system of legal rules regulating relations between society and nature in their interaction constitutes the subject of the environmental law. The aim of environmental law is the rational use of natural resources, conservation, *revival* and *amelioration* of the human environment, and providing for environmental safety. Land, air, *depths*, waters, forests, *vegetation* and *wildlife*, nature reserves are the objects of legal protection in environmental law.

As a legal subject environmental law possesses its substantial and procedural parts. 1. The subjects of environmental law are the following: the people of Ukraine, the state (its appropriate authorities), individuals and legal entities, foreign states and other different groups of people.

The main source of environmental law is the law. The Constitution of Ukraine, the international agreements (where Ukraine is a participant), the law of Ukraine on protection of Environment (25.06.1991), other laws, legal regulations, decrees and instructions of the highest and local authorities of Ukraine constitute the sources of environmental law.

Among the the main principles of the environmental law are: the priority of human's healthy life, the rational use of natural resources, the unification of ecological and economical interests of society, the observance of environmental law requirements, the publicity in adoption of significant environmental decisions and the international collaboration in the field of conservation.

The citizens of Ukraine have their environmental rights, guarantees and duties. Human right to a *decent viable* or healthy environment, the existence of state and public control over the observance of law, and legal *liability* for the environmental *damage* are among them.

Accorpdng to the law of Ukraine "About the Ptoperty" № 697-12 (7.02.1991) there are three main patterns of ownership on *natural resources*: state, municipal and private property. The environmental right of ownership is regarded as the combination of legal rules consolidating, regulating and protecting right of possession, right of use and right of disposal of natural resources in human interests.

* See the Preamble of Declaration of the United Nations Stockholm Conference on the Human Environment (UNCHE).

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. Conservation
2. Environmental law
3. The natural resources
4. The environmental right of ownership

B. Answer the following questions using the information from the text:

1. How do you understand the term conservation?
2. What consequences harmful to the environment do you know?
3. What is the meaning of the term "environment"?
4. What is the aim of environmental law?
5. What is the subject of environmental law?
6. What objects of environmental law do you know?
7. What are the main principles of environmental law?
8. What are the sources of environmental law?
9. What does the environmental right of ownership regulate?

2. Complete the following sentences according to the information from the text:

1. The ... demand rational use.
2. The discharge of dust and gas into the atmosphere returns to the Earth ...
3. ... is a body of (international or national) law that comprises those substantive, procedural and institutional rules which have their primary objective
4. The aim of environmental law is
5. The ... are the objects of legal protection in environmental law.
6. The citizens of Ukraine have
7. Property law on natural resources is divided into

3. Match the following legal terms with their definitions:

1. right of possession	a) buying, selling, changing or gifting of environmental subjects
2. right of use	b) environmental protection
3. right of disposal	c) the features and products of the natural world and those of human civilization
4. conservation	d) the right of being an owner of some natural object
5. the living and working environment	e) human right of satisfying his/her living needs

III. VOCABULARY STUDY

1. Complete the following sentences by translating the words and expressions in brackets:

1. (Екологічне право) is a body of international/national law that comprises those substantive, procedural and institutional rules. 2. (Шкідливі наслідки) affected the formation and continuous development of environmental law. 3. The rational using of (природні ресурси) is one of the principles of environmental law. 4. The land, (атмосферне повітря, надра, рослинний та тваринний світ), waters, forests, (заповідники) are the objects of legal protection in environmental law. 5. The citizens of Ukraine have human right to a (здорове) environment.

2. Complete the sentences with the words of the active vocabulary.

1. ... and ... are among the objects of environmental law.
2. ... any action rendering the environment dirty.
3. The planet faces a diverse and growing range of ... challenges.
4. A wide variety of synthetic and numerous industrial materials ... the biosphere.
5. The discharge of dust and gas into the atmosphere destroys ... of the Earth.

3. Complete the words using definitions

any action making the surroundings dirty	a...r
products of the nature	C..S..V.....
to dirty something	p...u...n
scrap	...li...t..n
Improvement	..S..r..S
protection of environment	W....S

IV. GRAMMAR FOCUS

- 1. Copy out adjectives from the text and tick off their suffixes.**
- 2. Make up sentences according to the model.**

Model: gas/ The/ of/ dust/ and/ into/ atmosphere/ returns/ the/ to/ form/ discharge/ Earth/ in./ the/ of/ acid/ the/ rains/ – The discharge of dust and gas into the atmosphere returns to the Earth in the form of acid rains.

1. The/divided/on/law/and/the/property/natural/into/state/resources,/ /municipal/ is /private/ property.
2. variety /and /wide /materials /the /alter /of /synthetic /biosphere / numerous /A /industrial /.
- 3 procedural/ ./ As/ the/ subject/ environmental/ a/ law/ possesses/ legal/ substantial/ its/ and/ parts/

V. SPEAKING

1. Discuss in group:

– What are the aspects of urgent addressing in the environmental law? Use key words (resources, rational use, to regulate, the revival, the amelioration, to alter, the pollution, the conservation).

- What is the main aim of environmental law? What environmentally harmful consequences do you know?
- Why is conservation so important nowadays?
- Explain in other words what pollution is.
- How do you understand the main principles of environmental law?
- Explain the difference between: subjects and objects of the environmental law?

2. Speak on the following:

- What do you think about the possibility to have a healthy and industrialized environment in the same time?
- What standards are more important for you – the standard of living or the quality of life?

Unit 5. Environmental Law

Section 2. International Environmental Law

I. LEAD-IN

1. Answer the following questions:

What do you know about public international law?

What branches of public international law can you name?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-----------------|-------------------|
| 1) human impact | a) модернізувати |
| 2) plethora | b) шкода |
| 3) to update | c) людський вплив |
| 4) damage | d) багатство |

TEXT 2

Read the text to understand what information is of primary importance or new for you.

INTERNATIONAL ENVIRONMENTAL LAW:

Notes on the text:

United Nations Convention on the Human Environment (UNCHE)

United Nations Conference on Environment and Development (UNCED)

the World Summit on Sustainable Development (WSSD)

the International Court of Justice (ICJ)

United Nations Environment Programme (UNEP)

The preservation of environment and its protection from pollution has recently assumed global proportions. The growth of international environmental issues is reflected in the large body of principles and rules of international environmental law. As a result of a complex interplay between governments, non-governmental actors and international

organizations, many treaties and international acts have appeared since the second half of the nineteenth century. (The table of treaties and others international acts is given in the references [№ 2: xix-xl]).

International environmental law has evolved over at least four distinct periods. It reflects developments in scientific knowledge, the application of new technologies and understanding of their impacts, changes in political consciousness and the changing structure of the international legal order and institutions. The first period began with bilateral treaties in the nineteenth century and concluded with the creation of the new international organisations in 1945. The second period commenced with the creation of the UN and culminated with the UN Conference on Human Environment, held in Stockholm in June 1972. The third period ran from the 1972 Stockholm Conference and concluded with UNCED in June 1992. The fourth period may be characterised as the period of integration: when environmental concerns are recognized as a matter of international law and policy.

The international environmental law is the body of international law that concerns the protection of the global environment. It is originally associated with the principle that states must not permit the use of their territory in such a way as to injure the territory of other states. International environmental law has since been expanded by a plethora of legally-binding international agreements. These encompass a wide variety of issue-areas, from terrestrial, marine and atmospheric pollution through to wildlife and biodiversity protection.

International environmental law derives its content from four main sources: 1) International agreements (also called treaties, conventions, international legal instruments, pacts, protocols, covenants); 2) Customary international law; 3) General principles of law; 4) Other/ new sources (e.g., court decisions (case-law), resolutions, declarations, doctrine, recommendations given by world organizations etc.).

The majority of the conventions relating to international environmental law are specific; that means that they deal directly with environmental issues. Protocols are like mini-agreements that "hang off" the main treaty. They are especially useful in the environment field, where they can be used to update scientific knowledge. Protocols are generally much easier to generate than a treaty and they can enter into force very quickly. The most widely-known protocol in international environmental law is the Kyoto

Protocol. Customary international law represents the norms and rules that countries follow as a matter of custom and they are so prevalent that they bind all states in the world. International environmental law also includes the opinions of international courts and tribunals. The courts include: the International Court of Justice (ICJ); the Law of the Sea Court; the European Court of Justice; regional treaty tribunals.

International environmental law is heavily influenced by a collection of organizing principles. The chief guiding principle is that states have sovereignty (full power) over their natural resources and the responsibility not to cause environmental damage. All other international environmental law principles evolved with this principle in the background. The principle of good neighbourliness and international co-operation; the principle of preventive action; the precautionary principle; the polluter-pays principle; the principle of sustainable development (WSSD) – integration of environmental protection and economic development; the principle of environmental procedural rights and the principle of common but differentiated responsibilities, are among them.

A new programme area has been agreed by the UNEP Legal Experts Group. The main purpose of this programme is to promote public awareness, education, information and public participation, including the development of natural rules, laws and standards.

II. DEVELOPMENT

1. Find in the text the information on

- a) the periods of international environmental law
- b) its main sources
- c) the international environmental law principles

2. Complete the following sentences according to the information from the text:

1. The growth of international environmental issues is reflected in
2. International environmental law has since been expanded by
3. The chief guiding principle is
4. The most widely-known protocol in international environmental law is
5. Ecological interdependence and international co-operation explain

3. Read the text below. Copy out the underlined word combinations from it and give their Ukrainian equivalents:

UNCED reflected the growing range of economic activities which subject to international legal regulation. UNCED agreed environmental priorities which were essentially divided into two categories: those relating to the protection of various environmental media, and those relating to the regulation of particular activities or products. The first category constitute: protection of the atmosphere, in particular by climate change, ozone depletion and ground level and transboundary air pollution; protection of land resources; halting deforestation; conservation of biological diversity; protection of freshwater resources; and protection of oceans and seas (including coastal areas) and marine living resources. The second category of major issues identified products of human technological and industrial innovation which are considered to be harmful to the environment constitute the management of: biotechnology; toxic chemicals, including their international trade; agricultural practice; hazardous wastes, including their international trade; solid wastes and sewage-related issues; and radioactive wastes [from references № 2: p.10, 1995].

4. Tell about features causing the deterioration of environment.

5. Please, give your explanation of the following problems:

- 1) the origin of environmental problems facing humanity nowadays;
- 2) modern ways of their elimination.

III. PRACTICE AND EXPERIENCE

1. Make up a dialogue:

A: Say that a number of measures must be taken to stop air pollution.

B: Answer that a lot of anti-pollution measures are taken by governments of many countries throughout the world.

A: Reply that air pollution is much worse in Western countries.

B: Answer that this is true but it is also a big problem in Ukraine because of Chernobyl disaster.

A: Add that air pollution is spreading much more in big industrial and overpopulated cities such as in Kharkiv, Zaporizhiya, Donetsk.

B: Tell that environmental problems also take place in outer space. There are three types of them: orbital space debris; environmental damage

caused on or to other planets as a result of human exploratory activity; and environmental damage caused on the Earth as a result of man-made objects of outer space.

A: Ask to explain your interlocutor what does “space debris” mean.

B: Explain that it constitutes an environmental hazard as it increases the risk of collision and consequential damage; because of the high speed at which they travel, objects as small as one centimeter can penetrate the crew compartments of spacecrafts, and debris one-half millimeter in size can kill an astronaut protected only by a spacesuit.

2. Situation: you are at the European symposium devoted to the *Atmosphere and Freshwater resources Protection*. Make up and dramatize you own dialogue between the fighters for Conservation. Use the terms and notions:

- urban pollution, ozone depletion, climate change, outer space; customary law and regional rules, UNCED, ECE Convention on Long Range Transboundary Air Pollution and its Protocols;
- the protection of the marine environment, pollution, dumping by vessels at sea, offshore vessels, seabed activities, coastal zones, global deterioration in the quality of the marine environment, destruction of habitats, eutrophication from nutrients and sewage, UNCLOS, UNEP REGIONAL Seas Programme, OSPAR Marine Pollution Convention.

[You can obtain additional information in Philippe Sand’s *Principles of international environmental law I*, 1995 (the references № 2.): chapters 7, 9 and 11, p. 243-287; 346-366, 456-491].

3. Explain the difference between:

- the notion of the “environment” and the definition of Environmental law
- the objective and objects of Environmental law
- its main principles and legal practices

4. Prove the necessity of nuclear safety in the world. Use the following key-expressions:

- radioactive materials;
- the International Atomic Energy Agency;
- the European Atomic Energy Agency;
- the Nuclear Energy Agency;
- treaty obligations;

- treaties on liability for nuclear damage and the protection of workers;
- agreements on atmospheric nuclear testing;
- the use and proliferation of nuclear weapons;
- border area co-operation;
- co-operation on nuclear safety and research;
- the protection of nuclear material;
- disposal of radioactive waste;
- nuclear free zones;
- an international Convention on Nuclear Safety.

IV. WRITING

Prepare a report on the topics:

- Liability of States for environmental damage
- Nuclear Energy and the Environment
- Types of pollution and their Hazardous Consequences

(see – the recommended literature: 1) Patricia W. Bernie and Alan E. Boyle. International Law and Environment. Clarendon Press Oxford. – 1994. – P. 251-290, 345-385; 2) Philippe Sand. Principles of international environmental law I. Frameworks, standards and implemental: p. 243–340, 629–680)

V. OVER TO YOU

Extend your knowledge on the topic and do the assignments.

Under the 1992 Transboundary Watercourses Convention the “environment” includes “human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors”. Among the harmful activities are those which result in discharges “into water courses, lakes or the sea, and the use of land, the sea bed, buildings or installations”. The key constitutional moments in the development of international environmental law are related with its historical periods required:

- limitations on the exploitation of certain natural resources (flora and fauna) and the adoption of appropriate legal instruments;
- the creation of a range of international organizations with competence to address particular sources of pollution such as oil pollution, nuclear testing, wetlands, the marine environment and its living resources, the quality of freshwaters, and the dumping of waste at sea;

– a system for co-ordinating responses to international environmental issues, regional and global conventions were adopted, and for the first time the production, consumption and international trade in certain products was banned at the global level;

– the development of principles and rules of international environmental law through treaties, other international acts and custom, and their integration into all activities.

Hazardous substances and activities are regulated by principles and rules of general application to all such substances or activities. Hazardous substances and activities are defined by reference to their inherent characteristics, including their toxicity, flammability, explosiveness and oxidization. The measures protecting the atmosphere from pollution can be found in the new procedural obligations recognizing the responsibility of industrialized nations and the establishment of financial arrangements in the law.

Actors of international environmental law are imposed liability for their illegal acts, or for the adverse consequences of their lawful activities. Liability rules at the domestic or international level serve a variety of purposes. They may be a form of economic instrument which provides an incentive to encourage compliance with environmental obligations. They can also be used to impose penalties for wrongful conduct, or to require corrective measures to restore a given environmental asset to its pre-damage condition. Finally, they may provide a technique for internalising environmental and other social costs into production process and other activities in implementation of polluter-pays principle.

International environmental lawyers often receive specialized training in the form of an LL.M. degree after having a first law degree – often in another country from where they got their first law degree.

Assignments

1. State briefly the main function of the text.
2. Explain why it is important for you to know the harmful activities.
3. Name the constitutional moments in the development of international environmental law.
4. Mention why it is important to protect the atmosphere from hazardous substances and activities.
5. Give your arguments for or against providing for liability on the actors of international environmental law.

PART VI
Civil Justice

Unit 1. Civil Procedure

Section 1. Civil Procedure Law

I. LEAD-IN

1. Think of what you know on the subject of this section considering the following questions and discuss them using the given prompts:

– What is a civil case? Can you think of several key distinctions between criminal and civil cases (think about: the parties, the outcomes and the procedures)? Use the words and phrases given below.

(civil suit, dispute, private individuals, duty, agreement, a breach of, government, to bring a criminal/civil action against, to violate, to commit a crime, to resolve a dispute, to punish, to determine legal rights, to award damages, a party, to direct, to perform a specific act, to refrain from, to prosecute, to sue, to be litigated against)

– The English courts are divided into courts of criminal and civil jurisdiction. Could you name the courts exercising civil jurisdiction? Is there similar situation in the USA and Ukraine?

– What legal issues are governed by Civil Procedure Rules in Ukraine? There are some prompts below, continue the list:

jurisdiction, apprehension, rights and duties of the participants of civil proceeding, legal representation of parties, charging, conduct of a trial, costs, execution of judgment

2. Match the words with the respective phonetic scripts and practice their reading:

/prə'si:dʒə/	proceedings
/prə'si:diŋz/	plaintiff
/in'fɔ:s/	issue
/'ædvəsəri/	adjudicator
/ri'dres/	relief
/'iʃu:/	enforce
/'pleintif/	procedure
/ri'li:f/	redress
/ədʒudi'keɪtə/	adversary

Read the text to search for new information on civil procedure law in Anglo-American legal system:

TEXT 1

Notes:

¹ **procedural law** – процесуальне право

² **substantive law** – матеріальне право

³ **in personam jurisdiction** – особиста підсудність

⁴ **in rem jurisdiction** – предметна підсудність

⁵ **full faith and credit** – визнання та довіра (пункт ст. 4 Розділу 1 Конституції США, що передбачає визнання законів та судових рішень одного штату у будь-якому іншому штаті)

CIVIL PROCEDURE LAW

Procedural law¹, commonly contrasted with **substantive law**², is the body of rules governing the *court proceedings* and the methods of *enforcing rights* and providing *redress of wrongs*. *Civil procedure* involves the principles surrounding the resolution of *civil disputes* in the courts and the various tools available to the lawyer who must defend or bring a *lawsuit*. It comprises rules related to *jurisdiction*, *pleading*, evidence, appeal and *execution of judgments*, representation, *costs* and other matters. So the purpose of the civil procedure rules is to provide just and effective means by which persons can *resolve* their disputes.

The Anglo-American judicial system is based on the *adversary* model that influences the development of particular procedures. As a passive *adjudicator of disputes*, courts do nothing, neither *initiate* nor encourage *litigation*, until one of the parties has called on it through appropriate procedures. The parties control and shape the litigation while the judge sits solely to rule on disputed questions, as presented by the parties, and to apply sanctions properly requested by a *party*. Issues that have not been raised and *objections* that have not been made are commonly *waived*. The case moves forward only in the response to the demands of the parties and the *litigants* bear the ultimate responsibility for the case.

Procedural rules create the process that is used to decide *the merits of a dispute*. At the beginning of the process, these rules explain what a *plaintiff* must do to *start a lawsuit* and how a *legal claim* against a defendant can be asserted. Defendants are similarly told how to *raise defences* and claims

once they have been notified of *suit*. Procedural rules determine what documents must be prepared, what each of them must contain, and how they should be presented to the court and the defendant. Once the lawsuit has been initiated, procedures govern how the parties discover relevant information and evidence, especially when it is in the possession of one's opponent. Rules also govern the conduct of a trial, enforcement procedures, the conduct of appeals, and the imposition of sanctions on rule violators.

There are several procedural stages but before other issues first of all questions about jurisdiction should be resolved that means to choose a court, which has the authority to determine the merits of a dispute and *to grant relief*. A court has jurisdiction when it has this power both over the subject-matter of the case and over the persons of the plaintiff and defendant or the property that is in dispute. The main types of jurisdiction are: **in personam jurisdiction**³ which permits a court to enter a judgment that is personally binding on the defendant (the court has power over the person, therefore judgment will have **full faith and credit**⁵ in all other states and can be easily enforced) and **in rem jurisdiction**⁴ which permits a court to adjudicate the rights of all *claimants* to a specific piece of property (the court has jurisdiction over property of the other party, thus a judgment can be entered effecting that property and be binding against the defendant even if the defendant is not in the jurisdiction of the court).

II. COMPREHENSION

1. Scan the text to find legal terms which correspond to the following explanations:

- the party who files a lawsuit
- paperwork and legal documents filed with a court to initiate and respond to a lawsuit
- the party against whom a lawsuit is filed
- parties to a civil dispute

2. Answer the following questions using the information from the text:

1. Do you think it is important for law students to study Civil Procedure? Explain your viewpoint.

2. What is the main objective of the civil procedure rules?
3. What features of the procedure are caused by the adversary nature of the legal proceedings in Anglo-American judicial system?
4. What legal issues are governed by procedural rules on different stages of litigation?
5. What are the main types of civil jurisdiction?

3. Complete the following sentences according to the information from the text:

1. Procedural law is ...
2. Civil procedure governs ...
3. At the beginning of the process the civil procedure rules explain ...
4. If the lawsuit has been initiated, procedures govern ...
5. Next stages also governed by the rules are ...
6. In personam jurisdiction means that ...
7. In rem jurisdiction means that ...

4. Explain the following terms and expressions in your own words:

1. procedural law
2. civil dispute
3. litigation
4. jurisdiction
5. plaintiff
6. defendant

III. VOCABULARY STUDY

1. Write out of the text all word combinations with the following words. Translate them and use some of them in your own sentences:

right(s), lawsuit, dispute(s), procedure, litigation, claim(s), defence(s), relief, judgment.

2. Who or what do the pronouns in bold type refer to?

It prescribes the means of enforcing rights and providing redress of wrongs.

It is brought by the injured party.

It governs the court proceedings and the methods of enforcing rights.
They bear the ultimate responsibility for a case.

It permits a court to enter a judgment that is personally binding on the defendant.

3. Complete the sentences with the words/phrases of the active vocabulary. If necessary refer to the text:

1. Civil procedure consists of the principles governing the resolution of ...

2. The judicial system in the USA is based on the ...

3. Being a passive ..., courts wait until an injured person has called on it through appropriate

4. The process created by procedural rules is used to decide

5. If a court has jurisdiction it has the power both over the ... of the case and over the parties to the ..., or the disputable

6. ... means that the court has jurisdiction over the property (real or personal) of the other party.

7. ... means that the court has power over the person.

4. Write the words/phrases associated with the given concepts:

– Civil procedures: ...

– Plaintiff: ...

– Defendant: ...

– Jurisdiction: ...

– Adversary process: ...

5. Give the English equivalents for the following word combinations:

відшкодування збитків; цивільний спір; змагальний процес; заперечення; позивач; сторона в спорі; сторона, що заявляє вимоги; процесуальна стадія; позов; особиста підсудність; виносити судові рішення; дослідження доказів у справі; попереднє провадження у справі; предметна підсудність; сутність (обставини) справи; відповідач; змагальні папери; судочинство (судові процедури).

6. Translate the following text using the active vocabulary instead of the underlined lexical units:

Цивільний процес охоплює широке коло питань, котрі розглядаються в наступній послідовності:

- 1) юрисдикція;
- 2) територіальна підсудність;
- 3) досудове слухання у справі;
- 4) сторони;
- 5) дослідження доказів у справі;
- 6) суд;
- 7) післясудове провадження.

Особиста підсудність дозволяє суду винести рішення, що має обов'язкову силу особисто для відповідача, або таке, що дозволяє виконати чи утриматися від виконання певної дії (засіб судового захисту за правом справедливості або судова заборона), або таке, яке встановлює, що позивач може отримати з відповідача певну суму в якості компенсації шкоди (засіб судового захисту за загальним правом).

Предметна підсудність дозволяє суду винести рішення стосовно прав усіх сторін, що заявляють вимоги стосовно конкретної частини власності.

IV. GRAMMAR FOCUS

1. Point out sentences with Participles II in the text, explain the usage and translate them.
2. Find sentences with Passive Voice and propose the best translation.

V. SPEAKING

1. Read the text and explain the differences and peculiarities of the civil trial procedures in the legal systems mentioned in the text. Speak on the relative advantages and disadvantages and suggest one change you would make to each system. Write notes in the boxes:

<i>COMMON LAW</i>	<i>CONTINENTAL LAW</i>
+	+
-	-

It is sometimes said that the common law trial procedure especially that of the USA is adversarial, while in the continental law legal system trial procedure in civil cases is inquisitorial. This means that, in the common law, a lawsuit is essentially the concern of the adversaries, that is, the parties and their lawyers. It is the lawyers who present the evidence, and, unless a procedural problem arises, the judge simply listens to the presentation. By contrast, in the civil law there is a greater emphasis on the judge as a guarantor of a just outcome of the case, regardless of the lawyers' abilities. To this end he often functions as an inquisitor, questioning the parties as to the factual matters of the case. In some countries, such as Germany, the judge is required to guide the proceedings — for instance, by suggesting to the parties that they direct their attention to a particular point of fact or law.

Unit 1. Civil Procedure

Section 2. Parties and Legal Proceedings in Civil Cases

I. LEAD-IN

1. Think over the following questions and discuss them in class:

– Who can be a party to a civil dispute?
– There are some words below to help you to bring a suit, to fail to do smth., a plaintiff, to perform, to break/breach, to obtain legal relief from, the breaching party, the remedy for, a defendant.

– What stages of the litigation process are provided for by the Civil Procedure Code of Ukraine?

– The text you are going to read contains information about various stages and procedures of the American litigation process. Before you read, think over the subject and try to predict notions or terms that might be used in the text. Discuss your ideas with your groupmates.

Read the text to understand if your predictions were correct:

TEXT 2

Notes:

¹ **prayer for relief** – клопотання про надання судового захисту (задоволення вимог)

² **to stem from** – бути результатом

³ **to solicit** – клопотати, звертатися з клопотанням про

⁴ **to negotiate a contract** – укласти угоду

⁵ **deadlocked** – склад присяжних, що не дійшли одностайної думки

⁶ **mistrial** – (амер.) судовий процес, в якому присяжні не винесли одностайного рішення

PARTIES AND LEGAL PROCEEDINGS IN CIVIL CASES

Bringing, *maintaining*, and defending a *lawsuit* is generally referred to as the litigation process. The first phase of a lawsuit is the pleadings phase.

The party *initiating a lawsuit* (the plaintiff) must *file a complaint with* the proper court naming *the parties to the lawsuit*, the facts, and a “**prayer for relief**”¹ which asks for *the remedy sought*.

Once a complaint is filed, the court *issues a summons* to the defendant to appear in court and *answer the complaint* either *admitting or denying the allegations*. If the defendant admits all of the allegations, *a judgment* will be *entered against* him/her, if s/he denies some or all of the allegations, the case will *proceed*. If the defendant does not answer the complaint, *a default judgment* will be entered against him or her. If the defendant believes that the plaintiff has *injured* him/her in some way, *a cross complaint*, alleging *damages sought* by the defendant, can be filed along with the answer to which the plaintiff must *file a reply*. Other parties who may have an interest in the lawsuit may *intervene* and become parties to the lawsuit. If several plaintiffs have filed separate lawsuits **stemming from**² the same fact situation against the same defendant, the court can *consolidate* the cases into one case.

The elements of *discovery* can include: *depositions* (oral testimony given by a party or witness prior to trial that is used to preserve evidence), *interrogatories* (written questions submitted by one party to a lawsuit to another party that usually must be answered under oath within a specified period of time), *production of documents* (one party to a lawsuit may request another party to produce relevant documents), and physical or mental examinations (in cases where the physical or mental condition of a party is important).

In some cases when it is in the client’s best interest *to settle the case* rather than *take it to trial*, the attorney may make or **solicit**³ *a settlement offer*. If all parties agree, *a settlement agreement*, **a contract** between the parties or *a release is negotiated*⁴ that results in *the dismissal of the claim*. The following *pretrial settlement motions* can be made: *motion for judgment on the pleadings* (*alleges* that if all the facts in the pleadings were true, the party making the motion would win), *motion for summary judgment* (asserts that there are no factual disputes to be decided by a jury and that the judge should apply the law to the undisputed facts and decide the case), and *settlement* (a pretrial hearing or conference with the judge, attorneys, and parties to facilitate settlement of the case).

Once a case has proceeded through discovery and other pretrial motions a date for trial is assigned. The order of presentation commonly is as follows. Plaintiff’s counsel followed by defendant’s attorney each makes

opening statements, explaining what they intend to prove. The plaintiff’s witnesses and evidence are examined and cross-examined. Then the defendant’s witnesses and evidence are introduced, with similar rights of examination and cross-examination. After the evidence has been submitted, each side makes closing arguments summarizing the evidence supporting their respective positions. Plaintiff again typically summarizes first, but has *a right of rebuttal* after the defendant’s closing remarks have been made. If there is no jury, the judge then will evaluate the evidence and render a judgment. If a jury is present, the judge instructs the jurors as to the law to be applied. The jury then retires *to deliberate* in order to render its verdict. If the jury returns with a verdict, the judge will enter a judgment on it. In case the jurors report that they are **deadlocked**⁵, the judge may send them back for additional deliberations. But if that fails to break the deadlock, then a **mistrial**⁶ will have to be declared.

II. DEVELOPMENT

1. Find in the text the information on:

- a) the main stages of civil proceeding;
- b) the pretrial settlement motions;
- c) the pleading phase;
- d) the elements of discovery.

2. Use the text to fill in the table with the words and expressions related to:

PLAINTIFF	DEFENDANT

3. Make sure you are familiar with the words in the box. Read the text and fill up the gaps with the appropriate words:

Stages of Civil Litigation in the USA

complaint, answer, served, cause, attorney, admit, default judgment, claim, summons, plaintiff, counter-claim, to interplead, defendant, defences, cross-claim

To start a civil case pleading must be filed with the court, called a ...¹, naming the party against whom the case is brought, the ...². The person or organization filing the case is called the ...³. Most civil cases are prepared and filed by an ...⁴ paid for by the plaintiff. The complaint must state a ...⁵ of action.

Next a ...⁶ is issued, inviting defendant to come to court. The summons tells the defendant how many days he has to make appearance and file an ...⁷. If he does not, a ...⁸ may be entered against him.

Once ...⁹ with summons, a defendant must appear and file an answer and ...¹⁰ or deny the claim. Defendant may file a ...¹¹ against plaintiff for any other claim, even if totally unrelated to plaintiff's case (even a tort action countering a contract action). Defendant may file a ...¹² against another defendant or a single one of multiple plaintiffs. Defendant can request the court for permission ...¹³ a party, who defendant thinks may be affected by the case and whose presence is needed for a full and final determination. Defendant can also file affirmative ...¹⁴ such as set-off (зарахування вимог). In some cases if defendant has an affirmative defence, counter-claim, or cross-claim, and does not file it, he loses that ...¹⁵ for all time.

4. Imagine you are a counsel for the defence in the USA. Explain the strategy of the case proceeding to your client.

Note: when you enumerate the different stages of a procedure, you may use particular phrases to structure the information you are presenting for better comprehension. For example:

First ..., then ..., next ..., after that ..., finally

The next thing/step is to ..., once that's been done ..., before that happens you/we ..., the last step will be to.../(...ing)

5. Translate articles from the Ukrainian Civil Procedure Code using words and phrases of the active vocabulary instead of the underlined lexical units:

Стаття 127. Надіслання копії

1. Після відкриття провадження у справі суд невідкладно відсилає особам, які беруть участь у справі, копії ухвали про відкриття провадження у справі.

2. Одночасно з копією про відкриття провадження у справі відповідачу надсилається копія позовної заяви з копіями доданих до них документів, а третій особі – копія позовної заяви.

Стаття 130. Попереднє судове засідання

1. Попереднє судове засідання проводиться з метою з'ясування можливості врегулювання спору до судового розгляду або забезпечення правильного та швидкого вирішення справи.

2. Попереднє судове засідання проводиться суддею за участю сторін та інших осіб, які беруть участь у справі.

3. Для врегулювання спору до судового розгляду суд з'ясовує: чи не відмовляється позивач від позову, чи визнає позов відповідач, чи не бажають сторони укласти мирову угоду або передати справу на розгляд третейського суду.

III. PRACTICE AND EXPERIENCE

1. A. Read the text about the complaint form accepted in the USA:

The essential parts of the **complaint** are: the caption, jurisdictional allegations, body, prayer for relief, and subscription.

a. Caption: the complaint must set forth: (i) the name of the court; (ii) the number assigned to the action (stamped by the clerk when the action is filed);

(iii) a designation of the pleading (e.g., "Complaint for Damages"); and (iv) the names of the parties.

b. Jurisdictional allegations: in federal court, the complaint must contain allegations showing the ground (or grounds) upon which the subject matter jurisdiction of the federal court is invoked. Since federal courts are courts of limited jurisdiction, a complaint that fails to set forth the jurisdictional grounds must be dismissed unless the ground can be supplied by amendment.

c. Body: the complaint must also contain a statement of the facts upon which recovery is sought. In code pleading states, this requires a "statement of the (ultimate) facts constituting the cause of action"; while under the Federal Rules there must be a "short and plain statement of the claim showing that the pleader is entitled to relief."

d. Prayer for relief: a complaint must also contain a prayer for relief, i.e., a statement of the relief sought.

e. Subscription: the complaint must be signed by the attorney (or by the party himself, where he is acting as his own counsel).

B. Using the text decide what information an American attorney should obtain and what procedural rules he should consider to complete the document.

C. Imagine you are an attorney in the USA and your client was damaged by a business partner who broke, for example, a delivery contract. Invent a situation which may arise in real life and:

- explain the merits of your claim to the colleagues (groupmates)

2. INTERVIEW. Work in pairs.

Choose the role you'd like to play: *One person is the interviewer (a journalist/a defence-lawyer/a friend or some other person of your choice) and the other – the interviewee (a defence-lawyer).*

1. The interviewer. Prepare 10 questions to ask your groupmate, who takes the role of a defence-lawyer, about the case s/he is dealing with now.

2. The interviewee. Think about the possible questions his/her character might be asked and prepares answers.

Present the interview to your groupmates in the class.

IV. WRITING

1. Use the facts and language you have learnt in this Unit to compare the main points of civil procedure in the USA and Ukraine in written form.

The following phrases will help you to describe similarities and contrasts: as compared with, like, unlike, both, both ... and, neither of, the same is true of.

V. OVER TO YOU

To practice the language, complete the following activity in your own time.

Write a brief report displaying the main features of civil procedure law in Ukraine to explain stages and the main procedures of a civil case proceeding in your country to foreign colleagues. Consider only the main points of legal proceedings on civil matters.

Unit 2. Appellate Review

Section 1. Rules of Appellate Review

I. LEAD-IN

1. Think about the subject of this section and get ready to discuss the following questions:

- What stages of legal proceedings does a civil case usually pass through? Which of them are post-trial ones?
- What types of trial court decisions do you know and which of them can be a subject for appellate review in Ukraine?
- Explain the term “court judgment without appeal”.
- What do you call parties to an appeal in your country? What are their English counterparts?
- What grounds for lodging an appeal are provided for by Ukrainian Civil Procedure Code?

2. Write out of a dictionary the phonetic scripts of the words given below. Group the words according to spelling differences and compare the pronunciation of bold letters using the phonetic scripts. Memorize the words spelling and their respective pronunciation.

appeal, appellate, appealable, to appeal, appellant, appellee.

3. You have a minute to make up all possible word combinations with the words from exercise 2 which might be used in the text.

Read the text and continue the list of word combinations in exercise 3:

TEXT 1

Notes:

¹ **rules and practices** – процесуальні норми та судові процедури

² **on specific grounds** – на певних підставах

³ **due process** – процедура розгляду справи з належним дотриманням норм процесуального права

⁴**in a lawful manner** – законно, правомірно, у відповідності до закону

⁵**in the course of the case** – у ході справи

⁶**damages** – відшкодування збитків

⁷**underlying constitutional or legal principles** – основні конституційні та правові принципи; принципи, що лежать в основі конституції та законів

⁸**in an improper manner** – неправомірно, неналежним чином

RULES OF APPELLATE REVIEW

Appellate procedure consists of the **rules and practices**¹ by which a court of appeal reviews trial court judgments. The procedure focuses on several main aspects: what judgments are appealable, how *an appeal* is to be brought before the court, what will be required for *a reversal* of the lower court judgment, and what procedures the parties must follow.

Appellate review is the general term for the process by which courts with appellate jurisdiction review matters decided by lower courts. In law, an appeal is a request for a formal change of an official decision. Depending on the particular legal rules, a party to a court case who disagrees with the result is able *to challenge* the decision in an appellate court **on specific grounds**² typically including errors of law, fact, or procedure that is called **due process**³ in the USA. The function of the appeal *is to* assure that the trial has been conducted **in a lawful manner**⁴ and that judgment conforms to the law. Broadly speaking, the lower courts decide matters of fact and the upper courts normally deal with points of law.

When trial proceedings are terminated, a judgment *is rendered* and there is nothing to be done in *the action* except *to execute* the judgment one speaks of *a final judgment*. But if the attorney and client are not satisfied with the court decision in their matter, under some circumstances they can initiate an appellate procedure that is to apply for the judicial examination of the decision by a higher tribunal by submitting appellate *brief* to an appropriate appellate court.

In most jurisdictions the normal way of seeking appellate review is by filing an appeal of the final judgment in the action. Appealing from interlocutory judgments, deciding some procedural, that is *interlocutory*, matter, but not terminating the proceedings, is not allowed. This type of orders is commonly described as reviewable but not appealable. Generally, an appeal of the judgment will also include appeal of all other orders or rulings made by the trial court **in the course of the case**⁵.

A party who files an appeal is called *an appellant* or *a petitioner*, and an opposing party is called *a respondent* (in most common-law countries) or *an appellee* (in the United States). In civil matters any *dissatisfied party* to a trial

may appeal to a higher court. So the appellant can be either the claimant or defendant. As a rule the *losing party* refers to a higher court to have its case reconsidered, though in some cases the *prevailing party* in the trial court may still appeal on the ground that the amount of **damages**⁶ awarded is too low.

Appeal may be *a matter of right* or that of discretion. An appeal as of right is one that is guaranteed by statute or some underlying constitutional or legal principle⁷ and an appellate court cannot refuse to listen to the appeal. An appeal by leave or permission requires the appellant *to move for leave to appeal*; in such a situation either or both of the lower court and the appellate court may have the discretion to grant or refuse the appellant's demand to appeal the decision of lower court.

It is important to note that in adversarial system appellate courts do not have the power to review lower court decisions unless a party appeals it. Therefore, if a lower court has ruled **in an improper manner**⁸ or against legal precedent and the judgment was not appealed, it will *stand* even if it might have been overturned on appeal.

II. COMPREHENSION

1. Find in the text legal terms which correspond to the following explanations:

- a party who initiates an appeal from one court to another;
- a procedural document filed with an appellate court to initiate appellate proceeding;
- an opposing party against whom an appeal is filed;
- a request for a formal change to lower court decision.

2. Which of the given words/phrases have you come across in the text? What do they refer to in the context?

Rules and practices; general term; pleadings; specific grounds; appellate brief; normal and preferred way; lawsuit; interlocutory judgments; objections; prevailing party; a matter of right; discovery; to move for leave to appeal.

3. Answer the questions. Refer to the text if necessary.

1. Who can initiate appeal proceeding in civil cases: losing, prevailing or dissatisfied party?

2. What are the main aspects regulated by the appellate procedure rules?
3. What do you understand by due process?
4. What is a final judgment?
5. What can be the grounds for prevailing party to appeal or cross-appeal?

4. React to the following statements: agree or disagree. Support your answers by information or facts from the text.

1. An appeal is an application for the judicial examination by higher tribunal of the decision of any lower tribunal.
2. In civil matters all judgments of a trial court can be appealed.
3. There must be specific grounds to challenge a lower court decision in an appellate court.
4. The main purpose of appellate process is to change a trial court decision.
5. One can speak about final judgment when the decision on a civil case is rendered by the court of last resort.
6. Appeal is a matter of discretion of a court and an appellant is required to move for leave to appeal.

5. Tell the group what information you have learnt from the text about:

- appellate jurisdiction
- legal aspects governed by the appellate procedure rules
- grounds to file an appeal
- appealable and reviewable judgments of a trial court
- parties to an appeal

6. To summarize the text, complete the sentences:

1. Appellate procedure rules regulate ...
2. The term “appellate review” means ...
3. If a party disagrees with the result...
4. An appeal in civil matters may be filed by...
5. An appellant is ...
6. An opposing party is ...
7. An appeal as of right means that ...
8. An appeal by leave means that...

III. VOCABULARY STUDY

1. Search the text to find the words that:

a) have the same roots as:

to view; motion; to consider; sure; law; to defend; to respond; to permit;

b) have similar meanings to:

during; demand; to be centered on; to apply for; to finish; permission; to lodge; basis; respondent;

c) have opposite meanings to:

satisfied; to agree ; to refuse; to complete; initial;

d) mean the following:

- a party in whose favour a lower court decision was rendered
- a party who files an appeal
- a counterpart of an appellant
- a judgment deciding a procedural matter

2. Give English equivalents to the following Ukrainian words and phrases:

перегляд справи в порядку апеляційного оскарження; підстави; оскаржувати рішення; подавати апеляцію; апеляційне провадження; апеляція по праву (на розсуд сторони); апеляція, яка може бути порушена лише за дозволом суду (на розсуд суду); звертатися за дозволом на апеляцію; процесуальна помилка; помилка в питаннях права; відповідати закону; скасовувати (відмінити) рішення; право діяти на власний розсуд.

3. Who or what are the following words and phrases connected with? Give one general name to each group:

1) to initiate an appellate proceeding; to file an appeal; to disagree with the trial results; to move for a leave to appeal; to challenge court decision; to seek an appellate review; to refer to a higher court; dissatisfied party;

2) jurisdiction; to render a judgment; to consider a case; due process; ruling; discretion; order(s); to grant or refuse demand to appeal; trial; judge; jury; verdict.

4. Find words not connected with an appeal process:

appeal, trial, briefs, to overturn, to challenge, claimant, to execute, to stand, damages, review, to change, defendant, pleadings, to question

witnesses, objections, defences, claim, to dismiss claim, verdict, examination of evidence, pre-trial conference, execution of judgment, to bring a lawsuit, to discover evidence, error of law, to overturn court decision.

5. Think of one word only which can collocate with all the words in each group. Make up various possible word combinations.

- | | | |
|---------------|---------------|--------------|
| a) to render | b) to file | |
| to challenge | to bring | |
| to execute | to complete | of right |
| to reverse | to hear | ? |
| to review | initial | by leave |
| to overturn | interlocutory | |
| final | cross | |
| interlocutory | | |
| appealable | | |
| reviewable | | |
| c) | | review |
| | | procedure |
| | | jurisdiction |
| | ? | lawyer |
| | | briefs |

6. Check that you can use your active vocabulary appropriately: use word combinations from the previous exercise to make up your own sentences and then arrange them in certain logical order of your choice.

7. Translate the text into English using active vocabulary of this Section for the underlined words:

Апеляційне провадження у цивільних справах

В Україні апеляційною інстанцією у цивільних справах є цивільні судові палати апеляційних судів загальної юрисдикції, у межах територіальної юрисдикції яких знаходиться місцевий суд, який ухвалив оскаржуване рішення.

Сторони у справі мають право оскаржити в апеляційному порядку рішення суду першої інстанції повністю або частково.

Апеляція на ухвалу суду першої інстанції може бути подана окремо від рішення суду у випадках, передбачених статтею 293 Цивільно-процесуального Кодексу.

У всіх інших випадках апеляції на проміжні рішення суду, які стосуються процесуальних питань, включаються до апеляційної скарги.

IV. GRAMMAR FOCUS

1. Point out Participle I in the text, explain the usage and translate the sentences.
2. Explain grammar phenomena of the underlined words in the text and translate them.

V. SPEAKING

1. Explain the difference between the following notions using necessary information from the text and the phrases below:

X is/means ..., while/whereas Y is/means

X differs from Y in the following way... .

The difference between X and Y is that

X and Y are different kinds of

X and Y are both (mean)..., but the former is/means ..., and the latter is/means

- final judgment and interlocutory judgment
- appeal as of right and appeal by leave
- appellant and respondent
- appealable and reviewable
- losing party and prevailing party

2. Imagine you need to explain features of appellate procedure of your system, different or broadly similar, to a colleague from

another legal system. Compare the main aspects of your country's procedural law with an equivalent in the UK or the USA. Get ready for the conversation using the phrases below:

Different from: you have ..., that's what we could call ...; we don't have ..., but/instead we have ...; we have ..., but it differs from (your)... in the following way ...; there is no comparable ... in our/your system.

Similar to: this is comparable to ...; this is similar in ...; in (our/your system) this is referred to as.../known as ...; this is slightly/rather/basically/very similar to.../like ...; in your system ... is/means ... and the same is true in my country.

Unit 2. Appellate Review

Section 2. Appellate Court Powers and Procedures

I. LEAD-IN

1. Think over the following questions and prepare to discuss them in class:

- Can you name courts of appellate jurisdiction in Ukraine?
- Try to describe presumable/probable route of an appeal in civil cases in your country.
 - What is the final appeals instance (in Ukraine, Great Britain and the USA)?
 - Are there any opportunities to change final decisions of the highest national judicial body on civil cases outside the national court system (in Ukraine, in other countries)?

2. The text you are going to read contains information on appellate proceedings on civil matters in common law legal system. Before you read, think over the subject and try to predict notions or terms you might meet. For a minute make a list of 10 topic-related words and phrases.

3. Did your list include any of these terms, which appear in the text? Match each term to the correct translation:

- | | |
|---|---|
| 1) to refer a claim for determination | a) займати процесуальну позицію |
| 2) payment of interest
вих витрат | b) рішення суду про сплату судових витрат |
| 3) leapfrog procedure
ляції | c) процедура безпосередньої апеляції |
| 4) to be legally sound
ня (в іншу інстанцію) | d) передавати позов для вирішення |
| 5) appellate tribunal | e) апеляційний суд |
| 6) legal error | f) юридичний недолік |

- | | |
|--------------------------------|--------------------------------|
| 7) to take procedural position | g) бути юридично обґрунтованим |
| 8) costs order | h) сплата відсотків |
| 9) legal defect | i) юридична помилка |

Quickly skim the text (don't read it in detail) to decide what each of its parts is about in general and put the following headings into the correct order (1-3):

- A routes of appeals
- B hearing in an appellate tribunal
- C appellate court powers

TEXT 2

Notes:

¹ **to be reluctant to do smth.** – робити щось неохоче

² **decision "below"** – рішення суду нижчої інстанції

³ **judge of appropriate level** – суддя відповідного рівня

⁴ **by order** – (за) наказом

APPELLATE COURT POWERS AND PROCEDURES

1. In relation to an appeal the appellate court has all the powers of the lower court. Appellate tribunals can *affirm*, *set aside* or *vary* any order made or judgment given by the lower court; refer any claim or issue for determination by the lower court; order a new trial or hearing; make orders for the payment of interest and costs orders. Appellate tribunals **are usually reluctant**¹ to overrule lower courts decisions on questions of fact, unless they are clearly *erroneous*, and so will focus on the application of the law to those facts. Generally speaking the appellate court decides whether the decision was legally sound or not; consequently argument on appeals can be directed towards legal errors allegedly committed at the trial.

If the appellate court finds no *defect*, it "affirms" the judgment. If there is a legal defect in the *decision "below"*², it may "*modify*" the ruling to correct the defect, or it may **nullify** ("reverse" or "vacate") the whole decision or any part of it. It may, in addition, send the case back ("*remand*" or "remit") to the lower court for further proceedings to remedy the defect. Sometimes,

the appellate court finds a defect in the procedure the parties used in filing the appeal and dismisses the appeal without considering its merits.

2. Though the specific procedures for appealing can vary greatly from country to country however generally there is no trial in an appellate court. In modern practice most appeals are limited to a review of the decision of the lower tribunal; a full *rehearing* is allowed only in some circumstances. The appellate court examines a *transcript* or *note* of the evidence heard in the trial and the law applied; *records* of all pre-trial and trial proceedings are also reviewed.

When a case is appealed, the appellant has the opportunity to present arguments for the granting of the appeal and the respondent can present arguments against it. Arguments of the parties to the appeal are presented in written appellate briefs normally submitted by their appellate lawyers. The appellant is limited to arguing only the narrow points of law, or law and fact, on which the appeal has been granted. The opposing party is required to *respond to the petition, oral arguments* and legal briefs of the *counterpart*. In general, a respondent takes the procedural position that the lower court decision should be *upheld* but he may bring a *cross-appeal* as well.

