

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
ВОЛИНСЬКИЙ НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ
ІМЕНІ ЛЕСІ УКРАЇНКИ**

Кафедра іноземних мов гуманітарних спеціальностей

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**ENGLISH FOR LAW STUDENTS
(PART I)**

**Навчально-методичні матеріали
до курсу: *“Іноземна мова професійна”*
для студентів I курсу юридичних факультетів
спеціальності “Правознавство”**

**Редакційно-видавничий відділ “Вежа” Волинського національного
університету імені Лесі Українки**

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Навчально-методичні матеріали до курсу “Іноземна мова професійна” для студентів I курсу юридичних факультетів спеціальності “Правознавство” English for law students (part I) / Гусак Л.Є., Яцишин Н.П. – Луцьк: РВВ “Вежа” Волинський національний університет імені Лесі Українки. – 2271 с.)

До видання входять тексти фахового спрямування із комплексом тренувальних лексичних та граматичних вправ, спрямованих на ефективне засвоєння студентами навчального матеріалу з дисципліни “Іноземна мова професійна” на юридичному факультеті. Навчально-методичні матеріали орієнтовані на забезпечення студентів необхідним матеріалом для аудиторної, індивідуальної та самостійної роботи, а тому може бути використаний при вивченні курсу іноземної мови як студентами денного так і заочного відділення спеціальності “Правознавство”.

В якості додаткової літератури видання призначається для аспірантів, вчителів середніх загальноосвітніх шкіл, учнів старших класів, а також для тих, хто самостійно вивчає англійську мову та цікавиться правознавством.

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Передмова

Навчально-методичні матеріали призначені для аудиторної, індивідуальної та самостійної роботи студентів I курсу юридичних факультетів спеціальності “Правознавство”, укладені у відповідності з програмовим матеріалом курсу “Іноземна мова професійна” та з урахуванням вимог сучасної методики.

Мета даного видання – дати можливість студентам опанувати базову юридичну лексику, навчити їх основ перекладу фахової літератури й удосконалити комунікативні навички та вміння .

Структура навчально-методичних матеріалів, комплекс вправ та творчих завдань, а також циклічне повторення лексичних одиниць у вправах забезпечить ефективне засвоєння матеріалу студентами, сприятиме у набутті комунікативних навичок, допоможе у підготовці до іспиту по закінченню вивчення курсу.

Матеріали даного видання пройшли апробацію на заняттях з англійської мови із студентами юридичного факультету Волинського національного університету імені Лесі Українки.

MODULE 1**UKRAINE****Vocabulary notes:**

stretch <i>v</i>	простягатися
favourable <i>adj</i>	сприятливий
the Crimean Mountains	Кримські гори
the Autonomous Republic of Crimea	Автономна Республіка Крим
vast <i>adj</i>	просторий, великий
law- based state	правова держава
body of the state power	орган державної влади
elect <i>v</i>	вибирати
legislative <i>adj</i>	законодавчий
executive <i>adj</i>	виконавчий
judicial <i>adj</i>	судовий
participate <i>v</i>	приймати участь
UN Charter	Статут ООН
single-chamber national Parliament	однопалатний національний парламент
approval <i>n</i>	схвалення
authority <i>n</i>	влада, правління, повноваження
judiciary <i>n</i>	судова влада
justice <i>n</i>	1. правосуддя; 2. суддя
court <i>n</i>	суд
involve <i>v</i>	включати, втягувати
abide <i>v</i>	дотримуватись
claim <i>n</i>	претензія, позов
offence <i>n</i>	правопорушення
complexity <i>n</i>	складність
substance <i>n</i>	сутність
be transferred <i>v</i>	бути переданим
trial <i>n</i>	судовий процес (суд)
recovery <i>n</i>	тут: повернення (втраченого)
mortgage <i>n</i>	іпотека, закладна
landlord <i>n</i>	землевласник
tenant <i>n</i>	орендатор
complaint <i>n</i>	скарга
infringe <i>v</i>	ущемляти
lawfulness <i>n</i>	законність
official <i>n</i>	посадова особа, службовець
incompetent <i>adj</i>	неправомірний
inviolability <i>n</i>	недоторканість
dwelling <i>n</i>	житло
noninterference <i>n</i>	невтручання
respect <i>v</i>	поважати
conscience <i>n</i>	совість

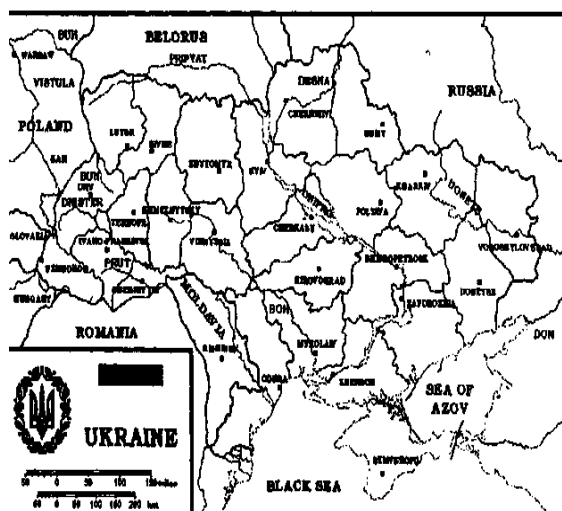
Brief Outline

Ukraine is one of the largest countries in the centre of Europe. Ukraine's total area equals 603.7 thousand sq. kms. It stretches for almost 893 kms from north to south and for over 1.316 kms from east to west. In the western part of Ukraine there are the Carpathian Mountains and in the extreme south lie the Crimean Mountains. There are 71.000 rivers and smaller streams in Ukraine, the biggest and the longest of them being the Dnipro, (third longest in Europe), the Dniester, the Pivdenny Bug, the Desna.

The population of Ukraine amounts to 49 million.

Ukraine borders on Russia, Belorus, Poland, Hungary, Slovakia, Romania, Moldova and it is washed by the waters of the Black Sea and the Sea of Azov.

There are 24 oblasts in Ukraine and the Autonomous Republic of Crimea 447 cities, 904 towns and 28.8 thousand villages. Kyiv is the biggest' city in Ukraine with the population of 2.6 million people, Kharkiv – 1.6 million, Dnipropetrovsk, Donetsk, Odesa have population of over one million each.



THE CONSTITUTION OF UKRAINE

Ukraine is a sovereign and independent, democratic, social, law-based state. It has its own territory, higher bodies of the state power, government and national

symbols.

On August 24, 1991 the Ukrainian Parliament, which is called the Verkhovna Rada, proclaimed the **Act of Ukraine's independence** and the formation of the independent state of Ukraine proceeding from the right to self-determination provided by the UN Charter and other international legal documents, acting in pursuance of the Sovereignty Declaration. This date has since become a national holiday Independence Day.

The state symbols of Ukraine are the State Flag, the State Coat of Arms and the State Anthem of Ukraine. Ukrainian is the state language.

The Constitution of Ukraine was adopted at the Fifth Session of the Verkhovna Rada of Ukraine on **June 28, 1996**. According to the Fundamental Law (the Constitution) Ukraine is a republic. The Constitution has been modified by a multiparty system.

Under the Constitution state power in Ukraine is exercised on the principles of its division into **legislative, executive and judicial power**. Bodies of legislative, executive and judicial power exercise their authority within the limits established by the Constitution and in accordance with the laws of Ukraine.

THE PRESIDENT OF UKRAINE is the head of the state and acts in its name.

The President is elected by the citizens of Ukraine for a five-year term. One and the same person shall not be the President for more than two consecutive terms.

THE LEGISLATIVE POWER

The Ukrainian Parliament (called the Verkhovna Rada) is the only body of legislative power. The Verkhovna Rada is a single-chamber national Parliament. The Verkhovna Rada consists of **450 national deputies** who are elected for a four-year term. Each national deputy must be at least 21 years of age and have resided on the territory of Ukraine for the last five years. Voting, which is not compulsory, is by secret ballot and from the age of 18.

The Ukrainian Parliament has authority over:

- amending the Constitution;
- making and adopting laws;
- setting the principles of domestic and foreign policy;
- designating Presidential elections;
- overseeing and adopting decisions concerning the Programme of Activity of the Cabinet of Ministers;
- confirming the President's appointment of the Prime Minister;
- exercising control over the activity of the Cabinet of Ministers, in accordance with the Constitution;
- performing a number of other functions delineated in 36 points of the Constitution.

The right of legislative initiative belongs to the President of Ukraine, National Deputies of Ukraine, the Cabinet of Ministers, and the National Bank.

THE EXECUTIVE POWER

The Executive power is presented by the Cabinet of Ministers.

The Prime Minister heads the Cabinet. The Prime Minister is nominated by the President and is a subject to approval by the Verkhovna Rada. The Cabinet of Ministers carries out domestic and foreign policy of the state, the fulfillment of the Constitution as well as acts of the President, develops and fulfils national programmes on economic, scientific and technological, social and cultural development of Ukraine.

THE JUDICIAL POWER

Justice in Ukraine is administered exclusively by **courts**.

The Supreme Court of Ukraine is the highest judicial body in the system of courts *of general jurisdiction*.

The system of courts of general jurisdiction is formed in accordance with the territorial principle and principle of specialization. Courts decide cases involving conflicts between citizens and state. They are independent and all their activities abide only by the rules of law.

The oblasts', districts', cities' courts hear small value claims and less serious offences.

The Constitutional Court of Ukraine is the sole body of *constitutional jurisdiction*. The Constitutional Court of Ukraine decides:

- on issues of conformity of laws and legal acts with-the Constitution of Ukraine;
- provides the official interpretation of the Constitution of Ukraine and the laws of Ukraine.

Justices of the Constitutional Court will be evenly appointed by the President, the Verkhovna Rada and the special assembly of judges.

OUR INFORMATION!

- Ukraine is the ancestral homeland for 11.8 mln ethnic Ukrainians who now live abroad. The Eastern diaspora (from the Don area to Russia's Far East) accounts for approximately 6.8 million people, the western diaspora (Canada, USA, Argentina, Brazil, Australia, Great Britain, Germany, France and elsewhere) – 5 million.

- Ukraine has been recognized by 152 states. It has embassies and representative offices in 144 countries.

- Ukraine is a founding member of the United Nations, participant in 150 odd international covenants and nearly two dozen organizations, member of the Council of Europe.

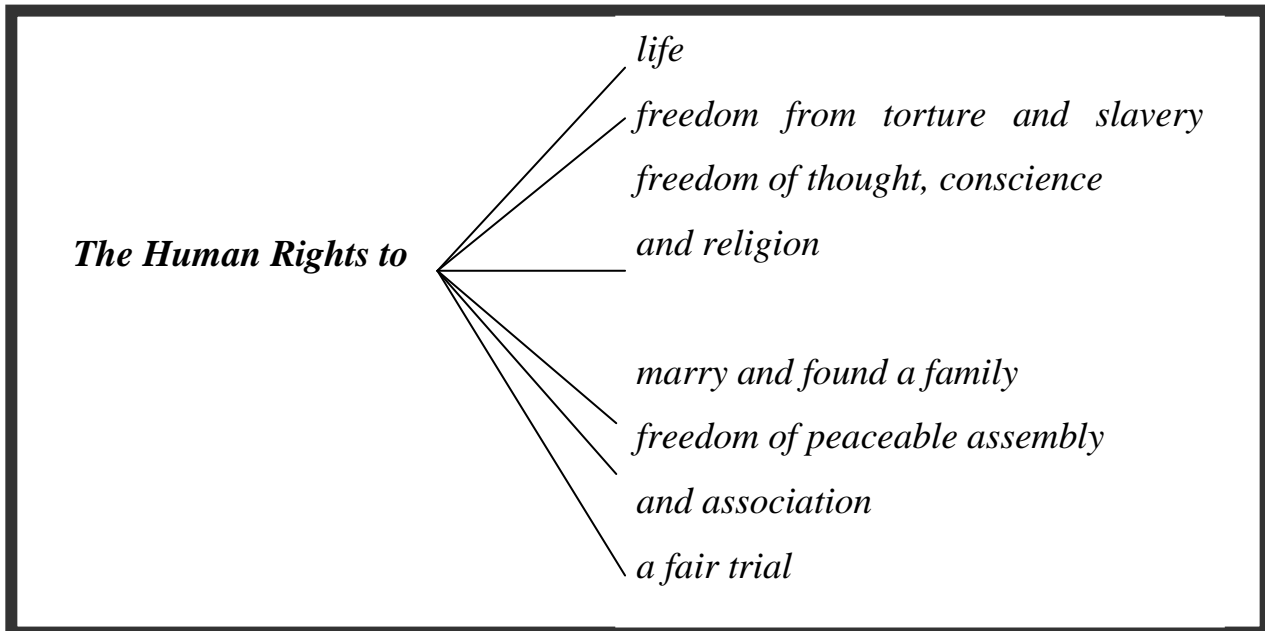
- Ukraine is a nonaligned, nuclear-free and neutral state. It is the world's first country to have renounced nuclear armaments. Unfortunately, others do not haste to follow us.

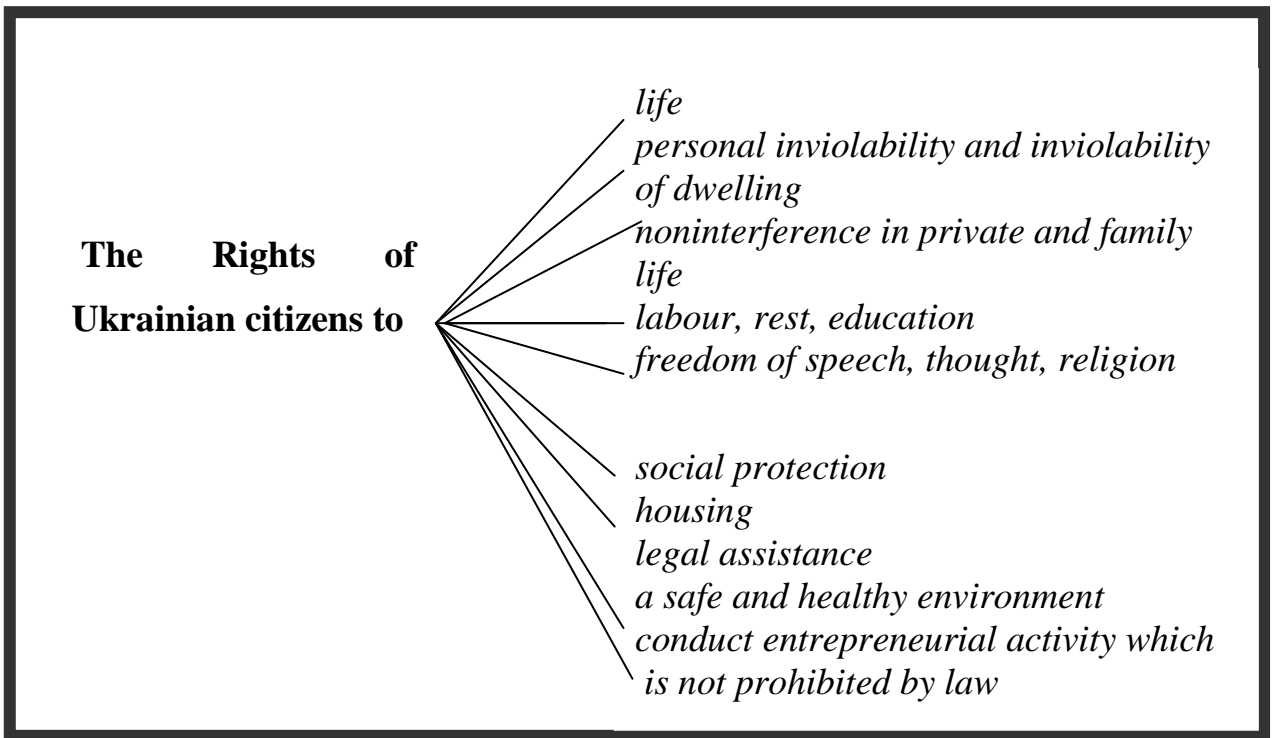
- Ukraine is the homeland of spacecraft designers Yuriy Kondratyuk and Serhiy Korolyov; Oleksandr Bohomolets, an academician in medicine; and Borys Paton, an academician in electric welding; of poet and painter Taras Shevchenko and the world's renowned film director Oleksandr Dovzhenko; many laureates of the Nobel and other prestigious prizes.

- Ukraine's basically a Christian Orthodox country although all other religions are professed here.

- Ukraine maintains trade contacts with more than 140 countries.

REMEMBER !





EXERCISES

Ex. 1. Translate the following words and word combinations into Ukrainian:

law-based state, body of the state power, authority, legislative, judicial, executive, justice, court, judiciary, abide by, dwelling, law, lawfulness, incompetent, self-government, exercise, taxes and duties, heritage, substance.

Ex. 2. Match English and Ukrainian equivalents:

favorable

offence

body of the state power

to elect

to stretch

conscience

slavery

to respect

noninterference

inviolability

вибирати

простягатись

сприятливий

орган державної влади

рабство

поважати

совість

недоторканість

невтручання

правопорушення

Ex. 3. Use the following word combinations in the sentences of your own:

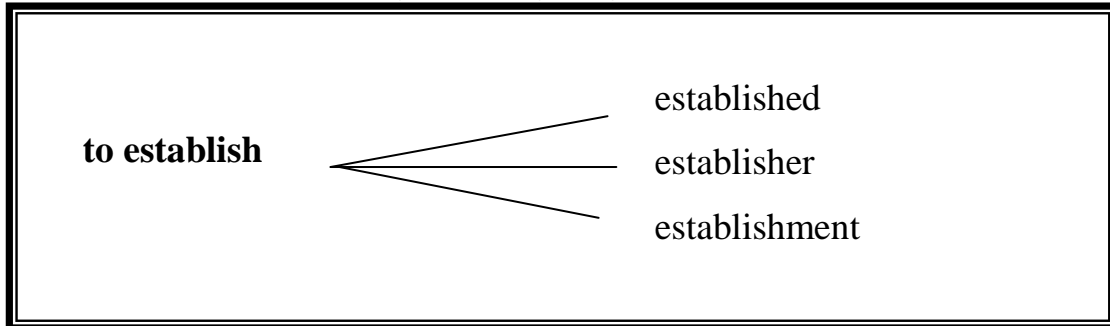
under the constitution, to be adopted, to be elected, to be presented, to be administered, courts of general jurisdiction, small value claims, less serious offences, cases of exceptional importance, to be transferred, action for the recovery of land, mortgage cases.

