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ENGLISH FOR STUDENTS OF LAW FACULTY

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Мета цього посібника полягає у підтримці системного та поступового опанування англійської граматики, лексичного матеріалу та спеціалізованої термінології, а також у розвитку навичок професійної комунікації та роботи з галузевою літературою.

Він базується на сучасних принципах, орієнтованих на комунікативні потреби майбутніх спеціалістів.

Посібник містить 22 розділи, які охоплюють такі теми: цивільне право, майнові відносини, сімейне право, договірне право, кримінальне законодавство, система покарань, деліктне право, процес доказування та слідчі дії, а також судова система.

Усі розділи побудовані за єдиною структурою:

1. Словник термінів для активного засвоєння.
2. Професійний текст.
3. Комплекс вправ для перевірки розуміння та аналізу текстової інформації з професійної тематики.
4. Комплекс вправ для освоєння словникового запасу, запропонованого у розділі.
5. Завдання для вдосконалення навичок усного мовлення з фаху.
6. Граматичний блок, який демонструє ключові аспекти застосування граматичних конструкцій сучасної англійської мови, а також граматичні вправи для перевірки.

Посібник має структуру, яка сприяє створенню у студентів ґрунтовного тематичного словника та ефективному опануванню професійної термінології.

Цей посібник створений аби задовольнити потребу в засвоєнні професійної термінології за допомогою лінгвістичних інструментів.

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Unit 1

Text: Substantive Civil Law

Grammar: The Passive Voice (Simple)

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What is a civil law system?
2. What is the main difference between civil law and common law?
3. What do you know about the history of civil law?

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

1. Civil law	a) деліктне право
2. Commercial law	b) доказове право
3. Consumer protection law	c) екологічне право
4. Environmental law	d) законодавство про захист споживачів
5. Insurance law	e) майнове право
6. Labour law	f) податкове право
7. Law of evidence	g) страхове право
8. Property law	h) торговельне право
9. Tax law	i) трудове право
10. Tort law	j) цивільне право

Vocabulary notes:

adoption	усиновлення
alimony	виплата утримання розлученій дружині
borrower and lender	позичальник і позикодавець
business entity	суб'єкт господарювання
child custody	утримання й опіка над дитиною
court records	матеріали судового засідання
disability insurance	страхування від

	непрацездатності
divorce	розлучення
enforceable	який має позовну силу
exhibit	речовий доказ
guardianship	опіка; опікунство
income	прибуток; дохід
industrial action	страйк робітників
interaction	взаємодія
libel	наклеп (*у пресі*)
marital property	подружнє майно
mortgagor and mortgagee	боржник і кредитор по заставній
negligent	недбалий; халатний
partnership	товариство, компанія
pollution	забруднення (*довкілля*)
safeguard	охороняти, гарантувати
tax	державний податок;
testimony	показання свідка
trade secret	професійна таємниця
unfair dismissal	несправедливе звільнення

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

Substantive Civil Law

Substantive civil law consists of numerous sets of principles determining the rights, duties and obligations that exist between individuals and institutions such as corporations and government bodies. Each set of principles is covered by a separate civil law category, developed by the courts and legislatures over a long time. Below you will find some of the more common substantive civil law categories utilized by the law books:

Civil Rights law comprises statutes and constitutional provisions that apply to discrimination on the basis of such legally

recognized characteristics as race, sex, ethnic or national background or color.

Commercial law includes such titles as principal and agent, borrower and lender, bank and their customers, wholesaler and retailer and mortgagor and mortgagee; carriage by land and sea; bill of lading and bill of exchange.

Consumer protection laws are a form of government regulation which aims to protect the rights of consumers. For example, a government may require businesses to disclose detailed information about products – particularly in areas where safety or public health is an issue, such as food.

Contract law indicates when written or oral agreements are enforceable, how they are discharged, when they may be broken, and what happens if they're broken or cancelled.

Company law (also "corporate law" or "the law of business association") is the field of law concerning companies, corporations, partnerships and other business organizations. It also specifies the relationship between a business entity and outside parties who commercially interact with it.

Education law deals with the rights of students and the restrictions placed on them by schools, educational standards, competency testing, financial assistance to students, teachers' rights and responsibilities.

Labour law can be divided into two parts. The first one, employment law or individual labour law, is the part which regulates individual employment rights, for example, the rules relating to unfair dismissal, equal pay, etc. The second one, collective labour law, is the part which relates to collective activity, e.g.: industrial action, admission to and expulsion from trade unions.

Environmental law is a complex body of statutes, regulations and cases that operates to control the interaction of humanity and the natural environment. These norms may be divided into two major subdivisions: 1) pollution control and remediation, 2) resource conservation and management.

Family law is an area of the law that deals with family-related matters and domestic relations including:

– the nature of marriage;

– issues arising from marriage, including marital property, child custody, guardianship and adoption;

– the termination of the relationship and matters associated with it: e.g. divorce, property settlements, child visitation and alimony.

Insurance law pertains to problems arising under any kind of insurance contract, such as life insurance, car insurance and disability insurance.

Law of evidence governs the use of testimony and exhibits or other documentary material which is admissible in a judicial or administrative proceeding.

Media law pertains to the print and broadcast media, include such items as libel, privacy, censorship, access to government information and court records, licensing of radio and television stations.

Property law is the area of law that governs the various forms of ownership in real (immovable) property and in personal (movable) property. Thus it governs valuable things that people call "theirs".

Intellectual Property law aims at safeguarding creators and other producers of intellectual goods and services. Its norms and procedures encompass copyrights, trademarks, trade secrets and patents.

Tax law covers the issues related to national and local taxation of such items as income, personal property, business profits, real estate, and sales transactions.

Tort law (Personal Injury law) pertains to any injury to a person or business that is directly caused by the intentional or negligent actions of another.

II. COMPREHENSION

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

1. civil law category	3. safety or public health
2. government regulation	4. business entity
5. educational standards	8. judicial or administrative proceeding
6. unfair dismissal	9.access to government information
7. marital property	10. trade secrets

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

1. What does the civil law cover?
2. What are the main sub-divisions of civil law?
3. What branch of civil law defines whether written and oral agreements are enforceable or not?
4. What matters are regulated by family law?
5. What is the aim of Intellectual Property law?
6. Give examples of consumer protection laws?
7. Which part of labour law deals with industrial actions?
8. Are teachers' rights and responsibilities regulated by norms of Civil Rights law?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. The law of business association is an equivalent to industrial law.
2. Intellectual Property law deals with various forms of ownership in real and personal property.
3. Commercial law specifies how companies, corporations, partnerships and other business organizations are formed.
4. The nature of marriage is defined by contract law.
5. Personal injury law clarifies what materials are admissible as evidence in a judicial or administrative proceeding.

6. The issues related to national and local taxation of sales transactions are regulated by commercial law.

Exercise 4. Complete the following sentences according to the information from the text:

1. A government may require businesses to disclose detailed information about products – particularly in areas where ….. .
2. Company law specifies the relationship between a business entity and outside parties who ….. .
3. The norms of Environmental law may be divided into two major subdivisions: ….. .
4. Property law governs valuable things that ….. .
5. The norms and procedures of Intellectual Property law encompass ….. .

III. VOCABULARY STUDY

Exercise 1. Write sentences using the following terms.

broadcast media; business profits; car insurance; company law; discrimination; duties and obligations; employment rights; government regulation; marriage; natural environment; negligent actions; personal injury; real property; teachers' rights; written or oral agreements.

Exercise 2. Choose the right preposition in brackets according to the contents of the sentences (at, in (3), of (7), to (4), by)

1. Intellectual Property law aims … safeguarding creators and other producers … intellectual goods and services.
2. Law … evidence governs the use … testimony and exhibits or other documentary material which is admissible ... a judicial or administrative proceeding.
3. Media law pertains … the print and broadcast media, include such items as libel, privacy, censorship, access … government information and court records, licensing … radio and television stations.

4. Property law is the area … law that governs the various forms … ownership … real property and … personal property.

5. Tort law pertains … any injury … a person or business that is directly caused … the intentional or negligent actions … another.

Exercise 3. Substitute the words in italics with the words from the active vocabulary.

1. Education law deals with the rights of *learners* and the *limitations* placed on them.

2. Environmental law is a *composite* body of statutes, regulations and cases that operates to control the *cooperation* of *mankind* and the natural environment.

3. Family law is *a field* of the law that *handles* family-related matters and *home* relations.

4. Insurance law pertains to problems *emanating from* any *type* of insurance *agreement*.

5. Property law *controls* valuable *belongings* that people call "theirs".

Exercise 4. Complete the sentences with the words of the active vocabulary.

constitutional provisions, exhibits, government regulation, ownership, statutes, taxation, testimony,

1. Civil Rights law comprises … and … that apply to discrimination.

2. Consumer protection laws are a form of … which aims to protect the rights of consumers.

3. Law of evidence governs the use of … and … or other documentary material.

4. Property law is the area of law that governs the various forms of … in real (immovable) property and in personal (movable) property.

5. Tax law covers the issues related to national and local … .

Exercise 5. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example: *to discriminate – a discrimination (n.) e.g. Religious discrimination involves treating a person unfavorably because of his or her religious beliefs.*

to govern; to mortgage; to proceed; to protect; to require

Exercise 6. Give the English equivalents for the following word combinations:

авторське право; захист споживачів; матеріали судового засідання; недбалий; нерухомість; обмеження; переказний вексель; позичальник і позикодавець; показання свідка; професійна таємниця; профспілка; речовий доказ; суб'єкт господарювання; транспортна накладна; шлюб.

Exercise 7. Complete the words using definitions.

a document or object produced in court and referred to or identified by a witness in giving evidence	ex_i_ _t
an allowance paid under a court order by one spouse to another when they are separated but not divorced	_li_ _n_
the act or principle of levying taxes or the condition of being taxed	_a_ati_ _
the dissolution of a marriage by judgment of a court or by accepted custom	_ _v_ _ce
the publication of defamatory matter in permanent form, as by a written or printed statement, picture, etc	l_ _ _l

Exercise 8. Translate into English.

1. Цивільне право як самостійна галузь права складається із численного ряду законів, які визначають права, обов'язки і зобов'язання, що існують між людьми й установами.

2. Торговельне право охоплює такі поняття як позичальник і позикодавець, оптовий і роздрібний продавець, боржник і кредитор по заставній.

3. Законодавство про освіту регулює права й обов’язки студентів і викладачів у навчальних закладах.

4. Екологічне право – це звід законів і постанов для контролю над взаємодією людини і довкілля.

5. Сімейне право – це галузь права, що регулює сімейні питання й подружні взаємини.

6. Страхове право стосується проблем, що виникають при виконанні будь-якого договору страхування.

7. Доказове право управляє використанням показань свідка й речових доказів.

8. Майнове право – це галузь права, що управляє різними формами нерухомої й рухомої власності.

9. Право інтелектуальної власності має на меті охорону авторів і виробників інтелектуальної продукції й послуг.

10. Податкове законодавство охоплює проблеми, пов'язані з оподаткуванням прибутків громадян і підприємств.

IV. SPEAKING

Exercise 1. Discuss in group:

– What are the common substantive civil law categories? Use key words (statutes and constitutional provisions, a form of government regulation, the field of law, a complex body of statutes, regulations and cases).

– What is the main aim of environmental law? What environmentally harmful consequences do you know?

– Explain in other words what business entity is.

– How do you understand the main principles of Civil Rights law?

– Explain the difference between two parts of Labour law**.**

Exercise 2. Work in pairs. Choose any word or word combination from the list below and let your partner guess the word you have chosen. Your partner should ask you questions and your answer must be just "Yes" or "No". There will be no more than 20 questions.

government body, statute, discrimination, bank, consumer, agreement, business organization, dismissal, natural environment, adoption, insurance contract, testimony, trademark, income.

Exercise 3. Explain the difference between these words using all information from the unit:

employer and employee; borrower and lender; mortgagor and mortgagee; marriage and divorce; real property and in personal property.

Exercise 4. Say what you know about the following subdivisions of Civil Law:

Computer laws; Cyber law; Elder laws; Health laws; Prison laws; Vehicle laws.

V. GRAMMAR FOCUS

Grammar Revision

The Passive Voice (Simple)

1) We use the Passive Voice in three main ways:

– to describe a process

– when the action is more important than who does it:

The computer **was repaired** in 3 hours.

– when we do not know, or do not want to say, who does the action:

The letter **was received** a week ago.

2) The agent (by …) is only used when it includes important information:

America was discovered **by** Columbus in 1492.

3) When you want to mention what the agent used in order to carry out an action, you use "with".

The letter was written **with** my pen.

Form	**be + Past Participle** **Simple**
Present	the letters are written
Past	the letters were written
Future	the letters will be written

Exercise 1. Change the following sentences into the Passive Voice using the Simple Tenses.

1. He often asks me to help them. 2. His friends never forgave his betrayal. 3. His parents regularly sent him parcels with fruit from their garden. 4. I'm sure we'll settle the matter easily. 5. She will make a new discovery soon. 6. Steve will make a report at the conference. 7. The manager offers me several jobs. 8. The officer charged him with a very important mission. 9. The policeman fined the driver for exceeding the speed limit. 10. The Spanish government offered Columbus three ships. 11. The teacher explained the rule to the students. 12. They play tennis all year round. 13. They usually do written exercises in class. 14. They usually send their children to camp for summer. 15. They will promise you much, but don't imagine they will give you everything.

Exercise 2. Complete the sentences using the correct passive (simple) form of the verbs in brackets.

1. Do you believe that such a problem can (solve)? 2. Dynamite (invent) by Alfred Bernhard Nobel. 3. If you (ask) about it, will you be able to answer? 4. It must (do) without delays. 5. On September 9, 1850, California (admit) to the Union as the thirty-first state. 6. The first draft resolution (not discuss) yesterday. 7. The money (lend) to him two months ago. 8. This exercise may (write) with a pencil.

Exercise 3. Translate into English.

1. Будівництво цього готелю було розпочато ще в 2001 році. 2. Декілька працівників нашої фірми було звільнено через шахрайство. 3. Ми не можемо повірити вашим словам, оскільки всі ваші вимоги були задоволені. 4. Побутові послуги сплачуються за допомогою пластикової картки. 5. Права споживачів захищаються державою. 6. Цей закон про захист прав споживачів був прийнятий кілька років тому.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. In your opinion, what is the primary purpose of civil law: to punish the wrongdoer or to compensate the victim?

2. How would you define the "social contract" between individuals in terms of legal rights and duties?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) enforceable	a) the state of being legally responsible for something.
2) liability	b) a sum of money claimed or awarded in compensation for loss or injury.
3) breach	c) capable of being compelled by a court or legal authority.
4) redress	d) an act of breaking or failing to observe a law, agreement, or code of conduct.
5) damages	e) remedy or compensation for a wrong or grievance.

3. Reading Text

THE PILLARS OF SUBSTANTIVE CIVIL LAW: RIGHTS, DUTIES, AND LIABILITIES

Substantive civil law serves as the bedrock of private legal relations, defining the specific parameters of how individuals and legal entities interact. Unlike procedural law, which dictates the "how" of legal machinery, substantive law establishes the "what" – the actual essence of legal entitlements and obligations. This framework rests upon three interlocking pillars: **rights**, **duties**, and **liabilities**.

At the heart of civil jurisprudence lies the concept of **rights**.

These are legally protected interests that an individual can assert against others or the state. Whether it is the right to property, the right to personal integrity, or the right to the fulfillment of a contract, these entitlements provide the autonomy necessary for a functioning society. However, a right is seldom absolute; it is almost always inextricably linked to the **duty** of another.

Duties represent the flip side of the legal coin. In a civil context, a duty is a legal obligation to act – or refrain from acting – in a way that respects the rights of others. For instance, in tort law, individuals owe a "duty of care" to avoid causing foreseeable harm to their neighbors. When a person fails to uphold this obligation, the legal equilibrium is disrupted, shifting the focus from abstract duties to concrete consequences.

This leads to the third pillar: **liability**. Liability is the legal mechanism that triggers when a **breach** of duty occurs. It is the condition of being responsible for a loss or injury, necessitating a remedy. In substantive civil law, liability is rarely about retribution. Instead, it is focused on *restitutio in integrum* – restoring the injured party to the position they would have occupied had the wrong not occurred. Through the awarding of damages or specific performance, the law seeks to balance the scales, ensuring that rights are not merely theoretical but are backed by the power of legal redress.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Substantive law is primarily concerned with the technical steps of how a court case proceeds.
2. In civil law, a person's right is usually connected to someone else's legal obligation.
3. The main goal of liability in civil law is to punish the person who broke the rules.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: breach, redress, liability, enforceable, damages.

1. If the company fails to deliver the goods by Friday, they will be in _____ of contract.

2. The court ordered the defendant to pay $10,000 in _____ to cover the victim's medical expenses.

3. A verbal agreement is often difficult to prove, making it less likely to be _____ in a court of law.

4. The lawyer argued that his client should not be held under any _____ because the accident was caused by "force majeure."

5. Small claims courts provide an accessible way for citizens to seek _____ for minor financial disputes.

Unit 2

Text: Civil Procedure

Grammar: The Passive Voice (Continuous)

I. WARMING-UP

Exercise 1. Answer the following questions:

1. Do you think it is important for law students to study civil procedure? Explain your viewpoint.
2. Who can be a party to a civil dispute?
3. Have you ever wanted to sue someone?

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

1. appeal	a) судова справа
2. complaint	b) відповідач
3. defendant	c) клопотання
4. lawsuit	d) підпис
5. party	e) позивач
6. plaintiff	f) скарга
7. pleading	g) сторона
8. subscription	h) апеляція

Vocabulary notes:

adjudication	судове рішення, вирок
burdensome	обтяжливий; тяжкий
cross-examination	перехресний допит
discovery	представлення документів суду
in personam action	позов стосовно конкретної особи
in rem action	речовий позов
injunction	судова заборона
invoke	посилатися на щось
jurisdictional allegation	заява, що стосується юрисдикції
jury trial	суд присяжних
opening statement	вступна промова

prayer for relief	прохання про надання судового захисту
proper	правильний, належний, відповідний
rebuttal evidence	контрдоказ, спростовуваний доказ
rectification	внесення виправлень
remedy	засіб судового захисту
rescission	анулювання, скасування
retrial	перегляд судової справи
ruling	постанова, ухвала
seek relief	шукати судового захисту
sought	бажаний, необхідний
special damages	реальні збитки, що визначаються особливими обставинами справи
specific performance	виконання договору в натурі, реальне виконання
statutory limitation	установлений законом
subject matter	зміст, сутність, предмет вивчення

Read the text to search for new information on civil procedure in Anglo-American legal system.

Civil Procedure

Civil procedure concerns a wide range of issues which can be analyzed in the following sequence: jurisdiction; venue; pleading; parties; discovery; trial and post-trial.

Jurisdiction is the power or authority that a court has to hear a particular case. When considering the question of jurisdiction, one of the first points that must be determined is whether the case is in rem or in personam action. An in rem action is a lawsuit that is directed against property rather than against a particular person. An in personam action is a lawsuit in which the plaintiff seeks damages or other relief against a specific person or entity.

Venue is a statutory limitation on the geographical location of litigation to prevent a plaintiff from suing where it would be burdensome for the defendant to appear and defend. Even when

jurisdiction and venue are proper, courts may decline to exercise jurisdiction on the ground that the location the plaintiff selected for the case is grossly inconvenient.

The essential parts of the **complaint** are: the caption, jurisdictional allegations, body, prayer for relief, and subscription.

a) Caption must set forth:

– the name of the court;

– the number assigned to the action (stamped by the clerk when the action is filed);

– a designation of the pleading (e.g., "Complaint for Damages"); and

– the names of the parties.

b) Jurisdictional allegations give grounds upon which the subject matter jurisdiction of the court is invoked.

c) Body is a part of complaint which contains a statement of the facts upon which recovery is sought.

d) Prayer for relief is a statement of the relief sought.

e) Subscription: The complaint must be signed by the lawyer or by the party himself, where he is acting as his own counsel.

Stages of jury trial:

– opening statements of plaintiff and defendant;

– presentation of direct evidence by plaintiff, with cross-examination of each witness by defendant, etc.;

– presentation of direct evidence by the defendant, with cross-examination, etc.;

– presentation of rebuttal evidence by plaintiff and defendant;

– arguments of plaintiff and defendant to jury;

– final closing argument of plaintiff to jury;

– instructions to jury by judge;

– verdict of jury;

– adjudication.

Adjudication is usually in the form of the following **remedies**:

a) Damages are an order from the court that an amount of money must be paid to the claimant. This is called an award of damages. There are different types of damages awarded by the civil courts:

– Special Damages: this is the name for damages which can be calculated specifically;

– General Damages: these are for things which can't be easily calculated. This may include an amount for pain and suffering and also for loss of future earnings;

– Exemplary Damages (or punitive damages): these are damages which are intended to punish the defendant and not merely to compensate the claimant.

b) An Injunction may be awarded by the judge where damages would not be an appropriate remedy. It is an order by the court to stop doing something.

c) Rectification is an order from the court that a document should be altered to reflect the parties' true intentions. The court will only grant this remedy where is it satisfied that a mistake was made in drawing up the document so that it is no longer a true version of what the parties originally agreed.

d) Specific Performance is only used in contract law. It is an order of the court to do something if it is envisaged by the contract itself.

e) Rescission is also only available in contract cases. The aim is to return the parties to the dispute as far as possible to their pre-contractual position.

An **appeal** is the normal procedure for obtaining review by a higher court. The function of the appeal is to assure that the trial has been conducted in a lawful manner and that judgments conform to the law. An appeal normally does not involve a retrial of the case, but is limited to a consideration of the rulings by the lower court in light of the record on which those rulings were made.

II. COMPREHENSION

Exercise 1. Scan the text to find legal terms which correspond to the following explanations:

− a member of the legal profession;

− an instruction or order issued by a court to a party to an action;

− an authoritative regulation or direction concerning method or procedure;

− the right to have a contract set aside if it has been entered into mistakenly;

− a second or new trial.

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

1. What do they refer to as "civil procedure"?
2. What do they understand by "jurisdiction"?
3. What is "venue"?
4. What are the essential parts of the complaint?
5. Can you enumerate the stages of jury trial?
6. Who instructs jurors at the trial?
7. What remedies are available in civil litigation?
8. What do they call the normal procedure for obtaining review by a higher court? What functions does it have?

Exercise 3. React to the following statements: agree or disagree. Support your answers by the information or facts from the text.

1. An in rem action is a lawsuit that is directed against a particular person rather than against property.
2. When jurisdiction and venue are proper, courts may never decline to exercise jurisdiction.
3. An appeal normally involves a retrial of the case.
4. A jury trial as a rule begins with closing arguments of parties.

5. A designation of the pleading is defined in a body of complaint.

Exercise 4. Complete the following sentences according to the information from the text:

1. Jurisdiction is the power or authority that …..
2. An in rem action is a lawsuit that is directed against …..
3. The essential parts of the complaint are: …..
4. Prayer for relief is a statement of …..
5. An injunction may be awarded by the judge where damages …..
6. Specific performance is only used in …..
7. An appeal is the normal procedure for …..

Exercise 5. Explain the following terms and expressions in your own words:

discovery; entity; subscription; jury trial; opening statement; injunction.

III. VOCABULARY STUDY

Exercise 1. Write out of the text all words and combinations with the following words. Translate them and use some of them in your own sentences:

issue; case; jurisdiction; complaint; trial; action; defendant; damages; remedy; appeal.

Exercise 2. Who or what do the pronouns in bold type refer to?

1. **They** may decline to exercise jurisdiction on the ground that the location the plaintiff selected for the case is grossly inconvenient.
2. **They** give grounds upon which the subject matter jurisdiction of the court is invoked.
3. **It** contains a statement of the facts upon which recovery is sought.

4. **It** must be signed by the lawyer or by the party himself, where he is acting as his own counsel.

5. **It** may be awarded by the judge where damages would not be an appropriate remedy.

6. **It** normally does not involve a retrial of the case,

Exercise 3. Complete the sentences with the words / phrases of the active vocabulary. If necessary refer to the text.

1. When considering the question of ….., one of the first points that must be determined is whether the case is ….. or ….. action.

2. The essential parts of the ….. are: the caption, jurisdictional allegations, ….., prayer for relief, and …...

3. Damages are an order from the ….. that an amount of money must be paid to the …...

4. These are damages which are intended to punish the ….. and not merely to compensate the claimant.

5. An ….. is an order by the court to stop doing something.

6. Specific performance is only used in ….. law.

7. The function of the ….. is to assure that the trial has been conducted in a lawful manner and that judgments conform to the law.

Exercise 4. Write the words / phrases associated with the given concepts:

1. Civil procedures: …..
2. Plaintiff: …..
3. Defendant: …..
4. Jurisdiction: …..
5. Damages: …..
6. Appeal: …..

Exercise 5. Give the English equivalents for the following word combinations:

шукати захисту в суді; передбачений законом; заголовок судового документа; заява, що стосується юрисдикції; посилатися на щось; головна частина (документа); підпис, підписання; суд присяжних; вступна промова; перехресний допит; контрдоказ; заключне слово; засіб судового захисту; рішення суду про відшкодування збитків; загальні збитки; грошове відшкодування у вигляді покарання відповідача для прикладу; судова заборона; реальне виконання; анулювання, скасування.

Exercise 7. Translate into English.

1. Речовий позов – це судовий процес, який спрямований проти власності, а не проти певної особи.
2. Позов до конкретної особи – це судовий процес, в якому позивач шукає захисту в суді проти приватної або юридичної особи.
3. Заголовок судового документа має містити в собі призначення клопотання.
4. Заяви, що стосуються юрисдикції дають обґрунтування, на зміст яких посилається суд.
5. Основна частина документа – це частина скарги, яка містить виклад фактів, на підставі яких вимагається відшкодування.
6. Скаргу повинен підписати адвокат або безпосередньо сторона процесу, якщо вона діє на свій власний розсуд.
7. Суд присяжних заслуховує представлення свідчень відповідача з перехресним допитом.
8. Реальні збитки – це втрати, які можуть бути вирахувані більш точно.
9. Судова заборона може бути ухвалена суддею, коли відшкодування не може бути відповідним засобом судового захисту.

10. Внесення виправлень – це розпорядження суду, якщо документ потребує змін враховуючи законні прагнення сторін.

11. Анулювання можливе лише у справах пов'язаних із контрактом.

12. Функція апеляції – запевняти, що судовий розгляд проводився законно й рішення суду відповідає закону.

IV. SPEAKING

Exercise 1. Say what you know about such constituents of civil proceedings as:

1. subpoena; 2. counterclaim; 3. objection; 4. cross-examination of witnesses; 5. brief on appeal.

Exercise 2. Determine which of the following situations are substantive and which are procedural issues:

1. Joyce sues Mishael for injuries received in an automobile accident. Mishael maintains that Joyce filed suit in the wrong court entirely.

2. Maxwell and Franco are brothers. Maxwell is sued, but he claims that the summons in the suit was given to Franco. Therefore, Maxwell maintains that since he never properly received the summons, he should not have to answer the suit against him.

3. Margo and Clay are involved in a breach of contract dispute. Margo alleges that Clay was obligated by the contract to paint her house yellow. In fact, Clay painted the house purple.

Exercise 3. Read and discuss in group:

The state legislature of Texas, United States, enacts a rule of procedure that requires that all petitions for dissolution of marriage be filed in the court of the county where the petitioner is domiciled. This is an example of a rule of procedure that applies to the entire jurisdiction (the entire state). The county court of Weir County (the same state) enacts a local rule that requires petitions for divorce to be filed only on Mondays with the Clerk of the Court, Domestic

Relations Division. This local rule is created by the county court and would apply in no other county in the state.

Points for Discussion

1. Why are local rules necessary?

2. Wouldn't it be easier to have completely uniform rules for an entire jurisdiction?

Exercise 4. Examine the following statements and identify at what stage of trial each would occur:

1. "Ladies and gentlemen of the jury, it is our belief that the evidence you will see today will convince you by a preponderance that the defendant is not responsible for the losses of the plaintiff as alleged."

2. "Mr. Smith, as a juror do you feel you could put aside your personal feelings about drunk drivers and consider the defendant as innocent until proven responsible for the accident in which the plaintiff's property was harmed?"

3. "Ms. Johnson, isn't it true that you had been drinking yourself on the night you claimed to have witnessed the accident involving the defendant?"

4. "It is abundantly clear from the evidence that the plaintiff's damage resulted not from the defendant's actions but rather, from the plaintiff's own contributory negligence in driving at a speed too fast for conditions after working for a continuous eighteen hours at her job."

Exercise 5. Create a detailed chart that demonstrates each step of court procedure from the time a lawsuit is filed up to the appeal.

Exercise 6. Make a report on the topic "Civil Law", paying attention to the following points in your speech:

− nature of civil law;

− branches of civil law;

− civil trial;

− remedies in civil litigation.

V. GRAMMAR FOCUS

Grammar Revision

The Passive Voice (Continuous)

Form	**be + Past Participle Continuous**
Present	the letter is being written
Past	the letter was being written
Future	----------

Exercise 1. Change the following sentences into the Passive Voice using the Continuous Tenses.

1. Can I read the article? – No, the secretary is typing it. 2. Does he realize that they are laughing at him? 3. Don't come in! The professor is examining students. 4. It was noisy. Nobody was listening to him. 5. Listen carefully! He is giving a very interesting talk. 6. Look at this man. I think he is following us. 7. The briefing is in full swing. The correspondents are interviewing the participants of the conference. 8. The company was developing a new project. 9. The interpreter is translating their conversation rather well. 10. The secretary was looking through morning mail. 11. The waiter is serving us rather fast. 12. We had to hurry. They were waiting for us. 13. You can't watch the film now. The mechanic is fixing the TV set.

Exercise 2. Complete the sentences using the correct passive (continuous) form of the verbs in brackets.

1. A new underground line (construct) now. 2. Don't come into the compartment; the berth (fix) now. 3. Don't speak in a loud voice: we (listen). 4. It was three o'clock. We were told to hurry up because we (wait). 5. The business day was in high gear: the mail (look) through, documents (type), letters (answer), talks (hold). 6. Wait a minute. The table (lay).

Exercise 3. Translate into English.

1. Він не виявив великого інтересу, коли це питання обговорювалось. 2. Вона відчувала, що на неї дивляться. 3. Зараз виконується мій улюблений концерт. 4. Листи зараз друкуються. 5. Про його новий експеримент сьогодні багато говорять. 6. Я здивований, що його слухають з такою зацікавленістю.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If you were involved in a legal dispute, would you prefer a quick settlement or a lengthy trial to ensure "absolute" justice? Why?

2. In your jurisdiction, how long does an average civil lawsuit take from the initial filing to the final court decision?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) pleading	a) a formal request to a court for an order or a specific ruling.
2) discovery	b) a judgment entered by a court against a party who has failed to defend against a claim.
3) motion	c) the pre-trial phase where parties exchange relevant info and evidence.
4) default judgment	d) formal written statements of the parties' respective claims and defenses.
5) adjudication	e) the formal giving or pronouncing of a judgment or decree in a court case.

3. Reading Text

THE LIFECYCLE OF A CIVIL LAWSUIT: FROM PLEADING TO JUDGMENT

While substantive law defines the rights of parties, **civil procedure** provides the roadmap for vindicating those rights. The lifecycle of a lawsuit is a highly structured process designed to ensure transparency, prevent "trial by ambush," and facilitate a fair resolution.

The journey begins with the **pleading** stage. The plaintiff files a *complaint*, a formal document outlining the legal basis for the suit and the desired remedy. Once the defendant is served, they must

submit an *answer*. Failure to respond within the statutory timeframe may result in a **default judgment**, effectively handing victory to the plaintiff without a trial.

Following the joinder of issues, the parties enter the most grueling phase: **discovery**. This stage allows both sides to "show their cards." Through depositions, interrogatories, and requests for production of documents, the parties gather evidence. The objective is to narrow the scope of the dispute and, quite frequently, to encourage a settlement. If the facts discovered are so one-sided that no reasonable jury could disagree, one party may file a **motion for summary judgment**, asking the judge to decide the case immediately without proceeding to trial.

If the case survives the pre-trial motions, it moves to **adjudication**. During the trial, the burden of proof rests on the plaintiff to prove their case by a "preponderance of the evidence" – a standard significantly lower than the criminal "beyond a reasonable doubt." After the presentation of evidence and closing arguments, the judge or jury renders a **judgment**.

However, the lifecycle does not necessarily end there; the losing party may seek an appeal, arguing that a procedural error or a misapplication of substantive law occurred, thereby extending the saga into the appellate courts.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. A default judgment occurs when the defendant wins the case after a full trial.

2. The primary purpose of the discovery phase is to keep evidence hidden from the opposing side until the trial begins.

3. The standard of proof in a civil trial is less demanding than in a criminal trial.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: adjudication, discovery, motion, pleading, complaint.

1. The defense attorney filed a _____ to dismiss the case, arguing that the court lacked proper jurisdiction.
2. During the _____ phase, thousands of internal emails were reviewed to find evidence of corporate negligence.
3. The _____ is the initial document that sets the entire legal process in motion by detailing the plaintiff's grievances.
4. Formal _____ must be drafted with extreme precision to avoid being struck out by the judge for lack of clarity.
5. After months of delays, the final _____ of the dispute brought a sense of closure to both families involved.

Unit 3

Text: Real Property

Grammar: The Passive Voice (Perfect)

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What does the term "real property" mean?
2. Are attitudes to real property similar or different in different countries?
3. Do many foreigners buy real property in Ukraine?

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

1. copyrights	a) авторські права
2. debt	b) безумовне право власності
3. fee simple	c) борг
4. leasehold	d) довічне володіння майном
5. life estate	e) користування на правах оренди
6. patent rights	f) нерухоме майно
7. personal property	g) патентні права

Vocabulary notes:

abandonment	відмова (від права): відмова від власності без зазначення спадкоємця
accession	збільшення (майна), приріст; додаток
accretion	природне прирощування нерухомості
acquire title	набувати право власності
adverse possession	незаконне володіння
concurrency	одночасне (паралельне) володіння
concurrent tenancy	спільне володіння нерухомістю
disposition	відчуження (*майна*)
easement	сервітут (у цивільному праві право обмеженого користування чужою

	власністю)
fixtures	нерухомий інвентар
improvements	внесення конструктивних покращень
infrastructural capital	капітал, що відноситься до інфраструктури
jurisdiction	підвідомча галузь, сфера повноважень
lease	оренда, договір про оренду, строк оренди
life tenant	довічний власник
natural capital	природний капітал (земля й природні багатства)
occupancy	заволодіння
pass over	переходити через, пересікати
property in the goods	право власності на товар
purely conceptual	винятково уявний
succession	одержання в спадщину, успадковування
terminate	завершити, покласти край
transfer	передавання (*майна тощо*)
valuation	оцінювання (майна)
will	заповіт

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

Real Property

The word "property" has several meanings, and in law we must be careful to distinguish between two of them:

a) Property may mean the thing or things capable of ownership. In this sense the word includes not only physical things such as a pen, desk, watch, and land, but also non-physical things such as patent rights, copyrights, debts, etc. This is the popular sense of the term "property".

b) Property may mean ownership. Thus, we may say in law that "Mr. Star has the property in a watch", or in other words, "Mr. Star owns a watch". Both statements mean the same. In a sale of goods where, for example, a student buys a pen, the shop assistant hands the pen to the buyer, and, at the same time, passes "the property in the goods" (i.e. the ownership) to the buyer by delivery on the sale.

On the whole there are two main types of property:

a) real property, which is land, the buildings, trees, or other items attached to the land, and the rights of land ownership and use; and

b) personal property, which is all other property, tangible or intangible, except real property.

Real property is a legal term encompassing real estate itself and ownership interests in real estate. These interests in property are classified into:

1) **Fee simple** (or freehold) is the most common interest or right in real estate and provides the owner the right to use the real estate for any lawful purpose and sell the interest when and to whom the owner wishes.