After the briefs are reviewed, attorneys for each party may *argue* their positions in oral arguments before a panel of judges at a hearing. At such hearings each party is allowed a brief presentation at which the appellate judges ask questions based on their review of the record below and the submitted briefs. Then the judges make a decision and issue a formal opinion.

3. In England and Wales appeals are heard by a **judge of the next most appropriate level**³, rather than the next highest court. A circuit judge in the county court is able to hear appeals from the small claims track decided by a district judge. Civil appeals from High Court masters, district judges, and county court circuit judges are usually considered by a single High Court judge, but, as an exception, they may lie to the Court of Appeal (e.g. a final decision in a multi-track claim). Two or more High Court judges have jurisdiction to hear appeals sitting as a Divisional Court. From the High Court cases may go on appeal to the civil division of the Court of Appeal or, when points of law of general public importance are involved, to the House of Lords, *bypassing* the Court of Appeal. The Court of Appeal (Civil Division) is able to hear appeals from the county courts under the leapfrog procedure and appeals from the High Court. The House of Lords

will hear appeals primarily from the Court of Appeal but can hear leapfrog appeals from the High Court. The Lord Chancellor is able “**by order**”⁴ to vary routes of appeal if he considers it appropriate.

In matters of European Community law, the European Court of Justice has the authority to overrule any national civil court decision. Individuals, groups, or organizations who consider themselves to be victims of a breach of the European Convention on Human Rights, and who have failed *to find a remedy* in the national courts, may appeal to the Court of Human Rights in Strasbourg.

II. DEVELOPMENT

1. Scan the text to find the words which mean:

- процесуальний суперник
- помилковий
- підтримати рішення нижчого суду
- скасувати рішення нижчого суду
- зустрічна апеляційна скарга

2. What is the usual order of these events?

To review the briefs; to move for a leave to appeal; to submit written appellate briefs; to issue a formal opinion; to file an appeal; to argue the procedural position in oral arguments; to examine a transcript and review records; to respond to the petition of the counterpart.

3. Use the information from the text to draw a scheme illustrating routes of civil appeals in England and Wales court system.

4. Write the words/phrases associated with the parties of appellate proceeding in correct column:

APPELLANT	RESPONDENT

5. Test your vocabulary completing the passage with the words from the box.

Appeals and other Methods of Review

**orders, instance, defaulted, trial court, evidence, rendered,
judgment, review, motions, appeal, proceeding,
final decision, trial, merits**

A judgment of a court of first ...¹ may be attacked either by an ...² to a higher court or by a request for some form of ...³ of the judgment by the court that ...⁴ it. Thus, it is quite generally possible for a defendant who has ...⁵ to ask a court to reopen the case and hear it on its ...⁶. In Anglo-American courts, it is frequently possible to ask for a new ...⁷. In some cases, if, for example, there is newly discovered ...⁸, procedures analogous to ...⁹ for a new trial exist in European countries. The party to any ...¹⁰ should determine if the judgment may be appealed, because not every decision of a ...¹¹ can be appealed. In general, only final judgments or final ...¹² may be appealed. In certain countries and in some states of the United States, an appeal of a ...¹³ that is not a ...¹⁴ can be made in addition to appeals of final decisions.

6. Choose 5 key words you will likely need for writing and speaking on appellate review proceeding. Then write down all collocates for each selected word.

Example: appeal: to file an appeal; initial appeal ...

7. You are a counsel for the defence (in the UK or in Ukraine). Explain a possible route of an appeal against a court judgment to a foreign client.

8. Translate the extract from the article to be published in Ukrainian Law Journal:

Сучасний цивільний процес в Україні

Цивільний процес в Україні регулюється Цивільно-процесуальним Кодексом, який був прийнятий 1 вересня 2005 року. Чинний Кодекс містить цілу низку змін, які мають дуже важливе значення під час звернення до суду за захистом або поновленням порушених прав.

Основні стадії у вирішенні справи включають: порушення справи (початок процесу), підготовчі дії, сам судовий розгляд, прийняття рішення, забезпечення його виконання.

Особливу увагу слід приділити апеляційному судовому процесу. По-перше, протягом установленого часу слід подати заяву про апеляційне оскарження, яка є наміром подати апеляцію на рішення суду, а потім і апеляційну скаргу. Апеляційний суд перевіряє законність і обґрунтованість рішення суду першої інстанції в межах доводів апеляційної скарги.

За наслідками розгляду апеляційної скарги апеляційний суд має такі повноваження: відхилити апеляційну скаргу і залишити рішення без змін; скасувати рішення суду першої інстанції та ухвалити нове рішення по суті позовних вимог; змінити рішення; постановити ухвалу про повне або часткове скасування рішення суду нижчої інстанції і направити справу на новий розгляд до суду першої інстанції.

III. PRACTICE AND EXPERIENCE

1. You are a barrister in the UK instructing a young European lawyer.

A. Make a list of things to do and features he should pay attention to preparing for appellate proceeding. There are also some expressions to help you to describe chronologically the possible procedure:

First of all, ...; then usually ... and After that, ... and ...; then it's necessary that ... and finally However,

B. What are the procedures for appealing on civil matters in Ukraine? What sort of problems may a foreign lawyer experience in your legal system?

2. You are an appellate lawyer who is in doubt as to a real prospect of success of the appeal. Make up a micro dialogue of a lawyer and a client.

Think of a situation which might be possible in real life and explain your client the merits of the case and what the appeal will likely result in this situation. Think about possible strategies and propose a solution.

Use the phrases below:

To describe probability: (*I'm sure/I don't doubt I think/I expect I doubt/I don't think*)

To describe what the results will/may be: (*As a result, we will have It could lead to It may result in will be a direct result. It'd enable us to It'd cause*)

To make recommendations: (*..., so I advise/recommend/suggest I recommend/ advise/suggest*)

IV. WRITING

1. Use the information and language of this unit, your own background knowledge on the subject to write an essay answering the question:

Do you think the appellate review proceeding is important for administration of justice, protection of rights, freedoms and interests of individuals? Explain your point of view.

V. OVER TO YOU

To practice the language, complete the following activity in your own time.

1. WORD GAMES “Name the HIDDEN word”:

– **Find lost letters:**

eroneus, apelate, juge, contepart, agument, lepfrog, recod, rute, overule, brifs, revers, dismis.

– **Put the letters into the correct order to make terms connected with civil procedure:**

DEMYER, GINREREAH, TIONEPTI, REANDM, PARCOUNTERT, AGRUE, FARIMF, HOPULD.

2. How many words referring to civil procedure do you know? Make up your own mind map:

documents

people

stages

CIVIL PROCEDURE

courts

actions

procedures

- 3. Find information about international appellate courts and prepare a short report on the opportunities Ukrainian citizens have as to referring to international judicial institutions on civil matters.**

NOTE: alternatively you may choose any problem in the sphere of civil procedure you are especially interested in to continue studying this subject by yourself and prepare a report to give in a students' scientific conference.

Unit 3. Fundamental Changes in Civil Procedure in the UK

Section 1. Reforms in Civil Procedure

I. LEAD-IN

1. Think about the subject of this section and get ready to discuss the following questions:

- To your mind what does the word “reform” mean?
- Do you know anything about reforms of Civil Procedure in the UK and changes they made to court proceeding?
- To your mind does the civil procedure of Ukraine need similar or some other kind of improvements?

Read the text to find extra information on the main changes in Civil Procedure Rules in England and Wales

TEXT 1

Notes:

¹ **in favour of** – на чьюсь користь

REFORMS IN CIVIL PROCEDURE IN THE UK

In England and Wales the new procedural code, called Civil Procedure Rules (CPR), came into force in 1999 and now governs proceedings in the civil cases. The Rules made radical changes to civil process, namely the new procedure for managing civil cases was introduced where the judge became *the case manager*. Juries are now rare in civil actions, so normally the judge considers both points of law and questions of fact.

Claimants, previously referred to as plaintiffs, may seek a legal remedy for some harm or injury they have suffered. Most claims are initiated by the use of a *claim form*, which functions as a summons. Once a claim has been issued, a copy is served on, that is, delivered to the defendant with a *response pack* enclosing a *form of admission* and a *form of defence* for the defendant to either *admit* the claim, or to *defend* it. The response pack also

contains an *acknowledgement of service form to confirm receipt* of the claim, and a *counterclaim form to be used* if the defendant wishes to claim against the claimant. A defendant must respond within 14 days of service of the particulars of the claim. If the defendant does not respond, judgment may be given **in favour of** the claimant.

The new stage in civil litigation when a decision is made by the judge as to how the case is to be dealt with is called *allocation*. After each of the parties has completed and filed an allocation questionnaire, a case is allocated to one of three regimes or tracks by a procedural judge, depending on the value of the dispute as well as the nature of the remedy sought, and the likely complexity of the case (facts, law, or evidence): *the small claims track* (for cases worth less than £5,000), *fast track* (for claims of up to £15,000), or *multi-track* (more complex claims with a greater value).

Each case is actively managed by the judge on a *timetable* for litigation set and controlled by the court with the aims of encouraging and facilitating cooperation between the parties, identifying the areas in dispute, and encouraging settlement. The court can control progress of the case and even “*strike out*” the action; the judge is also entitled to make detailed instructions, known as *practice directions*, supplementing procedure rules.

Fast track directions might include *disclosure*, where the claimant tells the defence of any relevant documents in their possession. This is followed by *inspection*, initiated by a written request by the claimant to look at relevant documents held by the defence, and an exchange of *witness statements*. The multi track regime is intended to be flexible and does not have a standard procedure. In all regimes, parties are encouraged *to settle their differences* and for this purpose *a stay in proceedings*, that is, a temporary halt, may be *agreed*. The central feature of case management are *case management conferences* which are often conducted by telephone and give the judge and the parties the opportunity *to review the process*, to evaluate the progress of the case preparation and make decisions. If a defendant, for example, is ordered to pay by a judge and fails to do so, the claimant can *enforce the judgment* in the Magistrates’ Court.

II. COMPREHENSION

- 1. Compose a plan of the text in the form of questions and make notes to answer each item of the plan.**

2. React to the following statements: agree or disagree. Support your answers by information or facts from the text.

1. The Rules made radical changes to civil process, namely the new procedure of appellate review.

2. After the reform jury plays a significant role considering both points of law and questions of fact.

3. Claimants must seek a legal remedy for some harm or injury they have suffered.

4. A claim form functions as a summons.

5. Procedure rules are supplemented by detailed instructions called practice directions.

6. In the fast track disclosure follows inspection and an exchange of witness statements.

3. Tell the group what information you have learnt from the text about:

a) the case manager;

b) a claim form;

c) a response pack;

d) allocation;

e) the small claims track;

f) fast track;

g) multi-track;

h) practice directions;

i) case management conferences.

4. Complete the following sentences according to the information from the text:

1. The new procedural code governs

2. Claims are initiated by

3. A response pack served on a defendant contains

4. Judgment may be given in favour of the claimant if

5. To allocate a case to one of three tracks a judge must consider

6. The court sets and controls with the aims of

7. The central feature of case management

III. VOCABULARY STUDY

1. Complete the definitions with the words from the text:

1. ... – the process by which a claimant may look at written evidence held by the defence
2. ... – the document in which the defendant makes a claim against the claimant
3. – the document in which the defendant agrees to the claim made by the claimant
4. ... – the document starting a claim proceedings
5. ... – the process by which the claimant is required to inform the defendant of documents they hold relevant to the claim
6. ... – the document giving evidence by someone who saw or heard something critical to the case
7. – the instructions given by a judge on how procedures should be carried out in a case

2. Explain the following terms and expressions in your own words:

- a) claimant;
- b) to admit the claim;
- c) to defend the claim;
- d) track;
- e) timetable;
- f) disclosure;
- g) inspection.

3. Write the words/phrases associated with the participants of proceeding in the correspondent column:

CLAIMANT	DEFENDANT	JUDGE

4. What is the usual order of these events?

To allocate a case; to serve a copy; to file an allocation questionnaire; to respond a claim; to initiate a claim.

5. Make word combinations using words from two columns:

admit	a timetable
agree to	a stay
allocate to	a claim
enforce	the process
file	the judgment
issue	a claim
review	a claim on
serve	a regime
set	differences
settle	a reply

6. Use appropriate word combination from Ex. 5 and information from the text to answer the questions below:

1. How does a claim proceeding start?
2. What must a defendant do when he or she has been served with a claim?
3. If both parties want time to try to settle the dispute out of court, what should they ask the court to do?
4. What is the purpose of a case management conference?
5. If a defendant is ordered to pay a claimant's costs but does not, what action can the claimant take?

IV. GRAMMAR FOCUS

1. Explain grammar phenomena of the underlined words in the text and translate them.

V. SPEAKING

1. Describe the process of a civil claim in your legal system as if to a client from a different system who wants to initiate a claim.
2. Work in groups. Think over the topic and prepare in advance sets of cards with written statements or questions to discuss (while preparing, make necessary notes using the information and language you have learnt from the texts of this unit, of the previous ones and additional sources of information).

In class compare and discuss your ideas with other members of your group. Each group can prepare a summary of the main points that have come up. The most interesting discussion point can be used to open up the discussion to the whole group.

There are some useful phrases to help you:

Say what you think: *I think (that)/ To my mind/ To my point of view/ In my opinion/ My opinion on ... is that / I suppose (presume, think) that Personally, I don't think that It seems to me that... .*

Invite your partners to speak: *What about you,/ What's your opinion,/ What do you think, (Anna)?*

Agreeing: *You (smb.) are (is) quite/absolutely/ right. I fully/ entirely/ completely/ agree with you. I suppose you may be right.*

Disagreeing: *I'm not sure you're right about/ as to I'm afraid I can't agree with you. I don't really think so/ that I fully/ entirely disagree with .../ that... . I have different/ contrary/ opposed view/opinion.*

Persuade your partners to agree: *But don't you agree that ...? Yes, but I'm sure you'd agree that Don't you think that ...?*

Reach a decision: *So, do we all agree that ...? Have we all decided that ...? Well, most of us seem to think that*

Unit 3. Fundamental Changes in Civil Procedure in the UK

Section 2. Basic Principles of the Reforms

I. LEAD-IN

1. Think over the following questions and prepare to discuss them in class:

- In the continental law legal system, in particular in Ukraine, trial procedure is called “inquisitorial”. Could you explain why?
- Do you know in what countries trial procedure is called “adversarial”? Can you name its main features?
- Think about the main difference between “inquisitorial” and “adversarial” procedure.
- What do you know about the reform of Civil Procedure in the UK? For example: when it took place; who initiated reforms, the basic principles of the reforms, etc.;
- To your mind what was the main objective of the reforms?

Read the text to find an extra information on the preconditions, the main objectives and strategies of the civil procedure reform in England and Wales

TEXT 2

Notes:

¹ to commence with – розпочинатися з

² amounts at stake in the dispute – сума спору

³ to introduce – вводити

⁴ with a view to – з метою

⁵ to be enforced – бути нав’язаним; застосовуватись примусово

BASIC PRINCIPLES OF THE REFORMS

Civil Procedure Rules (CPR) is the new procedural code, which was enacted in 1998 and revoked the Rules of the Supreme Court with effect

from 26 April 1999. The Rules, a result of the reforms proposed by Lord Woolf's Access to Justice (Final Report) 1996, now govern proceedings in the civil cases of the Court of Appeal (Civil Division), the High Court, and the county courts. The Civil Procedure Rules were designed to improve *access to justice* by making legal proceedings cheaper, quicker, and easier to understand for non-lawyers. Unlike the previous rules of Civil procedure, the CPR **commence with**¹ a statement of their Overriding Objective, both to aid in the application of specific provisions and to guide behaviour where no specific rule applies.

The Woolf Interim Report (1995) is a very valuable document in its statement of the objectives of a civil justice system, on the failings of the approach existed before and its radical proposals for reform.

The main idea of the civil procedure reform is to render civil justice system more efficient, namely to make it less expensive and more rapid. To achieve these goals it was proposed to shift away from the adversarial culture to *judicial management* and to encourage alternative dispute resolution (ADR).

The proposals centred on four strategies or principles:

(1) greater judicial management of the process including, notably, tighter and properly enforced timetables and a greater control on discovery and the use of expert evidence (both of which have an escalating effect on costs);

(2) the allocation of different types of cases, normally determinable according to the **amounts at stake in the disputes**², to different sets of management rules;

(3) the encouragement of early settlements and *resort to* ADR procedures;

(4) a greater transparency of legal costs.

Thus the main proposals envisaged a fundamental shift along the spectrum of judicial culture, away from a purer adversarial approach to a more inquisitorial approach. The Rules in fact made radical changes to civil process of the correspondent courts. Under the new regime the judge becomes a case manager. The court sets a timetable for litigation, with the parties being under an obligation to the court to adhere to timescales which control the progress of the case. Procedure rules are supplemented by detailed instructions made by the judge which support the rules, known as practice directions, and *pre-action protocols*.

Pre-action protocols **were introduced**³ after the reform in 1999 to speed up the early parts of the litigation process. Pre-action protocols encourage greater contact between the parties at the earliest possible opportunity in order to encourage better and earlier exchange of information **with a view to**⁴ fair and early settlement of claims. Pre-action protocols can **be enforced**⁵ by the court and are also seen as an aspect of the courts' new responsibility of case-management under the Civil Procedure Rules.

II. DEVELOPMENT

1. React to the following statements: agree or disagree. Support your answers by information or facts from the text.

1. Civil Procedure Rules is the Rules of the Supreme Court.
2. The reform was proposed by the Lord Chancellor in 1996.
3. As a result of this reform civil procedure in the UK became purely inquisitorial.
4. The main objective of the reform was to raise prestige of judges and to make their role more important.

2. Find in the text the information to answer the following questions:

1. Who is "the father" of the reforms in civil judiciary?
2. What is the main idea of the reform mentioned in the text?
3. What fundamental change did Lord Woolf's proposals envisage?
4. What changes of the civil procedure were introduced after the reform in 1999?

3. Scan the text to find the words which mean:

- a. регулювати;
- b. доступ до правосуддя;
- c. попередній;
- d. передбачати;
- e. відповідний;
- f. альтернативне вирішення спорів.

4. To summarize the text, complete the sentences:

1. Civil Procedure Rules is
2. It is a result of

3. The main idea of the reform is
4. The proposals for the reform are based on the following principles:...
5. The fundamental change is that the reform led to
6. The main results of the radical changes

III. PRACTICE AND EXPERIENCE

1. INTERVIEW. Work in pairs.

Choose the role you'd like to play: One person is the interviewer (a journalist/a lawyer/a law student or some other person of your choice) and the other – the interviewee – Lord Woolf.

1 The interviewer. Prepare 10 questions to ask your groupmate, who takes the role of the interviewee about the civil procedure reform in the UK.

2 The interviewee. Think about the possible questions his/her character might be asked and prepares answers.

Present the interview to your groupmates in the class.

IV. WRITING

1. Use the facts and language you have learnt from the texts of this Unit and from the previous ones to compare the main points of civil procedure in the USA and the UK in written form.

The following phrases will help you to describe similarities and contrasts: as compared with, like, unlike, both, both ... and, neither of, the same is true of.

V. OVER TO YOU

1. You are offered some facts about the history of the civil procedure reforms in the UK. Using the prompts, information from the texts of the Unit and some additional information, make up the descriptive article to be published in some Ukrainian law magazine.

History of the Reform

In 1994, the Lord Chancellor instructed the Master of the Rolls, Lord Woolf, to report on options to consolidate the existing rules of civil procedure.

In June 1996 Lord Woolf presented his "Access to Justice Report 1996" ["Access to Justice Final Report", by The Right Honourable the Lord Woolf, Master of the Rolls, July 1996, "Final Report to the Lord Chancellor on the civil justice system in England and Wales"] in which he "...identified a number of principles which the civil justice system should meet in order to ensure access to justice. The system should:

(a) be "just" in the results it delivers; (b) be "fair" in the way it treats litigants; (c) offer appropriate procedures at a reasonable "cost"; (d) deal with cases with reasonable "speed"; (e) be "understandable" to those who use it; (f) be "responsive" to the needs of those who use it; (g) provide as much "certainty" as the nature of particular cases allows; and (h) be "effective": adequately resourced and organised." Lord Woolf listed two of the requirements of case management as: "...fixing timetables for the parties to take particular steps in the case; and limiting disclosure and expert evidence".

The second thread of the report was to control the cost of litigation, both in time and money, by focussing on key issues rather than every possible issue and limiting the amount of work that has to be done on the case.

The report was accompanied by draft rules of practice designed to implement Lord Woolf's proposals. These rules: granted wide management powers to the court proposed that cases be allocated to one of three tracks depending on their nature, limiting or requiring specific actions; and introduced the concept of proportionality to the costs regime.

Implemented as a result of reforms suggested by Lord Woolf and his committee, one of the revelations of the rules is the Overriding Objective embodied in Part 1 of the Rules, which states: (1) These Rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly. (2) Dealing with a case justly includes, so far as is practicable – (a) ensuring that the parties are on an equal footing; (b) saving expense; (c) dealing with the case in ways which are proportionate – (i) to the amount of money involved; (ii) to the importance of the case; (iii) to the complexity of the issues; and (iv) to the financial position of each party; (d) ensuring that it is dealt with expeditiously and fairly; and (e) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases. 1.2 The court must seek to give effect to the overriding objective when it – (a) exercises any power given to it by the Rules; or (b) interprets any rule.

The rules are written not just for lawyers but are intended to be intelligible for a litigant in person.

Unit 4. Notary System

Section 1. Notary Bodies of Ukraine

I. WARMING-UP

1. Answer the following questions:

1. What kind of legal profession is not directly connected with judicial proceedings?
2. What problems does a notary deal with?
3. What is the notary responsible for as a public official?
4. Have you ever been to a notary? What was the reason?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|------------------------|---------------------------|
| 1) notarial acts | a) приватний нотаріус |
| 2) public notary | b) архів |
| 3) to discharge duties | c) нотаріальні дії |
| 4) notary activity | d) державний нотаріус |
| 5) private notary | e) нотаріальна діяльність |
| 6) record office | f) виконувати обов'язки |

3. Practise reading of the given words. Pay attention to the pronunciation of the sound.

authority
authorized
authenticity
authenticate
oath of allegiance

TEXT 1

Read the text to understand what information on notary bodies of Ukraine is of primary importance or new for you.

NOTARY BODIES OF UKRAINE

Notes: draughtsman (=draftsman) автор документа, законопроекту
shorthand (writer) стенографіст
draught (draft) of will проект заповіту
conveyance передача (майна)

The origin of the term “notarius” traces back to the Roman law, where it meant a draughtsman, a shorthand writer, who took notes of the proceedings in the Senate or a court, prepared draughts of *wills*, *conveyances*, etc.

The role of the notary in civil law countries is much greater than in common law countries. The most typical areas of practice for civil law notaries are in property conveyance and registration, contract *drafting*, commercial transactions, *successions* and other *estate* related matters. They usually have no authority to appear before courts on behalf of their clients; their role is limited to *drafting*, authenticating, and archiving certain types of important transactional documents.

The notary service board (notariate) in Ukraine is the system of notary bodies and officials whose functions are to certify rights and facts of legal significance and to perform other notarial acts provided for by the law in order to give them legal authenticity.

Notarial acts in Ukraine are *committed by the public notaries*, working in the *state notary offices* and the *record offices* (archives), and private notaries. The documents drawn up by the public and private notaries have identical legal force. The only difference between them is that fees for services charged by public notaries are regulated and set by the state. Fees paid to private notaries are not regulated and are set by private notaries themselves.

The *notarial acts* may also be *exercised by the authorized public officials* of the executive committees in the local councils, consulates or diplomatic representative offices of Ukraine.

Notaries are not allowed by law to work in courts, police, and prosecutor’s office and represent people in courts or any other government offices.

Notaries of Ukraine are *empowered to discharge* their professional *duties in strict conformity with the law* and the oath of allegiance, *to provide legal aid* to citizens, enterprises, public organizations in realization of their

rights and in the defence of their legal interests, to explain their rights and duties, to warn them about the consequences of their *notarial acts*.

The public notaries are *authorized to perform* the following *notarial acts*:

- 1) *to attest contracts, wills, transactions, deeds, marriage contracts, powers of attorney, etc;*
- 2) *to verify copies of documents, to authenticate signatures, translations of documents;*
- 3) *to certify hereditary rights, deeds of purchase-and-sale, conveyance of property, gifts;*
- 4) *to certify the fact that a citizen is alive;*
- 5) *to certify the fact that a citizen stays in a certain place;*
- 6) *to certify the identity of a citizen and the person on the photo;*
- 7) *to perform certain official acts, especially in commercial matters, such as protesting notes and bills;*
- 8) *to prepare marine protests.*

Every notarized *document* (agreement, *contract*, certificate) is issued on numerated, special paper form, protected by *security* features and is registered in the notary book which is kept after completion in regional record office for good.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words:

1. oath of allegiance
2. record notary office
3. will
4. power of attorney
5. succession

B. Answer the following questions using the information from the text:

1. What is the origin of the word “notarius”?
2. What are the main functions of a civil law notary?
3. What are the main tasks of the Notary Service Board of Ukraine?
4. Who can perform notarial acts in Ukraine?
5. Is there any difference between public and private notaries?

6. What activity is not allowed to a notary?
7. What notarial acts is a public notary authorized to perform?
8. What documents does a notary verify?
9. What facts does a notary certify?
10. Would you like to become a notary? Give your own reasons.

2. Complete the following sentences according to the information from the text:

1. The role of a civil law notary is ...
2. The civil law notary has authority to ...
3. The Notariate in Ukraine is the system ...
4. Notarial acts are performed by ...
5. Notaries of Ukraine are ...
6. Public notaries are empowered to ...
7. The documents prepared by a notary are ...

3. Scan the text to find legal terms which correspond to the following explanations:

- 1) an official act of a notary;
- 2) a written legal declaration of the manner in which smb. would have his/her property disposed of after his/her death;
- 3) a contract involving the sale of goods or a similar contract of transfer;
- 4) a voluntary transfer or grant of property;
- 5) a written document that is signed, sealed and delivered.

III. VOCABULARY STUDY

1. Find synonyms in the following group of words. Try to explain the difference in their meaning, give your own examples.

Will, to verify, deed, to empower, to exercise, to certify, to use, transaction, testament, court, to perform, to employ, to authorize, trial, to attest, contract, document, agreement, to authenticate.

2. In each of the following sets of four, one word or expression is the odd one out: different from the others. Find the word that is different, explain your choice.

1. judge – prosecutor – notary – defence lawyer;
2. attest – verify – supervise – certify;
3. state notary's office – record office – diplomatic representative office – prosecutor's office;
4. conveyance of property – hereditary right – purchase-and-sale – civil offence;
5. fingerprint – signature – seal – stamp;
6. power of attorney – transaction – indictment – marriage contract;
7. deed – activity – document – certificate.

3. Choose the right preposition in brackets according to the contents of the sentences (with, up, of, at, in).

1. The notaries and other public officials who perform notarial acts ensure that the certified deed is exercised ... strict conformity ... the law.
2. Power ... attorney should be notarially certified.
3. Notariate is the system of notary bodies that perform notarial acts directed ... certifying indisputable rights and facts.
4. The documents drawn ... by a notary are considered to be authentic.

4. Complete the sentences with the words of the active vocabulary.

1. A... is something that you present to somebody.
2. A ... is the drafting of the documents necessary for the transfer of real property.
3. Notaries prepare...
4. ... are opened and liquidated by the Ministry of Justice of Ukraine.
5. ... are performed in the apartment of the state notary's office, the record notary's office, the apartment which is the workplace of the private notary or the apartment of the local executive committee.
6. ... which have corrections or written in pencil are not adopted for accomplishing notarial actions.

5. Substitute the words in italics with the words from the active vocabulary.

1. In many countries, only lawyers *have the legal authority* to do drafting of wills, trusts, and any other documents that ensure the efficient disposition of a person's property after death.
2. The notaries perform *testaments* of the competent citizens drawn up in strict conformity with the law.

3. While certifying notarial acts the notaries check if the contents of a certified deed *correspond to the legislation*.

4. The notary has certified *the document giving me the right to drive my father's car*.

5. The public notary certifying *the right of inheritance* checks the fact of the death first.

6. If a private notary is going to stop *accomplishing his duties* for a term more than a week he is obliged to inform the Ministry of Justice.

6. There are some words in the text the pronunciation of which depends upon the part of speech they denote. Read the following sentences and decide in each case if the word in italics is a verb or a noun. Then decide which stress pattern it has.

Remember! The first syllable is stressed if the word is a noun, the second syllable is stressed if the word is a verb.

1. It's important to *record* everything the prisoner says during interrogation.

We keep a *record* of sales from day to day on the computer.

2. I don't *dispute* your claim to the estate.

I believe there is a *dispute* between my client and yours.

3. I am sure they will *convict* him.

You must have known he was a *convict*.

4. The two parties will *conduct* negotiations next week.

She divorced him because of his unreasonable *conduct*.

5. The main *suspect* in murder is the husband.

We *suspect* that the robbery was carried out by someone inside the company.

7. Translate the articles of the Law on the Notary Service Board of Ukraine.

Стаття 4. Права нотаріуса

Нотаріус має право:

виребувати від підприємств, установ і організацій відомості та документи, необхідні для вчинення нотаріальних дій;

складати проекти угод і заяв, виготовляти копії документів та виписки з них, а також давати роз'яснення з питань вчинення нотаріальних дій і консультації правового характеру. Чинним законодавством нотаріусу можуть бути надані й інші права.

Стаття 22. Печатка державного нотаріуса

Державний нотаріус має печатку із зображенням Державного герба України, найменуванням державної нотаріальної контори і відповідним номером.

Стаття 26. Печатка приватного нотаріуса

Приватний нотаріус має печатку із зазначенням посади, свого прізвища, імені та по батькові і округу діяльності.

IV. GRAMMAR FOCUS

1. Point out sentences with Participles II in the text, explain their usage and translate them.

2. Match two parts of the sentences and translate them. Pay attention to the use of Participle II:

1. If the document <i>certified</i> by a notary has been <i>lost</i> ,	a) is <i>compensated</i> in the order <i>provided</i> for by the legislation of Ukraine.
2. Damage <i>caused</i> to a person as a result of illegal or careless actions <i>taken</i> by a public notary	b) must be <i>given</i> in time <i>indicated</i> by the notary.
3. Notarial acts <i>accomplished</i> with violation of the rules <i>provided for</i> by this article	c) must be <i>sewed</i> , and the pages must be <i>numbered</i> and <i>sealed</i> .
4. All the necessary information and documents	d) are <i>invalid</i> .
5. The documents <i>laid</i> out on two or more separate pages	e) a notary may <i>detain</i> this document and <i>order</i> its examination.
6. If authenticity of the <i>given</i> document is doubtful	f) the doublet of the <i>lost</i> document is <i>given</i> out.

V. SPEAKING

1. Read a conversation between a notary and a client. Tell about the matter as if you were a client.

Notary: Good afternoon. Can I help you?

Client: I am going to apply for admission to some educational establishments abroad. I'd like to certify translations of my University diploma.

Notary: What language have you translated your document into?

Client: Here are the translations from Ukrainian into English and German.

Notary: You see, I can certify the translation into English as I have a good command of this language.

Client: And what should I do with my German variant? Everything is correct here as it has been done by an expert translator.

Notary: All right, but I can authenticate only the signature of an expert translator.

Client: Should he come to the notary office personally?

Notary: Oh, no. You are to present the document identifying his personality and the document about his qualification, and certainly his signature.

Client: And where should he sign the document?

Notary: Let me have a look at your English translation. Oh, you are perfectly right. The original text is on the left, the translation is on the right. Under the document there should be all the signatures and the signature of the expert translator.

Client: Well, can you certify my English variant today?

Notary: Surely, I can. And the German one can be notarized after you fulfill all the necessary requirements provided for by the law.

Client: Thank you very much. What time can I come to you again?

Notary: Any time it will be convenient for you.

2. Imagine that you are a client. You have brought translator's documents and are eager to certify the translation. Make up a conversation between a notary and a client during their second meeting.

3. Make up a conversation. Imagine that you have come to a notary:

- to certify your leaving certificate;
- to draw up the deed of purchase-and-sale;
- to draw up power of attorney.

Unit 4. Notary System

Section 2. Notary Bodies of the UK and the USA

I. LEAD-IN

1. Think over the following questions and discuss them in class:

1. Who is engaged in paper work in Great Britain and the USA?
2. Is there any difference between functions of a civil law notary and a common law notary?

TEXT 2

Read the text to understand what information is of primary importance or new for you.

Notes: bill of exchange переказний вексель

NOTARY BODIES OF GREAT BRITAIN AND THE USA

A notary, in almost all common law jurisdictions, is a qualified, experienced practitioner trained in the drafting and execution of legal documents. The functions of notaries include the preparation of certain types of documents (including international contracts, deeds, wills and powers of attorney) and certification of their due execution, *administering of oaths, witnessing affidavits* and *statutory declarations*, certification of copy documents, noting and protesting of bills of exchange and the preparation of ships' protests.

Documents certified by notaries with the notary's seal or stamp and recorded by the notary in a register (also called a "protocol") are maintained and permanently kept by him or her. These are known as "notarial acts".

A notary is a qualified lawyer – a member of the third and oldest branch of the legal profession in the United Kingdom. The rules which affect notaries are very similar to the rules which affect solicitors. They must be fully insured and maintain fidelity cover for the protection of their clients and the public. They must keep clients' money separately from their

own and comply with severe practice rules and rules relating to conduct and discipline.

English notaries acquire the same powers as solicitors and other law practitioners with the exception of the right to represent others before the courts.

There are several classes of notaries in England and Wales: 1) the Scrivener notaries who get their name from the Scriveners' Company, 2) the ecclesiastical notaries whose functions are limited to the affairs of the Church of England and 3) qualified persons who are not trained as solicitors or barristers but have passed special examinations.

In the United States a notary public is a person appointed by a state government (often by the governor or the secretary of the state, or in some cases the state legislature) to serve the public as an impartial witness.

A notary in the United States has powers that are far more limited than the role of a civil law notary in the rest of the world or in most other common law countries.

The US notary may not offer legal advice or prepare documents (with the exception of Louisiana) and cannot recommend how a person should sign a document or even what type of notarization is necessary. In many cases, a notary cannot authenticate a copy of a document. The most common notarial acts in the United States are the taking of *acknowledgements* and *oaths*.

The Louisiana notary is a civil law notary with broad powers that can perform many civil law notarial acts except represent action of another person before a court of law for a fee. Notaries are not allowed to give "legal" advice, but they are allowed to give "notarial" advice – i.e., explain or recommend what documents are needed or required to perform a certain act – and do all things necessary to the performance of their civil law notarial duties.

II. DEVELOPMENT

1. Find in the text the information on:

- a) functions of a common law notary;
- b) duties of an English notary;
- c) classes of English notaries;
- d) duties of American notaries.

2. Fill in the table with the words and word combinations from the text concerning professional duties of notaries in Great Britain and the USA:

Notaries of Great Britain	Notaries of the USA

3. Using the table above compare the list of professional duties discharged by the notaries in Great Britain and the USA. Tell your classmates about the results of your analysis.
4. Read the following definitions of the main notarial acts performed by a common law notary and find answers to the following questions:

1. What is a certificate of acknowledgement?
2. What is the difference between an acknowledgement and a certificate of acknowledgement?
3. What other written statements are performed by a notary public?

Notes:

instrument документ, що становить правовий акт
 jurat засвідчення письмових показань під присягою
 oath of office присяга при вступі на посаду

An acknowledgment is a formal oral declaration before an authorized public officer. It is made by a person signing an instrument who states that it was his or her free act and deed.

A certificate of acknowledgment is a written statement signed (and in some jurisdictions, sealed) by the notary or other authorized official that serves to prove that the acknowledgment occurred. The form of the certificate varies from jurisdiction to jurisdiction, but will be similar to the following:

On theday of in the year...before me, the undersigned, personally appeared ...personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

A **jurat** is an official statement written by a notary public that he or she has administered and witnessed an oath or affirmation for an oath of office, or on an affidavit – i.e., that a person has sworn to or affirmed the truth of information contained in a document.

Oath and **affirmation** have the same legal effects. Both legal terms mean a solemn promise to tell the truth while giving evidence or when making an affidavit in court. The difference is that an oath is usually appealed to God to witness the truth. Those who object to swearing an oath (because of their religious beliefs) may instead affirm.

Affidavit is a written statement of evidence used as proof in a court of law.

The simplest forms of jurat, oath or affirmation administered by a notary are:

- **Jurat:** *"Sworn to before me this day of, 20"*
- **Oath:** *"Do you solemnly swear that the contents of this affidavit subscribed by you is correct and true?"*
- **Affirmation:** *"Do you solemnly, sincerely, and truly, declare and affirm that the statements made by you are true and correct?"*

6. Consult the Law on the Notary Service Board of Ukraine and decide if it provides the performance of the similar notarial acts by the notaries of Ukraine. Give your opinion.

7. Insert one of the following words into the text in an appropriate place:

Functions of Notaries in some States

<p>signature, empowered, witnesses, advice, notary public, oaths, instruments, mortgages, affirmations, acts</p>

Minnesota notaries public have the power to administer all oaths required or authorized to be administered in the state; take and certify all acknowledgments of deeds, ... , powers of attorney and other ... in writing.

Notaries in the state of New Jersey serve as impartial ... signing documents, attesting ... on the document. Notaries may administer ... and ... to public officials and officers of various organizations.

A notary in the Commonwealth of Pennsylvania is ... to perform seven distinct official ... : take affidavits, verifications, acknowledgments and depositions, certify copies of documents, administer oaths and affirmations, and protest dishonored negotiable instruments. A notary is strictly prohibited from giving legal ... or drafting legal documents such as contracts, wills, powers of attorney.

South Carolina is one of three states (Florida and Maine are the others) where a ... can perform a marriage ceremony.

8. Translate into English:

Нотаріус – це посадова особа, якій держава делегувала право державного посвідчення документів. Обов'язок нотаріуса – складати, посвідчувати та завіряти угоди, заповіти, передачу власності, передачі документів за допомогою офіційної печатки та підпису.

Нотаріальні сертифікати чи інші документи, складені нотаріусом, вважаються прийнятними без подальших доказів будь-якими судовими чи державними органами країни. Нотаріус є автором документа, а тому відповідальний за його відповідність закону.

Усі нотаріальні дії, вчинені нотаріусами, реєструються в реєстрах нотаріальних дій. Нотаріуси та інші посадові особи, які вчиняють нотаріальні дії, перевіряють, чи відповідає зміст посвідчуваної ними угоди вимогам закону і дійсним намірам сторін.

III. PRACTICE AND EXPERIENCE

1. Read the following statements and discuss them with your classmates. Proving your idea make use of the following words and word combinations.

The notary functions are protective by nature.

- to take measures to guard the inherited property;
- hereditary right;
- will;
- succession.

The notary functions are preventive by nature.

- to prevent civil offences;
- to prevent disputes on rights;
- to reduce the risk of litigation;

- to provide legal support to the agreements between citizens;
- to protect legal interests of citizens.

Notary is an impartial witness.

- to take oaths, acknowledgements;
- to witness affidavits;
- to witness statutory declarations.

2. Prepare a report on one of the above-mentioned topics.

3. Study Article 40 of the Law on the Notary Service Board of Ukraine and tell your classmates who can make wills and prepare powers of attorney if a person is:

in hospital; on a voyage; on an expedition;
in the military service; in places of confinement.

IV. WRITING

Write a short composition on one of the topics mentioned in exercise 1 (Practice and Experience).

V. OVER TO YOU

1. Practise your active vocabulary. Read the text and translate the words given in brackets.

Profession of a Notary in Australia

An applicant for appointment as a notary should be a legal practitioner with knowledge of Australian law and commercial practice.

There are three significant differences between notaries and other lawyers.

Firstly, a notary may act for both parties to (угода) as long as there is no conflict between them. In such cases (обов'язок нотаріуса) is to ensure that the transaction that they conclude is fair to both sides.

Secondly, a notary will often need to place and complete a special clause or attach a special page on or to (документ) in order to make it valid for use overseas. In the case of some documents which are to be used in some foreign countries it may also be necessary to obtain another (по-

свідчення) known as an "authentication" from the Department of Foreign Affairs and Trade.

Thirdly, a notary identifies himself or herself on documents by the use of his or her individual (печатка). Such (печатки) have historical origins and are regarded by most other countries as of great importance for establishing the (автентичність) of (документа).

The principal (обов'язки) include:

1. (посвідчення документів) and their due execution for use in Australia and internationally,

2. preparation and certification of (доручення, заповіти, контракти) and other legal documents for use in Australia and internationally,

3. administering of (присяга) for use in Australia and internationally,

4. witnessing (письмове свідчення під присягою, урочиста заява про правдивість свідчень) and other documents for use in Australia and internationally,

5. (завірення копій документів) for use Australia and internationally,

6. exemplification of (офіційних документів) for use internationally,

7. noting and protesting of (перевідний вексель),

8. (вчинення морських протестів).

Australian notaries do not hold "commissions" which can expire. Once appointed they are authorized to act as a notary for life and can only be "struck off" by the Roll of Notaries for proven misconduct.

All Australian jurisdictions also have Justices of the Peace (JP) or Commissioners for Affidavits who can witness affidavits or statutory declarations and certify documents. However they can only do so if the relevant affidavit, statutory declaration or copy document is to be used only in Australia rather than in a foreign country.

QUIZ: Notary's Competence

Misconceptions about the notary's role and notarial acts can cause problems in your professional life.

Take the quiz below and check your knowledge.
(See below for answers.)

Multiple Choice

1. Power of attorney documents:
a) can never be notarized;

- b) are often notarized;
 - c) are sometimes used when notarizing other documents;
 - d) both B and C.
2. If a signer does not want to appear before a notary:
- a) a subscribing witness is a good alternative;
 - b) the document may be mailed to a notary;
 - c) a written statement of intent to have the document notarized is sufficient;
 - d) the notary should insist on personal appearance.
3. A notary must always be guided by:
- a) the employer's needs;
 - b) Notary laws;
 - c) his or her own discretion;
 - d) the customer's wishes.

True/False Statements

- 4. A private notary is the same as a public notary.
- 5. You can secure a patent or copyright or protect ownership of an idea if a notary notarizes it.
- 6. One all-purpose notary certificate can be used for all notarial acts.
- 7. If there is no room for a notary certificate, it is acceptable to just stamp and sign a document.
- 8. Notarization makes any document legal.
- 9. You can execute a jurat or acknowledgment without a signature.
- 10. A photograph can be notarized just by placing a notary's seal on it.

Answers to: Notary's Competence (*Quiz above*)

1. (d) Sometimes notaries are confused about power of attorney documents and erroneously feel they cannot be notarized. Any power of attorney document that meets the criteria for a proper notarization can be notarized. Also, a signer acting as an attorney in fact may present a power of attorney document to legitimize his authority to sign.

2. (d) Before any signature may lawfully be notarized, the signer must appear in person before the notary. This is the only way the notary can properly identify the signer and verify that he or she is signing or has signed the document willingly, with an understanding of its purpose and effect.

3. (b) To properly perform his or her duties, a notary must be guided by state statute.

4. False. There is some difference in the competence and the way of setting the fee for their services.

5. False. You cannot secure a patent or copyright or protect ownership of an idea merely by having a notary notarize it.

6. False. Because each type of notarial act certifies a different set of facts, each requires different wording in the notarial certificate. So acknowledgments, jurats, copy certifications and other notarial acts all have distinctly different certificates.

7. False. Every notarization requires certificate wording to indicate exactly what the notary is certifying. It is a completely meaningless act for a notary to merely stamp and sign any document.

8. False. Notarization does not legalize or validate a document. Any legal paper that contains invalidating flaws before notarization will contain the same flaws afterward.

9. False. Jurats require a signer to sign in the notary's presence. Acknowledgments indicate, among other things, that the signer freely signed for the purposes stated in the document.

10. False. Notaries have no authority to notarize or certify photographs to verify their contents.

Unit 5. European Judiciary

Section 1. European Judicial Systems

I. WARMING-UP

1. Complete the following sentences:

1. Judicial system is a system which ...
2. A court is ...
3. Courts deal with ...
4. The main person in court is a ...

2. Add some words or phrases to each group:

1. People: a judge ...
2. Things and documents: evidence ...
3. Actions: to judge ...

3. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--------------------------|------------------------------|
| 1) to award compensation | a) прохач, заявник |
| 2) subject-matter | b) у закритому засіданні |
| 3) staff | c) прибуток, прибутки |
| 4) to be subject to sth | d) тема, предмет обговорення |
| 5) applicant | e) штат працівників |
| 6) in chambers | f) підлягати чомусь |
| 7) revenue | g) присудити компенсацію |

4. Read the text and find

- a) names of courts
- b) names of international organizations
- c) all abbreviations.

TEXT 1

Notes: a renewable term – строк, що може бути поновленим

European Judicial System

European Judicial System includes the following courts: European Court of Human Rights (ECHR); European Court of Justice (ECJ) or Court

of Justice of the European Communities; Court of First Instance (CFI); Civil Service Tribunal; European Court of Auditors and Court of the European Free Trade Association (EFTA Court).

The Court of Justice of the European Communities sits in Luxembourg. It consists of 27 judges and 8 *Advocates-General* (AG) appointed for a renewable six-year term by agreement between the Member States, which select them “from persons whose independence is beyond doubt”. The decisions of the court are binding and there is no appeal against them. Advocates-General give opinions, which are not binding on ECJ, in cases where the ECJ considers that a case raises new points of law. There is no specialization of AGs by subject matter and only one AG is appointed per case.

The ECJ interprets the treaties establishing the European Community, decides upon the *validity* and the meaning of Community legislation, and determines whether any act or omission by the European Commission, the Council of the European Union, or any member state constitutes a breach of Community law. Its functions are constitutional, civil, administrative and arbitration.

The Court of First Instance (CFI) consisting of 27 judges only was set up in 1989. It has jurisdiction, subject to further appeal to the Court of Justice on points of law, to deal with disputes between the Commission and individuals or businesses as well administrative disputes within the institutions between the Community and its staff.

The Court of Auditors has 27 members appointed for a six-year term by agreement between the Member States after consultation with the European Parliament. It checks that revenue is received and money is spent “in a lawful and regular manner” and that the Community's financial affairs are properly managed.

Civil Service Tribunal established in 2004 has jurisdiction limited to staff cases. The parties may appeal to CFI within 2 months after the decision of the Tribunal is rendered.

European Court of Human Rights (Strasbourg Court) was established in 1959 to deal with disputes arising out of *infringements* of the European Convention on Human Rights (1953). The Court may hear complaints (known as petitions) by one state against another. It may also hear complaints by an individual, group or nongovernmental organization only if the applicant has first tried remedies in the national courts. The Court has power to make a final ruling, which is binding on the parties, and in

some cases to award compensation. Every member state of the Convention has a judge with 6 year mandate appointed by the Assembly of the Council of Europe, but they don't represent their state. Judges are divided into four sections, and they sit in chambers of 7 and committees of 3.

There are also courts with international jurisdiction: International Court of Justice (ICJ, the Hague court); International Labour Organization (ILO); World Trade Organization (WTO); International Criminal Court (ICC).

Important and complex relationships exist between the European and national courts of Member States. There is no hierarchy and direct jurisdictional link between the European Courts and national courts of member states: none of the European Courts (except to some extent the CFI) is available for direct litigation to private parties and none of them has an appellate role for national courts.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What is the difference between a decision and an opinion of the ECJ?
2. What is the jurisdiction of the CFI?
3. What does it mean "to manage properly" financial affairs?
4. What types of cases are heard in the ECHR?
5. Why are relations between the European and national courts complex?