Ex. 4. Choose the synonyms from the box:

**crime, execute, language, territory, flag, legislator,
promise, authority, highest, hearing**

carry out _____ supreme _____
 tongue _____ power _____
 guarantee _____ area _____
 trial _____ lawmaker _____
 offence _____ banner _____

Ex. 5. Write down the word families of the following words:



to proclaim

to develop

to proceed

to elect

to approve

to transfer

Ex. 6. Group the following -words and -word combinations into 3 logical groups:

trial, court, Prime Minister, Verkhovna Rada, deputy, making laws, voting, central and local bodies, a single-chamber Parliament, justice, amending the Constitution, to carry out domestic and foreign policy, judges

Legislative	Executive	Judicial
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Ex. 7. Translate the following sentences into Ukrainian:

1. The Constitution has 161 articles which are divided into 14 chapters.
2. Legislative authority is vested in the Verkhovna Rada of Ukraine.
3. Under the Constitution the Parliament has the right to override a presidential veto by two thirds majority.

Ex. 8. Open the brackets and put the verbs into the correct form:

1. Ukraine (to be) a sovereign and independent, democratic, social, lawbased state.
2. It (to have) its own territory, higher bodies of the state power, government and national symbols.
3. The Constitution of Ukraine (to be adopted) on June 28, 1996.
4. Ukraine's total area (to equal) 603.700 sq. kms.
5. Our country (to be) the ancestral homeland for 11.8 million ethnic Ukrainians

who now (to live) abroad.

Ex. 9. Complete the sentences:

1. The state language in Ukraine is...	=> amending the Constitution, making and adopting laws.
2. The Verkhovna Rada has authority over ...	=> a single-chamber national Parliament.
3. The Verkhovna Rada is ...	=> is the head of the state.
4. The President...	=> by courts.
5. Justice in Ukraine is exercised entirely...	=>by the Constitution.
6. The right to life is guaranteed ...	=>Ukrainian.

E. 10. Guess the meaning of the international words used in the text:

constitution, parliament, deputy, academic, autonomy, document, national, democratic, territory, political, central, party, formation, integral, social, symbol, session, system, limit, conflict, cultural, neutral, dozen.

Ex. 11. Mark the meaning in which the following words are used in the text:

party	<	political party
		one of the sides in a legal agreement
state	<	a country
		one of 50 states of the USA
to constitute	<	to give legal authority
		to amount to
session	<	number of persons who have come together
		a meeting of lawmakers
deputy	<	a person having executive duties
		a member of legislative assembly
guarantee	<	to give security
		to promise (without legal obligation)

Ex. 12. Translate the word-families into Ukrainian:

to act – acting – action – actionable – auctioned

to constitute – constitution – constitutional – constitutionally – constitutive

to execute – execution – executive – executor – executorial

to **justify** -justice -justiciary -justification -justifiable
to **legislate** – legislation – legislative – legislator – legislature

Ex. 13. Make up the sentences of your own with the following words and word combinations:

life	defence
work	settlement
Right to education	Right of
marry	passage
found a family	dwelling

Ex. 14. Translate the words from the box and complete the sentences:

судовий орган, законодавча ініціатива, державна влада, багатопартійна система, виконавча влада

1. _____ is presented by the Cabinet of Ministers.
2. The Supreme Court of Ukraine is the highest _____ of general jurisdiction.
3. The right of _____ belongs to the President, National Deputies, the Cabinet of Ministers and the National Bank.
4. According to the Constitution _____ in Ukraine is divided into the legislative, the executive and the judicial branches.
5. The Constitution has been modified by a _____.

Ex. 15. Choose the word or word combination which best completes the unfinished sentences:

1. Justice in Ukraine is exercised entirely by...
 - a. the Verkhovna Rada
 - b. courts
 - c. the Cabinet of Ministers
2. The... is the highest judicial body of general jurisdiction in Ukraine.
 - a. Martial Court
 - b. Supreme Court
 - c. Arbitrage Court
3. The Verkhovna Rada's main function is:
 - a. legal assistance
 - b. making and adopting laws
 - c. setting the principles of domestic and foreign policy

Ex. 16. Translate into English:

1. Україна є суверенна і незалежна, демократична, соціальна, правова держава. (стаття 1 Конституції України)
2. Державними символами України є Державний Прапор України, Державний Герб України і Державний Гімн України. (стаття 20 Конституції України)
3. Єдиним органом законодавчої влади в Україні є парламент – Верховна Рада України. (стаття 75 Конституції України)
4. Президент України є главою держави і виступає від її імені. (стаття 102 Конституції України)

5. Кабінет Міністрів України є вищим органом у системі органів виконавчої влади. (стаття 113 Конституції України)

6. Кожен має право на освіту. (стаття 53 Конституції України)

Ex. 17. Answer the following questions:

1. What is the structure of the Ukrainian political system ?
2. What kind of state is Ukraine ?
3. What are the powers of the government ?
4. What is the highest body of the legislative power in Ukraine?
5. What are the main functions of the Verkhovna Rada ?
6. What is the highest body of the executive power ?
7. What is the highest judicial body of general jurisdiction in our country?

Ex. 18. Say what you know about Ukraine. Check how well you remember the

text:

OFFICIAL NAME – UKRAINE

Territory –	603, 700 sq. kms. (222. 000 sq. miles)
Population –	49 mln people
Status –	Republic
State symbols –	State Flag, State Coat of Arms (Emblem), State Anthem
State language –	Ukrainian
Head of the state –	President
Legislative power –	Verkhovna Rada
Executive power –	Cabinet of Ministers, Prime Minister
Judicial power –	Supreme Court
Capital –	Kyiv
Currency –	Hryvnya (UAH)

GREAT BRITAIN

government <i>n</i>	уряд
community <i>n</i>	суспільство
settlement <i>n</i>	урегулювання
acceptable <i>adj</i>	прийнятний
recognition <i>n</i>	визнання
distinction <i>n</i>	відмінність
legislature <i>n</i>	законодавча влада
church <i>n</i>	церква
House of Commons	Палата общин (громад)
House of Lords	Палата лордів
Crown Court	карний суд
impartial <i>adj</i>	неупереджений, справедливий
taxation <i>n</i>	розмір податку
approve <i>v</i>	1. схвалювати; 2. затверджувати
justice <i>n</i>	правосуддя
judge <i>n</i>	суддя
jury <i>n</i> (PI)	присяжні

lay magistrate	непрофесійний суддя
legal <i>adj</i>	правовий, юридичний
advice <i>n</i>	порада
unification <i>n</i>	об'єднання
High Court	Високий суд
Court of Appeal	Апеляційний суд
costs <i>n (PI)</i>	судові видатки; оплата послуг адвоката
Commonwealth <i>n</i>	1. Британська співдружність націй; 2. держава
succeed <i>v</i>	успадковувати
preside <i>v</i>	здійснювати контроль, керівництво
accuse <i>v</i>	звинувачувати
try <i>v</i>	судити
serve <i>v</i>	служити, бути корисним
county court	суд графства

Read and translate the text given below:

Great Britain lies to the north-west of the continent of Europe. Its official name is **the United Kingdom of Great Britain and Northern Ireland**. It is situated on two large islands, the larger of which is Great **Britain**, the smaller is Ireland. In addition to these two islands it includes over 500 small islands.

The total area of Great Britain is 240,000 sq. kms. Great Britain consists of four main parts: England, Scotland, Wales and Northern Ireland. Administratively Great Britain is divided into 55 counties.

London is the capital of Great Britain. The biggest cities are Birmingham, Glasgow, Manchester, Liverpool, Edinburgh, Cardiff and others. There are no very long rivers in Great Britain. The most important rivers are: the Thames (the deepest), and the Severn(the longest). The rivers seldom freeze in winter.

English is the official language, although the Welsh language has equal status in Wales. Many other languages are spoken by the ethnic minority communities, which make up around 3 million people. The population of Great Britain is nearly 59 million people.

England is the largest part of Great Britain (it occupies over 50% of the territory and the population amounts to 83% of the total population). The people of England call themselves English. England is an industrial country and was the

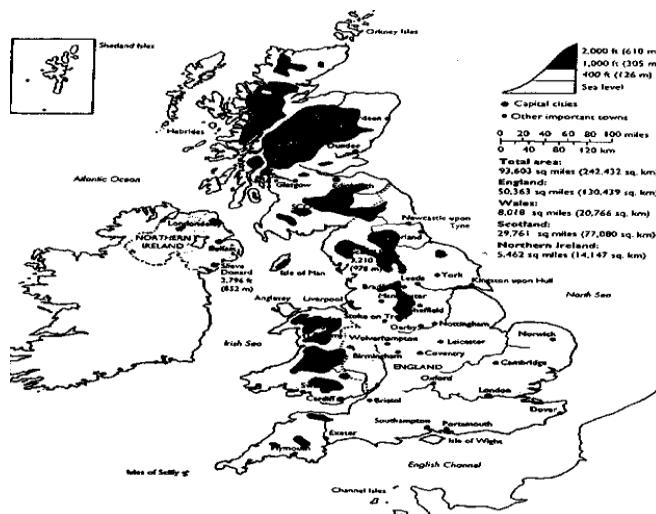
country in which the development of industry took place.

Wales is a peninsula in the south-west of the island of Great Britain. It occupies about 9% of its territory with the population of 4,8% of the total population. The people of Wales call themselves Welsh. The Welsh speak their own language.

Scotland is the most northern part of Great Britain with the territory of 32% of the total territory and with the population of 9% of the total population. The people of Scotland call themselves Scottish. There are distinct Scottish customs and ways of speaking the English language. Both in Scotland and in Wales there are strong demands for more recognition of their national distinctions through the system of government. Scotland has always had a separate educational system as well as a legal system and local administration.

Northern Ireland has a long history of differences between the Protestant and Catholic sections of the community, based on religion, cultural traditions and national identity. Most Protestants wish Northern Ireland to remain in the United Kingdom, while most Catholics favor unification with the Irish Republic. The British Government is seeking the ways to ensure a political settlement acceptable to all sections of the community.

State Organs of the United Kingdom include the monarchy, the legislative, executive and judicial organs of Government.



Britain's hereditary monarchy is the oldest institution of government, dating back to at least the 9-th century. The present Queen -Elizabeth II – succeeded to the throne in 1952. Although she has a largely ceremonial and politically impartial role as head of state, she serves as a personal symbol of national unity. The Queen is also head of the Commonwealth and presides over the Church of England.

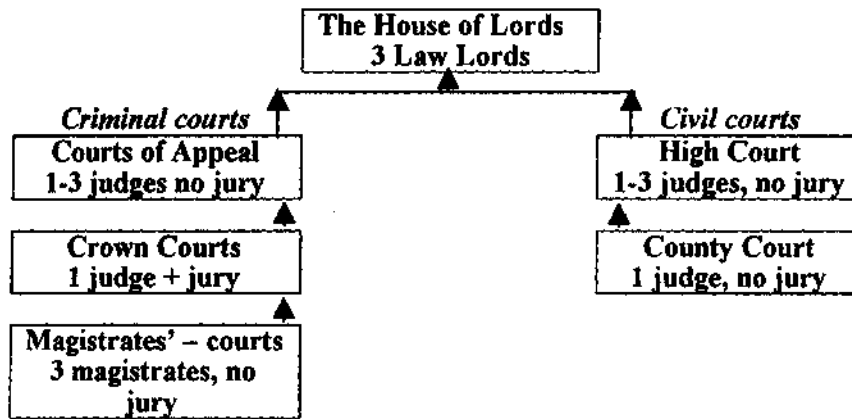
Britain is the parliamentary democracy, with a constitutional monarch. The House of Commons and the House of Lords with the monarch make up Parliament. Parliament is the legislature and the supreme authority. Parliament passes laws, approves taxation and debates the major issues of the day.

The executive consists of the Cabinet of Ministers. The Prime Minister heads the Government and appoints ministers, about 20 of whom are in the policy-making Cabinet.

There are two main political parties in Great Britain: the Labour Party and the Conservative Party.

The administration of justice in Britain is independent of both Parliament and the Government. The judiciary determines common law and interprets statute. Every citizen has the right to equal treatment before the law. Less serious cases are tried by lay magistrates in magistrate's courts and county's courts. People accused of more serious crimes are tried in open court by a judge and jury in Crown Court. The House of Lords is the final court of appeal. A person who needs legal advice or representation in court may get help with the costs out of public funds.

The legal System in England and Wales



REMEMBER!

Definitions of the courts

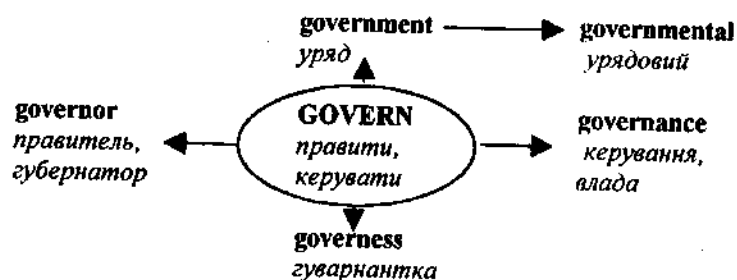
Magistrates' Court – a court held before two or more justices of the peace or a stipendiary magistrate to deal with minor crimes, certain civil actions, and preliminary hearings.

Crown Court – (in England and Wales) local court in which serious criminal cases are tried.

High Court – (also **High Court of Justice**) supreme court for civil cases.

The Court of Appeal hears appeals from criminal cases heard in the Crown Courts.

WORD-FAMILY



Ex. 1. Translate the following words and word combinations into Ukrainian:


hereditary monarchy, impartial role, supreme authority, equal treatment, lay magistrates, political settlement, local administration, national unity, legal advice,

common law, government, the House of Lords, court, community, judge.

Ex. 2. Write down as many nouns as possible with the following adjectives:



Ex. 3. Match the English and the Ukrainian equivalents:

accused person		правосуддя
serious case		законодавча влада
approve taxation		обвинувачувана особа
legislature		серйозна справа
executive		національні відмінності
head of government		затверджувати розмір податку
national distinctions		суворі вимоги
major issues		Палата общин
strong demands		виконавча влада
broad range		головні питання
House of Commons		широке коло
justice		голова уряду

Ex. 4. Choose the synonyms from the box:

**to expand, to favour, recognition, to try,
to accuse, to ensure, judge, authority, to comprise**

to make up, to provide for, magistrate, to charge,

to support, to judge, confession, to surpass, power.

Ex. 5. Give the word-families of the following words and translate them:



Ex. 6. Encircle the suffixes and translate the following words:

educational, acceptable, equipment, politically, administration,

constitutional, settlement, development, personal, parliamentary, government, treatment, legislation.

Ex. 7. Group the following words and word combinations into 3 logical groups:

Cabinet of Ministers, lay magistrates, approve taxation, policy-making, try, debate issues, judge, pass the law, government, court, House of Lords, legal advice, House of Commons, accuse, appoint, jury, the Prime Minister, Parliament, Crown Court.

Judiciary	Executive	Legislature
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Ex. 8. Translate the following sentences into Ukrainian:

1. The present Queen Elizabeth II succeeded to the throne in 1952.
2. The British Government is seeking the ways to ensure a political settlement acceptable to all sections of the community.
3. Many other languages are spoken by the ethnic minority communities.
4. The administration of justice in Britain is independent of both Parliament and the Government.
5. Less serious cases are tried by lay magistrates.

Ex. 9. Complete the sentences using the text:

1. English is the official language, although the Welsh language has...	⇒ supreme authority.
2. The British Government is seeking to ensure ...	⇒ equal status in Wales.
3. Britain is the parliamentary democracy with a ...	⇒ Cabinet of Ministers.
4. The executive consists of the ...	⇒ political settlement.
5. Parliament is the legislature and...	⇒ constitutional monarch.

Ex. 10. Insert the correct prepositions:

1. Every citizen has the right... equal treatment... the law.
2. People accused ... more serious crimes are tried ... open court by a judge and jury.

3. Less serious cases are tried ... lay magistrates.
4. The Queen serves ... a personal symbol ... national unity.
5. Northern Ireland has a long history ... differences ... the Protestant and Catholic sections of the community.

Ex. 11. Give English equivalents of the following word combinations:

суворі вимоги для визнання, окрема освітня система, юридична система, підтримувати об'єднання, політичне урегулювання, приймати закони, обговорювати головні питання, призначати міністрів, непрофесійний суддя, юридична порада, загальне право, судова влада, законодавча влада, виконавча влада, глава держави, Палата общин, Апеляційний суд, карний суд.

Ex. 12. Translate the words from the box and complete the following sentences:

непрофесійні судді, верховна влада, конституційна монархія, національна єдність, загальні вибори

1. The present Queen serves as a personal symbol of... .
2. Britain is a parliamentary democracy with a
3. The Labour party won the
4. Less serious cases are tried by
5. Parliament is the legislature and

Ex. 13. Form the questions to match the following answers:

1. Great Britain is situated on two large islands.
2. London is the capital of Great Britain.
3. The most important rivers are: the Thames and the Severn.
4. The present Queen Elizabeth II succeeded to the throne in 1952.
5. There are two main political parties in Great Britain.

Ex. 14. Open the brackets and put the verb into the correct form:

1. Administratively Great Britain (to divide) into 55 counties.
2. More serious crimes (to try) in open court by a judge and jury.
3. The judiciary (to determine) common law and (to interpret) statute.

4. Many other languages (to speak) by the ethnic minority communities.
5. Great Britain (to have) a broad range of industries.
6. The present Queen (to succeed) to the throne in 1952.

Ex. 15. Find the answers in the text:

1. What are the main parts of Great Britain?
2. How many islands is Great Britain situated on ?
3. What is the largest one?
4. Who is the head of the state?
5. What is the official name of Great Britain?
6. What are the main political parties in Great Britain?
7. What is the Queen's role in government?
8. What does the executive consist of?
9. What does the legislature consist of?
10. What does the judiciary consist of?