2) **Life estate** is an interest in immovable property which is granted to a life tenant until that person dies. During the life estate, the life tenant has the right to use the real estate for any lawful purpose. The interest terminates upon the death of the life tenant.

3) **Estate for years** is similar to a life estate but term is a specified number of years.

4) **Leasehold** is the right to possess and use immovable property pursuant to the terms of a lease.

5) **Concurrent tenancy** (or co-tenancy) indicates the ownership of an interest in immovable property by more than one party. Rights of any single party may be limited in various ways depending on the jurisdiction and type of concurrency.

Real property is not just the ownership of property and buildings – it includes many legal relationships between owners of immovable property that are purely conceptual such as the easement,

where a neighboring property may have some right on your property or the right to pass over a property.

Whereas real property is essential for industry or other activity requiring a lot of fixed physical capital, economics is very concerned with real property and rules regarding its valuation and disposition. In economic terms, real property consists of some natural capital (or land, including the surface, whatever is attached to the surface such as trees, whatever is beneath the surface, such as minerals, and the area above the surface, i.e., the sky.), and infrastructural capital (the buildings, roads, bridges, power and water lines, and other improvements necessary to make immovable property useful for some human purpose).

Methods of acquiring title to real property:

1) **By transfer.** Without question, the most common method of acquiring property is by transfer. There are three basic types of property transfers: a) sale and purchase, b) gift, and c) court action (or involuntary transfer).

2) **By accession**. You may acquire title to property that is added to your existing real estate. This process is called accession. Examples include accretion and addition of fixtures.

3) **By will.** A will is a legal instrument by which a person over the age of 18 and of sound mind disposes of property upon his or her death.

4) **By succession**. When a deceased person leaves no will, the law provides for the disposition of his or her property.

5) **By occupancy**. Real property or the use of real property can be also gained through a) abandonment and b) adverse possession.

II. COMPREHENSION

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

1. the state or fact of being an owner;
2. the exclusive right granted by a patent;
3. immovable property (land and buildings);

4. movable property, such as furniture or money;

5. a person who owns, legal possessor;

6. land or property held under a lease;

7. organized economic activity concerned with manufacture, extraction and processing of raw materials, or construction;

8. the declaration of a person's wishes regarding the disposal of his or her property after death.

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

1. How does law define the notion of "property"?
2. What are the main types of property?
3. What does the term "real property" encompass?
4. What are the economic aspects of real property?
5. What types of ownership interests in real estate do you know?
6. How a person may acquire title to real property?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. Real property is not just the ownership of property and buildings.
2. Fee simple or freehold is the least common interest or right in real estate.
3. A life estate is the same as an estate for years.
4. The title to real property may be acquired only by succession.
5. The ownership of an interest in immovable property by more than one party is impossible.

Exercise 4. Find words in the text which have a similar meaning to the words or phrases below:

by law; to possess; declaration; perceptible; legal; decease; to involve; conveniences; present; continuity.

III. VOCABULARY STUDY

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

безумовне право власності; економіка, економічна наука; користування на правах оренди; найпоширеніший спосіб отримання майна; нерухоме майно; особа, що померла; по закону; продаж і купівля; продаж товарів; рішення суду; розпоряджатися майном; рухоме майно; юридичні стосунки.

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

1. A ….. is a legal instrument by which a person over the age of 18 and of sound mind disposes of property upon his or her death.
2. Estate for years is similar to a ….. but term is a specified number of years.
3. Fee simple is the most common interest or right in …...
4. In economic terms, real property consists of some ….. and …...
5. Leasehold is the right to possess and use ….. pursuant to the terms of a lease.
6. ….. is an interest in immovable property which is granted to a life tenant until that person dies.
7. Property may mean …...
8. Real property is a legal term encompassing ….. itself and ownership interests in …...
9. Rights of any single party may be limited in various ways depending on the ….. and type of …….
10. The most common method of acquiring property is by …...
11. You may acquire ….. that is added to your existing real estate.

Exercise 3. Match a word in column A with a word / phrase in column B to make phrases from the text "Real Property".

A	B
a sale of	action
concurrent	estate
court	goods
immovable	in the goods
legal	instrument
life	ownership
the property	property
things capable of	tenancy

Exercise 4. Insert the right preposition.

1. A will is a legal instrument ….. which a person ….. the age ….. 18 and ….. sound mind disposes ….. property ….. his or her death.

2. Estate ….. years is similar ….. a life estate but term is a specified number ….. years.

3. ….. a sale ….. goods the shop assistant passes "the property ….. the goods" ….. the buyer ….. delivery ….. the sale.

4. Life estate is an interest ….. immovable property which is granted ….. a life tenant until that person dies.

5. ….. the whole there are two main types ….. property:

6. Property may mean the thing or things capable ….. ownership.

7. Rights ….. any single party may be limited ….. various ways depending ….. the jurisdiction and type ….. concurrency.

8. The word "property" has several meanings, and ….. law we must be careful to distinguish ….. two ….. them:

9. Whereas real property is essential ….. industry or other activity requiring a lot ….. fixed physical capital

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

1. clever / capable / gifted / guilty
2. immovable / obligatory / stationary / fixed
3. licit / legal / lawful / criminal
4. manslaughter / relationship / affinity / connection
5. property / ownership / possession / statement
6. succession / continuity / immunity / inheritance
7. thorough / careful / systematic / curious
8. to fasten / to attach / to affix / to bribe
9. to obtain / to acquire / to gain to swindle
10. to recognize / to distinguish / to plead / to differ

Exercise 6. Translate the following sentences into English:

1. Поняття "власність" включає в себе не тільки матеріальні речі: ручка, письмовий стіл, годинник і земля, але й нематеріальні речі, такі як патентні права, авторські права, борги тощо.
2. Нерухомість – це юридичний термін, що охоплює безпосередньо нерухоме майно й право власності на нього.
3. Довічне володіння майном – це право власності на нерухоме майно, яке надане довічному власнику до його смерті.
4. Володіння майном впродовж певного часу – це те саме, що довічне володіння, але термін обмежений певною кількістю років.
5. Права будь-якої сторони можуть бути обмежені в різний спосіб залежно від юрисдикції й типу паралельного володіння.
6. Найпоширенішим способом отримання майна є трансфер.
7. Ви можете набути право власності на майно, яке додається до вже існуючої вашої нерухомості.

8. Заповіт – це юридичний документ, за яким особа віком від 18 років і при своєму розумі розпоряджається майном до своєї смерті.

9. Коли покійник не залишає заповіту, законом передбачено відчуження його майна.

10. Нерухомість чи право використовувати нерухоме майно можна отримати також через відмову від власності або незаконне володіння.

IV. SPEAKING

Exercise 1. Say what you know about the types of real estate ownership interests and methods of acquiring title to real property in Ukraine.

Exercise 2. What do you think about the issue? Substantiate your point of view.

Space Property Rights Discussion

The global space industry is expanding in directions unanticipated only a decade ago. Entrepreneurial space companies are changing the entire focus of commercial space. An industry once limited to satellite telecommunications is now seeing huge private sector investments in space transportation, personal (tourism) spaceflight, Earth-orbit logistics, and resource recovery.

As commercialization of space expands, market opportunities and profitability will be shaped by additions and changes in laws that govern every aspect of space. This will include patents, real property rights, mineral rights, and tax incentives for space entrepreneurs. Resource appropriation and real property rights are two of the most controversial issues in international space law.

The law which governs property rights and resource appropriation is the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, commonly known as the Outer Space Treaty. This treaty entered into force with respect to the

United States on October 10, 1967, and a total of 98 nations are now party to the Agreement.

While the Outer Space Treaty does not directly address the issues of property rights and resource appropriation, Article I says that outer space shall be free for exploration and use (emphasis added). This provision is relevant to the issue of resource appropriation. Article II of the treaty prohibits "national appropriation." This provision is relevant to the issue of property rights.

Most space lawyers agree that the intent and meaning of Article II is to prohibit national control of territory or territorial sovereignty. Virtually all space lawyers agree that this provision prevents parties to the treaty from granting or recognizing titles to territory.

This author and others have noted that Article II of the Outer Space Treaty does not prohibit "private appropriation". Because private appropriation is not prohibited, and because Article I says that outer space is free for "use", many lawyers believe that commercial mining of space resources is legal under the treaty. The analogy that space lawyers most often cite on this point is commercial fishing in international waters: although no one owns the oceans, individuals and corporations can catch seafood and sell it for a profit.

V. GRAMMAR FOCUS

Grammar Revision

The Passive Voice (Perfect)

Form	**be + Past Participle** **Perfect**
Present	the letter has been written
Past	the letter had been written
Future	the letter will have been written

Exercise 1. Change the following sentences into the Passive Voice using the Perfect Tenses.

1. By his arrival they had repaired his car. 2. Have they tested all the machines? 3. Have you touched anything here? 4. He has booked the tickets and the clerk will have brought them by 2 o'clock. 5. I will have answered all the business letters by noon. 6. Is she washing the floor? – No, she has already washed it. 7. John will have received the papers by tomorrow. 8. The athlete has shown much better results since this coach trains him. 9. The flood has caused considerable damage. 10. The police haven't found the reason for the accident yet. 11. The president of the board has signed the document. 12. The sociologist has interviewed a lot of students. 13. They had painted the house by his arrival. 14. When the fire brigade came, the fire had destroyed the building. 15. You have repaired our house lately.

Exercise 2. Complete the sentences using the correct passive (perfect) form of the verbs in brackets.

1. By the time he arrives everything (settle). 2. He is not in town, he (send) on a special mission. 3. Not all the necessary things (buy) for our trip that's why the departure (postpone). 4. The plan (approve)? – No, it is being discussed now. – How long it (discuss)? 5. This work (do) before you went to Kyiv?

Exercise 3. Translate into English:

1. Було обговорено лише два питання, коли ми почули дзвоник. 2. Коли згадали цей факт, усім стало зрозуміло, що малося на увазі. 3. Коли ми приїхали в це місто, ця книга продавалася скрізь. 4. Мені завжди давали корисні поради. 5. Зараз обговорюється дуже важливе питання. 6. Що вам пояснювали, коли я зайшов?

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If you own a piece of land, do you believe you should have the absolute right to do anything you want with it (e.g., build a skyscraper or start a noisy factory)? Why or why not?

2. How can "ownership" be shared between different people at the same time? Give an example (e.g., a landlord and a tenant).

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) fee simple	a) the right to keep others from entering or using a property.
2) incumbrance	b) a permanent interest in land with the highest form of ownership.
3) alienation	c) the legal transfer of title or ownership to another party.
4) exclusion	d) a claim, mortgage, or lien on a property that limits its use.
5) usufruct	e) the right to use and enjoy the profits from property belonging to another.

3. Reading Text

THE CONCEPT OF THE "BUNDLE OF RIGHTS" IN REAL PROPERTY LAW

In legal theory, particularly within common law jurisdictions, the ownership of real property is rarely viewed as a singular, indivisible right over a physical object. Instead, jurists employ the metaphor of a **"bundle of sticks."** Each stick in the bundle represents a distinct right or privilege protected by the state. This conceptual framework allows for the fragmentation of property interests, where different parties may hold different "sticks" from the

same bundle simultaneously.

The most complete form of ownership is known as **fee simple absolute**, where the owner possesses the entire bundle. However, even in this state, the rights are not limitless. The primary "sticks" typically include the right of **possession** (to occupy the land), the right of **control** (to use the property within the law), the right of **exclusion** (to prevent others from trespassing), and the right of **disposition** (the power to sell, lease, or bequeath the property). The utility of the bundle metaphor becomes clear when we examine **incumbrances**. For instance, a homeowner may hold the right of possession, but a utility company may hold an *easement* – a single "stick" allowing them to run power lines across the backyard. Similarly, a landlord retains the right of disposition (the right to sell the building), while the tenant holds the right of exclusive possession for the duration of the lease.

Furthermore, the state inherently withholds certain sticks from every bundle through its "police power." Zoning regulations, environmental protections, and the power of eminent domain serve as external constraints. This ensures that the exercise of private property rights does not infringe upon the broader public welfare, proving that the bundle of rights is both a flexible legal tool and a socially negotiated contract.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. The "bundle of rights" concept suggests that property ownership is a single, inseparable entity.
2. An easement is an example of a specific right that can be held by someone other than the primary owner.
3. Government regulations like zoning are considered "sticks" that an owner always possesses.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: disposition, exclusion, fee simple, alienation, incumbrance.

1. Most residential homeowners hold their property in _____, giving them the maximum legal protection available.

2. The right of _____ allows a shopkeeper to ask a disruptive customer to leave the premises.

3. The owner's right of _____ was limited by a clause in the mortgage that prevented them from selling the land without bank approval.

4. Before buying the house, the lawyer checked the title to ensure there was no _____ like a hidden tax lien.

5. Strict laws govern the voluntary _____ of property to prevent fraudulent transfers during bankruptcy.

Unit 4

Text: Personal Property

Grammar: The Sequence of Tenses

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What does the term "personal property" mean?
2. What is the difference between real property and personal property? Give examples.
3. Why are there so many legal problems with personal property?

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

1. conditioner	a) винахід
2. donor	b) рухоме майно
3. furniture	c) кондиціонер
4. goods	d) матеріальна майно
5. intangible assets	e) меблі
6. invention	f) нематеріальні активи
7. movables	g) дарувальник
8. physical possessions	h) товар

Vocabulary notes:

abandoned	залишений, покинений
acquiring title	набуття права власності
be subject	підкорятися, залежати
bonds	облігація, гарантія (виконання зобов'язання)
capable	здібний, здатний, умілий
chattels	рухоме майно, пожитки
chose in action	нематеріальне майно, на яке може бути заявлена претензія
civil law system	система цивільного права

common law system	система загального права
cut timber	лісоматеріал, деревина
donee	той, хто одержує подарунок
donor	дарувальник
employment	наймання, зайнятість (*робочої сили*), працевлаштування
evince	виявляти, показувати, проявляти
intellectual endeavor	інтелектуальна праця, розумові зусилля
key	головний, ключовий, провідний
mined ore	добута руда
mislaid	залишене не в належному місці
negotiable instruments	оборотні кредитно-грошові документи
physical substance	матеріальний стан, фізична форма
possession	сумлінне володіння
securities	цінні папери
stock certificate	акціонерний сертифікат, сертифікат на акцію
stocks	акціонерний капітал; акції, пакет акцій; фонди, цінні папери
utility services	комунальне обслуговування

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

Personal Property

In the civil law systems personal property is often called movable property or movables – any property that can be moved from one location to another. In the common law systems personal property may also be called chattels. Personal property may be classified in a variety of ways, such as money, negotiable instruments, securities, goods, and intangible assets including chose in action. Certain objects that are a part of real estate may become

personal property when they are removed from the land, such as cut timber or mined ore.

Personal property can be tangible or intangible. **Tangible personal property** is subject to physical possession. It can include almost anything that occupies space and is movable (i.e., it is not attached to real property or land), touched or felt. These generally include items such as furniture, clothing, jewellery, art, writings, or household goods.

Intangible personal property consists of rights in something that lacks physical substance. Examples include contracts, stocks, bonds, computer software (programs), employment, utility services (telephone, electricity, etc.), and intellectual property (copyrights, patents, and trademarks).

For instance, a written agreement evinces a contract, but the rights under the contract are the important property interest. Likewise, it is not the stock certificate, the computer disk, or the certificate of copyright registration that is the key property interest; these are evidence of property, but the property itself is not capable of physical possession.

Acquiring title to personal property:

1) contracts, sales of goods, and transfers of commercial paper;

2) gifts as a voluntary transfer of property from its owner (donor) to another person (donee) without any compensation for the donor;

3) accession – an addition to the value of personal property, by labor, materials and / or natural process (e.g. growing fruit or adding an air conditioner to an automobile);

4) possession – if personal property is lost, mislaid, or abandoned, or clearly had no prior owner, a person may obtain title simply by taking possession of it;

5) creation – a method of gaining title to personal property by invention, art, or other intellectual endeavor (e.g., creating a painting, writing a book, knitting a sweater, developing a computer program).

II. COMPREHENSION

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

1. accession	6. intangible assets
2. commercial paper	7. jewellery
3. computer software	8. movable property
4. gifts	9. negotiable instruments
5. household goods	10. utility services

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

1. What are the two types of personal property?
2. How can title to personal property be acquired?
3. What personal property is called "tangible"?
4. What property is "intangible" according to the law? Give the examples.
5. Explain the differences between creation and accession as methods of gaining title to personal property.

Exercise 3. Are the following statements true or false? Correct the false ones.

1. All personal property is subject to physical possession.
2. Tangible personal property can include anything that takes up space and is movable.
3. Stocks and bonds are examples of intangible property.
4. Utility services cannot be a type of property.
5. No object that is a part of real estate may become personal property.
6. Personal property is not capable of physical possession.

Exercise 4. Complete the following sentences according to the information from the text:

1. A written agreement evinces a contract, but ….. .

2. In the common law systems personal property may also be called ….. .

3. Intangible personal property consists of ….. .

4. Personal property can be ….. .

5. Tangible personal property is ….. .

III. VOCABULARY STUDY

Exercise 1. Write sentences using the following terms:

adding an air conditioner to an automobile; capable of; copyrights; creating a painting; cut timber; developing a computer program; growing fruit; knitting a sweater; mined ore; sales of goods; trademarks; without any compensation; writing a book.

Exercise 2. Choose the right preposition in brackets according to the contents of the sentences (by, from, in (3), of (3), to (2), for)

1. A gift is a voluntary transfer … property … its owner … another person without any compensation … the donor.

2. Creation is a method of gaining title … personal property … invention, art, or other intellectual endeavor.

3. … the civil law systems personal property is often called movable property or movables.

4. Intangible personal property consists … rights … something that lacks physical substance.

5. Personal property may be classified … a variety … ways.

Exercise 3. Substitute the words in italics with the words from the active vocabulary.

1. *Some* objects that are a *piece* of real estate may become personal property when they are removed from the land, such as *lumber* or mined ore.

2. If personal property is lost, *misplaced*, or *forsaken*, or clearly had no *former proprietor*, a person may *get* title simply by taking possession of it.

3. In the civil law systems personal property is often called *mobile* property or movables – any property that can be *transposed* from one *position* to another.

4. *Impalpable* personal property includes *bargains*, stocks, bonds, computer programs, *occupation*, utility services, and intellectual property.

5. *Palpable* personal property *commonly* includes items such as furniture, *dress*, jewellery, art, writings, or *home* goods.

Exercise 4. Complete the sentences with the words of the active vocabulary.

chattels; commercial paper; common; computer disk; intangible assets; key property interest; movable; natural process; securities; tangible personal property; title; touched; value.

1. Acquiring ….. to personal property includes contracts, sales of goods, and transfers of ….. ….. .

2. An accession is an addition to the ….. of personal property, by labor, materials or ….. ….. .

3. In the ….. law systems personal property may also be called ….. .

4. Tangible personal property can include almost anything that occupies space and is ….. , ….. or felt.

5. Likewise, it is not the stock certificate, the ….. ….. , or the certificate of copyright registration that is the ….. ….. .

6. Personal property may be classified in a variety of ways, such as money, negotiable instruments, ….. , goods, and ….. ….. including chose in action.

7. ….. ….. is subject to physical possession.

Exercise 5. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example: *to agree – an agreement (n.) e.g. We were in full agreement with them on all points.*

to call; to classify; to create; to move; to transfer; to gain

Exercise 6. Give the English equivalents for the following word combinations:

акції; акціонерний сертифікат; винахід; відшкодування; власник; володіння; господарчі товари; добровільний; доповнення; електрика; живопис; земля; класифікувати; колишній; авторське право; кондиціонер; літературі твори; меблі; не мати, бракувати; облігації; одяг; патент; право власності; різноманітність; розміщення; також, теж; твори мистецтва; торговельна марка; ювелірні вироби.

Exercise 7. Complete the words using definitions.

a government grant to an inventor assuring him the sole right to make, use, and sell his invention for a limited period	pa _ _ _ t
a medium of exchange that functions as legal tender	_ _ ne _
objects that are worn for personal adornment	_ e _ _ ller _
something of value, either tangible or intangible	_ ro _ _ rty
the act of possessing or state of being possessed	p _ _ ses _ _ o _
the name or other symbol used to identify the goods produced by a particular manufacturer	_ _ adem _ _ _

Exercise 8. Translate into English.

1. До рухомого майна загалом належать такі вироби, як меблі, одяг, ювелірні прикраси, твори мистецтва, літературні твори й господарські товари.

2. Набуття права власності на особисте майно здійснюється через контракти, продаж товарів і передавання комерційних документів.

3. Нематеріальне особисте майно передбачає право на щось, що не має фізичної сутності.

4. Певні об'єкти, які є частиною нерухомого майна, можуть стати рухомим майном, якщо їх переміщають із землі, приміром, лісоматеріал або добута руда.

5. Подарунки – це добровільна передача майна одним власником іншому без будь-якої компенсації.

6. Прикладом нематеріального особистого майна можуть бути: контракти, акції, облігації, комп'ютерне програмне забезпечення, зайнятість, комунальні послуги (телефон, електрика тощо) та інтелектуальна власність (авторські права, патенти й торговельні марки).

7. Приріст (майна) – це доповнення вартості особистого майна за рахунок праці, приладдя або природного процесу (вирощування фруктів, обладнання автомобіля кондиціонером тощо).

8. Рухоме майно може бути матеріальним або нематеріальним.

9. Рухомим майном можуть вважатися гроші, оборотні кредитно-грошові документи, цінні папери, товари й нематеріальні активи, що включають нематеріальне майно, на яке може бути заявлена претензія.

10. Створення – це спосіб набуття права власності на особисте майно створивши твір мистецтва, літературний твір або за допомогою винаходу чи іншої інтелектуальної праці (написання картини, написання книги, в'язання светра, розробка комп’ютерної програми)

11. Якщо особисте майно втрачається, залишене не в належному місці, покинуте або не має власника, будь-яка особа може набути право власності на нього просто привласнивши його.

IV. SPEAKING

Exercise 1. Say what you know about:

– the distinction between private and personal property;

– the difference between mislaid and abandoned property;
– the distinction between tangible and intangible property.

Exercise 2. Discuss in group:

A recently issued draft regulation allowing local governments in Sichuan province (China) to take over civilians' private property for use in dealing with emergencies has triggered a heated discussion. Some think it is OK if it is for emergencies or for the public's interest, while others are concerned over possible infringement of personal rights.

Pros – 18%	Cons – 82%
Yes. For Sichuan province where natural disasters are a frequent occurrence, the regulation is beneficial to the public and can help the government deal with emergencies efficiently.	No. The Constitution provides that the legitimate property of citizens is protected. The regulation would result in abuse of power and possible infringement of personal property rights.

Do you support the regulation that personal property can be confiscated in dealing with emergencies? Could such a regulation be possible in your jurisdiction?

V. GRAMMAR FOCUS

Grammar Revision

The Sequence of Tenses

After one of the past forms in the principal clause we find past forms in the subordinate object clause:

1. if the action of the object clause is simultaneous with that of the principal clause, the Past Simple or the Past Continuous is used in the object clause;

He thought I was joking.

2. if the action of the object clause precedes that of the principal clause, the Past Perfect or the Past Perfect Continuous is used in the object clause;

I understood that he had already left the office.

3. if the action of the object clause follows that of the principal clause, the Future-in-the-Past is used in the object clause.

I was sure that we would win this game.

Exercise 1. Make the actions in the following object clauses simultaneous with those of their principal clause.

1. He explained that he (take) driving lessons. 2. He said that he (be) interested in jurisprudence. 3. He said the information (be) rather interesting. 4. He told us that he (work) for a large corporation. 5. He was surprised that I (know) his telephone number. 6. I knew that they (discuss) my new proposal then. 7. I knew the children (hide) somewhere in the room. 8. She said she (be) busy. 9. We knew that Ann (have) an English class every Wednesday.

Exercise 2. Make the actions in the following object clauses precede those of their principal clause.

1. Didn't you know that he (establish) a legal aid bureau of his own? 2. He asked me why I (not invite) him to that scientific conference. 3. He said he (not hear) anything about her complaint. 4. He said that he (work) hard all the time. 5. He told her that he (meet) her the year before. 6. I knew that he (go) to London already. 7. I knew that he (to be) ill the day before. 8. I knew that she (make) an appointment with her lawyer. 9. She said the secretary (send) the message already. 10. She thought he (graduate) from the University.

Exercise 3. Translate into English paying attention to the sequence of tenses.

1. Він попросив, щоб вона не хвилювалася. 2. Вона вважала, що ананаси ростуть на деревах. 3. Вона не знала, чи успішно завершилась операція. 4. Вони не знали, чи опублікують результати їх дослідження. 5. Вони поцікавились, чи був я коли-небудь закордоном. 6. Я думав, що він працює, і не заходив до кімнати. 7. Я знав, що вона ще не прочитала

листа. 8. Я не знаю, коли він приїде до Києва. 9. Я сподіваюсь, що новий міст побудують наступного року.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If you purchase a song on a digital platform, do you own it in the same way you own a physical vinyl record? Why or why not?

2. In a divorce or business liquidation, which do you think is harder to value and divide: physical machinery or a company's "goodwill" and brand reputation?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) chattel	a) an item of property other than freehold land; a movable possession.
2) corporeal	b) to give up a right or possession, especially voluntarily.
3) relinquish	c) having a physical body or form; tangible.
4) chose in action	d) a property right that can only be enforced by legal action (e.g., a debt or a patent).
5) perpetuity	e) a state of continuing forever; often used regarding how long a right lasts.

3. Reading Text

TANGIBLE VS. INTANGIBLE PERSONAL PROPERTY: NAVIGATING THE LEGAL DIVIDE

In the realm of jurisprudence, personal property (often referred to as *personalty*) is defined by its mobility, distinguishing it from the immovable nature of real estate. However, as economies have evolved from agrarian societies to digital powerhouses, the legal system has had to refine the distinction between **tangible** and **intangible** assets.

Tangible personal property, or *corporeal chattels*, comprises physical objects that can be touched, moved, and

perceived by the senses. This includes everything from consumer electronics and furniture to industrial equipment. The legal transfer of these items is usually straightforward, often occurring through physical delivery or a bill of sale. Because these items are finite and occupy physical space, the laws governing them focus heavily on possession, bailment, and physical theft.

Conversely, **intangible personal property** represents "rights" rather than "things." These are *incorporeal* interests that have no physical existence but hold significant legal and economic value. Classic examples include stocks, bonds, patents, and trademarks. In legal terms, these are often classified as **choses in action**, as the owner's right to the asset can often only be realized or enforced through legal proceedings rather than through physical seizing.

The divide between the two has become increasingly blurred in the digital age. For instance, is a cryptocurrency a tangible "coin" or an intangible "entry on a ledger"? While tangible assets depreciate and eventually perish, intangible assets like copyrights can exist in a state of legal **perpetuity** or for decades after the creator's death. Navigating this divide is crucial for modern lawyers, as the rules for taxation, inheritance, and security interests differ drastically depending on whether the property can be held in one's hand or exists only in the eyes of the law.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. The main difference between real property and personal property is that personal property can be moved.

2. "Choses in action" refers to physical items like furniture that are currently involved in a lawsuit.

3. The legal rules for inheritance and taxes are the same for both tangible and intangible property.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: chattels, corporeal, relinquish, intangibles, action.

1. When the gallery was liquidated, the owner had to _____ his rights to the collection to satisfy his creditors.
2. While the building is real property, the computers and desks inside are considered personal _____.
3. A patent is a classic "chose in _____" because you cannot physically hold the invention's legal protection; you can only sue if it is infringed.
4. Modern investment portfolios are increasingly weighted toward _____ such as software licenses and crypto-assets.
5. Under the law, a physical gold bar is a _____ asset, whereas a digital certificate representing that gold is not.

Unit 5

Text: Protection of Intellectual Property Rights in Britain

Grammar: Report Speech. Statements

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What is the definition of "intellectual property" according to Ukrainian Civil Code?
2. What is copyright?
3. Can you give examples of breaking intellectual property laws?

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

1. aesthetic	a) база даних
2. expression	b) випадок
3. image	c) виробник
4. medium	d) дозвіл
5. occasion	e) естетичний
6. permission	f) засіб
7. producer	g) захист
8. protection	h) зображення

Vocabulary notes:

adaptation	адаптація, пристосування
aesthetic value	естетична цінність, естетичне значення
broadcast	радіомовлення; радіопередача, телепередача
computer software	комп'ютерне програмне забезпечення
database	база даних
employee	службовець, працівник, робітник
employer	наймач, роботодавець

exceptions to	виключення з, передбачене в законі вилучення
exclusive right	виняткове, ексклюзивне право, прерогатива
issuing copies	видання матеріалів, випуск екземплярів, копій
exercising	використання, здійснення (права), контроль
fixed in a tangible medium of expression	закріплений у матеріальній формі, втілений у матеріальному об’єкті
layout	макет, верстка; схема розташування; компонування
quotation of an extract	цитування уривку, посилання на цитату
recording	звукозапис, відеозапис
register	журнал, книга для записів, реєстр
relevant	відповідний, доречний
rental	прокат, оренда
reward	винагорода, нагорода, заохочення
royalty	авторський гонорар, ліцензійний платіж
Stationers' Hall	Стейшнерз-Холл, будинок у Лондоні, де зберігається список усіх творів, виданих у Великій Британії
"time shift" recording	запис окремих епізодів програми, запис програм із зміщенням часу й зміною компонування передач
typographical arrangement	оформлювальна композиція, друкарське компонування, зовнішній вигляд (виданого тексту)

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

Protection of Intellectual Property Rights in Britain

"Intellectual property" (IP) is an original work fixed in a tangible medium of expression. IP refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. IP law creates property rights in original creations to ensure that their originators are able to control their use and receive appropriate financial reward. It embraces patents for the protection of inventions, registered designs, trademarks, trade secrets, and copyright for the protection of original literary, dramatic, musical or artistic works, films, video and sound recordings, broadcasts and computer software.

Copyright

Copyright is a protection automatically conferred in Britain on certain types of original and creative materials. It gives legal rights to the producers of such materials, enabling them to control how their works may be exploited. Broadly speaking, copyright covers copying, reproducing, adapting, performing and broadcasting.

The 1988 Copyright, Designs and Patents Act defines copyright as a "property right" which means that it may be exploited, used, bought and sold – or "assigned" – like any other property.

Copyright owners have the exclusive right to perform certain "restricted acts": copying the work, issuing copies to the public; performing, playing or showing the work in public; broadcasting the work or transmitting it by cable; making an adaptation or performing any of the other restricted acts with an adaptation; authorising the rental of material such as video cassettes and receiving a royalty for the rental.

It is not necessary to register for copyright protection. However, for record purposes, Stationers' Hall in London maintains a register in which copyright owners may apply to have their works listed for a period of seven years.

Copyright covers works in three main categories: original literary, dramatic, musical or artistic works, including photographs and architecture; sound and video recordings, films, broadcasts or cable programmes, and electronic databases; the typographical arrangement of a published work.

A "literary" work need have no aesthetic value for copyright purposes but should simply be the result of independent intellectual effort. Thus the term can cover such materials as technical descriptions and drawings, railway timetables and examination papers. And since the 1988 Act, it also includes computer software.

Copyright Ownership. In most cases, the first owner of a copyright is the author or originator of a work, and this includes not only writers and composers but also record and film producers, broadcasters and publishers.

Copyright holders may use their rights to prevent exploitation of their work by others or may licence them to use it. In addition, they may sell their rights like any other piece of property.

Employers retain the rights to any appropriate works produced by their employees in the course of their employment unless special arrangements have been made. So, for example, in the main, copyright in articles written by journalists is held by the owners of their newspapers.

In the case of published material generally, the author is usually the first copyright owner of the text whereas the publisher holds the copyright on the actual layout of the publication.

The Duration of Copyright. For artistic, musical and literary works, copyright lasts throughout the author's life and for 50 years after death.

Copyright on films and sound recordings extends for 50 years after the date of release, and for broadcast and cable programmes for 50 years from the date of first showing. Typographical copyright lasts for 25 years from publication.

Exceptions to Copyright. Despite the protection which copyright affords to its owners, there are occasions when it does not apply and materials may be used by others without obtaining

permission to do so. In general, this involves the reproduction or quotation of extracts for research, study, criticism, review and news reporting. In addition, copyright considerations should not hinder education or the operation of libraries or public administration. The 1988 Act also provided for exceptions in the case of "time-shift" recording of radio and television programmes in the home.

Exercising Copyright. Copyright owners may licence others to use that copyright. This may be in terms of some or all of the "restricted acts" and it may be "exclusive", that is such that not even the first owner will be able to exercise the relevant rights.

II. COMPREHENSION

Exercise 1. Scan the text to find legal terms which correspond to the following explanations:

– a secret formula, technique, process

– profit or return

– something that is invented

– the activity embracing all forms of the purchase and sale of goods and services

– the programs that can be used with a particular computer system

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

1. What is the purpose of Intellectual property law?
2. What does Intellectual property law embrace?
3. What does copyright enable the producers of original and creative materials to do?
4. What are the "restricted acts" that copyright owners have the exclusive right to perform?
5. Which are the three main categories of works that copyright covers?
6. Who can be the first owner of a copyright?
7. How can copyright holders use their rights?

8. How do the author and the publisher usually share the copyright in the case of published material?

9. What is the duration of copyright? Is it the same for different types of works?

10. Can there be any exceptions to copyright?

11. Which body has jurisdiction to deal with disputes in all areas of copyright licencing?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. In Britain copyright is a protection automatically conferred on certain types of original and creative materials.

2. Adapting materials unlike copying them is not covered by copyright.

3. Stationers' Hall in London maintains a register in which copyright owners may apply to have their works listed for a period of seventy years.

4. Computer software is still not covered by copyright.

5. Copyright in newspaper articles written by journalists is held by the owners of their newspapers.

6. The 1968 Act provided for exceptions in the case of the recording of broadcasts by educational institutions.

7. There may be cases when different copyrights overlap.

8. It is not necessary to register for copyright protection.

9. A "literary" work need have no aesthetic value for copyright purposes but should simply be the result of independent intellectual effort.

10. Every state needs special rules for the copyright of Government publications.

11. The duration of copyright should be limited.

Exercise 4. Complete the following sentences according to the information from the text:

1. A "literary" work need have no aesthetic value for copyright purposes but ….. .

2. Copyright gives legal rights to the producers of such materials, enabling them to control how ….. .

3. Copyright holders may sell their rights like ….. .

4. Copyright owners have the exclusive right to perform certain ….. .

5. For artistic, musical and literary works, copyright lasts throughout the author's life and for ….. .

6. In the main, copyright in articles written by journalists is held by ….. .

7. It is not necessary to register for ….. .

8. Stationers' Hall in London maintains a register in which copyright owners may apply to have their works listed for ….. .

9. Typographical copyright lasts for ….. .

Exercise 5. Explain the following terms and expressions in your own words:

copyright; designs used in commerce; financial reward; intellectual property; literary and artistic works; trade secret; trademark.

III. VOCABULARY STUDY

Exercise 1. Write out of the text all words and combinations with the following words. Translate them and use some of them in your own sentences:

administration; databases; designs; financial; materials; medium; originator; owner; property; protection; rights; software; works.

Exercise 2. Who or what do the pronouns in bold type refer to?

1. **It** covers copying, reproducing, adapting, performing and broadcasting.

2. **They** may use their rights to prevent exploitation of their work by others or may licence them to use it.

3. **It** is a protection automatically conferred in Britain on certain types of original and creative materials.

4. **They** have the exclusive right to perform certain "restricted acts".

5. **They** retain the rights to any appropriate works produced by their employees in the course of their employment unless special arrangements have been made.

6. **It** creates property rights in original creations to ensure that their originators are able to control their use and receive appropriate financial reward.

7. **It** in London maintains a register in which copyright owners may apply to have their works listed for a period of seven years.

8. **It** also provided for exceptions in the case of "time-shift" recording of radio and television programmes in the home.

9. **He / she** is usually the first copyright owner of the text whereas the publisher holds the copyright on the actual layout of the publication.

10. **It** can cover such materials as technical descriptions and drawings, railway timetables and examination papers.