2. Complete the following sentences using information from the text:

1. 27 judges and 8 Advocates-General ...
2. ... checks the financial affairs of the EU.
3. Staff cases are decided ...
4. The judges of the ECHR ...
5. The decisions of the ... are binding.
6. Courts with international jurisdiction ...

3. Find in the text synonyms to the following words and make up your own sentences:

Violation, obligatory, legality, legal.

III. VOCABULARY STUDY

1. Match the terms with their definitions and make up your own sentences with these words:

1 Advocate-General	a) legal force, lawfulness
2 mandate	b) the breach of law
3 infringement	c) a means of judicial defence
4 petition	d) the power that is officially given to a person or a group of persons to do sth
5 remedy	e) an official letter to a law court asking for a legal case to be considered
6 validity	f) a senior law officer who assists the ECJ in its task of reaching a judgment in the cases brought before the court

2. Complete the sentences with the words given below:

(validity, opinion, infringement, mandate, petition, case, remedies, Advocates-General, judges)

1. ... are characterized by their independence and impartiality. Following the hearing of the ... they deliver in open court an ... that is not binding on the ... but which reflects the views of someone with the same standing as a judge.

2. The union leaders had a ... from their members to call a strike.
3. They wanted me to sign their
4. Courts have different types of ... at their disposal.
5. The ... of this document is in question.
6. Cases on the ... of human rights are heard in the ECHR.

3. Make up sentences with the following words and phrases:

To interpret, binding, to be subject to, to manage, to try remedies, direct litigation, petition.

4. Fill in the table with the words and phrases from the text.

Names of courts	Jurisdiction	Judges

5. Translate the following into Ukrainian.

The European Court of Justice consists of 27 judges appointed by the member states by mutual agreement and assisted by 8 Advocates-General. Proceedings before the Court involve written and oral submission by the parties concerned. Proceedings against the Commission or the Council may be brought by the other of these two bodies, by any member state, or by individual persons; proceedings to challenge the validity of legislative or other action by either Commission or Council are known as proceedings for annulment. Proceedings against a member state may be brought by the Commission, the Council, or any other member state. Appeals from the Court of First Instance go to the ECJ. The decisions of the Court are binding and there is no appeal against them.

The Court also has power, at the request of a court of any member state, to give a preliminary ruling on any point of Community law on which that court requires clarification.

IV. GRAMMAR FOCUS

1. Group the following words from the text according to the part of speech (nouns and adjectives):

Judicial, agreement, renewable, administrative, consultation, important, applicant.

a) Underline suffixes and form other parts of speech if possible and translate them.

b) Find other nouns and adjectives in the text and to form verbs if possible.

V. SPEAKING

1. Choose a court to speak about. Use additional information if possible.

2. Work in pairs. Make up a dialogue about the European Judicial System.

3. Using the table from exercise 4 in Vocabulary Study speak about the European Judicial System.

Unit 5. European Judiciary

Section 2. European Commission for the Efficiency of Justice (CEPEJ)

I. LEAD-IN

.....

1. Think about the subject of this section and get ready to discuss the following questions:

- To your mind can the efficiency of judicial system be evaluated?
- What main features is the efficiency of justice characterized by?
- Are there any institutions working to improve the efficiency of the justice system in the European Union? What are they?
- What can be among objectives of such body?
- Do you know anything about the European Day of Civil Justice?
- Do you know what organ controls operation of judiciary in Ukraine?
- To your mind does Ukrainian judicial system need some improvement?

Read the text paying attention to facts and information which to your mind are the most important and divide the text into some logical parts

TEXT 2

Notes:

¹**The European Commission for the Efficiency of Justice** – Європейська комісія з питань ефективності правосуддя

²**the Committee of Ministers** – Комітет Міністрів

³**Ministers' Deputies of the Council of Europe** – представники міністрів у Раді Європи

⁴**for the Council of Europe** – від імені Ради Європи

⁵**“Crystal Scales of Justice”** – “Кришталеві Терези Правосуддя”

THE EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE

The European Commission for the Efficiency of Justice¹ (CEPEJ) was established on 18 September 2002 with Resolution of the Committee

of Ministers² of the Council of Europe. CEPEJ is a judicial body, composed of experts from all the 47 member States of the Council of Europe and assisted by a Secretariat. Functioning of the Commission is governed by its Statute.

The aim of the CEPEJ is to prepare tools for the improvement of the efficiency and functioning of justice in Europe. Among its objectives is also the development of the implementation of the instruments adopted by the Council of Europe to this end. Thus CEPEJ, as a body of the Council of Europe, works to improve the efficiency of the justice system in Member States. Its tasks are the following:

- to analyze the results of the judicial systems;
- to identify the difficulties they meet;
- to define concrete ways to improve, on the one hand, the evaluation of their results, and, on the other hand, the functioning of these systems;
- to provide assistance to member States, at their request;
- to propose to the competent instances of the Council of Europe the fields where it would be desirable to elaborate a new legal instrument.

In order to carry out these different tasks, the CEPEJ prepares benchmarks, collects and analyses data, defines instruments of measure and means of evaluation, adopts documents (reports, advices, guidelines, action plans, etc.); it also develops contacts with qualified personalities, non-governmental organizations, research institutes and information centres, organizes hearings, promotes networks of legal professionals.

On 5 June 2003 **the Ministers' Deputies of the Council of Europe**³ decided to launch, jointly with the European Commission, a European Day of Civil Justice which will be held on 25 October every year. The Committee of Ministers instructed, **for the Council of Europe**⁴, the European Commission for the Efficiency of Justice (CEPEJ) to coordinate the activities organized in that framework.

The European Day of Civil Justice aims to bring civil justice closer to the citizens. Governments, national jurisdictions and all participants in the judiciary are invited to participate in that Day and organize events in order to allow European citizens to understand better how justice works and the means used for enforcing their rights.

In the framework of the European Day of Civil Justice, a European prize for innovative practice in civil justice organization and procedure, called "**Crystal Scales of Justice**"⁵ will be awarded. This prize is given every two years.

The CEPEJ also grants observer status to and consultations with non-governmental organizations outside of Europe. As an observer to the CEPEJ, one joins key legal reform actors, including the World Bank, the Council of Bars and Law Societies of Europe, and the European Association of Judges.

The creation of the CEPEJ demonstrates the will of the Council of Europe to promote the Rule of Law and Fundamental Rights in Europe, on the basis of the European Convention on Human Rights, and especially its Articles 5 (Right to liberty and security), 6 (Right to a fair trial), 13 (Right to an effective remedy), 14 (Prohibition of discrimination). The Council of Europe has initiated a reflexion on efficiency of justice and adopted Recommendations which contain ways to ensure both its fairness and efficiency.

The establishment of CEPEJ, which is ensured by the Directorate General of Legal Affairs (DG I), shows the intention of the Council of Europe not only to elaborate international legal instruments but also to promote a precise knowledge of the judicial systems in Europe and of the different existing tools which enables it to identify any difficulties and facilitate their solution. The CEPEJ will have, among other duties, the task of continuing the on-going reflexion about the potential offered by new information technologies (IT) to improve the efficiency of justice.

II. DEVELOPMENT

1. Compose a plan of the text and make notes to each paragraph.

2. React to the following statements: agree or disagree. Support your answers by information or facts from the text.

1. The European Commission for the Efficiency of Justice is composed from all the member States of the European Union.
2. Functioning of the Commission is regulated by the EU legislation.
3. The main aim of the CEPEJ is to facilitate the improvement of the efficiency and functioning of justice in Europe.
4. The Commission cooperates with non-governmental organizations in Europe.
5. The Council of Europe wants to promote the Rule of Law in Europe.
6. The CEPEJ uses new information technologies to control the efficiency of justice.

3. Tell the group what information you have learnt from the text about:

- 1) the establishment of the Commission;

- 2) the composition of CEPEJ;
- 3) the aims of the European Commission for the Efficiency of Justice;
- 4) its tasks;
- 5) activity the Commission performs to carry out its tasks;
- 6) cooperation with countries outside of Europe;

4. Complete the following sentences according to the information from the text:

1. The European Commission for the Efficiency of Justice was established by
2. The main objectives of the Commission are
3. Among its tasks are: to analyze ..., to identify ..., to define ..., to provide ... and to propose
4. To carry out these tasks the CEPEJ
5. The Commission ... with non-governmental organizations outside the Europe.
6. The creation of the CEPEJ demonstrates ...
7. The Council of Europe adopted Recommendations which

5. Explain the following terms and expressions in your own words:

1. judicial body
2. improvement
3. expert
4. efficiency
5. implementation
6. rule of law

6. To summarize the text, complete the sentences:

1. The European Commission for the Efficiency of Justice is
 1. It includes
 2. The Commission operates
 3. It is called upon to

III. PRACTICE AND EXPERIENCE

1. Look for additional information as to celebrations of the European Day of Civil Justice and tell the group about one of the

winners of the European Prize “*Crystal Scales of Justice*” and about the innovative practice in civil justice organization and procedure they were awarded for.

IV. WRITING

1. Think about any problem in the sphere of civil trial procedure of Ukraine you are especially interested to improve. Compose a plan and make notes to each item of your plan. Using the plan and notes write a brief report displaying possible innovations or changes in civil procedure of Ukraine which could be nominated and possibly awarded by the prize “Crystal Scales of Justice”.

Note: when you explain the strategy of the improvements and enumerate the different stages, you may use particular phrases to structure the information you are presenting for better comprehension. For example:

First ..., then ..., next ..., after that ..., finally

The next thing/step is to ..., once that’s been done ..., before that happens you/we ..., the last step will be to.../(...ing)

V. OVER TO YOU

To continue studying this subject:

1. Find information about the European Commission for the Efficiency of Justice and prepare a short report on its activity as to the improvement of the efficiency of justice especially in relation to Ukrainian judicial system.

PART VII
International
and European Law

Unit 1. International Law

Section 1. System of International Law

I. WARMING-UP

1. What do you know about international law? What does international law regulate?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------------------|--|
| 1) long-standing customs | a) юридична особа |
| 2) belligerent | b) давні звичаї |
| 3) international tension | c) примусове застосування (правозастосування) міжнародного права |
| 4) enforcement of international law | d) воююча сторона |
| 5) legal entity | e) міжнародне напруження |

Read the text to understand what information on International Law is of primary importance or new for you.

TEXT 1

THE SYSTEM of INTERNATIONAL LAW

International *Law* means *principles, rules*, and standards that govern nations and other participants in international affairs in their relations with one another. International *law* is the *law* of the international community. No single nation can create or modify international law. No *statute* of one nation or *treaty* between two nations can *create* global obligations. International *law* is not *created*, developed, or abolished by the demand of one country or a small group of countries. It exists as a result of the common consent and general acceptance of many nations.

Most international law consists of long-standing *customs*, *provisions* agreed to in treaties, and generally accepted *principles of law recognized* by nations. Some international *law* is also *created* by the *rulings* of international courts and organizations.

The *rules* of international *law* are generally divided into laws of peace, of war, and of neutrality. Peace is considered the normal relationship between nations. The *laws* of peace define the rights and duties of nations at peace with one another. Each country has a right to existence, legal equality, jurisdiction over its territory, ownership of property, and diplomatic relations with other countries. Many of the *laws* of peace deal with recognizing countries as members of the family of nations and recognizing new governments in old nations. War is still *recognized* under traditional international *law*. Warring states are called belligerents. The *laws* of war provide definite restrictions on methods of warfare. Under international *law*, belligerents are forbidden to move troops across neutral territory. Neutral waters and ports must not be used for naval operations.

The purposes of international *law* include resolution of problems of a regional or global scope (such as environmental pollution or global warming), *regulation* of areas outside the control of any one nation (such as outer space or the high seas), and *adoption* of common *rules* for multinational activities (such as air transport or postal service). International *law* also aims to *maintain* peaceful international relations when possible and *resolve* international tensions peacefully when they develop, to *prevent* needless suffering during wars, and to improve the human condition during peacetime.

Enforcement of international *law* is often difficult because nations are *sovereign* powers that may put their own interests ahead of those of the international community. *Enforcement* may be effectively achieved through the actions of individual nations, agencies of international organizations such as the United Nations (UN), and international courts. The United Nations Security Council can authorize economic sanctions, diplomatic sanctions, or military force to *maintain* or restore international peace and security.

International *law* began as a system governing the relations among *sovereign* states, and states have always been the primary legal entities affected by international *law*. As the global system has become more

complex, however, international *law* has come to *recognize* and regulate international organizations, businesses, nonprofit entities, and individuals. The emergence of international human rights *law* and, more recently, international criminal *law* reflects the fact that individuals today are direct subjects of international law in certain respects.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words:

1. international law;
2. long-standing customs;
3. enforcement of international law;
4. sovereign state;
5. diplomatic relations.

B. Answer the following questions using the information from the text:

1. What is the definition of international law?
2. What is international law aimed at?
3. How is international law implemented?
4. What are the subjects of international law?
5. What is the division of the rules of international law?

2. Complete the following sentences according to the information from the text:

1. International law is the law ...
2. Some international law is also created by ...
3. International law also aims ...
4. Enforcement may be effectively achieved through ...
5. International law began as a system ...
6. The rules of international law are generally divided into laws ...
7. The emergence of international human rights law and, more recently, international criminal law reflects the fact that individuals today ...
8. Under international law, belligerents are forbidden ...

3. Match the following legal terms with their definitions:

1. custom	a) having undisputed right to make decisions and act accordingly
2. rule	b) 1. a generally accepted practice or habit, convention; 2. long – established practice having the force of law
3. sovereign	c) a binding legal agreement or a moral responsibility
4. organization	d) an association or society of people working together to some end
5. obligation	e) an accepted method of behaviour or procedure

III. VOCABULARY STUDY

1. Find in the text and decide from the context what the word could mean, then choose the appropriate definition.

1) law

1. a custom or practice recognized as binding by a community, esp. as a result of having been so decreed by the governing authority

2. an aspect of such customs or practices or a body of customs or practices applicable to a specific group, community

2) statute

1. a law passed by a legislative body and formally placed on record in a written or printed form

2. the written or printed record of the law

3. an ordinance of some chartered body, corporation.

3) ruling

1. an authoritative decision

2. the act of someone who rules

principle

1. a law of nature as formulated and accepted by the mind

2. the acceptance of moral law as a guide to behavior

3. a rule by which a person chooses to govern his conduct, often forming part of a code

4. an essential truth upon which other truths are based

2. Choose the right preposition in brackets according to the contents of the sentences (after, of, before, for, from, in).

1. Many of the customs of the international relations have existed... hundreds of years. ... example, the ancient Greeks protected foreign ambassadors ... mistreatment, even in wartime. For about 2000 years, nations have given ambassadors similar protection.

2. Traditional international law developed various doctrines and institutions that were designed to protect different groups ... human beings: slaves, minorities, certain native populations, foreign nationals, victims of very massive violations.

3. ... the period of Rome's dominance of the ancient world, there was emerged rules governing the relations between Rome and the various nations or peoples with which it had contact.

4. Treaties, the immunities of ambassadors, and certain laws are to be found many centuries ... the dawn of Christianity, in ancient Egypt and India.

5. The modern system of international law is a product ... only the last four hundred years.

6. ... a legislative body passes a law for a nation or a state, police enforce the laws, and people who break them are tried in courts.

3. Substitute the words in italics with the words from the text.

1. The *aims* of international law include resolution of problems of a regional or global scope.

2. International law consists of long-standing customs, provisions agreed to in different *covenants*.

3. Enforcement of international law is often difficult because nations are *independent* powers.

4. International law is not *founded*, developed, or abolished by the demand of one country or a small group of countries.

5. No statute of one nation or treaty between two nations can create global *commitments*.

6. Some international law is also created by the rulings of international *tribunals* and organizations.

4. Write as many legal expressions with the word "international" as you can and make up sentences of your own with those expressions.

5. Fill the blanks with the derivatives of the words in brackets. Translate these points.

Violations of International Law

1. Japan ... international law in 1941 by attacking Pearl Harbor without first declaring war. (violation)

2. Germany broke international law during World War 2 when the German ...killed millions of European Jews and forced slave laborers from other European countries to work in German war factories. (to govern)

3. Reports were given to the United Nations about the cruel ... of many UN prisoners of war by the Chinese Communists and North Koreans in the Korean War (1950-1953). (to treat)

4. In 1990, during the crisis that resulted in the Persian Gulf War , Iraq broke international law by ... foreign hostages as “human shields” to discourage attacks against military and industrial sites. (to use)

6. Give the Ukrainian equivalents for the following word combinations:

International law, principle, rule, international affairs, provisions agreed to in treaties, rulings of international courts, environmental pollution, adoption of common rules, to maintain peaceful international relations , legal equality, enforcement of international law, ownership of property, international organizations, recognizing countries, legal entities.

7. Match the following synonyms and try to guess the differences in their meaning. Compose your sentences to illustrate the usage of these words.

<i>Word</i>	<i>Synonym from the text</i>
to maintain peace	tribunal
court	covenant
treaty	to keep peace
to define	legal person
to resolve	issues
problems	to determine
legal entity	nation
state	to decide

8. Make up word-combinations using the words from two groups.

long-standing	pollution
international	states
diplomatic	relations
sovereign	entities
multinational	sanctions
legal	of international law
environmental	customs
enforcement	law

9. Read the extracts below and put them in correct order.

1. While there were other intermediate influences on the development of international law, its modern roots may be traced to the seventeenth – century Dutch philosopher Hugo Grotius. He is often referred to as the “father of international law”. Grotius’s fundamental contribution to the theory of international law was his insistence upon a voluntary law of nations based upon their consent.

2. The Greek city-states and their philosophers believed that there was a legal hierarchy of local and “higher laws”. Local laws governed the conduct of individuals within each city-state. These laws of the city-states, however, were subordinate to what the ancient Greeks perceived as a branch of law now called international law.

3. As it developed, international law incorporated various inconsistencies and definitional aberrations (омана). Even in the late twentieth century, some topics have only just been resolved after centuries of controversy– and others remain in the many “gray” areas of international law.

4. The process by which international law is formed dates from regional developments in the ancient Chinese and Indian empires. In the fourteenth century B.C., the Egyptian pharaohs entered into treaties with neighboring kings. These agreements represented a consensus on the recognition of sovereignty over certain geographical areas, the extradition of refugees, and the exchange of ambassadors.

10. Translate sentences and pay attention to new information about international law.

1. Найдавніший міжнародний договір, який було укладено між аккадським царем Нарамсином та правителем Еламу, датується першою половиною 23 століття до н. е.

2. Стародавні римські юристи ввели поняття «право народів» (jus gentium), яке тривалий час в міжнародно-правовій доктрині використовувалося як еквівалент терміна «міжнародне право».

3. Сучасне міжнародне право є окремою правовою системою, яка складається з принципів, договірних і звичаєвих норм, що регулюють відносини між державами, міжурядовими організаціями й суб'єктами міжнародного права.

4. Система міжнародного права – це порядок розташування принципів і норм у логічній послідовності або за предметом регулювання.

5. У сучасних умовах можна виділити три основні напрями розвитку міжнародного права: врегулювання глобальних проблем сучасності, розв'язання нових конфліктів, реформування ООН.

6. Міжнародні договори – одна з найбільш поширених у наш час форм закріплення взаємних міжнародних прав і обов'язків.

IV. GRAMMAR FOCUS

1. Point out sentences with Passive Voice in the text and explain the use.

2. Correct the mistakes in the sentences given below. You can find the right versions in the text. Mind the grammar (Passive Voice).

1. Some international law is also create by the rulings of international courts and organizations.

2. The rules of international law generally divided into laws of peace, of war, and of neutrality.

3. Enforcement may effectively achieved through the actions of individual nations, agencies of international organizations such as the United Nations (UN), and international courts.

4. War still recognizes under traditional international law.

5. Neutral waters and ports must not be use for naval operations.

3. Fill in the gaps with the appropriate forms from the table.

Enforcement of International Law

After a ... (1) body passes a law for a nation or a state, police ... (2) the laws, and people who break ... (3) are tried in courts. However, there is no

international legislature to pass rules that all nations are required ... (4). Neither is there an international police force ... (5) countries obey international law. As a result, it is often difficult to enforce international law.

International law ... (6) in three groups, according to how many nations accept them. Universal international law ... (7) the rules ... (8) by all nations as part of international law. These rules ... (8) such items as the sanctity of treaties, the safety of foreign ambassadors, and each nation's jurisdiction over the air space above its territory. General international law includes rules accepted by the majority of countries, especially ... (10) that are most powerful. One law of this type is the rule that each nation has jurisdiction ... (11) its territorial waters. A water area typically claimed to extend 12 nautical miles from ... (12) shore. Particular international law includes agreements between two or among a few nations, such as trade treaties.

	A	B	C
1	legislation	legislative	legislature
2	enforce	enforcement	enforceable
3	they	them	their
4	to observe	observance	observation
5	made	to make	make
6	are often classified	is often classified	often classified
7	include	includes	to includes
8	accepted	accepting	accept
9	covers	cover	is covered
10	them	they	those
11	under	above	over
12	it's	its	it

VI. SPEAKING

- 1. Does a rule of International Law exist only if all nations formally accept it as binding upon them?**

- 2. May a state rely on its own domestic law as a defense to a breach of International Law?**

- 3. Does the term International Criminal Law refer to the enforcement of national and international laws against individual criminals,**

rather than the application of a set of laws based on a treaty agreed to by all nations?

- 4. Did International Law exist before 1648, when the European Peace of Westphalia established the modern system of states?**
- 5. Answer the following questions and discuss these problems with your groupmates.**

International Law Quiz.

1. International law is only effective:
 - a) absent supreme executive, legislative, and judicial bodies;
 - b) because there are supreme executive, legislative, and judicial bodies;
 - c) when all nations apply it in their international relations;
 - d) when enough nations apply it in their international relations.
2. Mrs. Jones was born in State A. Her parents then lived in State B, where they still reside. State A follows the rule of nationality by birth. State B follows the rule of nationality by parentage. Mrs. Jones is probably a:
 - a) dual national;
 - b) citizen of A only;
 - c) citizen of B only;
 - d) citizen neither A nor B.
3. A State X diplomat commits a felony in host State Y. Y's authorities may thus:
 - a) arrest the diplomat because no one above the law of State X;
 - b) arrest the diplomat because the Vienna Convention authorizes arrest;
 - c) declare that the diplomat has thus waived any right to immunity;
 - d) declare the diplomat persona non grata.
4. An authorized individual is carrying a diplomatic bag for State X to the embassy in State Y. State Y airport authorities learn that she is also carrying bombs and ammunition in the bag when she arrives at in Y. State Y authorities:
 - a) can do nothing;
 - b) may have a limited right to remove the bombs and ammunition from the bag at the airport;
 - c) can immediately arrest and prosecute the diplomatic courier;
 - d) can immediately close the State X embassy in Y and arrest the diplomatic staff.

Unit 1. International Law

Section 2. International Treaties

I. LEAD-IN

1. You are going to read the text about international treaties. What International treaties can you remember?

2. What international treaties is Ukraine a party to?

3. Look through the text quickly and find out what terms mentioned in the text these definitions refer to:
 - written agreements between two or more sovereign states;
 - obligatory, required by law, rule, custom;
 - existing, carried on between nations;
 - agreement made between two parties;
 - the treaty that forms and establishes the international organization called the United Nations.

Read the text and discuss your answers with a partner:

TEXT 2

INTERNATIONAL TREATIES

A **treaty** is an agreement under international law entered into by actors in international law, namely sovereign states and international organizations. A treaty may also be known as: (international) agreement, protocol, covenant, convention, exchange of letters, pact. Regardless of the terminology, all of these international agreements under international law are equally treaties and the rules are the same. International organizations may also be given the capacity to make treaties, either with sovereign states or other international organizations. The name chosen generally does not affect the legal status of the agreement. As long as the parties intend the text to be binding, it is a treaty.

Treaties may incorporate rules of custom or develop new law. Treaties can be loosely compared to contracts: both are means of willing parties assuming obligations among themselves, and a party to either that fails to live up to their obligations can be held liable under international law for that breach. The central principle of treaty law is expressed in the maxim *pacta sunt servanda*—"pacts must be respected".

The most well known examples of international treaties are the United Nations Charter, Treaty on European Union (Maastricht Treaty), North Atlantic Treaty (NATO), Treaty on World Trade Organization (Marrakesh Agreement).

Under Article 102 of the Charter of the United Nations, "Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it, be invoked before it or enforced in its judiciary organ, the International Court of Justice". This was done to prevent the proliferation of secret treaties that occurred in the 19th and 20th century. The Charter also states that its members' obligations under it outweigh any competing obligations under other treaties.

International treaties can be classified as bilateral and multilateral. Multilateral treaties establish rights and obligations between each party and every other party. Bilateral treaties are negotiated between a limited number of states, most commonly only two, establishing legal rights and obligations between those two states only.

The present system of international law remains largely consensual and centered on the sovereign state. It is within the discretion of each state to participate in the negotiation of, or to sign or ratify, any international treaty. Likewise, each member state of an international organization such as the UN is free to ratify any convention adopted by that organization. Treaty law thus is created by the express will of states.

Active vocabulary

II. DEVELOPMENT

1. Answer the following questions using the information from the text:

1. What words meaning a “treaty” can you come across in the text?
2. Is it obligatory for a state to ratify any international treaty?
3. What types of treaties can countries sign?
4. Why should any international treaty be registered with the UN Secretariat and published by it?
5. Why is the present system of international law called consensual?

2. Match the definitions with the words meaning the changes to be made to treaties:

a) implementation	1) statement purporting to exclude or to modify the legal obligation and its effects on the reserving state, must be included at the time of signing or ratification;
b) reservation	2) the act of correction, improvement, changing for better of the existing treaty;
c) interpretation	3) an additional treaty or international agreement that supplements a previous treaty, can amend the previous treaty, or add additional provisions;
d) termination	4) change in the domestic law of a state party that will direct or enable it to fulfill treaty obligations;
e) amendment	5) explanation of the ordinary meaning given to the terms of the treaty in their context and in the light of its object and purpose, can be performed by the International tribunals and arbiters;
f) invalidation	6) ending the treaty;
g) protocol	7) consideration a treaty as unenforceable and void under international law.

3. Make the nouns adding suffixes to the following verbs, use them in the sentences of your own:

Register, amend, adopt, sign, ratify, implement, apply, enforce, reserve, interpret, negotiate, conclude, terminate, oblige.

4. Put the verbs in brackets in necessary form:

UNITED NATIONS CHARTER

The **United Nations Charter** is the treaty that _____ (form) and establishes the international organization _____ (call) the United Nations. It _____ (sign) at the United Nations Conference on International Organization in the Veterans Auditorium (now the Herbst Theatre) of the War Memorial Veterans Building in San Francisco, California, United States, on June 26, 1945, by 50 of the 51 original member countries (Poland, the other original member, which _____ (not represent) at the conference, signed it later). It _____ (enter) into force on October 24, 1945, after _____ (be) ratified by the five permanent members of the Security Council—the Republic of China (later replaced by the People's Republic of China), France, the Union of Soviet Socialist Republics (later replaced by the Russian Federation), the United Kingdom, and the United States—and a majority of the other signatories.

As a charter, it is a constituent treaty, and all members are bound by its articles. Furthermore, the Charter _____ (state) that obligations to the United Nations _____ (prevail) over all other treaty obligations. Most countries in the world have now ratified the Charter. One notable exception is the Holy See (Vatican City State), which has chosen to remain a permanent observer state and therefore _____ (be) not a full signatory to the Charter.

5. (a) Translate the entry from the encyclopedia. What is the main subject of the text?

- 1) the work of the United Nations
- 2) celebrities who work for the Secretary General
- 3) the Secretary General and his/her department

Організація Об'єднаних Націй працює в багатьох різних галузях. Щоб виконувати свої завдання, ООН має великий відділ міжнародних цивільних службовців (Секретаріат), у якому працюють понад 9000

осіб. Цей підрозділ ООН очолює Генеральний Секретар, відповідальний за щоденну успішну роботу ООН і багатьох її проектів.

Генеральний Секретар ООН є також символом Об'єднаних Націй, представником народів світу, що має можливість просити про допомогу.

Генеральний Секретар також обирає Посланців миру, які популяризують діяльність ООН. Посланцями миру обирали Лучано Паваротті, Мохаммеда Алі.

(b) Are these statements true or false, or does the text not say?

1. The UN helps protect endangered animals.
2. The Secretariat manages the UN's Daily business.
3. The Secretary General is very well paid.
4. The Secretary General can request that the UN solves a problem.
- 5 The countries in the United Nations select the Messengers of Peace.
6. The Messengers of Peace tell the world about the UN's work.
7. Politicians can become Messengers of Peace

III. PRACTICE AND EXPERIENCE

1. What do you know about the United Nations (the UN)? Discuss these questions with a partner.

1. When was the United Nations founded?
2. How many countries are now UN members?
3. Where is the UN headquarters?
4. Where is the current Secretary General from?
5. Which of these activities is the UN not involved with?

Aid and peace keeping
Children's rights
Religious education
Economic development
International justice
Entertainment

THE UNITED NATIONS ORGANIZATION

In 1945, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. The Organization officially came into existence on **24 October 1945**, when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and a majority of other signatories. United Nations Day is celebrated on 24 October.

Charter. The Charter is the constituting instrument of the United Nations, setting out the rights and obligations of Member States, and establishing the Organization's organs and procedures.

Purposes. The purposes of the United Nations, as set forth in the Charter, are to maintain international peace and security; to develop friendly relations among nations; to cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms; and to be a centre for harmonizing the actions of nations in attaining these ends.

Structure. The six principal organs of the United Nations, are the:

- General Assembly,
- Security Council,
- Economic and Social Council,
- Trusteeship Council,
- International Court of Justice,
- Secretariat.

The United Nations family, however, is much larger, encompassing 15 agencies and several programmes and bodies.

Budget. The budget for the two years is about \$2,535 million. The main source of funds is the contributions of Member States, which are assessed on a scale approved by the General Assembly. The fundamental criterion on which the scale of assessments is based is the capacity of countries to pay. This is determined by considering their relative shares of total gross national product, adjusted to take into account a number of factors, including their per capita incomes. In addition, countries are assessed – in accordance with a modified version of the basic scale – for the costs of peacekeeping operations, which stood at around \$2 billion in 2000.

The United Nations family. The United Nations family of organizations is made up of the United Nations Secretariat, the United Nations programmes and funds – such as the UN Children's Fund (UNICEF) and the UN Development Programme (UNDP) – and the specialized agencies. The programmes, funds and agencies have their own governing bodies and budgets, and set their own standards and guidelines. Together, they provide technical assistance and other forms of practical help in virtually all areas of economic and social endeavour.

1. Make questions using information from the text and the following verbs or word combinations:

- come into existence
- ratify
- set out
- maintain
- develop
- cooperate
- promote
- contribute
- provide

Ask your partner.

IV. WRITING

1. Using information from the Internet sites (e.g.) make a presentation (under 150 words) on:

- international organizations;
- international treaties.

V. OVER TO YOU

1. What international treaties are possibly to be signed in the nearest future? Discuss the question in small groups.

2. What are the main trends of the international law development in the XXI century?

Unit 2. Human Rights Protection in the World and Ukraine

Section 1. Beginning and Development of Law-International Cooperation in the Field of Human Rights

I. WARMING-UP

1. Answer the following questions:

1. What human rights can you name?
2. What categories of people demand special attention concerning their rights?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--|--------------------------------------|
| 1) victorious powers | a) меншість |
| 2) incapable of military service | b) держави-переможці |
| 3) minority | c) бути обов'язковим для всіх сторін |
| 4) to enjoy rights | d) непридатний до служби в армії |
| 5) to be binding upon all parties involved | e) користуватися правами |
| 6) captured wounded | f) поранені полонені |

3. Consult the dictionary and read the following words. Pay attention to different types of pronunciation of – c:

[k]
capture
the Catholics
incapable
linguistic
occupation
sick

[s]
agency
association
civilian
peace
principle
service

Read the text to understand what information on the beginning and development of law-international cooperation in the field of human rights is of primary importance or new for you.

TEXT 1

Notes:

The Convention for the Amelioration of the Condition of the Wounded in the Time of War – Конвенція про поліпшення стану поранених під час ведення війни.

The International Covenant on Civil and Political Rights – Міжнародний Пакт з громадянських та політичних прав.

The International Covenant on Economic, Social and Cultural Rights – Міжнародний Пакт з економічних, соціальних і культурних прав.

BEGINNING AND DEVELOPMENT OF LAW-INTERNATIONAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Throughout the history there were some efforts of the mankind *to maintain* the human *rights* by international action – the conclusion of *international treaties*. It can be traced back to the 17th century, when the Treaty of Westphalia (1648) first established the principle of *equal rights* for different religions (the Catholics and Protestants in Germany).

In the 19th century, the universal prohibition of the *slave trade* was an object of *international concern* which expressed in various treaty arrangements. In 1926 the Assembly of the League of Nations approved the International Slavery Convention leading to *complete abolition* of slavery in all forms.

It was also in the second half of the 19th century that the conclusion of treaties on the *protection of the rights of victims of war* began. **The Convention for the Amelioration of the Condition of the Wounded in the Time of War** provided that military wounded and sick of any side must be cared for and captured wounded must be sent home if they are incapable of military service (1864).

In some of the *peace treaties* and *declarations* created after World War I, a number of states of Europe and one state in the Middle East (Iraq) were made to accept the obligations toward their racial, linguistic, and religious minorities: all of their nationals were to be equal before the law and were to enjoy the same political and civil rights. The result of the Treaty

of Versailles (1919) was organizing the League of Nations which was of great importance for the development of international law, and also the protection of the particular rights of minorities.

The Treaty of Versailles also established the International Labour Organization (1919) which after World War II became a specialized agency of the United Nations and contributed to the promotion of such human rights as the abolishing of *forced labour*, the *elimination* of discrimination in employment and occupation, freedom of association, etc.

At the end of World War II, the victorious powers established the *International Military Tribunal* for the Trial of German Major War Criminals. Under its charter, the tribunal had jurisdiction to try not only crimes against peace and war crimes but also “crimes against humanity” committed against any civilian population.

The United Nations Organization was organized in 1945, and proclaimed protection of human rights as one of its leading principles.

In 1946, the United Nations set up the Commission on Human Rights as part of the Economic and Social Council. The Universal Declaration of Human Rights was approved by all *member countries* of the UN General Assembly in 1948. This declaration expressed the hope that people would learn to respect the rights and *dignity* of others.

In 1966 two very important documents on human rights were adopted by the UN – **the International Covenant on Civil and Political Rights**, and **the International Covenant on Economic, Social and Cultural Rights**. Within Europe, there are also some documents on protection of human rights such as the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.

The European Convention for the Protection of Human Rights and Fundamental Freedoms creates the effective mechanism of human rights protection – the European Court of Human Rights which decisions are final and binding upon all parties involved.

II. COMPREHENSION

1. Give the definitions for the following terms and expressions or explain in other words.

1. to maintain rights
2. international concern

3. to be binding upon all parties involved
4. minority
5. declaration
6. slave trade

2. Answer the following questions using the information from the text:

1. What was the final treaty concerning complete abolition of slavery?
2. How were the rights of victims of war defended in the 19th century?
3. What obligations were accepted by some countries towards minorities?
4. How did the International Labour Organization take part in the protection of human rights?
5. What kinds of crimes did the International Military Tribunal try?
6. When was the Universal Declaration of Human Rights approved?

3. Complete the following sentences according to the information from the text:

1. The Treaty of Westphalia (1648) first established...
2. In the 19th century, an object of international concern was...
3. The captured wounded must be...
4. After World War I, a number of states were made to accept the obligations...
5. The International Military Tribunal had jurisdiction to try...
6. The decisions of the European Court of Human Rights are...

III. VOCABULARY STUDY

1. Substitute the words in italics with the words from the active vocabulary.

1. The victorious countries are responsible for protection of rights of those *people who suffered from war*.
2. Nobody has a right to wound *self-respect* of any person.
3. The *countries which are members* of the European Union accepted the treaty.
4. *Total prohibition* of selling people as cheap workers is very important for protection of human rights.

5. The *world attention* toward the problem of human rights protection is great.

6. All people in the world must have the *same rights*.

7. This world *agreement* truly supports the rights of minorities.

2. Complete the sentences with the words of the active vocabulary.

1. In order to maintain human rights several ... were concluded.

2. The ... of discrimination in employment is the aim of labour organizations.

3. ... means working against will.

4. The International Slavery Convention declares ... of slavery in all forms.

5. .. is the essence of work of humanitarian organizations throughout the world.

6. ... was established to try the crimes of German major war criminals.

3. Choose the correct preposition in brackets according to the contents of the sentences (toward, against, by, of, upon, on).

1. Human rights are sometimes maintained ... international action.

2. The conclusion of treaties ... the protection of the rights began.

3. These states must accept the obligations ... their racial, linguistic, and religious minorities.

4. People should learn to respect the rights and dignity ... others.

5. The decisions of the European Court of Human Rights are final and binding ... all parties involved.

6. He is accused of crimes committed ... civilian population.

4. The verbs below can all be used to form nouns. Find in the text nouns derived from these verbs and make up your own sentences with them.

Example: to hear – hearing (n.) e.g. The hearing of this case will take place tomorrow.

to conclude, to prohibit, to abolish, to protect, to declare, to discriminate.

5. Translate Article 2 of the Universal Declaration of Human Rights (United Nations, 1948) into Ukrainian and compare your variant with the translation given by Ukrainian Legal Foundation. Find

and right down all the differences in two variants of the translation.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, nonself-governing or under any other limitation of sovereignty.

Стаття 2

Кожній людині надаються всі права і свободи, проголошені цією Декларацією, незалежно від раси, кольору шкіри, статі, мови, релігії, політичних або інших переконань, національного, соціального чи станового походження, майнового або іншого стану.

Крім того, не повинне проводитися жодного розрізнення людей залежно від політичного, правового чи міжнародного статусу країни або території, до якої вони належать, незважаючи на те, є ця територія незалежною чи підопічною, не самоврядною або іншим чином обмеженою у своєму суверенітеті.

6. Give the English equivalents for the following word combinations:

підтримувати права людини, міжнародний договір, встановлювати принцип рівних прав, міжнародна увага, захист прав жертв війни, нездатний до військової служби, приймати зобов'язання, расові та релігійні меншості, скасування примусової праці, проводити розслідування, злочини проти цивільного населення, Комісія з прав людини, бути обов'язковим для всіх сторін.

7. Complete the words using definitions:

An agreement made between some states	- r - - t-
Attention paid to some aspect	c - - c - -
A specialized military court	- r - - u - a -
To agree to fulfil obligations	a - - e - t
Liquidation of some event	e - - m - - a - - - n

IV. GRAMMAR FOCUS

1. Point out the sentences with Modal Verbs (can, must (2)) in the text and explain the use.

2. Translate the sentences:

1. Кожна особа може мати рівні права з іншими особами.
2. Ви маєте поважати гідність інших людей.
3. Згідно з цією декларацією всі расові, релігійні та мовні меншості мають бути рівними перед законом.
4. Рішення цього суду мають бути обов'язковими для виконання для всіх сторін.
5. Всі країни-переможці мають прийняти ці зобов'язання.
6. Можу я проглянути цю міжнародну угоду ще раз?

V. SPEAKING

- 1. In pairs, discuss the main reasons to maintain human rights. Compare your opinions with other students.**
- 2. Make a report concerning factors during the world history which influenced the promotion of human rights.**
- 3. In groups, make lists of the examples of the human rights violation.**
- 4. Explain in other words what racial minority is.**

Unit 2. Human Rights Protection in the World and Ukraine

Section 2. Human Rights in the Constitution of Ukraine

I. LEAD-IN

.....

1. Answer the following questions:

What are the main documents which promote human rights in our country?

How can the Constitution guarantee the human rights?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|---------------------------------------|--------------------------------|
| 1) inviolability | a) конфіденційність листування |
| 2) the highest social value | b) недоторканність |
| 3) to endow with | c) невід'ємний |
| 4) inalienable | d) наділяти |
| 5) confidentiality of correspondences | e) найвища соціальна цінність |

TEXT 2

Read the text to understand what information is of primary importance or new for you.

Notes:

physical entity – фізична особа

personal non-property rights – особисті немайнові права

INALIENABILITY OF HUMAN RIGHTS UNDER THE CONSTITUTION AND THE CIVIL CODE OF UKRAINE

The Constitution of Ukraine establishes that the rights and freedoms of an individual and their guarantees determine the essence of the spirit of the state. Unlike the slogan “The human being is for the state”, the

Constitution of Ukraine states that “The state is for the human being”. And so the establishment and guarantee of human rights and freedoms is one of main duties of the state, and this is natural, as the human being, his\her life and health, honour and dignity, *inviolability* and security are recognized in Ukraine to be the highest social value (Article 3 of the Constitution of Ukraine).

About 30 per cent of the articles of the Fundamental law of Ukraine belong to the chapter “Human Rights and Freedoms and Duties of the Citizen of Ukraine”. It is worth recognizing that in the Constitution the very notion of human rights has been changed – from the rights given to him\her by the state to the rights and freedoms that every individual is *endowed with* just by the fact of his\her birth and existence that makes human rights and freedoms *inalienable* and natural.

The bodies which guarantee the fundamental rights and freedoms stipulated by the Constitution are: the Verkhovna Rada of Ukraine, the President of Ukraine, the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights, the Cabinet of Ministers, and other bodies of central executive power, the Constitutional Court of Ukraine, offices of the Prosecutor General, courts, local power and local self governments, advocates offices and other law-enforcement bodies.

The Verkhovna Rada of Ukraine adopted the new Civil Code of Ukraine (2003), which came into force in 2004. The Civil Code is the second main law of the country after the Constitution. According to the norms of the new Civil Code, actions of the state executive bodies, bodies of local self government, other institutions, officials and high level civil servants which violate the **personal non-property rights**, should be considered as actions against the law.

The Civil Code gives the possibility for **physical entities** to defend their personal non-property rights, in case the latter are violated, indicating that these rights can be protected by all civil and legal means, as envisaged by the existing legislation.

Among others, the following personal non-property rights which provide for the social existence of the physical entity are mentioned: the right to have a name, right to respect, honour and dignity, right to individuality, right to personal life and its privacy, right to information, right to confidentiality of correspondences, right to a place of residence, right to inviolability of housing, right to freedom of movement, right to freedom of association into unions, right to peaceful meetings, etc.

The issue of human rights is one of the important ones in national legislation. Adherence to the same is an indicator of a state where there is rule of law, and democracy. Respect to every human being should be something natural, and human rights as inalienable should be considered fundamental of all values set forth by the Constitution and other laws of the state.

II. DEVELOPMENT

1. Translation

Міжнародне співробітництво в галузі захисту прав людини дуже важливе для виживання світу в цілому. Протягом світової історії, особливо останніх двох століть, було підписано декілька декларацій та заключені міжнародні договори про права людини. Такі декларації та договори демонструють міжнародну увагу стосовно тих груп населення планети, що потребують особливого захисту їх прав та гідності. В різні часи було докладено певних зусиль людства стосовно підтримки прав людини: повне скасування рабства та праці рабів, захист прав жертв війни та військових, що поранені або хворі і вже не здатні до військової служби, надання рівних прав релігійним, мовним та расовим меншостям, знищення трудової дискримінації та примусової праці та інше.

На сучасному етапі, згідно з Конституцією нашої країни, права та свободи людини є невід’ємними і кожна особа наділяється ними вже за фактом свого народження та існування. Ці права захищаються і гарантуються Конституцією.

2. Find in the text the information on

- a) changing the notion of human rights in the Constitution;
- b) the bodies which guarantee the fundamental rights and freedoms stipulated by the Constitution.

3. a) Tell what personal non-property rights providing for the social existence of the physical entity are mentioned in the Civil Code of Ukraine;

- b) **Explain why it is humane to maintain rights of military wounded and sick of any side.**

4. Make a plan of text 1 in the form of questions. Ask your partner to answer your questions.

5. Insert one of the following words into the text in an appropriate form.

to provide for, natural, inviolability, non-property, care, Civil, personal, right

A special part of the ... Code is composed into a book entitled "Personal ... rights of the physical entity", and this shows how important ... non-property rights are in the structure of the Civil Code. A separate chapter in the book is devoted to those rights which ... the ... existence of the individual such as the right to life, health ... , medical assistance, ... to freedom and ... of a person, right to family, etc.

III. PRACTICE AND EXPERIENCE

1. a) Give the ground to the idea that military wounded and sick of any side at the time of war must be cared for and captured wounded must be sent home if they are incapable of military service.

b) Explain why the establishment of the International Military Tribunal for the Trial of German Major War Criminals by the victorious powers was very important from the political, social and humanitarian point of view.

2. Insert necessary words and word-combinations into the stories. Who tells these stories? What steps must be made internationally to maintain their rights?

a) captured, incapable of military service, wounded, rights

War is terrible. I was ... in a night battle. My leg was bleeding and hand couldn't move. I stayed on the field and waited for death. In a few hours, at dawn, I was ... and taken to some place where I saw many wounded men Do we have any...? What will be with us?

b) rights, equal, religion and language, few, accepted, enjoy

We are too ... here. I mean in this country. We have almost no Our ... differ from those of the majority of this country, and this may be the

reason that we are not ... willingly by people and authorities here. We are not... before the law with them and we do not... the same political and civil rights as they do.

c) endowed with, enforced, slaves, work, protect

We ... nearly day and night. We sleep very little, we almost always work. We are ... no rights. Our labour is ... and our master can sell any of us any moment. We are just ..., and I am not sure that there is anybody who can... us.

3. From the text of Section 2 you know that the bodies which guarantee the fundamental rights and freedoms stipulated by the Constitution are: the Verkhovna Rada of Ukraine, the President of Ukraine, the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights, the Cabinet of Ministers, and other bodies of central executive power, the Constitutional Court of Ukraine, offices of the Prosecutor General, courts, local power and local self governments, advocates offices and other law-enforcement bodies. How can these organs protect and guarantee human rights and freedoms in fact?

IV. WRITING

If you had a right to participate in drafting the new Universal Declaration of Human Rights, what Articles would you suggest? What groups of world population are discriminated presently? Think about at least 5 Articles and write them down in English.

V. OVER TO YOU

1. Express your thoughts on the subject.

a) How do you understand the term “humanity” in international aspect?

b) Can we say that slave trade and enforced labour are eliminated in modern society?

c) What are the main non-property possessions of a person?

Unit 3. European Human Rights Review

Section 1. International and Regional Programs on Human Rights

I. WARMING-UP

1. What do you know about international and regional organizations and their programs on human rights. Prove that these organizations play an important role in the life of humanity.

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|------------------------|--------------------------|
| 1) charter | a) приймати |
| 2) covenant | b) договір |
| 3) trusteeship council | c) хартія, устав |
| 4) degrading treatment | d) принизливе поводження |
| 5) to inaugurate | e) опікунська рада |

Read the text to understand what information on international and regional programs on human rights is of primary importance or new for you.