Ex. 16. Translate this text into English:

Британія - це парламентська монархія. Палата Лордів, Палата Громад та монарх складають парламент. Парламент - це орган законодавчої та верховної влади. Парламент приймає закони, затверджує розмір податку та обговорює головні питання дня. Кабінет Міністрів є вищим органом виконавчої влади. Прем'єр - міністр очолює уряд та призначає міністрів, приблизно 20 осіб, які являють собою сформований кабінет.

Ex. 17. Speak about Great Britain. The following information and word combinations can help you:

Territory – 242,432 sq kms

Population – 59mln people

Status – parliamentary monarchy

State language – English

Head of State – Queen

Legislature – Parliament

Executive – Cabinet of Ministers; Prime Minister

Judiciary – House of Lords, High Court, Crown Court, Court of Appeal

Capital – London

Currency – pound sterling

- lies to
- is situated
- consists of
- is divided
- is highly industrialized
- excels in high-technology industries
- succeeded to the throne
- presides over the Church of England
- passes laws, approves taxation, debates the major issues
- appoints ministers
- has the right to equal treatment
- are tried in open court by a judge and jury

TYPES OF LEGAL PROFESSIONS. MY FUTURE

PROFESSION

Who is who in the law? If you are prosecuted for a crime in Britain, you may meet the following people during your process through the courts:

Magistrates. Magistrates are unpaid judges, usually chosen from well-respected people in the local community. They are guided on points of law by an official, the clerk. There are magistrates' courts in most towns.

Solicitors. After the accused person has been arrested, the first person he or she needs to see is a solicitor. Solicitors are qualified lawyers who advise the accused and help prepare the defence case. The solicitor may represent the accused in court. A person who is too poor to afford a solicitor will usually get Legal Aid - financial help from the state.

Barristers. In more serious cases it is usual for the solicitor to hire a barrister to defend the accused. The barrister is trained in the law and in the skills required to argue a case in court. The barrister for the defence will be confronted by his or her opposite number, the prosecuting barrister who represents the state.

Jurors. A jury consists of twelve men and women from the local community. They sit in the Crown Court, with a judge, and listen to witnesses for the defence and prosecution before deciding whether the accused is guilty or innocent. In Britain the person is innocent unless found guilty: the prosecution has the burden of establishing guilt.

Judges. Judges are trained lawyers, nearly always ex-barristers, who sit in the Crown Court (and appeal courts). The judge rules on points of law, and makes sure that the trial is conducted properly. He or she does not decide on the guilt or innocence of the accused - that is the jury's job. However, if the jury find the accused guilty, then the judge will pass sentence.

Coroners. Coroners have medical or legal training (or both) and inquire into violent or unnatural deaths.

Clerks of the court. Clerks look after administrative and legal matters in the

courtroom.

Sentencing. The most common sentences are fines, prison and probation. Probation is used often with more minor offences. A person on probation must report to a local police station at regular intervals, which restricts his or her movement. A sentence of community service means that the convicted person has to spend several hours a week doing useful work in his locality.

A few more facts. Children under 10 cannot be charged with a criminal offence.

Offenders between 10 and 17 are tried by special juvenile courts.

The death penalty technically still exists in Britain for some rare offences, such as treason, but is no longer used.

The punishment for murder is a life sentence. This can be much less than a lifetime in prison, depending on factors such as good behaviour.

The most common punishment for crimes - 80 per cent of the total - is a fine.

EXERCISES

1. Fill in the blanks:

1. Magistrates are unpaid
2. There are ... courts in most towns.
3. Solicitors are qualified
4. Solicitors advise the ... and help prepare the defence case.
5. If the case is serious, the solicitor hires a ... to defend the accused.
6. The prosecuting barrister represents a
7. A jury consists of... men and women from local community, j
8. A jury sits in the Crown Court and listens to ... for the defence and prosecution.
9. A jury decides whether the accused is ... or....
10. Judges are trained ... who sit in the Crown Court.
11. The judge will pass ... if the jury find the accused
12. The most common ... are fines, prison and probation.
13. A person on ... must report to a local police station at regular intervals.
14. Children under 10 cannot be ... with a criminal....
15. Offenders between 10 and 17 are tried by
16. The punishment for murder is a life
17. The most common punishment for crimes is a

2. Read the following sentences and decide if they are true or false:

1. Juries sit in magistrates' courts.
2. Magistrates are legally qualified judges.
3. There are magistrates' courts in most towns.
4. Solicitors are not legally qualified.
5. The solicitor represents the accused in court.
6. The state helps poorer suspects to pay for their defence.
7. Barristers are hired to defend the accused.
8. A jury consists often men and women from local community.
9. Barristers sit in the Crown Court and listen to witnesses for the defence and prosecution.
10. Crown Court judges decide on the guilt or innocence of the accused.
11. The judge passes sentence.
12. Children under 10 are tried by special juvenile courts.
13. The punishment for murder is a life sentence.
14. The most common punishment for crimes is probation.

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

1. a public officer with authority to hear and decide cases in a law court;
2. say that smb has done wrong, broken the law, is to be blamed;
3. not guilty;
4. system when offenders are allowed to go unpunished for their first offence while they continue to live without further breaking of the law;
5. limit;
6. allow the use or services of smb for fixed payment;
7. body of twelve persons who give a decision on issues of fact in a case in a court of justice.

4. Answer the following questions:

1. Are magistrates legally qualified judges?
2. Who does the accused person need to see after he has been arrested?
3. Who may represent the accused in court?
4. In what cases does the solicitor hire a barrister?
5. How many people does a jury consist of?
6. Who has the right to decide whether the accused is guilty or innocent?
7. Where do judges sit?
8. Whose job is it to pass sentence?
9. What are the most common sentences?
10. What does a sentence of community service mean?
11. Can children under 10 be charged with a criminal offence?
12. Does the death penalty still exist in Britain?
13. What is the punishment for murder?
14. What is the most common punishment for crimes?

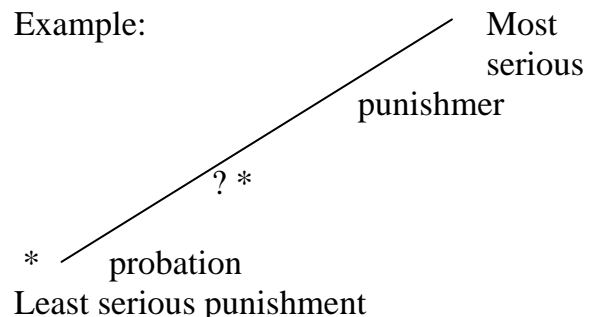
5. Complete the following text by translating the words and expressions in brackets.

Most criminal trials take place in a (Магістратському суді). Magistrates listen to all the (показання свідків) and decide whether the person accused of the crime (the defendant) is (винен) or not. If the defendant is found guilty, the magistrates usually decide on the (вирок). The magistrates are normally three Justices of the Peace chosen from the community. In court there will also be a solicitor who argues for the (обвинувачуваний).

The more serious cases are dealt with in the (королівському суді) in front of a judge. A (суд присяжних) of twelve men and women (who are ordinary members of the public) decide whether the defendant is guilty or not. The (суддя) will decide on a sentence. Judges and other (юристи) who speak in Crown Courts wear black gowns and wigs. In Crown Courts there are two (адвоката) instead of solicitors, one arguing for the prosecution and the other for the defendant.

6. Draw a word ladder starting with the least serious punishment and ending with the most serious.

probation
life imprisonment
suspended sentence
fine
community service
disqualification from driving
compensation

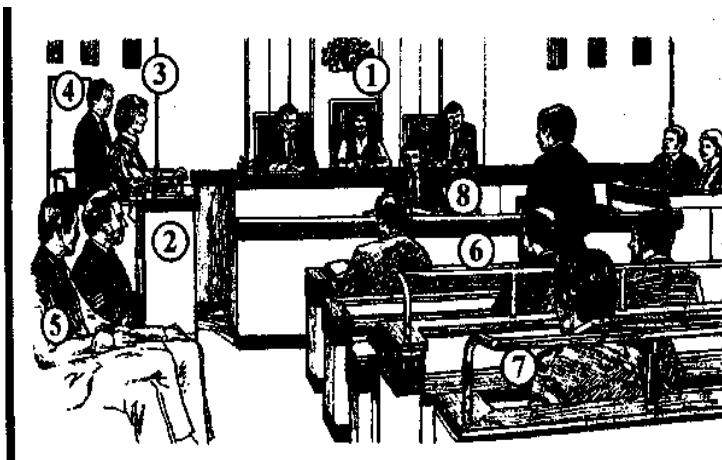


7. Choose the correct definition for each legal profession from the box.

- | | | |
|----------------|-------------|------------------------|
| a. magistrates | d. judges | g. clerks of the court |
| b. solicitors | e. jury | |
| c. barristers | f. coroners | |

1. An officer acting as a judge in the lower courts.
2. A public official with authority to hear and decide cases in a law court.
3. A group of people who swear to give a true decision on issues in a law court.
4. An official who investigates the cause of any death thought to be violent or unnatural causes.
5. A lawyer who has the right to speak and argue in higher law courts.
6. A lawyer who prepares legal documents, advises on legal matters and speaks for them in lower law courts.
7. An official who looks after administrative and legal matters in the courtroom.

8. Look at the picture. The picture shows a typical magistrates' court. Match the numbers in the picture with the words below.



<ul style="list-style-type: none"> ○ Usher ○ Magistrates ○ Clerk ○ Witness 	<ul style="list-style-type: none"> Press, probation officers Defence and prosecution solicitors Defendant Witness box
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9. Read the text and fill in the gaps with the appropriate word from the box.

sentences	judge	crimes	prisoners
jury	magistrate	behaviour	Crown
imprisonment	murder		

In England there are no minimum..., except for..., which carries a penalty of life There are maximum sentences for other Crimes are first heard by a... who can either pass sentence, or refer the crime to a ... Court with a ... and Here are maximum sentences for some crimes. Sentences can be reduced for good ... , often by one-third or more. «Life sentences» are rarely more than 14 years, and it would be possible to release ... after 7 years.

Crime	Magistrates' Court		Crown Court	
	Fine	Prison	Fine	Prison
1. Burglary	£1000	6 months	unlimited	14 years
2. Grievous bodily harm	£1000	6 months	unlimited	5 years
3. Possession of firearm	£1000	6 months	unlimited	5 years
4. Possession of cannabis	£500	3 months	unlimited	5 years
5. Common assault	£200	2 months	–	–
6. «Going equipped for stealing»	£1000	6 months	unlimited	3 years
7. Murder	–	–	life imprisonment	

10. Match the sentences with the crimes.

1) murder of a policeman;	a) 100 hours of community service;
2) drinking and driving without causing a death;	b) 6 months in prison or a £5.000 fine and disqualification from driving;
3) robbing a bank with a gun;	c) five to ten years in prison;
4) stealing goods from a shop («shop-lifting»);	d) a £300 fine;
5) driving without insurance;	e) a £3000 fine;
6) vandalising a telephone-box.	f) life imprisonment.

11. Copy the following table into your notebooks. Write as many words and expressions as you can think of to complete it. There is not necessarily a 'correct' position for a particular word. The choice is personal.

Crimes	Sentences	Legal professions
burglary	fine	judge

12. Work in pairs and find arguments for and against the death penalty. Discuss the following questions:

- mild sentences are a sign of a civilized society;
- capital punishment is not a deterrent to murder;
- the punishment must fit the crime.

Use the following words and expressions:

- That's just what I think.
- I see what you mean, but on the other hand ...
- I think so too.
- That's ridiculous.
- I'm afraid I can't agree with you.

13. Write down an essay on the topic "What Kind of legal profession would I like to choose and why?"

14. Give your own point of view on and discuss with your fellow-students:

- What special qualities should a person have to become a successful defense lawyer; an experienced solicitor, a wise judge, a strict and fair procecutor?

INTRODUCTION TO LAW

Pre-reading task:

1. What associations do the following words call to mind: rules, laws, regulations and law codes?
2. In what circumstances do people think of their everyday activities as legal matters?
3. Can society do without lawyers?
4. Do you agree that laws are always insufficient?
5. Is there some eternal law that is good for all times and places?

INTRODUCING LAW

LAW: a necessary evil?

In the opinion of many people, the law is a necessary evil that should be used only when everyday, informal ways of settling disputes break down. When we buy a train ticket a lawyer may tell us it represents a contract with legal obligations, but to most of us it is just a ticket that gets us on the train. If our neighbour plays loud music late at night, we probably try to discuss the matter with him rather than consulting the police, lawyers or the courts. Only when we are injured in a train accident, or when a neighbour refuses to behave reasonably, do we start thinking about the legal implications of everyday activities.

Even so, some transactions in modern society are so complex that few of us would risk making them without first seeking legal advice; for example, buying or selling a house, setting up a business or deciding whom to give our property to when we die. In some societies, such as the United States, precise written contracts, lawyers and courts of law have become a part of daily life, whereas in others, such as Japan, lawyers are few and people tend to rely on informal ways of solving disagreements. It is interesting that two highly industrialized societies are so different in this aspect.

On the whole it seems that people all over the world are becoming more and more accustomed to using legal means to regulate their relations with each other. Multinational companies employ expensive experts to ensure that their contracts are valid wherever they do business. Non-industrialized tribes in South America use lawyers in order to try to stop governments from destroying the rainforests in which they live. And at a time when workers, refugees, commodities and environmental pollution are traveling around the world faster than ever before, there are increasing attempts to internationalize legal standards. When it helps ordinary people to reach just agreements across social economic and international barriers, law seems to be regarded as a good thing. However, when it involves time and money and highlights people's inability to cooperate informally, law seems to be an evil – but a necessary one that everyone should have a basic knowledge of.

What is law?

It is difficult to give a short simple answer to this question. The English word «law» refers to limits upon various forms of behaviour. Some laws are descriptive: they

simply describe how people, or even natural phenomena, usually behave, for example, the laws of physics, mathematics, economics, or the law of football. Other laws are prescriptive – they prescribe how people ought to behave. For example, the speed limits imposed upon drivers are laws that prescribe how fast we should drive. In all societies, relations between people are regulated by prescriptive laws. Some of them are customs – that is, informal rules of social and moral behaviour. Some are rules we accept if we belong to particular social institutions, such as religious, educational and cultural groups. And some are precise laws made by nations and enforced against all citizens within their power.

There is no generally agreed definition of the law of a state, though many legal writers have attempted to define law. For example an English legal writer, Sir John Salmond, defined law as 'the body of principles recognised and applied by the state in the administration of justice'. A simpler definition is that law is a set of rules. Many organizations, however, have rules and there are also rules of morality. So what makes law different from these? Rules become law when they are recognised by the majority of people in a country and given government backing to enforce them in the country as a whole; in other words, 'recognised and applied by the state'. A rule in an organisation is a private matter and is not in force throughout the community. A moral rule is a matter for people's consciences; it will not be enforced by the government. In many countries there is a complicated legal system to make sure that laws are obeyed; that is a system concerned with the 'administration of justice'. If the rules or laws are broken, compulsion is used to enforce obedience. We may say, then, that two ideas underline the concept of law: (a) order, in the sense of method or system; and (b) compulsion – i.e. the enforcement of obedience to the rules of laws laid down.

Why do we have law?

There are people who believe that there should be no laws at all. These people are called anarchists, but it is difficult to imagine how any society would operate without at least some rules. What if there were no law against stealing; or assault; or murder? What do you think society would be like? It has been said that without law man's life would be 'brutish, nasty and short'. These are very obvious examples of why we have law, but there are many other examples. Try imagining what traffic conditions would be like if there were no law about which side of the road you should drive on ... or ... if everyone could ignore traffic lights! Most people will agree that this would lead to traffic chaos, numerous accidents and injuries. Even in other less extreme examples the need for law can be clearly seen. When items are bought and sold, there must be rules as to what should happen if the item is faulty. When two people marry, some rules are necessary, for example, should there be a minimum age at which they can marry? If they divorce, how should their property be divided? In the world of business, laws on a number of points are needed. How do you form a company and what are the rules about contracts and employment?

All these show that a modern society needs laws and the more complex society becomes the more laws it will need. If you lived alone on a desert island it would not be necessary to have any laws.

Read the text without using the dictionary and answer the question "What's the law?" (in writing) with one sentence.

The question "What is law?" has troubled people for many years. An entire field of study known as Jurisprudence is devoted to answering this question. Many definitions of law exist, but for our purposes, law can be defined as that set of rules or regulations by which a government regulates the conduct of people within a society. Even with this explanation, many other questions arise. Where do laws come from? Do we need laws? Are all laws written? Can laws change? If so, how? Are all laws fair? What is the difference between laws and morals?

To understand the law, we must consider the relationship of law to morals. Our legal system is influenced by traditional ideas of right and wrong. Thus, most people would condemn murder, regardless of what the law said. However, everything that is considered immoral is not necessarily illegal. For example, lying to a friend may be immoral but is rarely illegal.

One thing is certain: Every society that has ever existed has recognized the need for law. These laws may have been unwritten, but; even primitive people had rules to regulate the conduct of the group. Without laws, there would be confusion, fear, and disorder. This does not mean that all laws are fair or even good, but imagine how people might take advantage of one another without some set of rules.