11. **It** lasts for 25 years from publication.

Exercise 3. Complete the sentences with the words / phrases of the active vocabulary. If necessary refer to the text.

1. A "literary" work need have no aesthetic ….. for copyright purposes but should simply be the result of independent ….. effort.

2. Broadly speaking, ….. covers copying, reproducing, adapting, performing and ….. .

3. Copyright covers works in three main ….. : original literary, dramatic, musical or artistic ….. .

4. Copyright is a ….. automatically conferred in Britain on certain types of original and creative ….. .

5. Copyright on films and sound ….. extends for 50 years after the date of release.

6. Copyright owners have the ….. right to perform certain "restricted acts": ….. the work, ….. .

7. ….. refers to creations of the mind: inventions, literary and artistic works.

8. The 1988 Act also provided for exceptions in the case of "time-shift" recording of radio and television ….. in the home.

Exercise 4. Write the words / phrases associated with the given concepts:

1. Administration: …..
2. Artistic work: …..
3. Employer: …..
4. Invention: …..
5. Originator: …..
6. Permission: …..
7. Reward: …..
8. Symbol: …..

Exercise 5. Match the definitions with their English words and translate them into Ukrainian:

1. artistic work	a) a graphic work, photograph, sculpture or collage.
2. broadcast	b) a recording of sounds from which the sounds may be reproduced.
3. copyright	c) a recording on any medium from which a moving image may by any means be produced.
4. dramatic work	d) a transmission by any electronic means which is transmitted either for reception by members of the public or for presentation to members of the public.
5. film	e) a work consisting of music, exclusive of any words or action intended to be sung, spoken or performed with the music.

6. first published	f) an EU citizen or citizen of another Convention country or a company incorporated in such a country.
7. literary work	g) any work, other than a dramatic or musical work, which is written, spoken or sung.
8. musical work	h) includes a work of dance or mime.
9. published edition	i) the right to prevent others from reproducing a work.
10. qualifying person	j) the whole or part of any literary, dramatic or musical work.
11. sound recording	k) when copies of the work made with the permission of the copyright owner are issued to the public.

Exercise 6. Give the English equivalents for the following word combinations:

автор, творець, винахідник; використовувати відповідні права; відео та звукові записи; дата виходу; державне управління; дозволяти використовувати авторські права; ексклюзивне право; електронна база даних; естетична цінність; загалом кажучи, у загальних рисах; засіб вираження; захист оригінальної літератури; комп'ютерне програмне забезпечення; контролювати використання; критична стаття; літературні й мистецькі твори; макет публікації; музичні твори; оригінальний твір; отримувати відповідну фінансову винагороду; продавати права як будь-яку власність; продюсери фільму; проекти, що використовуються у торгівлі; розклад руху на залізниці; статті, написані журналістами; сума орендної плати.

Exercise 7. Translate into English.

1. Авторське право надає законні права виробникам матеріалів, забезпечуючи їх можливістю контролювати те, як їхні твори можуть використовуватись.

2. Авторське право опікується продуктами трьох основних категорій: оригінальна література, драматичні й мистецькі твори, зокрема, фотографії і архітектурні стилі; відео й звукозаписи, фільми, телевізійне й радіомовлення або кабельні програми й електронні бази даних; угоди про видавництво друкованих творів.

3. Власники авторського права мають ексклюзивне право виконувати певні "обмежені дії".

4. Право інтелектуальної власності охоплює патенти для захисту винаходів, зареєстрованих проектів, торговельних марок, професійних таємниць, і авторські права для захисту оригінальної літератури, драматичних, музичних або мистецьких творів, фільмів, відео й звукозаписів, телемовлення й комп'ютерного програмного забезпечення.

5. Стейшнерз-Холл у Лондоні зберігає реєстр, у який власники авторських прав можуть вносити свої твори на період до семи років.

6. Термін "літературний твір" може включати і такі матеріали, як: технічний опис і креслення, розклад руху на залізниці й екзаменаційні роботи.

7. У більшості випадків, першим власником авторського права є автор роботи, яким може бути не тільки письменник і укладач, але також і виробник запису чи фільму, диктор і видавець.

8. У загальних рисах, авторське право охоплює копіювання, відтворення, адаптування і виконання продукції.

IV. SPEAKING

Exercise 1. Say what you know about:

– piracy in the world;

– countries where sharing files without profit is legal;

– Ukrainian law on the issue.

Exercise 2. Discuss in group:

Whether or not Internet intermediaries have liability for copyright infringement by users, and without the intermediaries' authorization, has been subject to debate and court cases in a number of countries. Liability of online intermediaries has been one of the earliest legal issues surrounding the internet. What do you think of this problem?

V. GRAMMAR FOCUS

Grammar Revision

Report Speech. Statements

1. When you report what someone has sad you often have to make certain changes to verb tenses and other words:

a) When the reporting verb is in the past, you make the following tense changes:

Present Simple → Past Simple
Present Continuous → Past Continuous
Past Simple → Past Perfect Simple
Past Continuous → Past Perfect Continuous
Present Perfect → Past Perfect
Simple Future → Would
must → had to
can → could

b) Main changes of time indicators:

today → that day
now → then
this → that
here → there
ago → before / previously
tomorrow → the next day / the following day
yesterday → the day before / the previous day
last night → the night before / the previous night
next week → the following week / the week after (that)

2. There are occasions where you needn’t change the tense:

– where facts are still true

My name is Mary – She said her name's Mary

– if the direct speech is in the past perfect or has the following modals: must (for deduction), might, ought to, could, should, would)

– if the reporting verb is in the present

I'll be back in a minute.

She says she'll be back in a minute.

Exercise 1. Match the direct speech word or phrase on the left with its reported speech equivalent on the right:

1. now	a) ten weeks previously
2. here	b) that day
3. last night	c) that night
4. next month	d) the day before
5. ten weeks ago	e) the following month
6. these	f) the next morning
7. today	g) the night before
8. tomorrow morning	h) then
9. tonight	i) there
10. yesterday	j) those

Exercise 2. Change the following into reported speech.

1. "I am going to call again tomorrow, mother", she said. 2. "I have something to tell you", I said to her. 3. "I met her for the first time on a warm sunny morning last spring", he said. 4. "It will be very difficult to persuade her to take care of herself, doctor", I replied. 5. "I've been to Turkey twice, but so far I haven't had time to visit Istanbul", said Robert. 6. "The president is to come to Madrid the day after tomorrow", said the BBC announcer. 7. "We have a lift but very often it doesn't work", they said. 8. "We have bought a new flat. But we don't like it so much as our last one", said my cousin. 9. "I have left a message for him, but he hasn't phoned yet", she said. 10. "I've no idea who has done it but I'll find out", said Peggy.

Exercise 3. Translate into English:

1. Адвокат поінформував, що вони вже обговорили цю небезпечну ситуацію. 2. Він сказав їм, що вони не повинні говорити про це зараз. 3. Він сказав, що виплатив свої борги більше місяця тому. 4. Він сказав, що сьогодні дуже зайнятий. 5. Вона сказала, що пише цей твір уже три години. 6. Наш гід розповів нам, що замок був побудований у XIV сторіччі. 7. Помічник судді сказав, що я повинен відповісти на цей лист негайно. 8. Секретар повідомив, що вже надрукував висновки комісії у трьох примірниках. 9. Том зателефонував у поліцію і сказав, що всі його речі вкрали.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. How does a country benefit from having strict intellectual property (IP) laws? Are there any potential downsides for consumers?

2. In the age of the internet, is it still possible to effectively protect a brand or a creative work from being copied globally?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) infringement	a) a common law tort used to enforce unregistered trademark rights.
2) passing off	b) the action of breaking the terms of a law or agreement; violation.
3) novelty	c) the state of being new, original, or unusual (essential for patents).
4) subsist	d) to remain in force or effect; to exist (regarding legal rights).
5) jurisdiction	e) the official power to make legal decisions and judgments.

3. Reading Text

THE FRAMEWORK OF INTELLECTUAL PROPERTY LAW IN THE UK: A COMPREHENSIVE GUIDE

The United Kingdom possesses one of the most sophisticated intellectual property (IP) regimes in the world, overseen by the **UK Intellectual Property Office (IPO)**. This framework is designed to incentivize innovation by granting creators a temporary monopoly over their intangible assets, ensuring that "the fruits of their labor" are shielded from unauthorized exploitation. In the UK, IP rights are broadly categorized into four primary domains: patents, trademarks,

copyrights, and designs.

Patents protect inventive concepts and functional products. To be granted a patent in the UK, an invention must demonstrate **novelty**, an inventive step, and industrial applicability. Once registered, it provides up to 20 years of protection. In contrast, **Trademarks** are signs capable of distinguishing the goods or services of one enterprise from those of another. While the UK encourages formal registration, the English common law uniquely provides protection for unregistered marks through the tort of **passing off**, which prevents competitors from misrepresenting their goods as those of another established brand.

Copyright differs significantly as it does not require registration; it is an automatic right that is said to **subsist** the moment an original work is fixed in a tangible medium. Under the *Copyright, Designs and Patents Act 1988*, protection for literary and artistic works typically lasts for the duration of the author's life plus 70 years. Finally, **Design Rights** protect the aesthetic appearance of a product, including its shape and configuration.

Following **Brexit**, the UK has maintained a high degree of alignment with international standards, such as the *TRIPS Agreement*, while asserting its own independent **jurisdiction**. For businesses operating in Britain, navigating this framework requires a dual strategy: proactive registration for maximum security and a keen understanding of the common law protections that fill the gaps where statutes may end.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. In the UK, an invention can be patented even if it is already well-known in the industry.
2. Copyright protection in Britain starts automatically as soon as the work is created and recorded.
3. The tort of "passing off" is only applicable to brands that have been formally registered with the IPO.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: subsists, novelty, infringement, jurisdiction, passing off.

1. The startup faced a lawsuit for patent _____ after it released a smartphone feature identical to one owned by a competitor.

2. Because the artist had not registered a trademark, her lawyers had to rely on the tort of _____ to stop the counterfeiters.

3. The court ruled that it did not have the _____ to hear the case because the alleged crime happened outside of British borders.

4. Copyright _____ in a poem from the moment it is written down, even if it is never published or registered.

5. The patent examiner rejected the application, citing a lack of _____ because a similar device was sold in Japan three years ago.

Unit 6

Text: Patents

Grammar: Reported Questions. Requests. Orders

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What is not patentable in a jurisdiction you are familiar with?
2. What right does the patent give to an inventor?
3. Which reasons of protecting intellectual property do countries have?

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

1. brand	a) виробництво
2. disclosure	b) обладнання
3. equipment	c) правопорушення
4. fraudulent	d) промисловий
5. identification	e) розкриття
6. industrial	f) розпізнавання
7. manufacture	g) фабрична марка
8. offence	h) шахрайський

Vocabulary notes:

application	заява, прохання, звернення, вимога
competitor	конкурент, суперник; учасник ринку
device	спосіб, засіб; емблема, символ, гасло
disclose	відкривати, виявляти, викривати, розголошувати (відомості)
distinguishable	помітний
fee	комісія, комісійний збір; плата за послуги, внесок
fraudulent use	шахрайське використання
incur	зазнавати (*збитків, втрат*)

industrial manufacture	промислове виробництво
Patent Office	Патентне відомство
patentee	власник патенту
penalty	покарання, стягнення, штраф
processing	виготовлення, оформлення, підготовка
property	промислова власність, промислове права
proprietary	власницький; складовий чиєїсь власності; приватний
registrable	що підлягає реєстрації, реєстровний
remuneration	винагорода, оплата; заробітна плата; компенсація
spare parts	запасні деталі, запасні частини
stand-alone	видатний, особливий, винятковий, неперевершений

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

Patents

Patents are granted to individuals and companies that can lay claim to an invention which is capable of industrial manufacture and which was not previously known in Britain or elsewhere. The granting of a patent gives the "patentee" a monopoly to make, use or sell the invention for a fixed period of time – which in Britain today is a maximum of 20 years from the date on which the patent application was first filed. In return for this monopoly, the patentee pays a fee to cover the costs of processing the patent and, more importantly, publicly discloses details of the invention.

Patents are administered by the Patent Office, which analyses applications to ensure that the right to a patent exists and publicly provides information on every patent granted. The Office is an executive agency of the Department of Trade and Industry.

Design Right

An industrial design right protects the form of appearance, style or design of an industrial object. Protection is provided against the copying of original designs for five years after they have been initially marketed, although any person is entitled, as of right, to a licence to use the design during the following five years, and a right to remuneration is provided for during that period. However, unrestricted copying is permitted where there is no design freedom for either functional or aesthetic reasons, such as in the case of spare parts needed to keep equipment in good repair.

Design right is a full property right. But according to the 1988 Act certain designs are not registrable and protection is in effect provided only for truly aesthetic, "stand-alone" designs which competitors do not need to copy in order to compete effectively.

Trade and Service Marks

A trade mark (or brand) is a means of identification – a symbol, whether a word or device or a combination of the two – which enables traders to make their goods and services readily distinguishable from similar goods and services supplied by other traders. Fraudulent use of a trademark is a criminal offence which incurs substantial penalties.

Service marks are the same thing as trademarks except that they identify and distinguish services rather than products.

Not all brands can be registered, however – the criteria for registration being set by the Trade Marks Registry, which is part of the Patent Office.

Trade Secrets

A trade secret (or "confidential information") is secret, nonpublic information concerning the commercial practices or proprietary knowledge of a business, public disclosure of which may sometimes be illegal. A trade secret is any formula, pattern, machine, process, database, method or operation used in the production of goods or services and known only to employees who need to know the secret to accomplish their work.

The protection of trade secrets covers the ideas themselves. It's the main distinction from copyright.

Patents, trademarks, service marks, trade secrets and design rights are sometimes collectively known as industrial property, as they are typically created and used for industrial or commercial purposes.

II. COMPREHENSION

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

1. a number of people gathered together; assembly
2. a person who engages in trade; dealer; merchant
3. a person, group, team, firm, etc., that vies or competes; rival
4. a set of tools, devices, kit, etc., assembled for a specific purpose
5. exclusive control of the market supply of a product or service
6. pay; recompense
7. the act of applying to a particular purpose or use
8. the production of goods

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

1. Which requirements should an invention meet to be granted a patent?
2. What rights does a patent give to the "patentee"?
3. What does the patentee have to do in return for the monopoly to use his own invention?
4. Which body is responsible for administering patents? What are its functions?
5. Can there take place unrestricted copying of original designs? Which can be the case?
6. What is treated as industrial property?

7. Which body deals with setting the criteria for registration of trademarks?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. Only individuals can be granted patents.
2. The granting of a patent gives the 'patentee' a monopoly for a fixed period of time – which in Britain today is 40 years.
3. The Patent Office is an executive agency of the Department of Commerce.
4. Protection is provided against the copying of original designs for seven years after they have been initially marketed.
5. Certain designs are not registrable.
6. Fraudulent use of a trade mark and possession of the offending goods incurs substantial penalties.
7. Any trade or service mark can be registered.

Exercise 4. Find words in the text which have a similar meaning to the words or phrases below:

a certain period of time; to confer; a demand; in public; in response; industrial producer; rascally use of a trademark; spare details; to compete efficaciously; to file a petition.

III. VOCABULARY STUDY

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

власник патенту; запасні частини; заявити про право на винахід; здатний, придатний; здійснювати оплату; конкурент, суперник; кримінальний злочин; матеріальне покарання; орган виконавчої влади; право на промисловий проект; промисловий об’єкт; промислові й комерційні цілі; публічно, відкрито; торговець; устаткування; функціональні чи естетичні причини; шахрайське використання.

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

1. A trade mark (or …..) is a means of identification.

2. A trade secret (or " ….. ….. ") is secret, ….. information concerning the commercial practices.

3. ….. use of a trademark is a criminal ….. which incurs substantial ….. .

4. Not all brands can be ….. .

5. Patents are administered by ….. ….. .

6. Protection is provided against the ….. of original designs for five years after they have been initially ….. .

7. The granting of a patent gives the " ….. " a monopoly to make, use or sell the ….. for a fixed period of time.

8. The patentee pays a ….. to cover the costs of processing the ….. and, more importantly, publicly discloses details of the ….. .

Exercise 3. Match a word in column A with a word / phrase in column B to make phrases from the text "Patents".

A	B
capable of	a fee
confidential	a patent
criminal	claim
fraudulent	designs
granting of	industrial manufacture
industrial	information
lay	marks
service	offence
"stand-alone"	penalties
substantial	property
to pay	use

Exercise 4. Insert the right preposition.

1. A trade mark enables traders to make their goods and services readily distinguishable ….. similar goods and services supplied ….. other traders.

2. ….. return ….. this monopoly, the patentee pays a fee to cover the costs ….. processing the patent.

3. It's the main distinction ….. copyright.

4. Patents are administered ….. the Patent Office.

5. Patents are typically created and used ….. industrial or commercial purposes.

6. The criteria ….. registration being set ….. the Trade Marks Registry.

7. The granting ….. a patent gives the "patentee" a monopoly to make, use or sell the invention ….. a fixed period of time.

8. The Patent Office analyses applications to ensure that the right ….. a patent exists and publicly provides information ….. every patent granted.

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

1. to assure / to guarantee / to acquit / to ensure
2. forensic / deceitful / rascally / fraudulent
3. demand / breach / claim / require
4. discovery / finding / invention / adjudication
5. to give / to seek / to confer / to grant
7. licence / permission / dismissal / patent
8. petition / request / application / execution
9. prerogative / privilege / accusation / right
10. confession / punishment / penalty / fine
11. transgression / wrongdoing / cassation / offence

Exercise 6. Insert one of the following words into text:

high-tech products, inventors, patent, innovator, reveal, learn, sell, benefit

Patents protect diverse inventions such as industrial designs, manufacturing processes, ….. , and molecular compounds. Like copyrights, patents were recognized in the U.S. Constitution. The Constitution granted Congress the powers to promote "the progress of science and useful arts" by providing ….. the limited but exclusive right to their "discoveries." The concept of a ….. is based on a trade-off. The inventor or ….. is given the exclusive right to make or use the invention for a limited period of time. In exchange, most countries' rules require the inventor to ….. the method behind the invention so that others may understand and ….. from it. After the exclusive period of time elapses, anyone can make, use, or ….. the invention. The inventor is granted an economic incentive to take risks and create; the public receives the ….. of the invention, as well as the inventor's knowledge for application in other uses.

Exercise 7. Translate the following sentences into English:

1. В обмін на монополію, власник патенту сплачує грошовий збір, щоб покрити витрати на виготовлення патенту й оприлюднює подробиці щодо свого винаходу.

2. Захист професійної таємниці охоплює саму ідею. Це і є її головною відмінністю від авторського права.

3. Патенти видаються особам і компаніям, які заявляють про право на винахід, що придатний для промислового виробництва й не був раніше відомий у Британії чи в іншому місці.

4. Патенти, торгові марки, знаки обслуговування, професійні таємниці й права на проекти іноді називають промисловою власністю, оскільки вони, як правило, створюються і використовуються для промислових і комерційних цілей.

5. Професійна таємниця – це певна формула, модель, механізм, технологічний процес, база даних, метод чи розробка, що використовується у виробництві товарів або послуг і відома тільки працівникам, яким потрібно знати її для виконання своєї роботи.

6. Торгова марка (чи бренд) – це засіб розпізнавання: емблема, девіз чи гасло, або їхнє поєднання, яке надає можливість торговцям робити свої товари й послуги легко помітними серед подібних товарів і послуг, що пропонуються іншими торговцями.

7. Ця служба є органом виконавчої влади Департаменту торгівлі й промисловості.

8. Шахрайське використання торгової марки – це кримінальний злочин, за який передбачене матеріальне покарання.

IV. SPEAKING

Exercise 1. Say what you know about:

– trademark / patent infringement cases;

– some unusual inventions;

– history of some famous inventions; history of some famous trademarks.

Exercise 2. Make up your own "list of top ten inventions" of all time. Explain your choice and discuss it with your group mates.

Exercise 3. Make a report on the topic "Law of Property", paying attention to the following points in your speech:

– definition of property;

– real and personal property;

– ownership interests in real estate;

– acquisition of title to real property;

– acquisition of title to personal property;

– tangible and intangible personal property;
– intellectual property rights.

Exercise 4. Find in the Internet some interesting facts concerning registration of trademarks and answer the questions:

– How is a trademark registered ?
– How extensive is trademark protection?
– What does a trademark do?
– What kinds of trademarks can be registered?

V. GRAMMAR FOCUS

Grammar Revision

Reported Questions. Requests. Orders.

When you report a question, you use the same word order as in the statement. You make the same tense and other changes as you do for reported statements.

– Wh questions:

"Where is Mary, Nom?" She asked Nom where Mary was.

– Yes / No questions:

"Are you going with us, Tom?" She asked if / whether Tom was going with them.

– Requests:

"Would you pass the book please, Tom?"
She asked Tom if he would pass her the book.
She asked Tom to pass her book.

– Order:

"Go to bed!" Mary's mother told her to go to bed.

Exercise 1. Change the following general and special questions into reported speech. Begin your sentences with the words I / he wondered, we / they asked, she / he wanted to know, etc.

Example: *Did she go shopping? – I asked If / whether she had gone shopping. When did she go shopping? – He asked when she had gone shopping.*

1. Did she take part in the performance? 2. How long has she been staying here? 3. Do they regularly go to the swimming pool? 4. How long have they been developing this project? 5. Had they already left by the time you went to the station? 6. What is shown in this diagram? 7. Has the decision been already taken? 8. Who was he speaking to when I came tip to him? 9. Is Mike still taking an exam? 10. Who was this book written by? 11. Will she be training at 10 tomorrow? 12. Who will fulfill this task? 13. Will she buy a new Hoover? 14. Who will play the role of Hamlet?

Exercise 2. Change commands, requests, recommendations into reported speech.

Example: *"Close the door", she asked me. – She asked me to close the door.*

1. "Do whatever you like", she said to us. 2. "Don't argue with me", said the teacher to the boy. 3. "Don't drive too fast", she begged him. 4. "Don't make too much noise, children", he said. 5. "Fill in the blank again", he said. 6. "Open the safe!" the raiders ordered the bank clerk. 7. "Please do as I say", he begged me. 8. "Put down that gun. It's loaded," she warned him. 9. "Read the document before you sign it", the lawyer said to his client. 10. "Stand clear off the door", a voice warned the people.

Exercise 3. Translate into English paying attention to the sequence of tenses in the clauses of time and condition.

1. Він запитав, що я робитиму, коли вийду на пенсію. 2. Він нагадав мені, що коли ми були студентами, ми завжди допомагали один одному. 3. Він сказав, що вони не поїдуть туди, поки не дізнаються адресу. 4. Вона сказала, що пройшло п’ять років з того часу, як вони одружилися. 5. Вона сказала, що зустріла приятеля, з яким училась в академії. 6. Вони сказали, що як тільки документи будуть готові, їх пришлють нам.

7. Капітан наказав усім піднятися на борт. 8. Медсестра сказала, що ми зможемо поговорити з лікарем тільки після того, як він огляне пацієнта. 9. Професор сказав, щоб я не приходив, поки не вивчу весь матеріал. 10. Я знав, що коли вони повернуться, вони обов'язково зателефонують нам.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. Should a simple improvement to an existing product (e.g., adding a new color to a smartphone) be eligible for a patent? Why or why not?

2. What do you think is the "price" a scientist pays to the public in exchange for a 20-year legal monopoly on their invention?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) prior art	a) not obvious to a person skilled in the relevant field.
2) non-obviousness	b) all information made available to the public before a given date.
3) specification	c) a person with average education and experience in a specific industry.
4) PHOSITA	d) the practical application or function of an invention.
5) utility	e) a detailed description of the invention and how it is made.

3. Reading Text

THE TRIPLE TEST OF PATENTABILITY: NOVELTY, INVENTIVE STEP, AND UTILITY

The patent system is a delicate social contract: the state grants an inventor an exclusive right to exclude others from practicing an invention for a limited time, provided the inventor discloses the technical details to the public. However, not every "new idea" qualifies for this protection. To prevent the stagnation of industry through trivial monopolies, patent offices worldwide apply a rigorous "triple test."

The first pillar is **Novelty**. An invention is considered new only if it does not form part of the **prior art**. This means that before the filing date, the exact same invention must not have been described in a publication, used in public, or sold anywhere in the world. Even the inventor's own premature disclosure can "destroy" novelty, rendering the idea unpatentable.

The second, and often most litigious pillar, is the **Inventive Step** (also known as *non-obviousness*). It is not enough for an invention to be different from the prior art; the difference must be significant. The standard used is that of the **PHOSITA** (Person Having Ordinary Skill In The Art). If the PHOSITA would find the invention to be a logical or obvious next step based on existing technology, the patent will be rejected. This ensures that patents are reserved for genuine leaps in human ingenuity rather than minor tweaks.

Finally, the invention must possess **Utility** (or *industrial applicability*). In legal terms, the invention must "work" and provide a tangible benefit. A machine that defies the laws of physics, such as a perpetual motion device, fails this test. Furthermore, the **specification** in the patent application must be clear enough to enable someone else in the same field to replicate the results. Without meeting these three criteria, an idea remains in the public domain, free for all to use.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. If an inventor gives a public speech about their invention before filing for a patent, they might lose the right to patent it.

2. The "Inventive Step" means that an invention only needs to be slightly different from what already exists.

3. An invention that has no practical use or doesn't actually work cannot be patented.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: prior art, utility, PHOSITA, novelty, specification.

1. The examiner rejected the application because a 1950s academic journal already contained _____ that described the same chemical process.

2. To prove the _____ of the new drug, the company had to demonstrate that it actually successfully treated the virus in clinical trials.

3. The legal team argued that the invention was not obvious to a _____, as it combined two technologies that were previously thought to be incompatible.

4. If a patent's _____ is too vague or incomplete, the patent may be ruled invalid in court for "lack of enablement."

5. The secret to maintaining _____ is to ensure that no "leaks" or public demonstrations occur before the official filing at the patent office.

Unit 7

Text: Marriage
Grammar: First Conditional

I. WARMING-UP

Exercise 1. Answer the following questions:

1. Do you agree with the opinions that marriage creates stability in society?
2. How can you explain the fact that the age at which people marry for the first time has risen?
3. Why do many couples choose to live together rather than marry?

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

1. ancient	a) відповідальність
2. behaviour	b) давній
3. chief	c) залежність
4. consent	d) непоправний
5. dependence	e) насильство
6. irremediable	f) згода
7. responsibility	g) основний
8. violence	h) поведінка

Vocabulary notes:

adultery	адюльтер, порушення подружньої вірності, подружня зрада
contested divorce	розлучення без згоди одного із подружжя
decree absolute	рішення суду, що остаточно й безумовно набрало чинності
decree nisi	умовне рішення суду; постанова суду, що набирає чинності з певного терміну, якщо воно не скасоване до цього терміну

desertion	зловмисне покидання одним із подружжя другого
fault based divorce	розлучення на підставі підтвердження вагомої причини
imperfectly constituted	не повністю відповідний
insanity	психічна хвороба, неосудність
irremediable breakdown	непоправний розрив (стосунків)
maturity	зрілість, повноліття
mutual dependence	взаємна залежність
no-fault divorce	розлучення без судового обґрунтування причин
prohibited degrees of relationship	ступені спорідненості, при яких забороняється одруження
rearing	виховання (дітей)
relationship planning	регулювання / планування родинних стосунків
right of succession	право одержання в спадщину
separation	роздільне проживання подружжя (фактичне припинення шлюбу без юридичного оформлення)
subsequent discovery	більш пізнє виявляння
terminate	припиняти дію
treat	поводитися, ставитися
uncontested divorce	розлучення за обопільною згодою
undergo	переносити, зазнавати
valid	юридично дійсний, чинний, правомірний
values	цінності
vitiating defect	дефект, що позбавляє законної сили
wedding	одруження

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

Marriage

Family law is the term applied to the laws and rules regarding family relationships. Family law rules define not only the relationships between members of a family but also between a family and society as a whole. More than any other area of the law, family law reflects the values society shares regarding how people who are related should treat each other.

Family law rules see the family as a special social institution and clarify such issues as marriage and relationship planning, divorce, paternity, adoption, custody and responsibility for children; protection from violence in the home. Norms of family law also prescribe the rights of succession to the property of a family member when they die.

Under Family law "marriage" is a social institution uniting men and women in special forms of mutual dependence, often for the purpose of founding and maintaining families. As far as children need undergo a long period of development before attaining maturity, the care of children during their years of relative helplessness is the chief incentive for the spouses. Marriage as a contract between a man and a woman has existed since ancient times. As a social practice it reflects the purposes, character, and customs of the society in which it is found.

Basically, there are three requirements of a valid marriage:

1) that the requisite formalities are complied with: whether a religious or a civil ceremony is necessary;

2) that the parties have legal capacity to marry each other; for instance, one or both may be under lawful age, or be already married to a third person, or they may be within the prohibited degrees of relationship, thus such individuals are prevented from wedding;

3) that the parties freely and knowingly consent to do so.

If a marriage has been imperfectly constituted in law, it may be annulled; grounds for annulment include lack of capacity, no

reality of consent by the parties, a vitiating defect in the marriage ceremony, or the subsequent discovery of such a "defect".

If married people wish to terminate their marriage relationship they both or any one of them should file for divorce. This can be accomplished through an uncontested divorce or a contested divorce. The last one may be of two kinds: no-fault divorce or a fault based divorce.

With "a no-fault divorce", the termination does not require proof of fault to be shown. Reasons for this type of divorce include incompatibility or irremediable breakdown of the marriage. The application can be made by either party. With the support of a court system, the other spouse may be divorced against his or her will in this case.

In "a fault based divorce", the grounds (reasons) for divorce are specific such as: adultery, habitual drunkenness, conviction of a felony, unreasonable behaviour, cruel and inhuman treatment, insanity, desertion of at least two years, two years' separation where the divorce is by consent, and five years' separation.

The procedure is usually for one party to petition for divorce. A judge considers the evidence and, if the grounds for divorce are proven, the judge pronounces a decree nisi which is a provisional measure. Six weeks later the petitioner can apply for a decree absolute, which is the final measure. The decree absolute has to be issued by the court before either party can remarry. A decree of divorce must be pronounced in open court.

Alimony is amount of money ordered by a court to be paid by one spouse to the other – usually by the husband to the wife – for some period, limited or indefinite, after a divorce. The traditional legal standard governing the amount of alimony was that which would allow the wife to live in the style to which she had become accustomed during the marriage. Under these circumstances, permanent support for the dependent spouse made sense – especially in a traditional society in which the husband earned the income and owned all family wealth and the wife was responsible for maintaining the home and rearing the children.

II. COMPREHENSION

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

1. a fault based divorce	6. habitual drunkenness
2. a no-fault divorce	7. legal capacity
3. a religious or a civil ceremony	8. responsibility for children
4. an area of the law	9. social institution
5. family relationships	10. alimony

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

1. What do people refer to as "marriage"?
2. Are there any requirements of a valid marriage?
3. How can a marriage be dissolved?
4. What are the typical grounds for a court to dissolve a marriage?
5. What is the procedure for divorce?
6. What do they call the money ordered by a court to be paid by one spouse to the other?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. Divorce is possible only if both parties petition for it.
2. A decree nisi is a provisional measure.
3. A decree of divorce must be pronounced at the closed meeting of the court.
4. The period for which alimony is to be paid is always limited.
5. There are three main standards governing the amount of alimony.
6. The divorce industry is biased against men in favour of women.
7. The civil law system allows the rich to buy justice.
8. When civil law cases go to trial, both parties lose.

9. You should have a career established first and be financially stable before you even think about getting married.

10. It's not against the law to slap your own spouse.

11. Men being injured by women is just as big a problem as women being injured by men.

12. Success in marriage does not come merely through finding the right mate, but through being the right mate.

13. A successful marriage requires falling in love many times, always with the same person.

Exercise 4. Complete the following sentences according to the information from the text:

1. Marriage as a contract between a man and a woman ….. .

2. The parties have legal capacity to marry each other ….. .

3. The parties freely and knowingly ….. .

4. Alimony is amount of money ordered by a court to be paid by….. .

5. If married people wish to terminate their marriage relationship they both or any one of them should ….. .

6. Six weeks later the petitioner can apply for a decree absolute, which is ….. .

7. The requisite formalities are complied with ….. .

8. With the support of a court system, the other spouse may be divorced against ….. .

III. VOCABULARY STUDY

Exercise 1. Write sentences using the following terms.

a provisional measure; a social practice; a special social institution; adoption; breakdown of the marriage; care of children; conviction of a felony; cruel and inhuman treatment; customs of the society; divorce; family law; legal capacity; legal standard; marriage; members of a family; paternity; proof of fault; succession to the property; unreasonable behavior; valid marriage; violence; wedding.

Exercise 2. Choose the right preposition in brackets according to the contents of the sentences (by (3), for (4), in (4), of (8), to (2), with (2))

1. A decree … divorce must be pronounced … open court.

2. A judge considers the evidence and, if the grounds … divorce are proven.

3. Alimony is amount … money ordered … a court to be paid … one spouse … the other.

4. As a social practice it reflects the purposes, character, and customs … the society … which it is found.

5. Family law is the term applied … the laws and rules regarding family relationships.

6. If a marriage has been imperfectly constituted ... law, it may be annulled.

7. If married people wish to terminate their marriage relationship they both or any one … them should file … divorce.

9. The application can be made … either party.

10. The procedure is usually … one party to petition … divorce.

11. … "a no-fault divorce", the termination does not require proof … fault to be shown.

12. … the support … a court system, the other spouse may be divorced against his or her will … this case.

Exercise 3. Substitute the words in italics with the words from the active vocabulary.

1. A contested divorce may be of two *categories*: no-fault divorce or a fault based divorce.

2. A decree of divorce must *be proclaimed* in open court.

3. The application can *be filed* by either party.

4. The decree absolute has to *be enacted* by the court before either party can remarry.

5. The other spouse may be divorced against his or her *volition* in this case.

6. The procedure is usually for one *side* to petition for divorce.

7. The traditional legal *norm* governing the amount of alimony was that which would *enable* the wife to live in the style to which she had become *habituate*d during the marriage.

Exercise 4. Complete the sentences with the words of the active vocabulary.

annulment; incentive; institution; marriage ceremony; regarding; relationship planning; responsibility for children; rules; subsequent discovery; succession; treat.

1. Family law reflects the values society shares ….. how people who are related should ….. each other.

2. Family law ….. see the family as a special social ….. .

3. Family legislation clarifies such issues as marriage and ….. ….. , divorce, paternity, adoption, custody and ….. ….. .

4. Grounds for ….. include lack of capacity, no reality of consent by the parties, a vitiating defect in the ….. ….. , or the ….. ….. of such a "defect".

5. Norms of family law also prescribe the rights of ….. to the property of a family member when they die.

6. The care of children is the chief ….. for the spouses.

Exercise 5. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example: *to require – a requirement (n.) e.g. What are his requirements?*

to adopt; to apply; to clarify; to develop; to prescribe; to protect; to reflect; to relate; to treat.

Exercise 6. Give the English equivalents for the following word combinations:

анулювання, скасування; алкоголізм; визнавати недійсним; весілля, одруження; вимога; відповідальність; громадянське повноліття; доказ, свідчення; жорстоке ставлення; зазнавати, переносити; заробляти, приносити дохід; засудження, визнання винним; звичаї; звичний, звиклий; мати сенс, бути зрозумілим; насильство, жорстокість; необхідні формальності; несумісність; обряд, церемонія; обставини, умови; письмове клопотання до суду чи судді; поводитися, ставитися; подружжя; припинити, завершити; прохач, позивач; релігійний; розлучення; розподіляти; стимул; стосунки; тимчасовий; тяжкий кримінальний злочин (фелонія).

Exercise 7. Complete the words using definitions.

a formal invalidation, as of a marriage, judicial proceeding, etc	an _ _ lme _ _
the dissolution of a marriage by judgment of a court or by accepted custom	_ i _ _ rc _
relatively permanent disorder of the mind; state or condition of being insane	ins _ _ _ ty
the state or quality of being mature; full development	m _ _ _ _ _ ty
the fact or state of being a father	_ _ te _ nit _
a formal application in writing made to a court asking for some specific judicial action	pe _ _ _ io _ n

Exercise 8. Translate into English.