TEXT 1

INTERNATIONAL AND REGIONAL PROGRAMS ON HUMAN RIGHTS

International *human rights* law is considered a post-World War II phenomenon. Although ideas of rights and liberty have existed for much of human history and *protection* of some *human rights* at international level can be traced long before World War II. But modern international conceptions of *human rights* were developed as a result of the monstrous *violations* of *human rights* of the Hitler era and to the necessity of creating

an effective international system for the *protection of human rights*. The famous speech “Four Freedoms”¹ made by Franklin D. Roosevelt in 1941 became the call of the nations to found the United Nations. The UN was established on 24 October 1945 by 51 countries committed to preserving peace through international cooperation and collective security. Today nearly every nation in the world belongs to this organization: membership now totals 192 countries. The United Nations has six nation organs. Five of them – the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the Trusteeship Council and the Secretariat – are based at the Headquarters in New York. The sixth, the International Court of Justice, is located in the Hague, the Netherlands. The United Nations inaugurated a *human rights* program, often referred to as the international Bill of *Rights*. It consists of the following documents, the titles of which generally describe some of the fundamental *human rights*: the 1948 *Universal Declaration of Human Rights* (UDHR); the 1966 *International Covenant on Civil and Political Rights*; the 1966 *International Covenant on Economic, Social and Cultural Rights*; the 1948 *Covenant on the Prevention and Punishment of the Crime of Genocide* and etc. But the 1945 *United Nations Charter* is the main document which *proclaimed* basic principle of *human rights protection* as one of the principle of international law.

The *Universal Declaration* is the first comprehensive *human rights* instrument to be *proclaimed* by a universal international organization. It is not a *treaty*. The *Declaration* was *adopted* by the UN General Assembly as a resolution having no force of law. It wasn’t signed. Its purpose is to *provide* “a common understanding” of the *human rights* and fundamental freedoms referred to in the *UN Charter* and to serve “as a common standard of achievement for all peoples and all nations”. The *Universal Declaration proclaims* two broad categories of *rights*: civil and political rights, on the one hand, and economic, social and cultural *rights* on the other. Its catalog of civil and political *rights* includes the *right* to life, liberty, and security of person; the prohibition of slavery, of torture and cruel, inhuman or degrading treatment; the *right* to a fair trial in both civil and criminal matters, the presumption of innocence etc. Important political *rights* are *proclaimed* in Art.21 of the *declaration*, including the individual’s *right* “to take part in the government of his|her country, directly or through freely chosen representatives”. The *Declaration* then *proclaims* the individual’s

¹ freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want, freedom from fear

right to work and to “protection against unemployment”, “to rest and leisure” (Art. 24), to “a standard of living adequate for the health and well-being”(Art. 25).

Regional systems. There are several regional *human rights* systems of protection of *human rights*: in Europe, Latin America and Africa. **The Council of Europe** represents one of the European organization. It is an intergovernmental regional organization, which was created as a respond to a proposal of W. Churchill by 10 European countries on 5 May 1949 in London. Nowadays the Council of Europe amounts 46 member states (2007). The main aims of the Council are to protect *human rights*, to work towards “greater unity between its members” through “*agreements* and common actions in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realization of *human rights* and fundamental freedoms”. Among the main important legal *agreements* established within the framework of the Council of Europe are: the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (the basic instrument which member states sign simultaneously with the Statute of the Council of Europe); the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*; the *European Social Charter*; the *Convention for the Protection of National Minorities*. The very important mechanism of *protection of human rights* was created according to the *European Convention on Human Rights and Fundamental Freedoms* – European Court of *Human Rights*.

Latin American and African *human rights* norms are expressed in the *Charter of the Organization of American States (OAS)*, the *American Declaration of the Rights and Duties of Man*, the *American Convention on Human Rights* (1978) and in the 1986 *African Charter on Human and Peoples’ Rights*. The *human rights provisions* of these documents are only statements of moral principles, not specific *obligations*. They have no enforcement powers.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. human rights

2. declaration
3. treaty
4. fundamental freedoms

B. Answer the following questions using the information from the text:

- Why the protection of human rights has become so important?
- When and why were the UN and the Council of Europe established?
- What are the main purposes of the Council of Europe ?
- What are six principal organs of the UN?
- What are the most important legal agreements adopted by the Council of Europe?
- What documents does the UN program of human rights consist of?
- What kind of rights does the Universal Declaration proclaim ?

2. Complete the following sentences according to the information from the text:

1. The development of the international human rights law can be attributed to ...
2. The international Bill of Rights consists of ...
3. The Universal Declaration proclaims ...
4. The Council of Europe is an intergovernmental organization...
5. The International Court of Justice is located ...
6. The Declaration was adopted by the UN General Assembly ...
7. Latin American human rights norms are expressed in ...
8. Today nearly every nation in the world belong to ...

3. Match the following legal terms with their definitions:

- | | |
|----------------|---|
| 1. agreement | a) an official announcement or a basic governing document |
| 2. declaration | b) a legally enforceable contract |
| 3. convention | c) a condition incorporated in a document |
| 4. obligation | d) a formal agreement or compact
esp. international agreement |
| 5. provision | e) a moral or legal duty binding two parties to perform their agreement |

III. VOCABULARY STUDY

1. Find in the text and decide from the context what the word could mean, then choose the appropriate definition.

1) right

1. a freedom or power that is morally or legally due to a person
2. anything that accords with the principles of legal or moral justice

2) treaty

1. a formal written agreement between two or more states, such as an alliance or trade arrangement
2. an agreement between two parties concerning the purchase of property

3) charter

1. a formal document granting or demanding certain rights or liberties
2. the fundamental principles of an organization, constitution (the UN Charter)
3. the hire or lease of transportation for private use

4) covenant

1. a formal agreement to make an annual payment to charity
2. a formal sealed agreement
3. (Bible) God's promise to the Israelites and their commitment to worship him alone

2. Choose the right preposition in brackets according to the contents of the sentences (of, in, within, before, for, without, on, between, at).

1. ... order to ensure that the human rights activities of the Council of Europe are known and promoted, a Human Rights Information centre has been established ... the Organization.

2. ... 29 June 1995 a new Human Rights Building ... the Council of Europe was officially opened in Strasbourg.

3. A range of cases has come ... the Strasbourg organs including the only interstate case to reach the European Court of Human Rights.

4. The UN Charter gives the Security Council primary responsibility ... maintaining international peace and security.

5. The Council of Europe has taken steps ... different levels in order to promote equality ... women and men.

6. The International Covenants on Human Rights consist ... three separate treaties.

7. Everyone ... any discrimination has the right to equal pay for equal work (Art. 23 of the Universal Declaration).

8. The Covenant provides ... the establishment of an international organ called the Human Rights Committee.

3. Substitute the words in italics with the words from the text.

1. International human rights law is considered a post-World War II *fact*.

2. The United Nations was *set up* by 51 countries committed to preserving peace through international cooperation and collective security.

3. The United Nations has six nation *bodies*.

4. The Universal Declaration is the first comprehensive human rights *document* to be proclaimed by a universal international organization.

5. *Enumeration* of civil and political rights includes the right to life, liberty etc.

6. Latin American human rights *rules* are expressed in the Charter of the Organization of American States.

4. Write as many legal expressions with the word “right” as you can and make up sentences of your own with those expressions.

5. Complete the sentences with the words of the active vocabulary in an appropriate form.

1. ... have become a subject of international concern.

2. The Council's human rights system has its legal source in two treaties: the European Convention of Human Rights and the European Social ...

3. The Charter ... a catalog of economic and social rights.

4. Private petitions may be filed by “any person, non-governmental organization or group of individuals claiming to be the victim of a ...

5. The Genocide Convention was ... by the UN General Assembly on December 9, 1948.

6. The Universal Declaration is not a ...

6. Fill the blanks with the derivatives of the words in brackets. Translate these points.

Some Human Rights Activities of the Council of Europe

– protecting civil and political rights through the mechanism of an individual complaints procedure, where a ... can be heard by the European Commission and Court of Human rights (to violate)

- protecting social and economic rights through systems of ... and ... on states' obligations and through a system for collective complaints (to monitor, to report)
- protecting the rights of ... minorities (nation)
- working towards ... between women and men (equal)
- talking ... against racism, xenophobia, anti-Semitism and intolerance (to act)
- working in close ... with the media on matters concerning freedom of expression and related human rights issues (to connect)
- promoting human rights awareness and encouraging human rights ... in schools and among professional groups (to educate)
- working with human rights ... and institutions for the protecting of human rights (Ombudsmen, National Commissions, etc.)(to organize)

7. Give the Ukrainian equivalents for the following word combinations:

human rights, violations of human rights , fundamental freedoms, protection of human rights, declaration, collective security, resolution having no force of law, presumption of innocence, human rights provision, to proclaim individual rights , prohibition of slavery, intergovernmental organization, agreements and common actions , statements of moral principles, specific obligations, enforcement power.

8. Match the following synonyms and try to guess the differences in their meaning. Compose your sentences to illustrate the usage of these words.

<i>Word</i>	<i>Synonym from the text</i>
breach	purpose
international agreement	violation
basic freedoms	convention
aim	resolution
decision	obligation
commitment	fundamental freedoms
statute, constitution	to found
to create	charter

9. Make up word-combinations using the words from two groups.

human	agreement
international	of speech and expression
freedom	of innocence
to preserve	power
universal	organization
presumption	declaration
legal	peace
enforcement	rights

10. Read the extracts below and put them in correct order.

**The Convention on the Prevention and Punishment
of the Crime of Genocide under the Auspices
of the United Nations**

1. Genocide is defined as any of several kinds of act committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. Among the prohibited acts are “killing members of the group,” “causing serious bodily or mental harm to members of the group,” and “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

2. “Imposing measures intending to prevent birth within the group” and “forcibly transferring the children of the group to another group” are also punishable as genocide, as is conspiracy and attempt to commit genocide and complicity in genocide.

3. The concept of genocide is closely connected with the principles applied after World War II by the International Military Tribunal that sat at Nuremberg and found some of the major German war figures guilty of crimes against humanity.

4. In the Genocide Convention of 1948 the contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law, which they undertake to prevent and to punish.

11. Translate articles of the European Convention on Human Rights:

1. Смертна кара скасовується. Жодна людина не може бути засуджена до такого покарання або страчена (Ст. 2).

2. Кожна людина, яка обвинувачується у вчиненні кримінального злочину, вважається невинною до тих пір, поки її провину не буде доведено згідно із законом (Ст. 6).

3. Чоловік і жінка, що перебувають у шлюбі, мають рівні громадянські права і обов'язки у стосунках між собою стосовно одруження і його розірвання, а також у відносинах з їхніми дітьми (Ст. 5).

4. Кожна людина має право залишити будь-яку країну, включаючи свою власну (Ст. 2).

5. Кожна людина має право на свободу мирних зборів і свободу асоціацій з іншими, включаючи право створювати профспілки і вступати до них для захисту своїх інтересів (Ст. 11).

GRAMMAR FOCUS

1. Point out sentences with Passive Voice in the text and explain the use.

2. Correct the mistakes in the sentences given below. You can find the right versions in the text. Mind the grammar (Passive Voice).

1. The development of international human rights law can be attribute to the monstrous violations of the human rights of the Hitler era.

2. The United Nations established on October 1945 by 51 countries committed to preserving peace through international cooperation and collective security.

3. The Trusteeship Council and Secretariat are based at the Headquarters in New York.

4. The Universal Declaration of Human Rights were adopted by the UN General Assembly as a resolution having no force of law.

5. The human rights provisions of the OAS Charter is contained in Art. 5 and 16.

3. Fill in the gaps with the appropriate forms from the table.

The International Court of Justice

The International Court of Justice ... (1) the principal judicial organ of the United Nations. ... (2) seat is at the Peace Palace in the Hague.

It ... (3) work in 1946, when it replaced the Permanent Court of International Justice which ... (4) in the Peace Palace since 1922. It ... (5) under a Statute largely similar to that of its predecessor (попередник), which is an integral part of the Charter of the United Nations. The Court ... (6) a dual role: to settle in accordance with international law the legal disputes submitted to it by States, and ... (7) advisory opinions on legal questions referred to it by authorized international organs and agencies.

The Court ... (8) of 15 judges elected to nine-year terms of office by the United Nations General Assembly and Security Council sitting independently of each other. It ... (9) include more than one judge of any nationality. Elections ... (10) every three years for one-third of the seats, and retiring judges may be re-elected. The Members of the Court ... (11) represent their governments but are independent magistrates. Only States ... (12) and appear before the Court.

	A	B	C
1	is	are	was
2	it	his	its
3	begin	began	begins
4	had functioned	functioned	has functioned
5	operated	operates	had operated
6	lave	had	has
7	to give	give	gives
8	composes	is composed	composed
9	may not	should not	can not
10	are hold	are held	held
11	does not	do not	are not
12	may apply to	can apply to	must apply to

VI. SPEAKING

1. How can you explain the term “fundamental rights”?
2. What in your opinion are the fundamental rights of citizens in Ukraine?

3. Does the Constitution play any role in protection of fundamental rights of citizens in your country?

4. Can you name social spheres where human rights are violated most of all?

5. Decide in what cases your rights can be protected due to the Human Rights Act. Discuss these cases with your groupmates.

– Someone is told at work that he (she) cannot wear a turban or sari even though it is a part of his (her) religion.

– Someone has a relationship with a senior person at work and is dismissed, because of it (both of them are adults).

– An employer has been interfering with his (her) e-mails and telephone calls, and checking up on what websites he (she) visits.

– Someone is a schoolchild and is forced to wear school uniform.

– Someone is caught speeding in his (her) car by cameras and receive letters requesting him (her) to confirm speed.

Unit 3. European Human Rights Review

Section 2. European Convention on Human Rights

I. LEAD-IN

1. Do you agree with the statement “Human rights are rights, not benefit, duties, privileges, or some other perhaps related practice”(Jack Donnelly)?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------|---------------------------------|
| 1) supra-national court | a) засоби судового захисту прав |
| 2) judicial remedies | b) скарга |
| 3) subsequent protocol | c) наднаціональний суд |
| 4) grievance | d) поневолення |
| 5) servitude | e) наступні протоколи |

TEXT 2

Read the text to understand what information on the European Convention on Human Rights is of primary importance or new for you.

THE EUROPEAN CONVENTION on HUMAN RIGHTS (ECHR or EHR treaty)

The Convention has been referred to as “the jewel in the crown” of the Council of Europe. New member states are obliged to sign ECHR on becoming members and to ratify within one year.

The direct predecessor of the Convention is the Universal Declaration of Human Rights of 1948. Other notable historical precedents include

England's Magna Carta of 1215, which asserted the right to a fair trial and a just legal system; the Declaration of Independence of the United States of America of 1776; and the French Declaration of the Rights of Men and the Citizen of 1789. While inadequate for today, these represented important stages on the road towards full and equal rights for all human beings. The ECHR was signed on 4 November, 1950 and entered into force on 3 September, 1953. The European Convention on Human Rights represents the first steps of the collective enforcement of certain of the rights stated in the Universal Declaration. Contracting States undertake to secure to everyone within their jurisdiction a number of civil and political rights and freedoms set out in the Convention. Some of them are: the right to life (Art.2), freedom from torture and from inhuman or degrading treatment or punishment (Art.3), freedom from slavery and servitude (Art. 4), the right to liberty and security of the person (Art. 5), the right to a fair trial (Art. 6), the right to respect for one's private and family life, one's home and one's correspondence (Art. 8), freedom of thought, conscience and religion (Art. 9), freedom of assembly and association (Art. 11).

Subsequent protocols have extended the initial list of rights, and the case-law of European Court has reinforced and developed these rights, demonstrating the dynamic and evolutive nature of the system. The first Protocols of 20 March 1952 added the following rights: the right to property (Art 1), the right to free elections (Art. 3). The Fourth Protocol adds some more rights: freedom from imprisonment for debt (Art. 1), liberty of movement and freedom to choose one's residence (Art. 2).

All the Contracting States, with the exception of Ireland, Norway and the United Kingdom, have incorporated the Convention into their own law, enabling the domestic judiciary to take full account of its provisions when considering a grievance. Once domestic judicial remedies have been exhausted, an individual may still seek redress in Strasbourg for a breach of the Convention by a Contracting State. The Strasbourg machinery is not a substitute for national courts, but is an extension of them. The agreement of sovereign states to allow a supra-national court to review a judgement of the domestic judiciary represented a historic and unprecedented step in international law. It puts into practice the theory of the fundamental nature of human rights, placing rights firmly above the laws and practice of a state.

Structure and procedure. The most famous conventional body is the European Court of Human Rights, which enforces the European Convention

on Human Rights. The European Court of Human Rights, created under the European Convention on Human Rights of 1950, is composed of a judge from each member state elected for a renewable term of six years by the Parliamentary Assembly and is headed by the elected President of the Court. Since 2007, Jean-Paul Costa from France is the President of the Court. Under the new Protocol No. 14 to the European Convention on Human Rights, the terms of office of judges shall be nine years but non-renewable. According to the Convention and the Statute the Court deals with cases related to the violation of the Convention and protocols. When a case is referred to the Court, there will be a public hearing. The Court's judgement, reached by majority vote, is final. The Court may require a state to pay financial compensation, including damages and the costs of the proceedings. The Committee of Ministers supervises the execution of the judgement where a violation has been found.

II. DEVELOPMENT

1. Mark these statements T(true) or F (False) according to the text. Find the part of the text that gives correct information.

1. The direct predecessor of the European Convention on Human Rights is the Constitution of the USA.
2. Contracting States undertake to protect human rights set out in the Convention.
3. All the Contracting States have incorporated the Convention into their own law.
4. The Court's judgement reached by majority vote is ultimate.
5. The Strasbourg Court is a substitute for every national court.
6. A Contracting State has no right to bring a case against another Contracting State.
7. The Court may require a state to pay financial compensation, including damages and the costs of the proceedings.

2. Make up sentences out of these words and expressions and translate them.

1. Austria / important/ modified/ of/ sections/ its code/ of/ concerning/ criminal/ procedure/ treatment of prisoners/ in/ hospitals.

2. Denmark/ the/ amended/ law/ on custody/ illegitimate children/ of.
3. France/ telephone communications/ passed/ a law/ of/ the security/ relating to.
4. Greece/ detention/ amended/ the/ law/on /provisional.
5. Sweden/ instruction/ religious /amended/ the/ on/ compulsory/law.
6. The/ UK/ in/ state / schools/ outlawed/ punishment/corporal.

3. Prepositions. Choose the right prepositions in brackets according to the content of the sentences.

(by, for, with, without, according to, in, on)

1. ... recent years number of cases considered by the Court has increased considerably as the Convention's reputation has grown.
2. The European Convention on Human Rights represents "the first steps ... the collective enforcement of certain of the rights stated ... the Universal Declaration".
3. The Convention provides ... a European Court of Human Rights to deal ... individuals' petitions and their interstate cases.
4. The right to a fair trial, both in civil and criminal proceedings, is guaranteed ... Art. 6 of the ECHR.
5. The Additional Protocol of 1998 included the right to equal opportunities and treatment with regard to employment and careers, ... discrimination based ... sex.
6. Everyone charged ... a criminal offence shall be presumed innocent until proved guilty ... the law (Art. 5 of ECHR).
7. Men and women of marriageable age have the right to marry and found a family ... the national laws governing the exercise of this right. (Art. 12 of ECHR).

4. Insert one of the following words in an appropriate form into the text.

**convention, detention areas, human rights, force, experts,
adopt, access, politics, make up, include**

**The European Convention for the Prevention of Torture and
Inhuman or Degrading Treatment or Punishment**

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was ... in 1987 and came into ...

in 1989. The ... supplements the protection available under the European Convention on Human Rights by establishing a European Committee for the Prevention of Torture (CPT)

This Committee is ... of independent and impartial ... from a variety of backgrounds, including law, medicine, prison affairs and ...

The Committee visits places of detention, which may ... prisons, police stations, aliens' holding centres, ... at army barracks or psychiatric institutions, to see how detainees are treated. The Committee has unlimited ... to places of detention and can interview, in private, detainees or any other persons who can provide relevant information, including non-governmental organizations (NGOs) concerned with ... as well as the authorities themselves.

The aim of collecting this information is to strengthen the protecting of detainees against torture and inhuman or degrading treatment or punishment.

- 5. Write down the following abbreviations in full words and compose sentences to illustrate their meaning:** ECHR (EHR treaty), OAS, UN, Art., ECOSOC (of the United Nations), UNDR, CPT .

6. Translate these sentences.

Справа Кемпелл і Коданс проти Сполученого Королівства (1982). У цій справі матері скаржників скаржились на застосування тілесних покарань як дисциплінарного заходу в державних школах Шотландії, які відвідували їхні діти. У заявах стверджувалося, зокрема, що застосування тілесних покарань у школах порушує права, які гарантуються у статті 2 Конвенції, в тому, що освіта і навчання їхніх дітей мали відповідати їхнім філософським переконанням. Друга заявниця стверджувала, що виключення її сина зі школи було порушенням права на освіту, яке гарантується в зазначеній статті.

III. PRACTICE AND EXPERIENCE

- 1. What would you do if ...? Express your ideas, using the model: had no right to free education/ We would have to pay money for our education if we had no right to free education.**

1. had no right to a fair trial;
2. had no freedom of expression and thoughts;
3. had no freedom of religion;
4. had no right to medical assistance;
5. had no right to social security;
6. had no right to free elections;
7. had no equality between women and men.

2. Discuss some problems connected with serious violations of human rights and express your opinion.

Problem one: It is December 7, 1941. You are the president of the United States. You have just learned that the Japanese had bombed Pearl Harbor. Many American civilians had been killed as a result of unexpected attack. You confer with Senate leaders about possible disloyalty that might exist among some of the Japanese Americans living in the United States. You decide that these U.S. citizens do pose security risks because some may assist Japan in its war efforts against the United States. All Japanese Americans are therefore ordered to report detention centres in the United States where they will stay until the war is over.

Assume that the UN Charter, the Universal Declaration, and the 1966 International Covenants were all in existence before your decision to confine your citizens to “relocation camps”. Have you caused your country to incur any legal obligations for violating the human rights of its Japanese-American citizens?

Problem two: Child labour is a very serious problem in many third world countries. In general, they are used for low skill and labour intensive jobs, such as agriculture, mining, food processing, and manufacturing good such as carpets, garments and furniture. Employers prefer children, as they are more obedient than their adult counterparts, and less likely to complain about their poor treatment. There have been reports of children not receiving their promised pay. As the children are unable to receive a proper education, it is difficult for them to rectify their situation. As little as the children are earning, it enables them to financially support their families. Many of the child workers are satisfied with their payment, and enjoy the special working status that they hold.

Discuss this topic with your groupmates. Prove that child labour is not only a problem facing humanity nowadays but it is a serious violation of the human rights.

- 1993
1874
1893
- 4 Who was Ghandi?
 a god
 the first president of the USA
 a Human Rights fighter who helped India
 becoming and an independent country
 famous scientist
- 5 Who is Nelson Mandela?
 the president of South Africa who spent more
 than 27 years in prison
 the president of Mexico
 a religious leader
 a famous singer

Unit 4. European Union: Institutional System

Section 1. The Evolution of EU

I. WARMING UP

1. Who speaks what and where?

Match the words in the columns, mark the main stress in the words and practice saying them:

Country	Language	Capital
Belgium	Lithuanian	Brussels
Malta	Hungarian	Berlin
Germany	Greek	Rome
Holland	French, Flemish	Amsterdam
Hungary	German	Vilnius
France	Maltese, English	Paris
Italy	Italian	Budapest
Greece	Polish	Athens
Lithuania	Dutch	Warsaw
Poland	French	Valetta

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-----------------------------------|----------------------------------|
| 1) supranational entity | a) охороняти спільні цінності |
| 2) to conceive to do smth | b) внутрішній валовий продукт |
| 3) gross domestic product | c) політичний колір (устрій) |
| 4) goods and services | d) віднині спільна доля |
| 5) to safeguard the common values | e) наднаціональний суб'єкт права |
| 6) political complexion | f) політичний колір |
| 7) destiny henceforward shared | g) товари та послуги |
| 8) political complexion | h) задумати щось зробити |

3. Fill in the gaps and practice saying the words:

Європа	Europe
Європейський	
	integration
Суверенітет	
	competence
Метод	
	hybrid
	economic
економний, ощадливий	
	implementation

4. Prediction. Answer the following questions:

- 1) What kind of political entity is the European Union:
 - a) a unitary state;
 - b) an international organization;
 - c) a federation.
- 2) Do you think the European integration cuts down each state's sovereignty?
- 3) Can we say that absolute national sovereignty is being gone?

Read the text and check your prediction.

TEXT 1

THE EUROPEAN UNION: A NEW TYPE OF INTEGRATION

The European Union is a family of democratic European countries committed to working together for peace and prosperity. Its population amounted to 487.297.627 people in 2007 when 27 countries became the EU Member States. The territory comes to 4.328.903 km².

The European Union is now regarded as a supranational legal and political entity, that is, in fact, unique. It is not a State intended to replace the existing states, but it is more than any international organization, it also contains some features of federation. The Community method involves a constant balancing of national and common interests, respect for the

diversity of national traditions and the forging of a separate identity. It is an advanced form of integration. Its competence extends to the economy, industry, politics, citizen's rights and foreign policy. The Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. This pooling of sovereignty is also called "European integration".

The historical roots of the European Union lie in the Second World War. The idea of European integration was conceived to prevent such killing and destruction from ever happening again. It was first proposed by the French Foreign Minister Robert Schuman in his speech on May, 9, 1950. This date, the "birthday" of what is now the European Union, is celebrated annually as the Europe Day.

The EU was first and foremost created as an economic union. It was founded as European Economic Community. Creation and maintaining the EU's single market has been a prominent goal of the Community, ensuring the "four freedoms": free movements of people, goods, services and capital. Considered as a single economy the European Union is the largest in the world with a nominal gross domestic product (GDP) amounting to 31% of world economic output.

Politically the European Union is built around a common foreign and security policy. The objectives are as follows: 1) to safeguard the common values, fundamental interests and independence of the Union; 2) to strengthen the security of the Union and its Member States in all the ways; 3) to preserve peace and strengthen international security; 4) to promote international cooperation; 5) to develop and consolidate democracy and the rule of law, and the respect for human rights and fundamental freedoms. These objectives can be successfully achieved in two ways: by cooperation between the Member States in conducting their policy defining common positions and by gradually implementing common measures in the areas where the Member States share common interests.

Peace and reconciliation are central to the process of European integration. Not once since the end of the Second World War has Europe sought to impose its ideas on the rest of the world, other than by setting an example of how to solve problems by negotiation. The European Union is increasingly called upon to act as a mediator and a stabilizing force in

world affairs. Almost a half century of European integration has had a profound effect on the development of the continent and the attitudes of its inhabitants. It also has changed the balance of power. All governments, regardless of political complexion, now recognize that the era of absolute national sovereignty has gone. Only by joining forces and working towards a “destiny henceforward shared” can Europe’s old nations continue to enjoy economic and social progress and maintain their influence in the world.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

- 1) Why is the European Union unique?
- 2) Why do the European Union Member States “pool their sovereignty”?
- 3) How long has the European Union been developing (since, for)?
- 4) Can we make a conclusion that the European Union is one of the most powerful economic players at the global market?
- 5) What are the main political objectives of the European Union? How can the Member states achieve them?
- 6) What is the most effective way of solving intercontinental and international problems according to the text?
- 7) How has the global balance of power changed with the European Union development?

2. Complete the following sentences according to the information from the text:

1. The European Union can be defined as ...
2. “A new type of integration” means ...
3. All European countries celebrate the EU “birthday” on ... because...
4. The European Union’s single market ensures...
5. Common foreign and security policy is aimed ...
6. The process of European integration has influenced ...
7. Joining their forces Europeans can ...

3. Put the following statements in order as they are mentioned in the text:

1. In 1949 in Brussels W. Churchill said “The Europe we seek to unite is all Europe.”
2. The European Union helps to secure a global balance of power.
3. The European Union operation is a hybrid of intergovernmentalism and supranationalism.
4. The European Union – comprising 27 states (as of January 2007) – is Europe’s largest state entity in area and population.
5. Common foreign and security policy is one of the most important responsibilities of the European Union.
6. The original aim of the Community was **economic integration**: to create a **common market**, later defined as a **Single Internal Market**, in which there could be free movement of goods, persons, services and capital.

III. VOCABULARY STUDY

1. Which words and phrases in the text have the following meaning:

- a) pooling of interests and giving full civil and membership rights;
- b) a state having indisputable right to make decisions and act accordingly;
- c) supremacy of law;
- d) organization that is beyond the authority and jurisdiction of one national government;
- e) discussion to bring about an agreement or result;
- f) the condition that exists when nations or other groups are not fighting;
- g) external policy;
- h) rights of individuals to liberty, justice etc.

2. Choose the word or phrase that best complete the sentence:

1. European Union countries have _____ common institutions to which they delegate some of their sovereignty.
(a) set back; (b) set down; (c) set up; (d) set with.
2. The _____ is fundamental to the European Union.
(a) rule of law; (b) standing rule; (c) golden rule; (d) rule of the road.

3. All European Union decisions and procedures are based on the _____, which are agreed by all the EU countries.
(a) *Commands*; (b) *Orders*; (c) *Treaties*; (d) *Decrees*;
4. In the early years, much of the _____ between EU countries was about trade and the economy.
(a) *cooperation*; (b) *cooperate*; (c) *cooperative*; (d) *cooperator*.
5. The EU treaties lay down the basic aims of the Community, establish the _____ and their powers.
(a) *institutions*; (b) *universities*; (c) *colleges*; (d) *firms*.
6. The _____ is the main trend of development of the European communities and the Union.
(a) *federalization*; (b) *globalization*; (c) *consolidation*; (d) *collaboration*.
7. The Member States created the Schengen area and introduced a single _____ for foreigners on the basis of Schengen Agreements.
(a) *citizenship*; (b) *passport*; (c) *visa*; (d) *license*.

3. Complete the passage below, using the words from the box:

<p><i>unite; cooperation; common objective; integration; Europe; peace and prosperity; solutions; negotiations</i></p>
--

FIRST STEPS OF EU DEVELOPMENT

There is nothing new about the desire to _____ Europe. Figures from history as diverse as Roman emperors, Genghis Khan, Napoleon and have in turn coveted the _____ of taking European Continent as their own. Some such attempts have failed, others have enjoyed limited success over different periods of time. None has brought lasting _____ to all the inhabitants of Europe. The European Community aims to achieve that objective through _____ between European states.

The modern history of European _____ began immediately after the Second World War. The states of _____ shared a common interest in restructuring and reconstructing the Continent. They were seeking fresh _____ independent of old, discredited nation-state structure. The strong belief appeared that Europe had to start _____ and pursue the path of integration.

4. Complete the word-building table, use the words in the sentences of your own:

<i>Verb</i>	<i>noun</i>	<i>person</i>	<i>adjective (participle)</i>
negotiate	negotiation	negotiator	negotiating
.....	.....	integrationist	.....
.....	recognition	–	.....
.....	.....	informer	.....
.....	.....	.....	cooperative
promote	.....	.....	.....
–	.....	sovereign	.....
economize	.....	.....	.....
.....	existence	existentialist	.....
.....	.....	–	decisive

5. Give the English equivalents for the following word combinations:

Наднаціональний юридичний і політичний суб'єкт; суверенна держава; міжнародна організація; баланс національних і спільних інтересів; повага до національних традицій; найсучасніша форма інтеграції; забезпечувати основні свободи; зовнішня політика; права людини; вирішувати проблеми шляхом переговорів; виконувати роль посередника; користуватися перевагами економічного і соціального прогресу; об'єднувати зусилля і працювати задля спільної долі.

6. Translate the following sentences into English:

1. Європейський Союз є наднаціональним міжурядовим об'єднанням незалежних, демократичних держав. 2. Конституційний договір Євросоюзу був підписаний у Римі 29 жовтня 2004 року представниками всіх країн-учасниць. 3. Діяльність Євросоюзу охоплює майже всі сфери громадського життя: від економічної політики до закордонних справ, оборони, сільського господарства й торгівлі. Найважливішими установами Європейського Союзу є Рада Європейського Союзу, Європейська комісія, Європейський суд, Парламент Європейського Союзу, Європейський центральний банк, Європейська рада, Рахункова палата. 4. Найпершою метою Європейського Союзу була економічна інтеграція – створення спільного ринку. 5. Єдиний

ринок, що існує в наші дні, охоплює митний союз, єдину валюту — євро, керовану Європейським центральним банком, єдину сільсько-господарську політику, єдину торгівельну політику. 6. Європейський Союз покликаний оберігати спільні цінності та інтереси, зміцнювати безпеку всіх країн-членів, охороняти мир і зміцнювати міжнародну безпеку, сприяти міжнародному співробітництву, розвитку демократії та поваги до прав людини.

IV. GRAMMAR FOCUS

1. Using information from the table ask questions containing SUPERLATIVE and COMPARATIVE adjectives.

Country	Population	Area
Germany	82.422.000	357.021 km ²
France	60.876.000	550.000 km ²
Great Britain	60.609.000	244.820 km ²
Malta	400.214	316 km ²
Cyprus	800.000	9.250 km ²
Italy	58.133.000	301.230 km ²
Greece	10.688.000	131.940 km ²
Portugal	10.605.000	92.391 km ²
Austria	8.192.000	83.870 km ²
Spain	40.397.000	504.782 km ²

2. Complete the text with the correct form of the verb (Passive or Active).

Schengen Visa

If a person _____(want) to visit any of EU countries he/she should obtain Schengen visa. The Schengen _____(be) a visitor visa. It _____(issue) to citizens of the countries who are required to obtain a visa before entering Europe. A Schengen visa _____(allow) the holder to travel freely within the Schengen countries for a maximum stay of up to 90 days in a 6 months period.

On June 14, 1985 Belgium, France, Germany, Luxembourg and the Netherlands _____ (sign) the Schengen agreement. They agreed to remove checks at shared borders and allow free passage for everyone crossing these borders. Other countries, more than 30 altogether, _____ (join) these agreements since 1985. The procedures through Schengen area _____ (standardize). However, only 15 countries _____ (implement) the common border control and visa provisions.

The Schengen visa holders _____ (not allow) to live permanently or work in Europe.

V. SPEAKING

.....

1. Humanists and pacifists of 1960s demanded abolishing of wars and considered the idea of the United States of Europe. Can we say that the humanist-pacifist dream of the United States of Europe came true in the XXI century?

2. What do Europeans themselves think of the New Europe? Here some contrasting opinions. Some are positive – some not so positive but all the speakers demonstrate interest. Which ones do you agree or disagree with? Why? What do you think?

Dieter (Germany): I am very optimistic about the New Europe. Now that the cold war is over, the opportunities for peace and prosperity are enormous. Not straight away, perhaps – it will take several years to solve some of the economic problems in the East, for example. Europe must be united to compete with Japan and America in future. “Together we stand, divided we fall” – that is what the proverb says, isn’t it?

Laszlo (Hungary): I think your views on Europe depend on where you live and how much you earn. Rich people in the West can afford to feel confident and idealistic. Here in the East, though, things are different. We are Europeans but poor Europeans, and it is going to stay that way for quite a while. Freedom is wonderful but it is just the beginning. Food, secure jobs and clean air are the immediate priorities here. Maybe, when we have got those we will feel more hopeful about the future.

Craig (Britain): I support cooperation between European countries but I don’t support the idea of a ‘United States of Europe’ – some kind of

super-state with a central government, because each country should keep its basic independence. That's how it always been in the past and I just don't see an advantage of changing now. If Europe had one language and culture like America, may be it could work. That's not reality though. We are friends and allies, but there is no point pretending we are all the same. We are not.

Unit 4. European Union: Institutional System

Section 2. Members and Structure of the EU

I. LEAD-IN

1. You are going to read the text about the institutions of EU. Why, do you think, the author regards it as unique?
2. Look through the text quickly and find out what EU institutions are mentioned in the text?
3. What do the following numbers mentioned in the text refer to? 700; 24000; 20; 27; 9.

Read the text and discuss your answers with a partner:

TEXT 2

INSTITUTIONS OF EUROPEAN UNION

What sets the European Union apart from more traditional international organizations is its unique institutional structure. In accepting the European Treaties which are the basis for all EU decisions and procedures, Member States relinquish a measure of sovereignty to independent institutions representing national and shared interests. The institutions complement one another, each having a part to play in the decision-making process.

The **Council of the European Union** is the main decision-making and coordination institution. It is made of ministers from the Member States. Depending on the agenda each country is represented by the minister responsible for the subject (foreign affairs, finance, agriculture, etc.).

The Council enacts EU legislation. It is the Union's Legislature, although it shares this function with the European Parliament. The Council and the Parliament also have joint control over the Union's budget. The

Council is responsible for coordinating the general economic policies of the Member States.

The Presidency of the Council rotates, changing hands every six months. The ground for the Council's decisions is prepared by the Coreper – a committee of Member States' permanent representatives to the EU. There is also a General Secretariat, based in Brussels.

The **European Council** is regular meetings of the Heads of Governments of the Member States and Heads of the Commission. The European Council meets at least twice a year, plays the role of the launch pad for EU's major political initiatives and a forum for settling controversial issues not resolved in the Council of European Union. It also deals with current international issues through the common foreign and security policy (CFSP), a mechanism devised to allow the Member States to align their diplomatic positions and present a united front.

The **European Parliament** provides a democratic forum for debate. It has a watchdog function and also plays a part in the legislative process.

The Parliament currently has maximum 750 seats. Directly elected every five years, the members of Parliament sit not in national blocks but in seven political groups. Each group reflects the political ideology of the national parties which its members belong to. Some members are not attached to any political group. Parliament's principle roles are as follows:

- examine and adopt European legislation under the co-decision procedure; this power is shared with the Council of European Union;
- approve the EU budget;
- exercise democratic control over the other EU institutions;
- assent to important international agreements.

Parliament normally meets in Strasbourg. Its 20 committees work in Brussels, Parliament's Secretariat is in Luxembourg.

As the guardian of the Treaties the **European Commission** represents the EU interests and ensures that regulations and directives are properly implemented. It can bring a case before the Court of Justice to ensure that the EU law is enforced. The Commission has sole right of initiative and can intervene at any stage in the legislative process to facilitate agreement within the Council or between the Council and Parliament. The European Commission consists of 27 representatives assisted by about 24000 civil servants, most of its staff work in Brussels.

The **European Central Bank** is in charge of the single currency, the EURO, and independently manages European monetary policy – deciding,

for example, what the interest rates should be. The main objective is to ensure price stability, so that the European Economy will not be damaged by inflation. The bank issues binding acts. It is based in Frankfurt, Germany.

The **judicial system of the European Union** consists of the European Court, the General Court and specialized courts. They are to ensure that EU law is interpreted and implemented in line with the Treaties, also check that EU instruments respect fundamental rights. The European Court is the main judicial organ and the only body with the power to give an opinion on the correct interpretation of the Treaties or the validity and interpretation of instruments enacted by the Community institutions.

The Court sits in Luxemburg and comprises 27 judges and 8 Advocates-General appointed for a renewable six-year term by agreement between the Member States, which select them “from persons whose independence is beyond doubt”.

The Court of Auditors checks if the funds available to the EU are used legally, economically and for the intended purpose. It is an independent body located in Luxembourg. The Auditors help European taxpayers to get better value for the money that has been channeled into the EU budget.

II. DEVELOPMENT

1. Copy the table and fill in using information from the text.

Institutions					e.g. Court of Auditors
Functions					Checks EU funds using

2. Choose the word or phrase that best complete the sentence:

- European Central Bank is responsible for _____ policy and managing the euro.
(a) foreign; (b) monetary; (c) military; (d) internal.
- The European Commission drafts proposals for new European laws, which it presents to the _____ and the Council.
(a) European Court of Auditors; (b) European Parliament;
(c) European Central Bank; (d) Committee of Rights.

3. European Ombudsman deals _____ citizens' complaints about maladministration by any EU institution or body.

(a) with; (b) of; (c) at; (d) about.

4. The Council of the European Union – together with the European Parliament – sets the rules for all activities of the _____ (EC).

(a) European Commission; (b) European Union;

(c) European Central Bank; (d) European Court.

5. The European Central Bank is _____ the single currency, the euro.

(a) in charge of; (b) charged with; (c) to charge down; (d) to charge against.

6. The European Court consists of one independent _____ from each EU country and located in Luxembourg.

(a) investigator; (b) notary; (c) prosecutor; (d) judge.

7. The European Investment Bank _____ money for investment projects of European interest.

(a) pays; (b) borrows; (c) lends; (d) wastes.

8. The European Commission is appointed for a five-year term, but can be _____ by Parliament.

(a) discouraged; (b) dismissed; (c) dissolved; (d) disappointed.

9. The main objective of the European Central Bank is _____ price stability.

(a) to ensure; (b) to enlarge; (c) engage; (d) enrich.

3. Put the letters in correct order and find the words for the following definitions from the words of active vocabulary:

1. *gedana* – a set of operations which form a procedure for solving problem;

2. *scomonsimi* – body of persons given the duty to discharge a task, make an inquiry and write a report;

3. *sanset* – official agreement;

4. *trouida* – a person who examines accounts officially to see if they are in order;

5. *tudbeg* – estimate of probable future income and expenditure;

6. *terapaxy* – a person who pays taxes;

7. *motemitce* – a group of people selected by a legislative body to act on certain legislative matters;

8. *rapvepo* – agree to; confirm;

9. *micalenocoly* – carefully in spending money, time, not wasteful;
10. *ligeodoy* – manner of thinking, ideas forming the basis of an economic or political system;
11. *shlinquire* – give up control; give up/

5. Translate the following passage into English:

Мови Європейського Союзу

Євросоюз має 23 офіційні і робочі мови: болгарську, чеську, датську, голландську, англійську, естонську, фінську, французьку, німецьку, грецьку, угорську, італійську, ірландську, латвійську, литовську, мальтійську, польську, португальську, румунську, словацьку, словенську, іспанську, шведську. Важливі документи, такі як законодавство, перекладаються всіма офіційними мовами. Європарламент забезпечує переклад важливих документів, а також своїх пленарних сесій.

За мовну політику відповідає кожна з країн-членів, але установи Євросоюзу сприяють вивченню мов.

Найбільша кількість людей у Європі розмовляє німецькою (близько 88,7 млн у 2007 р.), наступними є англійська, французька, італійська. Найбільш уживаною іноземною мовою є англійська. 56 % громадян Європи здатні підтримати діалог другою мовою, відмінною від рідної.

Окрім 23 офіційних мов, існують близько 150 регіональних мов та мов національних меншин, якими розмовляють майже 50 млн. людей.

III. PRACTICE AND EXPERIENCE

- 1. Work in pairs ask and answer questions about responsibilities of the EU institutions.**
- 2. Read the telephone conversation between a student (S) and a student programs facilitator (A). Translate the student's words into English.**

A: Good morning. "Globe Travel", Ann is speaking. How can I help you?

S: Чи можу я взяти участь у волонтерській програмі? Не могли б Ви надати мені інформацію?

A: Certainly. You should choose three possible programs, fill in the application form, prepare all necessary documents.

S: Які документи необхідні для участі в програмі?

A: You have to add copies of passports, reference from your university, and apply for Schengen visa.

S: Не могли б Ви порадити, як звернутися до посольства через Інтернет, щоб отримати візу?

A: The first step in the visa application process is to download the Schengen Application Guide. For your convenience the Application Guide is available in three languages: English, Spanish and Chinese. Then fill in the Application Form following the instructions.

S: Скажіть, будь-ласка, до якого посольства мені слід звертатися, якщо за умовами програми я матиму можливість відвідати кілька країн?

A: Traveling on a Schengen Visa means that the visa holder can travel to any (or all) member countries using one single visa, thus avoiding the hassle and expense of obtaining individual visas for each country. So the Schengen Visa has made traveling between European member countries much easier and less bureaucratic. This is particularly beneficial for persons who wish to visit several European countries on the same trip.

S: Поясніть, будь-ласка, чи всі країни Євросоюзу можна відвідати, отримавши Візу?

A: All Schengen countries are in Europe. However, it should not be confused with European Union. Schengen and European Union are two different agreements between European countries. A total of 30 countries (in 2007), including all EU countries (except Ireland and the United Kingdom) and three non-EU members (Iceland, Norway, and Switzerland) have signed the Schengen agreement.

S: Чи не могли б Ви порадити, яких правил слід дотримуватися, подорожуючи країнами Шенгенської зони?

A: The purpose of the visit must be leisure, tourism, or business. Upon the issuance of the visa, the visa holder is allowed to enter all member countries and travel freely throughout the Schengen area. It is strongly recommended to plan your journey within the timeframe of the Schengen Visa as extensions can be very difficult to obtain, thus forcing you to leave

or to stay in compliance with the Schengen rules and regulations. You can travel for a maximum stay of up to 90 days in a 6 month period.

S: *На який час розрахована програма для студентів?*

A: You can participate in different programs lasting from 2 weeks to 2 months, and then visit some places as a tourist.

S: *Дякую. Ви мені дуже допомогли. Коли я можу звернутися до Вашого офісу?*

A: You are welcome. We are open every day from 9 a. m. to 6 p. m.

IV. WRITING

1. Using information from the Internet sites (e.g. <http://europa.eu>) make a presentation (under 150 words) on:
- Common Foreign and Security Policy;
 - Police and Judicial Co-operation;
 - NATO.

V. OVER TO YOU

1. Is further enlargement of the European Union possible? Discuss the question in small groups.
2. What are the main trends of EU development in the XXI century?

Unit 5. European Union: Law and Judiciary

Section 1. European Union Law

I. WARMING UP

1. Answer the following questions:

1. Is there a single legal system in Europe?
2. Can Member States use their own laws?
3. What types of legal acts are used by any country for its foreign and internal affairs?
4. How does the EU impact on Member States?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|---------------------------|---------------------------------|
| 1) mutual benefit | a) первинне законодавство |
| 2) three pillar structure | b) вторинне законодавство |
| 3) denote | c) застосований безпосередньо |
| 4) directly applicable | d) переносити |
| 5) transpose | e) відхиляти |
| 6) override | f) позначати, означати |
| 7) primary legislation | g) взаємна вигода |
| 8) secondary legislation | h) структура, що має три основи |
| 9) supranational law | i) наднаціональний |
| 10) encompassing | j) всеохоплюючий |

Read the text to find out if you answered the questions correctly.

TEXT 1

EUROPEAN UNION LAW

The Law of the European Union is the **unique legal system** which operates alongside the laws of **Member States** of the European Union (EU).

The EU law has **direct effect** within the legal systems of its Member States, and overrides national law in many areas, especially in terms of economic and social policy.

The European Union is not a federal government, nor is it an intergovernmental organization. It constitutes a **new legal order** in international law for the **mutual social and economic benefit** of the Member States. It is sometimes classified as **supranational law**.

The European Union law has evolved gradually over the last 56 years. When the **Treaty of Paris** was signed in **1951**, it established the **European Coal and Steel Community (ECSC)**, and comprised just six Member States.

Five years later the **European Economic Community (EC)** was founded by the same six Member States, and then they signed **EUROATOM** (European Atomic Energy Community Treaty).

The original aim of the Community was **economic integration**: to create a **common market**, later defined as a **Single Internal Market**, in which there could be free movement of goods, persons, services and capital. This was to be achieved by the creation of a **free trade area**, where Member States agreed to remove all **customs duties** and **quotas** (restrictions on the amount of goods imported across Member States' **frontiers**) between themselves, and a **customs union**, in which all members agreed to **impose on** goods coming into the area from non-member states a common level of duty (the Common Customs Tariff).

Now there are around 500 million EU citizens in 27 Member States **subject to the EU law**, making it one of the most **encompassing modern legal systems in the world**.

The **sources of the EU law** are:

1. the **Treaties – primary legislation** (the Treaty on the Functioning of the European Union (Lisbon Treaty), the Treaty on the European Union Maastricht Treaty);
2. **secondary legislation** enacted by the European Union (such as **regulations and directives**);
3. **general principles**, including **fundamental human rights**, and **citizenship** of the EU for every **national** of a Member State;
4. **decisions of the European Court**.

The EU Treaties are directly applicable in every Member State. Accession to the Community limits the power of national governments

and affects national sovereignty – the power to govern. The European Union law has supremacy over, that is, overrides national law.