Vocabulary notes

introduction (<i>n</i>)	вступ, передмова
law (<i>n</i>)	закон; право
lawyer (<i>n</i>)	юрист, адвокат; правознавець
(in)formal (<i>a</i>)	(не) офіційний, (не) формальний
legal (<i>a</i>)	юридичний, правовий; законний; судовий
legal system	законодавство; правова система
legal advice	порада юриста
legal action	судовий позов; правова дія
to settle dispute	урегулювати, улагодити, впорядкувати спір, суперечку
to break (down) (<i>v</i>)	порушувати
obligation (<i>n</i>)	зобов'язання; обов'язок
court (<i>n</i>)	суд
to injure (<i>v</i>)	пошкодити, завдати шкоди; образити пошкодження;
injury (<i>n</i>)	школа; збиток; образа наслідок, результат, висновок;
implication (<i>n</i>)	причетність; те, що мається на увазі
transaction (<i>n</i>)	справа; угода; операція (ділова, фінансова)
property (<i>n</i>)	майно; власність
precise (<i>a</i>)	точний; чіткий, ясний
agreement (<i>n</i>)	угода, договір; згода
disagreement (<i>n</i>)	незгода; розходження, розбіжність
valid (<i>a</i>)	дійсний; діючий
refugee (<i>n</i>)	біженець; емігрант
commodities (<i>n pi</i>)	товари
environmental pollution	забруднення навколишнього середовища
to highlight (<i>v</i>)	(особливо) виділяти, підкреслювати
behavior (<i>n</i>)	поведінка
descriptive (<i>a</i>)	описовий
prescriptive (<i>a</i>)	наказовий, приписовий
to impose (<i>v</i>)	накладати, покладати; обкладати

to enforce (v)	запроваджувати; примушувати
citizen (n)	громадянин
definition (n)	визначення, дефініція, тлумачення
to define (v)	визначати, давати точне визначення; установлювати, виділяти
to recognize and apply	визнавати та застосовувати
justice n	законність, правосуддя; юстиція; справедливість
government backing	урядова підтримка (підтримка уряду) громада;
community n	община; спільність; спільнота
conscience (n)	совість, сумління
to make sure	перевірити; переконатися; упевнитися
compulsion n	примус, примушення
obedience (n)	покірність, слухняність
to obey (v)	коритися, слухатися
to lay down	закладати; встановлювати, складати, формулювати закон (і т. ін.)
assault (n)	(збройний) напад, атака
faulty (a)	пошкоджений; недосконалий; неправильний

I. Match the words from the text (1-12) with their corresponding definitions on the right (a-l). Translate the definitions into Ukrainian.

1) law	a) a legal or moral duty to do something (a duty that one is bound to perform or suffer for not performing)
2) legal system	b) a person's interest that must be respected by other people and by the state
3) lawyer	c) a binding agreement between individual people or bodies or between an individual and a state
4) obligation	d) the whole system of rules that citizens of a country must obey
5) court	e) physical harm to a person, for example in an accident
6) property	f) legally binding or acceptable often for a certain period of time
7) valid	g) all the things (money, land, buildings, goods etc) that someone owns
8) right	h) the laws and the people and institutions that make them work in a particular country
9) justice	i) the system by which people are judged in courts of law and criminals are punished
10) contract	j) someone whose job is to give advice, write formal agreements, and represent people in courts
11) injuries	k) a place where all the information concerning a crime or disagreement is given so that it can be judged / one or more judges with jurisdiction to hear and decide a dispute
12) tort	l) a wrong committed by one individual against another individual's person, property or reputation, Called a delict in civil law countries.

II. Give the Ukrainian for:

in the opinion of many people; informal ways of settling disputes; to refuse to behave reasonably; legal implications; to rely on informal ways of solving disagreements; on the whole; to employ expensive experts; ordinary people; to reach just agreements; various forms of behaviour; relations between people; to belong to particular social institutions; attempt to define law; principles recognized and applied by the state;

government backing; a set of rules; a private matter; to lead to traffic chaos, numerous accidents and injuries.

III. Find in the text the English for:

необхідне зло; правові наслідки; обговорювати справу; щоденна (повсякденна) діяльність; шукати поради юриста (правника); засновувати бізнес; покладатися на неофіційні шляхи вирішення незгод (розбіжностей); промислове розвинуте суспільство; використовувати правові засоби; урегульовувати стосунки; зростаючі спроби; зробити міжнародними правові стандарти (норми); через (крізь) соціальні, економічні та міжнародні бар'єри (перешкоди); підкреслювати нездатність людей; природні явища; неофіційні (неформальні) правила соціальної та моральної поведінки.

IV. Complete the following sentences:

1. In the opinion of many people, ...
2. Only when we are injured in a train accident, . . .
3. Even so, some transactions in modern society are so complex that.
4. On the whole it seems that people all over the world . . .
5. And at a time when workers, refugees, commodities and . . .
6. The English word «law» refers to ...
7. Some laws are descriptive: . . .
8. Other laws are prescriptive ...
9. In all societies, relations between people are regulated by .
10. For example an English legal writer, Sir John Salmond, defined law as...
11. Rules become laws...
12. In many countries there is...
13. We may say, then, that two ideas underline the concept of law
14. It has been said that...
15. All these show that a modern society needs laws.

V. Match the words on the left with their synonyms on the right There may be more than one synonym.

duty
property
to dispute
agreement
refugee
commodities
transaction
precise
implication
attempt
enforcement

goods
exact
to argue
contract
emigrant
treaty
responsibility
personal assets
to debate
bargain
deal
obligation
clear
possessions
pressure
consequence
try
compulsion
accurate

VI. Supply the correct word from the box for each separate space in the texts given below:

INTRODUCTION TO LAW: BASIC CONCEPTS

authority	lawyers	law enforcement agency
court	legal actions	rule
govern	legal system	the judiciary
judges	legislation	tribunal

Why do we have laws and ____? At one level, laws can be seen as a type of _____, which is meant _____ behaviour between people.

We can find these rules in nearly all social organizations, such as families and sport clubs.

Law, the body of official rules and regulations, generally found in constitutions and _____, is used to govern a society and to control the behaviour of their members. In modern societies, a body with _____, such as a _____ or the legislature, makes the law; and a _____, such as the police, makes sure it is observed.

In addition to enforcement, a body of expert _____ is needed to apply the law. This is the role of _____, the body of _____ in a particular country. Of course, legal systems vary between countries, as well as the basis for bringing a case before a court or _____. One thing, however, seems to be true all over the world – starting a _____ is both expensive and time-consuming.

THE SOURCES OF LAW

Developments Roman law Napoleonic Code Common law influences The Ten Commandments
--

Law has its origins in the early _____ of civilized society, and through time there have been major _____ on the laws that we follow today.

_____, which evolved in the 8th century BC, was still largely a blend of custom and interpretation by magistrates of the will of the gods.

_____ evolved from the tribal and local laws in England. It began with common customs, but over time it involved the courts in law-making that was responsive to changes in society. In this way the Anglo-Norman rules created a system of centralized courts that operated under a single set of rules that replaced the rules laid down by earlier societies.

_____ formed the basis of all Israelite legislation. They can also be found in the laws of other ancient peoples.

_____ refers to the entire body of French law, contained in five codes dealing with civil, commercial, and criminal law.

VII. Make up sentences of your own with the words and expressions given below:

to settle dispute legal obligations	people's consciences setting up a business	to give government backing to be enforced by the government to be regarded as a good thing
a private matter legal advice to obey law	to be regulated by to solve disagreements majority of people	to have a basic knowledge of to lay down rules of laws to involve time and money

to do business a set of rules to breake law	to discuss the matter to reach agreement legal system	to become a part of daily life to consult the police, lawyers or the courts
---	---	---

VIII. Make up questions to which the following statements will be the answers:

Q. ...

A. The term 'law' is used in many senses: we may speak of the laws of physics, mathematics, science etc

Q. ...

A. When we speak of the law of a state we use the term 'law' in a special and strict sense law may be defined as a rule of human conduct, imposed upon and enforced among, the members of a given state.

A. People are by nature social animals desiring the companionship of others, and in primitive times they tended to form tribes, groups, or societies, either for self-preservation or by reasons of social instinct

Q.

A. If a group of people is to continue, some form of social order is necessary.

Q...

A. Rules or laws are, therefore, drawn up to ensure that members of the society may live and work together in an orderly and peaceable manner. The larger the community (or group or state), the more complex and numerous the rules will be.

Q....

A. If the rules or laws are broken, compulsion is used to enforce obedience.

Q....

A. We may say, that two ideas underline the concept of law: (a) order, in the sense of method or system; and (b) compulsion — i.e. the enforcement of obedience to the rules or laws laid down.

IX. Answer the questions. Begin your answers with:

<i>I think/believe that...</i>	<i>As far as I remember.</i>
<i>I would like to say that...</i>	<i>As far as I know...</i>
<i>I suppose that...</i>	<i>If I am not mistaken...</i>
<i>Well, let me see...</i>	<i>If I remember rightly.</i>
<i>In my view...</i>	<i>In my opinion...</i>

1. What is law in the opinion of many people?
2. In what circumstances do people start thinking of their everyday activities as legal matters?
3. What are the examples of the growing uses of law throughout the world?
4. When does law seem to be regarded as a good thing?
5. In what circumstances does law seem to be an evil?
6. What does the English word «law» refer to?
7. What are the two major types of law?
8. What laws are relations between people in all societies regulated by?
9. How did an English legal writer, Sir John Salmond, define law?
10. What makes law different from rules?
11. In what circumstances is compulsion used?
12. What ideas underline the concept of law?

13. Why do people have law?

X. Agree or disagree with the statements. Give your reasons. The following phrases may be helpful:

<i>That's right.</i>	<i>On the contrary...</i>
<i>I quite agree with you.</i>	<i>I don't agree/I can't agree.</i>
<i>I think so/I guess so.</i>	<i>It 's just the opposite.</i>
<i>That 's just what I think.</i>	<i>I don't think so.</i>
<i>Looks like that.</i>	<i>Well, I am not sure I agree..</i>
<i>Most probably.</i>	<i>That's not right I'm afraid.</i>
<i>I am sure...</i>	<i>I doubt it.</i>

1. The law is a necessary evil that should be used only when everyday, informal ways of settling disputes break down.

2. Some transactions in modern society are so complex that few of us would risk making them without first seeking legal advice.

3. In some societies, such as the United States, precise written contracts, lawyers and courts of law have not become a part of daily life.

4. In Japan, lawyers are many and people tend to rely on formal ways of solving disagreements.

5. It seems that people all over the world are becoming more and more accustomed to using legal means to regulate their relations with each other.

6. In all societies, relations between people are regulated by descriptive laws.

7. There is a generally agreed definition of the law of a state.

8. Rules become law when they are recognised by the majority of people in a country and given government backing to enforce them in the country.

9. In many countries there is a complicated legal system to make sure that laws are obeyed.

10. A modern society does not need laws and the more complex society becomes the less laws it will need.

XI. Translate into English:

ПОХОДЖЕННЯ ТА СУТНІСТЬ ПРАВА

Право виникає разом з державою як ефективний регулятор суспільних відносин, за допомогою котрого держава здійснює соціальне управління всіма сферами життєдіяльності суспільства. За своєю суттю право значно відрізняється від правил поведінки, які регулювали відносини в первісному суспільстві, хоча між ними існують безпосередній зв'язок і певна послідовність. Життя і поведінка людей первісного суспільства регулювались комплексом норм, до якого входили правила співіснування, вимоги моралі та приписи релігії. З виникненням держави з'являються спеціальні органи і посадові особи, які починають розглядати факти порушень норм і застосовувати санкції до порушників. Згодом ці органи набувають ознак судової влади. Держава через ці органи санкціонує звичаї і норми первісного суспільства та в процесі судової практики започатковує нові. З часом зазначені звичаї і прецедентні правила починають викладатись у письмовій формі і застосовуватись під час розгляду подібних порушень. Тобто запис звичаїв і судової практики згодом набуває ознак законів, в яких закріплювалась воля суспільства, а пізніше – й воля правлячої верхівки, що забезпечувалась силою державного

примусу. Поступово зміст записів норм розширювався: до нього почали включатись приписи, що встановлювали збори і податі з населення, які використовувались державою для утримання органів управління та суду.

XII. Act as an interpreter for A and B:

A.: В якій мірі закони (право) відрізняються від звичаїв та правил соціальної поведінки (у суспільстві)?

B.: Customs and social rules need not be made by governments, and they need not be written down. We learn how to behave in society through the instructions of family and teachers, the advice of friends, and our experience in dealing with strangers. They are not enforceable by any political authority. However, when governments make laws for their citizens, they use a system of courts backed by the power of the police to enforce these laws. Nevertheless government-made laws often reflect social customs and informal rules of conduct already existing in society.

A.: Чи Існують випадки, коли закон не застосовується стосовно кого-небудь?

B.: Of course, there may be instances where the law is not enforced against someone – such as when young children commit crimes, when the police have to concentrate on certain crimes and therefore ignore other, or in countries where there is so much political corruption that certain people are able to escape justice by using their money or influence. But the general nature of law is that it is enforced equally against all members of the nation.

A.: Які мотиви має держава, (уряд) створюючи та застосовуючи закони (при створюванні (встановленні правових норм) та застосуванні законів)?

B.: Social control is undoubtedly one purpose. Another purpose is the implementation of justice. Sometimes laws are simply an attempt to implement common sense. It is obvious to most people that dangerous driving should be punished; that fathers should provide financial support for their children if they desert their families; that a person should be compensated for losses when someone else breaks an agreement with him or her.

A.: Чи відрізняються правові норми однієї держави від правових норм іншої держави (встановлені урядом однієї держави від правових норм, встановлених урядом іншої держави)?

B.: The laws made by the government of one country are often very different from the laws of another country.

XIII. Render the following into English:

Право функціонує у суспільстві одночасно з іншими нормами: релігійними, корпоративними, моральними, які певною мірою теж регулюють суспільні відносини. Проте право суттєво відрізняється від них, має тільки притаманні йому особливі ознаки. Насамперед — це нормативність права. По-перше, право складається з норм, тобто правил поведінки загального характеру, і встановлює дозволи, заборони, права та обов'язки учасників правових відносин. По-друге, право має формальну визначеність. Норми права викладені в законах, а також у підзаконних актах (указах, постановах тощо). По-третє, право, на відміну від інших соціальних правил суспільства, являє собою чітку систему пов'язаних між собою норм. У багатьох випадках дія однієї норми зумовлює дію інших. По-четверте, право є системою загальнообов'язкових норм. По-п'яте, право виражає загальносуспільні, групові та індивідуальні інтереси. По-шосте, право гарантується і забезпечується державою. Вона наділена повноваженнями вживати певних заходів впливу (переконання і примус) щодо виконання всіма суб'єктами

суспільних відносин правових приписів.

XIV. Role-play.

Imagine that you are walking home and you come across a little green man from Mars. You strike up a conversation. When a Martian learns that you are studying law, he looks puzzled. It turns out that the concept of law does not exist on Mars. Provide a brief explanation of the term for him.

THE AIMS, CONTENT AND CLASSIFICATION OF LAW

The aims of law

Law has several aims. They are all connecting with making society more stable and enabling people to flourish. One way of doing this is to set up an **official framework of compulsion**. The law forbids certain ways of behaving, like murder, libel, and parking on double yellow lines, and requires others, like paying income tax. If people disobey the rules the law threatens them with something unpleasant (often called a sanction), like being punished or having to pay compensation. The idea is that within this framework of do's and don'ts people can live more securely. If they are more secure they will treat each other better. A second aim is to provide facilities for people to make their own arrangements. Laws guarantee to people who buy and sell goods, make wills, take employment, form companies and so on that the state will if necessary enforce these arrangements. A third aim is to **settle disputes** about what the law is and whether it has been broken.

Taking these three aims together, we see that law not only **threatens** those who do what it forbids but also **promises** to protect people's interests. It imposes restrictions on them but also gives them certain guarantees.

Lastly, a very important aim of law is to **settle what the system of government is to be**. Today and for the last few hundred years we have been mainly governed by sovereign states. That is changing. We are now increasingly governed, indirectly or directly, by international bodies (for example through treaties such as those setting up the European Union). But the state still occupies centre stage, especially when it comes to enforcing laws.

Content of law

The law is a living thing and it changes through the course of history. Changes are brought about by various factors such as invasion, contact with other races, material prosperity, education, the advent of new machines or new ideas or new religions. Law responds to public opinion and changes accordingly.

Classification of law

Each country in the world has its own system of law. However, there are two main traditions of law in the world. One is based on English **Common law**, and has been adopted by many Commonwealth countries (English-speaking countries) and most of the United States. The other tradition, known as **Civil law**, or **Continental law**, has developed in most of continental Europe, Latin America and many countries in Asia and Africa, which have been strongly influenced by Europe. Civil law has also influenced Japan.

Common law systems differ from civil law systems. Common law system is a system of «judge made» law which has continuously developed over the years through the decisions of judges in the cases brought before them. These judicial precedents are an

important source of common law system. Civil, or continental law systems are known as codified legal systems. In these systems law has been codified or systematically collected to form a consistent body of legal rules Civil law systems have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life.

Despite these differences the law of a modern state has everywhere much the same shape and is concerned with the same problems. One important distinction made in all countries is between private – or civil – law and public law. **Civil (private)** law concerns disputes between citizens within a country, and **public** law concerns disputes between citizens and the state, or between one state and another. The main categories (branches) of **civil law** are:

Law of Contract is that branch of the law, which determines whether a promise is legally enforceable and what are its legal consequences.

Law of Tort. A tort is defined as a civil wrong committed by one individual against another individual's person, property or reputation. Examples of tort are: nuisance, negligence, defamation, and trespass.

Law of Property is that part of the law, which determines the nature, and extent of the rights which people may enjoy over land and other property.

Law of Succession is that part of the law which determines the devolution of property on the death of the former owner.

Family Law is that branch of the law, which defines the rights, duties, and status of husband and wife, parent and child, and other members of a household.

Law of Trusts. Trusts are arrangements whereby a person administers property for another person's benefit rather than his own (Land Law).

The main categories (branches) of public law are:

Criminal Law is that part of the law, which characterizes certain kinds of wrongdoings as offences against the State and punished by the State.

Constitutional Law is defined as the rules, which regulate the structure of the principal organs of government and their relationship to each other, and determines their principal functions.

Administrative Law is defined as that body of legal principles which concerns the rights and duties arising from the impact upon the individual of the actual functioning of the executive instruments of government.

International Law is defined as that part of law which regulates relations between private citizens of one country and those of another.