1. Відповідно до сімейного права, "шлюб" – це соціальна інституція, що об'єднує чоловіків і жінок в особливі форми взаємної залежності з метою створення і утримання сімей.

2. Вони вільно й свідомо погоджуються це зробити.

3. Необхідними формальностями є те, яка церемонія потрібна: релігійна чи цивільна.

4. Норми сімейного права також встановлюють права успадковування майна померлого члена сім'ї.

5. Розлучення без згоди одного із подружжя може бути двох видів: розлучення без судового обґрунтування причин або розлучення на підставі підтвердження вагомої причини.

6. Сімейне законодавство визначає не лише стосунки між членами сім'ї, але й між сім'єю і суспільством у цілому.

7. Сімейне право – це термін, який охоплює закони й норми стосовно сімейних взаємин.

8. Сторони повинні мати правоздатність для укладання шлюбу, приміром, якщо вони не досягли громадянського повноліття або вже одружені, або перебувають у тому ступені спорідненості, при якому забороняється одруження, тоді таким особам не дозволяється брати шлюб.

9. Шлюб як договір між чоловіком і жінкою існує з давніх часів.

10. Якщо подружжя має намір припинити свої шлюбні стосунки, вони обоє або будь-хто з них повинен подати документи на розлучення.

IV. SPEAKING

Exercise 1. Discuss in group:

"Arranged marriages" are marriages which are negotiated primarily by the parents of the couple, rather than the couple themselves. There are proponents and opponents of this approach to creating new families:

Cons	Pros
a) Arranging marriages is an insult to the very nature of marriage, which should be about creating a loving and lasting partnership and family. b) The practice of arranged marriage separates	a) Arranged marriages are very much "real" marriages. Vastly more marriages than not in human history would fall under any sensible definition of arrangement. More than that, an unusually small number of

communities, helping to stop integration and encourage distrust between communities.	arranged marriages actually end in divorce. b) Arranged marriages do involve choice. The difference is merely that whole families are involved together in both considering the best options and in helping to achieve what is wanted.

1. Should we say that there is a great difference between arranged and love marriages?

2. Describe advantages and disadvantages of these two approaches.

Exercise 2. Work in groups. Think of your own cases which may relate to marrying for bad reasons and mental capacity to marry. Discuss them with your groupmates.

1. Marrying for bad reasons.

The law does not enquire as to why people are marrying. There is no legal requirement for them to be in love, for example. In New Zealand the courts upheld the marriage of two students who got married simply so that they could get better student grants and loans. As the following case illustrates, the English and Welsh courts will be unwilling to bar people legally entitled to marry from doing so because they are acting for questionable motives.

Case

Facts: A man was facing trial for murder. He and the woman who was to be the chief prosecution witness sought to marry. Under the law of evidence a wife cannot be compelled to give evidence against her husband (except in certain unusual circumstances). The Crown Prosecution Service sought an order that the Registrar General of Births, Marriages and Deaths should not issue a marriage certificate on the ground of public policy.

Legal principle: It was held that the Registrar General did not have the power to stop two people from marrying on the basis of public policy. The Human Rights Act 1998 protected the right to marry and that did not depend on a person having a good reason to marry.

2. Mental capacity to marry.

The law here has a delicate balance to strike. On the one hand, if the requirement of mental capacity is too high, it will mean people with mild learning difficulties will not be able to marry. On the other hand, set it too low and people with mental problems may be taken advantage of. The following case raised the issue well.

Case

Facts: A local authority became concerned about a young woman who was 21 years old, but who had a variety of problems and functioned as a 13-yearold. She had befriended an older man who had a history of committing sexually violent crimes. They planned to marry. The local authority sought guidance on the degree of capacity required of her to be able to marry.

Legal principle: It was presumed that a person had a capacity to marry. To have the capacity to marry an individual had to understand the nature of marriage and the duties and responsibilities that flowed from it. These included that the man and woman agreed to live together; to love one another to the exclusion of all others in a relationship of mutual and reciprocal obligation; to share a common home and domestic life, and to enjoy each other's society, comfort and assistance. This was not meant to set the hurdle of capacity at a high level and to understand these things did not require a high degree of intelligence. The question of capacity to marry was different from the question of whether the person was wise to marry this person. Nor did capacity to marry require that the individual was aware of the characteristics of their proposed spouse.

V. GRAMMAR FOCUS

Grammar Revision

First Conditional

Form:

if + Present Simple / Continuous, + will + infinitive

Use:

We use the first conditional:

– to talk about a likely situation and its probable result in the future.

If the weather keeps warm, we'll go to the river.

– to give advice, threats and to make promises.

If I have time, I'll help you.

Exercise 1. Open the brackets in the conditional sentences making necessary changes.

1. If he (leave) now, he will miss the rush hour. 2. If you (put) salt on ice, it will melt. 3. Provided that she (service) the car, we'll be able to drive to the country. 4. Providing that we (get up) early, we'll reach the place of destination in time. 5. They will let us know if they (see) him. 6. Unless he (do) his homework, he'll stay at home.

Exercise 2. Finish these sentences using the first conditional.

1. If he washes my car, …. 2. If I eat a lot of sweets, …. 3. If I go to the party, …. 4. If it rains, …. 5. If she loses her weight, …. 6. If we get this loan, …. 7. If you buy a new flat, …. 8. If you fail your test in English, …. 9. If you need a lot of money, …. 10. If you phone me tonight, ... 11. If you skip classes, …. 12. If you smoke, ….

Exercise 3. Translate into English.

1. Вони обговорять це питання, якщо у них буде вільний час. 2. Ми одержимо цю інформацію вчасно, якщо він відправить її електронною поштою. 3. Якщо він забуде свою обіцянку, я йому нагадаю. 4. Якщо нас запросять на ці переговори, ми підтримуватимемо вашу стратегію. 5. Якщо наш вчений одержить грант, він зможе закінчити дослідження цієї важливої для всього людства проблеми. 6. Якщо прибуток не буде розподілений між акціонерами, вони будуть незадоволені. 7. Якщо я попрошу його, він допоможе нам одержати цю позику.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. In modern society, should the state have the power to prevent two consenting adults from marrying? If so, under what specific circumstances?

2. Why do you think most legal systems require formal ceremonies or registration rather than just a private agreement between two people?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) consanguinity	a) the legal ability to enter into a contract or marriage.
2) capacity	b) being related by blood or descended from a common ancestor.
3) duress	c) the act of making something officially known or recorded.
4) solemnization	d) threats or violence used to force someone to do something against their will.
5) registration	e) the performance of a formal marriage ceremony in the presence of witnesses.

3. Reading Text

THE LEGAL ESSENTIALS OF A VALID MARRIAGE: CONSENT, CAPACITY, AND FORMALITIES

In the eyes of the law, marriage is more than a romantic union; it is a profound legal contract that alters the status, rights, and obligations of the parties involved. To be recognized as legally binding, a marriage must typically satisfy three fundamental criteria: **capacity**, **consent**, and **formalities**.

The first pillar, **capacity**, refers to the legal qualification of

the individuals to enter into the union. Most jurisdictions set a minimum age (often 18, or 16 with parental consent) to ensure a level of maturity. Furthermore, parties must not be within "prohibited degrees" of **consanguinity** or affinity, meaning they cannot be too closely related by blood or marriage. Crucially, capacity also implies that neither party is already married to someone else; a breach of this rule results in bigamy, rendering the subsequent marriage void from the outset.

The second essential is **consent**. For a marriage to be valid, both parties must voluntarily agree to the union with a full understanding of its nature. If consent is obtained through fraud, mistake, or **duress**, the marriage may be deemed *voidable*, meaning it can be annulled by a court. Mental capacity is also a factor here; if an individual lacks the cognitive ability to appreciate the duties and responsibilities of marriage at the time of the ceremony, the "meeting of the minds" required for a contract is missing.

Finally, the law dictates specific **formalities**. These are the procedural steps required by the state to provide public notice and ensure the certainty of the union. This involves the **solemnization** of the marriage by an authorized official (religious or civil) and the presence of at least two credible witnesses. The process concludes with **registration**, where the marriage is recorded in a public ledger. While the internal feelings of the couple are private, these outward formalities ensure that the marriage is an **enforceable** legal reality with implications for taxation, inheritance, and next-of-kin rights.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. A marriage is automatically void if one of the parties was forced into it through threats.
2. "Consanguinity" laws prevent people who are close biological relatives from marrying each other.
3. Formalities like having witnesses are optional as long as the couple has a written agreement.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: capacity, duress, solemnization, registration, consanguinity.

1. The lawyer argued that the prenuptial agreement was signed under _____, as the husband had threatened to cancel the wedding an hour before the ceremony.

2. In many ancient legal systems, the rules regarding _____ were much stricter than they are today, often banning marriages between distant cousins.

3. The judge ruled that the groom lacked the mental _____ to understand the legal contract he was entering due to advanced dementia.

4. After the religious ceremony, the couple headed to the town hall to complete the final _____ of their marriage.

5. Without the proper _____ by a licensed registrar, the wedding remained a purely symbolic event without legal weight.

Unit 8

Text: Parent and Child
Grammar: Second Conditional

I. WARMING-UP

Exercise 1. Answer the following questions:

1. Do you agree with the opinions that marriage is the best environment to bring up children?
2. What body deals with child maintenance cases?
3. What does the process of child adoption involve?

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

1. action	a) відповідальний
2. distinguish	b) відсутність заповіту
3. failure	c) успадковувати
4. inherit	d) обов'язок
5. intervention	e) позов
6. intestacy	f) посередництво
7. liable	g) розрізняти
8. obligation	h) неспроможність

Vocabulary notes:

adopted child	усиновлена дитина
adoptive parent = adopter	названий батько (мати), усиновитель
chastise	карати, бити
custody	опіка, піклування
deceased	померла людина, небіжчик
deed	документ із підписом і печаткою
eligible	що має право (з огляду на відповідність певним вимогам); підхожий, придатний
excessive	надмірний, зайвий
failure	невиконання, неспроможність

illegitimate	незаконний, нелегітимний; незаконнонароджений, позашлюбний
inherit	діставати в спадщину, успадковувати
intervention	втручання, посередництво, співучасть
intestacy	відсутність заповіту; майно (спадщина), залишені без заповіту
investments	затрати, витрати
maintenance	підтримка, догляд, утримання
met	врахований, додержаний
paternity	батьківство
qualified	придатний, підхожий
successor	правонаступник, спадкоємець
ward	підопічна особа
ward of court	особа, що перебуває під опікую суду

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

Parent and Child

Family law determines the legal rights and obligations of fathers or mothers to their children and of children to their parents. The legal relationship is distinguished from the natural relationship; for example, two persons may have a legal relationship of parent and child although there is no natural relationship, as in the case of an adopted child.

As a rule parents are the legal as well as natural guardians of their child. They have the right to name the child and are entitled to custody. As custodians, they can reasonably chastise the child, but for excessive punishment the parents are criminally liable for assault, or for homicide in case of death. Either parent has the right to custody of the children of the marriage, and in a divorce or separation the court can award custody to the parent best qualified and able to care for the children. Parents must provide for their children such necessities of life as food, clothing, shelter, education, and medical care; if they cannot or will not, the laws authorize

intervention by designated authorities to ensure that children's needs are met.

Children who are physically or emotionally abused by their parents may be the subject of legal action in order to protect the children. Parents' rights to custody of their children may be limited or, in extreme cases, terminated because of failure to provide adequate care. Laws require a father to support his minor children if he is able to do so, whether or not he has ever been married to their mother. Failure to provide support may result in civil or criminal proceedings against him. If paternity has been admitted or established, laws permit children to inherit from their father's estate unless specifically excluded in his will.

Legitimation. Prior to legitimation, the child is said to be illegitimate. Once a child has been legitimated, he or she is entitled to all of the benefits from that father as he or she would if that man had been married to the child's mother at the time of the child's birth. The legal effect is that the legitimated child is treated as a lawful child. The father is responsible for providing support to the child and the child is entitled to inherit from the father.

Adoption. On adoption the child is deemed to be the legitimate child of its adoptive parents. The adopted child has the same rights of inheritance under wills, deeds and intestacies as natural children of the adopters.

A person is eligible for adoption at any age under 18, provided he or she is unmarried. In practice about 90 per cent of all adoptions are of children under 10.

Who may adopt? The applicant or one of the joint applicants for an adoption must have attained the age of 25, or have attained the age of 21 and be a relative, e.g. grandparent, brother, sister, uncle or aunt, or be the mother or father of the infant, e.g. with an illegitimate child.

Guardianship is the relationship existing between an infant (known as a ward) and some person who has the right of control over him and of ensuring his maintenance, education, and welfare.

Such powers are, of course, normally exercised by parents who have a duty to provide care, protection, and control. Where, however, either or both parents are deceased, or unable or unwilling to exercise these powers and duties, the question of appointing a successor in the form of a guardian will arise. Every infant must have some adult to safeguard his interests.

Guardians may be appointed by:

a) a deed or will of a parent.

b) the court, where no guardian has been appointed by deed or will and the infant has no parent, guardian or other person exercising control over him.

Where an infant or minor has been made a ward of court (which may result where both parents are dead or divorced) all important decisions affecting the child, such as his upbringing, property, investments, etc. may only be made by authority of the court.

II. COMPREHENSION

Exercise 1. Scan the text to find legal terms which correspond to the following explanations:

– a moral or legal requirement, duty;
– a person who applies;
– a person who kills another;
– a violent attack, either physical or verbal;
– one who looks after, protects, or defends;
– something that provides cover or protection;
– the act or process of acquiring knowledge.

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

1. What does family law determine?
2. What rights can parents exercise to their children?
3. Which parent has the right to custody of the children of the marriage? Who is custody awarded to in a divorce or separation?
4. What must parents provide for their children?

5. May parents' rights to custody of their children be limited?

6. Do the rights of legitimated children differ very much from those legitimate or lawful children?

7. Who may adopt? Are there any requirements for those wishing to adopt a child?

8. What is "guardianship"?

9. When does the question of appointing a guardian arise?

10. Who can appoint a guardian?

11. When can an infant or minor be made a ward of court?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. The legal relationship is the same as the natural relationship.

2. As a rule parents are the legal as well as natural guardians of their child.

3. Parents can chastise the child.

4. No laws may authorize intervention in the family by authorities.

5. Children may be the subject of legal action.

6. A father's duty to support his minor children depends on whether or not he has ever been married to their mother.

7. The adopted child has the same rights of inheritance as natural children born in wedlock to the adopters.

8. A person is eligible for adoption at any age under 10.

9. All important decisions affecting the child, such as his upbringing, property, investments, etc. can be made by authority of the court.

Exercise 4. Complete the following sentences according to the information from the text:

1. As a rule parents are the legal as well as ….. .

2. Every infant must have some adult to ….. .

3. Failure to provide support may result in ….. .

4. Laws require a father to support his minor children if he is able to do so, whether or not he has ever …… .

5. The adopted child has the same rights of inheritance under wills, deeds and intestacies as ….. .

6. The father is responsible for providing support to the child and the child is entitled to ….. .

7. The legal effect is that the legitimated child is treated as ….. .

Exercise 5. Explain the following terms and expressions in your own words:

legal action; legal relationship; legal rights and obligations; natural guardians; natural relationship; necessities of life.

III. VOCABULARY STUDY

Exercise 1. Write out of the text all words and combinations with the following words. Translate them and use some of them in your own sentences:

adopted; adoptive; applicants; care; court; decisions; illegitimate; lawful; legal; legitimate; natural; proceedings; punishment.

Exercise 2. Who or what do the pronouns in bold type refer to?

1. **He / she** is eligible for adoption at any age under 18.

2. As a rule **they** are the legal as well as natural guardians of their child.

3. **It** determines the legal rights and obligations of fathers or mothers to their children and of children to their parents.

4. **It** is the relationship existing between a ward and some person who has the right of control over him.

5. **They** require a father to support his minor children.

6. **They** must provide for their children such necessities of life.

7. **He** is responsible for providing support to the child and the child is entitled to inherit from the father.

8. **It** is that the legitimated child is treated as a lawful child.

Exercise 3. Complete the sentences with the words / phrases of the active vocabulary. If necessary refer to the text.

1. Every ….. must have some adult to safeguard his ….. .
2. Failure to provide support may result in civil or criminal ….. against him.
3. Guardians may be appointed by the ….. , where no guardian has been appointed by deed or ….. .
4. If ….. has been admitted or established, laws permit children to inherit from their father's estate unless specifically excluded in his ….. .
5. In practice about 90 per cent of all ….. are of children under 10.
6. The adopted ….. has the same rights of inheritance under wills, deeds and intestacies as natural children of the adopters.
7. The applicant or one of the joint applicants for an ….. must have attained the age of 25.
8. The legal ….. is that the legitimated child is treated as a ….. child.
9. Where an ….. or ….. has been made a ward of court all important decisions affecting the child may only be made by authority of the court.

Exercise 4. Write the words / phrases associated with the given concepts:

1. Civil or criminal proceedings: …..
2. Custodians: …..
3. Family law: …..
4. Legal relationship: …..
5. Medical care: …..
6. Parents' rights: …..

7. Upbringing: …..

Exercise 5. Complete this definition and explanation with words and expressions from the box.

adult; binding; business; convicted; guardians; Juvenile; juveniles; land; legal status; majority; malice; marry; minor; minority; parents; responsible; written permission; vote; will; young offender; young person; Youth.

A child can be defined as "a person under the age of 18". We can also use the word "…..". The state of being less than 18 years old is called "…..". When a child becomes 18, he / she reaches the age of ….. and so is legally regarded as an ….. . In other words, he / she becomes ….. for his / her own actions, can sue, be sued or undertake ….. transactions.

In Great Britain a child does not have full ….. until the age of 18. A contract is not ….. on a child, and a child cannot own ….., cannot make a ….., cannot ….. and cannot drive a car (under the age of seventeen). A child cannot ….. before the age of 16, and can only do so between the ages of 16 and 18 with the ….. of his / her ….. or legal ….... A child who is less than 10 years old is not considered capable of committing a crime; a child between 10 and 14 years of age may be considered capable of doing so if there is evidence of ….. or knowledge, and so children of these ages can in certain circumstances be ….... In criminal law the term "child" is used for children between the ages of 10 and 14; for children between 14 and 17, the term "….." is used; all children are termed "…..". If someone between these ages commits a crime, he / she is known as a ….., and may be sentenced in a ….. Court (previously known as a ….. Court).

Exercise 6. Give the English equivalents for the following word combinations:

батьківство; виховання; відповідальний; втручання; гарантувати, забезпечувати; діставати в спадщину, успадковувати; добробут, достаток; достатня турбота; карати,

бити; користь, прибуток; кровна спорідненість; незаконнонароджений; неповнолітній; неспроможність; образа словами й погроза фізичним насильством; опіка, опікунство; опікун; підопічна особа; піклуватися, доглядати; позов; покарання; прийомна дитина; присуджувати; прохач; правовідносини; смерть; спадкоємець; спадщина, успадкування; убивця, убивство; усиновлення; утримання; цивільне чи кримінальне судочинство; юридичні права й обов'язки.

Exercise 7. Translate into English.

1. Батьки мають право давати ім'я своїй дитині та мають право на опіку.
2. Батьки повинні забезпечити своїх дітей такими необхідними для життя речами, як: їжа, одяг, житло, освіта, і медичний догляд.
3. Батько – відповідальний за утримання дитини і дитина має право діставати від нього спадщину.
4. На практиці приблизно у 90 відсотків випадків усиновляють дітей віком до 10 років.
5. Опікунство – це взаємини між неповнолітнім (підопічною особою) і особою, яка має право контролю над нею, забезпечення її утриманням, освітою і добробутом.
6. Права батьків на опіку над своїми дітьми можуть бути обмежені або, у надзвичайних випадках, скасовані у разі неспроможності забезпечити належну турботу.
7. Прийомна дитина має ті ж права успадкування за заповітом як і діти, народжені у шлюбі.
8. Сімейне право визначає законні права й обов'язки батька чи матері щодо своїх дітей і дітей щодо своїх батьків.
9. Як тільки дитину всиновлюють, вона отримує право на усі прибутки батька, так ніби він був одружений на матері від народження дитини.
10. Якщо батьківство було визнане або встановлене, законодавство дозволяє дітям успадковувати майно своїх батьків.

IV. SPEAKING

Exercise 1. Say what you know about rules, tips or recommendations how to strengthen families and to maintain good relations between parents and their children. Write down a list of such tips. For instance:

1. Tell your child you love him every day – no matter his age.
2. Play with your children.
3. Let your children help you.
4. Eat meals as a family.
5. Respect your child's choices.

Exercise 2. Discuss in group:

1. If children behave badly, who's to blame: parents or children?
2. Spanking is one of the most controversial discipline methods. On one side of the debate are parents who believe it is all right to spank their children. On the other side are those who think that children should never be spanked. Somewhere in the middle are parents who believe that spanking should only be used in particular instances (e.g., when the child runs into the street). Whom do you support? Explain your choice.

Exercise 3. Make a report on the topic "Family Law", paying attention to the following points in your speech:

– nature of family law;
– marriage;
– parent-child relationship;
– termination of marriage relationship.

Exercise 4. Find in the Internet or other sources some information concerning adoption procedure in our country including international adoption and home adoption. What are the adoption trends and laws? Present this information to the class.

V. GRAMMAR FOCUS

Grammar Revision

Second Conditional

Form:

If + Past Simple / Continuous, + would + infinitive

Use:

We use the second conditional:

– to talk about an unlikely or imaginary situation and its result

If I won the lottery, I'd buy a new car.

– in the expression "If I were you, I'd …" to give advice

If I were you, I'd retire.

Exercise 1. Put the verbs in brackets into the correct form. (All the sentences refer to the present or future).

1. I wouldn't want to live in this city even if I (have) all the money in the world. 2. If I (win) a lot of money, I would feel very happy. 3. If I wanted to help, you (can) do it even now. 4. If I were you, I (be) more careful. 5. If it (not be) so late, I would phone him. 6. If nothing better (turn up), he would apply for this job. 7. If you (can) send us this information, we would be very grateful. 8. If you (change) your mind, I would never forgive you. 9. If you (study) harder, you would get better marks. 10. If you reached an agreement, we (sign) the contract.

Exercise 2. Finish these sentences using the second conditional.

1. If he invested in government bonds, …. 2. If he listened to my advice, ... 3. If he took better care of his health, …. 4. If I could help you, …. 5. If I passed my English exam, …. 6. If I saw it with my own eyes, ... 7. If I were sacked, …. 8. If I were you, …. 9. If my friend got promotion, ... 10. If she were present, ... 11. If the customer complained, ... 12. If you didn't ask me any questions, ... 13. If you knew him better, ...

Exercise 3. You ask a friend questions. Use *What would you do if ...*?

1. Maybe one day your friend will win a lot of money. 2. Perhaps one day your friend will lose his / her passport. 3. There has never been a fire in the building. 4. Your friend's car has never been stolen but perhaps one day it will be.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. In your view, should parents have the ultimate say in their child's medical treatment, or should the state be able to override them in life-threatening situations?

2. How has the legal definition of a "parent" changed with the rise of surrogacy and assisted reproduction?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) welfare	a) to officially take away a power, right, or privilege.
2) custody	b) the health, happiness, and fortunes of a person or group.
3) revoke	c) the legal right to make decisions for a child and provide care.
4) statutory	d) a failure to take proper care in doing something.
5) negligence	e) required, permitted, or enacted by statute (written law).

3. Reading Text

THE CONCEPT OF PARENTAL RESPONSIBILITY: RIGHTS VS. DUTIES IN MODERN LAW

Historically, the legal relationship between parent and child was viewed through the lens of proprietary rights, where children were almost seen as the "property" of their fathers. However, modern jurisprudence has undergone a seismic shift, replacing the archaic notion of "parental rights" with the more nuanced concept of **parental responsibility**. This change reflects a move away from adult-centric authority toward a child-centric model where the

welfare of the minor is the "paramount consideration."

Parental responsibility is essentially a collection of **statutory** duties and powers that a parent has by law in relation to a child and their property. It encompasses the duty to provide a home, protect and maintain the child, and ensure their education. While it includes the "right" to make decisions regarding the child's upbringing – such as choosing a school or consenting to medical procedures – these are increasingly framed as "powers" held in trust for the child's benefit rather than absolute rights.

The legal system intervenes when this responsibility is not met. If there is evidence of **negligence**, abuse, or a failure to provide for the child's basic needs, the state has the authority to limit or even **revoke** these powers. In high-conflict divorces, courts often favor joint **custody** arrangements, emphasizing that while a marriage may end, the shared responsibility to the child remains. The modern legal trend is clear: a parent's "right" only exists as long as it serves the child's best interests; the moment it contradicts the child's well-being, the law steps in to rebalance the scales.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Modern law views children as the property of their parents, similar to historical legal systems.

2. Parental responsibility includes both the duty to care for a child and the power to make major life decisions for them.

3. The state cannot interfere with a parent's decisions unless the parent voluntarily gives up their rights.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: welfare, statutory, custody, negligence, revoke.

1. The court decided to grant the mother sole _____ because the father lived in a different country and could not provide daily care.

2. Under _____ law, both parents usually acquire legal responsibility for the child automatically if they are married at the time of birth.

3. Social services may intervene if a child's _____ is at risk due to a lack of proper housing or nutrition.

4. If a guardian is found guilty of gross _____, they may face criminal charges in addition to losing their parental status.

5. In extreme cases of persistent abuse, the judge may move to _____ all parental rights permanently to allow for adoption.

Unit 9

Text: Nature of Contracts
Grammar: Third Conditional

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What is a contract?
2. What is the objective theory of contracts?
3. What are the four basic elements necessary to the formation of a valid contract?

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

1. appointment	a) анулювання
2. bind	b) домовлена зустріч
3. contemplation	c) жест
4. expectation	d) зобов'язувати
5. foundation	e) товариство
6. gesture	f) розгляд
7. partnership	g) сподівання
8. rescission	h) основа

Vocabulary notes:

affirmative	позитивний, позитивний, стверджувальний
agency	посередництво, представництво
are met	здійснюються, враховуються, додержуються
binding	що зобов'язує, обов'язковий
commercial papers	кредитно-грошові документи
course of conduct	лінія поведінки, спосіб дії
employment	наймання, зайнятість (*робочої сили*), працевлаштування
injured party	постраждала сторона

intention	намір, мета, прагнення
meeting of minds	збіг волі і бажань сторін (в процесі укладання договору)
minor	неповнолітній, підліток
negative unilateral contract	односторонній контракт про винагороду другій стороні у разі невиконання тією стороною якоїсь дії
promisee	кредитор за договором
promisor	боржник за договором
public policy	громадська думка, суспільний порядок
quid pro quo	*лат.* послуга за послугу, компенсація
refrain	утримуватися (*від чогось*)
rely on	покладатися, довіряти; бути впевненим
remedy	засіб судового захисту, право на відшкодування
rescission	розірвання договору
secured transaction	забезпечена угода, транзакція під гарантії
soft drink machine	автомат з продажу безалкогольних напоїв
sue for money damages	звертатися до суду з позовом щодо грошової компенсації збитків

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

Nature of Contracts

Contract law is a foundation upon which many other areas of business law are built, such as activity of corporations and partnerships, employment, agency, commercial papers, and secured transactions. The law of contracts is a framework to ensure that lawful expectations are met or that remedies are provided.

A contract is a legally enforceable agreement, express or implied, which gives rise to certain rights and obligations. Thus in

case of a breach of contract the injured party may go to court to sue for money damages, or for rescission, or for specific performance if money damages would not compensate for the breach. But these rights and obligations cannot arise except between the parties to the contract.

Most people make a number of contracts during each day. Every cab ride, purchase of a grocery item, use of a soft drink machine, or appointment with a doctor involves a contractual relationship. It does not matter that these contracts are oral, or are based on gestures or even on a course of conduct. Mere informality does not render a contract less binding. Though certain contracts shall not be enforceable unless they are in writing and are signed by the party to be charged; for example, contracts concerning real property.

There are four essential elements of a valid contract: 1) capacity of the parties; 2) legality of subject matter; 3) consideration (something of value given in exchange for a promise); 4) mutual agreement (assent), meeting of the minds (a valid offer and acceptance) and intention of the parties to create legal relations.

Each of the four essential requirements must be met in the formation of a valid contract.

Capacity of the Parties

Under the law, only a person who is legally competent has the power to make a binding contract and can be held to any promises contained therein. Persons who may be considered to be legally incompetent include minors, insane persons, and, sometimes under specified circumstances, intoxicated persons.

Legality of Subject Matter

If the subject matter of an agreement is not legal, the agreement is not enforceable in a court of law. In this respect, we do not use the expression "void" or "voidable"; the illegal agreement simply has no existence in contemplation of law. Generally, neither party has access to a court for the assistance of law with respect to any aspect of the agreement.

There are two reasons why the subject matter of a contract may be illegal: statute and public policy. Statutes are legislative acts; public policy is a judicial determination of prevailing morality.

Consideration

Consideration is something of value that is given in exchange for a promise. It is based on the idea of *quid pro quo* ("something for something"). In almost all contracts, consideration is required for enforceability.

Mutual agreement

Contracts usually consist of mutual promises given by parties with intent to bind themselves. A promise creates for the promisor (the person making the promise) a future obligation. For the promisee (the person to whom the promise is made) it creates an expectation that the promise will be fulfilled. Furthermore, the promisee will often rely on the promise.

It is not necessary that the thing promised be affirmative; it may be refraining from acting or promising not to act. A promise made to give $1,000 to a friend if she does not smoke (a negative unilateral contract) is mutual and binding.

II. COMPREHENSION

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

1) a formal agreement between two or more parties;
2) a person licensed to practise medicine;
3) a system of moral principles;
4) a taxi;
5) money to be paid as compensation to a person for injury;
6) something demanded or imposed as an obligation;
7) the state or quality of being legal or lawful.

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

1. What branches of law are associated with Contract Law?
2. Give a definition of a contract.

3. What is the meaning of the phrase "a legally competent person" if we speak about contractual obligations?

4. Who is usually considered to be legally incompetent?

5. Is a contract void or voidable if its subject matter occurs to be illegal?

6. If they say that the subject matter of a contract is against public policy what do they mean?

7. What is the role of consideration in contractual relations?

8. How do they call a person to whom the promise is made? What does the promise create for him?

9. What is a difference between affirmative and negative promises?

Exercise 3. Are the following statements true or false? Correct the false ones.

1. A contract is legally enforceable only if it is based on an express agreement of the parties.

2. For a contract to be enforceable it is not necessary to be in writing.

3. A contract is treated as valid even in the absence of any one of its four essential elements.

4. Intoxicated persons by no means are considered legally incompetent.

5. If the subject matter of a contract is against law they say that it is a negative contract.

6. In contractual relations consideration is an equivalent to promise.

Exercise 4. Find words in the text which have a similar meaning to the words or phrases below:

annulment; anticipation; basis; compulsory; continuing contract; default on obligations; indispensable elements; offended party; pecuniary compensation; to assure.

III. VOCABULARY STUDY

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

агентство; взаємна угода; грошове відшкодування; договір, який підлягає виконанню; договірні стосунки; домінуюча мораль; законні сподівання; кредитно-грошові документи; легальність предмету договору; наміри сторін; неправоздатний; односторонній договір; подавати позов; поїздка на таксі; порушення контракту; потерпіла сторона; правоздатність сторін; правомочний; психічно хвора людина; торговельне право; чинний договір.

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

1. Contracts usually consist of ….. ….. given by parties with intent to bind themselves.
2. Each of the four essential ….. must be met in the formation of a ….. contract.
3. Furthermore, the ….. will often rely on the promise.
4. Generally, neither party has access to a court for the ….. ….. with respect to any aspect of the agreement.
5. In case of a breach of contract the ….. ….. may go to court to sue for money damages.
6. Mere informality does not render a contract less ….. .
7. Most people make a number of ….. during each day.
8. Persons who may be considered to be ….. ….. include minors, insane persons, and, sometimes under specified circumstances, intoxicated persons.
9. Statutes are legislative acts; public policy is a judicial determination of ….. ….. .
10. The law of contracts is a framework to ensure that lawful expectations are met or that ….. are provided.
11. There are four essential elements of a ….. contract.
12. These rights and ….. cannot arise except between the parties to the contract.

Exercise 3. Match a word in column A with a word / phrase in column B to make phrases from the text "Nature of Contracts".

A	B
binding	agreement
business	competent
capacity of	contract
commercial	expectations
contractual	law
enforceable	papers
injured	party
lawful	relationship
legality of	subject matter
legally	the parties
secured	transactions

Exercise 4. Insert the right preposition.

1. Consideration is something … value that is given … exchange … a promise.

2. Contracts usually consist … mutual promises given … parties … intent to bind themselves.

3. If the subject matter … an agreement is not legal, the agreement is not enforceable … a court of law.

4. In case … a breach … contract the injured party may go to court to sue … money damages, or … rescission, or … specific performance.

5. It is based … the idea … quid pro quo ("something … something").

6. It is not necessary that the thing promised be affirmative; it may be refraining ... acting or promising not to act.

7. Neither party has access … a court … the assistance … law … respect … any aspect … the agreement.

8. Though certain contracts shall not be enforceable unless they are … writing and are signed … the party to be charged.

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

1. regulation / access / admittance / admission
2. agreement / specimen / bargain / contract
3. conditions / circumstances / situations / tenants
4. consent / assent / agreement / taxation
5. duty / responsibility / obligation / reconciliation
6. viable / fastening / locking / binding
7. to obtain / to hold / to comprise / to contain
8. merit / value / worth / rape
9. positive / subordinate / good / affirmative
10. thoughtless / reckless / insane / reinstatement

Exercise 6. Translate the following sentences into English:

1. Більшість людей укладають ряд угод упродовж кожного дня.
2. В основі договору, зазвичай, лежать взаємні обіцянки, що даються сторонами з наміром покласти на себе певні зобов'язання.
3. Відповідно до закону, тільки особа, яка є юридично правомочною може укладати юридично обов'язковий договір.
4. Два чинники визначають чи є предмет договору нелегальним: закон і громадській устрій.
5. Договір – це угода, що підлягає виконанню, чітко сформульована чи мовчазна домовленість, яка започатковує певні права й обов'язки.
6. Договірне право – це система, що забезпечує здійснення законних сподівань і надає засоби судового захисту.
7. Існує чотири необхідні складові чинного договору: 1) правоздатність сторін; 2) легальність предмету договору; 3) зустрічне задоволення; 4) взаємна згода.
8. Майже в усіх договорах зустрічне задоволення є необхідною умовою для здійснення зобов'язань.

9. Не обов'язково, щоб предмет домовленості був позитивно виражений, це може бути утримання від певних дій або запевнення не робити чогось.

10. Явне недодержання встановлених формальностей не робить договір менш обов'язковим для виконання.

IV. SPEAKING

Exercise 1. Say what you know about:

– various forms of consideration as an integral part of a valid contract;

– forms of rejection of an offer;

– forms of discharge of contract.

V. GRAMMAR FOCUS

Grammar Revision

Third Conditional

Form:

If + Past Perfect, + would have + Participle II

Use:

We use the third conditional:

– to talk about possible situations in the past which didn't happen

If you had followed my advice, you would have earned a lot of money. (but you didn't)

We can "mix" clauses from second and third conditional sentences (mixed conditional) if we want to connect a possible past event with the present or future.

If you had followed my advice, (but you didn't in the past) *you would be rich*. (but you aren't, now)

Exercise 1. Open the brackets in the conditional sentences making necessary changes.