There are **five types of legal acts** the European Union uses:

- **Treaties** – directly applicable.
- **Regulations** – have general applications and are binding in their entirety on all Member States and have direct effect, meaning they automatically become law in Member States.
- **Directives** – are binding on Member States as to their result but do not bind individuals until they have been **transposed** into national law (**implemented**).
- **Decisions** of the European Court – are binding on those to whom they are addressed.
- **Recommendations and opinions** – have no binding force but may be persuasive, that is, have influence.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. Why is the EU legal system thought to be unique?
1. Why is the EU law regarded as the new legal order?
2. How did the EU law develop?
3. What are the sources of the EU law?
4. What types of legal documents are used by the European Union?

2. Are the following statements true or false? Find reasons for your answers in the text

1. Member States are required to incorporate the European legislation into national law and to recognize the jurisdiction of the European Court in matters of the EU law.
2. The national legislation of Member States takes precedence over Union rules.
3. National sovereignty is not affected by the membership of the European Union.
4. Recommendations and opinions have neither binding force nor influence national governments.
5. Directives bind individuals of Member States after implementation into national law.

3. Rearrange the underlined letters to make words in extracts below.

The (1) laennirt market shall comprise an area without internal (2) stenroirf in which the (3) reef (4) vemmnote of goods, persons, (5) essricev and capital is ensured in accordance with the (6) noopssivir of this (7) yetrat.

From Article 7a, the Single European Act 1986

Member (8) eattss shall take all appropriate (9) russeame whether general or particular, to ensure fulfillment of the (10) tooglisnabiarising out of this Treaty or resulting from an action taken by the institutions of the (11) timmouncy. They shall facilitate achievement of the Community's tasks.

Article 5, the EC Treaty

A (12) ulegnotair shall have general (13) pintclapoia. It shall be (14) dinbign in its entirety and directly applicable all Member States.

A (15) vetcriide shall be binding, as to the result to be achieved, upon each

(16) beerrmm State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

From Article 189, the Treaty of Rome

4. Find in the TEXT the names of LEGAL ACTS for the following definitions:

1) _____ a formal agreement made and signed between nations; lays down the basic aims of the European Union, establishes the institutions and their powers, formulates the policies of the European Union;

2) _____ a normative act that lays down general rules which are binding both at the European Union and national level, replaces any existing and conflicting rule in domestic legal system, automatically becomes a part of law of any Member State.

3) _____ a general or detailed instruction addressed only to each Member State to bring its legal system into exact conformity with the objectives specified in this act, binding only 'as to result to be achieved';.

4) _____ a conclusion, judgment binding in its entirety upon those to whom it is addressed (may be addressed either to states or individuals), not intended to have general application;

5) _____ an act proposing some actions to be performed, not binding for Member States;

6) _____ a judgment or instruction given by experts or institutions, not binding for Member States

III. VOCABULARY STUDY

1. Find the words in the TEXT which mean:

- 1) import taxes;
- 2) restrictions on import;
- 3) borders;
- 4) membership of;
- 5) the power to govern;
- 6) implement;
- 7) legal conditions.

2. Make the sentences of your own with the words typed in bold in the text "EUROPEAN UNION LAW".

V. SPEAKING

1. Discuss in small groups using active vocabulary and the words typed in bold in the text:

- How has the membership of the EU affected the jurisdiction you are familiar with?
- What laws and legal acts regulate the relations between our country and the European Union?

2. Using information from the text agree or disagree with the following idea, discussing it in small groups:

One of the distinguishing features of the European Union is the power entrusted by Member States to the political institutions to make laws.

IV. WRITING

1. Make a summary on the theme “Legal System and Courts of the European Union”.

V. OVER TO YOU

2. For access to European Union legislation, including Treaties and case law, go to EUR-Lex at: <http://eur-lex.europa.eu/en/index.htm>
3. Using the information from free encyclopedia <http://en.wikipedia.org> find the information about EU courts and share with your classmates.

Unit 5. European Union: Law and Judiciary

Section 2. European Court of Justice

I. LEAD-IN

1. Skim over the TEXT and try to arrange the headings of the paragraphs in the correct order according to the TEXT:

- 1) Chambers
- 2) Jurisdiction
- 3) Organization
- 4) Future
- 5) Overview
- 6) Other Courts.

2. Make questions using the headings above to ask your partner about the European Court. Read the Text and check the answers.

TEXT 2

THE EUROPEAN COURT

The European Court is the highest court in the European Union. The Court was established in 1952 by the Treaty of Paris (1951) and is based in Luxembourg City — unlike most other Union institutions which are based in Brussels. The EC is the highest court of the European Union in matters of European Union law, but not national law with each Member having its own legal system. It makes sure that EU-level legislation is interpreted and applied in the same manner across the whole European Union. This is to avoid national courts interpreting the same legislation differently. Its decisions are binding, ensuring Member States, and institutions follow the law. For example if a state fails to implement a directive or the Commission acts outside its power. The Court can also settle legal disputes between states, institutions, businesses and individuals. It is the responsibility of the European Court to ensure that the law is observed in the interpretation

and application of the Treaties of the European Union and of the provisions laid down by the competent European Union institutions. To enable it to carry out that task, the Court has wide jurisdiction to hear various types of action.

The European Court is composed of one judge per Member State and eight Advocates General. The Court is led by a President. The President of the European Court is elected from among the judges every three years. The President presides over hearings and deliberations, directing judicial business and administration (for example, the time table of the Court). The Judges and Advocates General are appointed by common accord of the governments of the Member States and hold office for a term of six years. They are chosen from legal experts whose independence is 'beyond doubt' and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are of recognized competence. However, as the European Court can only sit with an uneven number of judges, additional judges have been appointed at times when there was an even number of Member States.

The European Court sits as a full Court, in a Grand Chamber (13 Judges), or in chambers of three or five Judges. It sits in a Grand Chamber when a Member State or a Community institution that is a party to the proceedings so requests, or in particularly complex or important cases. Other cases are heard by a chamber of three or five Judges. The quorum for the full Court is 15. The Court acts as a collegiate body: decisions are made by the Court rather than by individual judges.

There are other courts that consider legal problems in the European Union. The other body of the European Union judicial system is the General Court which give rulings on certain cases, particularly those brought by private individuals, companies and some organizations. It also deals with competition law.

The Civil Service Tribunal deals with disputes between the European Union and the European civil service, and Court of Auditors considers problems of the Union's accounts.

The European Court should not be confused with the European Court of Human Rights in Strasbourg, which is part of the Council of Europe, which supervises compliance with the European Convention on Human Rights and functions as the highest European court for human rights and fundamental freedoms.

II. DEVELOPMENT

1. Answer the following questions:

- 1) How long has the European Court considered the EU cases and problems?
- 2) What country is the European Court located in?
- 3) What does the Court ensure?
- 4) Why are the European Court decisions binding for all Member States?
- 5) How is the Court organized?
- 6) What are the responsibilities of the European Court President?
- 7) Who can become a judge of the European Court?
- 8) What other Courts are mentioned in the Text?

2. Several European courts having different responsibilities are mentioned in the text. Copy the table and fill in.

Courts					
Responsibilities					

III. PRACTICE AND EXPERIENCE

1. Read the passage and ask questions to the words typed in bold. Think over the headline of the passage.

1) The EU's legal system contains a multiplicity of legislative procedures **used to enact the European Union legislation**. 2) The Treaties provide **the basis for all legislation** and lay down **the different ways of adopting legislation** for different policy areas. 3) A common feature of the EU's legislative procedures is that almost all legislation must be proposed **by the Commission**, rather than Member States or European parliamentarians. 4) The **two most common procedures** are **co-decision**, under which the European Parliament **can veto** proposed legislation, and **consultation**, under which Parliament is only permitted to **give an opinion** which can be ignored by European leaders. In most cases **legislation** must be agreed **by the Council**.

2. Discuss the following questions. Use the information given below to help you.

1) What international organizations are aimed to keep peace, encourage international cooperation, protect human rights, and grant aid?

2) What is NATO?

3) What countries are the members of the Alliance?

4) When was NATO founded?

5) Where is NATO headquarters?

The Common Foreign and Security Policy sees NATO – the North Atlantic Treaty Organization – responsible for territorial defense of Europe and peace-making.

NATO was created by the North Atlantic Treaty, signed in Washington on 4 April 1949. As defined in Article 51 of the United Nations Charter NATO was created for collective defense. The Alliance links European countries with the United States and Canada.

NATO's essential purpose is to safeguard the freedom and security of all its members by political and military means (political solidarity and adequate military defense) in accordance with the principles of the United Nations Charter. Based on common values of democracy, human rights and the rule of law, the Alliance has worked since its inception for the establishment of a just and lasting peaceful order in Europe. This central objective remains unchanged.

NATO also embodies the transatlantic link by which the security of North America is permanently tied to the security of Europe. It is the practical expression of effective collective effort among its members in support of their common interests.

The fundamental operating principle of the Alliance is that of common commitment and mutual cooperation among sovereign states based on the indivisibility of the security of its members.

The resulting sense of equal security among the members of the Alliance, regardless the difference in their circumstances or their national military capabilities, contributes to overall stability within Europe.

GRAMMAR GUIDE

THE NOUN

Іменник — частина мови, що означає назви живих істот, предметів, явищ, понять та відповідає на питання хто? що? *who? what?*

Утворення множини іменників. Іменники в англійській мові поділяються на обчислювані (countable nouns) і необчислювані (uncountable nouns). Обчислювані іменники означають предмети, які можна полічити: *chair* — стілець; *engineer* — інженер; *question* — запитання. Необчислювані іменники — це назви речовин і багатьох абстрактних понять, які не піддаються лічбі: *water* — вода; *milk* — молоко; *freedom* — свобода; *friendship* — дружба та ін.

Обчислювані іменники вживаються в однині (the singular) і множині (the plural). На письмі більшість іменників мають у множині закінчення *-s*. Закінчення *-es* додається, якщо іменник в однині закінчується на *-s, -ss, -sh, -ch, -x*:

bus автобус — *buses*
class клас — *classes*
bush кущ — *bushes*

lunch сніданок — *lunches*
watch годинник — *watches*
box ящик — *boxes*

Якщо іменник закінчується на *-f* або *-fe*, у множині *f* змінюється на *v* з додаванням закінчення *-es*:

leaf листок — *leaves*
shelf полиця — *shelves*
half половина — *halves*
knife ніж — *knives*

wife дружина — *wives*
wolf вовк — *wolves*
calf теля — *calves*
life життя — *lives*

Винятки:

man чоловік — *men*
foot нога — *feet*
goose гуска — *geese*
child дитина — *children*

woman жінка — *women*
tooth зуб — *teeth*
mouse миша — *mice*
ox бик — *oxen*

Деякі іменники латинського і грецького походження зберігають форми множини, які вони мали в цих мовах:

phenomenon явище — *phenomena* *crisis* криза — *crises*
criterion критерій — *criteria* *thesis* теза, тезис — *theses*
analysis аналіз — *analyses* *basis* основа, базис — *bases*
datum надана (величина), початковий факт — *data*
memorandum меморандум — *memoranda*

У складних іменниках форму множини приймає лише смисловий іменник:

daughter-in-law невістка — *daughters-in-law*
school-mate шкільний товариш — *school-mates*

Необчислювані іменники мають або форму однини, або форму множини. Так, назви речовин, а також іменники, що позначають абстрактні поняття, вживаються тільки в однині: *chalk* — крейда, *silver* — срібло, *peace* — мир, *courage* — відвага та ін. До іменників, які в англійській мові вживаються лише в однині, належать також іменники:

<i>advice</i> — порада, поради	<i>knowledge</i> — знання
<i>information</i> — інформація, відомості	<i>news</i> — новина, новини
<i>progress</i> — успіх, успіхи	<i>money</i> — гроші

До іменників, які в англійській мові вживаються лише в множині, належать, як і в українській мові, назви предметів, що складаються з двох рівних або подібних частин: *spectacles* — окуляри, *trousers* — штани, *scissors* — ножиці та ін.

Тільки форму множини мають і деякі інші іменники, українські відповідники яких можуть уживатися в однині і множині, а деякі навіть тільки в однині: *goods* — товар, товари; *clothes* — одяг; *contents* — зміст; *wages* — зарплата.

Тільки форму множини мають також деякі збірні іменники: *police* — поліція, *people* — люди, *cattle* — худоба, тощо.

Іменники можуть утворюватись за допомогою префіксів та суфіксів від іменників та інших частин мови. Наприклад:

1. Для зазначення діючої особи, до дієслова додаються суфікси *-er*, *or*:

to buy — купувати, *buyer* — покупець.

2. Суфікс — *ness* утворює іменник від прикметника:

weak — слабкий, *weakness* — слабкість.

3. Суфікс — *ship* утворює іменник від іншого іменника:

friend — приятель, *friendship* — приятелювання.

4. Суфікс — *ment* утворює іменник від дієслова:

to govern — керувати, *government* — керування, уряд.

5. Префікси *-dis* та *-in* надають іменникам заперечне значення:

order — порядок, *disorder* — безлад; *ability* — здатність, *inability* —

нездатність.

Присвійний відмінок (The Possessive Case). Присвійний відмінок однини утворюється додаванням до іменника апострофа і закінчення *-s*, наприклад: *Jack's friends* — друзі Джека. Якщо іменник в однині закінчується на *-s*, *-ss*, *-x*, на письмі в присвійному відмінку додається здебільшого тільки апостроф, хоча позначення *- 's* також можливе: *James' coat*, *James's coat*.

Якщо іменник у множині закінчується на *-s*, то в присвійному відмінку множини до нього додається лише апостроф: *the lawyers* — *the lawyers' documents*. У всіх інших випадках присвійний відмінок іменника утворюється так само, як і в однині, тобто додаванням — *'s*: *men's evidence*.

Іменник у присвійному відмінку, як правило, стоїть перед іншим іменником і є означенням до нього. Українською мовою він перекладається родовим відмінком іменника або присвійним прикметником: *Peter's report* — доповідь Петра, Петрова доповідь.

У присвійному відмінку вживаються в основному іменники, що означають назви істот. Крім назв істот, у присвійному відмінку вживаються:

а) іменники, що позначають час і відстань: *yesterday's newspaper*; *two year's absence*; *at a mile's distance*;

б) назви країн, міст, а також слова *country*, *town*, *city*, *world*, *ocean*, *river*: *Kyiv's parks*; *England's foreign trade*; *the river's banks*;

в) назви небесних тіл (*the sun*, *the moon*, *the earth*): *the sun's rays*; *the moon's surface*;

г) збірні іменники типу *government*, *party*, *army*, *crew*, *family*, *society*: *the government's proposals*; *the society's members*.

Закінчення *- 's* додається не лише до іменників, а й до займенників *somebody*, *someone*, *anybody*, *anyone*, *other*, *another*, *each other*, *one another*, *one*.

Закінчення *- 's* може додаватися також до цілих словосполучень і навіть речень: *Foreign Minister of Poland's speech* — промова міністра закордонних справ Польщі.

THE ARTICLE

1. Неозначений артикль (the Indefinite Article) вживається з обчислюваними іменниками в однині:

а) коли дається загальна характеристика: *I am a student*. *It is a very important fact*. *He made an interesting remark*.

б) у значенні „ один з”: *She is a student.*

в) у деяких сталих словосполученнях: *to have a good time, to have a headache, to be in a hurry, a little, a few, to go for a walk, it's a pity, etc.*

2. Означений артикль (the Definite Article) вживається:

а) з обчислюваними іменниками в однині, коли йдеться про знайомий предмет або особу: *The teacher asked us to read the text. The students of our group will take part in the conference.*

б) з обчислюваними іменниками в однині, коли розкривається їх зміст: *The defendant is a person against whom a legal action is brought.*

в) із необчислюваними іменниками, коли йдеться про речовини або абстрактні явища, обмежені місцем, часом чи обставинами: *The silence in the hall was oppressive.*

г) із назвами океанів, морів, заток, каналів і річок: *the Volga, the Black Sea.*

г) із назвами груп островів: *the British Isles.*

д) із назвами гірських хребтів: *the Urals, the Alps.*

і) із назвами кінотеатрів, готелів, музеїв, галерей, газет та журналів, кораблів: *the National Gallery, the Daily Mirror.*

к) у деяких сталих словосполученнях: *in the East/ West/ North/ South, on the one/other hand, the sky, the Moon, in the street, to go to the cinema/theatre, in the morning/afternoon/evening, the other day, to tell the truth.*

3. Відсутність артикля (Zero Article). Артикль не вживається:

а) з обчислюваними іменниками у множині, коли їм дається загальна характеристика: *We are students. We discussed various problems.*

б) з абстрактними іменниками: *He studies law. The witness spoke with confidence.*

в) з обчислюваними іменниками на позначення посад та титулів: *Bill Clinton is President of the USA. Tony Blair, Prime Minister of the UK, declared that Britain did not support the proposal.* Якщо ці іменники є підметом чи додатком, вони вживаються з неозначеними чи означеними артиклями: *The Prime Minister visited France last week. They applied to the President asking him to interfere.*

г) з обчислюваними іменниками, означенням яких є кількісні числівники: *Turn to page 23. Contract A-455 has been fulfilled. Clause 5 is now under consideration.*

г) з обчислюваними іменниками, що вживаються з прийменником у функції обставини та є нерозривним сполученням: *He is away on business. Let us go by taxi.*

д) з назвами більшості країн, континентів, гір, островів, озер, міст, вулиць, площ, парків: *Russia, Moscow, London, Trafalgar Square.*

і) з іменами та прізвищами людей: *Gordon Brown.*

к) у словосполученнях, у яких перше слово є власною назвою: *Yaroslav the Wise Law Academy of Ukraine* but **the** *Law Academy.*

л) у сталих словосполученнях: *to be in bed/ to go to bed, to be at school/to go to school, to be in prison, to be in hospital, to be at work, at home, by car/train/air, by heart, by chance, by mistake, in time, on time, in town, in pencil, to have dinner/ breakfast/lunch.*

Особливості вживання артиклів

а) імена людей

Прізвища та імена людей, а також прізвиська тварин вживаються без артикля: *George Michael, Tom Brown.* Означений артикль уживається, коли прізвище стоїть у множині і позначає сім'ю в цілому: *the Browns, the Belovs.*

Іменники на позначення військових рангів, посад чи титулів, таких як академік, професор, доктор, лорд, граф, президент, королева, король і т. д., уживаються без артикля: *Colonel Brown, Doctor Strong.* Якщо назва посади є підметом чи додатком, то вона вживається з означеним чи неозначеним артиклем: *The President spoke for an hour.*

Іменники, що виражають взаємини в сім'ї, вживані з власними іменами, вживаються без артикля: *Aunt Polly, Uncle Tom.*

б) географічні назви

Назви континентів, країн, міст і сіл вживаються без артикля. Як виняток, назви деяких країн і місцевостей уживаються з означеним артиклем: *the Netherlands, the Philippines, the Caucasus, the Crimea, the Hague.*

Назви країн, що складаються із загального іменника з одним або кількома означеннями, вживаються з означеним артиклем: *the United States of America, the United Kingdom, the United Arab Emirates.*

в) назви мов

Назви мов завжди вживаються без артикля: *to speak English, French.* Якщо назва мови вживана з іменником «мова», перед нею вживається означений артикль: *the English language.*

г) університети

Назви університетів, коледжів, перше слово яких — ім'я людини або назва місця, вживаються без артикля: *Cambridge University, Oxford University*. Але означений артикль може вживатися з навчальними закладами, в назвах яких на першому місці стоїть не власне ім'я: *the Law Academy of Ukraine*.

г) політичні партії та організації

Назви організацій та політичних партій уживаються з означеним артиклем:

the Labour Party, the Supreme Court, the Verkhovna Rada, the House of Lords, the United Nations, the Anglican Church. Якщо йдеться про конкретну країну, та її політичний устрій, то назви організацій можуть уживатися без артикля: *Sovereignty of Parliament forms the second pillar of the British Constitution*.

д) документи

Назви історичних, юридичних, політичних документів уживаються з означеним артиклем: *the British Constitution, the Bill of Rights, the Programme of the «Nasha Ukraina» party*.

THE ADJECTIVE

Прикметник — частина мови, що виражає ознаку предмета і відповідає на питання *який? what (kind of)?*

a new law

Ступені порівняння прикметників. Прикметники в англійській мові мають три ступені порівняння. Якісні прикметники мають позитивний (the Absolute Degree), вищий (the Comparative Degree) і найвищий ступінь (the Superlative Degree).

Порівняльний та найвищий ступені можуть утворюватись одним з двох способів: 1) синтетичний спосіб утворюється до основної форми прикметника додаванням суфікса *-er* у вищому і *-est* у найвищому ступені: *cold — colder — the coldest*; 2) аналітичний спосіб утворюється додаванням до основної форми прикметника слова *more* у вищому ступені і *the most* — у найвищому: *dangerous — more dangerous — the most dangerous*.

Синтетичним способом утворюються ступені порівняння:

а) усіх односкладових прикметників: *short — shorter — the shortest*;

б) двоскладових прикметників, що закінчуються на *-y, -er, -le, -ow*:
heavy — heavier — the heaviest
clever — cleverer — the cleverest
simple — simpler — the simplest
narrow — narrower — the narrowest;

в) двоскладових прикметників з наголосом на другому складі:
polite — politer — the politest
severe — severer — the severest.

Усі інші прикметники утворюють ступені порівняння аналітичним способом.

Виятки:

<i>good</i>	<i>better</i>	<i>the best</i>
<i>bad</i>	<i>worse</i>	<i>the worst</i>
<i>little</i>	<i>less</i>	<i>the least</i>
<i>far</i>	<i>farther/further</i>	<i>the farthest/furthest</i>

Іменник, що має означення, виражене прикметником у найвищому ступені, вживається з означеним артиклем: *the most interesting case* — найцікавіша справа.

Означений артикль вживається перед найвищим ступенем порівняння прикметника і тоді, коли іменник не згадується:

There are 20 lawyers in the company. He is the most qualified. — У компанії 20 юристів. Він найбільш кваліфікований.

Для посилення вищого ступеня вживаються слова *much, far* — набагато, значно; *still* — ще:

This result is much better. — Цей результат значно кращий.

It is still colder today. — Сьогодні ще холодніше.

При порівнянні в реченні звичайно вживається сполучник *than*:

She is younger than Helen. — Вона молодша за Олену.

При порівнянні предметів з однаковою мірою якості вживається прикметник в основній формі та сполучник *as...as*:

He is as dangerous as she is. — Він такий же небезпечний, як і вона.

Для вираження меншої міри якості прикметник в основній формі вживається зі сполучником *so ... as*:

They are not so smart as she is. — Вони не такі розумні, як вона.

За допомогою сполучника *as* можна також порівняти нерівні якості та кількість, які відрізняються один від іншого у кілька разів:

I have twice as much evidence as you do. — У мене вдвічі більше доказів, ніж у тебе.

My office is twice as large as yours. — Мій офіс вдвічі більший, ніж ваш.

THE ADVERB

Прислівник — це частина мови, що вказує на ознаку дії чи якості та відповідає на питання *як? how?*

За формою прислівники діляться на такі розряди:

1) прості (Simple) — *here, there, now, then, soon, fast, still, very, hard, too, how, little, much.*

2) похідні (Derived) — ті, що утворюються від прикметників та деяких іменників за допомогою суфікса *-ly*: *active — actively, usual — usually, part — partly.*

Якщо прикметник, від якого утворюється прислівник, закінчується на *-y*, то у змінюється на *-i*:

easy — easily

Якщо прикметник закінчується на *-e*, то кінцева *-e* при утворенні прислівника пропускається:

simple — simply

3) складні (Compound) — ті, що утворюються шляхом словосполучення: *sometimes, inside.*

4) складені (Phrase Adverbs) — *at last, in vain.*

Ступені порівняння прислівників утворюються у той самий спосіб, що і ступені порівняння прикметників:

– синтетичним способом (до основної форми прислівника додається закінчення *-er* у вищому і *-est* у найвищому ступені: *fast — faster — the fastest*);

– аналітичним способом (до основної форми прислівника додаються слова *more* у вищому ступені і *the most* — у найвищому: *openly — more openly — the most openly.*

Ступені порівняння прислівника *early* утворюються лише за допомогою суфіксів:

early — earlier — earliest

Винятки:

well — better — best

badly — worse — worst

much — more — most

little — less — least

far — farther/further — farthest/furthest

THE PRONOUN

Особові займенники мають два відмінки: називний (the Nominative Case) і об'єктний (the Objective Case).

Число	Називний відмінок (the Nominative Case)	Об'єктний відмінок (the Objective Case)
Однина	<i>I</i> — я <i>you</i> — ти <i>he</i> — він <i>she</i> — вона <i>it</i> — воно (він, вона)	<i>me</i> — мене, мені <i>you</i> — тебе, тобі <i>him</i> — його, йому <i>her</i> — її, їй <i>it</i> — його, йому, її, їй
Множина	<i>we</i> — ми <i>you</i> — ви <i>they</i> — вони	<i>us</i> — нас, нам <i>you</i> — вас, вам <i>them</i> — їх, їм

Особові займенники 3-ї особи відрізняються за родами: *he* (чоловічий рід) уживається для позначення істот чоловічої статі, *she* (жіночий рід) — для позначення істот жіночої статі, *it* (середній рід) — для позначення неістот, тварин і рослин. У множині є тільки один займенник 3-ї особи — *they*. Особові займенники в називному відмінку виконують функцію підмета; особові займенники в об'єктному відмінку виконують функцію додатка.

Присвійні займенники позначають належність і відповідають на питання *whose?* — *чий?* *чия?* *чус?* *чії?* Присвійні займенники змінюються за особами.

Число	Особові займенники	Присвійні займенники
Однина	<i>I</i> — я <i>you</i> — ти <i>he</i> — він <i>she</i> — вона <i>it</i> — воно (він, вона)	<i>my</i> — мій, моя, моє, мої <i>your</i> — твій, твоя, твоє, твої <i>his</i> — його <i>her</i> — її <i>its</i> — його (її)
Множина	<i>we</i> — ми <i>you</i> — ви <i>they</i> — вони	<i>our</i> — наш, наша, наше, наші <i>your</i> — ваш, ваша, ваше, ваші <i>their</i> — їхній, їхня, їхнє, їхні

Присвійні займенники вживаються у функції означення перед іменниками. Артикль при цьому не ставиться:

This is my room.

These are theirs notebooks.

Вказівні займенники *this* (цей, ця) і *that* (той, та) мають форму множини: *these* (ці) і *those* (ті). Вказівний займенник *this* (*these*) вживається стосовно предметів, що знаходяться близько від того, хто говорить. Вказівний займенник *that* (*those*) вживається стосовно предметів, більш віддалених від того, хто говорить. Вказівні займенники виконують функції:

а) підмета: *This is a report.*

б) означення (перед іменником): *This report is good.*

Зворотні займенники утворюються додаванням закінчення *-self* (в однині) і *-selves* (у множині) до присвійних займенників *my*, *your*, *our*, особових займенників у об'єктному відмінку *him*, *her*, *it*, *them* та неозначеного займенника *one*:

Число	Особові займенники	Зворотні займенники
Однина	<i>I</i>	<i>myself</i>
	<i>you</i>	<i>yourself</i>
	<i>he</i>	<i>himself</i>
	<i>she</i>	<i>herself</i>
	<i>it</i>	<i>itself</i>
Множина	<i>we</i>	<i>ourselves</i>
	<i>you</i>	<i>yourselves</i>
	<i>they</i>	<i>themselves</i>
	<i>one</i>	<i>oneself</i>

Зворотні займенники вживаються в функції додатка і перекладаються українським зворотним займенником *себе* в різних відмінках:

He thinks too much of himself. — Він думає дуже багато про себе.

До **неозначених займенників** належать *some*, *any*, а також складні займенники *somebody*, *someone*, *something*, *anybody*, *anyone*, *anything*.

Займенник *some*, вжитий перед обчислюваним іменником у множині або замість нього, означає *кілька*, *деякі*, *дехто*:

There are some papers on the table. — На столі кілька паперів.

Перед обчислюваними іменниками в однині *some* означає *який-небудь*, *якийсь*:

I read it in some magazine. — Я читав це в якомусь журналі.

З необчислюваними іменниками *some* означає деяку кількість і українською мовою не перекладається:

Don't forget to buy some butter. — Не забудь купити масла.

Займенник *any* означає який-небудь, які-небудь, скільки-небудь. Українською мовою він здебільшого не перекладається:

Are there any people there? — Там є люди?

Займенники *some, somebody, someone, something* вживаються:

а) у розповідних реченнях:

I've brought you something. — Я вам щось приніс.

б) у запитаннях, що починаються питальними словами, а також у питальних реченнях, що виражають пропозицію або прохання:

Why have some lawyers left the court-room? — Чому деякі юристи пішли з залу суду?

Займенники *any, anybody, anyone, anything* вживаються:

а) у запитаннях без питального слова і в заперечних реченнях:

I don't see anything. — Я не бачу нічого.

Was anybody here just now? — Чи був тут щойно хто-небудь?

б) у розповідних реченнях, де *any* має значення будь-який; *anybody, anyone* — будь-хто; *anything* — будь-що:

I'll do anything in the world to help you. — Я все на світі зроблю, щоб допомогти тобі.

До кількісних займенників належать: *many, much* — багато; *few, little* — мало; *a few, a little* — кілька, трохи. Вони мають ступені порівняння:

<i>many</i>	<i>more</i>	<i>most</i>
<i>much</i>	<i>more</i>	<i>most</i>
<i>few</i>	<i>fewer</i>	<i>fewest</i>
<i>little</i>	<i>less</i>	<i>least</i>

Many, few вживаються перед обчислюваними іменниками в множині, а також замінюють їх. При цьому *many* означає багато, *few* — мало:

Many judges are ex-barristers. — Багато суддів — це колишні барістери.

She has few notebooks. — У неї мало зошитів.

Займенники *much, little* вживаються перед необчислюваними іменниками, а також замінюють їх.

There is much work to do. — Є багато роботи.

Крім того, *much, little* вживаються після дієслів як прислівники:

He works very little. — Він працює дуже мало.

Наявність неозначеного артикля перед *few, little* змінює їх значення. *Few, little*, вжиті без артикля, означають мала, недостатня

кількість. Вживання перед цими словами неозначеного артикля підкреслює наявність певної, хоча і невеликої, кількості:

We have little evidence. — У нас мало доказів.

We have a little evidence. — У нас є трохи доказів.

We have few friends here. — Тут у нас мало друзів.

There were a few visitors, men and women. — Відвідувачів було кілька, чоловіки та жінки.

THE NUMERAL

Кількісні числівники (Cardinal Numerals):

0 nought (zero, oh)	6 six	12 twelve
1 one	7 seven	13 thirteen
2 two	8 eight	14-19...teen
3 three	9 nine	20-90...ty
4 four	10 ten	100 a (one) hundred
5 five	11 eleven	101 a hundred and one

200 two hundred

1,000 a (one) thousand

100,000 a hundred thousand

1,000,000 a (one) million

Порядкові числівники (Ordinal Numerals):

1 st first	8 th eighth	20 th twentieth
2 nd second	9 th ninth	21 st twenty-first
3 rd third	10 th tenth	100 th one (a) hundredth
4 th fourth	11 th eleventh	101 st one (a) hundred and first
5 th fifth	12 th twelfth	1,000 th one (a) thousandth
6 th sixth	13 th thirteenth	100,000 th one (a) hundred thousandth
7 th seventh	14 th fourteenth	1,000,000 th one (a) millionth

Дати

1900 nineteen hundred

1901 nineteen one

1905 nineteen five

1920 nineteen twenty

1921	nineteen twenty-one
2000	two thousand
2008	two thousand eight

Арифметичні дії

$2 + 5 = 7$	two plus (and) five is (makes) seven
$7 - 3 = 4$	three from seven is (makes) four
$3 \times 2 = 6$	three multiplied by two is (makes) six
$9 / 3 = 3$	nine divided by three is (makes) three

Дробові числівники

$\frac{1}{2}$ one second	$\frac{1}{4}$ a quarter	
$\frac{1}{3}$ a (one) third	$\frac{3}{4}$ three third	0.75 (nought) point seven five

THE VERB

Дієслово — частина мови, яка означає дію або стан.

Початковою (невизначеною) формою дієслова в англійській мові, як і в українській, є інфінітив (The Infinitive). Ця форма лише називає дію, не вказуючи на особу та число. Інфінітив відповідає на питання: що робити? що зробити?: *to read* — читати, прочитати; *to write* — писати, написати. Його формальною ознакою є частка *to*, що ставиться перед дієсловом (однак у деяких випадках частка *to* перед інфінітивом опускається, наприклад, коли інфінітив використовується після певних модальних дієслів).

Дієслова в англійській мові можуть бути:

а) смисловими — які мають самостійне значення і можуть виконувати в реченні функцію простого присудка: *She lives in the USA*;

б) допоміжними — які не мають самостійного значення і вживаються для утворення складних форм дієслова (*to be, to have, to do, shall, should, will, would*): *Do you know this man?*;

в) модальними — які вживаються з інфінітивом смислового дієслова, утворюючи складний модальний присудок (*can, must, may, need, should, ought*, а також *to be* та *to have* у значенні забов'язання): *I can help you*.

Дієслова мають особові та неособові форми.

Особові — це ті форми, які виражають особу, число, час, стан, спосіб і виступають у реченні лише в функції присудка: *His father works at the Prosecutor's Office*.

Неособові — це ті форми, які не мають звичайних форм особи, числа, способу і не бувають у реченні присудком, хоч і можуть входити до його складу. До них належать інфінітив (the Infinitive), герундій (the Gerund) і дієприкметник (the Participle):

To read this article is necessary (інфінітив).

Reading new books is useful (герундій).

The students are reading some new material now (дієприкметник).

За способом утворення минулого простого часу (Past Simple Tense) і дієприкметника минулого часу (The Past Participle) всі дієслова поділяються на правильні (Regular Verbs) та неправильні (Irregular Verbs). Правильні дієслова утворюють ці форми за допомогою суфікса *-ed*, який додається до основи дієслова: *to look — looked*, а неправильні дієслова утворюють ці форми різними способами. Всі форми неправильних дієслів треба запам'ятовувати (таблиця неправильних дієслів): *to do — did — done*.

Видо-часові форми дієслова

TENSES	FORMS			
	SIMPLE	CONTINUOUS	PERFECT	PERFECT CONTINUOUS
PRESENT	Present Simple	Present Continuous	Present Perfect	Present Perfect Continuous
PAST	Past Simple	Past Continuous	Past Perfect	Past Perfect Continuous
FUTURE	Future Simple	Future Continuous	Future Perfect	Future Perfect Continuous

СТРУКТУРА АНГЛІЙСЬКОГО РОЗПОВІДНОГО РЕЧЕННЯ

Залежно від мети висловлювання речення поділяються на такі види:

розповідне, наприклад:

I am a defence lawyer. — Я адвокат.

питальне, наприклад:

Are you a judge? — Ви суддя?

спонукальне, наприклад:

Please, tell me your address. — Скажіть мені, будь ласка, Вашу адресу.

окличне, наприклад:

What a lovely thing! — Яка чудова річ!

Основні відмінності в структурі речень в українській та англійській мовах полягають у тому, що українське речення має вільний порядок слів, у той час як в англійському змінюється послідовності основних членів речення (підмета, присудка, додатка) можуть привести до порушення змісту. Так, в англійському розповідному реченні слова розміщуються в такому порядку:

Підмет	Присудок	Прямий додаток
<i>Tom</i>	<i>sees</i>	<i>Ann</i>
Том	бачить	Ганну

Принципово важливим є те, що слово, яке стоїть попереду присудка, сприймається як суб'єкт дії, а слово, яке стоїть після присудка, як об'єкт дії.

Зміст англійського речення зміниться на протилежний, якщо слова *Tom* і *Ann* поміняти місцями. Проте у відповідному українському реченні порядок слів може змінюватися без шкоди для змісту висловлювання. Наприклад: Том Ганну бачить. Ганну бачить Том.

В англійському розповідному реченні обставини часу й місця стоять, як правило, в кінці речення. Проте обставина часу може бути й на початку речення, перед підметом:

Обставина часу	Підмет	Присудок	Прямий додаток	Обставина місця
<i>Now</i>	<i>Tom</i>	<i>sees</i>	<i>Ann</i>	<i>in the park</i>

Перед і після підмета й прямого додатка можуть стояти означення. Наприклад: *Tom sees pretty Ann in the old park.*

Таким чином, ядром речення є присудок, перед яким обов'язково стоїть підмет і його означення (група підмета), а іменник або займенник, що стоїть після, виконує роль додатка, що відповідає такій послідовності: діяч — дія — об'єкт дії.

ВИДИ І СТРУКТУРА ПИТАЛЬНИХ РЕЧЕНЬ

1. **Загальне питання**, тобто питання, яке вимагає відповіді “так” або “ні”, будується за такою схемою:

Допоміжне або модальне дієслово	Підмет та означення до нього	Смислове дієслово у формі інфінітива	Інші члени речення
<i>Will</i>	<i>they</i>	<i>come</i>	<i>tomorrow?</i>
<i>Did</i>	<i>you</i>	<i>like</i>	<i>the film?</i>
<i>May</i>	<i>I</i>	<i>use</i>	<i>your phone?</i>
<i>Does</i>	<i>she</i>	<i>go</i>	<i>to the kindergarten?</i>

На загальне запитання дається стисла відповідь, до складу якої входять слова “yes” або “no”, особовий займенник, який відповідає підмету питання, і допоміжне дієслово у стверджувальній або заперечній формах:

Do you speak German? — Yes, I do. — No, I don't.

Will they come tomorrow? — Yes, they will. — No, they won't.

2. **Спеціальні питання**, поставлені до будь-якого члена речення (крім підмета та його означення), мають ту саму будову, що і загальні, але до їх складу входить ще й питальне слово, з якого починається питання.

Питальні слова у спеціальних запитаннях:

what? — що? який? *which?* — котрий? який?

whose? — чий? *when?* — коли?

where? — де? куди? *how?* — як?

why? — чому?

how many? — скільки? (з обчислюваними іменниками)

how much? — скільки? (з необчислюваними іменниками)

Питальне слово	Допоміжне або модальне дієслово	Підмет та означення до нього	Смислове дієслово у формі інфінітива	Інші члени речення
<i>What</i>	<i>do</i>	<i>you</i>	<i>do</i>	<i>in the evening?</i>
<i>Where</i>	<i>did</i>	<i>he</i>	<i>go</i>	<i>yesterday?</i>
<i>When</i>	<i>will</i>	<i>your sister</i>	<i>return</i>	<i>home?</i>
<i>Where</i>	<i>have</i>	<i>you</i>	<i>been</i>	<i>recently?</i>

У питаннях, які поставлені до підмета або його означення, повністю зберігається порядок слів розповідного речення.

Who knows his address?

Whose father works as an investigator?

На спеціальне запитання дається повна відповідь:

What language did you study at school? — I studied English.

What will they do after work? — They will go home.

Where does your mother work? — She works in court.

На спеціальне запитання до підмета, як правило, дається стисла відповідь:

Who will help them? — I shall.

Who saw her yesterday? — They did.

Whose mother came here yesterday? — Her mother.

3. **Альтернативні питання** будуються як і загальні з пропозицією вибору й містять сполучник *or* (або).

Допоміжне або модальне дієслово	Підмет та означення до нього	Смислове дієслово у формі інфінітива	Інші члени речення
<i>Will</i>	<i>they</i>	<i>come</i>	<i>tomorrow or today?</i>
<i>Did</i>	<i>you</i>	<i>go</i>	<i>to the cinema or to the theatre?</i>
<i>Do</i>	<i>you</i>	<i>walk or drive</i>	<i>to the University?</i>
<i>Does</i>	<i>she or her sister</i>	<i>work</i>	<i>in court?</i>

4. **Розділові питання** складаються з двох частин. Перша частина являє собою стверджувальне або заперечне розповідне речення. Друга частина — коротке загальне питання, яке включає допоміжне дієслово або модальне, або *to be* та займенник, що заміщує підмет основного речення.

Якщо перша частина питання — стверджувальне речення, то коротке питання стоїть у заперечній формі:

You are free, aren't you?

He must write this document, mustn't he?

He works here, doesn't he?

Якщо в першій частині питання — заперечне речення, то коротке питання ставиться у стверджувальній формі:

It is not late yet, is it?

They never appeal to the high court, do they?

СТРУКТУРА ЗАПЕРЕЧНИХ РЕЧЕНЬ

Заперечна частка *not* додається до допоміжного дієслова. Однак слід пам'ятати, що в англійському заперечному реченні може бути тільки одне заперечне слово. Якщо в реченні вживаються такі слова як *never, nobody, nothing* або *no*, то заперечна частка *not* не вживається, на відміну від української мови.

Наприклад:

I have never been to Britain.

Я ніколи не був
у Великобританії.

Nobody can do it.

Ніхто не може це зробити.

No woman could be more beautiful.

Жодна жінка не могла б бути
красивішою.

Sorry, I can do nothing about it.

Вибач, я нічого не можу з цим
зробити.

КОНСТРУКЦІЯ *THERE + TO BE*

Конструкція *there + to be* вживається в тому разі, якщо необхідно повідомити про наявність або відсутність предмета в певному місці. Вона є одним із способів уведення нової інформації, тому наступний іменник вживається з неозначеним артиклем в однині (у множині і з необчислюваними іменниками артикль відсутній), наприклад:

There is an unusually clear photograph of the missing man there. — Там є надзвичайно чітка фотографія зниклого чоловіка.

There are vacancies in our police station at the moment. — У нашій поліцейській дільниці зараз є вакансії.

There was silence in the court-room. — У залі суду була тиша.

Форма дієслова визначається числом наступного іменника і може співвіднести конструкцію з теперішнім (*there is, there are*), минулим (*there was, there were*) і майбутнім часом (*there will be*).

Питальні речення зі зворотом *there + to be* утворюються за загальними правилами: на початку речення ставиться дієслово *to be* у Present чи Past Indefinite, або *will* у Future Indefinite:

Is there a photograph of the missing man?

Are there any vacancies in your police station?

Заперечення утворюється за допомогою заперечної частки *not*, ужитої після дієслова, наприклад:

There are not vacancies in our police station.

Проте частіше вживається частка *no* як означення іменника, і в цьому разі артикль відсутній, наприклад:

There is no photograph of the missing man.

SIMPLE TENSES

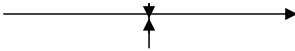
Simple Tenses описують дію, що відбувається в теперішньому, минулому або майбутньому часі, але не вказує на її характер, тривалість, завершеність чи передування іншій дії або певному моменту в минулому чи майбутньому. Можуть уживатися індикатори часу: *usually, often, regularly, sometimes, every day, every month, once a week, last (next) week* та ін. Наприклад:

He works in court.

He worked in court in 1999.

He will work in court next month.

The Present Simple



Індикатори часу: *often, usually, always, regularly, as a rule, every day*

1) повторювана дія: *I usually go to the Academy in the morning.*

2) постійний стан: *She lives in Ukraine.*

3) незмінна істина,

загальновідомий факт: *The Earth goes round the Sun.*

4) дія за розкладом: *The train arrives at 5 p.m.*

I/we/you/they	go
He/she/it	goes

to the Academy every day.

У третій особі однини до інфінітива (без частки *to*) додається закінчення *-s, -es* (якщо дієслово закінчується на *-s, -ss, sh, -ch, -tch, -x*).

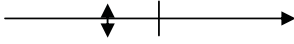
Наприклад: *I study*
I wash

she studies
she washes

TO BE – am, are, is You are a lawyer. Are you a lawyer?

?	do does	I/we/you/they He/she/it	<i>go to the Academy every day?</i>
-	I/we/you/they He/she/it	do does	not <i>go to the Academy every day.</i>

The Past Simple



Індикатори часу: *yesterday, the day before yesterday, last year, a month ago*

- 1) разова чи постійна дія в минулому: *I studied law at the Academy.*
- 2) дії, що відбувалися в минулому одна за одною *She sealed the letter, put a stamp on it and posted it.*

I worked *in court 2 years ago.*

TO BE
was, were
 I **was** in Kiev. **Was** I in Kiev?
DID

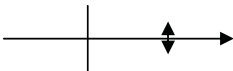
Past Indefinite правильних дієслів (Regular Verbs) утворюється додаванням закінчення *-ed*.

Past Indefinite неправильних дієслів (Irregular Verbs) утворюється за допомогою II форми дієслова.

? Did *I, we, you, they, she, he, it* work *in the court 2 years ago?*

I, we, you, they, he, she, it did **not** *work in the court 2 years ago.*

The Future Simple



Індикатори часу: *tomorrow, the day after tomorrow, in 5 minutes, in a year, soon*

GRAMMAR GUIDE

1) разова чи постійна дія
в майбутньому:

*I shall turn on the light
since it's rather dark here.*

2) дії, які (не) можуть відбутися
в майбутньому:

He'll probably be late.

I, we You, they, he, she, it	shall will
---------------------------------	----------------------

become a lawyer.

?	shall will	I, we You, they, he, she, it
---	----------------------	---------------------------------

become a lawyer?

I'll be glad if you
will come.
We'll go home
when I will finish
the task.

-	I, we You, they, he, she,	shall will
---	------------------------------	----------------------

not *become a lawyer.*

CONTINUOUS TENSES

Continuous Tenses описують дію, що триває в момент мовлення або в теперішній період часу, тривала в якийсь момент чи період часу в минулому, триватиме в певний момент чи період часу в майбутньому. Це дія в розвитку. Можуть уживатися індикатори часу: *now, at this moment, at that moment*. Наприклад:

I am writing a law report now.

I was writing a law report at the moment you phoned.

I will be writing a law report at this time tomorrow.

Щоб висловити намір здійснити дію або висловити впевненість у її здійсненні в майбутньому, поряд із Present Continuous дуже часто використовується Present Continuous із дієсловом *to go* у сполученні з інфінітивом, що має значення «збиратися, мати намір зробити щось»:

I am going to visit you. — Я збираюся вас відвідати.

The Present Continuous



Індикатори часу: *now, at the moment*

1) дія, що виконується в момент мовлення: *He is discussing the matter.*

2) запланована дія в найближчому майбутньому: *I am leaving for Kyiv tomorrow.*

3) дії з *always* тощо, що виражають роздратування та критику: *You are always interrupting me!*

- | | |
|-----------------------|--------------------------------------|
| I
we, you,
they | am
are
is |
|-----------------------|--------------------------------------|

discussing the matter now.

- | | |
|--------------------------------------|-----------------------------------|
| am
are
is | I
we, you, they
she, he, it |
|--------------------------------------|-----------------------------------|

discussing the matter now?

lie- lying die – dying

- | | |
|-----------------------------------|--------------------------------------|
| I
We, you, they
She, he, it | am
are
is |
|-----------------------------------|--------------------------------------|

not discussing the matter now.

The Past Continuous



Індикатори часу: *at five o'clock yesterday, at that moment, at midnight*

1) дія, що відбувалася в певний момент у минулому: *He was discussing the matter at that time yesterday.*

2) минула дія в процесі, яка була перервана іншою дією: *I was speaking on the phone when my mother came.*

- | | |
|---------------------------------|---------------------------|
| we, you, they
I, she, he, it | were
was |
|---------------------------------|---------------------------|

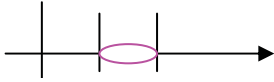
discussing the matter from 5 till 6 yesterday.

- | | |
|---------------------------|---------------------------------|
| were
was | we, you, they
I, she, he, it |
|---------------------------|---------------------------------|

discussing the matter from 5 till 6 yesterday?