Vocabulary notes

to enable <i>v</i>	давати змогу (право)
framework <i>n</i>	структура, система; рама
compulsion <i>n</i>	примус, примушення
libel <i>n</i>	наклеп; дифамація
facilities <i>n pi</i>	можливості; сприятливі умови; засоби обслуговування
to provide <i>v</i>	забезпечувати; надавати
to punish <i>v</i>	карати
arrangement <i>n</i>	домовленість, згода; вирішення, врегулювання; <i>pl</i> заходи
will <i>n</i>	заповіт
to influence <i>v</i>	впливати
to enforce <i>v</i>	примусово застосовувати, примушувати; запроваджувати (закон)
to threaten <i>v</i>	погрожувати
to settle dispute	урегулювати, улагодити, впорядкувати спір, суперечку
to impose	накладати,

restriction	встановлювати обмеження
treaty <i>n</i>	(міжнародний) договір, угода
sovereign <i>a</i>	суверенний, незалежний; верховний
Common-wealth <i>n</i>	Британська співдружність націй
civil law	цивільне право
common law	звичаєве право (на відміну від континентального права)
invasion <i>n</i>	вторгнення, навала
to govern <i>v</i>	керувати, правити
public law	суспільне право
to execute <i>v</i>	виконувати
household <i>n</i>	домогосподарство
to determine <i>v</i>	визначати
to commit <i>v</i>	вчиняти, скоювати, здійснювати (злочин) правопорушення,
wrong <i>n</i>	делікт
to define <i>v</i>	визначати, давати точне визначення; установлювати, виділяти
consequence <i>n</i>	наслідок; результат; висновок
nuisance <i>n</i>	перешкода, незручність; порушення спокою, шкода
negligence <i>n</i>	недбалість, неуважність
defamation <i>n</i>	наклеп
trespass <i>n</i>	зловживання; завдання шкоди; порушення права володіння (з завданням шкоди)
tort <i>n</i>	цивільне правопорушення, делікт
to enjoy right	користуватися правами
devolution <i>n</i>	передача (повноважень)
succession <i>n</i>	правонаступництво; спадкування
trust <i>n</i>	опікування; довір'я
offence <i>n</i>	правопорушення; злочин
impact <i>n</i>	вплив

I. Read, translate and learn the following definitions:

crime	a wrong which even committed against an individual is considered to harm the well-being of society in general (wrongdoing as offence against the State and punished by the State);
judicial precedent	an official action or decision which can be used later to support another legal decision;
sanction	something unpleasant which can be imposed on a person or state that does wrong;
tort	a wrong committed by one individual against another individual's person, property or reputation. Called a delict in civil law countries;
nuisance	someone or something that causes public annoyance;
defamation	being wrongly accused of having done or said something that will affect their reputation;
negligence	not taking enough care or showing enough skill in the circumstances;
contract	a binding agreement between individual people or bodies or between an individual and a state;
trust	an arrangement whereby a person has a legal control over another person's property and administers for another person's benefit.

II. a) Give the Ukrainian for:

to set up an official framework of compulsion; to forbid certain ways of behaviour; to provide facilities; to settle disputes; to impose restrictions; to produce a set of codes; nature and extent of rights and duties; to enjoy rights; offence against the State; to determine principal functions; impact upon the individual.

b) Find in the text the English for:

давати людям змогу процвітати; не підкорятися правилам; погрожувати санкціями; у межах дозволеного та недозволеного; домовлятися (вживати заходів); захищати інтереси людей; правові аспекти життя громадянина; незважаючи на відмінності; правові наслідки; передача власності; регулювати структуру та відносини.

III. Read the text given below and find the equivalents of the Ukrainian words and expressions in the box. Retell the text.

держава; видавати та застосовувати закон; міжнародна спільнота; незалежний; встановлювати (визначати); бути зобов'язаним; правова система; відрізняться; мати багато спільного; офіційні органи; гілки влади; законодавча влада; виконавча влада; вводити в дію закони; судді; вирішувати спори; підтримувати одне одного (бути взаємозалежними)

THE STATE

The state has an important part to play in making and enforcing law. But what is state? It is a political unit with a territory that the international community treats as independent, for example the United Kingdom, Barbados or Japan. Law settles how the state is to be governed (its constitution), what duties it owes its citizens, and what duties they owe to one another and to the state.

Since each state has its own system of law, there are many legal systems: the law of the United Kingdom, Barbados or Japan etc. The laws of states differ a bit but also have much in common. Legal systems are called systems because in each state or part of a state with its own laws there are official bodies concerned with the whole of its law. These bodies – the branches of the state – are the **legislature**, which makes laws, the **executive government**, which puts laws into effect, and the **judges**, who decide disputes about the law. These branches of government try to see that the laws do not conflict with one another. In other words, they treat the laws as parts of a system that hang together.

IV. Match the words and expressions on the left with their definitions on the right. Use the words and expressions in the sentences or situations of your own.

1) authority	a) a body that is appointed to make a judgment or inquiry
2) court	b) a country's body of judges
3) to govern	c) an act or acts passed by law-making body
4) judge	d) legal proceedings
5) law enforcement agency	e) behaviour recognized by a community as binding or enforceable by authority
6) lawyers	f) an official body that has authority to try criminals, resolve disputes, or make other legal decisions
7) legal actions	g) an organization responsible for enforcing the law, especially the police

8) legal system	h) a senior official in a court of law
9) legislation	i) the body or system of rules recognized by a community that are enforceable by established process
10) rule	j) the control resulting from following a community's system of rules
11) the judiciary	k) members of the legal profession
12) tribunal	l) to rule a society and control the behaviour of its members

V. Complete the sentences by filling in the following table. Connect the figures (1-7) on the left with the letters (a-g) on the right:

1) One category is the criminal law –	a) is called prosecution.
2) A case in the criminal law. . .	b) much more wide-ranging.
3) The case is instituted by the prosecutor, who takes over the case from the police . . .	c) the law of contract and family law (or international property)
4) The civil law is...	d) brings an action to win compensation.
5) The civil law includes. . .	e) the law dealing with crime.
6) In a civil case, the plaintiff, normally a private individual or company, ...	f) the defendant normally pays the plaintiff damages (money)
7) If the case is proven, . . .	g) who have already decided to charge the defendant (or accused) with specified crimes.

VI. Make up questions to which the following statements will be the answers:

Q.

A. Laws are rules that society, or the population as whole is required to follow.

Q.

A. Laws are not the same as social rules. Never washing your hair or wearing the same socks for a week would break social rules but would not involve breaking any law. So, some rules of society cannot be described as laws.

Q.

A. A better definition of law is to say that laws are rules of society that can be enforced in the courts.

Q. .

A. Where legal rules are broken, there is the potential that the state, through the court system, will either punish someone (in the case of criminal law) or require another person to provide compensation (in the case of civil law).

VII. Agree or disagree with the statements. Give your reasons. The following phrases may be helpful:

That's right.	On the contrary...
I quite agree -with you.	I don't agree/I can't agree that.
I think so/I guess so.	It's just the opposite.
That's just what I think.	I don't think so.
Looks like that.	Well, I am not sure I agree.
Most probably.	That's not right I 'm afraid.
I am sure that...	I doubt it.

1. Laws does not guarantee to people who buy and sell goods, make wills, take employment, form companies and so on that the state will if necessary enforce these arrangements.

2. Law not only threatens those who do what it forbids but also promises to protect people's interests.

3. The law is a living thing and it changes through the course of history.

4. Each country in the world has its own system of law.

5. Common law systems do not differ from civil law systems.

6. Judicial precedents are not an important source of common law system.

7. Civil, or continental law systems are known as codified legal systems.

8. Civil (private) law does not concern disputes between citizens within a country, and public law does not concern disputes between citizens and the state, or between one state and another.

9. The law forbids certain ways of behaving, like murder, libel, and parking on double yellow lines, and requires others, like paying in come tax.

VIII. Answer the questions. Begin your answers with:

I think/believe that...	As far as I remember.
I would like to say that...	As far as I know...
I suppose that...	If I am not mistaken...
Well, let me see.	If I remember rightly.
In my view...	In my opinion...

1. What are the aims of law?

2. Does the law change through the course of history?

3. What are two main traditions of law in the world?

4. What is the difference between Common law and Civil law systems?

5. What does civil (private) law concern?

6. What does public law concern?

7. What are the main categories (branches) of civil law?

8. What are the main categories (branches) of criminal law?

IX. Translate into English:

У цілому право — система формально визначених в офіційних джерелах загальнообов'язкових, гарантованих державою норм (правил) поведінки, призначенням якої є регулювання суспільних відносин.

Отже, право є соціальним явищем, нормативною системою суспільства. Наділяючи учасників суспільних відносин правами та обов'язками, право переводить їх у форму правових відносин, впорядковує стосунки суб'єктів цих відносин. Обмежуючи певним чином свободу окремих учасників суспільних відносин свободою інших та узгоджуючи індивідуальні і загальні інтереси, право забезпечує цілісність суспільства, перебуває у постійному взаємозв'язку з державою. З одного боку, право визначає правове поле функціонування держави у суспільстві, юридичний статус її органів, з іншого — держава бере безпосередню участь у реалізації права.

X. Render into English:

У міру розвитку суспільства соціальна роль права постійно зростає. Особливого значення воно набуває в перехідних суспільствах, коли відбувається формування основ громадянського суспільства, демократичної, правової і соціальної державності, що є характерним для сьогоденної України. Право за цих умов, нормативно закріплюючи та охоплюючи соціальне значиму діяльність суб'єктів суспільних відносин, постає як норма свободи, створює умови для вільної діяльності людей, гарантує і забезпечує їх політичні, економічні та соціальні права.

Наповнюючись гуманістичним змістом, право зв'язує державу, чіткіше визначає межі її впливу на життя людини. Функціями права в цей період стає передусім створення основ вільної економічної діяльності людини для досягнення відповідного рівня добробуту, забезпечення її особистої майнової безпеки, компромісу і злагоди у суспільстві. Функцією права є також забезпечення всебічної участі людини в суспільному житті, права на свободу об'єднання у політичні партії та громадські організації для впливу на рішення владних органів держави, здійснення соціального контролю, захисту своїх прав і свобод та задоволення політичних, економічних, соціальних, культурних та інших інтересів.

Крім того, право закріплює умови вільної діяльності людини в сфері сім'ї, побуту і культури.

XI. Case study

Sam Jones purchased a chocolate bar in the newsagent. As he drove along, munching chocolate, he answered his mobile phone. It was Susan, his girlfriend. He promised to buy her a meal in a restaurant the next day. A moment later he crashed into the back of the car in front of him, injuring the other driver and writing off both cars. Sam was released from hospital the same day but later became ill from very severe food poisoning. This prevented him from taking Susan out. The cause of this illness was identified as the chocolate bar he bought. Susan is now shocked to find that it is her car that Sam was driving, the local newspaper mistakenly names her as the driver.

Questions:

I) Identify possible civil and criminal court actions. Explain what type of law is involved in each case. In relation to civil cases, be as specific as possible

II) Explain who would be the defendant and the claimant (in any civil cases) and who would be the prosecution and the defendant (in any criminal cases)

JUST FOR FUN

Judge Gruff – «Aren't you ashamed to be seen here in court so often?»

Prisoner – «Why no your honour; I always thought it was very respectable place.»

Judge – «How could you swindle people who trusted in you?» Prisoner – «But, Judge, people who don't trust you cannot be swindled.»

Lawyer — «Well, if you want my honest opinion — » Client — «No, no. I want your professional advice.»

After a difference of opinion with the judge, the lawyer turned on his heel and showed his back.

«Are you trying to show your contempt for the court?» the judge demanded.

«No, indeed,» was the attorney's reply. «I'm trying to conceal it,»

XII. Checkpoints

1. Explain why law is a necessary evil in the opinion of many people.
2. In what circumstances do people think of their everyday activities as legal matters?
3. Give examples of the growing uses of law throughout the world.
4. Define law.
5. Explain the difference between law and rules.
6. List the aims of law.
7. Give the classification of law.

Classification of law

There are many ways in which the law can be classified. Here we shall limit our discussion to the difference between criminal and civil law and *substantive and procedural law*.

Criminal and civil law

A simple distinction between the criminal law and the civil law is that the latter regulates the relationships between individuals or bodies and the former regulates the legal relationships between the state and individual people and bodies.

The first practical difference is seen in the parties to the legal action. A civil case will involve two (or more) individual people or bodies whilst the parties to a criminal case will be the state and an individual person or body. Later you will learn how this difference is reflected in the terminology and procedure of the law, but first let us look at an example of both criminal and civil law.

First, the civil law. Examples of this include the law of contract, tort (literally meaning 'wrong') and property. Consider the following situation.

You decide to buy a radio from a local shop. You pay the correct price and take the radio away. You have entered into a contract with the owner of the shop. After two days the radio fails to work.

This is a common situation and usually the shopkeeper will replace the radio or return your money. If not, you may wish to take legal action to recover your loss. As the law of contract is part of the civil law the parties to the action will be you (an individual) and the owner of the shop (an individual person or body).

Now let us look at some examples of the criminal law. This is the law by which the state regulates the conduct of its citizens. Criminal offences range from the petty (e.g. parking offences) to the very serious (e.g. murder, rape). Look at the following situation.

You are driving your car at 70 m.p.h. in an area which has a speed limit of 40 m.p.h. You are stopped by a police officer and subsequently a case is brought against you for dangerous driving.

This is a **criminal offence**. The parties to the action will therefore be the state (in the form of the prosecuting authority) and you (an individual).

A further point to make is that although the division between civil and criminal law is very clear, there are many actions which will constitute a criminal offence and a civil wrong. Let us look again at the situation where you are driving your car too fast. Suppose that while you were doing this you knocked over and injured an elderly lady. You will have committed a criminal offence (dangerous driving) and a **civil wrong** (negligence).

Kinds of Laws

Laws fall into two major groups: criminal and civil. Criminal laws regulate public conduct and set out duties owed to society. A criminal case is a legal action by the government against a person charged with committing a crime. Criminal laws have

penalties requiring that offenders be imprisoned, fined, placed under supervision, or punished in some other way. Criminal offenses are divided into **felonies and misdemeanors**. The maximum penalty for a felony is a term of more than one year in prison. For a misdemeanor the penalty is a prison term of one year or less.

Civil laws regulate relations between individuals or groups of individuals. A **civil action** (lawsuit) can be brought when one person feels wronged or injured by another person. Courts may award the injured person money for his or her loss, or it may order the person who committed the wrong to make amends in some other way. An example of a civil action is a lawsuit for recovery of damages suffered in an automobile accident. Civil laws regulate many everyday situations such as marriage, divorce, contracts, real estate, insurance, consumer protection, and negligence.

Sometimes one action can violate both civil and criminal law. For example, if Joe beats up Bob, he may have to pay Bob's medical bills under civil law and may be charged with the crime of assault under criminal law.

Civil and public law

Main categories

One important distinction made in all these countries is between private – or civil – law and public law. **Civil** law concerns disputes among citizens within a country, and **public** law concerns disputes between citizens and the state, or between one state and another. The main categories of English civil law are:

- Contracts: binding agreements between people (or companies);
- Torts: wrongs committed by one individual against another individual's person, property or reputation;
- Trusts: arrangements whereby a person administers property for another person's benefit, rather than his own Land Law;
- Probate: arrangements for dealing with property after the owner's death;
- Family Law.

The main categories of public law are:

- Crimes: wrongs which, even when committed against an individual are considered to harm the well-being of society in general;
- Constitutional Law: regulation of how the law itself operates and of the relation between private citizen and government;
- International Law: regulation of relations between governments and also between private citizens of one country and those of another.

In codified systems there are codes that correspond to these categories, for example, France's Code Civil and Code Penal. Justinian's Roman codes covered such areas of law as contracts, property, inheritance, torts, the family, unjust enrichment, the law of persons, and legal remedies, but said little about criminal law.' Consequently, most Continental criminal codes are entirely modern inventions.

Differences in procedure

Most countries make a rather clear distinction between civil and criminal procedures. For example, an English criminal court may force a defendant to pay a fine as punishment for his crime, and he may sometimes have to pay the legal costs of the

prosecution. But the victim of the crime pursues his claim for compensation in a civil, not a criminal, action. (In France, however, a victim of a crime may be awarded damages by a criminal court judge.)

The standards of proof are higher in a criminal action than in a civil one since the loser risks not only financial penalties but also being sent to prison (or, in some countries, executed). In English law the prosecution must prove the guilt of a criminal "beyond reasonable doubt"; but the plaintiff in a civil action is required to prove his case "on the balance of probabilities." Thus, in a civil case a crime cannot be proven if the person or persons judging it doubt the guilt, of the suspect and have a reason (not just a feeling or intuition) for this doubt. But, in a civil case, the court will weigh all the evidence and decide what is most probable.

Criminal and civil procedure are different,. Although some systems, including the English, allow a private citizen to bring a criminal prosecution against another citizen, criminal actions are nearly always started by the state. Civil actions, on the other hand, are usually started by individuals.

Some courts, such as the English Magistrates Courts (see Chapter 4) and the Japanese Family Court, deal with both civil and criminal matters. Others, such as the English Crown Court, deal exclusively with one or the other.

In Anglo-American law, the party bringing a criminal action (that, is, in most cases, the state) is called the **prosecution**, but the party bringing a civil action is the **plaintiff**. In both kinds of action the other party is known as the **defendant**.

Evidence from a criminal trial is not, necessarily admissible as evidence in a civil action about the same matter. For example, the victim of a road accident does not directly benefit if the driver who injured him is found guilty of the crime of careless driving. He still has to prove his case in a civil action. In fact he may be able to prove his civil case even when the driver is found not guilty in the criminal trial.

Once the plaintiff has shown that the defendant is liable, the main argument in a civil court is about the amount of money, or damages, which the **defendant** should pay to the plaintiff.

LEGAL SYSTEM IN UKRAINE, GREAT BRITAIN, THE USA

Ex.1. Read the text and translate the following into Ukrainian:

The sphere in which the law operates proves to be quite extensive. It embraces all the spheres of our life and work, determines the legal status of every citizen. That's why it is very important to know all peculiarities of the judicial system of the country.

Ninety-seven per cent of all criminal cases and 99 per cent of all civil cases are examined in the principal link of Ukrainian judicial system-the people's courts of districts and towns. The most serious offences are examined by the courts of regions. The Supreme Court of Ukraine only examines cases of particular complexity or of special public significance, and does so either upon its own decision, or upon the initiative of the Procurator of Ukraine.