Example: *If he (come) yesterday, he would have helped us. – If he had come yesterday, he would have helped us.*

1. He (pass) his exams well if he had studied hard. 2. I might have gone on an excursion with you if I (know) about it beforehand. 3. I would have prepared everything yesterday if I (receive) your message on Monday. 4. If he (not work) late, he would have caught his bus. 5. If I had known of his arrival, I (meet) him. 6. If Mary had agreed to sit in for us, we (go) to the movie yesterday. 7. If we (know) that you were there, we would have called on you. 8. Nobody told me about your trouble. I would have helped you if I (know) about it. 6. If you had tried your best, you (get) the job. 9. She (notice) this mistake if she had been more attentive.

Exercise 2. Finish these sentences using a mixed conditional.

1. If he had been wore friendly, … 2. If he had signed an agreement, … 3. If he were an honest man, … 4. If I had asked his permission, … 5. If I had been better at English, … 6. If I had only known about this earlier, … 7. If I had won the money, … 8. If I know her better, …

Exercise 3. Translate into English.

1. Ми б поїхали сьогодні в басейн, якби ви подзвонили вчора ввечері. 2. На вашому місці, я б пішов раніше, щоб застати його. 3. Ніхто б тебе не звинувачував, якби ти вів себе по-іншому. 4. Ти б засмутився, якби я не прийшов. 5. Ти пішла б куди-небудь вечором, якби він тебе запросив? 6. Я б на твоєму місці не став би здіймати такий галас. 7. Якби він був обережніший, він би не впав. 8. Якби він вів машину обережніше, ніякої аварієї не було б. 9. Якби він міг дати позитивну відповідь, ми б давно це зробили. 10. Якби він не зламав ногу, він би виграв турнір. 11. Якби він не приїхав на машині зустріти нас, нам би самим довелось нести наші речі. 12. Якби ти прийняв його пропозицію, ти б давно працював у хорошій фірмі.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. Is every promise we make in daily life (e.g., promising a friend to meet for coffee) a legally binding contract? Why or why not?

2. If you find a lost dog and return it to the owner, but only later discover there was a reward posted, are you legally entitled to that money?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) consensus ad idem	a) something of value exchanged between parties to a contract.
2) revocation	b) a "meeting of the minds"; when both parties understand the same terms.
3) consideration	c) the official cancellation or withdrawal of an offer.
4) invitation to treat	d) a rejection of the original offer combined with a new offer.
5) counter-offer	e) an indication of willingness to negotiate, but not yet a formal offer.

3. Reading Text

THE ESSENTIAL ELEMENTS OF A VALID CONTRACT: OFFER, ACCEPTANCE, AND CONSIDERATION

At its core, a contract is a legally enforceable agreement that creates reciprocal obligations between parties. Under the common law tradition, the "nature" of a contract is not merely about a signature on a page; it is about the presence of specific structural elements that signal a serious intent to be bound. These pillars are **offer**, **acceptance**, and **consideration**.

The process begins with an **offer** – an expression of willingness to contract on certain terms. It must be distinguished from an **invitation to treat**, such as a shop window display or an advertisement, which merely invites others to make an offer. For an offer to be valid, it must be clear, certain, and communicated to the offeree. Crucially, an offeror can exercise **revocation** at any time before it is accepted.

Acceptance is the final and unqualified expression of assent to the terms of the offer. It must be a "mirror image" of the offer; if the offeree attempts to change the terms, they have issued a **counter-offer**, which kills the original offer. In most cases, acceptance must be communicated to the offeror to be effective, establishing the **consensus ad idem** necessary for a valid agreement.

However, a promise is not a contract unless it is supported by **consideration**. This is the price paid for the promise – the "quid pro quo." English law does not generally enforce "gratuitous" promises (gifts). Consideration must be "sufficient" (have some value), but it does not need to be "adequate" (be a fair price). As long as something is given in exchange, the court will not typically step in to rescue a party from a bad bargain. Finally, even with these three elements, the parties must have a clear **intention to create legal relations**, a presumption that is usually automatic in commercial settings but absent in social or domestic ones.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. An advertisement in a newspaper is always considered a legally binding offer.

2. If you change one small detail in a deal while agreeing to it, you have technically rejected the original offer.

3. The law will only enforce a contract if the price paid is considered fair and equal to the value of the goods.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: revocation, consideration, counter-offer, consensus, treat.

1. The seller sent a notice of _____ because the buyer took too long to respond to the initial proposal.

2. When I tried to lower the price of the car, the owner viewed it as a _____ and withdrew his original price.

3. In legal terms, a price tag on a shelf is merely an invitation to _____, not a binding promise to sell at that price.

4. The contract failed because there was no _____; the uncle promised the money as a gift and received nothing in return.

5. Without a true _____ ad idem, where both parties agree on the same subject matter, the contract can be ruled void.

Unit 10

Text: Mutual Agreement: Offer and Acceptance
Grammar: Expressing wishes and regrets

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What elements are necessary for an effective offer?
2. What are the elements that are necessary for an effective acceptance?

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

1. acceptance	a) згубний
2. concept	b) відхиляти
3. fatal	c) акцепт
4. manifest	d) оферта
5. offer	e) поняття
6. reject	f) прохання
7. request	g) точно визначати
8. specify	h) явний

Vocabulary notes:

breach	порушення (*закону, зобов'язання*)
bring the contract to an end	припинити дію договору
close a transaction	укласти угоду
counter-offer	зустрічна оферта; контроферта
customs of the trade	торговельний звичай
discharge of contract	виконання договору, припинення зобов'язань по договору
duress	фізичний примус
expiration date	дата закінчення терміну дії (*договору*)
expire	закінчуватися (*про строк*), втрачати силу (*про вимогу*)

fraud	обман, шахрайство, підробка
free	звільняти (*від якихось зобов'язань тощо*)
frustration	припинення зобов'язання через неможливість його виконання
in the hands	у розпорядженні, в інтересах
incompetency	недієздатність, неправоздатність
lacking	якого не вистачає (бракує)
mental condition	психічний стан, усвідомлювана умова
mind reader	той, хто читає чужі думки
misrepresentation	неправильне висвітлення; перекручення, спотворення (*фактів тощо*)
performance	виконання, здійснення
reality	дійсність, реальність, істинність, непідробність
rejection	відмова, відкидання, відхилення (*пропозиції*)
request for information	запит про надання інформації
revocation	скасування, анулювання
revoke	скасовувати, анулювати, брати назад (*обіцянку*), оголошувати недійсним
terms	умови
undue influence	зловживання впливом, неналежний вплив
unqualified	абсолютний, цілковитий, беззастережний, безумовний, необмежений

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

Mutual Agreement: Offer and Acceptance

As defined in the previous text, a contract is a legally enforceable agreement; an agreement is a meeting of the minds. Since courts and juries are not mind readers, the existence of this mental condition must be manifest in words, oral or written, or in actions. The mutual assent of the parties to a contract is manifested in two legal concepts, the offer and the acceptance.

The offer. The simplest way to form an express contract begins with a formal offer. There are two requirements of an offer: it must indicate a clear, definite intent to make a contract and it must be communicated to the other party.

If an offer does not specify a period of time during which it is to remain open, it expires after the passage of a reasonable time. What constitutes a reasonable time depends on the implied intention of the offerer and the property or goods offered, customs of the trade or business, and the like. When the time during which the offer is to remain open is specified, that time then becomes the expiration date. An offer may expire at an earlier time than stated, however, because of:

– rejection: if a person to whom an offer has been made rejects it, then they cannot subsequently accept the original offer;

– a counter-offer: where the offeree tries to change the terms of the original offer; a counter-offer should not be confused with a request for information, which does not end the offer;

– revocation of offer: the offeror may revoke a simple offer at any time before it is accepted;

– the death or incompetency of either offerer or offeree.

The acceptance. Acceptance of the offer close a transaction. However, the acceptance must meet certain standards:

– first, the acceptance must be clear and unqualified; an acceptance that modifies the original offer is treated in the law as a counter-offer, that is, a rejection of the original offer and the making of a new offer;

– second, the offeree must accept in any manner required by the offer. If the offer states, "I must have your answer by 1 p.m. on December 1,"then failure to have the answer in the hands of the offerer by that time is fatal to the contract.

Reality of contract. As explained earlier, a meeting of the minds – mutual assent or agreement – is a necessary element of a contract. Without it, the contract may be void or voidable. There are several reasons why mutual assent may be lacking: mistake, fraud, misrepresentation, undue influence, and duress.

Discharge of contract means that the parties to an agreement are freed from their contractual obligations. A contract is discharged in one of four ways:

a) agreement of the parties to bring the contract to an end;

b) performance of obligations;

c) frustration;

d) breach of contract conditions by another party.

II. COMPREHENSION

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

1. definite intent	6. meeting of the minds
2. expiration date	7. mental condition
3. express contract	8. mutual assent
4. incompetency	9. the offer and the acceptance
5. legally enforceable agreement	10. undue influence

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

1. How may a mutual agreement of contracting parties be manifested?

2. What are the requirements of an offer?

3. What does an expiration date signify in connection with the offer?

4. May an offer expire at an earlier time than its expiration date?

5. Under what conditions can an offerer revoke his or her offer?

6. What is treated as an acceptance in contractual relations?

7. What are legal consequences of mistake, fraud, misrepresentation, duress and undue influence from the point of view of enforceability of a contract?

8. How may contracts be discharged?

9. Which of the following agreements will be enforced by the courts:

a. John agrees to sell his car to Peter for $500.

b. John agrees, as favour, to take Peter on holiday with him.

c. John agrees to give Peter, as favour, a valuable painting and signs a deed to this effect which is sealed and delivered to Peter.

Exercise 3. Are the following statements true or false? Correct the false ones.

1. A contract is based on an oral agreement of two or more parties.

2. Any offer expires after the passage of a reasonable time.

3. Rejection in contractual relations is synonymous to counteroffer.

4. An offerer can revoke his or her offer only in cases stipulated by law.

5. Even without mutual assent of the parties the contract is treated as valid.

Exercise 4. Complete the following sentences according to the information from the text:

1. Acceptance of the offer close a ….. .

2. An offer must indicate a clear, definite intent to make a contract and it must be ….. .

3. If a person to whom an offer has been made rejects it, then they cannot subsequently accept ….. .

4. The mutual assent of the parties to a contract is manifested in two legal concepts, ….. .

5. The offeror may revoke a simple offer at any time before ….. .

III. VOCABULARY STUDY

Exercise 1. Write sentences using the following terms.

agreement of the parties; another party; certain standards; contract conditions; contractual obligations; discharge of contract; implied intention; mutual assent; offerer or offeree; original offer; performance of obligations; reasonable time; revoke a simple offer.

Exercise 2. Choose the right preposition in brackets according to the contents of the sentences (at, in (4), from, of (5), on, to (2), by).

1. Discharge … contract means that the parties … an agreement are freed ... their contractual obligations.

2. Since courts and juries are not mind readers, the existence … this mental condition must be manifest … words, oral or written, or … actions.

3. The mutual assent … the parties … a contract is manifested … two legal concepts, the offer and the acceptance.

4. The offeree must accept … any manner required … the offer.

5. The offeror may revoke a simple offer … any time before it is accepted.

6. What constitutes a reasonable time depends … the implied intention … the offerer and the property or goods offered, customs … the trade or business, and the like.

Exercise 3. Substitute the words in italics with the words from the active vocabulary.

1. A counter-offer should not be *embarrassed* with a *demand* for information.

2. An offer may *elapse* at an earlier time than *established*.

3. As explained earlier, *a presence of consensus* – mutual assent or agreement – is a necessary *component* of a contract.

4. However, the *approval* must meet certain standards.

5. If an offer does not *determine* a period of time during which it is to remain open, it expires after the passage of a *judicious* time.

6. The acceptance must be clear and *unconditional*; an acceptance that modifies the *primary* offer is treated in the law as a counteroffer.

7. The offeree must *consent* in any manner required by the offer.

8. There are several reasons why mutual assent may be lacking: mistake, *swindle*, misrepresentation, undue influence, and *imprisonment*.

9. They cannot *afterwards* accept the original offer.

10. Without it, the contract may be *useless* or voidable.

Exercise 4. Complete the sentences with the words of the active vocabulary.

a meeting of the minds; agreement; assent; be communicated; breach; enforceable; expiration; express; frustration; intent; obligations; offer; reasonable; the offer and the acceptance; voidable.

1. A contract is a legally ….. agreement; an agreement is …...

2. A contract is discharged in one of four ways: a) ….. of the parties to bring the contract to an end; b) performance of …..; c) …..; d) ….. of contract conditions by another party.

3. If an offer does not specify a period of time during which it is to remain open, it expires after the passage of a ….. time.

4. The mutual ….. of the parties to a contract is manifested in two legal concepts, …...

5. The simplest way to form an ….. contract begins with a formal ….. .

6. There are two requirements of an offer: it must indicate a clear, definite ….. to make a contract and it must ….. to the other party.

7. When the time during which the offer is to remain open is specified, that time then becomes the ….. date.

8. Without it, the contract may be void or ….. .

Exercise 5. The verbs below can all be used to form nouns. Find in the text the words which have related meanings and make up your own sentences with them. Pay special attention to where the stress is.

Example: *to frustrate – a frustration (n.) e.g. I am fed up with the frustrations of everyday life.*

to communicate; to constitute; to contract; to define; to expire; to explain; to indicate; to misrepresent; to modify; to revoke.

Exercise 6. Give the English equivalents for the following word combinations:

безумовний; визначена мета; виконання (*обов'язків*); відкидати, відхиляти; дата закінчення терміну дії; договірні зобов'язання; досягнення порозуміння; закінчуватися (*про строк*); згодом, пізніше; надмірний вплив; намір, мета, прагнення; недійсний; неправоздатність; обман, шахрайство; очевидний, явний; попередній текст; порушення (*закону, зобов'язання*); примус; оферта; психічний стан; розлад (*планів*); скасування, анулювання; спотворення (*фактів тощо*); суд присяжних; умови договору.

Exercise 7. Complete the words using definitions.

a breaking, infringement, or violation of a promise, obligation, etc	_ r _ a _ _
a proposal made by one person that will create a binding contract if accepted unconditionally by the person to whom it is made	_ _ fe _

an authority having power to adjudicate in civil, criminal, military, or ecclesiastical matters	_ ou _ _
legal disqualification or ineligibility	in _ o _ _ e _ en _ _
something false or spurious	f _ _ u _
the condition of being frustrated	f _ _ str _ _ io _
the fulfilment of an obligation or release from a responsibility or liability	_ is _ _ a _ _ e
the illegal exercise of coercion	d _ _ e _ s

Exercise 8. Translate into English.

1. Виконання договору означає, що сторони звільняються від договірних зобов'язань.

2. Існує декілька причин, через які обопільна згода неможлива: непорозуміння, шахрайство, спотворення фактів, надмірний тиск і примус.

3. Найпростіший спосіб формування позитивно вираженого контракту починається з формальної оферти.

4. Обопільну згоду сторін у договорі ясно показують два юридичні поняття: оферта й акцепт.

5. Оскільки суди й присяжні не читають чужі думки, задовільний психічний стан має бути очевидним зі слів, усних чи написаних, або дій.

6. Оферта може втратити силу раніше, ніж було встановлено, внаслідок відмови, зустрічної оферти, скасування оферти, смерті або неправоздатності оферента чи адресата оферти.

7. Якщо оферта не встановлює точно часу до якого вона залишається доступною, тоді її строк завершується по закінчені розумного терміну.

8. Якщо час до якого оферта має бути доступною точно встановлений, тоді цей час стає датою закінчення терміну дії договору.

IV. SPEAKING

Exercise 1. Read the following text and prepare three-five questions to its content. Be ready to interview your group mates.

An offer is a proposal made on certain terms by offeror with a promise to be bound by that proposal if the offeree accepts the stated terms. An offer may be made to a specific person; in this case this offer can be accepted by that person. If an offer is made to a group of people it may be accepted by any member of the group.

A genuine offer must be distinguished from an "invitation to treat", which occurs in the following instances:

– the display of goods with a price ticket attached in a shop window or on a supermarket shelf;

– advertisements, catalogues, brochures;

– company prospectus;

– statements of price in negotiations for the sale of land;

– auctions;

– tenders.

An offer can end in a number of ways:

– by acceptance of the offer;

– by rejection of the offer:

a) by a counter offer;

b) by notifying the offeror of not accepting the offer.

– by revocation before acceptance;

– if the offer lapses;

– if the offeror dies;

– if failure of a condition attached to the offer happens.

V. GRAMMAR FOCUS

Grammar Revision

Expressing wishes and regrets

– **to wish** can be used as a simple verb

I wish you a Happy New Year.

– **wish + could or Past Simple / Continuous** is used to talk about something you would like to be different, but can't change

I wish I could speak Italian fluently!

– **wish + Past Perfect** is used to express past regrets

I wish I had attended that conference.

– **wish + would** is used to express annoyance at the habits of others

I wish you wouldn't take my car.

Exercise 1. Paraphrase the following sentences using the correct form of the verbs after the verb wish.

Example: *It's a pity you are so busy these days. – I wish you were not so busy these days.*

1. I am sorry I made you upset by bringing such depressing news. 2. It's a pity that you did not send your son for one of us last night. 3. It's a pity we are not so young as you are. 4. It's a pity we won't be able to reach the village before sunset. 5. My friend regrets not having told you all at once. 6. She was sorry she had no money to buy a toy for her son. 7. The patient was sorry that he had not fulfilled all the doctor's instructions. 8. They were disappointed that they had not persuaded her. 9. Unfortunately, he did not receive the answer before Christmas. 10. What a pity you are leaving so soon.

Exercise 2. Write sentences beginning *I wish* ...

1. Ann isn't here (and I need to see her). 2. I can't go to the party (and I'd like to). 3. I don't have a key (and I need one). 4. I don't know anything about cars (and my car has just broken down). 5. I don't know many people (and I'm lonely). 6. I have to work tomorrow (but I'd like to stay in bed). 7. I live in a big city (and I don't like it). 8. I'm not lying on a beautiful sunny beach (and that's a pity). 9. It's cold (and I hate cold weather).

Exercise 3. Translate into English.

1. Він пожалкував, що прийшов і привів із собою друга. 2. Ми не встигли поговорити про наші проблеми. 3. Прикро, що вас не прийняли. 4. Прикро, що ви не дочекалися його приходу. 5. Прикро, що їй доведеться відмовитись від такої нагоди. 6.

Шкода, що ви не скористалися такою нагодою. 7. Шкода, що він не закінчив цей проект. 8. Шкода, що він прийшов так пізно. 9. Шкода, що нам доведеться так швидко поїхати. 10. Я б дуже хотів бути зараз у Лондоні. 11. Я тепер жалкую, що не послухав його поради. 12. Як би мені хотілося говорити англійською так само добре, як він. 13. Як прикро, що він працює допізна.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If you agree to buy a house but ask the seller to leave the curtains behind, have you officially accepted their offer, or have you started a new negotiation?

2. Why do you think the law requires "absolute" clarity during the exchange of an offer and acceptance? What are the risks of ambiguity?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) mutual assent	a) to make an offer null and void by withdrawing it.
2) Mirror Image Rule	b) a meeting of the minds; shared agreement on all contract terms.
3) unequivocal	c) leaving no doubt; clear and unambiguous.
4) invalidate	d) the requirement that an acceptance must match the offer exactly.
5) terminate	e) to make a logical argument or a contract officially no longer valid.

3. Reading Text

THE MECHANICS OF MUTUAL ASSENT: THE MIRROR IMAGE RULE

In the architecture of contract law, **mutual assent** is the cornerstone upon which all legal obligations are built. It represents the "meeting of the minds" (*consensus ad idem*), where both parties agree to the exact same terms at the same moment. To ensure this alignment is perfect, traditional common law applies a strict doctrine known as the **Mirror Image Rule**.

Under this rule, for an acceptance to be legally effective, it

must be unequivocal and must match the offer in every detail. Like a reflection in a mirror, the acceptance cannot add, remove, or modify a single provision of the original proposal. If the offeree attempts to introduce even a minor variation – such as changing the delivery date or adding a small service fee – the law does not view this as an acceptance. Instead, the original offer is deemed **terminated**, and the offeree's response is classified as a *counter-offer*.

This "all or nothing" approach is designed to provide absolute certainty. Without the Mirror Image Rule, parties might find themselves trapped in contracts where the terms are "muddy" or disputed. However, in the modern commercial world, this rule has faced criticism for being too rigid, particularly in the "battle of the forms," where businesses exchange standardized purchase orders with conflicting "fine print." Consequently, while the Mirror Image Rule remains a fundamental pillar for services and real estate, many jurisdictions have moved toward more flexible standards for the sale of goods, allowing for a contract to form even if the acceptance contains non-material variations. Nevertheless, for a legal practitioner, understanding the strictness of the mirror image remains vital to preventing the accidental invalidation of a client's agreement.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. According to the Mirror Image Rule, you can accept an offer while simultaneously suggesting a small improvement to the price.

2. A counter-offer has the legal effect of canceling the original offer made by the first party.

3. The Mirror Image Rule is applied with the same level of strictness to all types of contracts, including the modern sale of goods.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: unequivocal, terminate, invalidate, assent, mirror.

1. The court found that there was no mutual _____ because the buyer thought the price included shipping, while the seller did not.

2. Because the acceptance was not a _____ image of the proposal, no binding contract was ever formed.

3. A simple "Yes, I agree" is considered an _____ acceptance, as it leaves no room for misinterpretation.

4. If you reject the offer today, you effectively _____ your right to accept it later if the seller changes their mind.

5. Minor technical errors in the documentation are usually not enough to _____ the entire agreement, provided the core terms are clear.

Unit 11

Text: Kinds of Contracts
Grammar: Modal Verbs

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What is the difference between an implied-in-fact contract and an implied-in-law contract (quasi contract)?

2. How does a void contract differ from a voidable contract? What is an unenforceable contract?

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

1. avoid	a) виконувати
2. capable	b) віддавати належне
3. covenant	c) доказ
4. fulfil	d) здатний
5. infer	e) недійсний
6. proof	f) робити висновок
7. render	g) угода
8. void	h) уникати

Vocabulary notes:

at the expense	за рахунок
bilateral contract	двосторонній договір
contract under seal	договір з печаткою (скріплений печаткою)
covenant	договір чи акт з печаткою; зобов'язання (із договору з печаткою)
deed	документ із підписом і печаткою
enforceability	позовна сила; можливість примусового виконання; здійснення зобов'язань; право на судовий захист

executed contract	контракт, умови якого виконані обома сторонами; договір з виконанням у момент укладання
executory contract	контракт, що має бути виконаний у майбутньому
implied-in-law	що випливає з припису закону, що розуміється в силу закону
infer	виводити, робити висновок
jest	жарт, дотеп, витівка, розіграш
past breach	порушення договору, строк дії якого вже минув
render a benefit	сприяти, створювати вигоду
specialty contract	договір з печаткою
unenforceable contract	договір, що не має позовної сили
unilateral contract	односторонній контракт, контракт, перед укладанням якого одна із сторін уже виконала майже всі свої зобов'язання
unjust enrichment	необґрунтоване збагачення, неправомірне збагачення
withdraw from the contract	денонсувати договір, вийти з договору

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

Kinds of Contracts

Contracts may be classified in three ways: by type of formation (express or implied), by performance (unilateral or bilateral, executed or executory), or by enforceability (valid, unenforceable, void or voidable).

By type of formation:

1. An **express contract** is one in which the terms of the contract are stated by the parties, either orally or in writing. The example of a written one is a contract under seal which is generally

called a specialty contract, a covenant or a deed. Three things are essential to a deed – writing, sealing and delivery.

2. An **implied contract** is one in which the terms of the contract are not stated by the parties. There are two types of implied contracts: those implied in fact and those implied in law.

3. The existence and the terms of an implied-in-fact contract are manifested in conduct, rather than words. The proof of the contract lies in the conduct of the parties; it means that a reasonable person, being aware of this conduct, would infer that a contract exists.

4. An implied-in-law or quasi contract is created by operation of law (i.e., a court implies a contract) in order to avoid unjust enrichment of one party at the expense of another. There is no agreement, no meeting of the minds, one party has rendered a benefit to another under such circumstances that fairness and equity require compensation.

By type of performance:

– **bilateral** versus **unilateral**

A bilateral contract is based on an exchange of promises – a promise for a promise. Thus there is a mutual engagement.

A unilateral contract involves a promise by one party and an act by the other. If, however, the person receiving the offer promises to act before doing so, the contract may become bilateral.

– **executed** versus **executor**

An executed contract is one that has been fully performed by both parties; all promises have been fulfilled.

In an executory contract something remains to be done by one or both parties at some future date.

By enforceability:

A **valid contract** meets all legal requirements and can be enforced by either party.

An **unenforceable contract** is one that is valid in itself but not capable of being proved in a court of law because this contract does not meet one or more legal requirements and cannot be enforced by either party. Examples are promises to make a gift (no

consideration), promises made in jest (no contractual intent), and past breaches of contract now beyond the statute of limitations.

A **voidable contract** is binding on only one of the parties. The other party has the option to withdraw from the contract or enforce it. Examples are contracts made by minors and contracts made under mental duress.

A **void contract** is a contract that has no legal effect and cannot be enforced by either party. Examples are illegal agreements made under threat of physical force.

II. COMPREHENSION

Exercise 1. Scan the text to find legal terms which correspond to the following explanations:

– a declaration of the intention to inflict harm, pain, or misery

– a formal legal document signed, witnessed, and delivered

– a stamp, ring, etc., engraved with a device to form such an impression

– any evidence that establishes or helps to establish the truth, validity, quality, etc., of something

– the quality of being impartial or reasonable; fairness

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

1. What are possible grounds for the classification of contracts?
2. What is a difference between express and implied contracts?
3. What are the two types of implied contracts? Define them.
4. What kind of contracts does not require the existence of mutual promises?
5. Is an unenforceable contract valid or void? Explain your choice.
6. Give the examples of unenforceable contracts.

7. What is a difference between voidable and void contracts? Give examples.

Exercise 3. Are the following statements true or false? Correct the false ones.

1. There are three general kinds of contracts: a deed, a specialty contract and an implied-in-law contract.
2. Gifts and jests are the examples of voidable contracts.
3. Sometimes it is difficult to define whether there is an executed or executory contract.
4. A quasi contract is created directly by the conduct of the parties rather than words.

Exercise 4. Complete the following sentences according to the information from the text:

1. A bilateral contract is based on ….. .
2. A unilateral contract involves ….. .
3. A valid contract meets ….. .
4. A void contract is a contract that ….. .
5. A voidable contract is binding on ….. .
6. An executed contract is one that ….. .
7. An express contract is one in which ….. .
8. An implied contract is one in which ….. .
9. In an executory contract something remains to be done by ….. .
10. The existence and the terms of an implied-in-fact contract are manifested in ….. .

Exercise 5. Explain the following terms and expressions in your own words:

– a bilateral contract
– a unilateral contract
– a valid contract
– a void contract
– a voidable contract

– an executed contract
– an express contract
– an implied contract
– an implied-in-fact contract
– an unenforceable contract

III. VOCABULARY STUDY

Exercise 1. Write out of the text all words and combinations with the following words. Translate them and use some of them in your own sentences:

date; duress; effect; enrichment; force; gift; in jest; intent; limitations; minds; operation; person; requirements; seal.

Exercise 2. Who or what do the pronouns in bold type refer to?

1. **It** involves a promise by one party and an act by the other.
2. **It** meets all legal requirements and can be enforced by either party.
3. **They** may be classified in three ways.
4. **They** are illegal agreements made under threat of physical force.
5. **They** are manifested in conduct, rather than words.
6. **It** has the option to withdraw from the contract or enforce it.
7. **It** lies in the conduct of the parties; it means that a reasonable person, being aware of this conduct, would infer that a contract exists.
8. **They** are essential to a deed – writing, sealing and delivery.

Exercise 3. Complete the sentences with the words / phrases of the active vocabulary. If necessary refer to the text.

1. A bilateral contract is based on an ….. ….. – a promise for a promise.

2. A valid contract meets all ….. ….. and can be enforced by either party.

3. A void contract is a contract that has no ….. ….. and cannot be enforced by either party.

4. An implied-in-law is created by operation of law in order to avoid ….. ….. of one party at the expense of another.

5. Examples are contracts made by minors and contracts made under ….. ….. .

6. Examples are illegal agreements made under threat of ….. ….. .

7. In an executory contract something remains to be done by one or both parties at some ….. ….. .

8. The example of a written one is a contract ….. ….. which is generally called a specialty contract, a covenant or a deed.

9. There are two types of implied contracts: those ….. ….. and those implied in law.

Exercise 4. Write the words / phrases associated with the given concepts:

1. Benefit: …..
2. Compensation: …..
3. Covenant: …..
4. Duress: …..
5. Enforceability: …..
6. Performance: …..

Exercise 5. Give the English equivalents for the following word combinations:

брати назад, відкликати; виконувати, здійснювати; договір; договір з печаткою; документ, акт; жартома; за законом; неповнолітній; несправедливе збагачення; обізнаний, що усвідомлює; поведінка; погроза фізичною силою; подарунок; позовна сила; поміркована людина; правові наслідки; психічний примус; робити висновок; у порівнянні з; фактично; ясно показувати.

Exercise 6. Translate into English.

1. Договір з виконанням у момент укладання повністю реалізовується обома сторонами.

2. Договір, що випливає з припису створюється дією закону, щоб уникнути несправедливого збагачення однієї сторони за рахунок другої.

3. Договори можна класифікувати на три категорії: за типом складання, виконання й позовної сили.

4. Недійсний договір – це договір, який не має юридичної сили й не може втілюватись у життя жодною із сторін.

5. Односторонній договір містить обіцянку однієї сторони й дію другої.

6. Основою двостороннього договору є обмін обіцянками.

7. Оспорюваний договір обов'язковий тільки для однієї сторони.

8. У договорі, що має бути виконаний у майбутньому залишається щось, що підлягає виконанню однією чи обома сторонами у майбутній період.

9. У квазі-договорі строки виконання не визначаються сторонами.

10. У позитивно вираженому договорі строки виконання визначаються сторонами або усно, або у письмовій формі.

11. Чинний договір відповідає усім юридичним вимогам і може втілюватись у життя будь-якою стороною.

IV. SPEAKING

Exercise 1. Prepare a list of five-seven questions of your own to ask about the topic "Contract law". Be ready to interview the students in your group.

Exercise 2. Say what you know about:

– the importance of contract law in international business;

– fundamental norms that the structure and content of a written agreement must comply with;

– different kinds of contractual clauses.

Exercise 3. Do you support the statement: "A contract is only as good as the relationship with the other party in the contract".

Exercise 4. Make a report on the topic "Contract Law", paying attention to the following points in your speech:

– nature of contract law;

– essential elements of a valid contract;

– classifications of contracts;

– discharge of contractual obligations.

V. GRAMMAR FOCUS

Grammar Revision

Modal Verbs

A. Ability: can, could, be able to

1. **Can** and **cannot / can't** are commonly used to talk about ability to do something in the present

He can speak several foreign languages.

2. To talk about someone's general ability to do something in the past we use **could** and someone's specific ability (to do something on one occasion) – **was / were able to**

I could read when I was five.

I was able to see personal manager without an appointment.

3. To talk about ability with perfect and future forms, the **be able to** structure is used. *Will you be able to send this fax?*

B. Permission: can, could, may, be allowed to

1. a) **Can** and **could** are used to ask for permission in the present.

May can be also used but is quite formal.

Could / Can I call you back?

May I use your phone, please?

b) When talking about whether something is permitted or not we use **can / can't** and **be (not) allowed to.**

Passengers are not allowed to smoke during take-off.

You can leave your letter at the reception.

2. To talk about permission in the past we use **could / couldn't** and **was / were not allowed to.**

We were not allowed to ask any questions.

3. When talking about permission with future and perfect forms **be allowed to** is used.

He will not be allowed to invest in this business.

Exercise 1. Fill in the blanks with can / can't or be (not) able to in the proper form.

1. He … speak English rather fluently, but that time he … say a word. 2. He did not want to go there, but we … to persuade him. 3. He has never … speak in public. 4. … you give me a lift to the station, please? 5. I … do it on Friday, but I … do it next week. 6. I … drive when I was fifteen. 7. I … hear somebody running. 8. I have never … ride a bicycle. 9. I used … eat a kilo of sweets for supper. 10. I used to … speak German very well. 11. I'd like … ski very well. 12. Luckily I … find a taxi. 13. She sighed. I … feel her hands shaking. 14. You … marry her, but you … make her love you. 15. You … see him at the meeting. He was ill.

Exercise 2. Complete the sentences with could / couldn't + one of these verbs:

come, eat, run, sleep, be (2), do

1. "You look tired." "Yes, I ….. last night." 2. A car is pulling up. It ….. Lucy. 3. He ….. it if he tries. 4. He ….. there tomorrow. 5. I was feeling sick yesterday. I ….. anything. 6. The train arrives at 11.30. She ….. at noon. 7. When Tim was 16, he was a fast runner. He ..… 100 meters in 11 seconds.

Exercise 3. Complete these sentences using can, could, may and be able to, or be allowed to in the correct form.

1. "Could I borrow your car? No, you ….. ." 2. ….. I send him a message? He is at the meeting at the moment. 3. ….. you phone the boss today? 4. He ….. solve this problem yet. 5. My sister never ….. to travel alone. 6. Students ….. bring notes into the exam tomorrow. 7. When he first came to London, he ….. read English but he (*negative*) ….. speak. 8. When I pass my driving test, I ….. hire a car. 9. When we were in the old office, we ….. access all the files. 10. Who ….. appoint the receivers to find someone to rescue the company?

Exercise 4. Translate into English.

1. Він міг би зробити це, але не захотів. 2. Він міг би приїхати завтра. 3. Він не міг прочитати цю книгу так швидко, вона надто складна для нього. 4. Вони змогли б піднятися на вершину, але їм завадила погода. 5. Можливо, він і заходив до них, коли був у Києві. 6. Навряд чи він забув про свою обіцянку, я нагадував йому про це вчора. 7. Навряд чи вони одружаться, вони дуже різні люди. 8. Не може бути, щоб він був удома вчора в цей час. 9. Не може бути, щоб він зіткнувся з іншою машиною. Він такий обережний водій. 10. Не може бути, щоб він спав зараз. 11. Не може бути, щоб вони вам так відповіли. 12. Не може бути, щоб вони поїхали й не попрощались із нами. 13. Невже він відмовився їхати туди? 14. Невже він сказав вам про це. 15. Хіба міг хтось подумати, що він виграє матч?

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If you sit down in a barber's chair and they begin cutting your hair without a word being spoken about the price, have you entered into a legal agreement to pay them?

2. Why might a written contract be "safer" than one based on actions, even if both are legally binding?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) express contract	a) an obligation created by law for the sake of justice, even without an agreement.
2) implied-in-fact	b) an agreement where terms are stated clearly in words, either oral or written.
3) quasi-contract	c) the behavior or actions of the parties involved.
4) conduct	d) a contract inferred from the actions and circumstances of the parties.
5) unjust enrichment	e) a legal principle preventing one party from profiting unfairly at another's expense.

3. Reading Text

EXPRESS VS. IMPLIED CONTRACTS: HOW ACTIONS SPEAK LOUDER THAN WORDS

In the vast majority of commercial transactions, parties rely on **express contracts**. These are agreements where the terms are explicitly manifested in words, whether through a meticulously drafted sixteen-page document or a brief verbal exchange over the phone. In an express contract, the "meeting of the minds" is documented or spoken, leaving little room for ambiguity regarding the obligations of the offeror and the offeree.

However, the legal system recognizes that a binding agreement can exist even in the absence of a single spoken word. An **implied-in-fact contract** arises from the **conduct** of the parties rather than their words. For example, if you enter a grocery store, pick up a bottle of water, and show it to the cashier before walking out, your actions imply a promise to pay the posted price. The law assumes that a reasonable person would understand that a service or good is being offered with the expectation of compensation.

Beyond these lies the **quasi-contract** (or implied-in-law contract). Unlike an implied-in-fact contract, a quasi-contract is not a true contract at all; there is no mutual agreement. Instead, it is a legal fiction created by courts to prevent **unjust enrichment**. If a doctor provides emergency medical aid to an unconscious pedestrian, the law may "imply" a contract to ensure the doctor is compensated for their services. In such cases, the court ignores the lack of consent to uphold the principle of equity. While express contracts provide the highest level of certainty, implied and quasi-contracts serve as essential safety nets, ensuring that the law recognizes the reality of human behavior and the demands of fairness.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. An express contract must be written down on paper to be legally enforceable.