- We, you, they I, she, he, it	were was	<i>not discussing the matter from 5 till 6 yesterday.</i>
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The Future Continuous



Індикатори часу: *all day long, all day tomorrow, the whole evening, from five till six*

Дія в процесі в певний час у майбутньому: *I shall be discussing the matter all day tomorrow.*

• I, we You, they, he, she, it	shall will	<i>be discussing the matter at this time tomorrow.</i>
-----------------------------------	-----------------------	--

? shall will	I, we You, they, he, she, it	<i>be discussing the matter at this time tomorrow?</i>
------------------------	---------------------------------	--

- I, we You, they, he, she, it	shall will	<i>not be discussing the matter at this time tomorrow.</i>
-----------------------------------	-----------------------	--

PERFECT TENSES

Perfect Tenses описують дію, що відбувалася до певного моменту чи періоду в теперішньому часі, минулому чи майбутньому; завершена дія. Можуть уживатися індикатори часу: *already, just, before, by that time, ever, never, lately* та ін. Наприклад:

The investigator has already questioned prisoners.

The investigator had questioned prisoners before the doctor submitted his report.

The investigator will have questioned prisoners by 7 o'clock tomorrow.

The Present Perfect



Індикатори часу: *just, already, yet, ever, never, since, for*

1) завершена дія:

I have already discussed the matter.

2) дія, що почалася в минулому та має результат на момент мовлення:

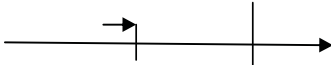
She has changed a lot since last year.

•	I/we/you/they	have	discussed (verb+ed or Past Participle of the irregular verb)	<i>the matter.</i>
	He/she/it	has		

?	have	I/we/you/they	<i>discussed the matter?</i>
	has	He/she/it	

–	I/we/you/they	have	<i>not discussed the matter.</i>
	He/she/it			has

The Past Perfect



Індикатори часу: *by, by the time, after*

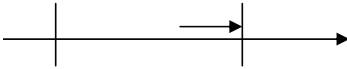
Минула дія, що була завершена до іншої дії або до певного моменту в минулому: *He had discussed the matter by the time I got there.*

•	I/we/you/they	had	discussed (verb+ed or PII of the irregular verb)	<i>the matter by the time I got there.</i>
	He/she/it			

?	had	I/we/you/they	<i>discussed the matter by the time I got there?</i>
		He/she/it	

–	I/we/you/they	had	<i>not discussed the matter by the time I got there.</i>
	He/she/it		

The Future Perfect



Індикатори часу: *by, by the time, by then, before*

Дія, яка буде завершена до певного моменту в майбутньому: *He will have discussed the matter by 8 p.m. tomorrow.*

•	I/we/you/they He/she/it	will have	discussed (verb+ed or PII of the irregular verb)	<i>the matter by 8 p.m. tomorrow.</i>
?	Will I	I/we/you/they He/she/it	<i>have discussed the matter by 8 p.m. tomorrow?</i>	
–	I/we/you/they He/she/it	will	<i>not have discussed the matter by 8 p.m. tomorrow.</i>	

PERFECT CONTINUOUS TENSE

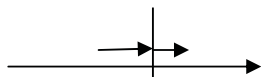
Perfect Continuous Tenses означає дію, початок якої відбувається до моменту мовлення, і в момент мовлення дія або ще не закінчується, або закінчена безпосередньо перед моментом мовлення. Якщо дія все ще триває в момент мовлення, то обов'язковим є зазначення періоду тривання дії. Можуть уживатися індикатори часу: *since 5 o'clock, for a month, for a long time, by the 23rd of June 2004*. Наприклад:

I have been studying Criminology for a few years.

I had been studying Criminology for two hours when you came home.

I will have been studying Criminology for two years by the end of the year.

The Present Perfect Continuous



Індикатори часу: *already, since, for*

Дія, що почалася в минулому та продовжується на момент мовлення або закінчена безпосередньо перед моментом мовлення: *He has been discussing the matter for 2 hours.*

•

I/we/you/they He/she/it	have been has been
----------------------------	-------------------------------------

discussing the matter for 2 hours.

?

have has	I/we/you/they He/she/it
---------------------------	----------------------------

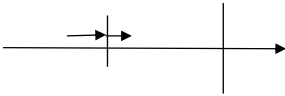
been discussing the matter for 2 hours?

–

I/we/you/they He/she/it	have has
----------------------------	---------------------------

been not discussing the matter for 2 hours.

The Past Perfect Continuous



Індикатори часу: *for the last two hours*

Тривала дія, яка почалася до якогось моменту в минулому і або продовжувалась у цей момент, або закінчилась перед ним: *He had been discussing the matter for 2 hours already when her mother came.*

•

I/we/you/they He/she/it	had been	discussing
----------------------------	-----------------	-------------------

the matter for 2 hours already when the phone rang.

?

had	I/we/you/they He/she/it
------------	----------------------------

been discussing the matter for 2 hours already when the phone rang?

–

I/we/you/they He/she/it	had
----------------------------	------------

not been discussing the matter for 2 hours when the phone rang.

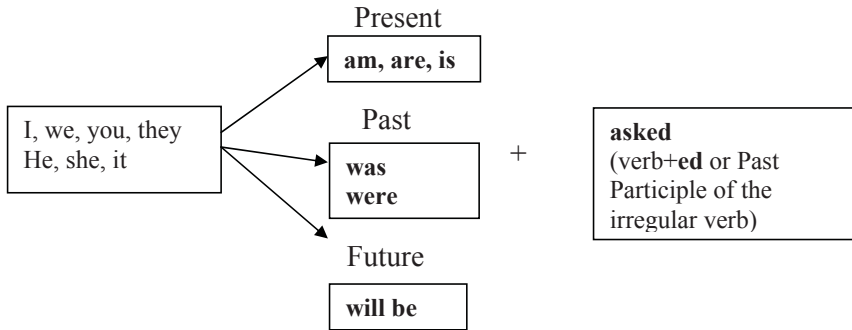
THE PASSIVE VOICE

Якщо підмет означає особу чи предмет, який **вчиняє дію**, то дієслово використовується у формі **активного стану**: *I wrote a letter.* — Я написав лист.

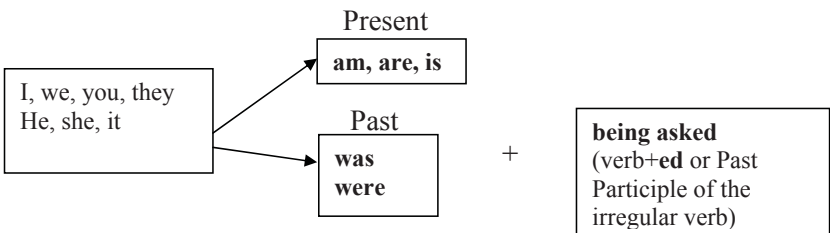
Якщо підмет означає особу чи предмет, на який **спрямована дія** іншої особи чи предмета, то дієслово використовується у формі **пасивного стану**: *A letter was written by me.* — Лист був написаний мною.

Часи пасивного стану утворюються за допомогою допоміжного дієслова *to be* у відповідному часі та числі і форми дієприкметника минулого часу (The Past Participle) смислового дієслова, яка не змінюється залежно від часу або числа: *A letter is/ was/ will be written by me.* — Лист написаний/ був написаний/ буде написаний мною.

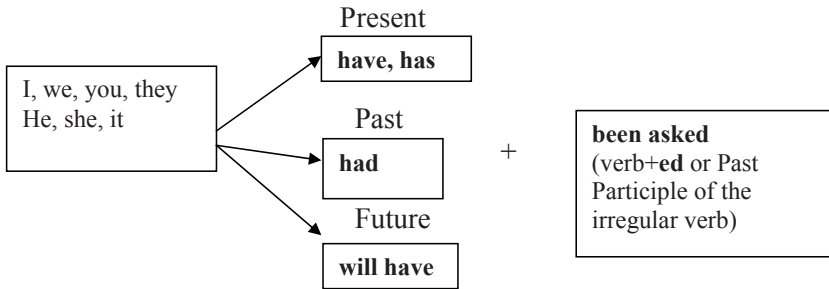
Simple



Continuous



Perfect



MODAL VERBS (with Simple Infinitive)

Дієслова *can, may, must, have to, need, should, ought to* належать до групи модальних дієслів (Modal Verbs). Модальні дієслова не використовуються самостійно, а лише у сполученні з інфінітивом смислового дієслова. У цьому сполученні смислове дієслово виражає безпосередню дію, а модальне дієслово, залежно від його значення, може означати можливість, дозвіл, обов'язаність, необхідність, моральний обов'язок, рекомендацію щодо здійснення цієї дії. Інфінітив, який ставиться після модального дієслова, втрачає частку *to*, за винятком *have to* та *ought to*: *I can go there.* — *Я можу німу туди.* — *I have to go there.* — *Я маю німу туди.* — *I ought to go there.* — *Я маю німу (морально обов'язаний) німу туди.*

Модальні дієслова мають особливі форми минулого та майбутнього часу (див. таблицю); вони не змінюються ні за особами, ні за числами (в 3-й особі однини теперешнього часу не мають закінчення *-s*).

Питальні та заперечні речення з модальними дієсловами утворюються без використання допоміжних дієслів (виключення — *have to*: *Have you got to go there? = Do you have to go there?*). У питанні модальне дієслово ставиться перед підметом: *I can help you.* — *Can I help you?*; у заперечному реченні заперечна частка *not* ставиться після модального дієслова: *You must not smoke here.* Зазвичай модальне дієслово у сполученні із заперечною часткою набувають скороченої форми: *must not* — *mustn't*, *need not* — *needn't*.

Дієслово	Значення	Present	Past	Future
can	Можливість дії (здатність розумова чи фізична)	can <i>I can swim well.</i> <i>I can do it for you.</i>	could <i>I could swim even when I was 6.</i>	will/ shall be able to <i>I'll be able to go to Kiev in October.</i>
may	Дозвіл (можливість виконання якоїсь дії з дозволу кого-небудь)	may <i>You may take it.</i>	might <i>He said Jim might take the document.</i> was allowed to	will/ shall be allowed to <i>I shall be allowed to see the document in an hour.</i>
must	Обов'язок (повинен, зобов'язаний, треба, необхідно). Заборона (в заперечній формі).	must <i>You must tell the truth!</i> <i>You mustn't smoke here!</i>	had to <i>I had to put aside my plans.</i> (необхідність, яка обумовлена обставинами) was/were to <i>I was to be at the meeting at 5 sharp.</i> (необхідність, яка обумовлена розкладом, домовленістю)	will/ shall have to <i>I'll have to help him with translation.</i>
to have to	Необхідність чи обов'язковість дії, зумовленої обставинами	have/has to <i>I have to visit my aunt at hospital every day.</i>	had to <i>Yesterday I had to stay at home as it was very cold.</i>	will have to <i>Tomorrow I'll have to get up early as my husband will come from abroad.</i>

При переведенні речення з прямою мовою в речення з непрямою мовою форма дієслова підрядного речення змінюється відповідно до форми дієслова головного речення:

Direct Speech	Indirect Speech
Present Simple <i>"I live in Kharkiv", she says.</i> Present Continuous <i>"He is making a report", she says.</i> Present Perfect <i>"He has just left", she says.</i>	Present Simple <i>She says she lives in Kharkiv.</i> Present Continuous <i>She says he is making a report.</i> Present Perfect <i>She says he has just left.</i>
Present Simple <i>"I live in Kharkiv", she said.</i>	Past Simple <i>She said she lived in Kharkiv.</i>
Present Continuous <i>"He is making a report", she said.</i>	Past Continuous <i>She said he was making a report.</i>
Present Perfect <i>"He has just left", she said.</i>	Past Perfect <i>She said he had just left.</i>
Past Simple <i>"He left an hour ago", she said.</i>	Past Perfect <i>She said he had left an hour ago.</i>
Past Continuous <i>"I was working when she rang me", he said.</i>	Past Continuous <i>He said that he was working when she rang him.</i>
Past Perfect <i>Tom said: "I had done my homework by 5 o'clock".</i>	Past Perfect <i>Tom said that he had done his homework by 5 o'clock.</i>
Future Simple <i>"He will be back in an hour", she said.</i>	Future-in-the-Past <i>She said he would be back in an hour.</i>
Future Continuous <i>"He will be questioning the witness in an hour", she said.</i>	Future Continuous-in-the-Past <i>She said he would be questioning the witness in an hour.</i>

Якщо це не впливає на зміст речення, вказівні займенники *this* та *these* у непрямій мові повинні змінюватися на *that* та *those*: *He says, "I know **these** people". — He says (that) he knows **those** people.*

Прислівники часу та місця у прямій мові також замінюються на інші у непрямій мові:

Direct speech	Indirect speech
now	then
tomorrow, next week, month etc.	the next day, the following week, month
yesterday	the day before, the previous day
last week etc.	the week before, the previous week
two weeks ago	two weeks before
at the moment	at the time
here	there
this, these	that, those

Особові та присвійні займенники замінюються за змістом у непрямій мові: *Mary said, "Peter has taken **my** dictionary"*. — Марія сказала: «Петро взяв **мій** словник»; *Mary said Peter had taken **her** dictionary*. — Марія сказала, що Петро взяв **її** словник.

При переведенні питальних речень у речення з непрямою мовою порядок слів питального речення замінюється на порядок слів розповідного та відбуваються зміни, аналогічні змінам у розповідних реченнях: *He asked me, "Where is your brother?"* — Він запитав мене: «Де ваш брат?»; *He asked me where my brother was*. — Він запитав мене, де мій брат.

Знак питання у непрямій мові не зберігається.

THE INFINITIVE

Інфінітив — це неособова форма дієслова, яка лише називає дію взагалі, безвідносно до того, хто її виконує і коли. Зазвичай інфінітив сприймають як початкову форму дієслова, яка представляє його в словниках. У всіх своїх формах і функціях інфінітив має спеціальний маркер — частку *to*.

Форми інфінітива	Active	Passive
Simple	to write	to be written
Continuous	to be writing	
Perfect	to have written	to have been written
Perfect Continuous	to have been writing	

Функції інфінітива в реченні:

Subject <i>To live is to learn.</i>	Part of the Predicate <i>He started to speak at 6.00.</i>	Object <i>He wanted to help the girl.</i>
Attribute <i>This is a problem to discuss.</i>	Adverbial Modifier of Purpose <i>He invited this witness to get some new evidence.</i>	Complex Object <i>He wanted me to help the girl.</i>

Конструкція *used to* + інфінітив використовується, щоб зазначити, що щось відбувалося або певна ситуація мала місце в минулому, але зараз це вже не відбувається і така ситуація вже не існує. Конструкція *used to* + інфінітив не застосовується в теперешньому часі. Запитання утворюється за допомогою допоміжного дієслова *did*, заперечення — також за допомогою допоміжного дієслова *did* або заперечної частки *not*:

I used to work there. — Я там працював (раніше).

Did you use to work there? — Ви там (раніше) працювали?

I didn't use to work there (I used not to work there). — Я там не працював (раніше).

Об'єктна інфінітивна конструкція має у своєму складі інфінітив і вживається у функції додатка. Об'єктна інфінітивна конструкція вживається після дієслів, що виражають:

а) сприймання за допомогою органів чуття: *to see, to hear, to feel, to watch, to observe, to notice* (після цих дієслів інфінітив вживається без частки *to*):

Suddenly I heard her call the criminal's name. — Раптом я почув, що вона назвала ім'я злочинця.

б) бажання, намір, почуття: *to want, to wish, to desire, to like, to dislike, to hate, to intend, would like*:

They wanted him to plead guilty. — Вони хотіли, щоб він визнав свою провину.

в) думку, припущення, сподівання: *to consider, to believe, to think, to find, to know, to expect, to suppose*:

They considered him to be the best investigator in London. — Вони вважали його найкращим слідчим у Лондоні.

г) наказ, прохання, дозвіл, пораду, примус: *to order, to ask, to request, to allow, to permit, to advise, to recommend, to cause, to force, to make, to let* (після дієслів *to let, to make* інфінітив уживається без частки *to*):

The policeman allowed us to have a smoke. — Поліцейський дозволив нам покурити.

Суб'єктна інфінітивна конструкція. До її складу входить інфінітив, а вся конструкція виконує роль підмета речення.

Суб'єктний інфінітивний комплекс вживається:

а) із дієсловами *to say, to report* у пасивному стані:

He is said to deal with this dangerous case. — Кажуть, що він займається цією небезпечною справою.

б) із дієсловами (у пасивному стані), що означають думку, припущення, сподівання: *to think, to know, to consider, to believe, to suppose, to expect*:

The meeting is expected to begin this morning. — Сподіваються, що збори почнуться сьогодні вранці.

в) із дієсловами (в пасивному стані), що виражають сприймання за допомогою органів чуття — *to see, to hear, to feel, to notice, to observe, to watch*:

He was seen to enter the courtroom. — Бачили, як він входив у будинок.

г) із дієсловами *to seem, to appear, to happen, to chance, to turn out, to prove*:

She seemed not to listen to the sentence. — Здавалося, вона не слухає вирок.

д) із словосполученнями *to be sure, to be certain, to be likely, to be unlikely*:

We are sure to learn of it. — Ми, напевно, дізнаємося про це.

THE GERUND

Герундій — це неособова форма дієслова, яка має властивості іменника і дієслова. Форми герундія утворюються за допомогою закінчення *-ing*, яке додається до основи дієслова. Герундій має одну просту і три складні форми:

Форми герундія	Active	Passive
Simple	<i>helping</i>	<i>being helped</i>
Perfect	<i>having helped</i>	<i>having been helped</i>

Simple Gerund, активний і пасивний, виражає дію, що відбувається одночасно з дією, вираженою дієсловом-присудком у реченні в теперішньому, минулому або майбутньому часі:

My friend dreamed of becoming a traffic policeman. — Мій друг мріяв стати офіцером дорожньої міліції.

Perfect Gerund, активний і пасивний, вживається для позначення дії, яка передує дії, вираженій дієсловом-присудком у реченні:

I remember having been sentenced to ten months for shoplifting. — Я пам'ятаю, мене засудили на 10 місяців тюремного ув'язнення за крадіжку в магазині.

Герундій разом з іменником або присвійним займенником, що стоїть перед ним й позначає діяча, утворює герундіальний зворот і передає самостійну думку:

I remember my friends having helped me then. — Я пам'ятаю, що мої друзі допомогли мені тоді.

У реченні герундій може бути підметом, частиною присудка, прямим або непрямым додатком чи означенням. Наприклад:

Learning the basic practical skills of police work helps them become more skilful police officers. — Оволодіння основними практичними навичками поліцейської роботи допомагає їм стати досвідченішими офіцерами поліції.

Our aim is helping the community. — Наша мета — допомагати суспільству.

Do you enjoy driving the car? — Тобі подобається керувати автомобілем?

Подібно до іменника він часто вживається з прийменниками і присвійними займенниками. Наприклад:

I like your idea of becoming a lawyer. — Мені подобається твоя ідея стати юристом.

THE PARTICIPLE (I, II)

Participle I — це неособова форма дієслова, що має властивості прикметника і прислівника. Participle I утворюється за допомогою закінчення *-ing*, яке додається до основи дієслова. Participle I має такі форми:

Форми Participle I	Active	Passive
Simple	operating	being operated
Perfect	having operating	having been operated

Participle I відповідає українському дієприкметнику активного стану теперішнього часу та дієприслівнику недоконаного виду:

*A man **speaking** with my brother is my father.* — Чоловік, розмовляючий із моїм братом, мій батько.

*He mentioned very interesting facts **speaking** with the students.* — Він згадав дуже цікаві факти, розмовляючи зі студентами.

Participle I Simple вказує на те, що дія, виражена ним, здійснюється одночасно з дією, вираженою присудком. Participle I Perfect вказує на передування його дії присудка: ***Having collected** all the evidence they were able to start the investigation.* — Зібравши всі докази, вони могли почати розслідування.

Participle II — це неособова форма дієслова, що має властивості дієслова і прикметника. Participle II має тільки одну форму — до правильних дієслів додається закінчення *-ed*, для неправильних дієслів — III форма дієслова. Основні значення Participle II — стан як результат дії і сама дія.

Participle II може мати пасивне значення і відповідати українському дієприкметнику пасивного стану минулого часу:

made — зроблений

signed — підписаний.

Також Participle II може мати активне значення і відповідати українському дієприкметнику активного стану минулого часу:

faded — зів'ялий.

Незалежна дієприкметникова конструкція може вводитись прийменником *with*:

The convicted person was standing, with his arms crossed and his head bent. — Засуджений стояв зі схрещеними руками та опущеною головою.

PHONETIC GUIDE

I. READING RULES OF ENGLISH VOWELS

Для визначення типу вимови голосного в англійській мові важливо розрізняти відкритий склад (після голосного стоїть приголосний, а після нього знову голосний) та закритий склад (після голосного стоїть приголосний, а після нього або ще один приголосний, або ніякої літери):

відкритий склад — *game* закритий склад — *map*

Якщо голосний в англійському слові стоїть у відкритому наголошеному складі, він, як правило, читається так, як називається в алфавіті (Type I). У закритому наголошеному складі голосний має коротку вимову (Type II). Сполучення голосних з *-r* у наголошеному закритому складі дають довгі звуки (Type III). Ці ж сполучення з наступним голосним утворюють складний дифтонг (Type IV). У ненаголошених складах англійські голосні читаються, як правило, послаблено і відповідні звуки не вимовляються.

1. Find in the dictionary the words from the table and read their transcriptions paying attention to the type of the pronunciation of the vowel:

Type	a	o	e	i	y	u
I	name	home	be	crime	my	mute
II	plan	rob	test	kill	myth	drug
III	part	force	term	firm	myrtle	murder
IV	fare	more	here	fire	tyre	during

2. Complete the table according to the types of pronunciation used in the following words:

Type	a	o	e	i	y	u
I						
II						
III						
IV						

Flat, student, far, sun, sky, party, parliament, fork, not, farther, sister, big, academy, girl, car, role, bill, take, army, table, large, mug.

Існуючі в англійській мові дифтонги — це складні голосні, які складаються з двох звуків, але вимовляються одним зусиллям. Перший елемент (звук) діфтонгу більш наголошений:

voice, wait, sure, here

3. Read the following word combinations and sentences, point out the diphthongs:

- Take a place in the train to Wales.
- Out of sight, out of mind.
- The spoiled boy destroyed the toys.
- Nobody knows how lonely the road is.
- What have you found out about it?
- Come here, my dear.
- I dare swear Mary takes care of her hair.
- Poor jury.

4. Compose your own sentences to illustrate the reading rules of diphthongs.

II. READING RULES OF ENGLISH CONSONANTS

При вимові приголосних в англійській мові слід дотримуватися декількох основних правил:

– глухі приголосні [p], [t], [k] вимовляються із придихом на початку слова, а на кінці слова — енергійно (див. впр. 1):

type [taɪp] — *pit* [pɪt]

– дзвінкі приголосні [b], [d], [g] на кінці слова не оглушуються:
end [end]

– англійські приголосні ніколи не пом'якшуються перед голосними, як це відбувається в українській мові:

тінь — *ten* [ten]

– подвоєна приголосна на кінці слова вимовляється як один звук:
bill [bil]

1. Practice the following aspirated sounds [p, t, k] in the phonetic drills:

- Take a piece of paper, please.
- A black cat sat on a mat.
- Take the ticket to Tokyo.
- Ask Kate to take the cake.
- Peter Piper picked a peck of pickled pepper
A peck of pickled pepper Peter Piper picked;
If Peter Piper picked a peck of pickled pepper
Where's a peck of pickled pepper Peter Piper picked?
- Don't trouble trouble
Until trouble troubles you.

GRAMMAR GUIDE

Якщо слово закінчується на *-r*, а наступне слово починається з голосної, тоді *-r* вимовляється дуже чітко і неначе пов'язує (*links*) попереднє та наступне слова. Тому *-r* в такому випадку називається "*linking* *“r”* — «пов'язуюча *-r*».

2. Read the following word combinations and sentences with “linking -r”; compose your own sentences to illustrate the phonetic rule:

- motherr and father
- my teacherr and me
- in the centerr of the city
- my brotherr or father
- What colourr is it?
- Therer are many books on the table.

В англійській мові існують певні комбінації приголосних, вимову яких треба запам'ятати — sh, ch, wh, th, ph та інші (див. впр. 3,4).

3. Consult the dictionary and write down the transcriptions of the given words, give your own example for each letter combination.

Letter combination	Example	Your example
sh	she	
ch	chief	
ck	black	
th	thin	
th	this	
wh	what, who	
ph	phone	
ng	morning	
nk	thank	
kn	know	
wr	write	

4. Practice reading of the following words. Pay special attention to the letters in italics.

chalk, that, shelf, why, long, quick, knife, photo, wrong, bank, shock, thick.

Приголосні *c* та *g* перед голосними *i*, *e*, *u* вимовляються, як правило, відмінно від їх вимови в усіх інших випадках; приголосна *x* перед голосною під наголосом вимовляється [gz], а в усіх інших випадках — [ks] (див. впр. 5, 6).

5. Consult the dictionary and write down the transcriptions of the given words, explain the position of *c*, *g*, *x*. Supply for each case your own example.

- | | | |
|---|---|----------|
| C | • | civil |
| | • | criminal |
| G | • | judge |
| | • | game |
| X | • | text |
| | • | exam |

6. Practice reading the following words. Pay special attention to the letters in italics:

citizen, *gun*, *example*, *courage*, *grant*, *case*, *tax*, *cat*, *gang*, *court*, *cry*.

III. ENGLISH “PROBLEM SOUNDS”

Деякі англійські слова мають начебто дуже схожу вимову, але такі слова пишуться та вимовляються по-різному, на що треба звернути увагу, щоб уникнути використання невірного слова (див. впр. 1, 2).

1. Consult a dictionary and pronounce the following words correctly:

live — leave, this — these, sin — scene, fill — feel, piece — peace [i] — [i:];
 bad — bed, man — men, sad — said, land — lend, pan — pen [x] — [e];
 full — fool, pull — pool, to — too, lose — loose, route — root [u] — [u:];
 win — wing, thin — thing, sin — sing, kin — king [n] — [N];
 vine — wine, verse — worse, vest — west, veal — wheel [v] — [w].

2. Choose the right word and read the sentences paying special attention to the pronunciation of “problem sounds”:

1. A ... has seven days./ He is very ... after the operation. (weak/week)
2. The knife is made of It is unmoral to (steal/steel)
3. To kill is a /He went to a ... of a crime. (sin/scene)
4. The king ... that his daughter was very (sad/said)
5. They will ... me a sum of money to buy a piece of (land/lend)
6. Young people usually make when (merry/marry)
7. If it is nice ..., we'll have good (vine/wine)
8. Your ... won't be (worse/verse)
9. Is this a ... to ... ? (sing/sin)
10. On the 8th of ... there is ... happiness everywhere. (march/much)

IV. ENGLISH INTONATION

В англійській мові є два основних тони: спадний і висхідний.

Спадний тон (різке падіння тону на останньому наголошеному складі в останньому наголошеному слові речення) зустрічається:

1. У стверджувальних реченнях:

My father works at the Prosecutor's _ Office.

2. У заперечних реченнях:

I don't _ know you.

3. У спеціальних запитаннях (питальних реченнях з питальним словом):

Where are you _ going to?

4. У другій частині альтернативного запитання:

Are you reading or _ writing?

5. При вираженні дружньої подяки:

_ Thank you.

6. У привітаннях під час зустрічі:

Good _ morning!

7. У наказах:

Stand _ up!

Висхідний тон (різке підвищення інтонації) зустрічається:

1. У запитаннях, які вимагають відповіді „так” або „ні” (загальні запитання):

Are you a _ student?

2. У перерахуваннях (окрім останнього об'єкту перерахування):
I have a _ / book, a _ / note-book and _ a pencil.
3. У питальних окличних реченнях, що передають здивування:
 _ / Really?
4. У дружніх ввічливих зверненнях, подяках, побажаннях, під час прощання:
Pardon _ / me.
Come _ / in!
Good _ / bye!

Describe the rules of English intonation used the following examples:

- My name is Helen.
- Send Alexander my map and book.
- Do you speak English?
- What's the English for «закон»?
- Is this a good or bad book?
- I have lessons on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.
- Good morning! How are you? — Fine, thanks. And how are you?
- Thank you very much. — Not at all.
- Sorry. Pardon.

REVISION

1. Consult the dictionary and read the words according to the phonetic rules:

academy	constitution	matter	prison
arrest	desk	measure	rape
bench	flag	newspaper	save
calendar	hobby	part	surname

2. These words are widely used as computer terms. Consult the dictionary and try to read them according to the phonetic rule.

Escape, computer, delete, click, internet, shift, home, end, top, page, www (wide world web), file, disk, up, space, system, insert, lock, print, gap, enter, screen, insert, web-site.

3. Read the text paying attention to the right pronunciation of the underlined words and the rules of English intonation.

My surname is Kovalenko. I live in the centre of the city. I have got mother, father and a younger sister. I am a student. I study law. Every day I get up early in the morning. Twice a week we have English lessons.

- What is his name?
- Is he a student?
- What does he study?
- Does he have English or French lessons?

GRAMMAR EXERCISES

The Noun (number, case, word formation)

1. Make sentences singular:

Example: *These are new institutes. — This is a new institute.*

1. These countries are poor. 2. Those women work in the court. 3. These are students of our department. 4. These heroes are known to everybody. 5. The children are at home. 6. These knives are sharp. 7. Those men and women are lawyers. 8. Don't take those files!

2. Rewrite the following sentences making the nouns plural as in the example:

Example: *This is a new faculty. — These are new faculties.*

1. The phenomenon is wonderful! 2. Where is the curriculum? 3. The memorandum is too long. 4. This fingerprint is excellent. 5. The burglar is unknown. 6. The criminal is old. 7. The datum is correct.

3. Fill in the blanks using the possessive forms of the nouns:

1...problems are interesting to any criminal psychologist (people).
2. ...decisions are very different from women's (men). 3. Alison's University is a bit far from ... (Mike). 4... wife is a judge (John). 5. The ... complexion was black (shop-lifter). 6. The ... decision is correct (judge). 7. ... actions are legal (policemen).

4. Change word-combinations using the possessive forms of the nouns:

Example: *The book of my friend. — My friend's book.*

1. The questions of the professor. 2. The parents of Serhiy Petrenko. 3. The new office of lawyers. 4. The life of this woman. 5. The documents of the investigator. 6. The uniform of the policemen. 7. The lawyers of the Appellate Court.

5. Complete the following sentences by choosing a suitable noun with suffix — *ship* from the list below as in the example:

member	citizen	leader
partner	owner	<i>dictator</i>

Example: *Some people thought that Britain was becoming a dictatorship under Margaret Thatcher's iron rule.*

1. British ... can be gained by birth, adoption, registration or naturalisation. 2. Anita Mason was extremely pleased when Smith and Jones, the owners of the company she had directed for five years, asked her to form a ... with them. 3. 'This country needs a strong ... to tell people what to do and get things working again!' 4. 'This is an exclusive club. May I see your ... card, please, sir?' 5. Home ... is growing in Britain as more and more people are able to buy their own house.

The Article

1. Fill in articles where necessary:

a) 1. My mother is... lawyer. She is at...work now. 2. They are...boys. They are...students. 3. This is ...beautiful story. 4. This is...house. ...house is so big! 5. ...Englishman's house is his castle. 6. I see...book in your ... hand. 7. This is my table. On...table I have...book, two...pencils,...pen and...paper.

b) 1. ...health is better than...wealth. 2. ...men and...women must obey law. 3. ...passion is blind. 4. These writers are...Americans. 5. ...peace is ...universal problem. 6. He is ...honest man. 7. ...life is ...mystery.

c) 1. What is...weather like today? 2. ...sun is yellow,...sky is blue. 3. ...earth is...planet.

d) 1. My younger brother gets up at 6 in ...morning because he goes to...school. 2. My friend usually goes to...bed early in...evening. 3. In... afternoon it is usually very warm, and we usually play in ...yard till late in...evening.

e) 1. I usually have...breakfast at 7 o'clock in...morning. 2. My brother always has...lunch at 1 o'clock in ...afternoon. 3. My parents have...dinner at 5 p.m. 6. My granny has ...tea at 6 p.m.

2. Complete the sentences with the articles where necessary:

1. ... Volga is the longest river of Russia, isn't it? 2. ... Mississippi is an American river, isn't it? 3. Is ... London the capital of ... Great Britain? 4. Is ... Rome the capital of ... Italy? 5. ... Berlin is the capital of ... Germany, isn't it? 6. What countries are situated in ... Middle East? 7. Is ... Nile an ... African or an ... American river?

3. Translate into English:

Верховний Суд, Оксфордський університет, Сполучені Штати Америки, партія „Наша Україна”, англійська мова, Британська Конституція.

The Adjective. Degrees of Comparison

1. Write the comparative and superlative of the following adjectives:

- a) white, great, active, fine, brave, deep, short, round, fair, pale, thin, full;
- b) hot, fat, bushy, big, easy, dry, dirty, silly, happy;
- c) old, far, good, bad, little;
- d) reliable, interesting, important, useful, efficient, difficult, applicable, certain, appropriate, ambiguous, relevant, consistent, satisfactory.

2. Compare three suspects: here are some adjectives about their appearance. Write at least ten sentences using the degrees of comparison of adjectives if possible.

Example: *Mr. A is taller than Mr. B. Mr. C is the tallest of all/the three. Mr. A is not as (so) tall as Mr. C.*

	MR. A	MR. B	MR. C
Height: Tall/ short			
Face: Round/ square			
Complexion: pale/dark			
Chin: massive/thin			
Nose: prominent/ hooked/ straight			
Hair: fair/dark			
Built: slim/stout/slender			

3. Here are the beginnings and ends of some traditional expressions with *as ... as*. See how many expressions you can put together correctly. Make up sentences with them.

AS: black cold flat good green hard old pretty quiet red thin warm white	AS: a beetroot gold the grave grass ice iron the hills a pancake night a rake a picture toast a sheet
---	---

4. Compare four-wheel drive cars: here are some facts from an article about three real cars. Write at least ten sentences.

Example: *Car Z is faster than Car X. Car Y is the fastest of all/the three. Car X is not as fast as Car Z.*

	CAR X	CAR Y	CAR Z
Fast? Top Speed:	106 mph	113 mph	109 mph
Expensive?	123,382	135,889	136,912
Economical?	20.1 miles/gallon	16.7 miles/gallon	15.8 miles/gallon
Safe?	+++	++++	+++++

Comfortable?	+++++	++++	++++
Good Off-Road?	++++	++	+++++
Luggage Space?	1,011 litres	1,100 litres	1,020 litres

5. Translate into English:

1. Цей свідок більш надійний.
2. Це свідчення є найважливішим.
3. Його знання кращі та більш поглиблені.
4. Їх робота над правовою доповіддю найбільш корисна.
5. Її обличчя було бліднішим, ніж завжди.

The Adverb

1. Choose the comparative/superlative of a word from the list for each blank:

fast *fluently* *hard*
late *good* *slow*

1. If we set off ... than at 5, we'll never arrive on time.
2. Mark's the most intelligent, but Alice works
3. Seven is late — could you possibly get here any...?
4. I would sleep ... if I didn't think about Helen.
5. Could you drive ...? We've got plenty of time.
6. Anne speaks French ... of all the girls in her class.

2. Translate into English:

1. Мені потрібно більше інформації, щоб вирішити цю проблему.
2. Формальне право може забороняти те, що є офіційно неприйнятним.
3. Відносно стабільне суспільство можливе лише у правовій державі.
4. Це найбільш відоме тлумачення цієї ідеї.
5. Ці два поняття дуже близько пов'язані.

The Preposition

1. Fill in the gaps with the correct preposition:

This is the Sheriff's Office in Mexico City. The sheriff is ... his desk. Lots of papers and books are ... the desk. Some photographs of "wanted" men are ... the office ... the walls. A clock is ... the Sheriff's head. A bunch of keys is ... the cell ... the wall. A coat stand is ... the Sheriff's desk.

2. Translate into English:

на дощці, у вазі, до академії, біля офісу, за столом, на підлозі, на землі, на полиці, у театрі, у бібліотеці, на станції, на стадіоні, у школі, на роботі, на уроці, на заводі, у прокуратурі, до суду, в кіно, у снігу, на підлозі, на траві, на півночі, на схід, о четвертій годині, на сході сонця, опівночі, у неділю, п'ятого березня, цього місяця, минулого року, у майбутньому році, навесні, улітку, узимку, увечері, з весни, за годину, через два дні, через дорогу, по вулиці, по місту, по країні.

THE PRONOUN**1. Replace the nouns by the personal pronouns in the Nominative or Objective Case:**

Example: *Mr. Daymon explains a new law. — He explains a new law.*

1. *The law report* is very interesting. 2. *My sister* works in court. 3. We usually listen *to Miss Stoun* with great interest. 4. Put *the documents* on the shelf. 5. On my way home I often meet *my teacher* and tell him about *my study*. 6. *The policemen* are in danger.

2. Say that people do something themselves, using reflexive pronouns:

Example: *I usually prepare my law reports... — I usually prepare my law reports myself.*

1. She collects evidence... 2. The chief inspector went to Kiev... 3. The prisoners built the bridge... 4. The doctor examined the victim... 5. This investigator usually types documents... 6. Irene makes an expert examination...

3. Replace the nouns in the Possessive case by possessive pronouns:

1. These lawyer's aim is to follow special legal procedure. 2. That man's suitcase is so big. It looks suspicious! 3. The students' knowledge is poor. 4. The judge's decision was rather severe. 5. Our professor's advice is useful. 6. Our friends' dream is to become prosecutors.

4. Make the sentences plural, pay attention to the form of demonstrative pronouns:

1. This is the principal constitutional provision. 2. This is my fundamental right. 3. That is a criminal. 4. This is our main suspect. 5. That is a department of the Prosecutor's Office. 6. Is this an investigator?

Translate the following sentences into Ukrainian and explain the use of *some, any*:

1. There is some interesting information in the newspaper. 2. Is there any national state which doesn't have a constitution in the world? 3. Some people don't like police. 4. Please give me any information on this matter. 5. Do you have any friends in this town? 6. There isn't any violation of constitutional principles in this action. 7. I don't think we have any time left. 8. Please tell me any idea you have.

6. Translate the following sentences into English:

1. У мене немає жодної думки щодо того, які політичні організації відповідальні за цю акцію. 2. Цей всеохоплюючий документ встановлює будь-які норми права, що мають керувати діями уряду. 3. У вас є питання? — Так, декілька. 4. Конституція є сукупністю норм, які регулюють діяльність будь-якої організованої групи. 5. Деякі з цих статей дуже важливі для роботи судді. 6. Чи існує яка-небудь відповідна процедура, щоб урегулювати цей спір?

The Numeral

1. Read and write the cardinal numerals in words:

3; 13; 30; 4; 14; 40; 5; 15; 50; 2; 12; 20; 8; 18; 80;
21; 82; 35; 44; 33; 55; 96; 67; 79; 41; 53; 22;
143; 258; 414; 331; 972; 568; 441; 999 230;
1562; 3013; 5612; 9,444;
234673; 569034; 11390; 456190; 556782;
1232585; 35890562; 352789209

2. Make the ordinal numerals and write them in words:

Example: 7 — *the seventh*.

7; 4; 8; 9; 5; 12; 3; 2; 1; 13; 15; 11; 10;
 20; 21; 30; 32; 40; 43; 50; 54; 60; 75; 80; 98;
 100; 120; 125; 200; 230; 231; 300; 450; 563; 892.

3. Read and write in words the following dates:

9.03.1814; 22.04.1941; 9.05. 1945; 23.11.1928; 30.11.1982; 1.12.1991;
 31.10.1999.

4. Make the calculations in writing and read them out:

$3 + 4 =$ $12 \times 13 =$ $195 - 70 =$ $54 \div 9 =$
 $14 + 15 =$ $6 \times 7 =$ $16 - 9 =$ $45 \div 9 =$
 $18 + 19 =$ $6 \times 6 =$ $17 - 8 =$ $24 \div 3 =$

5. Read and write in words the following fractions:

$\frac{1}{7}$ $\frac{1}{5}$ $\frac{1}{9}$ $\frac{1}{15}$ $\frac{2}{5}$ $\frac{4}{7}$ $\frac{9}{23}$ $2\frac{5}{7}$;
 3,5 1,1 0,1 52,51 0,302 132,054.

Progress Check (the Noun, the Article, the Adjective, the Adverb, the Pronoun, the Numeral, the Preposition)

1. Translate the following sentences into English:

1. Ця інформація вірна.
2. Ці герої відомі на своїй Батьківщині.
3. Чоловіки частіше стають злочинцями, ніж жінки.
4. Питання слідчого були дуже важливими.
5. Вони самі є суддями Апеляційного суду.
6. Ті, хто прийшли першими, узнають останні новини.

2. Chose the correct item:

1. We saw ... in a courtroom yesterday.
 a) they b) their c) them
2. He is ... criminal in the state.
 a) most dangerous b) the dangerousest c) the most dangerous
3. He thinks he will collect the evidence ...
 a) heself b) himself c) hissself

4. I have ... information concerning this case than you.
a) fewer b) less c) least

5. The ... report was done in time.
a) inspectors b) inspector c) inspector's

6) This research must be carried out ... than before.
a) more carefully b) carefully c) carefullier

3. Correct the mistakes:

1. I don't think we have some time left. 2. Is Nile an African or an American river? 3. This women work in the court. 4. Can there be some national state which doesn't have a constitution in the world? 5. This is the house. A house is so big!

4. Translate the text:

Чому у людей існують закони та правові системи? З одного боку, закони — це тип правил, які регулюють поведінку між людьми. Ці закони є у всіх суспільних організаціях, таких як сім'я чи спортивний клуб.

З другого боку, закон — це склад правил та норм, які є в конституціях та законодавчій базі. Вони регулюють суспільство та поведінку його членів. Суди та законодавчі органи створюють закони, а поліція гарантує їх правозастосування (enforcement). Судові органи (body of judges) відіграють важливу роль у кожній країні, хоча правові системи відрізняються у різних державах. Однак єдине, що стосується всього світу, це те, що започаткування судового позову (legal action) є дорогим та займає багато часу.

Word order in affirmative sentences.

1. Arrange the words in each sentence in the right order:

Example: *He/ a/ local/ judge/ court/ in/ a/ is/.* — *He is a judge in a local court.*

/profession/ They/ are/ in/ legal/.

/My/ notary/ private/ a/ mother/ is/.

/cousins/ My/ are/ prosecutor's/ assistants/.

/head/ the/ court/ of/ A/ is/ judge/ a/
 /action/ violates/ This/ human rights/
 /international/ effect/ came into/ treaty/ in 1953/ That/.

2. Translate these imperative sentences into English and explain the word order.

1. Розкажіть про себе. 2. Пришліть мені факс. 3. Зверніть увагу на це питання. 4. Не порушуйте наші права! 5. Будьте відповідальні за своє рішення. 6. Захистіть гідність цих людей.

3. Translate the following sentences into Ukrainian:

1. Peace treaties are documents which are concluded to end the war. 2. A criminal is a person who commits a crime. 3. A burglar is a person who breaks into a house at night in order to steal. 4. An international agreement is a document signed by several countries. 5. An investigator is a person who makes a careful study of a crime. 6. A murderer is a person who is guilty of murder whether a person is guilty or not.

4. Correct the sentences:

1. There throughout the history were some efforts of the mankind to maintain the human rights by international action. 2. We can prove that this murder committed this suspect. 3. You collect the evidence and prove his charge! 4. The special jurisdiction the tribunal has. 5. The criminal accused the prosecutor. 6. The victim examined the doctor.

Negative sentences. Types of questions.

1. Name parts of the sentence and make them interrogative and negative:

1. Some categories of people demand special attention concerning their rights.
 2. My father is a lawyer at the Prosecutor's Office.
 3. This constitutional provision protects your personal non-property rights.
 4. They are not in legal profession.
 5. My brother is an investigator at the Security Service of Ukraine.
 6. He is a student at the Prosecutors' Training Institute.

2. Make up alternative questions about relatives and their professions, use the following words and word combinations:

Example: *Is your brother a notary or a judge?*

Lawyer, jurist, prosecutor, judge, criminal, officer, investigator, notary, criminal expert, lawmaker.

3. Answer the following tag questions as in the example:

Example: *Her mother is a lawyer, isn't she? — No, she isn't, she is an engineer.*

1. His father isn't an expert, is he? 2. They are jurors, aren't they? 3. Mary is a prosecutor, isn't she? 4. His brother is an investigator in Kiev, isn't he? 5. This is the treaty protecting rights of a religious minority, isn't it? 6. They are the victims of war, aren't they? 7. They are students at the Prosecutors' Training Institute, aren't they?

4. Write down the questions you'd ask the person to find out the missing information about his/ her law report:

Example: *I have a task — What task do you have?*

1. I work at ... What.....?
2. I am interested in Which branch of law ...?
3. I chose this branch of law ... Why.....?
4. I started working at the report When.....?
5. I use ... sources of information. What kind of.....?
6. I heard about this data from..... Who.....?
7. I spent ... making the law report How much time...?
8. They printed ... copies of the law report. How many.....?

5. Translate the following sentences into English:

1. Хто твоя мати? — Вона викладач кримінального права. 2. Чоловік твоєї сестри — адвокат? — Ні. Він прокурор. Де він працює? — Він працює у суді. 3. Народ є єдиним джерелом влади в Україні. 4. Україна є незалежна, демократична і правова держава. 5. Встановлення та гарантування прав і свобод людини — одне з найважливіших положень Конституції. 6. Цивільний кодекс України надає фізичним особам можливість захищати свої особисті немайнові права.

There + to be

1. Make the following sentences interrogative and give the answers:

Example: *There are 26 universities in our city. — Are there 26 universities in our city? There aren't 26 universities in our city.*

1. There is much information about the US district courts in this issue.
 2. There are no lawyers in my family. 3. There are a lot of professors among our teachers. 4. There are few criminals in this district. 5. There are a lot of witnesses of the shoplifting. 6. There are some distinctions between court systems of Ukraine and the USA.

2. Insert *there is* or *there are*:

Example: *...a lot of documents in the drawer. — There are a lot of documents in the drawer.*

1. good news for you! 2. some money in my purse. 3. some useful information on this criminal case. 4. some assistant professors in the committee. 5. a lot of mistakes in this report. 6. some difficulties in this case. 7. What kind of documents on the table?

3. Translate into English:

1. Які документи на столі? 2. В академії багато професорів?
 3. Скільки справ зараз у суді? 4. У неї тут багато цікавих статей з криміналістики. 5. У цьому тексті є нові юридичні терміни. 6. Існує певна процедура представлення справи до суду.

To be going to

1. Translate the sentences and make questions to them:

1. I am going to become a prosecutor. 2. She is going to make a law report tonight. 3. They are going to become good law specialists.

2. Translate into English:

1. Суддя районного суду збирається розглядати цю справу сьогодні. 2. Які докази ви збираєтеся представити завтра? 3. Коли ви збира-

етесь працювати над доповіддю з кримінального права? 4. Я збираюся стати кваліфікованим юристом. 5. Ми не будемо розмовляти з його адвокатом завтра, ми будемо опитувати свідків. 6. Я збираюся відвідати апеляційний суд завтра вранці.

The Simple Tenses

The Present Simple Tense

1. Make the following sentences interrogative and negative:

Example: *My niece dreams to become a prosecutor. — Does my niece dream to become a prosecutor? My niece doesn't dream to become a prosecutor.*

1. My father works as a prosecutor. 2. They want to be judges. 3. An investigator usually uses a deductive method. 4. Water freezes at 0 °C. 5. The new law comes into force on May 15. 6. At the end of a trial a judge passes sentence or sets the accused free.