The judicial system of Ukraine consists of district (town) People's Courts, regional and territorial courts, the Supreme Court, military tribunals (for servicemen). All the country's judicial bodies are elected. The population elects judges and people's assessors.

The legality of the court's activities is controlled by the Procurator's Office which has the right of protest in a higher court. However, the procurator himself has no right to cancel a verdict.

The Procurator's Office exercises general supervision over the observance of laws on the part of executive organs, officials and individual citizens.

The Procurator-General of Ukraine is appointed by Verkhovna Rada (the Ukrainian Parliament).

The legislation of Ukraine makes it binding on the court, the procurator and investigator to ensure all-round, complete and fair examination of all the circumstances of the case. In most criminal cases the court hearing is preceded by the complicated work of collecting and investigating evidence. According to Ukrainian procedural law this stage is called preliminary investigation. The conclusions arrived at by the investigator and procurator regarding the guilt of a person have preliminary character. The court alone decides on penalty to be applied to the person guilty of a crime.

In cases provided for by the law, the court alone has the right to decide which of the parties has violated the law. The Judges hand down decisions only in keeping with their internal conviction, with the law and in conformity with the circumstances of the case. No person can regard guilty or subjected to legal punishment until sentence has been passed by a court of law. All citizens of Ukraine are equal before the law.

Who are the People in the Legal Aid Bureau?

The defendants-the persons against whom action is brought or the persons charged with the commission of a crime (in a criminal proceeding) – are guaranteed the right to defence. The people who are able to help the defendants to realize their right to defence are called lawyers, or solicitors, or barristers. The lawyer's task is to bring out those facts that put their clients' case in the most favourable light, but to do so using approved legal procedures. At present the lawyers are prepared to furnish clients with effective legal services of the highest professional caliber. The lawyers represent clients' interests in every conceivable situation and transaction, in any local, state and national forum – whether judicial, legislative or administrative. As to solicitors and barristers, they are both lawyers, but the work they do is quite different.

It should be remarked that such notions as «solicitor» and «barrister» are absent in Ukrainian judiciary now. It is England where «solicitors» and «barristers» operate.

Thus summing up role and significance of the lawyer's work we have to draw your

attention to such a legal term as «counsel» that is widely used during a proceeding in the courtroom.

As it was previously mentioned a person accused of crime must always be supposed innocent until he has been proved guilty. During the trial the judge and the people's assessors had three stories to listen to. First there was the story told by the counsel for the prosecution, then the story told by the defending counsel (a lawyer acting for the accused), and lastly the story told by the judge (a brief account, giving the chief points). He sums up of what was said by counsel and witness. «By counsel» means the lawyers employed on either side.

What's to Be Done if you Lose a Trial?

If you lose a trial in a district court, you can ask the court of appeals to review the case to see if the judge applied the law correctly. The Supreme Court of Ukraine, in Kiev, is the most famous one. If you lose in the court of appeals (or, sometimes, in the regional court), you can ask the Supreme Court to hear your appeal. However, unlike a court of appeals, the Supreme Court doesn't have to hear it. In fact, the Supreme Court hears only a small percentage of the cases it is asked to take.

What is a Court?

A court is an institution that is set up by the government to settle disputes through a legal process. Disputes come to court when people can't agree about what happened. That's why courts decide what really happened and what should be done about it.

Courts play an important role in our society for a number of reasons.

Vocabulary in Context

Memorize the following words and basic phrases of the text:

solicitor – 1) солісітор; 2) адвокат без права виступу в суді (нижча категорія адвоката в Англії); 3) повірений в справах

barrister – баррістер, адвокат вищого рангу, який має право виступати в суді

counsel – адвокат

counsel for the plaintiff – адвокат збоку позивача

case – судова справа, судовий прецедент, фактичні обставини, викладення фактичних обставин

try cases – розглядати справи, розглядати фактичні обставини

lose a trial – (to lose an action) – програти процес

legal aid bureau — юридична консультація

charge with commission – звинувачувати в скоєні злочину

story – судова версія

account – звіт, позов з вимогами звітності

Legal procedure – судовий процес

legal proceedings – процесуальні дії, судовий процес

judiciary – судовий, судоустрій, суд

suit – позов, судова справа, судовий процес

bring a suit against smb. – подати скаргу проти кого не будь

court – суд, суддя, судді, судова присутність, законодавче зібрання

district court – федеральний районний суд (суд першої інстанції в США)

trial court – (court of trial) – суд який розглядає справу по суті

Court of Criminal Appeal – кримінальний апеляційний суд

court of arbitration – третейський суд

court of appellate jurisdiction – апеляційний суд

court of first instance – суд першої інстанції

Court procedure – судовий процес
Supreme Court – Верховний суд
arbitration – арбітраж, третейський суд
settle disputes – врегулювати (вирішити) спір
legal process – судовий наказ
judicial power – судова влада
judicial procedure – судова процедура
judicial proceedings – судовий процес
judicial organization – судовлаштування
judicial officer – посадова особа суду, судовий чиновник
judicial oath – присяга в суді
judicial law – судове право
judicial inquiry – судове розслідування
unprejudiced – неупереджений
prosecution – судове переслідування, звинувачення, сторона, яка висуває позов
prosecutor – звинувачувач, особа, яка порушує кримінальну справу
prosecutor's charge – звинувачувальна промова
prosecute – переслідувати в судовому порядку
accuse – звинувачувати, пред'являти звинувачення
accused – звинувачувальний
accuser – звинувачувач
trial – суд, судовий процес
trial by jury – розгляд справи за участю присяжних
trial with assessors – розгляд справи за участю експертів
accusation – звинувачення
be confronted – протистояти, стояти обличчям до обличчя
witness – свідок
impartial – безпристрасний
adjudication – винесення судового чи арбітражного рішення, розгляд конфлікту
defendant – відповідач, звинувачувальний, підсудний
plead – відповідати на звинувачення, подавати незгоду по позову
plea – аргумент, виправдання, заява зроблена відповідачем або захистом
plead guilty – признати себе винним в пред'явленому звинуваченні
pleader – адвокат
guilty – винний
tenure – перебування на посаді, термін перебування (на посаді)
prohibit – забороняти
attorney – юрист, адвокат, прокурор, довірена, повірений (в суді)
attorney at law – адвокат
plaintiff – позивач
charge with – звинувачувати
crime instrument – засоби виробництва
crime scene – місце злочину
criminal – злочинець
innocent – невинний
punishment – покарання
fair – справедливий
lawyer – адвокат

legislative – законодавчий
partnership – партнерство
estate – майно, власність, стан
insurance – страхування
legal aid bureau – юридична консультація
legal profession – спеціальність юриста
offence – правопорушення, злочин
offence against morality – злочин проти совісті
offence against the law – порушення закону
procedural law – процесуальні права
preliminary investigation – попереднє слідство
penalty – покарання, каральна міра, штраф
provide (for) – передбачати, забезпечувати
provide for punishment – передбачати, встановити покарання

EXERCISES TO BE DONE IN WRITING

1. Give English equivalents of the following words and word combinations:

Судовий процес, термін перебування (на посаді), процес, справедливо, винний, справедливе покарання, Верховний суд, федеральний районний суд, апеляційний суд, неупереджений судовий розгляд, недоторканість, засновувати, забороняти, суддя, Конституційний суд, назначать, вести судовий процес, адвокат, громадянський процес, обвинувачувач, судова влада, вирішити спір, майно (власність).

2. Use the following phrases in sentences showing that you understand their meaning:

1. For a number of reasons. 2. Judicial power. 3. Exclusively. 4. Legal proceedings. 5. A fair and impartial adjudication. 6. Extend. 7. Criminal prosecutors. 8. The accused. 9. Public trial. 10. Accusation. 11. To be confronted with ... 12. To be independent. 13. Subject to the law. 14. Inviolability is guaranteed by ... 15. A permanent term.

3. Complete the following sentences:

1. A court is an institution that ...
2. Disputes come the court when ...
3. Courts decide what..
4. Courts play an important ...
5. The lawyers' task is bring out ...
6. The lawyers represent interests of ...
7. The lawyers are prepared to furnish ...
8. The lawyers serve a variety of ...
9. The firm represents clients' interests in ...
10. Our firm has extensive experience in ...

EXERCISES FOR ORAL PRACTICE

1. Make questions from the prompts with this model:

Example

Model: Have you ever ...?

Prompt: crime scene

Response: Have you ever seen a crime scene? or Have you ever been to a crime scene?

Prompts

- a) America
- b) legal aid bureau
- c) judicial proceedings
- d) judicial inquiry
- e) any detective stories
- f) that lawyer to the courthouse
- g) charge with
- h) criminal
- i) accuser
- j) be confronted

2. Now use the questions you have made to begin conversations. Use this model:

A: Have you ever been to America?

B: Yes, I have.

A: When did you go there?

B: I went there last year.

3. Ask these questions and answer them:

1. What are the main types of courts in the Ukrainian court system?
2. What does legal procedure system consist of?
3. What functions do regional and district courts carry out?
4. What is a court?
5. What institution settles disputes through a legal process?
6. What role does a court play in the life of a society?
7. Are the judges of the Supreme Court elected or appointed?
8. Are the judges of District Courts appointed in Ukraine?

Starting the discussion

Now you are ready to start the discussion. Your group should discuss the given topic not less than ten minutes. Since this is not much time, do not worry if you do not reach a final decision. An important point to keep in mind is that all members should take part in the discussion.

Observing: Evaluating the Discussion.

Listening to the discussion you have to keep in mind:

1. What is the purpose of this discussion? Be specific.
2. As you listen to this discussion, make a list of the different solution that the group members discuss.
3. Which of the solutions to the problem do you think is the best? Why?
4. Did all members take part equally?
5. Did the discussion move along at the right speed?

4. After you participate in a discussion, answer the following questions:

<ol style="list-style-type: none"> 1. Do you think you spoke 2. Did you ask 3. Did you use 	<p>about the right amount? too much? not enough? any questions? no questions? no phrases? any phrases?</p>
---	--

4. How do you think you can improve the next discussion?
5. Had you any problems with vocabulary? Grammar?
6. Did you have enough ideas?

TALKING POINTS

Starting the Discussion

Open Dialogue (Illustrative Conversations)

5. Talk to a judge who recently arrived in Kharkov to make the acquaintance of the judiciary system in Ukraine. You are a judge too. During his visit to the Courthouse he wants to see judges and their staffs, lawyers and people who are involved in court cases. But first of all try to answer some questions which he is interested in. (Mr. Jekson, a judge from England; Mr. Gusenko, a judge from Kharkov).

J: Good afternoon, sir.

G: Good afternoon, Mr. Jekson. Glad to meet you. What can I do for you?

J: I'd like to ask you some questions, if you don't mind. **G:** I'll try to do my best to answer your questions. **J:** For what term are the judges of District Courts elected in your country?

G: Judges who will pass the competitive selection for the first time will be appointed for a term of five years.

J: What is the jurisdiction of the Supreme Court of Ukraine?

G: The Supreme Court of Ukraine is the highest court. The decisions the Supreme Court hands down on cases appealed from low courts. The Supreme Court doesn't have to hear every case that comes to it for review. It is up to the Supreme Court to decide whether or not to hear the case.

Go on talking to Mr. Jekson. But now try to invent your sentences yourself.

J: What is the highest appellate court in Ukraine?

G: ...

J: Whom are the judges of appellate courts are appointed by?

G: ...

J: What judges are appointed for a 10 year term?

G: ...

J: What court serves as the final interpreter of the Constitution of Ukraine ?

G: ...

J: Do attorneys take part in all the stages of the criminal justice system?

J: Does a judicial system for the protection of the individual and property exist in Ukraine?

G: ...

J: What rights does the law give to the defendant?

G: ...

Further practice

Conversation

Invention Exercise

6. Work in pairs.

A group of Canadian lawyers are coming to stay in your town for two weeks to get to know legal proceedings in Ukraine. You are Mike Rutenko, a lawyer of one of the district court; your partner is Mr. Fenton, a young Canadian lawyer from Ottawa in Canada. Interview Mike Rutenko using information from the text above and your imagination. Use some ideas which are placed below. They probably will help to prepare your interview:

Judicial power in Ukraine belongs to ...

Legal proceedings consist of ...

The judicial system of Ukraine includes ...

Judges are dependent or independent ...

Judges are appointed for a 5(7,10) year term of work

7. Practice this dialogue with a partner. Talk about the accident. A small white car shot out in front of a blue car. In this conversation we hear the two lawyers questioning the driver of the blue car after the accident had taken place.

Work in pairs

1-st lawyer: Please tell the court exactly what happened.

Driver: Certainly: I was driving home along the road. I was just going to slow down when I saw the white car in a side road. I was sure he was going to wait there until I drove past. I had no idea he was going to shoot out in front of me.

1-st lawyer: In other words the driver of the white car shot out without any warning. Is that right?

Driver: Exactly. It was completely unexpected.

1-st lawyer: And you had no idea what the driver of the white car was going to do?

Driver: No! none whatsoever!

1-st lawyer: Thank you.

2-nd lawyer: So you say you were going to slow down when the accident happened. Is that right? **Driver:** Yes, it is. I was going to slow down.

2-nd lawyer: I see. I suppose you were riding very fast at the time.

Driver: No; not at all. I was braking at that moment.

2-nd lawyer: Well, why were you going to slow down then?

I'm sure you are going to lead the court into error. I'm sure you were going too fast...

Driver: No, not at all.

2-nd lawyer: Then, why were you slowing down?

Driver: The reason is very simple. I was going to turn into the next side road.

2-nd lawyer: Really? Why?

Driver: Because I live there. That's why!

JUDICIARY IN THE USA AND GREAT BRITAIN

1. How is the administration of justice organized in your country?
2. What is the relationship between different courts?
3. What is the role and position of judges and other lawyers in your country?

JUDICIAL INSTITUTIONS OF THE USA

'Equal Justice Under Law'. These words, which affirm that the United States is a nation governed according to law and that that law protects and directs the actions of all people equally, are carved in marble, high overhead, on the front of one of the most significant buildings in Washington, D.C. The four-story building, in the style of an ancient Greek temple, is the one in which the Supreme Court of the United States does its work.

The United States Constitution, written in 1787, established a separate judicial branch of government that operates independently alongside the executive and legislative branches. The judicial branch, or judiciary, is the branch of government responsible for applying laws to settle disputes between parties. Courts possess jurisdiction, the legal right and power to interpret and apply laws and make binding decisions.

Within the judicial branch authority is divided between state and federal (national) courts. In fact, there are two coexisting court systems: the federal courts and the state courts. Each court system has its own areas of jurisdiction.

Federal courts hear cases, which arise under the U.S. Constitution or under any law or treaty, as well as any controversy to which the federal government is itself a party. Federal courts also hear disputes involving governments or citizens of different states.

The federal court system includes district courts established by Congress, federal courts of appeals and the Supreme Court (created by the U.S. Constitution).

The United States district courts are the trial courts of the federal court system. Within the limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. There are 94 federal judicial districts, including at least one district in each state, the District of Columbia and Puerto Rico. Each district includes a United States bankruptcy court as a unit of the district court. Three territories of the United States – the Virgin Islands, Guam and the Northern Mariana Islands – have district courts that hear federal cases, including bankruptcy ones.

The 94 judicial districts are organized into 12 regional circuits, each of which has a United States court of appeals. A court of appeals hears appeals from the district courts located within its circuit, as well as appeals against the decisions of federal administrative agencies.

The United States Supreme Court is the highest court of the land. It consists of the Chief Justice and eight Associate Justices and the responsibility and power of these nine people are extraordinary. Supreme Court decisions can affect the lives of all Americans and can change society significantly. This has happened many times in the course of American history. In the past, Supreme Court rulings halted actions by American presidents, declared unconstitutional – and therefore void – laws passed by the Congress (the government's law-making body), freed people from prison and gave new protection and freedom to black Americans and other minorities.

The Supreme Court is the court of final appeal and it may rule in cases in which someone claims that a lower court ruling on a federal law is unjust or in which someone

claims there has been a violation of the United States Constitution, the nation's basic law.

The Chief Justice and the Associate Justices are named by the president. But no one can become a member of the Supreme Court unless the upper house of Congress – the United States Senate – approves. The Senate does not approve an appointment until its members are satisfied that the candidate is qualified. Once approved, a justice cannot be removed by either the president or the Congress without very good reason, nor can the salary of the justice be reduced. The Chief Justice and Associate Justices, therefore, serve on the court for life and need not – and should not – take into consideration political issues or the opinions of officials in the other branches of government when making legal decisions.

Because the USA is a federal rather than a unitary system, the 50 states are not dependent on the central government for their powers. In fact, the Constitution makes clear that, instead, the people of the states have delegated certain powers to the central, or federal, government while reserving all remaining authority for the states and the people.

Just as each state legislates as it sees fit, each state has its own court system responsible for interpreting and enforcing state statutes and constitutions. Although the Constitution is supreme law and the U.S. Supreme Court has jurisdiction over state courts, only a tiny fraction of legal cases come before a federal court; almost 99 percent of American cases are handled in state courts. Most crimes and violations of private rights, as well as civil law cases, are matters for state court adjudication.

States are free to structure their judicial systems as they choose. Most have chosen a four-tier model. At the lowest level are courts of limited jurisdiction, which hear minor civil and criminal cases, for example, traffic, juvenile, and small claims courts, which settle disputes involving small sums of money. These are the «workhorses» of the state judicial system, processing the bulk of the state's legal cases. The next level consists of state courts of general jurisdiction. These are the major trial courts empowered to hear more serious criminal cases and civil cases in which large sums of money are involved. Most states have a third tier, the intermediate court of appeals, as well as a top level, the state supreme court. Legal custom grants each losing litigant (with the notable exception of the prosecution in a criminal case) one appeal. In states without an intermediate appellate court, the state supreme court must hear these appeals.

In the United States a person accused of a crime is considered to be innocent until he or she is proven guilty. The Constitution requires that any accused person must have every opportunity to demonstrate his or her innocence in a speedy and public trial and to be judged innocent or guilty on the basis of evidence presented to a group of unbiased citizens called a jury. A person who has been judged guilty must still be treated justly and fairly, as prescribed by law. A person treated unjustly or cheated by another or by a government official must have a place where he or she can win justice. That place, to an American, is a court.