2. An implied-in-fact contract is based on what a reasonable person would assume from someone's behavior.

3. Quasi-contracts are formed when two people explicitly agree to help each other in an emergency.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: conduct, express, quasi-contract, enrichment, implied.

1. The company was sued for breach of _____ contract after they failed to pay the salary clearly stated in the employment letter.

2. Even though no words were exchanged, the court found an _____ agreement based on the fact that the client accepted the consultant's advice for six months.

3. The judge applied the doctrine of _____ to force the homeowner to pay the plumber who fixed a leak by mistake, preventing a windfall at the plumber's expense.

4. To avoid the risk of _____ being misinterpreted, most lawyers advise their clients to put all major agreements in writing.

5. In the absence of a signed document, the court will look at the parties' past _____ to determine if a partnership actually existed.

Unit 12

Text: Criminal Law

Grammar: Modal Verbs. Obligation and Necessity

I. WARMING-UP

Exercise 1. Before reading the text about criminal law answer the following questions:

1. What is the main task of criminal law?
2. Who prescribes the punishment for criminal conduct?
3. What are the goals of the criminal process?

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

1. commit	a) торгівля
2. felony	b) законодавство
3. homicide	c) захист
4. legislation	d) крадіжка
5. protection	e) кримінальний злочин
6. stealing	f) насильство
7. traffic	g) вчиняти
8. violence	h) убивство

Vocabulary notes:

assassination	замовне вбивство, вбивство з політичних мотивів
beyond reasonable doubt	за відсутності обґрунтованого сумніву
bribery	хабарництво
concussion	струс, контузія
corrupt	зіпсований, продажний, корумпований
crime of violence	насильницький злочин
criminal punishment	кримінальне покарання

defence	обставини, що звільняють від відповідальності; захист (у суді); аргументація відповідача за позовом
drink driving	водіння автомобіля у нетверезому стані
drug traffic	торгівля наркотиками
duress by threats	протизаконний примус під загрозою насильства
duress of circumstances	примус під впливом обставин
entrapment	провокування на скоєння кримінальних дій
fix	закріпляти, встановлювати
gravity	серйозність, тяжкість (правопорушення)
hijacking	захоплення транспортного засобу (судна, літака, автомобіля)
injury	пошкодження, травма, шкода
insanity	божевілля, неосудність
investigate	досліджувати, вивчати, розслідувати
joy riding	викрадення автомобіля з метою покататися на ньому
kidnapping	викрадення дітей (людей)
lack of age	неповноліття
money laundering	відмивання "брудних" грошей
mugging	пограбування перехожого
office holder	чиновник, посадова особа
penal institution	виправний (пенітенціарний) заклад
perjury	неправдиве свідчення, лжесвідчення
police force	поліцейський підрозділ
possession of drugs	зберігання наркотиків
prevent	відвертати, запобігати
punish	карати, накладати стягнення
sane	нормальний, при своєму розумі, осудний
self-defence	самозахист, самооборона

sentence	вирок, рішення (*судове*)
state of intoxication	стан наркотичної чи алкогольної інтоксикації, сп'яніння
treason	державна зрада
vandalism	навмисне псування майна, вандалізм
victim	потерпілий
white-collar crime	білокомірцевий злочин (злочинна махінація, скоєна службовцем чи особою, яка займає високе суспільне становище)

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

Criminal Law

Criminal law is to provide protection for the social and state system, the universal freedoms and personal rights of citizens against corrupt activities and criminal offences. In general, criminal law classifies crimes on different grounds. According to the object of a criminal activity we may speak about:

– crimes of violence: vandalism, assault, battery, mugging, robbery, kidnapping, homicide;

– crimes committed for political reasons: hijacking, terrorism, assassination, treason;

– crimes connected with drugs: possession of drugs, drug traffic;

– crimes involving stealing or theft crimes;

– crimes committed by people in business or by office holders (so called "white-collar crimes"): bribery, money laundering, perjury, computer crimes;

– car crimes**:** joy riding, drink driving, etc.

Criminal law also classifies a crime with respect to its gravity, such as treason, felony, and misdemeanor and fixes punishments for them. Also included in criminal law are rules and procedures for preventing and investigating crimes and prosecuting

criminals, as well as the regulations governing the constitution of courts, the conduct of trials, the organization of police forces, and the administration of penal institutions.

As a matter of fact criminal law is based on a number of universal principles. Here are some of them:

– a person may be charged with criminal responsibility only if he has committed an act provided for in the criminal legislation;

– there is a presumption that the accused is innocent and the prosecution must prove his guilt beyond reasonable doubt;

– responsibility can exist only in the presence of guilt;

– a person may not be considered guilty unless all elements of an alleged crime have been established in his acts;

– criminal punishment shall be applied only by a sentence of the court;

– persons committing crimes in a state of intoxication are not released from criminal responsibility.

The following general defences may excuse the accused from criminal responsibility:

– lack of age **(**if an offender is under 14 he is not criminally liable);

– self-defence (when people have good reason to believe they are in danger of serious injury or death, they can use force to protect themselves);

– defence of family members (courts will not punish someone for using force to rescue a family member from attack if there was good reason to believe the victim was in danger of severe bodily injury or death);

– insanity (but everyone is presumed sane until the contrary is proved);

– duress by threats or duress of circumstances;

– automatism (it may arise as the result of a reflex action or concussion)**;**

– entrapment (if a law enforcement officer induces a law-abiding citizen to commit a crime, which would not have been committed without the involvement of the officer).

II. COMPREHENSION

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

1. What does criminal law define?
2. How are crimes classified in criminal law?
3. What are the general principles which Criminal Law is based on?
4. What does a presumption of innocence mean?
5. When is criminal punishment applied?
6. May a defence be connected with the age of an offender?
7. Give examples of general defences that may excuse the accused from criminal responsibility.

Exercise 2. Read the following statements and decide if they are true or false according to the text. Prove your answers with the information from the text.

1. Criminal Law not only defines crimes and fixes punishments for them but also includes some procedures for preventing crimes.
2. A person may be considered guilty as soon as any element of an alleged crime has been established in his acts.
3. Persons committing crimes in a state of intoxication are usually released from criminal responsibility.
4. Children under 14 are considered to be criminally responsible.
5. Crimes may be classified only with respect to their gravity.

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

abduction; barbarism; defence; false evidence; hold-up; murder; penalty; seriousness; treachery; venal

Exercise 4. Choose the right variant:

1. Criminal law classifies a crime with respect to its …

a) bravery

b) gravity

c) simplicity

2. Persons committing crimes in a state of intoxication are not released from …

a) criminal conversation

b) criminal negligence

c) criminal responsibility

3. Responsibility can exist only in the presence of …

a) confession

b) guilt

c) threat

4. There is a presumption that the accused is …

a) educated

b) innocent

c) unemployed

III. VOCABULARY STUDY

Exercise 1. Arrange the letters in the following legal terms; then match these terms with their definitions:

1. aalsstu	a) a defect of reason as a result of mental illness
2. bbeirry	b) a violent attack, either physical or verbal
3. aeemnnprtt	c) systematic use of violence and intimidation to achieve some goal
4. aiinnsty	d) the dishonest taking of property belonging to another
5. ejprruy	e) the luring, by a police officer, of a person into committing a crime
6. bbeorry	f) the offence committed by a witness in judicial proceedings
7. efls-cdeeefn	g) the process of giving or taking bribes

8. eimorrrst	h) the right to defend one's person, family, or property

Exercise 2. Choose and read the word that best completes the sentence.

1. A person may be *charged / discharge* with criminal responsibility only if he has committed an act provided for in the *criminal attempt / criminal legislation*.

2. A person may not be considered *innocent / guilty* unless all elements of an alleged crime have been *established / informed* in his acts.

3. Criminal law *classifies / qualifies* crimes on *different / equal* grounds.

4. *Criminal / Civil* law is to provide *learning / protection* for the social and state system.

5. The prosecution must *approve / prove* his guilt beyond reasonable / fictitious doubt.

Exercise 3. In the text "Criminal Law" find the antonyms for the following words:

adequacy; aggression; assuredness; general; innocent; irresponsibility; remission; safety; servitude; sorrow.

Exercise 4. Make up sentences from the words.

1. an act provided for in the criminal legislation / a person / criminal responsibility / only if he has committed / may be charged with

2. to rescue a family member / for using force / courts will not punish someone / from attack

3. also classifies a crime / criminal law / to its gravity / with respect

4. protection / is to provide / criminal law / state system / for the social and

5. by a sentence / criminal punishment / of the court / shall

be applied only

6. sane / until / everyone / is proved / the contrary / is presumed

7. criminally liable / is under 14 / if an offender / he is not

8. can use force / people / themselves / to protect

Exercise 5. Give the English equivalents for the following words and word combinations.

божевілля; вандалізм; вбивство з політичних мотивів; викрадення автомобіля з метою покататися на ньому; викрадення дітей (людей); винний; вирок суду; відмивання грошей; відповідальний; вплутування; захист членів сім'ї; зберігання наркотиків; зрада; комп'ютерна злочинність; крадіжка; кримінальна відповідальність; кримінальне законодавство; напад; неправдиве свідчення; побої; повітряне піратство; пограбування; презумпція; примус; рятувати, визволяти; самооборона; серйозність; скоїти злочин; сп'яніння; торгівля наркотиками; убивство; хабарництво

Exercise 6. Translate into English.

1. Деякі види захисту можуть слугувати виправданням для обвинуваченого: неповноліття, самооборона, захист членів сім'ї, божевілля, примус через загрозу чи певні обставини, ненавмисні дії, провокування на кримінальне діяння.

2. Залежно від об'єкту злочинної діяльності можна говорити про насильницькі злочини, злочини вчинені з політичних мотивів, злочини пов'язані з наркотиками, скоєння крадіжок, "білокомірцеву злочинність", автомобільні злочини.

3. Кримінальне право базується на ряді загальних принципів: 1) особа може нести кримінальну відповідальність тільки, якщо вона вчинила діяння передбачене кримінальним законодавством; 2) існує презумпція, за якою обвинувачений є невинний; 3) відповідальність перед законом може бути тільки при наявності провини; 4) покарання може бути застосоване

тільки після вироку суду; 5) особи, що скоїли злочин у стані сп'яніння, не звільняються від кримінальної відповідальності.

4. Кримінальне право має забезпечувати захист загальних свобод і особистих прав громадян від неправомірної діяльності й кримінальних правопорушень.

IV. SPEAKING

Exercise 1. Discuss in pairs the following problems.

Student A's questions: put them to your partner

1. Are there any places you are afraid to visit because of the high crime rate? If so, where?
2. Do you think police TV dramas are realistic?
3. Have you ever done anything illegal? If so, what did you do?
4. If a person steals a loaf of bread because he needs to feed his starving family, should he be punished?
5. Why do you think crime is more prevalent in some societies than in others?

Student B's questions: put them to your partner

1. Do you walk alone at night in your home city?
2. Do you think that police dramas can teach people how serious certain actions can be?
3. Under what situations would you think of committing a crime?
4. What are some things people can do to protect themselves from crime?
5. Do you believe that violence in television programs leads to violence in our society?

V. GRAMMAR FOCUS

Grammar Revision

Modal Verbs. Obligation and Necessity.

must, have to, should, ought to, need

1. a) **Must** is used for strong obligations:

− rules or laws

Investors must pay taxes.

− advice or recommendations

You must take your medicine regularly if you want to get better.

− obligations that the speaker imposes on him or herself

I must get up early tomorrow.

b) **Mustn't** is used to express strong disapproval, or that something is prohibited

You mustn't smoke.

2. a) **Have to** is used when the obligation comes from someone else or an external authority.

You have to wear a uniform – that is the company rule.

b) **Don't have to** is used to express the idea that there is no law, rule or requirement to make you do something.

I don't have to get up early on Sundays.

3. a) **Need, need to** is used to talk about necessities, rather than obligations

I need to get my hair cut.

b) **Needn't** expresses the speaker's opinion that something isn't necessary

You needn't fill in the form; the receptionist will do it for you.

4. **Should, ought to** are used to express milder obligations; they are often used when giving advice

You should always keep receipts when you buy clothes.

Exercise 1. Open the brackets and fill in the blanks with must, have to, need, should, ought to (in some cases you may have several variants)

1. The young … (respect) the old age. 2. They … (cross) the English Channel now. 3. They … (meet) tomorrow, so you … (not make) an appointment to see him. 4. Why are you so late? – I … (change) a tyre. 5. You … (have) a visa to enter a foreign country. 6.

You … (not shout), I am not deaf. 7. You … (try) and be more punctual. 8. He … (not go) to court because the case was dismissed. 9. If I'm late, I'll … (take) a taxi. 10. The conversation grew awkward. She felt that something … (do), or else the party would break up.

Exercise 2. Translate into English.

1. Ви купили машину тільки рік тому. Невже її потрібно фарбувати? 2. Ви не повинні припиняти роботу, поки ви її не закінчите. 3. Вибору не було, і їм довелось погодитися. 4. Вам слід би робити ранкову зарядку. 5. Вона має чекати нас удома. 6. Дітям не можна дивитися фільми жахів. 7. Його не треба про це питати. 8. Вам слід було б зачекати їх. 9. Їй довелось вибачитись, хоча це і було неприємно. 10. Мені їх проводжати (see off)? – Ні, не потрібно. Мені доведеться зробити це самому. 11. Вам слід бути уважнішими на заняттях. 12. Мені не довелося робити це креслення. 13. Мені потрібна ваша допомога. 14. Ти б провідала її. 15. Мені потрібно налагодити (fix) комп'ютер. 16. У чужій країні необхідно пристосовуватися (adapt oneself) до нових умов життя. 17. Вам слід дістати цей журнал. 18. Хіба ти не бачиш, що йому потрібно підстригтися? 19. Чому я повинен це робити?

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If someone accidentally trips and breaks a priceless vase in a museum, should they be charged with a crime? What if they broke it on purpose because they disliked the artist?

2. Can a person be found guilty of a crime for simply *thinking* about committing a robbery if they never actually take any steps to do it? Why or why not?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) actus reus	a) the mental element of a crime; a "guilty mind."
2) Mens Rea	b) a legal doctrine where a person is held liable regardless of their intent.
3) culpability	c) the physical or external element of a crime; a "guilty act."
4) strict liability	d) a failure to act when there is a legal duty to do so.
5) omission	e) responsibility for a fault or wrong; blameworthiness.

3. Reading Text

ACTUS REUS AND MENS REA: THE DUAL ELEMENTS OF A CRIME

In the theater of criminal justice, the prosecution must typically prove two distinct elements beyond a reasonable doubt to secure a conviction: the physical act and the mental state. These are known by their Latin designations: **Actus Reus** (the guilty act) and **Mens Rea** (the guilty mind). The fundamental maxim *actus non facit reum nisi mens sit rea* – the act does not make a person guilty unless the mind is also guilty – serves as the bedrock of modern penal

codes.

Actus Reus encompasses all the external circumstances of a crime. This usually involves a voluntary muscular movement, such as pulling a trigger or pocketing a watch. However, it can also manifest as an **omission**, where a person fails to perform a legal duty (e.g., a parent failing to feed a child). Crucially, the act must be voluntary; a person suffering from a sudden, uncontrollable seizure cannot usually be held liable for the physical damage they cause while incapacitated.

Mens Rea, on the other hand, focuses on the defendant's level of **culpability**. Not all "guilty minds" are equal. The law distinguishes between various degrees of intent: *specifically intending* a result, *recklessly* disregarding a known risk, or being *criminally negligent* by failing to perceive a risk that a reasonable person would have seen.

The convergence of these two elements is essential. If a person decides to steal a car (Mens Rea) but never touches a vehicle, no crime has occurred. Conversely, if a person takes an umbrella that they genuinely believe is theirs (Actus Reus), the lack of intent to steal usually precludes a criminal conviction. The exception to this rule is **strict liability** offenses, such as certain environmental or traffic violations, where the state may punish the act regardless of the defendant's intentions to ensure public safety.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. A person can be held criminally liable for an "omission" even if they didn't have a legal duty to act.

2. If an act is involuntary, such as a reflex or seizure, it generally does not count as Actus Reus.

3. In "strict liability" cases, the prosecution does not need to prove the defendant had a "guilty mind."

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: mens rea, strict, omission, actus reus, culpability.

1. The defense argued that the client lacked the necessary _____ for murder because he was acting in a state of temporary insanity.

2. To prove the crime of trespassing, the state only needs to show the _____ – that the person physically entered the private property without permission.

3. The lifeguard was charged with negligence because his _____ to jump into the pool led to the swimmer's injury.

4. Speeding is often a _____ liability offense; it doesn't matter if you didn't realize you were over the limit, you are still liable.

5. When determining the sentence, the judge considered the defendant's high level of _____, noting that the crime was carefully planned over several months.

Unit 13

Text: Nature of Crime

Grammar: Modal Verbs. Certainty. Possibility. Probability

I. WARMING-UP

Exercise 1. Before reading the text about criminal law answer the following questions:

1. What type of conduct is considered to be a crime?
2. What does violent crime include?
3. What does property crime include?

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

1. consideration	a) безпосередній
2. ground	b) воля
3. guard	c) помірний
4. immediate	d) підстава
5. mild	e) охороняти
6. shape	f) сукупний
7. total	g) увага
8. will	h) форма

Vocabulary notes:

ascribed	приписаний
concurrence	збіг (*обставин*)
conduct	поведінка
criminal proceedings	кримінальне провадження
go beyond	виходити за межі
guilty conduct	провинна поведінка, злочин
guilty mind	провина, злочинний намір
immediate	безпосередній, прямий
institute	розпочинати, порушувати (кримінальну справу)

murder	убивство, скоєне із заздалегідь обдуманим злим наміром
none at all	зовсім ніякого
plot	організовувати змову, задумувати, складати план
punishable	карний; що заслуговує на покарання
put into effect	виконати, здійснити
rowdyism	хуліганство
take into consideration	враховувати, брати до уваги
theft	крадіжка, злодійство
voluntary act	навмисна дія

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

Nature of Crime

Each crime consists of a number of individual elements. The sum total of those elements, known as the corpus delicti, characterizes the purpose of the criminal act, the form and method of a criminal action, the character of the guilty conduct and so forth.

In general the corpus delicti has several basic common elements:

– a voluntary act or omission (actus reus);

– "a guilty mind" or "knowledge of the wrongfulness of conduct" (mens rea);

– "concurrence" between the mens rea and the actus reus;

– chain of causation.

The corpus delicti in any act is a ground for establishing criminal responsibility against the offender. In the absence of any element of corpus delicti in the acts of the accused, criminal proceedings may not be instituted, and if instituted, may not be continued, and must be stopped at any stage. In pronouncing its sentence the court must above all answer these questions:

1) did the act ascribed to the accused actually take place?

2) does it contain corpus delicti?

3) was the act performed by the accused?

A crime may be committed by an act, i.e. the active behaviour of a person, or by an omission, i.e. the non-performance of acts which it was his duty to perform (such as failure to use authority).

As a rule, premeditated criminal activity consists of several stages: preparation, attempt and commission.

Preparation of a crime is the search for or adaptation of means or instruments, or any other premeditated creation of conditions for the commission of a crime. Preparation of a crime is generally a punishable offence. But in cases where the person plotting a crime has not gone beyond the preparations, the court usually imposes a milder penalty or none at all.

An **attempt** is a premeditated act directly aimed at the commission of a crime but not completed for reasons not depending on the will of the guilty person. An attempt is also a punishable offence. But in determining the penalty the court must take into consideration the character and the degree of the danger to society involved in the act committed by the guilty person, the degree to which the criminal intent has been put into effect, and the causes that prevent the full commission of the crime.

Commission of a crime is considered as performed when the guilty person has carried out the act containing the corpus delicti of a crime.

In theory of crime there are two other legal categories: "object of crime" and "subject of crime". The **subject of crime** is a person who commits the crime and is responsible for it. Only persons who have attained a certain age (usually 16 years of age) and are compos mentis can be subjects of a crime.

The **object of crime** is under criminal law social relations guarded by criminal legislation. This means that all crimes prescribed by the Criminal Code are in the final count aimed against social relations taking shape and developing in society. However, each crime has an immediate object. Thus, murder has as its

immediate object human life; theft – state or personal property; rowdyism – public law and order.

II. COMPREHENSION

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

1. How can a crime be defined?
2. What is known as the corpus delicti of a crime?
3. What do the elements of a crime characterize?
4. What is ground for establishing criminal responsibility against the offender in any act?
5. What questions must the court answer in pronouncing its sentence?
6. What do the terms the "subject" and "object of a crime" refer to?
7. How many stages of premeditated criminal activity do you know? What are they?
8. When is an act regarded as a crime and what are the consequences of such an act?
9. Shall the criminal proceeding be instituted in the absence of any element of corpus dilicti in the acts of the person?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. The non-performance of acts cannot constitute a crime.
2. Preparation of a crime is not punishable.
3. Each criminal action consists of three stages: preparation, attempt and commission.
4. The age limit for crimes is defined by the court itself.

Exercise 3. Make up the plan of the text to ouline the general ideas.

Exercise 4. Match the two parts of the sentences:

1. An attempt is also …	a) a punishable offence.
2. Each crime consists of a number of …	b) a punishable offence.
3. Murder has as its immediate object …	c) against the offender.
4. Only persons who have attained a certain age can be …	d) criminal legislation.
5. Preparation of a crime is generally …	e) human life.
6. Preparation of a crime is the search for or adaptation of …	f) individual elements.
7. The corpus delicti in any act is a ground for establishing criminal responsibility …	g) means or instruments.
8. The object of crime is under criminal law social relations guarded by …	h) responsible for it.
9. The subject of crime is a person who commits the crime and is …	i) subjects of a crime.

III. VOCABULARY STUDY

Exercise 1. Work with the words given in the box below:

a) match the words with their definition (bear in mind that there are some odd words in the box);

b) classify all crimes given in the box into violent or non-violent ones.

armed robbery; arson; assassination; assault; battery; bigamy; blackmail; burglary; drug dealing; embezzlement; extortion; forgery; fraud; gambling; homicide; libel; manslaughter; money laundering; murder; perjury; shoplifting; smuggling; speeding; theft; treason; vagrancy.

1) a generic term for the killing of another person;

2) any instance in which one party deceives or takes unfair advantage of another;

3) actual use of illegal force on another person;

4) attempt to transform illegally acquired money into apparently legitimate money;

5) attempt to use illegal force on another person;

6) betraying your country to a foreign power;

7) breaking into a private home with the intention of committing a felony;

8) driving a vehicle in excess of the permitted limit;

9) getting money from people by threatening to publicise facts they do not want revealed;

10) getting money from people by using threats;

11) going through a ceremony of marriage when you are still married to someone else;

12) killing a public figure illegally and intentionally;

13) making an illegal copy of a banknote or document;

14) possession of and/or trading in illegal substances;

15) setting fire to a building;

16) taking goods illegally into or out of a country;

17) taking the property of another without right or permission;

18) telling lies when you have sworn an oath to say what is true in court;

19) unlawful killing of a person with intent;

20) unlawful killing of a person without malicious intent and therefore without premeditation;

21) unlawful taking of another's property using a dangerous weapon;

22) using illegally or stealing money which you are looking after for someone else;

23) writing, publishing or broadcasting a statement which damages someone's character.

Exercise 2. Write sentences using the following terms.

commission of a crime; criminal act; criminal activity; Criminal Code; criminal intent; criminal law; criminal legislation; criminal proceedings; criminal responsibility; guilty conduct; guilty

person; milder penalty; personal property; public law; punishable offence; social relations; voluntary act.

Exercise 3. Search the text to find the words that:

a) have the same roots as:

act; base; cause; characteristic; currency; omissible; response; to know; voluntarism; wrong

b) have similar meaning to:

accountable; aforethought; definitive; direct; endeavour; lawful; private; punishment; to reach; transgression

c) have opposite meanings to:

common; compulsory; inadvertent; intense; passive; presence; success; unpunished

d) mean the following:

– the defendant or defendants appearing on a criminal charge

– something that has been omitted or neglected

– the judgment formally pronounced upon a person convicted in criminal proceedings

– a legal or official punishment, such as a term of imprisonment

Exercise 4. Restore the word order:

1. A / also / attempt / offence / is / an / punishable.

2. An / object / crime / each / immediate / has.

3. Activity / stages: / attempt / commission / consists / criminal / of several / premeditated / preparation, / and.

4. A crime / generally / is / of / offence / a / preparation / punishable.

5. And / as / has / immediate / its / law / object / order / public / rowdyism.

6. And / consideration / into / must / of / society / take / the character / the court / the danger / the degree / to.

7. A / court / milder / sometimes / the / imposes / penalty.

8. By / crime / criminal / criminal / guarded / is / law / legislation / object / of / relations / social / the / under

9. As / has / immediate / its / object / or / personal / property / state / theft.

Exercise 5. Give the English equivalents for the following word combinations:

добровільний; загальний; кримінальна відповідальність; кримінальне провадження; кримінальний намір; навмисний; небезпека для суспільства; недогляд, упущення; обвинувачений, підсудний; підстава, мотив; пошуки, розшук; правопорушення, що заслуговує на покарання; правопорушник, злочинець; пристосування способів і знаряддя; протиправна дія; склад злочину; скоєння (*дії*); спроба, намагання, замах; створення умов.

Exercise 6. Translate into English.

1. За відсутності будь-якого елемента складу злочину в діях обвинуваченого, кримінальне переслідування не може розпочатися.

2. Загалом склад злочину має декілька основних загальних елементів: навмисна дія чи бездіяльність "повинний намір" або "усвідомлення неправильності поведінки", "погодженість" між злочинною дією й злочинним наміром, причинно-наслідковий зв’язок.

4. Злочин може бути скоєний дією, тобто активною поведінкою особи, або бездіяльністю – невиконанням дій, які були її обов'язком.

5. Кожен злочин складається з ряду окремих елементів.

6. Об'єкт злочину – це, згідно із кримінальним правом, суспільні відносини, що охороняються законом про кримінальну відповідальність.

7. Підготовка злочину – це пошук або пристосування способів чи знаряддя, або будь-яке інше обмірковане заздалегідь створення умов для скоєння злочину.

8. Скоєння злочину вважається таким, що мало місце, коли винуватець учинив дію, що містить склад злочину.

9. Спроба є навмисною дією, безпосередньо спрямованою на скоєння злочину, але не реалізованою через причини, що не залежали від волі винуватця.

10. Суб'єкт злочину – це особа, яка скоює злочин і несе за нього відповідальність.

11. Умисна злочинна діяльність складається з декількох етапів: підготовки, спроби і скоєння.

IV. SPEAKING

Exercise 1. Discuss in group:

1. In which of the following situations would a defence of automatism be successful?

– While riding his bicycle Ted is hit on the head by a stone which is thrown up from the road. He loses control of the bicycle and injures Liz, a foot-passenger.

– Bob is a diabetic and assaults Nick whilst suffering from a deficiency of blood sugar.

– Bob is holding a knife when Nick seizes his hand and forces the knife into Rod's chest.

– After drinking two bottles of wine, Bob is involved in a fight during which he shoots and kills Nick.

2. Henry plans to kill Mabel. He puts some poison in a glass which Mabel subsequently drinks. Ten minutes later and before the poison has taken effect, Mabel is involved in a car accident and dies from his injuries. Is Henry guilty of murdering Mabel?

3. Keith is employed as a swimming pool attendant. His job is to maintain order on the premises and to ensure the safety of the swimmers. One evening Keith goes home early although he knows that there are some children swimming in the pool. After he leaves, one of the children gets into difficulties and subsequently drowns.

a) Has Keith committed a criminal act?

b) Would your answer to "a" be different if Keith was a bystander who saw that the child was in difficulty but failed to help?

Exercise 2. Answer the following questions:

1. Give an example of an unlawful act which may be a criminal offence in one country and not in another.

2. Give an example of an unlawful act which can be both a criminal offence and a civil wrong.

3. What acts are universally regarded as crimes?

4. What is the essence of the principle of legality?

5. What is double jeopardy?

6. Why do all systems of law have statutes of limitation?

7. What is the difference between ignorance of the law and ignorance of the fact?

8. Why do people commit crimes? What do you know about the following criminological theories:

– psychological and psychiatric theories,
– biological theory,
– multiple causation theory,
– social environment theory,
– theological and ethical theories,
– climatic theory?

Exercise 3. Make a report on the topic "Criminal law", paying attention to the following points in your speech:

– purpose and principles of criminal law;
– different classifications of crimes;
– corpus delicti of a crime;
– stages of premeditated criminal activity;
– general defenses from criminal responsibility.

V. GRAMMAR FOCUS

Grammar Revision

Modal Verbs

Certainty. Possibility. Probability

must, may, might, could, can't, should, ought to

1. We use **must** or **can't** + infinitive to say we are certain

about something; we have some evidence to reach this conclusion.

We use **must** to indicate "positive" certainty and **can't** to indicate "negative" certainty.

We don't use **mustn't** or **can** to talk about certainty.

She must be very happy. She has finished her experiments.

That can't be our business partner. He is arriving tomorrow.

2. We use **may, might** or **could** + infinitive when we are speculating that something is possible.

She may / might / could pass her exam this time. (It's possible that she will pass her exam)

3. We use **should** and **ought to** + infinitive to show that something is probable now or in the future.

He should / ought to pass his exams. (He will probably pass)

Exercise 1. Complete the following sentences with an appropriate modal verb form.

1. He … get this job. He has got all the necessary qualifications. 2. He has been working all day. He … be very tired. 3. I … have some new information for you tonight. 4. I am not sure whether I can help you. I … not have enough time. 5. It … be late as the offices are closed. 6. It … be true. 7. It's impossible. It … be the correct answer. 8. It's not a good time to visit Italy. The weather … be awful at this time of the year. 9. She … be at home. I saw her in the office 10 minutes ago. 10. She … be ill; She looks so pale. 11. There … be another rise in the price of sugar soon. 12. This contract … to be profitable. 13. You … be joking. The house is not worth that much. 14. You … see interesting samples at the exhibition.

Exercise 2. Translate into English.

1. Декана немає, він повинен бути у керівництва академії. 2. Мабуть успіх компанії залежатиме від наполегливої праці кожного з нас. 3. Навряд чи я зможу підготувати цю доповідь сам. 4. Напевне вона дуже щаслива. Суддя прийняв рішення на її користь. 5. Напевне вона працює над річним

звітом. 6. Не може бути, щоб ви все ще працювали над цією справою! 7. Уже друга година. Він може повернутися будь-якої хвилини. 8. Хоча вже й пізно, він, можливо, все ще очікує повідомлення від нас. 9. Я зайду на кафедру. Професор повинен зараз бути там. 10. Я не заважатиму тобі. Мабуть у тебе є важливі справи. 11. Я не знаю достеменно, але лист можливо зараз у неї. 12. Я нічого не чув про нього. Мабуть він де-небудь за кордоном чи вже повернувся до Києва. 13. Не може бути, щоб ви знали всіх його співробітників! 14. Ви, напевне, подасте позов завтра.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. Is an action "wrong" because the law forbids it, or does the law forbid it because it is inherently "wrong"?

2. Can you think of an action that is illegal but not necessarily immoral? What about an action that is immoral but perfectly legal?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) malum in se	a) an act that is a crime only because it is prohibited by statute.
2) criminalization	b) inherently wrong or evil by its very nature.
3) moral turpitude	c) the act of making a previously legal behavior a criminal offense.
4) malum prohibitum	d) conduct that is considered contrary to community standards of justice or honesty.
5) regulatory	e) relating to an official rule or the act of controlling a specific activity.

3. Reading Text

THE CONCEPT OF MALUM IN SE VS. MALUM PROHIBITUM: DEFINING MORAL AND LEGAL WRONGS

At the heart of the **nature of crime** lies a fundamental distinction between two types of illegal acts. Legal scholars categorize offenses based on whether the behavior is inherently "evil" or simply "forbidden" for the sake of social order. These categories are known by their Latin designations: *malum in se* and *malum prohibitum*.

Malum in se refers to conduct that is universally regarded as wrong, regardless of whether a written law exists to punish it. These

crimes involve a high degree of **moral turpitude** and violate the natural, moral, or ethical standards of a civilized society. Classic examples include murder, rape, and theft. In these instances, the law merely codifies a pre-existing moral consensus. Because these acts are seen as inherently dangerous to the social fabric, they almost always require a showing of *mens rea* (guilty intent) to secure a conviction.

In contrast, **malum prohibitum** describes acts that are not naturally evil but are illegal because a legislative body has deemed them so to regulate society effectively. These are often **regulatory** offenses, such as traffic violations, licensing requirements, or tax laws. For instance, driving on the left side of the road is not "immoral" in itself; it is only "wrong" because the state has mandated the right side for safety. The **criminalization** of these behaviors is a matter of public policy rather than moral outrage.

Understanding this distinction is crucial for legal practitioners. While *malum in se* crimes often carry a heavy social stigma and severe penalties, *malum prohibitum* offenses are frequently treated as "strict liability" crimes, where the state may punish the individual even if they had no "evil" intention. As society evolves, the line between these two can blur – certain behaviors once viewed as mere regulatory infractions can, over time, become viewed as inherently immoral acts.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Malum in se crimes are considered wrong only because there is a law written against them.

2. A traffic ticket for double-parking is a typical example of a malum prohibitum offense.

3. Acts categorized as malum in se usually require the prosecution to prove the defendant had a "guilty mind."

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: regulatory, prohibitum, turpitude, criminalization, se.

1. The lawyer argued that the defendant's actions did not involve moral _____, as it was a simple accounting error rather than a deliberate fraud.

2. In many countries, the _____ of drug possession is a subject of intense debate between those who see it as a moral failing and those who see it as a health issue.

3. While a violent assault is clearly malum in _____, failing to renew a business license is a much less severe legal breach.

4. Most environmental laws are _____ in nature, designed to manage industrial impact rather than to punish "evil" behavior.

5. Speeding is a classic malum _____ offense; it is a crime because the statute says so, not because driving fast is inherently wicked.

Unit 14

Text: Possible Reasons for Punishment

Grammar: Modal Verbs with the Perfect Infinitive

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What types of punishment do you know?
2. Which of them can be found in Ukraine?
3. What punishment do you consider to be the least / most severe?

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

1. to deter	a) виправдувати
2. to distinguish	b) виправляти(ся)
3. to gain	c) відрізняти(ся)
4. to justify	d) карати
5. to perceive	e) одержувати
6. to punish	f) перевиховувати
7. to reform	g) усвідомлювати
8. to rehabilitate	h) утримувати

Vocabulary notes:

barbaric	грубий, варварський, дикий
confine	обмежувати, ув'язнювати
contradictory	несумісний, суперечний
deprive	позбавляти
deserve	заслуговувати, бути гідним
dissuade	відговорювати, переконувати (*в протилежному*)
getting even	зведення рахунків, розплата
humane	гуманний, людяний
imprisonment	ув'язнення
law-abiding	законослухняний

outweigh	переважати, бути впливовішим
punishee's peers	люди з оточення того, хто поніс покарання
respectable	шановний, респектабельний
righting the wrong	відшкодування завданих збитків
severe	суворий, строгий, жорстокий
transgressor	правопорушник

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

Possible Reasons for Punishment

What is the purpose of punishment? There are many possible reasons that might be given to justify or explain why someone ought to be punished; here follows a broad outline of typical, possibly contradictory justifications.

Deterrence means dissuading someone from future wrongdoing, by making the punishment severe enough that the benefit gained from the offence is outweighed by the cost (and probability) of the punishment. Deterrence is a very common reason given for why an offender should be punished. It is often believed that punishment can also deter punishee's peers from committing similarly punishable offences.

Rehabilitation. Some punishment includes work to reform and rehabilitate the wrongdoer so that they will not commit the offence again. This is distinguished from deterrence, in that the goal here is to change the offender's attitude to what they have done, and make them come to accept that their behaviour was wrong.