2. Put the verb into the Present Simple form:

Example: *He (to specialize) in Criminal Law. — He specializes in Criminal Law.*

1. She (not/ to work) as a lawyer, she is a student. 2. A policeman usually (to stop) cars in the street. 3. The Sun (to rise) in the East. 4. It often (to rain) in England. 5. He (not/ to want) to become an investigator. 6. He (to major) in law.

3. Put questions to the italicized words:

Example: *He works in court. — Where does he work?*

1. My father works *at the Prosecutor's office*, he is a prosecutor. 2. My sister is a student, she studies *at the University of Hertfordshire*. 3. We usually read *periodicals* in the library. 4. Her parents always give her *useful advice*. 5. The government *controls* Parliament. 6. The United Kingdom Parliament consists of two Houses: *the House of Lords and the House of Commons*. 7. *The law* punishes criminals. 8. The jurisdiction of the courts extends to *all legal relations*.

The Past Simple Tense

1. Make the sentences interrogative and negative:

Example: *The jury consisted of local citizens.* — *Did the jury consist of local citizens?* — *The jury didn't consist of local citizens.*

1. The defendant had no right to appeal. 2. Two witnesses watched a burglary. 3. The photograph was very important for the investigator. 4. Scottish civil law didn't differ from that of England. 5. Her mother was guilty of murder. 6. She threatened him with the gun and forced him to write out a confession.

2. Put questions to the words in italics:

Example: They trial started *at 9 o'clock this morning.* — *When did the trial start?*

1. His brother worked as a judge *last year.* 2. The doctor examined the victim *in the morning.* 3. The suspect told *about the place of the crime.* 4. He missed a lot of classes *in Criminology.* 5. Every year Parliament passed *about hundred laws.* 6. *The judge* sentenced the accused to 15 years in prison. 7. Yesterday in the evening the jury *passed the verdict on the suspect.*

3. Rewrite the following sentences using the Past Simple:

1. His father works at a police station. 2. I often see him in the court. 3. He always takes a gun with him. 4. The investigator questions prisoners. 5. Their parents are in legal profession. 6. They don't change their opinion.

The Future Simple Tense

1. Make the following sentences interrogative and negative:

Example: *He will file a complaint against the defendant.* — *Will he file a complaint against the defendant?* *He will not file a complaint against the defendant.*

1. They will accuse him of murder. 2. Mrs. Evans will present her evidence at the trial. 3. The grand jury will decide if there should be a trial. 3. The trial jury will listen to the evidence presented at the trial. 4. Soon the judge will ask the defendant if he pleads "guilty" or "not guilty". 5. In

an hour the grand jury will issue the verdict. 6. If jurors can't agree, the judge will declare a mistrial.

2. Put questions to the words in italics:

1. The Parliament will discuss *laws* next week. 2. The judge will announce *a sentence* tomorrow. 3. *The judge* will sum up the evidence. 4. They will accuse him *of theft*. 5. The police will make inquires *tomorrow*. 6. *The judge* will hear the next case after lunch.

3. Choose the correct item (Present Simple or Future Simple):

Example: *Don't leave the town until they (issue/ will issue) an indictment. – Don't leave the town until they issue the indictment.*

1. You (do...go/ will...go) to the court hearing today? 2. If you (see/ will see) the accused, tell him he might be hanged! 3. What (will / do) you do if the witness (doesn't/ won't) tell the truth? 4. The prosecutor will inform us if something wrong (happens/ will happen). 5. If we (are / will be) tired, we'll stop searching the place of murder. 6. If the prosecutor (disagrees/ will disagree) with the court judgement, he will lodge an appeal to the higher court.

4. Translate the following sentences into English using Present, Past or Future Simple :

1. Він не працює у прокуратурі, він — студент. 2. Він ніколи не зізнається. 3. Усі мої родичі були пов'язані з юридичною професією. 4. Засідання суду відбудеться завтра. 5. Наприкінці судового засідання суддя виносить вирок суду. 6. Що ви робили у прокуратурі? 7. Ви підете сьогодні на засідання суду?

The Continuous Tenses

The Present Continuous Tense

1. Make the following sentences interrogative and negative:

1. The police are making inquires now. 2. The men are fighting in the street. 3. The judge is announcing the sentence. 4. The investigator is examining evidence. 5. A criminal is escaping from the police. 6. The Parliament is passing the law. 7. The experts are studying the fingerprints.

2. Put questions to the words in italics:

Example: *The deputies are discusssing the new bill.* — *What are the deputies discussing?*

1. The plaintiff is filing *an appeal* agaisnt the defendant to the Higher Court.
2. The defendant is filing an answer *to the complaint*.
3. The sentence is executing *at the moment*.
4. The policemen are bringing the accused *out of the courtroom*.
5. The reporters are interviewing *the victim*.
6. The officers are trying to calm down *the crowd*.

3. Choose the correct form (Present Simple or Present Continuous):

Example: *Listen, the judge (announces/ is announcing) the sentence.* — *Listen, the judge is announcing the sentence.*

1. The defendant (makes/is making) notes of the witness's words.
2. The jurors (listens/ are listening) attentively to the evidence.
3. The defendant (tries/ is trying) to cry out some words for his defence.
4. The policeman (watches/ is watching) the criminal running round the corner.
5. Experts (examine/ are examining) the fingerprints.
6. The courtroom clerk (checks/ is checking) the copies of the documents.

4. Translate the following sentences into English:

1. Подивись! Кишеньковий злодій витягає гаманець із сумки!
2. Суддя оголошує вирок.
3. Слухай! Я розповідаю тобі правду!
4. Не заважай! Я слідкую за тією підозрілою особою!
5. Ти йдеш завтра до прокуратури?
6. Що ви робите? — Я вивчаю рішення Європейської комісії з прав людини.
7. Ми йдемо до суду вранці, ми хочемо дізнатися про вирок.
8. Там іде сильний дощ, я боюся, що ми не знайдемо доказів.

The Past Continuous Tense**1. Make the following sentences interrogative and negative:**

Example: *The courts were interpreting the acts of Parliament all day yesterday.* — *Were the courts interpreting the acts of Parliament all day yesterday?* — *The courts were not interpreting the acts of Parliament all day yesterday.*

1. The investigator was preparing the materials of the case for a week. 2. It was raining cats and dogs but the policeman was fulfilling his duty. 3. They were making the expert examination for an hour yesterday. 4. The judge was loudly announcing the sentence. 5. The chief inspector was questioning the suspect for an hour. 6. They were examining the victim's clothes in the morning.

2. Use the appropriate form of the verb (Past Continuous or Past Simple):

Example: *They (were discussing, discussed) the sentence when the telephone rang. — They were discussing the sentence when the telephone rang.*

1. They (carried out/ were carrying out) the expert examination an hour ago. 2. She (studied/ was studying) the report of the policeman when he came in. 3. The investigator (questioned/ was questioning) the suspect from 5 till 6 p.m. 4. The prisoner (was telling/ told) about the circumstances of the crime when his mother came to see him. 5. The judge (was calling/ called) the witnesses of the defence after the testimony of the plaintiff's witness. 6. After the direct examination the defendant's lawyer (was having/ had) a chance to question the witness.

3. Translate the following sentences into English:

1. Усі обговорювали майбутній вирок, коли прокурор повернувся. 2. Я розмовляв з адвокатом, коли задзвонив телефон. 3. Вони слухали доповідь із кримінального процесу, коли декан зайшов в аудиторію. 4. Слідчий допитував свідка дві години. 5. Експерти довго оглядали місце злочину. 6. Дівчина плакала, коли слідчий питав її про подію. 7. Він глянув у вікно. Вони стояли біля магазину та розмовляли. 8. Лист від адвокатів надійшов, саме коли вона готувала сніданок.

The Future Continuous Tense

1. Make the following sentences interrogative and negative:

Example: *They will be signing the contract at this time tomorrow. — Will they be signing the contract at this time tomorrow? — They won't be signing the contract at this time tomorrow.*

1. James will be coming soon. 2. We shall be discussing this case tomorrow. 3. The investigator will be questioning the witness in an hour. 4. They will be waiting for the court decision. 5. Don't phone me at 7. I'll be working at the documents. 6. This time next week I'll be sitting in the office and listening to the advocate's considerations. 7. I will be using this information in my report.

2. Put questions to the words in italics:

Example: *In 5 minutes the judge will be announcing the sentence. — What will the judge be announcing in 5 minutes?*

1. The jury will be discussing their verdict in the jury room. 2. We all will be listening to the Mrs. White's evidence, it'll be rather interesting. 3. The witnesses will be presenting their evidence in an hour. 4. Tomorrow the investigator will be carrying out an investigation experiment in the place of a crime. 5. Deputies will be discussing a new bill next week. 6. We will be having access to Ukrainian legislation database in an hour.

3. Put the verbs in brackets into the correct form to express future (Future Simple, Present Continuous, Future Continuous):

1. Don't phone me from 7 till 8 p.m.. We (to discuss) all the details of the admission to the Academy. 2. You (to meet) the Prime Minister today? — Yes, certainly. 3. Tomorrow afternoon we are going to the Prosecutor's Training Institute. There at 3.30 we (to take) an entrance examination. 4. You (to threaten) him with the gun? — No, I am going to kill him! 5. After the graduating from the Academy I (to pass) an individual procedure to become a defence lawyer. 6. Notary public (to examine) the case carefully for a while and advice us on the right decision.

4. Translate the following sentences into English:

1. Експертна комісія буде вивчати речові докази через годину. 2. Незабаром доктор буде оглядати жертву. 3. Зараз свідки будуть давати свідчення по справі. 4. Суд з присяжними буде розглядати справу протягом 2 годин. 5. Поліцейські будуть оглядати місце злочину завтра. 6. Суддя буде оголошувати вердикт присяжних через 5 хвилин. 7. Ввечері ректор буде робити доповідь про новий декрет Президента.

The Perfect Tenses

The Present Perfect Tense

1. Make the following sentences interrogative and negative:

Example: *I have received some information about the suspect.* — *Have I received any information about the suspect?* — *I have not received any information about the suspect.*

1. The expert has just examined his fingerprints. 2. I have questioned three witnesses but I haven't got any useful information. 3. He has lived here all his life. 4. The Parliament has passed an important law. 5. The police have found stolen things. 6. I have known the witness for a long time.

2. Put questions to the words in italics:

Example: The policeman hasn't told *the criminal* of his right to remain silent. — *Who hasn't told the criminal of his right to remain silent?*

1. *The Congress* has divided the country into 95 federal judicial districts. 2. The party has failed to carry out *its legal duty* and injured our company through carelessness. 3. If the parties have chosen a jury trial, *it begins with the selection of jurors*. 4. The judge has made an error *in interpreting the law*. 5. The parties have settled their civil case *out of court*. 6. They have considered *the sources of international law*.

3. Put the verbs in brackets into the correct form (Present Perfect or Past Simple):

Example: *He (has worked/ worked) in court for 5 years.* — *He has worked in court for 5 years.*

1. The jury (didn't determine/ hasn't determined) yet that he committed a crime. 2. The plaintiff (filed/ has filed) a complaint against the defendant a week ago. 3. The attorney (told/ has told) already a grand jury about the evidence that indicated a specific person. 4. The grand jury (issued/ has issued) a formal accusation the day before yesterday. 5. The defendant already (presented/ has presented) his most persuasive arguments.

4. Translate the following sentences into English:

1. Позивач уже подав заяву проти відповідача. 2. Прокурор уже розповів журі про докази, що вказують на певну особу, яка скоїла злочин.

3. Вони вже винесли обвинувальний вирок. 4. Слідчий збирав докази і нарешті представив речові докази, що свідчать про вину обвинувачуваного. 5. Після свідчень захисту та обвинувачення підсудний нарешті визнав себе винним. 6. Він працює над цією справою вже три тижні.

The Past Perfect Tense

1. Make the following sentences interrogative and negative:

Example: *He had studied particular subjects at university before he started teaching law. — Had he studied particular subjects at university before he started teaching law? — He had not studied particular subjects at university before he started teaching law.*

1. We had got the expert evidence by the end of the working day.
2. Pretrial examination had been over by the end of last week. 3. After they had finished analyzing the handwriting, we came to an important conclusion.
4. They had found the escaped prisoner before the sunset. 5. I had known the witness for a long time before she committed the crime. 6. They had passed 3 property laws before going on holiday.

2. Put questions to the words in italics:

Example: This lawyer had won *100 cases* by the beginning of this year. — *How many cases had this lawyer won by the beginning of this year?*

1. He had studied Law *for 5 years* before he entered Law Academy. 2. By the time the train reached the city, he had received 5 calls *informing him of murders*. 3. The young officer wanted to act the main part in the investigation *because he had collected all necessary material evidence*. 4. When we came into the courtroom, *the last meeting of the trial* had already finished. 5. The lawmaker had proven *the necessity of enforcing the law* by the time the President decided to take necessary measures. 6. The new law limited the powers of government *which before had given them the right to use foreign bank accounts*. 7. The criminal had committed *two murders* before the police detained him.

3. Use the appropriate form of the verb (Past Perfect or Past Simple):

Example: *The judges reached a decision after the (had discussed/discussed) the case privately. — The judges reached a decision after they had discussed the case privately.*

1. After the jurors (had produced/ produced) a verdict, the judge announced the sentence. 2. They (had finished/ finished) the expert examination when the chief investigator asked for the results. 3. The first actual introduction of evidence began when the opening statements (were, had been) over. 4. The courtroom clerk (had marked/ marked) all the evidence of the case. 5. Yesterday the court reporter (had produced/ produced) a written transcript of the proceedings. 6. When we came into the room, the last meeting of the Supreme Court (had already finished/ already finished). 7. Last week a police officer (prevented/ had prevented) an extremely dangerous crime.

4. Translate the following sentences into English:

1. Нотаріус уже приготував усі папери, коли Джеймс прийшов до офісу. 2. Прокурор уже заслухав свідчення Джона, коли вона підійшла до дверей залу. 3. Поліція знайшла та піймала втікачів ще до світанку. 4. До кінця тижня вони допитали вже десятки свідків, але нічого нового про зв'язки злочинця не дізналися. 5. Коли він увійшов до кабінету, законодавці вже закінчили роботу. 6. Спікер уже закінчив доповідь з системи покарання в Україні, коли вона підійшла до дверей залу.

The Future Perfect Tense

1. Make the following sentences interrogative and negative:

Example: *Tom will have studied Criminal Law by the end of the first year. — Will Tom have studied Criminal Law by the end of the first year? — Tom won't have studied Criminal Law by the end of the first year.*

1. I'll have found it out by the time you need it. 2. By the time you come home I'll have finished preparing the report on enforcement of laws in Canada. 3. No doubt, by the time the police arrive they will have killed him. 4. By the end of this week the investigator will have collected all necessary proofs of his guilt. 5. They will have searched all territories by the midnight. 6. By the time they found him he will have been unconscious.

2. Change the following sentences using the Future Perfect:

1. We had got the results of the expert examination by the end of the working day. 2. Pretrial hearing had been over by the end of last week.

3. After they had finished questioning all the witnesses, we came to the important conclusion. 4. The prosecutor had already finished his speech before we came into the hall. 5. The quality of individual life in matters of education and welfare had improved by the new decade. 6. They had found the escaped prisoner before the sunset. 7. The police officers had developed several versions before they got some new information.

3. Put the verbs in brackets into the correct form (Future Indefinite or Future Perfect):

1. He (to receive) the judicial decision by tomorrow. 2. He (to receive) the judicial decision tomorrow. 3. They (to inform) him of the penalty by noon. 4. They (to inform) him of the penalty at 12. 5. You (to meet) the accused in court tomorrow. 6. You (to meet) the accused in court by the beginning of the hearing. 7. You (to take) your examination in Criminal Procedure next week. 8. By the 20th of January you (to pass) your examination in Criminal Procedure, I hope.

4. Translate the following sentences into English:

1. До початку наступного року вони звільнять велику кількість засуджених. 2. Вони оберуть суд присяжних до кінця цього тижня. 3. Я гадаю, що присяжні досягнуть згоди щодо вердикту до наступного засідання. 4. Правоохоронні органи знайдуть та покарають злочинця до кінця місяця. 5. Суддя вже оголосить рішення, коли ти прийдеш. 6. Експерти вивчать усі докази до наступного тижня.

The Present and Past Perfect Continuous Tenses

1. Read the situation and complete it as in the example (use the Present Perfect Continuous Tense):

Example: *The rain started 2 hours ago. It's still raining now. — It has been raining for 2 hours.*

1. I started attending Civil Law classes in September. I'm still studying Law. 2. Our father began to work as a judge 10 years ago. He is still working. 3. The investigator started to question the criminal an hour ago. He is still doing it. 4. I began reading this law report half an hour ago.

I am still reading. 5. Ann began looking for a job at the Prosecutor's Office 6 months ago. She is still looking now.

2. Change the following sentences into the Past Perfect Continuous making necessary changes:

Example: *Mark has been preparing for his exam in Constitutional Law for 3 hours. — After Mark had been preparing for his exam in Constitutional Law for 3 hours, he decided to have a rest.*

1. He has been following a thief for an hour. 2. I have been writing a law report for half an hour. 3. They have been discussing the judge's decision the whole day. 4. A doctor has been examining the victim for 10 minutes. 5. They have been discussing a new substantive law for a week already.

3. Translate the following sentences into English:

1. Слідчий допитує підозрюваного вже годину. 2. Бійка тривала годину, коли приїхала поліція. 3. Поліція розшукує злочинця цілий рік. 4. Коли Джон закінчив університет, його брат працював суддею вже два роки. 5. Лікар оглядає жертву вже годину. 6. Законодавці обговорюють новий закон уже місяць. 7. Він допитував звинувачуваного вже годину, коли інший слідчий повідомив про другу крадіжку майна.

**Tenses in the Active Voice
Progress check**

1. Translate the following sentences into English (Present, Past, Future Simple):

1. Ми затримали підозрюваного, але вважаємо, що він ніколи не зізнається. 2. Наприкінці судового засідання суддя зазвичай виносить вирок. 3. Усі мої родичі пов'язані з юридичною професією. Мій дідусь був прокурором, моя бабуся була слідчим — зараз вони на пенсії. Мій батько — адвокат, а мати — експерт. 4. Ви підете на засідання суду, яке відбудеться завтра? Суддя збирається розглядати дуже цікаву справу. 5. Затримання злочинця було дуже успішним. Слідчі зібрали всі необхідні докази, а експерти дуже швидко їх вивчили та дали свій висновок. Цей висновок надав можливість звинуватити підозрюваного у вбивстві.

2. Open the brackets using Present, Past or Future Continuous:

1. James (come) soon. 2. We (discuss) this case tomorrow. 3. The investigator (question) the witness in an hour. 4. They (wait) for the court decision now. 5. Don't phone me at 7. I (work) at the documents. 6. This time last week I (sit) in the office and (listen to) the advocate's considerations. 7. You (use) this information in your report? 8. They (examine) the victim's clothes in the morning.

3. Use the appropriate form of the verb (Present, Past, Future Simple):

A. 1. There (to be) no courts in ancient societies. 2. Revenge (to be) a major component of early law. 3. After the Norman Conquest English courts (to begin) to take part in lawmaking. 4. Long ago chiefs (to rule) communities. 5. Robber (to be) a person who steals money from a person or place, especially by violence or threat. 6. Between 55 BC and AD 412 English people (to be) under Roman control, naturally they (to use) Roman law.

B. Roman Law, which (to evolve) in the 8th century BC, (to be) still a blend of custom and interpretation by magistrates of the will of the gods. Common Law (to evolve) from the tribal and local laws in England. It (to begin) with common customs, but over time it (to involve) the courts in lawmaking that (to be) responsive to changes in society. In this way the Anglo-Norman rulers (to create) a system of centralized courts that (to operate) under a single set of laws that (to replace) the rules of earlier societies.

4. Use Present, Past, Future Perfect:

1. If the parties (to choose) a jury trial, it begins with the selection of jurors. 2. By the time we get to the place the court hearing (to finish). 3. He is a real criminal, he (to breach) the law twice already. 4. The investigator (to question) the victim already when we came. 5. (to hear) you the news? John is accused of murder. 6. They (to discuss) the judge's decision by the next morning. 7. He (to hear) just that his wife is accused of larceny. He can't believe it.

5. Choose the correct item:

Long ago each community ... its own law based on its own traditions and customs.

a) has b) had c) has had

2. Private law ...of the rules governing the relations between private persons or groups.

a) consist b) consists c) consisted

3. Property law ...the rules for how to own or pass on the property.

a) has included b) includes c) is including

4. Since long ago it ...the function of the police to enforce laws.

a) was b) is c) has been

5. They...a man during a robbery.

a) had murdered b) murdered c) have murdered

6. He...collecting the evidence when the chief inspector came to the place of crime.

a) has collected b) was collecting c) will be collecting.

6. Correct the mistakes:

1. For 2 hours the police was already preparing the description of the man wanted. 2. The accused of murder has escaped from Prinston prison 2 hours ago. 3. They were examined the victim's clothes when the investigator came to ask for the result. 4. The victim gets compensation for the injury after the trial meeting was over. 5. She just prepared the report on procedural laws. 6. By the time the police started to search for the evidence of Brown's guilt, poor woman has already revenged him cruelly.

The Passive Voice

The Passive Voice (simple tenses)

1. Make the following sentences interrogative and negative. Change the factual information where necessary:

Example: *The Supreme Court is divided into two branches: the High Court and the Court of Appeal. — Is the Supreme Court divided into two branches: the High Court and the Court of Appeal? The Supreme Court is not divided into two branches: the High Court and the Court of Appeal.*

1. The written statements of the positions of the parties are called pleadings. 2. After the grand jury issues the indictment the accused person

is arrested. 3. American judicial tradition holds that the truth will be reached most effectively through the adversary process. 4. The first task of the judge is to preside over the proceedings and see that order is maintained. 5. A U.S. attorney is chosen by the President with the approval of the Senate. 6. At the trial the witnesses are asked to testify by one party or another.

2. Make the sentences passive:

Example: *The investigator left a suspect in the room. — A suspect was left in the room by the investigator.*

1. The officers wrote the report in a terrible hurry. 2. A popular vote approved Ukraine's declaration of independence. 3. The president received the delegation yesterday. 4. Everybody discussed the new law. 5. The policeman stopped the car. 6. The suspect demanded the victim's money. 7. They didn't include all information in the letter. 8. Her sister committed a crime.

3. Choose the appropriate form of the verb (active or passive):

Example: *The capital punishment (abolished/ was abolished) in Britain after World War II.*

1. A body of expert lawyers (is needed/ needed) time for consideration of a case. 2. Common law (based/ is based) on the principle of deciding cases by reference to previous judicial decisions. 3. Citizens (are chosen/ choose) for jury service through a process that is set out in laws. 4. Once the jury (select/ is selected), the lawyers for both sides give their opening statements. 5. The prosecutor (presented/ is presented) the case yesterday. 6. How the formal accusation of the grand jury (call/ is ... called)?

4. Translate the following sentences into English:

1. За підозрюваним доглянуть. 2. Його буде засуджено на 5 років ув'язнення. 3. Її звинувачують у вбивстві. 4. Вони будуть покарані. 5. Його знайдуть та допитають. 6. Про цей закон багато говорять. 7. Їм наказали залишити зал. 8. За доктором послали. 9. Це буде використано проти вас! 10. Укази з економічних питань скріплені підписом Прем'єр-міністра України.

The Passive Voice (continuous tenses)

1. Make the following sentences interrogative and negative:

Example: *The new Prime Minister will be appointed tomorrow. The candidate is being discussed now. — Is the candidate being discussed now? No, the candidate is not being discussed now.*

1. They were being questioned for half an hour in the morning.
2. Somebody is walking behind us. I think we are being followed!
3. The victim is being examined now.
4. An agreement is being worked out.
5. A new building is being built.
6. An expert examination is being made.

2. Write passive sentences:

Example: *The police are making inquiries now. — Inquires are being made by the police now.*

1. The judge is announcing the sentence.
2. The investigator was examining clothes when the expert arrived.
3. The police are searching for a burglar.
4. The Parliament is passing the law.
5. The committee is discussing the matter.
6. The experts are studying the fingerprints

3. Open the brackets using the appropriate form of the verb (Present/ Past Continuous):

Example: *He (to be questioned) at the moment I came in. — He was being questioned at the moment I came in.*

1. Look at that strange man! We (to be followed).
2. The new Tax bill (to be discussed) all day yesterday.
3. I didn't notice anything, but when I got a cassette I realized everything. Our conversation (to be recorded).
4. Don't come in! The identi-kit of the maniac-murderer (to be created).
5. The decision of the Constitutional Court (to be discussed) and we heard loud voices.
6. The plan of future changes in the system of courts (to be discussed) in the afternoon.

4. Translate the following sentences into English:

1. Зараз відбувається експертиза відбитків пальців.
2. Справу зараз слухають у суді.
3. Вашу інформацію щодо винності депутата зараз перевіряють.
4. Підозрюваного зараз допитують.
5. Будинок учора обшукували цілий день, але нічого не знайшли.
6. Зараз проводиться

засідання Верховної Ради. 7. Зараз розробляють порядок денний засідання Кабінету Міністрів. 8. Зараз беруть інтерв'ю у Прем'єр-міністра України. 9. Чому їх арештовують? Вони не винні.

The Passive Voice (perfect tenses)

1. Make sentences interrogative and negative:

Example: *The criminal has been caught at last. — Has the criminal been caught? The criminal hasn't been caught.*

1. Mrs. Jane's evidence has been presented to the jury. 2. The investigation has been finished successfully. 3. The burglar has been arrested. 4. Citizens have been selected to form the jury. 5. The juror has been excused. 6. The opening statements have been presented. 7. This complicated case has been settled out of court.

2. Imagine that a policeman has made a report and now tells his boss about the event of the day. Write sentences using Passive Perfect where necessary:

1) The famous deputy/ to kill. Two suspects / to catch near the place of murder. Witnesses / already to question. 2) Famous murderer Stivenson / to escape from federal prison. All areas / to search. All roads leading to the city / to take under control. All police headquarters / already to inform. His pictures / to show on TV.

3. Rewrite the following active sentences, using the passive form (Indefinite or Perfect):

Example: *Special courts administer ecclesiastical law. — Ecclesiastical law is administered by special courts.*

1. The organizers will supply all relevant information about the meeting in advance. 2. The Act of Union united Great Britain with Ireland. 3. English Law has greatly influenced Scots law. 4. Roman law has influenced many modern European legal systems. 5. You have warned me about the danger. 6. A person who marries a second husband or wife while still legally married to the first one commits bigamy.

4. Translate the following sentences into English:

1. Кожному повнолітньому в нашій країні гарантується право на голосування. 2. Відомого злочинця нарешті заарештували. 3. Речі підозрюваного вже доставлено, їх відправляють експертам. 4. Необхідні свідчення про злочинця вже отримано: фоторобот складено і розіслано до всіх відділків поліції, відбитки з бокала знято, свідків допитано. 5. Жертву вже прооперували, вона прийшла до тями і хоче дати свідчення. 6. Її вже визнали винною у трьох інших крадіжках з магазинів. 7. Судові рішення ухвалюються судами і є обов'язковими до виконання.

Modals (with Simple Infinitive)

CAN

1. Make up sentences with *can*, *can't*, *could* and it's equivalent to *be able to* using the following words and word combinations:

Example: *to write* — *Can your brother write? My brother can't write, he is only five. My brother could write when he was four. He will be able to write soon.*

To teach law, to explain the system of courts, to question the witness, speak to the chief investigator, to examine the evidence, to describe the political system of Ukraine.

2. Write what these people can do:

Example: *An expert can examine collected evidence.*

Judge, prosecutor, lawyer, lawmaker, investigator, criminologist, expert, criminal psychologist.

3. Translate the following sentences into English using *can*:

1. Експерти можуть використовувати різноманітні технології для проведення досліджень. 2. Чи міг я тоді покластися на це свідчення? 3. Ми не зможемо пов'язати цього підозрюваного з місцем злочину. 4. Ви можете ідентифікувати жертву? 5. Злочинець може полегшити

вирок, зробивши зізнання. 6. Вони всі вважали, що він не винний, але ніхто не міг довести його невинність.

MAY

1. Make up sentences with *may* using the following words and word combinations:

Example: *to touch the gun — May I touch the gun? Anyway, its inadmissible evidence.*

To come into the courtroom, to open the door to the unknown, to read the report, to take part in the investigation, to watch the questioning of the accused, to use one's evidence, to speak to the prisoner, to read the report of the decision of the Constitutional Court.

2. Translate the following sentences into English using *may* (*might*):

1. Можна ввійти? 2. Слідчий говорить, що я вже вільний. 3. Відбитки пальців та аналіз ДНК могли допомогти ідентифікувати потенційного підозрюваного. 4. Інколи детективи можуть покластися на мережу інформаторів. 5. Речовий доказ може довести, що злочин було скоєно. 6. Вивчення біологічних доказів могло допомогти у розкритті цього злочину 3 роки тому.

MUST and HAVE TO

1. Make up sentences with *must*, *to have to* using the following words and word combinations:

Example: *to inspect the place of murder — We must inspect the place of murder immediately! Did they have to inspect the place of murder so late at night? The policeman won't have to inspect the place of murder, we have already done it.*

To perform urgent actions not to be late, watch the criminal properly, to examine all details thoroughly, to follow the doctor's prescription as for the victim, to consider the circumstances of the theft.

2. Write about your duties. Write 5 sentences what you must do and 5 sentences what you mustn't do.

3. Translate the following sentences into English using *must* or *to have to*:

1. Вищий суд повинен розглядати всі апеляції. 2. Ви повинні наполегливо вчитися, щоб стати спеціалістом у галузі права. 3. Вона повинна бути вдома зараз. 4. Я повинен був чекати на неї у прокуратурі. 5. Експерти криміналістичної лабораторії — це науковці, які повинні проводити дослідження доказів. 6. Після другого огляду місця злочину слідчі були вимушені відпустити підозрюваного.

4. Fill in the gaps with *can*, *may*, *must* or *to have to*:

1. ... you speak Spanish? — No, I ... 3. At what time ... you come to the Academy? 4. ... I come in, sir? 5. You ... not smoke here. 6. ... take your lawbook? — I am afraid not. I need it. 7. I ... to help my friends with this report in Criminal Investigation, so I cannot go with you. 8. A formal law...prohibit what is morally unacceptable.

5. Translate the following sentences into English:

1. Чи треба мені тобі допомагати? 2. Ви можете не ходити туди, там нема нічого цікавого. 3. Ви можете не брати пістолет: там буде безпечно. 4. Чи треба повідомити поліцію про крадіжку, яку ми бачили? 5. Ви можете не ходити туди, там жахлива картина вбивства. 6. Чи потрібно буде проводити повторний допит свідка? 7. Можна мені взяти участь у розслідуванні? 8. Ви повинні були ретельно проаналізувати всі обставини справи! 9. Я не міг бути присутнім на засіданні Верховної Ради вчора.

Reported Speech

1. Commands. Rewrite sentences as in the example:

Example: *Work hard!* — *He told (asked) me to work hard.*

1. Stop talking on the phone! I am waiting for an important call! 2. Put hands on your neck! 3. Have a break for a moment! 4. Don't speak so loud! I can't hear the Speaker. 5. Don't make so many mistakes! 6. Tell him the truth! 7. Follow that car!

2. Change the following sentences into reported speech as in the example:

Example: *Are you busy?* *She asked if I was busy.*
Where are you going? *She asked where I was going.*
When do you get up? *She asked when I got up.*

1. Do you work as a defendant or a prosecutor? 2. Where is our expert?
 3. Has he presented the evidence? 4. Did he have a personal interest in the case?
 5. 4. What does the legislative process involve? 5. What will she do in case of her accusation?

3. Turn these into reported speech, beginning *I didn't know*:

Example: *He is searching for a burglar.* — *I didn't know he was searching for a burglar.*

1. They have taken his fingerprints. 2. He was released from prison. 3. They will commit a terrible crime. 4. Tomorrow he will appear before the court. 5. This famous advocate will defend James in court. 6. They have arrested the well-known escaped criminal at last.

4. Rewrite the following sentences in reported speech:

Example: *The officer said, 'I held that criminal in my arms for the second time!'* — *The officer said he had held that criminal in his arms for the second time.*

1. The judge said, 'I have never faced such an awful mistake'. 2. The students said, 'The professor explained the legal and political system of Great Britain properly'. 3. The policeman said, 'I saw them at the station'. 4. Mary said, 'I studied Criminology at the Academy'. 5. His aunt said, 'Something terrible happened'. 6. The advocate said, 'I'll do all I can'.

5. Translate the following sentences into English:

1. Слідчий департамент повідомив, що злочинця спіймали. 2. Адвокат сказав, що арештований має право на консультацію юриста. 3. Газета повідомила, що певні зусилля докладаються для покращення зв'язків з молоддю для попередження злочинності. 4. Злочинець визнав, що викрав гроші. 5. Вона казала, що при поліцейському не було зброї тієї ночі. 6. Він запитав, які докази будуть представлені в суді.

The Infinitive

1. Find the Infinitives, translate the sentences into Ukrainian:

1. His duty is to make sure that the place of work is safe. 2. He has just finished his speech to read the text on family law. 3. I expect him to be always fair in fixing price for goods. 4. I would like to see the witness again. 5. I beg to inform me of the details of the case. 6. We asked to be given convincing evidence.

2. Make sentences using the words from the table:

It	takes took will take	me you him them her us	less than a minute half an hour five days a fortnight three weeks two years	to get there
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3. Make sentences using the infinitives as a subject after *It's important/ dangerous/ interesting/ hard/ unfair... as in the example:*

Example: *to become a good specialist — It's important to become a good specialist.*

To learn foreign languages; to study Criminology; to have practice in court; to regulate copyrights and trademarks; to learn about other criminal codes; to consider his state of mind; to examine all evidence; to know the definition of tort; to revoke an offer.

4. Write what the officer made your friend do when he was apprehended:

Example: *The officer made him show his pockets. (Pay attention to using the infinitive without to)*

to show my pockets;
to sit by the wall;
to answer the officer's questions;
to call mother;
to tell about the circumstances;
to tell the truth;
to put signature.

5. Encourage your friends to do something and make up short dialogues:

Example: *to walk to the Academy — Let's walk to the Academy.*

To call the notary today (to put it off till tomorrow); to go to the meeting (to go to the Prosecutor's Office); to finish the law report tonight (to leave it till tomorrow); to make our own expert examination (to employ a specialist); to write out some unknown words denoting civil wrongs (to read them).

6. Respond to the statements by giving advice or making recommendation:

Example: *I've got much work to do before the meeting. — You'd better go to the hostel and prepare for the meeting.*

1. We'll take an exam in Criminal Law soon (to study the major factors in determining of criminal intent). 2. We may be late with this information (to prove the necessity of using force). 3. You have little time to prepare for the seminar on English Court System. (go to the reading hall now). 4. You have no right to blame him; he performed his legal duty (to justify him). 5. You don't have enough evidence (to settle the dispute out of court).

7. Fill in the gaps with the particle *to* if necessary:

1. Let him ... help you with your work at the case. 2. He would rather die than ... betray his friends. 3. Have you ever heard him ... break the law? 4. She seems ... know a great deal about public law. 5. Let them ... come as soon as possible. 6. Have you enough information ... to sue for compensation?

8. Translate the following sentences paying attention to the Objective and Subjective Infinitive Constructions:

A. 1. I heard the door of the court hall open. 2. Do you expect the jury to believe that you are innocent? 3. Everybody expected this crime to be justifiable. 4. I saw the public meet that verdict with satisfaction 5. He is believed to be the fairest judge in our town. 6. They want him to be charged for the second time, but it's prohibited by the law.

B. 1. The information proved to be wrong. 2. The girl is considered to be in need of protection. 3. The young offender was seen to be working very hard. 4. He is expected to be honest during the trial. 5. The court is unlikely to give a severe sentence. 6. Three people are reported to have been injured in the accident.

9. Complete these sentences with used to + infinitive:

1. He (to travel) a lot because his job was connected with commerce among the states. 2. They (to be) the members of the House of Representatives presenting California and Vermont. 3. She (to work) much as she was a legal advisor; now she is retired and has a plenty of time. 4. We (to live) in a small village but now we live in New York. 5. There (to be) the Prosecutor's Office opposite the station but it moved to another building long time ago. 6. I (to know) a lot of people from the government and I don't know any these days.

10. Translate the following sentences into English:

1. Президент США має право відхилити проект. 2. Я почув, як суддя говорив латиною. 3. Ви сподіваєтеся, присяжні повірять, що ви не винні? 4. Він вимагав, щоб йому надали можливість відшкодувати збитки. 5. Вважали, що дівчині потрібна допомога. 6. Вона сподівалася, що другий свідок підтвердить її версію. 7. Здається, вона багато знає про цивільне право. 8. Ви колись чули, щоб він порушував закон?

The Gerund

1. Rewrite the following sentences as in the example:

Example: *It is important to have good friends. — Having good friends is very important.*

1. It's easy to learn how to read. 2. It's important to become computer literate. 3. Is it difficult to study Criminal Law? 4. It's important to have professional awareness. 5. It is interesting to learn about Contract Law. 6. It's important to maintain legality. 7. It's necessary to obtain team work skills.

2. Answer the questions using the Gerund:

1. What is the best way for training investigator skills? 2. What is the best way for gaining as much knowledge as possible in Criminal Law? 3. Maintaining public order is the task of law-enforcement bodies, isn't it? 4. Which is more comfortable: to write or to type? 5. Which is more interesting: to play a role of an investigator or to take a role of an offender? 6. Which is more important: to know much and do nothing or to know less but try to find a way out.

3. Make a polite request using the construction *stop/start* + Gerund:

Example: *to make that terrible noise — Would you please stop making that terrible noise?*

1. To examine the evidence; 2. to discuss the case with a judge; 3. to prepare the case for the hearing; 4. to search the place of the crime; 5. to tell about the accident. 6. to answer the inspector's questions.

4. Express your attitude to the following using the structure *to be worth* + Gerund:

Example: *to read the book — The book is (not) worth reading.*

1. To discuss his speech at the meeting; 2. to study to become a lawyer; 3. to repeat an investigatory experiment; 4. to interrupt the speaker. 5. to follow his advice; 6. to consider the complexity of the case; 7. to change your guilty plea; 8. to tell me all the truth now.

5. Make up sentences using the structure *need* + Gerund:

Example: *to paint the window — The window needs painting.*

1. My jacket, to clean. 2. This difficult problem, to think about carefully. 3. The door, to repair. 4. The information, to check. 5. The documents, to analyze. 6. The evidence, to examine. 7. The report, to rewrite.

6. Make up sentences as in the example (use the verb *to excuse*):

Example: *to interrupt — Excuse my interrupting.*

To come late; to tell all the story to mother; to give so much trouble; to call you on Sunday; to remind of your debt; not to be present at the court hearing; to forget our arrangements to meet.

7. Complete the following sentences:

1. He is accused of... 2. I insist on telling... 3. He didn't succeed in finding... 4. Passing a sentence must be... 5. Without considering the evidence of the accused the jury can't... 6. After explaining the rules to the accused the judge began... 7. I am looking forward to... 8. We depend on...

8. Translate the following sentences into English:

1. Нарешті вони почали ретельно вивчати питання інтелектуальної власності. 2. Проблему інформаційних технологій треба розглянути дуже ретельно. 3. З цим не слід сперечатись: клієнти шукають високоякісних спеціалістів у галузі права. 4. Перестаньте звинувачувати всіх! 5. Вони з нетерпінням чекають на підвищення якості послуг. 6. Пробачте, що я втручаюся в розмову. 7. Вона заперечувала, що крапа гроші. 8. Ці відбитки треба проаналізувати.

The Participle I

1. Rewrite the following sentences as in the example:

A. Example: *The men who work in the Procurator's Office are my colleagues. — The men working in the Procurator's Office are my colleagues.*

1. The man who steals from pockets is a pickpocket. 2. The lawyer who is announcing the sentence is a judge. 3. The criminal who was escaping from Winston prison was rather dangerous. 4. The burglar who broke into their house at night was not alone, somebody helped him. 5. The unknown man who is following us looks like a criminal. 6. The plaintiff is a party which brings an action to win compensation.

B. Example: *When she heard the strange noise, she turned around. — Hearing the strange noise she turned around.*

1. When an aggrieved party starts criminal proceedings it usually sues for compensation. 2. When he questioned the witness he thought about his own family. 3. When they recognized his voice on the cassette, they became suspicious. 4. When they pass a law they always think if it violates the Constitution. 5. When I realized what had happened, I called the police.

C. Example: *I read the article and made notes. — I read the article making notes.*

1. The inspector looked at me and smiled. 2. The victim spoke and trembled. 3. The suspect spoke about his youth and showed old pictures with blood on them. 4. He turned over the pages of the criminal case and looked at the photos. 5. The man ran about and shouted.

2. Translate the following sentences into Ukrainian. Point out Participles:

1. Numerous administrative agencies now make rules that deal with all kinds of activity, including licensing and protection of health. 2. Recently there have been continuous debates regarding the legitimacy of government intervention in matters of birth control. 3. All criminal trials in Britain are held before a judge and a jury consisting of 12 ordinary people. 4. Looking back over English legal history it is plain to see that the old local customs at and around the time of the Norman Conquest are the historical source of the common law. 5. Being the most serious offences, these cases are always tried by federal court judges. 6. The police investigating the case are looking for 3 men. 7. The suspect using the services of a famous lawyer could prove his alibi. 8. Being accused of a burglary, Mr Brown was sentenced to 3 years of imprisonment.

3. Translate the following word combinations into English:

Кабінет, що складається з міністрів; люди, що голосують на виборах; партія, що керує країною; закон, що захищає права громадян; законотворчий орган; партія, що перемагає на виборах; інтелектуальна власність, яка відрізняється від інших форм власності; сторона, яка сплачує збитки позивачеві.

4. Translate the following sentences into English:

1. Судовий округ — це термін, що визначає територію, де повинне бути розглянуте правопорушення. 2. Визначення покарання в кримінальному праві є дуже складним питанням. 3. При порушенні особою публічного порядку вона повинна сплатити штраф, якщо її поведінка не мала серйозних наслідків. 4. Будь-яка особа може звернутися до

суду, вимагаючи сплати збитків. 5. Три категорії суддів, які працюють у Королівському суді, розглядають справи залежно від їх складності. 6. Поліція, що контролюється Центральним урядом, відповідає за підтримання публічного порядку. 7. До складу суддів, що займаються справами неповнолітніх, входять судді-спеціалісти, які знають дитячу психологію.

The Participle II

1. Translate the following sentences into Ukrainian, find Past Participles and explain the use:

1. In modern societies some authorized body such as a legislature or court makes the law. 2. Ukraine's declaration of independence, approved by a popular vote in 1991, has become a general rule. 3. The Constitutional Court charged with protecting and interpreting the constitution is the highest court in Ukraine. 4. Civil law used in many countries is based on ancient Roman law. 5. Precedents set by previous cases can be used to adjudicate new disputes. 6. At the annual opening of Parliament the Queen reads out a speech drawn up by the Prime Minister.

2. Rewrite the following sentences as in the example:

Example: *We live in the city which was founded more than 1,500 years ago. — We live in the city founded more than 1,500 years ago.*

1. Money bills which are concerned with taxation are always introduced by the Commons. 2. The first ten amendments to the Constitution of the USA which are known as the Bill of Rights were adopted in 1791. 3. English medieval law which is administered by courts reflected the "common" traditions and customs of the USA. 4. The civil law which is found in continental Europe can be contrasted to the common-law system. 5. The jury which is selected from local citizens applies the law to reach a verdict. 6. The interpretation of law which is made by appellate courts forms the precedents that govern future cases. 7. The evidence that was already fixed on the paper proved his innocence. 8. Financial losses which were covered by the defendant were considerably high.

3. Translate the following word combinations into Ukrainian paying attention to the use of Participle II:

A. a solved problem; a retired judge; the proposed action; the highly-qualified lawyers; the given powers; the required qualifications; unwritten law; the alleged right; an undefended divorce; a prescribed law;

B. any accused person; any imprisoned citizen; any elected representative; any detailed rule; any examined witness; any revealed crime; any charged fine; any imprisoned citizen;

C. the individual involved; the area concerned; the terminology used; the courts organized; the decision taken; the recommendations made;

D. the courts organized by the local landowners; an action based on principles; the meaning dictated by Parliament; the members selected by the Prime Minister.

4. Translate the following sentences into Ukrainian:

1. The fine paid amounted to three hundred dollars. 2. The executor is the person appointed to 'execute' the will. 3. There are several wishes expressed in the will. 4. Unfortunatuly, the stolen money has never been found. 5. The document corrected cannot be accepted. 6. The mentioned questions were of no importance. 7. Physical damage suffered by the plaintiff was terrible.

5. Choose the correct word:

The Congressman was satisfying/ satisfied with the results of the election.

Are you interesting/ interested in politics?

They were/ disappointing/ disappointed with the Justice's decision.

It's sometimes embarrassed/ embarrassing when you have to ask people for money.

Why does he always look so boring/ bored? Is his work really so bored/ boring?

Most of the policemen have a really impressive/ impressed experience in searching for criminals.

Our aim is to create a law- governing/ law-governed state.

It was not surprised/ surprising that he did not want to take part in the planned crime.

6. Translate the following sentences into English using Participle II:

1. Кожен заарештований чи затриманий повинен бути поінформований щодо причини його арешту чи затримання. 2. Кожен затриманий має право оскаржити (to challenge) в суді своє затримання. 3. Родичі заарештованої чи затриманої особи повинні бути поінформовані негайно про його чи її арешт. 4. Затримана чи арештована особа повинна бути звільнена відразу, якщо не було відповідного рішення суду. 5. Акти президента України, видані в межах його повноважень, підписуються також Прем'єр-міністром України. 6. Письмові статuti, складені (to draft) законодавчими органами, є основою для вирішення справ за системою цивільного права.

Progress check (the Participle, the Gerund, the Infinitive)**1. Choose between the Infinitive, Participle I or Gerund of the verb:**

1. We didn't have an opportunity... (to apprehend) him. 2. The most offences... (to involve) criminal law are those against the state. 3. Copyright law protects literary and artistic works... (to include) paintings and sculpture. 4. They want him... (to pay) damages. 5. I've never heard him... (to start) legal proceedings. 6. They'll look forward to... (to charge) him for the second time. 7. The offence turned out... (to be) committed while sleepwalking, and this act can't be qualified as a crime.

2. Choose the correct item:

1. Roman law is a system of laws...in the 8th century BC.
a) evolved b) evolving c) to evolve
2. Authority is the control...from a community's system of rules.
a) to result b) resulting c) resulted
3. The civil law includes cases...to family, property and contracts.
a) relating b) related c) to be related
4. Family law includes the laws...marriage, divorce and welfare of children.
a) governed by b) governing c) to govern
5. We can't believe him...the offer.
a) to revoke b) revoking c) to have revoked

6. I suspect him ... this computer program.

a) of copying b) to copy c) copying

7. They sold the original work for low price,...the original creator without a chance to get economic reward.

a) to leave b) leaving c) by leaving

3. Correct the mistakes:

1. Criminal law presupposes a rule of law in defined acts as criminal.
 2. Intellectual property laws reward the creators of original works by prevent others from to copy their works.
 3. They stopped to involve the lawyer to defend the offender.
 4. That's not worth to involve children into the trial stage.
 5. He is accused of committing a robbery.
 6. We didn't make him to determine if there was a criminal intent.
 7. If the offender turns out to being a policeman, we'll qualify the offence as omission.
 8. Acts committing during fits of epilepsy are involuntary.