Vocabulary notes

judicial <i>a</i>	судовий
judiciary <i>n</i>	судова система, судоустрій
justice <i>n</i>	правосуддя, справедливість; суддя, член суду
Chief Justice	голова Верховного Суду
Associate Justice	суддя (член) Верховного Суду
jurisdiction <i>n</i>	юрисдикція
temple <i>n</i>	храм
responsible (for) <i>a</i>	відповідальний (за)

dispute <i>n</i>	спір
to settle a dispute	врегулювати спір
to take a dispute to	передавати спір до суду
court <i>n</i>	суд
circuit court	окружний суд (у США)
court of appeal	апеляційний суд
district court	місцевий суд (у США)
juvenile court	суд у справах неповнолітніх
Supreme Court	Верховний Суд
trial court	суд першої інстанції
case <i>n</i>	судова справа
civil case	цивільна справа
criminal case	кримінальна справа
to address a case	звертатися зі справою
to handle a case	вести справу в суді, займатися справою
to hear a case	слухати справу в суді
coexisting <i>a</i>	співіснуючий
treaty <i>n</i>	міжнародна угода, конвенція
controversy <i>n</i>	правовий, судовий спір
ruling <i>n</i>	рішення, постанова суду
halt <i>v</i>	зупиняти
void <i>a</i>	такий, що не має сили, недійсний
violation <i>n</i>	порушення
take into consideration	брати до уваги, враховувати
appeal <i>n</i>	оскарження, апеляція
claim <i>n</i>	претензія, скарга, позов
adjudication <i>n</i>	розгляд спору (у суді); рішення (суду), вирок
accuse (smb of smth) <i>v</i>	звинувачувати, висувати обвинувачення
litigant <i>n</i>	сторона у судовій справі, учасник судового процесу
innocent <i>a</i>	невинний
guilty <i>a</i>	винний, винуватий

1. Match the words from the text (1-12) with their corresponding definitions on the right (a-l). Translate the definitions into Ukrainian.

1) civil law	a) the right or power to act, command, judge, etc
2) to delegate	b) a decision made by a judge, tribunal, etc.
3) damages	c) everything (objects, statements, documents) which helps to show how a crime happened
4) an appeal	d) a person with authority to hear and decide disputes brought before a court for decision
5) a ruling	e) the process of examining and deciding a civil or criminal case before a court
6) void	f) law that regulates the relationships between individuals or bodies
7) evidence	g) money paid in compensation in a civil action
8) authority	h) a special court which hears criminal cases against children and young persons under 17 and deals with other matters relating to children
9) an issue	i) an application to a higher court or body to examine again a case decided by a lower court or body and possibly give a different decision

10) a judge	j) of no legal effect
11) a juvenile court	k) to give part of one's powers or rights to another person or body
12) a trial	l) a point of dispute or matter for consideration in a court case

II. Give the Ukrainian for:

«Equal Justice Under Law»; to establish a separate judicial branch of government; to have one's own area of jurisdiction; under the U.S. Constitution; a trial court; claims for money damages; to affect the life of smb; rulings; the government law-making body; black Americans and other minorities; approve an appointment; to serve on the court for life; to take into consideration; to delegate power; a tiny fraction of legal cases; to hear minor civil and criminal cases; to process the bulk of the state's legal cases; innocent; guilty; evidence; to cheat.

III. Find in the text the English for:

судова влада; урегулювати спори між сторонами; тлумачити та застосовувати закон; паралельно існуючі судові системи; слухати справу; цивільні та кримінальні справи; касаційний суд; головний суддя; проголошувати неконституційним, а тому недійсним; суд останньої інстанції; порушення конституції; бути незалежним від центрального уряду; більшість злочинів та порушень; бути вільним у виборі системи судочинства; суд у справах неповнолітніх; звинувачувати у злочині; група неупереджених громадян; справедливо; згідно з законом.

IV. Complete the following sentences:

1. The United States is a nation...
2. The judicial branch of government in the USA operates...
3. Courts possess jurisdiction, the legal right and power...
4. The federal court system includes...
5. The district courts have jurisdiction...
6. The highest court of the USA consists of...
7. The Supreme Court may rule in cases...
8. The 50 states are not dependent...
9. Each state has its own court system...
10. Courts of limited jurisdiction hear...
11. In the United States a person accused of a crime is considered...
12. Any accused person must have...

V. Match the words on the left with their synonyms on the right. There may be more than one synonym.

<p>trial unjust to judge fit party grant district halt violation reduce settle</p>	<p>jail terminate correct give put an end to smth adjudicate area litigation cut down to be composed of case judicial examination investigate</p>
--	---

prison approve matter to consist of	litigant right unfair infringement end include decrease agree to goal issue biased breach
--	--

VI. Supply the correct word from the box for each space in the texts given below:

I

accept	cases	offense	inquire
empowered	appealed	disputed	allegations
litigants	juries	appropriate	

All trial courts in the United States have «original jurisdiction» to hear _____ in the first instance; that is, they are _____ to originate the case. They are interested in establishing a factual record of the _____ events based on proper procedures. _____ take turns presenting evidence and arguments. On the basis of that record, the judge (often with a jury) determines the _____ outcome of the case. A trial court's decision (known as a «verdict» in a criminal case and a «judgment» in a civil suit) may be _____ to a higher court, which has «appellate jurisdiction». The appellate court must _____ the lower court's reconstruction of the facts and may consider only questions of law, including procedural matters that arose during the initial trial. For example, appellate courts do not employ _____, but they may properly _____ about the procedures used to select the jury that rendered the decision in the trial stage, or the instructions the trial judge gave to that jury, or any _____ of jury bias. Citizens are constitutionally protected from «double jeopardy», that is, being tried more than once for the same _____ before the same level of tribunal.

II

<i>fixed</i>	<i>prisons</i>	<i>evidence</i>	<i>overcrowded</i>
<i>encouraged</i>	<i>goal</i>	<i>consequence</i>	<i>released</i>
<i>federal</i>	<i>punishment</i>	<i>guilty</i>	<i>sentenced</i>
<i>responsibility</i>			

Although each state has full _____ for its prison, the seventh amendment to the US Constitution prohibits «cruel and unusual _____, and if any _____ suggest that a state prison system may be breaking this rule an action against it may be brought in the _____ courts. In a series of cases, federal courts have ruled that prisoners being held in _____ conditions are indeed being subjected to «cruel and unusual punishment», and the logical _____ of these rulings was strict intervention by the federal courts in the operation of state prisons. Meanwhile there was frantic activity in building new _____ and expanding old ones. Thousands of prisoners were being _____ prematurely, and judges were being _____ to try, as

possible within reason, to avoid sentencing _____ people to imprisonment but to use alternatives, from community service to probation at home under close supervision. Some counties in New York State have used a new device, allowing people _____ to imprisonment to stay in their homes for periods instead, and providing them with electronic bracelets linked to a computer so as to monitor their movements. A home prisoner who breaks a personal curfew must go to _____ .

VII. Make up sentences of your own with the words and expressions given below:

to protect the actions	civil and criminal cases
to be responsible for smth	a litigant
to have jurisdiction	to be judged
to free smb from prison	to operate independently
to approve an appointment	to hear a case
crimes and violations	to declare unconstitutional
to be innocent	to serve on the court
to establish	to be dependent on smth
to be divided between	to be accused of smth
to consist of smth	to win justice
a court ruling	

VIII. a) Explain the meaning of the following legal terms from the text. Consult a dictionary if necessary.

binding decisions, an associate justice, nationwide jurisdiction, an accused person, a judicial district

b) In the text above find the definitions of the following legal terms:

judiciary, to be innocent, a jury, a state court system, courts of limited jurisdiction, district courts, a court of appeals, federal courts

IX. Make up questions to which the following statements will be the answers:

I

Q....

A. The guiding principle of the U.S. system of justice is «Equal Justice Under Law». It's engraved in the marble pediment above the entrance of the U.S. Supreme Court Building.

Q....

A. As mandated by the Constitution, the Supreme Court of the United States is the highest court. It consists of the Chief Justice and eight Associate Justices.

Q....

A. The Constitution provides that the Supreme Court has original jurisdiction in all cases affecting ambassadors to the United States, other public ministers and consuls and those involving two states or between a state and the federal government.

Q....

A. After initially examining each case submitted, the Justices of the Supreme Court hold a private conference to decide which cases to schedule for oral argument, which to decide without argument, and which to deny. If at least four Justices agree, a case will be taken by the Court for a decision, with or without oral argument, and the other petitions for review will be denied.

Q....

A. The 94 district courts, created by Congress, are the trial courts in the Federal judicial system. It is in these courts that most Federal cases are first tried and decided.

Q....

A. State courts have jurisdiction over virtually all divorce and child custody matters, probate and inheritance issues, real estate questions and juvenile matters, and they handle most criminal cases, contract disputes, traffic violations, and personal injury cases.

II

Q....

A. A civil action is begun by filing a complaint. Parties beginning a civil action in a district court are required to pay a filing fee set by statute. A plaintiff who is unable to pay the fee may file a request to proceed in forma pauper is.

Q....

A. Individuals may not file criminal charges in federal courts. A criminal proceeding is initiated by the government, usually through the U.S. attorney's office in coordination with a law enforcement agency.

Q....

A. The clerk's office in each district court usually is able to help find a referral service and local bar associations usually offer lawyer referral services, often without charge.

Q....

A. Litigants in civil cases may also proceed pro ce; that is, they may represent themselves without the assistance of a lawyer.

Q. ...

A. Each federal judge is commissioned to a specific court. Judges have no authority to hear cases in other courts unless they are formally designed to do so.

Q. ...

A. Magistrate judges are appointed by the district court to serve for eight-year terms. Some of their duties are: conducting most of the initial proceedings in criminal cases; trial of certain criminal misdemeanor cases; trial of civil cases with the consent of the parties.

Q...

A. The clerk's office responds without charge to most inquiries on the status of a case. Most federal courts have automated systems and telephone information systems. The federal judiciary also has an Internet homepage which includes links to individual court websites, as well as a directory of court electronic public access services.

Q....

A. All cases are handled as expeditiously as possible. The Speedy Trial Act of 1974 establishes special time requirements for the prosecution and disposition of criminal cases in district courts. The Act normally allows only 70 days from a defendant's arrest to the beginning of the trial. There is no similar law governing civil trial scheduling, but on average the courts are able to resolve most civil cases in less than a year.

X. Answer the questions. Begin your answers with:

I think/believe that...
Well, I'd just like to say that...
I am not sure I can remember all the details but...
I am not really sure, but I think that...
I'm afraid I can't give you the exact answer...
As far as I remember...

1. What are the three branches of power?
2. What is the judicial branch of power responsible for?
3. What is the distinctive feature of the US judiciary?
4. What kinds of cases do federal courts hear?
5. How many federal judicial districts are there in the USA?
6. What is the highest court of the USA?
7. Why can the decisions of the Supreme Court affect the lives of all Americans?
8. In what way are the Chief Justice and the Associate Justices appointed?
9. How long can the Chief Justice and the Associate Justices serve on the court?
10. Where are most of American cases handled?
11. What are the judicial systems of the states like?
12. What does the US Constitution guarantee to any accused person?

XI Agree or disagree with the statements. Give your reasons. The following phrases may be helpful:

I absolutely agree...	Well, I'm not sure I agree...
That 'sjust what I think...	I'm afraid I have to disagree...
The fact is that...	Perhaps I can begin by saying that...

1. In the USA law protects and directs the actions of all people equally.
2. The US courts don't possess enough power to make binding decisions.
3. The federal court system includes district courts (created by the U.S. Constitution) and the Supreme Court.
4. District courts have jurisdiction to hear only criminal matters.
5. The United States Supreme Court is the highest court of the land. It consists of the Chief Justice and seven Associate Justices.
6. Supreme Court decisions can't change society significantly.
7. The Chief Justice and the Associate Justices are named by the president and then they must be approved by the Senate.
8. The Chief Justice and Associate Justices should take into consideration political issues when making legal decisions.
9. The 50 states are not dependent on the central government for their powers.
10. State courts of limited jurisdiction process the bulk of the state's legal cases.
11. States are free to structure their judicial systems as they choose. Most have chosen a two-tier model.
12. In the United States a person accused of a crime is considered to be innocent until he or she is proven guilty.

XII. Translate into English:

Окружні суди (інколи їх назва перекладається як «районні») — це основна ланка федеральної судової системи США. Вся територія країни поділена на округи з урахуванням кордонів між штатами, так що в одному штаті є від одного до

чотирьох округів. Усього в наш час нараховується близько 94 окружних судів, у кожному з яких від 2 до 27 суддів. Вони розглядають як перша судова інстанція кримінальні та цивільні справи, що входять до компетенції федеральної юстиції, а також скарги на дії адміністративних органів та відомств.

Кримінальні та цивільні справи розглядаються за участю присяжних, якщо на цьому наполягає позивач чи відповідач і якщо при цьому сума позову перевищує 20 доларів. При окружних судах діють федеральні магістрати (ця посада була започаткована у 1968 р.). В основному федеральні магістрати займаються підготовкою справ до слухання, а також контролем за виконанням судових рішень. Магістрати мають право розглядати кримінальні справи самостійно, якщо вони належать до незначних злочинів і якщо відповідач засуджується до позбавлення волі на строк до одного року чи штрафом до 1000 доларів, за умови, що обвинувачений не наполягає на розгляді його справи суддею окружного суду. У 1978 р. при кожному з окружних судів як допоміжні органи були започатковані суди, що розглядають справи про банкрутство. Скарги на рішення цих судів подаються до окружного суду.

XIII. Act as an interpreter:

Oksana, a Ukrainian student, is taking a summer course of English in the USA. She has some problems with her home task, so she turns for help to her American friend *Jane*.

Oksana: Джей, ти знаєш, ми нещодавно обговорили систему судочинства у Сполучених Штатах і мені треба підготувати доповідь про те, як суди інформують громадян про прийняті рішення. Чи не могла б ти мені допомогти?

Jane: Of course, I'll help you with pleasure. Traditionally in the United States the courts issue written opinions. Official reporters publish the opinions based upon the official texts supplied by the courts.

Oksana: Пробач я тебе перебиваю, але я не зовсім розумію, що таке “офіційні джерела”.

Jane: Official reporters are special journals or publications, which receive official texts from the courts and are authorized to publish these texts.

Oksana: Чи не могла б ти навести якийсь приклад?

Jane: Oh, yes, certainly. For example, the decisions of the United States Supreme Court are found in an official reporter, the United States Reports.

Oksana: Ти говориш зараз про офіційні джерела, а чи існують якісь неофіційні? Якщо так, то що вони собою являють?

Jane: Unofficial sources include all other media reproductions of a document from an official source, or any published version when no actual pronounced official source exists.

Oksana: Хто публікує таку неофіційну інформацію?

Jane: This unofficial information is usually published by a private, commercial entity.

Oksana: Чим відрізняється офіційна інформація від неофіційної?

Jane: Nobody can guarantee that unofficial information is either accurate or reliable, but unofficial sources may contain additional or cross-referenced material that might make their use easier and more informative than the official source.

Oksana: Коли і навіщо використовують неофіційні джерела інформації?

Jane: Sometimes unofficial sources are cited when no official source is available and may even be cited as an additional reference after an official source citation.

Oksana: Щиро дякую тобі, Джейн. Ти так мені допоміг!

XIV. Render the following into English:

ЮВІЛЕЙ ВЕЛИКОГО ГАНГСТЕРА НЕ СВЯТКУВАЛИ НАВІТЬ МАФІОЗИ

У січні 1999 року якимось тихо і непомітно пройшов сторічний ювілей з дня народження Аль Капоне, найбільш відомого гангстера ХХ століття.

Аль Капоне, справжнє ім'я якого Альфонс Фьорелло Капоні, народився в Неаполі 1899 року. У 1909 році сім'я Аль Капоне, як і тисячі інших італійців, переїхала до Нью-Йорку у пошуках щастя. Старший брат Аль Капоне став поліцейським, тоді як сам Аль Капоне вибрав зовсім іншу стежку. Щоправда, розпочав Аль Капоне свою трудову діяльність помічником м'ясника у Брукліні, але досить скоро кримінальне середовище затягло його і Аль Капоне перетворився в одного з найвпливовіших та наймогутніших гангстерів Чикаго.

Заборона спиртного у 1919-1933 рр. сприяла появі цілої мережі гангстерських групувань і зростанню організованої злочинності. Аль Капоне створив злочинну імперію в Чикаго, яка контролювала підпільну торгівлю спиртним, гральний бізнес та проституцію. Бурхливі 20-ті роки зробили Аль Капоне національною знаменитістю. Поліція та ФБР були чудово поінформовані про його справи, але не могли нічого вдіяти. Великий гангстер завжди виходив сухим з води (come out unscathed). Він навіть не робив спроби сховатися від влади. Аль Капоне жив собі на втіху (live in grand style), з'являвся на люди, обідав у дорогих ресторанах. Усім своїм виглядом злочинець демонстрував, що він нічого не боїться.

Однак у 1932 році ФБР все ж вдалося посадити «чиказьку легенду» у в'язницю. Коли обвинуваченню не вдалося довести, що Аль Капоне займається незаконним бізнесом, його притягнули до суду за ухилення від сплати податків (tax evasion). Гангстер вийшов на свободу в 1939 році вже зломленим і так і не зміг відновити втрачений авторитет. Помер Аль Капоне в 1947 р.

Про його життя написано сотні книжок і знято, мабуть, стільки ж фільмів. А Чикаго, дякуючи Аль Капоне, дістав назву гангстерського міста.

THE SYSTEM OF JUSTICE IN THE UK

The UK has three legal systems, operating in England and Wales, in Scotland and in Northern Ireland and three systems of criminal justice.

Unlike many countries there is no single criminal or penal code in the UK, but rather an emphasis on the independence of prosecuting authorities and the judiciary. Civil law is concerned mostly with disputes between individuals or corporate bodies. Cases must be proved on the balance of probabilities (more than a 50 per cent probability that the defendant is liable) rather than the «beyond reasonable doubt» standard applied in criminal cases.