Isolation. In the prison system, imprisonment has the effect of confining prisoners, physically preventing them from committing crimes against those outside, i.e. protecting the community. The most dangerous criminals may be sentenced to life imprisonment or the death penalty with a goal of protecting society.

Restoration. For minor offences, punishment may take the form of the offender "righting the wrong"; for example, a vandal might be made to clean up the mess he has made. In more serious

cases, punishment in the form of fines and compensation payments may also be considered a sort of "restoration".

Retribution. Retribution is the practice of "getting even" with a wrongdoer – the suffering of the wrongdoer is seen as good in itself, even if it has no other benefits. One reason for societies to include this judicial element is to diminish the perceived need for street justice and blood revenge. Retribution sets an important standard on punishment – the transgressor must get what he deserves, but no more. Those who steal from others should be deprived of their own property. For those who attack others corporal punishment should be used. Murderers should be subject to the principle "an eye for an eye and a tooth for a tooth" and automatically receive the death penalty.

Though sometimes it is said that such views are unreasonable, cruel and barbaric and that we should show a more humane attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable, law-abiding life.

II. COMPREHENSION

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

1. What reasons for criminal punishment are deemed to be legally warranted?
2. What does "deterrence" as a purpose of punishment mean?
3. What distinguishes "rehabilitation" from "deterrence" in criminal law?
4. What effect should "isolation" have if it is used as a penalty?
5. What is the difference between restoration and retribution as a justification of punishment?
6. How should the punishment be organized? Substantiate your point of view.

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Punishment always deters the punishee's peers from committing similarly punishable offences.

2. The most dangerous criminals must be sentenced to death with a goal of protecting society.

3. Criminals should be subject to the principle "an eye for an eye and a tooth for a tooth".

4. We needn't show a humane attitude to punishment and try to understand why a person commits a crime.

Exercise 3. Match the beginnings with the endings:

1. Deterrence is a very common reason given	a) of confining prisoners.
2. Deterrence means dissuading someone	b) for why an offender should be punished.
3. Imprisonment has the effect	c) from future wrongdoing.
4. Some punishment includes work	d) to explain why someone ought to be punished.
5. The most dangerous criminals may be sentenced	e) to reform and rehabilitate the wrongdoer.
6. There are many possible reasons that might be given	f) to life imprisonment.

Exercise 4. Scan the text to find legal terms wich correspond to the following explanations:

− a person charged with and convicted of crime

− a person deprived of liberty and kept in prison

− a person who acts immorally or illegally

− a person who deliberately causes damage or destruction to personal or public property

III. VOCABULARY STUDY

Exercise 1. Write out of the text all word combinations with the following words. Translate them and use some of them in your own sentences:

attitude; criminal; deterrence; imprisonment; justice; justification; law-abiding; offence; penalty; punishment; revenge; wrongdoer.

Exercise 2. Find synonyms in the following group of words. Try to explain the difference in their meaning, give your own examples.

aim; to authorize; barbaric; to confirm; brutal; to enable; conflicting; contradictory; cruel; exculpation; fierce; to fail; irrational; justification; penalty; to lack; punishment; purpose; to justify; unreasonable.

Exercise 3. Complete the sentences with the words given below:

compensation; criminals; death; deterrence; diminish; imprisonment; judicial; justice; murderers; offence; offender; penalty; punishment; receive; restoration; revenge; wrongdoer.

1. ….. is a very common reason given for why an ….. should be punished.

2. In more serious cases, ….. in the form of fines and ….. payments may also be considered a sort of "…..".

3. ….. should be subject to the principle "an eye for an eye and a tooth for a tooth" and automatically ….. the death ….. .

4. One reason for societies to include this ….. element is to ….. the perceived need for street ….. and blood ….. .

5. Some punishment includes work to reform and rehabilitate the ….. so that they will not commit the ….. again.

6. The most dangerous ….. may be sentenced to life ….. or the ….. penalty with a goal of protecting society.

Exercise 4. Match the terms with their definitions and make up your own sentences with these words:

1. benefit	a) a certain amount of money exacted as a penalty
2. fine	b) a penalty or sanction given for any crime or offence
3. prison	c) the act of punishing or taking vengeance for wrongdoing
4. punishment	d) something that improves or promotes
5. retribution	e) a public building used to house convicted criminals

Exercise 5. Give English equivalents to the following Ukrainian words and phrases:

безлад; вандал, варвар; виправдання; довічне ув'язнення; законослухняне життя; зменшувати(ся); красти; людяне ставлення; мета покарання; наслідок, результат; небезпечний злочинець; незначне правопорушення; нерозумний; перевиховувати правопорушника; помста; правопорушення, що заслуговує на покарання; смертна кара; страждання; суспільство; убивця; штраф.

Exercise 6. Translate into English.

1. Вандала можуть примусити прибрати безлад, який він учинив.
2. Вважається, що покарання може також утримати осіб з оточення того, хто скоїв злочин від подібних правопорушень.
3. Відплата являє собою важливу складову покарання – правопорушник повинен отримати те, що він заслуговує, але ні більше.
4. Деякі покарання передбачають виправну роботу для перевиховання правопорушників.
5. Для тих, хто нападає на інших людей, має бути застосоване тілесне покарання.

6. Ми повинні виявити гуманніше ставлення до покарання і спробувати зрозуміти, чому особа скоює злочин.

7. Найнебезпечніші злочинці можуть бути засуджені на довічне ув'язнення або смертну кару з метою захисту суспільства.

8. Стримування злочинності через залякування має на меті переконати людину не чинити правопорушень у майбутньому.

IV. SPEAKING

Exercise 1. Student A is a police officer and student B is a suspect. Make up a dialogue. The replies below will help you.

Questions from law breakers or suspected criminals

− Why did you pull me over?
− Have I done something wrong?
− Is this illegal?
− What are my rights?
− Can I call a lawyer?
− Where are you taking me?
− Can I make a phone call?

Questions police may ask a suspected criminal

− Are you carrying any illegal drugs?
− Do you have a weapon?
− Does this belong to you?
− Whose car is this?
− Where were you at eight last night?

Informing someone of laws and police procedures

− You are under arrest.
− Put your hands on your head.
− I am taking you to the police station.
− Please get in the police car.
− You will have to pay a fine for this.
− I will give you a warning this time.
− I'm going to write you a ticket.
− We'll tow your car to the station.

− Smoking in restaurants is illegal in this country.
− It is against the law to do drugs in public.

V. GRAMMAR FOCUS

Grammar Revision

Modal Verbs with the Perfect Infinitive

In the previous unit we looked at how the modals **can, may, might, must, could, should, ought to** are used to talk about possibility, probability and certainty in the present and future. Here we shall look at how these modals are used to talk about the same ideas in the past.

Must + Perfect Infinitive expresses the speaker's certainty that something has happened.

If she is not here by now, something must have happened.

Could / may / might + Perfect Infinitive express the idea that there is a possibility that something has happened.

She looks miserable. She could / may / might have lost her job. (perhaps she has lost her job)

Can't / couldn't + Perfect Infinitive express the speaker's certainty that something has not happened.

She can't / couldn't have gone; her coat is still here.

May not / might not + Perfect Infinitive express the idea that it is possible that something didn't happen.

Nobody is in the office. They may not / might not have received our message.

Should / ought to + Perfect Infinitive indicate that an action considered desirable was not carried out.

You ought to / should have warned your employer.

Shouldn't / oughtn't to + Perfect Infinitive indicate that an action considered undesirable was carried out.

You shouldn't / oughtn't to have told her this news.

Exercise 1. Complete the following sentences with an appropriate modal verb from the box below.

can't, couldn't, may, must, ought to, should, shouldn't

1. Do you remember reading about it in the newspapers? No, I … have been abroad at the time. 2. Give him a ring. He … have arrived by now. 3. Has she phoned yet? She … have phoned two hours ago. 4. He … have concealed something from his employer. 5. He … have left without saying good-bye. 6. He is back already. He … have started very early. 7. I saw your boss in the theatre yesterday. You … have seen him; he is still abroad. 8. I'm not waiting much longer. He … have been here hours ago. 9. She … have lost her way; she must have missed the train. 10. She … have made such a mistake. 11. The bus … have been at the airport. He promised to meet us. 12. The letter … have been posted long ago. 13. They … have delayed the discussion of the problem. 14. They … have followed her advice. Now they regret not to have done so. 15. We had a very good dinner for $3 at a restaurant yesterday. You … have had a very good dinner if you only paid $3. 16. You … have greeted him first. 17. You … have left your glasses in the car. 18. You … have spoken to your employee in such a tone. I am sure, you have hurt him.

Exercise 2. Translate into English.

1. У неї, очевидно, не було можливості попередити мене заздалегідь. 2. Він, можливо, не усвідомив одразу всієї важливості справи. 3. Вони, ймовірно, не скоротили свої витрати. Ось чому вони зараз боржники. 4. До цього часу він, ймовірно, сплатив уже всі свої борги. 5. Зараз вони, можливо, вже закінчили своє розслідування. 6. Звісно, ти повинна була попередити їх раніше. Чому ти цього не робила? 7. Його здоров'я покращилось. Він, може бути, кинув палити. 8. Можливо ти не зрозумів її. Вона не хотіла образити тебе. 9. Не може бути, щоб він погодився виконати цю роботу за такий короткий строк. 10. Не може бути, щоб вони досі не розв’язали

цю проблему. 11. Тобі потрібно було зателефонувати йому вчора; ти знав що він хворий. 12. Щось, можливо, затримало його. Він повинен був уже повернутись.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. Is the primary goal of a prison sentence to make the offender suffer for their actions, or to ensure they never commit a crime again? Can both goals coexist?

2. In ancient times, "an eye for an eye" was taken literally. In a modern legal system, how do we "calculate" a fair punishment for a crime that doesn't involve physical injury (e.g., identity theft or fraud)?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) retribution	a) punishment inflicted on someone as vengeance for a wrong or criminal act.
2) proportionality	b) a person who has been convicted of a court offense.
3) offender	c) the principle that the severity of a punishment should match the gravity of the crime.
4) just deserts	d) a payment made by an offender to a victim to compensate for losses.
5) restitution	e) a punishment or reward that is considered to be what someone deserves.

3. Reading Text

RETRIBUTION: THE "EYE FOR AN EYE" PHILOSOPHY IN MODERN LAW

While modern criminal justice systems often emphasize rehabilitation and deterrence, the ancient doctrine of **retribution** remains a powerful underlying force. Derived from the *lex talionis* (the law of retaliation), retributive justice is built on the belief that an **offender** should suffer in proportion to the harm they have caused.

Unlike other theories of punishment that look toward future outcomes – such as preventing crime – retribution is backward-looking; it seeks to balance the "scales of justice" for a past wrong.

The moral core of retribution is the concept of **just deserts**. This principle suggests that when an individual voluntarily violates the law, they forfeit certain rights and deserve a penalty that reflects their moral **culpability**. However, modern retribution is far removed from the literal "eye for an eye" of the Code of Hammurabi. Today, it is governed by the principle of **proportionality**. This legal standard ensures that the state does not impose "cruel or unusual" punishments, requiring instead that the severity of the sanction – whether it be a fine, community service, or life imprisonment – aligns with the seriousness of the offense.

Critics of retributive justice often argue that it is merely a legalized form of revenge, offering little benefit to society. They point out that retribution does not address the root causes of crime nor does it provide **restitution** to the victim. Nevertheless, proponents argue that retribution is essential for maintaining public confidence in the rule of law. Without a sense that justice has been "served" through a fair and deserved penalty, citizens might be tempted to take the law into their own hands. In this sense, retribution serves as a necessary, albeit stern, anchor for the entire legal framework.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Retributive justice is primarily concerned with changing the offender's future behavior.

2. The principle of "proportionality" prevents the modern state from using excessively harsh or literal ancient punishments.

3. Critics believe that retribution is a more effective way to help victims than "restitution" or rehabilitation.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: proportionality, retribution, restitution, offender, deserts.

1. The judge insisted that the thief provide full _____ to the shop owner by paying back the value of the stolen electronics.

2. While some citizens called for the death penalty, the defense argued that such a sentence would violate the principle of _____ for a non-violent crime.

3. Many victims find a sense of closure through _____, feeling that the law has finally acknowledged their suffering by punishing the criminal.

4. If the legal system fails to deliver "just _____," the public may lose faith in the fairness of the courts.

5. Social workers often focus on the environment of the _____, whereas the prosecutor focuses primarily on the criminal act itself.

Unit 15

Text: Penalties

Grammar: Comparison of Adjectives

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What types of penalties apply to criminal offences?
2. What is your opinion concerning death penalty?
3. Do you share the opinion that criminals need help more than punishment?

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

1. community service	a) умовне засудження
2. death penalty	b) домашній арешт
3. elderly people	c) тілесні ушкодження
4. financial circumstances	d) примусове позбавлення волі
5. forced detention	e) матеріальні умови
6. house imprisonment	f) смертна кара
7. personal injury	g) літні люди
8. suspended sentence	h) громадська робота

Vocabulary notes:

adventure playground	дитячий ігровий майданчик
ankle	кісточка, щиколотка
awarding	присудження
beheading	відтинання голови, обезголовлення
caning	биття палицею
civic	цивільний
convicted	засуджений, визнаний судом винним
crucifixion	розпинання на хресті (*кара*)

curfew order	припис суду про дотримання умов "комендантської години"
demotion	пониження (*звання, рангу*), розжалування
dip into the water	занурювати у воду
disabled	непрацездатний, з обмеженими можливостями
drastic	рішучий, суворий
ducking stool	ганебний стілець
expulsion	звільнення (*з роботи*), виключення
financial circumstances	фінансовий стан
firing squad	команда, призначена для проведення розстрілу
frame	рама, каркас
gas chamber	газова камера
inflict	завдавати (*удару*), накладати (*кару*)
involuntary institutional psychiatry	примусове поміщення до психіатричної лікарні
jailing	ув'язнення
lethal injection	смертельна ін'єкція
loss of income	зменшення доходу, зниження оплати праці
make fast	закріпляти
make fun	висміювати
mandatory injunction	зобов'язуване рішення суду
obey	слухатися, коритися, підкорятися, виконувати наказ
penal colony	колонія для кримінальних злочинців
petty criminal	дріб'язковий злочинець
pillory	ганебний стовп

probation officer	чиновник, який наглядає за умовно засудженими
put to shame	ганьбити, соромити
restrictive injunction	обмежувальна заборона
set schedule	прописаний режим, встановлений графік
starvation	голодна смерть
stocks	важкі дерев'яні кайдани
suffer	страждати, зазнавати
suspension	тимчасова відставка, відсторонення, дискваліфікація
take precedence	мати першість, мати перевагу
trial area	судовий округ
wheel	котити, везти
whipping	побої, биття
wooden boards	дерев'яні дошки
wooden post	дерев'яний стовп

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

Penalties

The earliest known form of punishment for crime was corporal punishment. The examples of common methods of corporal punishment were stocks, pillory, ducking stool, whipping and capital punishment.

Stocks were wooden boards with holes in which a person's ankles were made fast. The pillory was a larger frame of wood on a wooden post. In this frame there were holes through which a person's head and arms were put. Stocks and pillories were set up in public places, often in a market place. The purpose of this form of punishment was not only to make the criminal suffer physical discomfort, but also to put him to shame, and to allow the neighbours to make fun of him for hours.

Another popular method of punishment was "the ducking stool" when the offender had to sit in a special "chair" at the end of a wooden pole, which was wheeled through town and then dipped into the water, hence the name "ducking stool".

Whipping or caning on various body parts was inflicted for serious offences such as robbery with violence.

An important form of punishment was the confinement of criminals in geographically isolated penal colonies, such as Devils Island.

The death penalty or capital punishment was the most drastic form of corporal punishment as it required law enforcement officers to kill the offender. Forms of the death penalty included hanging, crucifixion**,** the firing squad, burning at the stake**,** lethal injection, gas chamber, beheading and starvation among others.

Fortunately for present-day wrong-doers many of these methods of punishment have been abolished in most countries. All types of penalties applied to criminals nowadays may be divided into several groups: capital punishment, custodial sentences, and non-custodial sentences.

Custodial sentences include imprisonment and other forms of forced detention (e.g., involuntary institutional psychiatry). Imprisonment means putting a convicted into a special building (prison) where he is forced to live as a punishment for a fixed period of time. Prison is not considered to be corporal punishment, although the body is confined, no punishment is inflicted upon the body.

Non-custodial sentences include:

– Suspended sentences: the offender does not go to prison unless he or she commits another offence.

– Probation is a kind of punishment when, instead of jailing a person convicted of a crime, a judge will order that the person reports to a probation officer regularly and according to a set schedule. An offender may have to report weekly for the first three months, then fortnightly and, if all is going well, every three or four weeks. A court probation order can last from six months to three years. It is a criminal offence not to obey a probation order.

– Community service. Sometimes petty criminals instead of going to jail may, with their consent, be given community service orders. The court may order from 40 to 240 hours' unpaid service to be completed within 12 months. Examples of community service orders include decorating the houses of elderly or disabled people and building adventure playgrounds**.** Be this penalty the court punishes offenders by making them give something back to the community.

– An injunction is a court order that prohibits a party from doing something (restrictive injunction) or compels them to do something (mandatory injunction).

– Fines**.** About 80 per cent of offenders are punished with a fine. There is no limit to the fine, unless set by statute. When fixing the amount of a fine, courts are required to reflect the seriousness of the offence and to take into account the financial circumstances of the offender.

– Compensation**.** The courts may order an offender to pay compensation for personal injury, loss or damage resulting from an offence. In England and Wales courts are required to give reasons for not awarding compensation to a victim. Compensation takes precedence over fines.

– Curfew order or "house imprisonment". Courts in the trial areas can require offenders to remain at home for a period up to 12 hours a day. The order can be combined with probation or community service.

– Cautioning**.** The police have discretion whether to charge an offender or formally to caution him or her. Cautioning is a form of warning and no court action is taken. Properly used, it is an effective deterrent to those who have committed minor offences or who have offended for the first time. However, it is an inappropriate response to serious offences.

Socio-economical punishment has become rather common nowadays and takes the form of such penalties as loss of income; confiscation; demotion, suspension or expulsion (especially in a

strict hierarchy, such as military service); restriction or loss of civic and other rights.

II. COMPREHENSION

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

1. What types of punishment are described in the text above?
2. Which was the earliest known form of punishment?
3. What is meant by "capital punishment"? What forms does this punishment include?
4. Where were stocks and pillories usually set up?
5. What do we refer to as custodial sentences? Can you characterize some of them?
6. What is meant by non-custodial sentences? Can you distinguish some of them?
7. What are socio-economic forms of punishment?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Prison is considered to be corporal punishment.
2. A court probation order can last from six months to thirteen years.
3. All offenders may, with their consent, be given community service orders.
4. In England and Wales compensation takes precedence over fines.
5. About 30 per cent of offenders are punished with a fine.
6. The grounds for deportation vary from country to country.

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

arrest; limitation; misery; physical; timetable; to dunk; to intern; to permit; to refer; to revolve.

Exercise 4. Choose the right variant:

1. A court probation order can last …

a) from nine months to two years.

b) from six months to three years.

c) from three months to five years.

2. About 80 per cent of offenders are punished …

a) with corporal punishment

b) with death penalty

c) with a fine.

3. Custodial sentences include imprisonment and other forms of …

a) forced calmness.

b) forced detention.

c) forced labour.

4. The courts may order an offender to pay compensation for …

a) personal effects.

b) personal injury.

c) personal security.

5. The earliest known form of punishment for crime was …

a) capital punishment.

b) summary punishment.

c) corporal punishment.

III. VOCABULARY STUDY

Exercise 1. Arrange the letters in the following legal terms; then match these terms with their definitions:

1. aceimnnoopst	a) a system of dealing with offenders by placing them under the supervision
2. adeht aelnpty	b) advice to beware or desist
3. eilnopsux	c) an instruction or order issued by a court
4. ciijnnnotu	d) something given as reparation for loss, injury, etc.; indemnity

5. abinooprt	e) the act of expelling or the fact or condition of being expelled
6. aginnrw	f) the punishment of death for a crime

Exercise 2. Choose and read the word that best completes the sentence.

1. An *obligatory / important* form of punishment was the *confinement / job placement* of criminals in geographically isolated *settled colony / penal colonies*.

2. Custodial sentences include *imprisonment / probation* and other forms of forced *detention / warning*.

3. *Unfortunately / fortunately* for present-day wrong-doers many of previous methods of punishment have been *abolished / improved* in most countries.

4. Sometimes *dangerous / petty* criminals instead of going to jail may, with their *permission / consent*, be given community service orders.

5. Stocks and pillories were set up in *public / guarded* places, often in a market place.

6. Stocks were *metal / wooden* boards with holes in which a person's *ankles / hands* were made fast.

7. Whipping or caning on various body parts was inflicted for *trivial / serious* offences such as robbery with *threats / violence*.

Exercise 3. In the text "Penalties" find the antonyms for the following words:

appropriate; birth; civilian; comfortableness; expenditure; frivolity; frivolous; individual; ineffective; major; nonfinancial; objection; to establish; to liberate; to prohibit; unfixed; voluntary.

Exercise 4. Make up sentences from the words.

1. A court order that / an injunction is / compels them to do something / from doing something or / prohibits a party.

2. For the first / an offender / weekly / three months / may

have to report.

3. Serious offences / an inappropriate / it is / response to.

4. Another offence / commits / does not go to / he or she / prison unless / the offender.

5. Can be combined / community service / the order / with probation or.

6. An offender or / have discretion / formally to caution / the police / him or her / whether to charge

7. By statute / no limit / unless set / to the fine, / there is.

8. On various body parts / serious offences / was inflicted for / whipping or caning.

Exercise 5. Give the English equivalents for the following words and word combinations.

будівництво дитячих ігрових майданчиків; виконувати судовий наказ про направлення на пробацію; військова служба; громадська робота; ефективний засіб для залякування; зазнавати фізичного дискомфорту; закон; згода; матеріальні умови; офіцер органів правопорядку; прибирання будинків літніх чи непрацездатних людей; робити попередження; свобода дії; страта через повішення; сувора ієрархія; умовне засудження; штраф.

Exercise 6. Translate into English.

1. Близько 80 відсотків правопорушників караються штрафом.

2. Важливим різновидом покарання було ув'язнення злочинців у географічно ізольованих виправних колоніях.

3. Видами смертної кари були: страта через повішання, розпинання на хресті, розстріл, смертельна ін’єкція, спалення на вогнищі, газова камера, обезголовлення і голодна смерть.

4. Вироки про утримання під вартою включають ув'язнення та інші форми примусового позбавлення волі.

5. Вироки, не пов’язані з позбавленням волі включають: умовне засудження, пробацію і громадські роботи.

6. Загальними способами тілесних покарань були кайдани, ганебний стовп, ганебний стілець, побиття і смертна кара.

7. Побої або биття палицею різних частин тіла застосовувались за серйозні злочини, такі як, наприклад, пограбування із насильством.

8. Поліція може на свій розсуд або висунути обвинувачення проти правопорушника або офіційно зробити йому попередження.

9. Соціально-економічні покарання стали більш поширеними у теперішній час і включають у себе позбавлення прибутку, конфіскацію, розжалування, тимчасове відсторонення від виконання обов'язків або звільнення з посади.

10. Суди можуть наказати кривднику заплатити компенсацію за тілесні ушкодження, шкоду чи збитки, які стали результатом правопорушення.

11. Усі види покарань, які застосовуються до злочинців сьогодні, можна поділити на декілька груп: найвища міра покарання, вироки про утримання під вартою і вироки, не пов'язані з позбавленням волі.

IV. SPEAKING

Exercise 1. Discuss in group:

1. Are you for or against capital punishment? For what crimes should the death penalty be imposed?

2. Is there a connection between death penalty and the crime rate in a country?

3. Capital punishment is often replaced with long-term or life imprisonment. Do you support this replacement?

4. Is there a connection between a political regime in a country and the practice of capital punishment?

5. Do you share the opinion that criminals need help more than punishment? Give your arguments for and against this statement.

6. Is it a hard burden for a judge to decide whether to punish another person or not? What forms of punishment will be applied in future?

Exercise 2. Make a report on the topic "Punishment", paying attention to the following points in your speech:

– possible reasons for punishment under criminal law;
– old forms of punishment;
– capital punishment;
– custodial sentences;
– non-custodial sentences.

V. GRAMMAR FOCUS

Grammar Revision

Comparison of Adjectives

1. We add -er to one-syllable adjectives to form the comparative and -est to form the superlative

*Demand for our computers is **high** in Egypt, **higher** in Turkey but the **highest** demand is in Ukraine.*

2. We add -eir and -iest to adjectives ending in –y

wealthy – wealthier – the wealthiest

3. We add more / less and the most / the least to two or more syllable adjectives

important – **more / less important – the most / least important**

4. There are "irregular" comparatives and superlatives

good – better – the best
bad – worse – the worst
far – farther / further – the farthest / furthest
old – elder – the eldest (for family members only)

5. We use **than** to compare two or more things

*The CD is **more expensive** than the cassette.*

Exercise 1. Match the adjectives on the left with their definitions on the right.

1. elder	a) additional
2. farther	b) after some time
3. further	c) at a greater distance
4. last	d) closer
5. later	e) coming after all others in time or order
6. latter	f) coming immediately after, in space or in order
7. least	g) least good
8. nearer	h) senior of members of the family
9. next	i) the second of two things or persons already mentioned
10. worst	j) the smallest

Exercise 2. Give the superlative form of the adjectives in brackets.

1. (dangerous) spider is the black widow, whose bite can kill a man in a few minutes. 2. (deep) part of the Pacific Ocean is 11 kilometres below the sea-level. 3. February is (snowy) and (cold) month of the year here. 4. His house is (far) in our street. 5. His house is (far) in the street. 6. I wonder what his (near) step is going to be. 7. Is English (useful) language to learn? 8. Is the Mona Lisa (valuable) painting in the world? 9. It was (late) thing I expected of him. 10. Japan has (crowded) railways in the world. 11. The Beatles were (successful) pop group. 12. The Chrysler Building was once (tall) in the world. 13. The diamond is (hard) mineral in the world. 14. The Pan-American Highway is (long) road in the world. 15. The Queen must be (rich) woman in the world. 16. The world's (expensive) perfume costs $550 per bottle. 17. This is one of (expensive) stores in the city. 18. This is our (old) national airline. 19. Unfortunately, I haven't heard (late) news. I think it was very interesting. 20. Who are (old) members of the club?

Exercise 3. Translate into English using the proper degrees of the words in bold type.

1. Вони отримали **додаткову** інформацію з цього питання. 2. Де **найближче** поштове відділення? 3. **Останні** новини були зовсім нецікаві. 4. **Останній** потяг прибув опівночі. 5. У районі West End розміщені **найдорожчі** крамниці. 6. Хоча у нас були **найгірші** місця, нам сподобався спектакль (performance). 7. Це **найталановитіший** студент у нашій групі. 8. Я думаю, що він **старший** за вас і **молодший** за мене. 9. Візьміть цю валізу (suitcase), вона **легша** вашої.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. In your opinion, is a heavy fine a sufficient penalty for a wealthy individual, or does it fail to provide a "deterrent effect"?

2. Should non-violent first-time offenders always be given an alternative to prison? What are the potential benefits of community-based penalties?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) custodial	a) a person who relapses into criminal behavior; a repeat offender.
2) deterrent	b) involving imprisonment or protective care.
3) recidivist	c) something that discourages or is intended to discourage someone from doing something.
4) mitigation	d) the action of reducing the severity, seriousness, or painfulness of something.
5) community service	e) unpaid work, intended to be of benefit to the public, instead of a prison sentence.

3. Reading Text

THE SPECTRUM OF LEGAL PENALTIES: FROM FINES TO IMPRISONMENT

In any modern legal system, the imposition of a penalty serves as the state's formal response to a breach of social order. This spectrum of sanctions is designed to address varying degrees of **culpability** and harm, moving from purely financial measures to the total deprivation of physical liberty.

At the lower end of the scale are monetary fines. Often used for **regulatory** offenses or minor misdemeanors, fines are intended to punish the offender economically without removing them from

society. While efficient, their effectiveness as a **deterrent** is often debated, particularly regarding whether they disproportionately affect the poor while being a mere "cost of doing business" for the affluent.

As the gravity of the offense increases, the judiciary may look toward non-custodial sentences. These include probation, electronic tagging, and **community service**. Such measures are rooted in the philosophy of rehabilitation; by allowing the individual to remain within their support network while making amends to the public, the system aims to reduce the likelihood of them becoming a **recidivist**. These penalties are often seen as more cost-effective and humane alternatives to the "short, sharp shock" of jail time.

At the most severe end of the spectrum lies **custodial** sentencing. Imprisonment is reserved for serious felonies or cases where the individual poses a significant danger to the public. Beyond mere punishment, prison serves the purpose of "incapacitation" – physically preventing the individual from committing further crimes. When determining the final length of a sentence, judges must weigh aggravating factors (such as premeditation) against points of **mitigation** (such as a genuine expression of remorse). Ultimately, the goal of this legal spectrum is to balance the need for justice with the practical necessity of maintaining a safe and functioning society.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Monetary fines are generally reserved for the most serious felonies in a legal system.
2. Community service is a type of non-custodial sentence that focuses on rehabilitation.
3. The term "incapacitation" refers to the physical removal of an offender from society to prevent future crimes.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: custodial, deterrent, mitigation, recidivist, service.

1. The judge accepted the defendant's difficult childhood as a factor in _____ and reduced the sentence by two years.

2. Because the defendant was a habitual _____, the court decided that a standard fine would not be enough to stop his criminal behavior.

3. As a part of his punishment for vandalism, the teenager was ordered to perform 100 hours of community _____.

4. Public safety experts argue that the threat of a long _____ sentence acts as a powerful _____ for organized crime.

5. In many European countries, there is a strong move away from _____ penalties for minor drug-related offenses.

Unit 16

Text: Nature of Tort

Grammar: Comparison of Adverbs

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What is Law of tort?
2. How can a tort be committed?
3. What are the most common intentional torts?

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

1. actual damage	a) власник магазину
2. breach of duties	b) дія, що завдає шкоди
3. impose duties	c) законна конкуренція
4. injured party	d) накладати зобов’язання
5. legitimate competition	e) порушувати зобов’язання
6. plaintiff damage	f) постраждала сторона
7. shopkeeper	g) реальна шкода
8. tortious act	h) шкода, завдана позивачеві

Vocabulary notes:

accused	обвинувачений, підсудний
breach of contract	порушення договору, невиконання договору
commission	учинення (дії), діяння
entitle	давати право на
impose duties	накладати зобов’язання
innocent	невинний, безневинний
liable	відповідальний, зобов'язаний
penalty	покарання, кара, стягнення,
presumption	припущення, презумпція
privity of contract	договірні стосунки

prosecute	переслідувати судовим порядком, виступати обвинувачем
settle out of court	урегулювати суперечку без судового розгляду
succeed	досягати мети, мати успіх

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

Nature of Tort

The word "**tort**" means "wrong" in French, and in English Law it is used to denote certain civil wrongs, e.g. trespass, defamation, invasion of privacy, negligence, false arrest, false imprisonment, infringement of intellectual property rights, assault and nuisance. It is important to distinguish torts from other legal wrongs, notably crimes and breaches of contract.

Generally, in order to succeed in an action in tort, the plaintiff must prove that the defendant:

a) has infringed a legal right of the plaintiff;

b) has caused the plaintiff damage (meaning loss or injury).

If the defendant has not infringed a legal right of the plaintiff, he will not be liable in tort even if he has caused the plaintiff damage. This situation is described as *"Damnum sine injuria"* – "Damage without legal injury". An example would arise where a shopkeeper was ruined by the legitimate competition of a nearby supermarket. There would be damage but no violation of a legal right, and thus the shopkeeper would have no remedy in tort.

Conversely, the causing of damage is not essential to every action in tort. Certain torts are said to be actionable *per se* (by themselves – without proof of actual damage). In these torts, there is infringement of a legal right but no damage. This situation is described as *"Injuria sine damno"* – "Legal injury without actual harm". Examples include libel and trespass. Thus if A. trespasses on B.'s land, A. may be liable to pay compensation to B. even though he has caused no actual harm.

A tort and a crime can be distinguished in the following way:

1) A crime is an offence against the State, and proceedings are usually initiated by the State, although a private citizen may prosecute in certain cases. A tort, on the other hand, is a civil wrong. The party injured by the commission of the tort is entitled to sue the guilty party (called a tortfeasor).

2) A crime carries with it the various "penalties" or sanctions of the criminal law, e.g. fines, probation, imprisonment. The aim of the law of tort, on the other hand, is not to punish the tortfeasor but to compensate the injured party by an award of damages. An injunction is also a proper remedy in certain cases.

3) In a criminal trial, there is a presumption that the accused is innocent and the prosecution must prove his guilt beyond reasonable doubt. There is no such presumption in a civil action, and the defendant's responsibility for a tortious act need only be established on a balance of probabilities.

4) A criminal prosecution may not be stopped by the victim. An action arising out of tort may, like other civil actions, be discontinued or settled out of court by the plaintiff at any time.

A tort and a breach of contract may be distinguished as follows:

1) Contracts impose duties but these are created by the agreement of the parties. On a breach of contract, there is a breach of such a duty. A tort, on the other hand, is a breach of a duty imposed by the law. It is not based on the agreement of the parties. Thus you are under a duty imposed by the law not to slander X, not to trespass on X's land and so on.

2) By the doctrine of privity of contract, only a party to a contract can sue for breach of it. A tortious act, however, entitles any injured party to sue.

II. COMPREHENSION

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

1. What does the word "tort" denote?
2. Can you give any examples of civil wrongs, which can be classified as torts?
3. What must the plaintiff prove in order to succeed in an action in tort?
4. Certain torts are said to be actionable per se. What do you know about them?
5. What do we call the guilty party in a tort?
6. How are torts and crimes distinguished?
7. How is a breach of contract distinguished from torts?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. If the defendant has caused the plaintiff some damage but has not infringed a legal right of the plaintiff, he will not be liable in tort.
2. It is causing of damage that is essential to every action in tort.
3. The aim of the law of tort is to punish the tortfeasor.
4. Tort cases are heard only by civil courts.
5. In a civil action, as well as in a criminal one, there is a presumption that the defendant is innocent.
6. An action arising out of tort may be settled out of court.

Exercise 3. Make up the plan of the text to ouline the general ideas.

Exercise 4. Match the two parts of the sentences:

1. A criminal prosecution may not be stopped ...	a) action in tort.
2. A tort is a breach of a duty imposed …	b) by the victim.

3. By the doctrine of privity of contract, only a party to a contract can …	c) by the law.
4. If the defendant has not infringed a legal right of the plaintiff, he will not be …	d) legal wrongs.
5. In English Law the word "tort" is used to denote certain …	e) is innocent**.**
6. It is important to distinguish torts from other …	f) civil wrongs.
7. The causing of damage is not essential to every …	g) liable in tort.
8. The party injured by the commission of the tort is entitled to …	h) no damage.
9. There is a presumption that the accused …	i) sue for breach of it.
10. There is infringement of a legal right but …	j) sue the guilty party.

III. VOCABULARY STUDY

Exercise 1. Write sentences using the following terms.

action in tort; civil action; civil wrongs; criminal prosecution; criminal trial; false arrest; injured party; invasion of privacy; legal injury; legitimate competition; tortious act; violation of a legal right.

Exercise 2. Match a line in A with a line in B.