4. Read these sentences choose the correct non-finite form of the verb and translate the words in brackets into English:

1. A criminal lawyer is a lawyer (що спеціалізується) in felonies.
 2. A war criminal is a person (визнаний винним) in crimes against humanity.
 3. Criminal procedure is the rules (що регулюють) the investigation of crimes; the arrest, (обвинувачення) and a trial of (звинувачених) criminals; and the (винесення вироку) of those convicted.
 4. Criminal liability is a responsibility for (скоєння) a crime.
 5. Murder is the unlawful crime (скоєний) against a person.
 6. (Озброєне) robbery is the unlawful taking of another's property (використовуючи) some dangerous weapon.

GLOSSARY

A

academic — *adj* академічний

accusation — *n* обвинувачення

acid rain — кислотний дощ

acknowledgement — *n* 1. визнання, вдячність; 2. розписка; 3. підтвердження; **to take** ~ отримати підтвердження, визнання (існування факту)

acquit — *v* 1. виправдати, визнати невинним (у скоєнні злочину); 2. звільнити (від відповідальності, зобов'язання)

act — *n* 1. дія; 2. акт; 3. документ; 4. закон; **notarial** ~ нотаріальні дії, акти, **to perform** ~, **to commit** ~, **to exercise** ~ вчиняти, здійснювати нотаріальні дії

action — *n* 1. дія, діяння, вчинок; 2. судова справа; судовий процес; 3. позов, судове переслідування

actus reus — злочинна дія

adhere to — *v* дотримуватись

adjoin — *v* 1. додавати, долучати; 2. межувати

adjudicate — *v* 1. визнати, встановити, вирішити, проголосити (у судовому порядку); 2. розглянути спір, вирішити справу, винести судове рішення або вирок

adjudication — *n* 1. визнання, встановлення, проголошення (у судовому порядку); 2. розгляд спору, вирішення справи, винесення судового рішення; 3. судове рішення, вирок; 4. засудження

administrative — *adj* 1. адміністративний, розпорядчий; 2. виконавчий; ~ **agencies** — адміністративні органи; ~ **courts** — адміністративні суди; ~ **bodies** — адміністративні органи; ~ **justice** — адміністративна юстиція; ~ **law** — адміністративне право; ~ **order** — адміністратив-

ний наказ; ~ **regulation** — 1. норма адміністративного права, адміністративне правило; 2. постановою адміністративного органу; ~ **tribunals** — адміністративні суди

adopt — *v* 1. (офіційно) приймати; 2. підтверджувати, затверджувати;

to ~ a code — приймати кодекс

adoption — *n* 1. прийняття; 2. під-

твердження, затвердження

adversarial — *adj* змагальний

adversary — *n* протилежна сторона (у судовому процесі), процесуальний суперник; *adj* змагальний (про судовий процес)

advocacy — *n* 1. адвокатська діяльність; 2. адвокатура; 3. захист, виступ (адвоката)

advocate — *n* 1. адвокат, захисник; 2. прибічник; *v* захищати

affidavit — *n* письмове свідчення, афідевіт, письмове свідчення під присягою; **to witness** ~ підтверджувати письмове свідчення під присягою

affirm — *v* 1. стверджувати, підтверджувати; 2. затверджувати (рішення суду нижчої інстанції)

agenda — *n* порядок денний

agreement — *n* 1. згода; 2. договір, угода

aid — *n* допомога; **legal** ~ правова допомога, **to provide** ~ надавати правову допомогу

aim — *v* 1. мати на меті, бути спрямованим на; 2. прагнути; 3. цілитися; *n* мета

allegation(s) — *n* заява, твердження; **to admit** ~ погоджуватись із заявою, визнавати заяву; **to deny** ~ спростовувати (відхиляти, заперечувати) заяву

allege — *v* 1. заявляти, стверджувати;

2. посилатися; 3. обвинувачувати

allocation — *n* розміщення, розпо-

діл

alter — *v* змінювати(ся), переробляти, видозмінювати

amelioration — *n* поліпшення стану

amend — *v* 1. вносити поправку, поправки, зміни, доповнення (в закон, конституцію); ~ *a law* вносити поправку до закону

Anglo-Saxon law — англо-саксонське право

appeal — *n* 1. апеляція; апеляційна скарга; оскарження; 2. звернення; ~ *as of right* — *n* апеляція по праву; апеляція на розсуд сторони; ~ *by leave* — *n* апеляція на розсуд суду (яка може бути подана з дозволу суду); *on* ~ — в апеляційному порядку; ~ *on points of law* — апеляція з питань права; *to bring* ~ (*before the court*)/*file/initiate/lodge an* ~ — *v* подавати апеляційну скаргу; *to grant an* ~ — *v* підтримувати (задовольняти) апеляційну скаргу; *to dismiss an* ~ — *v* відхилити апеляційну скаргу; *to listen to an* ~ — *v* розглядати апеляцію; *court of* ~ — *n* апеляційний суд; *v* апелювати, подавати апеляційну скаргу, опротестувати

appellant — *n* сторона, що подає апеляцію; позивач за апеляцією, скаржник, апелянт

appellee — *n* відповідач за апеляцією

application — *n* 1. застосування (права, закону та ін.); 2. заява, письмове клопотання до суду

apply — *v* 1. застосовувати(ся); 2. заявляти, подавати заявку, просити, звертатися, звертатися з клопотанням; ~ *a law* — застосовувати закон

appoint — *v* призначати; ~ *for life* — призначати на посаду довічно

apprehend — *v* затримувати, заарештовувати

approach — *n* підхід, наближення

appropriate educational-proficiency level — відповідний освітньо-професійний рівень

approval — *n* схвалення; затвердження; дозвіл, санкціонування

approve — *v* схвалювати; затверджувати; дозволяти, санкціонувати

arbitrary — *adj* довільний, дискреційний

arbitration — *n* 1. рішення, ухвала арбітра; 2. арбітраж; третейський суд; арбітражний розгляд; ~ *court* — третейський суд

area of responsibility — сфера відповідальності

argue — *v* 1. доводити, аргументувати; наводити доводи; стверджувати, заявляти; 2. дискутувати, обговорювати

arson — *n* підпал

assent — *n* згода, дозвіл, схвалення

assessor — *n* 1. податковий чиновник; 2. експерт-консультант суду; 3. засідатель, асесор; *people's* ~ — народний засідатель

assistance — *n* допомога, сприяння, підтримка; *legal* ~ — правова допомога, *to provide* ~ — надавати правову допомогу

attend — *v* відвідувати, бути присутнім

attest — *v* засвідчувати, посвідчувати, підтверджувати, завіряти

auditor — *n* аудитор

authenticate — *v* засвідчувати автентичність, встановлювати відповідність оригіналу

authenticity — *n* справжність, достовірність, автентичність; *to give* ~ — засвідчувати справжність

authoritative — *adj* авторитетний, впливовий

authority — *n* 1. орган влади, орган управління; 2. влада, повноважен-

ня; сфера компетенції; 3. джерело права; закон; прецедент; судові рішення; документ; 4. авторитет; авторитетний фахівець; авторитетне твердження; 5. довіреність; дозвіл; **to give** ~ — уповноважувати
authorize — *v* 1. уповноважувати, надавати право (повноваження); 2. санкціонувати, дозволяти; 3. легалізувати, узаконювати; 4. авторизувати, встановлювати авторство

B

bail — *n* 1. порука; 2. передача на поруки; 3. застава; **to release on** ~ — звільнити (з-під варти), звільнити на поруки, звільнити під заставу
balance — *v* зберігати рівновагу, бути врівноваженим, врівноважувати; *n* 1. баланс; рівновага; 2. залишок
Bar — *n* 1. адвокатура; адвокатська діяльність; юридична практика; колегія адвокатів; 2. суд в повному складі; 3. правова перешкода; правова заборона
barrister — *n* (англ.) баристер (адвокат, який має право виступати у вищих судах)
be entitled — мати право; бути уповноваженим; **to ~ to associate** — мати право приєднатися, об'єднатися
be incarcerated — бути ув'язненим
be liable — бути відповідальним (за щось); нести відповідальність; підлягати (н. ч.)
be supplemented by — доповнюватися
be tried — знаходитися на розгляді суду, слухатися в суді (про справу); знаходитися під судом
be under an obligation to — мати обов'язок, мати зобов'язання
benefit — *n* 1. користь, вигода; 2. перевага, привілей; 3. матеріальна

допомога; **mutual** ~ — взаємна вигода; *v* приносити користь; отримувати користь; **to ~ creator** — приносити користь авторові (творцю)
beyond doubt — поза сумнівом
binding — *adj* — обов'язковий; зобов'язальний; що має обов'язкову силу; *n* зобов'язання
biological diversity — біологічний різновид
blood — *n* 1. кров 2. позбавлення життя 3. вбивство; 4. провина у скоєнні злочину; **blood-guilty** — винний у вбивстві
book — *v* 1. зареєструвати, занести в книгу; 2. замовляти, бронювати; ~ **at police station** — зареєструвати (справу, особу) в поліційному відділенні; ~ **prisoner** — зареєструвати в'язня
breach — *n* 1. порушення (права, закону, договору, обов'язку і т.д.); 2. розірвання (відносин)
brief(s) — *n* записка по справі, що подається в апеляційний суд
bring closer to smb. — наближати до к.-н.
budget — *n* бюджет
burglary — *n* крадіжка зі зломом
bypass — *v* обходити

C

capital punishment — найвища міра покарання, вирок смертної кари, смертна кара; виконання смертного вироку
carry — *v* 1. перевозити; 2. нести, носити; 3. проводити, приймати голосуванням (законопроект, пропозицію, резолюцію); **to ~ out** — виконувати, проводити, здійснювати;
case — *n* 1. випадок; 2. судова справа; **to consolidate ~s** — об'єднувати

- справи; *to decide a ~* — вирішити справу; *to solve a ~*, *to resolve a ~* — вирішувати судову справу; *to settle a ~* — врегулювати справу; *settlement of a ~* — врегулювання справи; вирішення справи шляхом укладання угоди; *to take a ~ to trial* — подавати справу на судовий розгляд
- case law** — прецедентне право
- case management conference** — нарада з питань керування справою
- case manager** — розпорядник справи
- cassation** — *n* касація
- center** — *v* зосереджуватись
- certificate of a specialist** — диплом спеціаліста
- certify** — *v* засвідчувати, підтверджувати
- charge** — *n* 1. доручення, обов'язок, відповідальність; 2. ціна, плата; 3. обвинувачення, пункт обвинувачення; *to bring a ~* — висувати обвинувачення; *criminal ~* — обвинувачення у скоєнні злочину, кримінальне обвинувачення; *v* 1. обтяжувати, навантажувати; 2. довіряти, доручати; 3. обвинувачувати; *to ~ of a crime* — обвинувачувати у скоєнні злочину
- charter** — *n* 1. устав; 2. хартія, грамота, привілей; 3. чартер, договір фрахтування судна
- circuit** — *n* 1. округ; 2. судовий округ
- citizen** — *n* громадянин
- citizenship** — *n* громадянство
- civil** — *adj* 1. громадський; громадянський; цивільний; 2. цивільно-правовий; *~ code* — цивільний кодекс; *~ case* — цивільна справа; *~ law* — цивільне право; *~ procedure/process* — цивільний процес; *~ society* — громадянське суспільство
- claim** — *n* позов; вимога; претензія; *dismissal of a ~* — відхилення позову, відмова у позові, припинення справи; *to initiate ~* — подавати позов; *to issue ~* — забезпечувати позов; *to file a ~ (with a court)* — подавати позов (до суду)
- claimant** — *n* позивач (у Великобританії)
- classification and coding of goods** — класифікація та кодування товарів;
- closing arguments** — зупинення дебатів сторін
- closing statements** — заключна промова
- co-decision** — *n* спільне рішення
- codification** — *n* кодифікація
- codified constitution** — кодифікована конституція
- codify** — *v* кодифікувати
- collective bargaining** — укладення колективного трудового договору
- collegiate body** — колегіальний орган
- commencement** — *n* 1. початок; 2. вступна частина обвинувального акту; 3. порушення (справи, судового переслідування)
- commission** — *n* 1. доручення; договір доручення; судове доручення; 2. повноваження; 3. комісія (група осіб або орган); комітет; 4. призначення на посаду; документ про призначення; 5. комісія; договір комісії; комісійна винагорода; 6. вчинення (дії); діяння
- commit** — *v* 1. доручати; довіряти, ввіряти; 2. зобов'язувати; 3. вчиняти (дію); 4. передавати (на розгляд); передавати (віддавати) суду; 5. ув'язнювати; *~ a crime* — вчиняти злочин; *to ~ smb. for trial* — пе-

редавати когось суду; *to ~ to prison* — ув'язнювати

committee — *n* 1. комітет, комісія; 2. опікун

common — *adj* 1. загальний; 2. спільний; частковий, пайовий; 3. суспільний; публічний; 4. загальноприйнятний; ~ *accord* — спільна згода; ~ *law* — загальне право

complaint — *n* 1. скарга; рекламація; претензія; 2. позов, позовна заява; *cross~* — зустрічний позов; *to answer a ~* — відповідати на позов

complete abolition — повна відміна, повне викоренення

complexity — *n* складність

compliance — *n* відповідність, узгодженість

compulsory courses — обов'язковий курс

conciliation — *n* примирення; примирна, погоджувальна процедура

conclude — *v* 1. укладати (договір); 2. робити висновок

conduct — *n* 1. поведінка; 2. керування; ведення; *v* 1. проводити; вести; ~ *policy* — проводити політику;

confession — *n* визнання; визнання у скоєнні злочину; визнання вини; визнання позову

confirm — *v* 1. підтверджувати; 2. затверджувати; санкціонувати; ратифікувати

confiscation — *n* конфіскація

conform — *v* 1. узгоджуватися; відповідати; 2. узгоджувати, погоджувати; 3. підкорятися (правилам)

conformity — *n* 1. відповідність; 2. підкорення (ч.-н.); *in strict ~ with the law* — у строгій відповідності до закону

conservation — *n* охорона навколишнього середовища

conspiracy to defraud — змова вчинити шахрайство

constitution and forms of government — конституція та форми державного устрою

constitutional — *adj* конституційний; такий, що відповідає конституції, конституційним нормам; ~ *convention* — конституційна конвенція; ~ *law* — конституційне право; ~ *lawyer* — юрист-фахівець з конституційного права; ~ *principles* — конституційні принципи; ~ *scholar* — вчений-фахівець з конституційного права

constructive dismissal — конструктивне звільнення

consultant — *n* 1. радник; консультант, позаштатний співробітник; 2. тимчасовий співробітник

contempt — *n* 1. неповага, образа (органа влади); 2. порушення (норм права)

contract — *n* договір; угода; контракт; *marriage ~* — шлюбний контракт

contribution — *n* 1. пожертва; 2. сприяння; 3. внесок

convention — *n* 1. конвенція (міжнародний договір); 2. з'їзд, конвент; 3. звичай

conveyance — *n* передача правового титула (права) (переважно на нерухомість); акт про передачу правового титула; ~ *of property* передача права власності

convict — *n* засуджений; засуджений, що перебуває під вартою; засуджений, що відбуває покарання; *adj* засуджений; той, що перебуває під вартою; той, що відбуває покарання; *v* засуджувати (визнавати винним); *to ~ of a crime* — засудити за скоєння злочину

conviction — *n* засудження (визнання винним); судимість
convince — *v* переконувати
cooperation — *n* співробітництво
copy — *v* копіювати, робити копію, відтворювати
copying — *n* копіювання
correspondent — *adj* відповідний
costs — судові витрати
counsel — *n*. адвокат, юрисконсульт-адвокат, юрисконсульт
counter-terrorism — *n* боротьба з тероризмом
counterpart — *n* процесуальний супротивник
course — *n* курс (навчання, лекцій тощо); **compulsory** ~ — обов'язковий курс
court — *n* суд; **administrative** ~ — адміністративний суд; **appellate** ~ — апеляційний суд; **the Constitutional** ~ — конституційний суд; **economic** ~ — господарський суд; ~ **judgment** — судові рішення, рішення суду; **local** ~ — місцевий суд; ~ **proceeding** — судочинство, розгляд справи, судова процедура, провадження у справі, судовий процес; **specialized** ~ — спеціалізований суд; **the Supreme** ~ — верховний суд; **trial** ~ — суд, який розглядає справу по суті, суд першої інстанції; ~ **of first instance** — суд першої інстанції; ~ **of last resort** — суд останньої інстанції
covenant — *n* 1. договір; 2. зобов'язання за договором; 3. стаття договору; умова договору
create — *v* створювати
crime — *n* 1. злочин; 2. злочинність
criminal — *adj* 1. злочинний; 2. карний, кримінальний; ~ **case** — кримінальна справа; ~ **code** — кримінальний кодекс; ~ **law** — кримі-

нальна право; ~ **offence** — кримінальне правопорушення
cross examination — перехресний допит (свідка протилежної сторони)
cross-appeal — зустрічна апеляція
culpability — *n* винність
custody — *n* 1. зберігання, охорона; 2. опіка; піклування; нагляд; 3. контроль, володіння; 4. затримка; позбавлення волі; утримування під вартою; тюремне ув'язнення; **to take into** ~ — взяти під варту
custom — *n* звичай
customary law — звичаєве право
customs — *n* мито, митний збір; ~ **bodies** — митні органи; ~ **border** — митний кордон; ~ **Code of Ukraine** — Митний Кодекс України; ~ **duties** — митні збори; ~ **matters** — митні питання, спори; ~ **officers** — офіцери, посадові особи митної служби; ~ **system** — митна система; ~ **tariff and non-tariff regulation** — тарифне та нетарифне регулювання; ~ **territory** — митна територія; ~ **union** — митний союз; ~ **zones** — митні зони

D

damage — *n* 1. пошкодження; 2. збиток; шкода
death penalty — смертна кара, смертний вирок
decent — *adj* стриманий
decision — *n* рішення або постанова суду
declaration — *n* 1. заява; декларація; 2. позовна заява; 3. мотивувальна частина судового рішення; 4. пред'явлення на митниці речей, які обкладаються митним збором; 5. урочиста заява свідка (без прися-

ги); **statutory** ~ — урочиста заява свідка про істинність свідчень

declare — *v* 1. заявляти; оголошувати; проголошувати; 2. оголошувати (визнавати); 3. декларувати (речі на митниці); 4. подати позов; викласти обґрунтування позову

deed — *n* угода, дія, акт, запис, документ

defect — *n* дефект, недолік; **legal** ~ — юридичний недолік; **to correct legal** ~ — виправляти юридичний недолік **to find ~ in** — знаходити (встановлювати факт наявності) юридичний недолік; **to remedy** ~ — виправляти юридичний недолік

defence — *n* 1. захист; 2. захист (у суді); аргументація відповідача (підсудного); заперечення стосовно позову (обвинувачення); заперечення відповідача (підсудного); 3. обставина, що звільняє від відповідальності; 4. заборона

defendant — *n* 1. відповідач; 2. обвинувачений; 3. підсудний; 4. підзахисний

degree — *n* звання, вчений ступінь; диплом; **bachelor's** ~ — ступінь бакалавра; **law** ~ — ступінь з права; **master's** ~ — ступінь магістра; **scientific** ~ — науковий ступінь

delegation of authority — делегування влади (повноважень)

deliberate — *v* 1. обдумувати, зважувати; 2. радитися, обговорювати

deliberation — *n* 1. обговорення; 2. обдумування

department — *n* відділ, підрозділ

depletion — *n* вичерпання

depositions — *n* 1. письмові свідчення під присягою; зняття свідчень під присягою; 2. долучення до матеріалів справи

depths — *n* надра

derive from — походити від

determinable — *adj* 1. який може бути встановлений (визначений); 2. який підкоряється регулятивній умові; 3. який повинен бути припинений; який скінчується (закінчується)

dignity — *n* гідність

diploma — *n* диплом; свідоцтво; **Graduate** ~ диплом про закінчення навчального закладу

direct effect — пряма дія

direction — *n* розпорядження

directive — *n* директива

discharge — *n* 1. витікання, стікання, зливання; 2. виконання (зобов'язань); 3. звільнення з посади; *v* 1. виконувати; 2. звільняти; ~ **duties** — виконувати посадові обов'язки

disclose — *v* 1. виявляти; 2. викривати, розкривати

disclosure — *n* розкриття документів та доказів у справі протилежній стороні

discovery — *n* витребування документів; представлення, розкриття документів, що є у справі

dismissal — *n* звільнення

dispute — *n* спір; **civil** ~ — *n* цивільний спір; **housing** ~ — житловий спір; **labour** ~ — трудовий спір; **property** ~ — майновий спір; **adjudicator of a** ~ — суддя, арбітр у спори; **to settle a** ~ — урегульовувати спір

distribute — *v* розповсюджувати, поширювати

DNA profiling — аналіз ДНК

drafting — *n* редакція, формулювання, укладання проекту (документа); ~ **of a document** — опрацювання (приготування, укладання) документа

E

earnings — гроші, отримані за працю, трудові доходи

economic — *adj* економічний; ~ **integration** — економічна інтеграція; ~ **output** — економічні показники

economically — *adv* економічно, ощадливо

efficiency — *n* ефективність

efficient — *adj* ефективний

elimination — *n* усунення, ліквідування

embody — *v* втілювати

employ — *v* 1. наймати; 2. вживати, застосовувати

employee — *n* робітник за наймом, службовець, працівник; ~ **application** — заява (від робітника про прийняття на роботу)

employer — *n* роботодавець, наймач

empower — *v* надавати повноваження, уповноважувати

enact — *v* зобов'язувати; приписувати в законодавчому порядку; постановляти; приймати (закон)

enactment — *n* 1. закон, наказ; 2. введення в дію (закону)

encourage — *v* заохочувати, підтримувати; ~ **of early settlement** — заохочувати до вирішення спору на ранній стадії; ~ **of resort to** — заохочувати до звернення до

endow with rights and freedoms — надавати права та свободи

enforce — *v* 1. проводити в життя (закон); 2. примусово здійснювати; 3. забезпечувати дотримання; ~ **rights** — примусово здійснювати (*суб'єктивні*) права; забезпечувати дотримання (*суб'єктивних*) прав

enhance — *v* збільшувати, посилювати

envisage — *v* передбачати

equal rights — рівні права

equality — *n* рівність

equity — *n* 1. справедливість, право справедливості; 2. неупередженість

erroneous — *adj* помилковий

error — *n* помилка

establish — *v* 1. встановлювати, установлювати; 2. засновувати; 3. встановлювати

estate — *n* власність, майно (нерухоме)

European Union — Європейський Союз

evaluation — *n* оцінка

evidence — *n* 1. засіб або засоби доказу; доказ, докази; підтвердження; свідчення; 2. свідчення свідків; ~

of crime — докази скоєння злочину; ~ **of guilt** — докази вини; **admissible** ~ — допустимі докази; докази, допустимі в суді; **biological**

~ — докази, отримані біологічною експертизою; **circumstantial** ~ —

непрямі докази; **expert** ~ — свідчення спеціаліста, свідчення експерта; висновки експерта; **false**

~ — неправдиве свідчення, доказ; **hearsay** ~ — свідчення з чужих слів; свідчення, що базується на

чутках; **physical** ~ — речові докази; **testimonial** ~ — свідчення свідків; **trace** ~ — трасеологічні докази

exchange — *n* обмін

execution — *n* 1. виконання; 2. страта; ~ **of judgment** — виконання судового рішення

executive — *adj* виконавчий

expensive — *adj* коштовний

expert — *n* фахівець, експерт; ~ **evidence** — свідчення експерта

export and import of goods — імпорт та експорт товарів;

expose — *v* 1. наражати (на небезпеку); 2. викривати; 3. покидати (беззахисного); залишати незахищеним

F

facilitate — *v* полегшувати, сприяти

failing — *n* 1. недостача, брак; 2. недолік

fair — *adj* чесний, справедливий

fairness — *n* справедливість

federation — *n* федерація

fee — *n* платня, винагорода, гонорар, чайові

felony — *n* тяжкий кримінальний злочин, фелонія; обвинувачення у кримінальному злочині

field — *n* сфера, галузь; ~ *of law* — галузь права

fight — *v* 1. боротися; 2. захищати, відстоювати; *to ~ crime* — боротися зі злочинністю; *to ~ terrorism* — боротися із тероризмом; *n* бій, бійка, боротьба

file — *v* подавати (позов); заявити (правові вимоги)

find a remedy — знаходити засоби судового захисту

fine — *n* штраф

fingerprinting — *n* дактилоскопірування, дактилоскопія, зняття відбитків пальців

firing — *n* звільнення

flexible — *adj* гнучкий

forced labour — примусова праця

forensic — *adj* судовий

form — *n* форма; ~ *of admission* — форма визнання позову; ~ *of defence* — форма відповіді на позовні вимоги; *claim* ~ — форма позову; *a counterclaim* ~ — форма зустрічного позову; *service* ~ — форма, в якій робиться помітка про вручення судового документа

framework — *n* межі, рамки, сфера

free trade area — зона вільної торгівлі

freedom — *n* 1. свобода, незалежність; 2. право, привілей; ~ *of speech* — свобода слова

frontiers — *n* кордони

fund — *n* фонд, кошти

G

general principles — загальні принципи

Germanic law — германське право

gift — *n* дарунок, дарування

give rulings — надати постанову

giving notice — повідомлення про звільнення

govern — *v* 1. керувати, правити, управляти; 2. регулювати

government agency — урядовий орган;

government supervision — урядовий нагляд

graduate — *n* випускник; *v* — закінчити вищий навчальний заклад

Graduate Diploma in Law — диплом з права

grand jury — велике (слідче) журі (колегія з присяжних, що вирішує питання про віддання обвинуваченого до суду присяжних)

grant — *n* 1. дозвіл, згода; 2. надання, офіційне представлення; 3. дарування, дарчий акт; ~ *of rights* — надання прав; *v* 1. згоджуватися, дозволяти; 2. давати, надавати; 3. дарувати; 4. припускати

grave — *adj* 1. важкий, тяжкий; 2. серйозний; ~ *crime* — важкий злочин;

grievance — *n* скарга

guard — *n* охорона, караул; *v* 1. охороняти; 2. захищати

guilt — *n* вина, винність; *to prove* ~ — довести вину; *to admit* ~ — визнати вину

H

halt — *n* зупинка
halting deforestation — зупинка вирубки лісу
hazardous wastes — небезпечні відходи
hereditary — *adj* спадковий, спадковий; ~ **right** — спадкове право
heritage — *n* спадщина, наслідок
hierarchies of power — ієрархія влади
higher education — вища освіта
hire — *v* 1. наймати, орендувати; 2. здавати в найм; 3. брати напрокат
hold — *v* 1. тримати, держати; 2. володіти, мати; 3. проводити; ~ **office** — перебувати на посаді
human rights — права людини
humankind — *n* людство

I

identify — *v* 1. ототожнювати, встановлювати тотожність; пізнати; 2. встановлювати особистість; 3. встановлювати справжність, ідентифікувати; 4. визначати, виявляти
ideology — *n* ідеологія
illegal — *adj* незаконний, протиправний, неправомірний
immunity — *n* недоторканність, імунітет
impact assessment — встановити суму оподаткування
impartial — *adj* неупереджений, безсторонній
implement — *v* виконувати, вводити в дію
implementation — *n* виконання
impose — *v* накладати обов'язок;
improve — *v* поліпшувати, вдосконалювати
improvement — *n* поліпшення, удосконалення

inalienable right — невід'ємне право
income — *n* доходи; прибуток від власності, інвестицій, цінних паперів і т. д.
inconsistency — *n* суперечність, протиріччя, неузгодженість
incorporate — *v* включати до складу
indictable offence — злочини, що переслідуються за обвинувальним актом; кримінальні злочини
indictment — *n* обвинувальний акт; ~ **of grand jury** — обвинувальний акт великого журі; **to return** ~ — винести обвинувальний акт
infliction — *n* накладання (призначення) покарання, **of death penalty** — призначення страти, засудження до страти
influence — *n* вплив; *v* впливати
injure — *v* завдавати шкоди; порушувати права
innocence — *n* невинність; ~ **of crime** — невинність у скоєнні злочину
innocent — *adj* невинний; **to presume** ~ вважати невинним
inquisitorial — *adj* інквізиційний
inspection — *n* перевірка
instruct — *v* доручати, навчати, інструктувати
integration — *n* інтеграція, об'єднання
intellectual property — інтелектуальна власність
intellectual — *adj* розумовий, раціональний, ментальний, інтелектуальний; ~ **property** — інтелектуальна власність
intent — *n* намір
interfere — *v* заважати, перешкоджати, втручатися
interference — *n* завада, перешкода, втручання
international — *adj* міжнародний; ~ **concern** — міжнародна увага, між-

народне занепокоєння; **International Military Tribunal** — Міжнародний військовий трибунал
interpret — *v* тлумачити; ~ **law** — тлумачити право
interpretation — *n* тлумачення; ~ **of the Constitution** — тлумачення конституції
interrogation — *n* допит
interrogatory — *n* письмове опитування сторін та свідків
intervene — *v* вступати в процес
introduce — *v* вводити, представляти
invention — *n* винахід
investigate — *v* 1. досліджувати, розвідувати; 2. розслідувати (справу)
investigation or prosecution of offences — розслідування або переслідування злочинів
inviolability — *n* непорушність, недоторканність
involve — *v* залучати, включати
issue — *n* спірне питання, проблема; *v* видавати; ~ **a law** — видавати закон; ~ **a summons** — повідомляти відповідача про поданий на нього позов; відправляти виклик (повістку) до суду

J

job-hunt — шукати роботу
job-seeker — людина, що шукає роботу
join forces — об'єднати сили;
judge — *n* суддя; **a part-time** ~ — суддя на умовах часткової зайнятості
judgment — *n* рішення суду; **default** ~ — судове рішення на користь позивача внаслідок неявки відповідача; заочне рішення (суду); **to enter a** ~ (**against smb.**) — виносити рішення

judicial — *adj* судовий; ~ **management** — керування справою з боку судді;
 ~ **powers** — судові повноваження; ~ **review** — судовий перегляд
judiciary — *n* 1. суд; судова влада; судова система; 2. судоустрій; 3. судді, суддівський корпус; *adj* судовий; суддівський
junior specialist — молодший спеціаліст
jurisdiction — *n* юрисдикція, підсудність (справи), повноваження (суду);
appellate ~ — апеляційна юрисдикція; **general** ~ — загальна юрисдикція; **original** ~ — юрисдикція суду першої інстанції
juror — *n* присяжний засідатель, член складу присяжних
jury — *n* присяжні, склад присяжних, колегія присяжних, суд присяжних
justice — *n* справедливість, правосуддя, юстиція, суддя; **to administer** ~ — відправляти правосуддя; **administration of** ~ — відправлення правосуддя; ~ **of the Peace** — мировий суддя

K

kinship — *n* спорідненість; родинні зв'язки

L

labour remuneration — оплата праці, заробітна плата, винагорода
landlord — *n* лендлорд, землевласник
larceny — *n* крадіжка
launch — *v* започатковувати
law — *n* 1. закон; 2. право; ~ **abiding** —

законослухняний; ~ *and order* — правопорядок; ~ *enforcing agency* — силова структура; ~ *enforcement agency* — правоохоронний орган; ~ *enforcement system* — правоохоронна система; ~ *governed* — правовий (про державу тощо); *rule of* ~ — верховенство права

law degrees — ступінь з права

law enforcement — *n* правозастосування; правочинність; правопорядок; законність;

lawsuit/suit — *n* позов; цивільний (судовий) процес; провадження цивільної справи в суді; *party to a* ~ — сторона в судовому процесі; *to bring/to start a* ~ — розпочинати судовий процес; подавати позов; *to defend a* ~ — відповідати на позов; виступати в якості відповідача; заперечувати проти позову; захищатися (в суді); *to file/to initiate a* ~ — розпочинати судовий процес; подавати позов; *to maintain a* ~ — відстоювати позов

lawyer — *n* юрист, адвокат, правознавець; *defence* ~ — адвокат відповідача, захисник (адвокат)

legal — *adj* 1. законний; 2. правовий; ~ *advisor* — радник з правових питань, консультант з питань права, юрисконсульт; ~ *base* — правова основа; ~ *claim* — законне право вимоги; законна правова вимога; ~ *culture* — правова культура; ~ *disputes* — правові спори; ~ *educational institution* — юридичний навчальний заклад; ~ *proceedings* — процесуальні дії, судочинство; ~ *profession* — юридична професія; ~ *rules* — правові норми; ~ *system* — правова система

litigant — *n* сторона в цивільному процесі

legislate — *v* видавати закони

legislation — *n* 1. законодавство; 2. закон, законопроект; 3. законодавча влада

liability — *n* відповідальність, обов'язок, зобов'язання

liberty — *n* 1. свобода 2. вільність

litigation — *n* судовий процес, спір; *to initiate* ~ — розпочинати судовий процес

look for a job — шукати роботу

loss — *n* зникнення; втрата

M

maintain — *v* 1. підтримувати, зберігати; 2. захищати, подавати підтримку; ~ *rights* — підтримувати права, відстоювати права

maintenance of law and order — підтримання правопорядку

maladministration — *n* недобросовісне управління

manslaughter — *n* ненавмисне вбивство

marine living resources — ресурси водного миру

meet the requirements відповідати вимогам

member country — країна, яка є учасником певної організації

mens rea — злочинний намір

merit — *n* гідність, достойність, заслуга; *merits of a* ~ — суть спору; *to resolve a* ~ — вирішувати спір

misdemeanor — *n* злочин (правопорушення), що карається судом

misdemeanour — *n* 1) вчинок, що підлягає судовому покаранню; злочин 2) провинна

mistrial — *n* неправильний судовий розгляд

modify — *v* коригувати, змінювати, пом'якшувати

motion — *n* клопотання; **pretrial settlement** ~*s* — клопотання про досудове врегулювання спору; ~ **for judgment on the pleadings** — клопотання про винесення рішення на основі змагальних паперів; ~ **for summary judgment** — клопотання про винесення рішення в порядку спрощеного судочинства

motive — *n* мотив

murder — *n* вбивство

N

nation state — держава; конфедерація

natural resources — природні ресурси

negotiation — *n* переговори

normally — *adv* зазвичай, звичайно

notary — *n* нотаріус; **public** ~ державний нотаріус; **private** ~ приватний нотаріус; ~ **activity** нотаріальна діяльність

note (on evidence) — *n* зауваження на свідчення або на представлені докази

nuclear — *adj* ядерний

nullify — *v* скасовувати; анулювати

O

oath — *n* клятва, присяга; **to take an** ~ складати присягу; **to administer an** ~ приймати присягу, приводити до присяги

obey — *v* коритися; ~ **the law** — підпорядкуватися, підкорятися закону; ~ **the rules** дотримуватися правил

objective — *n* мета, завдання, прагнення

obligation — *n* обов'язок, зобов'язання

obligatory — *adj* — обов'язковий

observance — *n* 1. додержання, дотримання (закону, звичаю)

obsolete — *adj* що вийшов з ужитку; застарілий

offence — *n* 1. проступок, правопорушення, злочин; 2. образа, кривда;

minor ~ — незначні правопорушення; **summary** ~ — злочини, що переслідуються в порядку сумарного провадження; дисциплінарні правопорушення

offender — *n* 1. правопорушник, злочинець; 2. образник, кривдник; **first** ~ — злочинець, засуджений уперше; **old** ~ — рецидивіст

Ombudsman — уповноважений з розгляду скарг громадян на дії державних службовців

omission — *n* бездіяльність

opening arguments — відкриття дебатів сторін

opening statement — вступна промова

oral arguments — виступи в дебатах сторін; виступи в суді

ordain — *v* визначити в законодавчому порядку

override — *v* скасовувати

overtime work — понаднормова праця

ozone layer — озоновий шар

P

parole — *n* тимчасове або дострокове звільнення в'язня з тюрми

party — *n* сторона (у справі)

pass an exam — скласти екзамен

patent — *n* патент, диплом; ~ **law** — патентне право

peace (international) treaty — мирний (міжнародний) договір

penal — *n* склад; *a* ~ *of judges* — склад суддів; *adj* карний; ~ *law* — карне право; ~ *system* система покарань

penalty — *n* 1. покарання 2. стягнення, штраф; 3. розплата;

perform — *v* виконувати, здійснювати

performing — *n* виконання

permanent — *adj* постійний

perpetrator — *n* злочинець, порушник

persuasive — *adj* переконливий

petition — *n* клопотання; заява (в суд); позовна заява

petitioner — *n* прохач; позивач

physical evidence — речові докази

plaintiff — *n* позивач (у США)

plea — 1. заява основ позову або обвинувачення, або основ захисту проти позову; 2. заява, зроблена відповідачем або захистом, або від імені відповідача, або захистом; ~ *“is guilty”* — заява про визнання вини; ~ *“is not guilty”* — заява про заперечення вини

plead — *v* заявляти в суді; *to* ~ *guilty* / *not guilty* — заявити про свою винність/ невинність

pleading(s) — *n* попереднє провадження у справі; обмін змагальними паперами; змагальні папери; дебати сторін (у суді)

police — *v* підтримувати порядок

political power — політична влада

pollution — *n* забруднення

posterity — *n* нащадки

postgraduate — *adj* те, що вивчається після отримання ступеня бакалавра

undergraduate — *adj* академічний курс на базі середньої освіти для отримання ступені бакалавра

practice directions — процесуальні інструкції (що видаються суддею)

practise — *v* практикувати, займатися професійно; ~ *law* — займатися адвокатською практикою

practical skills — практичні навички

practice law — *v* бути юристом

pre-action protocols — протоколи, які оформляються до подання позову

precautionary — *adj* запобіжний

precedent — *n* прецедент; *a binding* ~ — прецедент, який має обов'язкову силу

prenotification — *n* попереднє попередження про звільнення

preservation of peace — збереження миру

preserve — *v* зберігати

prevent — *v* 1. попереджувати, запобігати, відвертати; 2. перешкоджати;

prevention — *n* запобігання

prevention and detection of crime — запобігання та розслідування злочинів

private — *adj* приватний, особистий, власний; ~ *law* — приватне право

probation — *n* умовне звільнення злочинця на поруки

procedure — *n* процес, процедура; *civil* ~ цивільний процес

procedural rules — процесуальні норми

proceed — *v* розпочинати судовий процес; здійснювати процесуальні дії

proceedings — *n* розгляд справи в суді, судовий розгляд, судова процедура, судочинство, процес; *judicial* ~ — судочинство, судовий процес; *legal* ~ — судочинство, процесуальні дії

proclaim — *v* проголосити

production of documents — *n* пред'явлення, подання документів

professional licence — дозвіл на здійснення професійної діяльності

professional training — професійна підготовка

profit — *n* прибуток, винагорода

prohibit — *v* забороняти

prohibition — *n* заборона

promote — *v* сприяти;

promulgate — *v* оголошувати

proposal — *n* пропозиція

prosecuting attorney — *n* прокурор

prosecution — *n* обвинувачення, судове переслідування

prosecutor — *n* 1. прокурор; **public** ~ — прокурор; ~'s **Office** — прокуратура; 2. обвинувачувач

protect — *v* захищати, охороняти, запобігати

protect people — захищати людей

protection — *n* захист; ~ **of freshwater resources** — охорона вод; ~ **of rights** — захист прав; **personal** ~ — особистий захист

provide — *v* 1. забезпечувати, постачати; 2. надавати; 3. (~ for) передбачати;

provision — *n* положення; ~ **of the Constitution** — норми конституції

public — *adj* 1. суспільний; громадський; 2. державний; 3. відкритий, гласний; 4. народний; ~ **administration** — державне управління; ~ **institution** — державний заклад; ~ **law** — публічне право; ~ **man** суспільний діяч; ~ **order** — суспільний порядок; ~ **officer** — державний службовець

punish — *v* карати, накладати стягнення

punishment — *n* покарання; **corporal** ~ — тілесне покарання; **to inflict** ~ — накладати покарання

purchase-and-sale — *n* купівля-продаж

Q

qualification requirements — кваліфікаційні вимоги

quitting — *n* звільнення з роботи (амер.)

quotas — *n* квоти;

R

radioactive wastes — радіоактивні відходи

rape — *n* зґвалтування

rapid — *adj* швидкий

rare — *adj* рідкісний; незвичайний

rate — *n* тарифна ставка; ~s **of customs duties** — розмір податкових зобов'язань

ratify — *v* затверджувати

real estate (property) — нерухомість; нерухоме майно; земля

reasoning — *n* обґрунтування, викладення мотивів

receipt — *n* розписка в отриманні, отримання

recognize — *v* визнавати, усвідомлювати, розрізняти

recommendation — *n* рекомендація

reconciliation — *n* примирення;

record — *n* 1. запис, протокол, документ; 2. матеріали судової справи; письмове провадження у справі; ~ **office**— архів

recruit — *v* наймати

reduce crime — зменшувати рівень злочинності

redundancy procedure — процедура скорочення штатів

refer to — *v* стосуватися; посилатися; відсилати до чогось, чогось

regime — *n* система, режим

regulation — *n* норма; регулювання

regulatory agenda — регулятивна програма

rehearing — *n* повторне заслуховування справи

reinstatement — *n* відновлення

release — *n* звільняти, визволяти; випускати на волю

religious law — релігійне право
relinquish — *v* відмовлятися, відступати
rely on — *v* покладатися на когось
render — *v* виносити (рішення)
repealing a rule — скасування норми права;
reply — *n* відповідь позивача на заперечення щодо позову
represent — *v* представляти
resignation — *n* відставка
respond — *v* подавати заперечення стосовно позову
respondent — *n* відповідач за апеляцією
response pack — *n* комплект документів для відповіді на позов
responsibility — *n* відповідальність
review — *n* перегляд; **judicial** ~ — перегляд судом
revival — *n* відродження
right — *n* право; ~ **of disposal** — право розпорядження; ~ **of possession** — право володіння; ~ **of rebuttal** — право спростування; право надання контрдоказів; ~ **of use** — право користування
robbery — *n* пограбування
Roman law — римське право
royal power — королівська влада
rulemaking — *n* нормотворчість

S

safe, just and stable society — безпечне, справедливе та стабільне суспільство
safeguard — *n* охорона, гарантія;
salary — *n* заробітна плата службовця, посадовий оклад
scientific research — наукове дослідження
scene — *n* місце події; ~ **of crime** — місце скоєння злочину

secure — *v* 1. охороняти; 2. гарантувати безпеку; 3. забезпечувати, гарантувати, страхувати
security — *n* 1. безпека, надійність; ~ **Service of Ukraine** — Служба Безпеки України; 2. охорона, захист; 3. впевненість; 4. забезпечення, гарантія
seek — *v* вимагати (шукати) судового захисту; ~ **damages** — вимагати відшкодування збитків; ~ **remedy/relief** — шукати в суді відшкодування/судового захисту
self-government institutions — інституції самоврядування
sentence — *n* вирок (до покарання); покарання (по вирок); **to impose a** ~ — накласти покарання; **to pronounce** ~ — винести вирок; призначити покарання; **to serve** ~ — відбувати вирок, покарання; *v* присудити (до покарання); **to ~ to death** — присудити до смертної кари
serious offence — серйозне правопорушення
serve on — *v* вручати (особі судовий документ)
set — *v* встановлювати
set aside — *v* призупиняти
set of rules — сукупність (звід) норм
settlement — *n* урегулювання; ~ **offer** — пропозиція укласти мирову угоду; ~ **agreement** — мирова угода; угода про врегулювання спору
settling — *n* врегулювання;
severance payments — вихідна відплата
sewage — *n* каналізація, нечистоти
share — *v* розділяти
shift — *n* відхилення, зміна
sign — *v* підписувати

skills — *n* навички; вміння; практичний досвід; *practical* ~ практичні навички

slave trade — работоргівля

social contract — суспільна угода

solicitor — *n* солісітор, адвокат

solit waster — велика кількість

source — *n* джерело; ~ *of constitutional law* — джерела конституційного права

sovereignty — *n* суверенітет

specimen — *n* примірник, зразок, тип, екземпляр, взірець

speech — *n* виступ, промова; ~ *for the defence* — промова захисника, *to pronounce* ~ — виголошувати промову захисника

speed up — *v* прискорювати

spread — *v* розповсюджуватися

staff — *n* склад, персонал

statement — *n* твердження

state-recognized — визнаний державою

statute — *n* статут; *statutes* — законодавчі акти

stay — *n* припинення судочинства, відстрочка

stipend — *n* стипендія

stipulate — *v* визначати, передбачати в законі, встановлювати

strengthen — *v* укріпляти

strike out — *v* домагатися

stage — *n* період, стадія, етап

subordinate — *v* підпорядковувати, ставити в залежність

substantive law — матеріальне право

succession — *n* успадкування, правонаступництво, спадкоємність

sue — *v* подавати позов, порушувати справу, переслідувати (у судовому порядку)

suit — *n* позов, судова справа, переслідування за судом

supervise — *v* 1. спостерігати, здійснювати нагляд за чим-небудь; 2. наглядати

supervision — *n* 1. спостереження; 2. нагляд

support — *v* підтримувати

support the administration of justice — *v* підтримувати відправлення правосуддя

supranational — *adj* наднаціональний;

T

tackle serious organised crime — *v* боротися з організованою злочинністю

taxation — *n* оподаткування

taxpayer — *n* платник податків

temp — *n* тимчасовий працівник

tenant — *n* 1. орендар; наймач; тимчасовий власник; 2. мешканець 3. власник (нерухомості); *v* орендувати, наймати

termination — *n* припинення, завершення, закінчення строку

testify — *v* давати показання, свідчити

testimonial evidence — показання свідків

testimony — свідчення, що даються в усній чи письмовій формі під присягою або скріплені урочистою декларацією; ~ *at law* — показання свідків у суді

testing — *n* випробування

thesis — *n* дисертація

threaten — *v* погрожувати, загрожувати

timescales — шкала часу

timetable — *n* розклад; *tight* ~ — щільний графік (розклад); *properly enforced* ~ — графік, який виконується належним чином

tool — *n* інструмент

tort — *n* делікт, цивільне правопорушення, цивільно-правовий делікт

toxic chemicals — отруйні речовини

trademark — *n* фабричне клеймо, фабрична марка, торговельна марка; ~ **law** — закон про торговельну марку

traffic — *adj* пов'язаний з транспортом, рухом; ~ **warden** — інспектор дорожнього руху

train — *v* готувати, навчати

training — *n* навчання

transaction — *n* здійснення (права), передача (права), ведення справи

transcript — *n* розшифровка (стенограми)

treason — *n* державна зрада

treat — *v* ставитися

treaty — *n* договір

trial — *n* судовий розгляд; судовий процес; слухання справи по суті (судом першої інстанції); ~ **by jury** — розгляд справ з участю присяжних; **mock** ~ — інсценований судовий процес; **to conduct a** ~ — вести судовий процес; **to stand** ~ — відповідати перед судом; **bench** ~ — суд без участі присяжних; **speedy** ~ — невідкладний розгляд справи судом

tribunal — *n* суд, трибунал, суд спеціальної юрисдикції

try — *v* судити, розглядати; **to** ~ **a case** — розглядати справу; **to** ~ **a person** — судити особу

U

unwritten constitution — неписана конституція

uphold — *v* 1. підтримувати; 2. задовольняти; 3. захищати; 4. заохочувати

V

vary — *v* змінювати

vegetation — *n* рослинний світ

verify — *v* засвідчувати, підтверджувати

viable — *adj* життєздатний

victims of war — жертви війни

violation — *n* порушення

violence — *n* 1. жорстокість, насилля; 2. сила

vocational — професійно орієнтований етап навчання

W

wage — *n* заробітна плата робітника

welfare — *n* добробут

wildlife — *n* тваринний світ

will — *n* заповіт

witness — *n* свідок, понятий; *v* свідчити, бути свідком

wrongdoing — *n* правопорушення, проступок, протиправна поведінка

wrongful act — неправомірний дія

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