It is important to emphasise that, when making decisions in cases, Judges do not begin with a blank sheet of paper. They are bound by strict rules known as 'the doctrine of precedent'. Under this doctrine decisions of courts in previous cases are considered as a source of law which will influence or bind courts in later similar cases.

In both criminal and civil cases, the courts make decisions on an adversarial rather than an inquisitorial basis. In formal terms it is not the business of any court to find out «the truth». Its job is simply to decide «yes» or «no» to a particular proposition (in criminal cases, that a certain person is guilty of a certain crime) after it has heard arguments and evidence from both sides (in criminal cases these sides are known as the defense and the prosecution). In all three countries many areas of law developed over the centuries as courts made decisions and these decisions became a body of laws, established principles and procedures.

Judicial organizations in England and Wales. There is a strict hierarchy of courts in England and Wales, with the European Court of Justice (ECJ) at the top and Magistrates' Courts at the bottom. This hierarchy is important because lower courts are bound to follow the precedents set by higher courts. A precedent set by the ECJ, for example, must be followed by all courts since the ECJ is at the top of the hierarchy. That court has the highest authority to decide points of EU law.

The second court down the hierarchy is the House of Lords, which exercises the judicial function of Parliament. The decisions of the House of Lords are binding on all other courts except the ECJ. In theory appeal to the House of Lords is an appeal to the whole House but in practice lay peers do not participate in judicial sittings of the House. An appeal must be heard by at least three of the Lord Chancellor, the Lords of Appeal in Ordinary, and such peers as hold or have held high judicial office. The House of Lords has almost entirely appellate jurisdiction.

Below the House of Lords in the hierarchy is the Court of Appeal. It sits in both civil and criminal divisions. The Civil division hears appeals from the High Court, county courts and some special courts and tribunals. The Criminal division hears appeals by persons convicted on indictment in the Crown Courts.

The High Court in its civil jurisdiction is divided into three Divisions (Queen's Bench, Chancery and Family) to each of which certain kinds of cases are assigned. Divisional courts of each of the divisions consist of two or more judges and have limited appellate jurisdiction in certain cases. The main civil jurisdiction is exercised by single judges hearing cases of the kind appropriate to the divisions to which, the judges belong.

The criminal jurisdiction of the High Court is exercised exclusively by the Queen's Bench Division, which deals with appeals from a Crown Court and has the supervisory jurisdiction of the court.

The Crown Court is the superior English criminal court, which hears all cases tried

by jury and appeals from magistrates' courts. It exercises criminal jurisdiction and sittings are held regularly at major towns throughout England and Wales. It comprises judges of the Queen's Bench Division of the High Court, circuit judges and Recorders (part-time judges).

The lowest courts in the hierarchy are county courts and magistrates' courts.

County courts have exclusively civil jurisdiction, which is limited in extent and in area, and which is entirely statutory. These courts handle family proceedings, such as divorce, domestic violence and matters affecting children.

Magistrates' courts are the lowest courts of first instance with limited civil and criminal jurisdiction. All criminal prosecutions begin here. There are two kinds of magistrates:

- a) Justices of the Peace (lay magistrates) and
- b) Stipendiary magistrates.

Justices of the Peace are laypersons appointed by the Lord Chancellor. They are local people, with some knowledge of the areas for which they are appointed, who are prepared to give up a certain amount of their time to the discharge of their judicial duties. They are unpaid (though they may receive out-of-pocket expenses when adjudicating). A single lay justice has a very limited jurisdiction.

Stipendiary magistrates are full-time paid magistrates. They also are appointed by the Lord Chancellor and must be barristers or solicitors of at least 7 years standing. A stipendiary magistrate has all the powers of two or more lay Justices of the Peace.

The jurisdiction of magistrates' courts falls under three main headings:

- a) as a court of trial:

Offences tried at magistrates' courts include: petty theft, criminal damage, common assault, drunkenness, driving a motor-car without a driving license, driving without insurance, failing to obey traffic signs, parking offences, etc.

- b) as a court of preliminary investigation:

The magistrates' court must decide whether the case is serious enough to be sent to the Crown Court.

- c) miscellaneous:

In addition magistrates' courts perform some administrative functions in regard to liquor licensing, theatre and cinematograph licensing, etc.

The judicial system of Northern Ireland is similar to that of England and Wales, except in the case of offences involving acts of terrorism.

Scotland has its own legal system, separate from the rest of the Kingdom. Although it also uses an adversarial system of legal procedure, the basis of its law is closer to Roman and Dutch law. The names of several officials in Scotland are also different from those in England and Wales. A very noticeable feature is that there are three, not just two possible verdicts. As well as 'guilty' or 'not guilty', a jury may reach a verdict of 'not proven', which means that the accused person cannot be punished but is not completely cleared of guilt either.

Notes

Lord Chancellor – the chief judicial officer in the British Constitution. S/he is a peer and Cabinet Minister, Speaker of the House of Lords, president of the Supreme Court and of the House of Lords sitting as a final court of appeal.

Lord of Appeal in Ordinary – the title of a judge with a life peerage who exercises the judicial functions of the House of Lords. Lords of Appeal in Ordinary are also called the 'Law Lords'.

Vocabulary notes

penal code	карний (кримінальний) кодекс
prosecuting authority	орган кримінального переслідування
defense <i>n</i>	захист (у суді)
prosecution <i>n</i>	обвинувачення (як сторона у суді)
bind <i>v</i>	зобов'язувати
exercise <i>v</i>	здійснювати (право, правосуддя)
layer	який не є юристом (за освітою), мирський
lay justice	мировий суддя
convict <i>v</i>	засуджувати, проголошувати винним
indictment <i>n</i>	обвинувальний висновок
appropriate (to) <i>a</i>	відповідний
comprise <i>v</i>	включати (в себе), складатися з
statutory <i>a</i>	заснований на законі, статутарний
domestic violence	насильство в сім'ї
discharge <i>v</i>	виконувати (обов'язки тощо)
offence <i>n</i>	злочин, правопорушення
petty theft	дрібна крадіжка
assault <i>n</i>	напад, словесна образа і погроза застосування фізичної сили
miscellaneous <i>a</i>	інші
in regard to	стосовно чогось
liquor licensing	видача ліцензій на торгівлю спиртними напоями
punish <i>v</i>	карати, виносити покарання

I. Read, translate and learn the following definitions:

legal system	all the institutions, bodies of laws and principles, ideas, methods, procedures, traditions and practices which together form an organized system for the application of law in a state or community
code	a systematic written collection of laws on a particular subject or area of law
adversarial system	system of justice where judges do not investigate a case but reach a decision based on evidence presented by both sides
inquisitorial system	system of justice where the judge investigates the case and produces evidence
jurisdiction	the power of a court to hear and decide a case
party	each of the sides involved in a legal dispute
verdict	an official decision made by a jury in a court of law about whether someone is guilty or not guilty of a crime

II. a) Find in the text synonyms of the following words and expressions:

argument, power, examine, petition, adjudication, insignificant, proof, not guilty

b) Give the Ukrainian for:

criminal justice, to be concerned mostly with, to begin with a blank sheet of paper, to be guilty of a certain crime, at the top, at the bottom, to be binding on all other courts, to hold high judicial office, to be exercised exclusively by, supervisory jurisdiction, to be limited in extent and in area, matters affecting children, failing to obey traffic signs, a very noticeable feature.

III. Read the text given below and find equivalents of the Ukrainian words and expressions in the box. Retell the text.

звільнений повністю (від судової відповідальності, покарання) умовне звільнення відпустити на апробацію штраф примусові суспільні роботи ув'язнення смертна кара довічне ув'язнення

THE SENTENCE OF THE COURT IS...

If it is someone's first offence and the crime is a small one, even a guilty person is often unconditionally discharged. He or she is set free without punishment.

The next step up the ladder is a conditional discharge. This means that the guilty person is set free but if he or she commits another crime within a stated time, the first crime will be taken into account. He or she may also be put on probation, which means that regular meetings with a social worker must take place.

A very common form of punishment for minor offences is a fine, which means that the guilty person has to pay a sum of money.

Another possibility is that the convicted person is sentenced to a certain number of hours of community service.

Wherever possible, magistrates and judges try not to imprison people. This costs the state money, the country's prisons are already overcrowded and prisons have a reputation for being 'schools for crime'. Even people who are sent to prison do not usually serve the whole time to which they were sentenced. They get 'remission' of their sentence for 'good behavior'.

There is no death penalty in Britain, except for treason. It was abolished for all other offences in 1969. Although public opinion polls often show a majority in favor of its return, a majority of MPs has always been against it. For murderers there is an obligatory life sentence. However, 'life' doesn't normally mean life.

IV. Match the words on the left with their definitions on the right. Use the words in the sentences or situations of your own.

1) punishment	a) an application to a higher court or body to examine a case decided by a lower court or body and possibly give a different decision
2) court	b) not expert in the law, not a professional lawyer
3) defense	c) the system by which people are judged in courts of law and criminals are punished
4) appeal	d) a penalty for a crime or offence
5) prosecution	e) a person or group of persons with authority to hear and decide disputes by interpreting and applying rules of law

6) judge	f) the lawyer(s) who represent the defendant in a civil or criminal case
7) layperson	g) the person or body that take criminal proceedings against someone, including the lawyers who act against the accused person
8) justice	h) a person with authority to hear and decide disputes brought before a court for decision

V. Complete the sentences by filling in the following table. Connect the figures on the left with the letters on the right.

1) Civil law is concerned mostly with...	a) the judicial function of Parliament.
2) Offences tried at magistrates' courts include...	b) on an adversarial rather than an inquisitorial basis.
3) The Queen's Bench Division deals with...	c) disputes between individuals or corporate bodies.
4) The House of Lords exercises . . .	d) divorce, domestic violence and matters affecting children.
5) The Court of Appeal sits in both..	e) petty theft, criminal damages, common assault, etc.
6) In both criminal and civil cases, the courts make decisions...	f) appeals from a Crown Court.
7) County courts handle family proceedings, such as. . .	g) civil and criminal divisions.

VI. Agree or disagree with the statements. Give your reasons. The following phrases may be helpful:

I absolutely agree...	Well, I'm not sure I agree...
The fact is that...	That 'sjust what I think...
I'm afraid I have to disagree...	I'm sorry to say that's not right...

1. The UK has a single system of justice, operating in England and Wales, in Scotland and in Northern Ireland.
2. The decisions of the House of Lords are binding on all other courts.
3. The High Court in its civil jurisdiction is divided into two Divisions.
4. Magistrates' courts are the lowest courts of first instance with unlimited civil and criminal jurisdiction.
5. As a court of trial the magistrates' court must decide whether the case is serious enough to be sent to the Crown Court.

VII. Answer the questions. Begin your answers with:

I think/believe that...	As far as I remember...
Well, I'd just like to say that...	Well, let me see...

1. How many systems of justice are there in the UK? Why?
2. What does 'the doctrine of precedent' mean?
3. How does the adversarial system of justice work?
4. Why are the decisions of the House of Lords binding on all other courts except the ECJ?
5. What kinds of cases does the Crown Court hear?
6. What is the lowest court in the hierarchy in England and Wales?

VIII. Translate into English:

Серед юридичних джерел англійського права (судовий прецедент, статут /закон/, конституційний звичай /конституційна угода/, доктрина, міжнародний договір) найбільш важливим є судовий прецедент. Право Англії було і залишається прецедентним. Так, судовий прецедент обґрунтував невідповідальність монарха («король не може бути неправий»), санкціонував інститут контрасигнатури («король не може діяти один»). Визнання судового прецеденту джерелом права означає, що судові органи здійснюють не тільки юрисдикційну функцію (вирішення конфліктів на основі права), а й правотворчу. Обов'язкові прецеденти створюються лише так званими вищими судовими інстанціями: Палатою Лордів, Апеляційним судом і Високим судом. Нижні суди прецедентів не створюють.

Англійське правило прецеденту носить імперативний характер такого змісту: вирішувати так, як було вирішено раніше. Відповідно до цього правила кожна судова інстанція зобов'язана дотримуватися прецедентів, вироблених вищим судом, а також створених нею самою (якщо це вища судова інстанція). Прецедентні норми — це судові рішення (або його частина) у конкретній справі. Прецедентна норма права містить: 1) юридичний висновок у справі (визначення рішення); 2) аргументоване обґрунтування рішення (положення або принцип, що є підставою для визначення рішення). Ці два елементи становлять сутність рішення. Фактично тільки прецедентна норма носить обов'язковий характер. Усе інше в рішенні вважається «мимохідь сказаним» з метою переконати, схилити до тієї чи іншої позиції у питанні, яке не є предметом рішення.

XI. Render into English:

ЛІКАР УБИВАВ ПАЦІЄНТІВ ІЗ НАЙКРАЩИХ МІРКУВАНЬ

У кримінальному суді присяжних міста Тиссайд (Великобританія) почалися слухання у справі лікаря Говарда Мартіна, якого звинувачують у навмисному вбивстві трьох своїх пацієнтів. 71-річний сімейний лікар вколов трьом чоловікам, які були тяжко хворі, надвисоку дозу морфію.

Першою жертвою лікаря став 59-річний Френк Мосс, який страждав на рак легенів. Він помер у березні 2003 року. Як з'ясувало слідство, незадовго до цього лікар Мартін відвідував Мосса вдома. Спровадивши родичів хворого з кімнати, лікар вколов Моссу три дози морфія по 60 міліграмів, а наступного дня бідолаха помер.

Через чотири дні після смерті Мосса у будинку інвалідів помер 79-річний Стенлі Уелдон, у якого було важке психічне захворювання. Напередодні до нього покликали лікаря Мартіна, оскільки пацієнт поведився неспокійно. Уелдону лікар вколов 60 міліграмів морфія, як він потім пояснив, для того щоб той «трохи заспокоївся».

Про ці два злочини поліція дізналася в останню чергу. А перше обвинувачення проти лікаря-вбивці було висунуто у зв'язку зі смертю 70-річного Гаррі Гітінса, який помер у січні 2004 року, через сім днів після операції на стравоході. Саме підозріле лікування з використанням морфію та героїну, після якого Гітінс помер, змусило його родичів звернутися в поліцію.

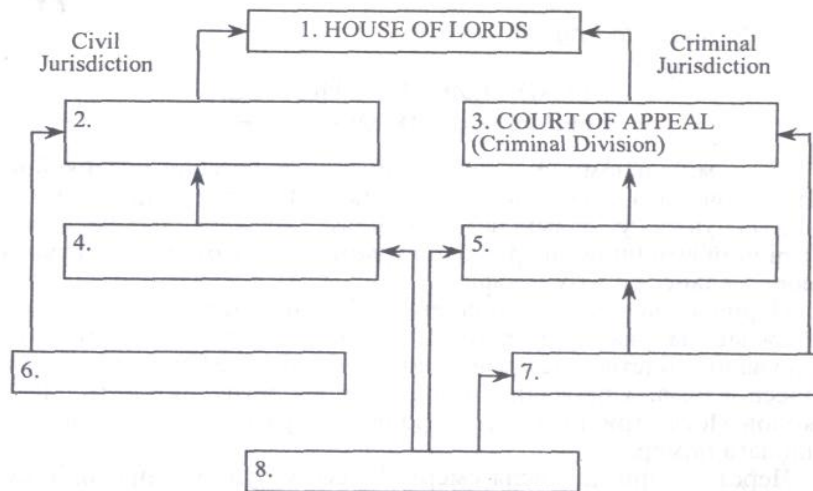
У результаті експертизи, що була проведена після ексгумації тіл, було встановлено, що в усіх випадках доза наркотичної речовини перевищувала гранично допустиму норму.

Виступаючи у суді обвинувач заявив, що всі три пацієнти були тяжко, але не

смертельно хворі, і Говард Мартін не мав ніякого права вирішувати, коли їм помирати. Сам обвинувачуваний повністю заперечує факт вбивства і стверджує, що він лише «намагався полегшити їхні страждання».

X. Checkpoints

Complete the diagram that describes judicial organization in England and Wales and answer the questions given below:



1. What are the two main areas of English courts?
2. Which courts exercise jurisdiction in both areas?
3. Which are the superior courts in England and Wales?
4. Which is the final court of appeal?
5. Which Division of the High Court has criminal jurisdiction?
6. What is the maximum number of appeals in a civil case?
7. And in a criminal case?
8. Do the county courts hear all civil cases?

Use your completed diagram to describe the organization of the courts and judiciary in England and Wales. Include the following points:

- Courts of civil and criminal jurisdiction
- The hierarchy of courts
- The role and jurisdiction of each court.

Compare the organization of the courts and judiciary in England and Wales and in your own country. Choose one of the following points which interest you and prepare to talk about your ideas:

- Areas of jurisdiction of the courts
- Hierarchy of the courts and system of appeals
- Use of lay magistrates to decide less important civil and criminal cases.

Plan for rendering the newspaper article
Some expressions to be used while rendering

The title of the article	<ol style="list-style-type: none"> 1. The article is headlined 2. The Headline of the article I've read is
The author of the article, where and when the article was published	<ol style="list-style-type: none"> 1. The author of the article is 2. The article is written by 3. It was published in issue 4. It was printed in
The main idea of the article	<ol style="list-style-type: none"> 1. The author tackles the problem 2. The main idea of the article is 3. The article is about
The article is devoted to	<ol style="list-style-type: none"> 1. The article deals with 2. The article touches upon 3. The purpose of the article is to give the reader some information about (on)
The contents of the article	<ol style="list-style-type: none"> 1. The author starts by telling the reader about /that 2. The article opens by mentioning, the analyses of, the summary of, the analyses of, a review of, an account of, the accusation of, the exposure of, the praises of..... 3. The author writes, states, stresses, thinks, points out, says, pays attention to, depicts, dwells on, generalize about, criticizes, enumerates, reveals, exposes, accuses, praises, gives a summary of, gives his account of 4. The article describes 5. According to the article 6. The article goes on to say that 7. In conclusion 8. The author comes to the conclusion that
Your opinion of the article	<p>To sum it all up we should say....</p> <p>I found the article interesting (of no value, dull, too hard to understand, easy to read, important, actual, exciting, wonderful)</p> <p>I advise it to read to my fellow-students because it enriches our knowledge in the field of, it enlarges our scope</p>

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