A	B
to be	a legal right
to be	duties
to cause	his guilt
to have	in an action
to impose	in certain cases
to infringe	liable
to prosecute	no remedy

to prove	the guilty party
to punish	the plaintiff damage
to succeed	the tortfeasor
to sue	under a duty

Exercise 3. Search the text to find the words that:

a) have the same roots as:

to compete; to defame; to defend; to infringe; to injure; legal; to neglect; plaint; private; tort

b) have similar meaning to:

aggrieved; calumny; guiltless; obligation; to plead; restraining order; rupture; to satisfy; suit; teaching

c) have opposite meanings to:

adjective; complainant; to descend; to fail; gain; insignificant; narrowly; potential; suspect; true

d) mean the following:

− a threatened or attempted physical attack by someone who appears to be able to cause bodily harm if not stopped

– any unlawful act committed with force or violence which causes injury to another person, his property, or his rights

− something unauthorized that is obnoxious or injurious to the community or to an individual

− the wrongful intrusion by individuals or the government into private affairs with which the public has no concern

Exercise 4. Restore the word order:

1. A / against / an / crime / is / offence / State / the.

2. A / be / by / criminal / not / prosecution / stopped / the / victim / may.

3. A / a nearby / by / competition / legitimate / of / ruined / shopkeeper / supermarket / the / was.

4. A / a breach / a duty / by / imposed / is / law / of / the / tort.

5. Distinguish / from / important / is / it / legal / other / to / torts / wrongs.

6. A contract / a party / breach / can / for / it / of / only / sue / to.

7. Compensate / injured / is / of / of / party the / the aim / the law / to / tort.

8. Action / causing / damage / essential / every / in / is / not / of / the / to / tort.

9. Caused / damage / has / must / prove / that / the defendant / the plaintiff / the plaintiff.

Exercise 5. Give the English equivalents for the following word combinations:

відповідач; громадянське правопорушення; громадянський позов; деліктний, який стосується цивільного правопорушення; доводити, підтверджувати; доказ, доведення; законна конкуренція; збитки позивача; навпаки; наклеп (*у пресі*); наклеп, лихослів'я; наклеп, обмова, дифамація; образа словами і погроза фізичним насильством; подавати позов, порушувати справу; позивач; порушення володіння; порушення громадського порядку; порушення недоторканності приватного життя; порушення прав на інтелектуальну власність; порушувати (*закон*); правопорушник (*у цивільному праві*); припиняти (*справу*); цивільне правопорушення, делікт; що дає підстави для порушення судової справи.

Exercise 6. Translate into English.

1. Важливо відрізняти цивільні правопорушення від інших правопорушень.

2. Дія, що завдає шкоди, надає право будь-якій постраждалій стороні подавати позов.

3. Загалом, для того, щоб досягти мети в позові за делікт, позивач повинен довести, що відповідач порушив його законні права.

4. Кримінальне переслідування не може зупинити потерпілий.

5. Кримінальний злочин – це правопорушення проти держави і судовий процес ініціює держава.

6. Мета деліктного права – не покарати правопорушника, а надати компенсацію постраждалій стороні через присудження відшкодування збитків.

7. Навпаки, заподіяння шкоди не має важливого значення для кожного позову за делікт.

8. Слово "делікт" означає "неправильність" французькою мовою і в Англійському праві використовується для позначення певного громадянського правопорушення.

9. Сторона, яка постраждала від скоєння цивільного правопорушення має право подавати позов на винну сторону.

10. Цивільне правопорушення – це порушення зобов'язань, накладених законом.

11. Якщо відповідач не порушив законні права позивача, він не нестиме відповідальність за делікт, навіть якщо він заподіяв шкоду позивачеві.

IV. SPEAKING

Exercise 1. Give your definition of a tort. Provide examples of torts. Who is a tortfeasor (-er)?

Exercise 2. What is the difference between torts and crimes? Think about the prosecution, punishment, standard of proof.

Exercise 3. What is the difference between torts and broken contracts? Think about who may sue and be sued, liability, situations covered by tort law and contract law, damages.

Exercise 4. Discuss the following points:

− reasons why torts are often easier to prove than crimes.

− torts that most affect businesses. Give examples.

− the principal torts of Ukraine in recent years and their main reasons.

V. GRAMMAR FOCUS

Grammar Revision

Comparison of Adverbs

1. Most comparative and superlative adverbs are made with **more** and **most**

− *Can you type **more quickly?***

*I am typing the **most quickly.***

2. Adverbs that have the same form as adjectives (e.g. early, fast, hard, late, long, near, etc.) have comparatives and superlatives with **-er** and **-est**

− *Can you type **faster?***

*I am typing **the fastest.***

3. Irregular forms

well – better – best

badly – worse – worst

far – farther / further – farthest / furtherst

much / many – more – most

little – less – least

Exercise 1. Find the appropriate Ukrainian equivalents for the English adverbs.

1. closely	a) доволі
2. hard	b) ледве
3. hardly	c) майже
4. late	d) наполегливо
5. lately	e) незабаром
6. likely	f) нещодавно
7. nearly	g) певно

8. pretty	h) пізно
9. sharp	i) точно
10. shortly	j) уважно

Exercise 2. Choose the appropriate adverb.

1. I could see the house door which was (widely / wide) open. 2. I used to work (hardly / hard) to get everything I have got now. 3. It is (prettily / pretty) difficult to speak to her. 4. She is always (prettily / pretty) dressed. 5. Shortly / Short) after graduating I moved to the capital. 6. The actress (justly / just) deserved the prize. 7. The mechanic examined the damaged car (closely / close). 8. The plane flew (highly / high), we could (hardly / hard) see it. 9. The wind was blowing so (hardly / hard) that I could (hardly / hard) walk. 10. We have seen very little of you (lately / late). 11. You've come too (lately / late). 12. He lives quite (nearly / near). 13. Her house stood (closely / close) to the river. 14. His suggestion seemed (highly / high) improbable to us.

Exercise 3. Complete the following sentences with the adverbs in the comparative and superlative forms. (You can use the word only once).

easily, fast, frequently, high, late, long, loud, near, quickly, smartly, well, carefully

Example: *I was afraid to go ... than halfway up the tower. – I was afraid to go higher than halfway up the tower.*

1. Do it again … and you won't make so many mistakes. 2. I could have found the place … if I had had a map. 3. I like this picture … of all. 4. There are a lot of robberies in our city. They happen … nowadays than before. 5. To get to London by nine, we can't leave … than seven. It takes two hours. 6. We all ran pretty fast, but Andrew ran … than me, and Sam ran … . 7. We can't hear you well. Could you speak a bit …? 8. We were tired and we all envied Mary, for she lived … . 9. Why are you wearing these old jeans? You might have dressed … . 10. You needn't go away yet. You can stay a bit …

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If a driver accidentally crashes into your garden fence, should they be sent to prison, or should they simply pay for the repairs? Where do you draw the line between an "accident" and a "crime"?

2. In some cases, a single act (like physical assault) can result in both a criminal trial and a civil lawsuit. Why does the legal system allow a person to be "sued" and "prosecuted" for the same event?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) litigation	a) help or a solution for a wrong or a grievance.
2) redress	b) the standard of proof in civil cases; "more likely than not."
3) prosecution	c) the process of taking legal action in a civil court.
4) preponderance of evidence	d) a sum of money claimed or awarded in compensation for loss or injury.
5) damages	e) the institution and conducting of legal proceedings against someone in respect of a criminal charge.

3. Reading Text

THE DISTINCTION BETWEEN TORT AND CRIME: CIVIL REDRESS VS. STATE PUNISHMENT

While both torts and crimes involve a breach of legal duty, they serve fundamentally different purposes within the justice system. A **crime** is viewed as a "public wrong" – an offense against the state or society as a whole. Consequently, the **prosecution** is

initiated by the government, and the primary objectives are punishment, deterrence, and the protection of the public. In contrast, a **tort** is a "civil wrong" committed against a specific individual or entity. The goal of tort **litigation** is not to punish the wrongdoer, but to provide **redress** to the victim.

The most significant distinction lies in the intended outcome. In criminal law, the court seeks to impose a penalty, such as imprisonment or a fine paid to the state. In tort law, the court awards **damages** – monetary compensation paid directly to the plaintiff to restore them, as nearly as possible, to the position they were in before the harm occurred. This reflects the compensatory nature of civil law versus the punitive nature of criminal law.

Furthermore, the "burden of proof" creates a massive procedural gap between the two. In a criminal trial, the state must prove the defendant's guilt "beyond a reasonable doubt" – a very high standard intended to prevent the wrongful imprisonment of an innocent person. However, in a tort case, the plaintiff only needs to prove their claim by a **preponderance of evidence**. This means they must show that it is "more likely than not" (greater than 50% probability) that the defendant is liable. Because of this lower threshold, it is entirely possible for a person to be acquitted of a crime but still be held liable for the corresponding tort in a civil court.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. The main purpose of a tort lawsuit is to ensure the defendant is sent to jail for their negligence.
2. In a civil case, the person bringing the lawsuit (the plaintiff) has a lower burden of proof than a prosecutor in a criminal case.
3. Money awarded in a tort case is usually paid to the government as a penalty for breaking the law.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: redress, damages, litigation, preponderance, prosecution.

1. After the multi-car pileup, the injured parties entered into lengthy _____ to determine which insurance company was responsible for the medical bills.

2. The jury awarded the plaintiff $50,000 in _____ to cover the costs of surgery and lost wages resulting from the slip-and-fall accident.

3. In civil law, the _____ of evidence standard ensures that the party with the more convincing story wins the case.

4. The victim sought legal _____ for the defamation of her character, demanding a public apology and the removal of the false articles.

5. Despite the overwhelming evidence, the state decided not to move forward with a criminal _____ because of a technicality in how the evidence was gathered.

Unit 17

Text: Classification of Torts

Grammar: Comparatives: other points

I. WARMING-UP

Exercise 1. Answer the following questions:

1. How are torts classified in the Ukrainian legislation?
2. What is an intentional tort?
3. What are violations of duty and legal liability?

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

1. attachment	a) користування
2. constitute	b) накладення арешту
3. enjoyment	c) недбалість, халатність
4. harm	d) несанкціонований
5. negligence	e) порушувати
6. obstruction	f) складати, встановлювати
7. unauthorized	g) утруднення пересування
8. violate	h) шкода, збиток

Vocabulary notes:

abuse of process	зловмисне використання однією стороною процесуальних законів на шкоду супротивній стороні, висунення відверто недобросовісного обвинувачення
appropriation	привласнення
asserted	стверджувальний, що заявляється
attachment	накладення арешту
attempt	спроба, намагання, замах
battery	побої, образа дією
cheat	обманювати, обдурювати
concealing	приховування, замовчування

conversion	незаконне привласнення майна
deceit	обман, облуда, хитрощі
detention	затримання, арешт
dismiss	відхиляти позовну заяву
disturbance	тривога, неспокій, порушення, пошкодження
emotional distress	емоційне виснаження
entry	вхід; в'їзд, проходження
expressly	точно, чітко, ясно, спеціально, словесно
false arrest	незаконний арешт
false imprisonment	незаконне позбавлення волі
fellow men	колеги, співробітники, товариші по службі, співвітчизники
fleeting form	скорочена, нестабільна, швидкоплинна форма існування
foreseeable	передбачуваний, прогнозований
implicitly	у спосіб, який мається на увазі, імпліцитно, неявно, у порядку презумпції
indefinitely	протягом невизначеного часу, безмежно
injunction	припис, наказ, судова заборона
intended	умисний, навмисний, наперед задуманий
intentional infliction	навмисне заподіяння (*страждань, шкоди*)
intrusion	вторгнення, втручання
libel	наклеп (*письмовий*, *у пресі*)
mental distress	психічний розлад
misrepresentation	неправильне висвітлення, перекручення, спотворення (*фактів тощо*)
outrageous	обурливий, образливий, скандальний
peace of mind	душевний спокій, психічна рівновага
permanent form	фіксована, усталена форма
proximate	найближчий, безпосередній, наступний

restrain	стримувати, вгамовувати, приборкувати, обмежувати
slander	наклеп, лихослів'я
solitude	самітність, ізоляція (*про людину*)
suffer damages	зазнати збитків, отримати пошкодження
unjustified	необґрунтований, безпідставний, несправедливий, невиправданий
verbal threat	словесна погроза
withhold	затримувати, зупиняти

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

Classification of Torts

Most torts arise from either an intentional, wrongful action or from a negligent action.

1. **Negligence**

In a tort case arising out of negligence, the plaintiff must show four things: (a) there was a duty imposed on the defendant in favor of the plaintiff, (b) the defendant breached (violated) that duty, (c) the breach was the proximate (natural and foreseeable) cause of the harm, and (d) plaintiff suffered damages.

2. **Intentional torts**

To constitute an intentional tort, the defendant's act must be expressly or implicitly intended; the resulting harm need not be intended, but must have to be reasonably foreseeable. Examples of intentional torts are as follows:

a) **Interference with the person**

– Assault: any attempt to use illegal force on another person without that person's consent. Verbal threats do not constitute assault. If violence actually occurs, the act is termed battery.

– False arrest: detention of the plaintiff, without his / her permission, under the falsely asserted authority of the defendant.

– False imprisonment: wrongful use of force, physical barriers, or threats of force to restrain the plaintiff's freedom of movement.

– Intentional infliction of mental (emotional) distress: disturbance of the plaintiff's peace of mind by the defendant's outrageous conduct. Although damages are not limited to bodily injury, usually some physical harm must be shown.

– Invasion of privacy: interference with a person's right to be left alone. The right to solitude can be invaded in four different ways: 1) public disclosure of private facts; 2) publication of information placing a person in a false light; 3) intrusion upon a person's private life; or 4) unauthorized appropriation of name or likeness (e.g., picture) for commercial purposes.

b) **Interference with property**

– Conversion: unauthorized, unjustified exercise of control over another's personal property. There are two requirements: defendant must (1) appropriate the property to his / her own use, and (2) indefinitely withhold its possession from the plaintiff or destroy it. Examples: acts of arson, robbery, or embezzlement, taking someone else's umbrella, coat, or other personal property and keeping it after discovering that fact.

– Trespass: the unjustifiable and direct interference with another's rights to property, which can take two forms: 1) trespass to land (real property) – including entry upon land, throwing objects on to land or remaining on land after the right to entry has been withdrawn; and 2) trespass to goods (personal property).

All forms of trespass are actionable per se, i.e. without the necessity of showing that damage has been suffered by the plaintiff.

– Nuisance: the unlawful interference with another's use and enjoyment of land or some right over or in connection with land. In contrast to trespass the interference is indirect and includes: 1) interference with a right to light; 2) interference with the enjoyment of land generally, such as smoke, smells or noise; or 3) obstruction of rights of way. Proof of damage is necessary in order to bring an action for nuisance.

c) **Other intentional torts**

– Abuse of process: the use of a court process (e.g., attachment, injunction) for a purpose for which it was not intended. Example: attachment on excessive amounts of X's property in one case so as to force X to dismiss an unrelated lawsuit.

– Defamation: the publication of a false statement about another person which infringes his right to the reputation he enjoys among his fellow men. Defamation takes two forms: 1) libel, which is in a permanent form such as writing, painting, broadcasting; and 2) slander, which is in a fleeting form – spoken words or gestures.

Libel is actionable *per se.* With a few exceptions, slander requires proof of damage.

– Fraud (deceit, misrepresentation)**:** a deceitful conduct designed to manipulate another person to give something of value by lying or by concealing a fact from the other party which may have saved that party from being cheated.

– Infringement of intellectual property rights: civil wrongs in the sphere covered by copyrights, patents, trademarks and industrial secrets.

II. COMPREHENSION

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

1. What do most torts arise from?
2. What are the four things that the plaintiff must show in a tort case arising out of negligence?
3. What are the constituents of an intentional tort?
4. Classify intentional torts. Give different examples, trying to define each of them.

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Verbal threats do not constitute assault.
2. Any tort is a criminal offence.
3. All forms of trespass are actionable per se.

4. The right to solitude can be invaded in three different ways.

5. Proof of damage is not necessary in an action for nuisance.

6. Libel requires proof of damage.

Exercise 3. Match the beginnings with the endings:

1. Abuse of process is the use of a court process for a purpose for which it was	a) a negligent action.
2. All forms of trespass are actionable without the necessity	b) another's rights to property.
3. Conversion is unauthorized, unjustified exercise of control over another's	c) constitute assault.
4. Intentional infliction of mental distress is disturbance of the plaintiff's	d) interference with the person.
5. Invasion of privacy is interference with a person's right to be	e) left alone.
6. Most torts arise from either an intentional, wrongful action or from	f) mplicitly intended.
7. The defendant's act must be expressly or	g) not intended.
8. The example of intentional torts is	h) of showing that damage.
9. Trespass is the unjustifiable and direct interference with	i) peace of mind.
10. Verbal threats do not	j) personal property.

Exercise 4. Scan the text to find legal terms wich correspond to the following explanations:

− affording grounds for legal action

− being or having the nature of an outrage

− immoral, unjust, or illegal

− not capable of being justified

− not connected or associated

− not having official permission
− not in accordance with the truth or facts
− not justified or vindicated
− performed by or expressing intention; deliberate

III. VOCABULARY STUDY

Exercise 1. Write out of the text all word combinations with the following words. Translate them and use some of them in your own sentences:

action; assault; case; cause; conduct; damage; distress; duty; force; form**;** harm; injury; interference; lawsuit; property; statement; tort.

Exercise 2. Find synonyms in the following group of words. Try to explain the difference in their meaning, give your own examples.

accept; accused; break; complainant; deliberate; hurt; illegitimate; incarceration; intervention; offensive; ownership; predictable; revelation; spoken; trouble; unlawful; untrue

Exercise 3. Complete the sentences with the words given below:

battery; deceitful; defamation; detention; expressly; false; harm; intentional; interference; manipulate; negligence; nuisance; permission; proximate; violence.

1. ….. is the publication of a ….. statement about another person.
2. False arrest is the ….. of the plaintiff, without his / her …...
3. Fraud is a ….. conduct designed to ….. another person to give something of value by lying.
4. If ….. actually occurs, the act is termed ….. .
5. In a tort case arising out of …... , the plaintiff must show that the breach was the ….. cause of the harm.

6. ….. is the unlawful ….. with another's use and enjoyment of land generally, such as smoke, smells or noise.

7. To constitute an ….. tort, the defendant's act must be ….. or implicitly intended.

8. Usually some physical ….. must be shown.

Exercise 4. Match the terms with their definitions and make up your own sentences with these words:

1. consent	a) a declaration of the intention to inflict harm, pain, or misery
2. duty	b) the state of being solitary or secluded
3. embezzlement	c) acquiescence to or acceptance of something done or planned by another;
4. freedom	d) the fraudulent appropriation of funds or property entrusted to your care but actually owned by someone else
5. permission	e) the quality or state of being free, esp to enjoy political and civil liberties
6. solitude	f) a task or action that a person is bound to perform for moral or legal reasons

Exercise 5. Give English equivalents to the following Ukrainian words and phrases:

вторгатися, вдиратися; маніпулювати, вміло орудувати; матеріальна перешкода; умисне цивільне правопорушення; невиправдане здійснення контролю; незаконне використання сили; незаконний вплив; необачний вчинок; неправомірне привласнення; нещира поведінка; образлива поведінка; перешкода праву на прохід; право на самотність; пряме втручання; репутація, добре ім'я; словесна погроза; тілесне пошкодження; фізичне пошкодження.

Exercise 6. Translate into English.

1. Безпідставне порушення недоторканності приватного життя – це перешкода правові особи на усамітнення.

2. Зловживання судочинством – це використання судового процесу не за призначенням.

3. Наклеп – це оповіщення неправдивої інформації про іншу особу, яка завдає шкоди репутації, яку вона має серед своїх колег.

4. Напад – це будь-яка спроба використати незаконний вплив на іншу особу без її згоди.

5. Незаконне привласнення майна – це несанкціоноване, невиправдане здійснення контролю над рухомим майном іншої особи.

6. Переважна більшість цивільних правопорушень є результатом або навмисних, протиправних дій або дій, здійснених через недбалість.

7. Позивач повинен довести, що відповідач порушив свої зобов'язання.

8. Порушення володіння – це невиправдане й безпосереднє втручання у право власності іншої особі на майно.

9. Порушення прав інтелектуальної власності – це цивільне правопорушення у сфері авторських прав, патентів, торговельних марок і виробничих таємниць.

10. Порушення спокою – це протизаконне втручання у користування і володіння землею.

11. Умисне спричинення психічних розладів – це порушення душевного спокою позивача образливою поведінкою відповідача.

12. Хибне взяття під варту – це незаконне застосування сили, фізичних перешкод або погроз фізичним насильством задля обмеження свободи пересування позивача.

13. Хибний арешт – це затримання позивача, без його / її згоди, на підставі неправдиво заявлених доказів відповідача.

14. Шахрайство – це обманна поведінка, спрямована на керування іншою особою, задля оволодіння цінностями.

15. Щоб встановити навмисне цивільне правопорушення, дії відповідача мають бути явно або імпліцитно умисними.

IV. SPEAKING

Exercise 1. Distinguish between liability in tort and liability in contract. Pay attention to prerequisites, judicial proceedings and legal remedies.

Exercise 2. Name and briefly describe torts that most affect businesses. Give examples.

Exercise 3. Make a report on the topic "Law of Tort", paying attention to the following points in your speech:

– tort as a legal concept;
– a tort distinguished from a crime;
– tortious liability distinguished from contractual liability;
– classification of torts.

V. GRAMMAR FOCUS

Grammar Revision

Comparatives: other points

1. We use double comparatives **(...er and ...er, more and more ...)** to say that something is changing

*The euro is getting **stronger and stronger.***

*He is working **more and more slowly.***

2. We use **the ... the** ... with comparatives to say that one thing depends on another thing

***The earlier** we start, **the sooner** we will finish the project.*

3. We use **as ... as** to say that things are equal or unequal

*The euro has become **as** popular **as** the dollar.*

*This currency is not **as** strong **as** that one.*

Exercise 1. Make up sentences according to the example.

Example: *life / becoming / hard – Life is becoming harder and harder. life / becoming / difficult – Life is becoming more and more difficult.*

1. computers / becoming /expensive; 2. crime / becoming / common; 3. factories / employing / few / workers; 4. going abroad / becoming / popular; 5. his heart / beating / hard; 6. his voice / becoming / weak; 7. Kyiv / becoming / beautiful; 8. nights in winter / becoming / long; 9. people / living / long; 10. the light in the rooms / becoming / dim.

Exercise 2. Open the brackets and give the correct forms of the comparative constructions.

Example: *(Much) you read, (well) you will know English. – The more you read, the better you will know English.*

1. (Cold) the winter is, (hot) the summer will be. 2. (Early) you come, (quickly) we finish the work. 3. (Hot) the weather is, (bad) I feel. 4. (Interesting) the book is, (fast) you read it. 5. (Late) you come, (little) you will sleep. 6. (Little) she ate, (angry) she was. 7. (Long) the children saw the film, (frightened) they felt. 8. (Much) you study, (clever) you will become. 9. (Near) you come up, (well) you will see the picture. 10. (Soon) he takes the medicine, (well) he will feel.

Exercise 3. Make up sentences according to the example.

Example: *He is (twice / old) she is. – He is twice as old as she is.*

1. Grapes in autumn are (several times / cheap) they are in winter. 2. He can lift a box (three times / heavy) that one. 3. He does it (two times / quickly) she does. 4. He is not (half / clever) I thought. 5. He spends (twice / much) we do. 6. Her new flat is (three times / large) her old one. 7. It took her (three times / long) she expected. 8. Petrol is (several times / expensive) it was two years ago. 9. She is not going to marry a man who is (twice / old) she is. 10. The new stadium is (several times / large) the old one.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If someone throws a ball at a target but misses and hits a bystander, should the legal consequences be the same as if they had aimed at the bystander directly?

2. Why is it often harder for a plaintiff to prove an "intentional tort" than a case of "negligence"? What kind of evidence might be needed to show what someone was thinking?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) intent	a) a failure to behave with the level of care that someone of ordinary prudence would have exercised.
2) negligence	b) the determination to act in a certain way or to bring about a particular result.
3) standard of care	c) a legal wrong that involves the threat or use of force against a person.
4) assault	d) a situation where the consequences of an act are technically unplanned but legally predictable
5) foreseeability	e) the degree of caution or prudence required of an individual under the law.

3. Reading Text

INTENTIONAL TORTS VS. NEGLIGENCE: THE ROLE OF STATE OF MIND

In the realm of tort law, the classification of a civil wrong often hinges on a single, invisible factor: the defendant's state of mind at the moment the harm occurred. While the physical damage to the victim might be identical, the legal path to recovery differs significantly depending on whether the act is classified as an

intentional tort or **negligence**.

An **intentional tort** occurs when the tortfeasor (the person committing the wrong) acts with the specific purpose of causing interference with another's person or property. It is not necessary to prove that the defendant intended to cause a specific injury, but rather that they intended to perform the physical act that led to the harm. Common examples include **assault**, battery, and false imprisonment. In these cases, the law assumes a high degree of moral **culpability** because the defendant consciously chose to cross a legal boundary. Because of this deliberate intent, courts are often more willing to award "punitive damages" – extra monetary penalties designed to punish the defendant – rather than just "compensatory damages" meant to cover the victim's losses.

On the other hand, **negligence** does not involve a "guilty mind" or a desire to cause harm. Instead, it is defined by a lack of care. To succeed in a negligence claim, a plaintiff must show that the defendant owed them a "duty of care," breached that duty by failing to meet the required **standard of care**, and thereby caused an injury. The central concept here is **foreseeability**: would a "reasonable person" have anticipated that their actions (or lack thereof) might cause harm? A driver who hits a pedestrian because they were distracted by a phone is negligent, not intentional; they did not want to hit the person, but they failed to exercise the prudence required by law. While negligence accounts for the vast majority of personal injury lawsuits, it rarely triggers punitive damages because the harm resulted from a mistake or carelessness rather than malice.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. To win an intentional tort case, you must prove that the defendant specifically wanted to cause the exact injury that occurred.

2. Punitive damages are more frequently awarded in cases of intentional torts than in cases of negligence.

3. The "reasonable person" test is the primary tool used to determine if someone has been negligent.

5. Vocabulary Practice

Fill in the gaps with the correct words from the list: intent, standard, negligence, assault, foreseeability.

1. The doctor was sued for medical _____ after he failed to check the patient's allergy records before prescribing the medication.
2. Under the law of _____, the threat of immediate harm is enough to create liability, even if the defendant never actually touches the victim.
3. In a crowded city, the _____ of a pedestrian stepping into the street is high, so drivers must maintain a high level of alertness.
4. The prosecutor struggled to prove criminal _____, as the defendant claimed the gun went off accidentally during a struggle.
5. Professionals like engineers and architects are held to a higher _____ of care than the average person when performing their duties.

Unit 18

Text: Probable Cause and Other Levels of Proof
Grammar: The Infinitive

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What are the steps of a criminal justice proceeding?
2. What levels of proof do you know? Can you characterize each of them?
3. What aims do different levels of proof serve?

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

1. armed person	a) виносити судове рішення
2. to initiate an investigation	b) обшукувати особу
3. justice system	c) озброєна особа
4. to make a judgment	d) помірковане переконання
5. to put in jail	e) сукупність доказів у справі
6. reasonable belief	f) почати розслідування
7. to search a person	g) система судочинства
8. weight of evidence	h) посадити (кидати) у в'язницю

Vocabulary notes:

discriminatory	вибірний, упереджений, тенденційний, дискримінаційний
doctrine	вчення, доктрина, теорія, принцип
enforce the law	забезпечувати дотримання закону
observable	помітний, видимий
preponderance of evidence	наявність більш вагомих доказів
probable cause	ймовірна причина, правдоподібна підстава
proof	доказ, доведення

reasonable belief	обґрунтоване припущення
rely on	покладатися на, ґрунтуватися
suspicion	підозра
unreasonable	нерозважливий, надмірний, безпідставний

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

Probable Cause and Other Levels of Proof

Before the various steps of the criminal justice system can be initiated – arrest, booking, indictment, arraignment and sentencing – different levels of proof are required. The levels of proof recognized by law are as follows:

Suspicion is the lowest level of proof justifying a police action. Suspicion may occur when a police officer has only slight evidence to believe that a crime has been or is in the process of being committed. It permits a police officer to initiate an investigation.

Another level of proof is **reasonable belief** as a specific and reasonable conclusion drawn from observable facts. Reasonable belief permits the police to stop and search a person when they have reason to believe they are dealing with armed and dangerous persons.

Probable cause is a higher level of proof that occurs when one has sufficient and reliable information that a crime has been committed and that the accused has committed that crime. It is the standard used for arrest, search and arraignment.

Preponderance of evidence as a level of proof means that the weight of evidence is greater for one side than for the other. This is sufficient for making a judgment in civil cases, but not enough to convict in criminal cases.

Beyond a reasonable doubt: This level of proof exists when, after examining the evidence presented, a reasonable person would rely on it. It is the standard needed to convict in a criminal case according to the doctrine of "presumption of innocence".

It is difficult to distinguish between each of the levels of the proof described above. Yet the different levels of proof serve as a good illustration of how society attempts to deal with the problem of protecting the state from crime while at the same time guaranteeing and protecting an individual's liberty. The aim is to limit police actions that are unreasonable or discriminatory while at the same time making it possible for the police to enforce the law. Mere suspicion is not enough to put someone in jail, and the proof beyond a reasonable doubt is needed to prove criminal guilt.

Thus no person can be found guilty of a criminal offence without proof "beyond a reasonable doubt", but a person can be arrested and searched, and formally charged with a crime on the basis of evidence that is less than that required to convict him.

II. COMPREHENSION

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

1. How many levels of proof are there?
2. What is the aim of the levels of proof?
3. Is it easy to distinguish between different levels of proof?
4. What does the level of suspicion mean?
5. Is reasonable belief enough to make a search of a person?
6. What is the standard used for arrest, search and arraignment?
7. What does the level of beyond a reasonable doubt mean?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Suspicion is the highest level of proof justifying a conviction.
2. It is suspicion that permits the police to stop and search a person.
3. For reasonable belief one needs some observable facts.
4. Reasonable belief is the standard used for arrest, search and arraignment.

5. Preponderance of evidence is a maxim of criminal trials.
6. The levels of proof are easily distinguishable.

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

adequate; advantage; apprehension; defendant; distrust; exploration; inference; probe; sentence; trial; trustworthy; weak.

Exercise 4. Choose the right variant:

1. Beyond a reasonable doubt is the standard needed to convict in
a) a tortfeasor.
b) a victim.
c) a criminal.
2. Preponderance of evidence is sufficient for making a judgment
a) in certain cases.
b) in civil cases.
c) in criminal cases.
3. Probable cause is the standard used for arrest, search and
a) arraignment.
b) judgment.
c) punishment.
4. Suspicion permits a police officer to initiate an
a) administration.
b) investigation.
c) obligation.

III. VOCABULARY STUDY

Exercise 1. Arrange the letters in the following legal terms; then match these terms with their definitions:

1. aerrst	a) a legal document calling someone to court to answer an indictment

2. acesu	b) any evidence that establishes or helps to establish the truth
3. bdotu	c) grounds for action; motive; justification
4. giltuy	d) the decision or verdict pronounced by a court of law
5. degjmntu	e) responsible for an offence or misdeed
6. beilrty	f) the feeling of mistrust of a person
7. foopr	g) the power of choosing, thinking, and acting for oneself; freedom from control or restriction
8. ciinopssu	h) to deprive (a person) of liberty by taking him into custody

Exercise 2. Choose and read the word that best completes the sentence.

1. A person can be *examined / arrested* and *searched / acquitted*, and formally *charged / discharged* with a crime on the basis of evidence.

2. Beyond a *unreasonable / reasonable* doubt exists when, after examining the *accusation / evidence* presented, a reasonable person would rely on it.

3. *Fere / mere* suspicion is not enough to put someone in *court / jail*.

4. *Preponderance / sufferance* of evidence as a level of proof means that the *weight / height* of evidence is greater for one side than for the other.

5. Probable cause is a higher level of proof that occurs when one has *efficient / sufficient* and *reliable / liable* information.

6. Reasonable belief permits the *police / jury* to stop and *search / arrest* a person.

7. *Suspicion /* coercion may occur when a police officer has only *flight / slight* evidence to believe that a crime has been.

8. The different levels of proof *serve / nerve* as a good illustration of how *society / criminality* attempts to deal with the problem of protecting the state from crime.

Exercise 3. In the text "Probable Cause and Other Levels of Proof" find the antonyms for the following words:

to acquit; armless; beginning; certainty; to continue; deficient; to discredit; easy; to forbid; general; impartial; safe; undependable; unlikely.

Exercise 4. Make up sentences from the words.

1. Are required / before the various steps / can be initiated / of proof / different levels / of the criminal justice system.
2. Each of the levels / it is difficult / of the proof / to distinguish between.
3. In jail / is not enough / mere suspicion / to put someone.
4. Can be found guilty / without proof / no person / of a criminal offence.
5. For the other / is greater for / means that / of evidence / one side than / preponderance of evidence / the weight.
6. Occurs when one / is a higher level / has sufficient and / of proof that / probable cause / reliable information.
7. Drawn from / is a specific and / reasonable belief / observable facts / reasonable conclusion.
8. A police action / of proof justifying / suspicion / is the lowest level.
9. Is to limit / or discriminatory / police actions / that are unreasonable / the aim.

Exercise 5. Give the English equivalents for the following words and word combinations.

безпідставна підозра; визнавати винним; винесення вироку; вирок, рішення суду; достовірна інформація; здійснювати обшук; ініціювати розслідування; незначні (слабкі) докази; офіційне обвинувачення; помірковані переконання; презумпція невинності; провадження у справі до висунення обвинувачення; реєстрація заарештованого у дільниці; різноманітні заходи; розважливий висновок; свобода індивіда; система судочинства.

Exercise 6. Translate into English.

1. Безпідставної підозри не достатньо, щоб помістити людину до в'язниці але, за відсутності обґрунтованого сумніву, потрібно довести злочинну провину.

2. Відсутність обґрунтованого сумніву існує, коли, після вивчення наявних доказів, розсудлива особа покладатиметься на них.

3. Ймовірний привід – це вищий рівень доведення, який має місце, коли є достатня й достовірна інформація, що скоєно злочин і що саме підозрюваний його скоїв.

4. Наявність більш вагомих доказів є достатньою для винесення вироку в цивільних справах, але її не досить для визнання винним у кримінальній справі.

5. Особа може бути заарештованою, обшуканою й офіційно звинуваченою у скоєнні злочину на підставі доказів, яких може бути менше ніж потрібно для визнання винним.

6. Підозра може мати дію, коли у поліцейського є лише незначні докази вважати, що скоєно злочин.

7. Помірковане переконання дає право поліції зупинити й обшукати людину, якщо вони вважають, що мають справу з озброєними й небезпечними особами.

8. Різні рівні доведення слугують хорошим прикладом того, як суспільство намагається розв’язати проблему захисту держави від злочинності та водночас гарантувати й захищати свободу індивідуума.

IV. SPEAKING

Exercise 1. Say what you know about:

1) the various steps of the criminal justice system;
2) the initiation of an investigation;
3) reasonable conclusion drawn from observable facts;
4) standards used for arrest, search and arraignment;
5) the weight of evidence;
6) the doctrine of "presumption of innocence";
7) evidence that is required to convict a person.

Exercise 2. Make a report on the topic "Probable Cause and Other Levels of Proof", paying attention to the following points in your speech:

− levels of proof;
− suspicion;
− reasonable belief;
− probable cause**;**
− preponderance of evidence;
− beyond a reasonable doubt;
− on the basis of evidence.

V. GRAMMAR FOCUS

Grammar Revision

The Infinitive

1. The infinitive has the following forms:

Active Voice	Indefinite	Continuous	Perfect	Perfect Continuous
	to ask	to be asking	to have asked	to have been asking
Passive Voice	to be asked	_____	to have been asked	_____

2. The infinitive can be used as:

− the subject *It was hard **to raise** this question.*
− the predicative *The main problem is **to get** to the office on time.*
− an object *She tried **to speak** calmly.*
− an attribute *There was nothing **to argue about.***
− an adverbial modifier *I have come **to see** the lawyer.*

3. Some verbs can be followed by object + infinitive.

*I'd like **you to pay** now.*

a) **verbs followed by an object + infinitive with "to":**

advice, allow, ask, expect, forbid, force, get, hate, help, intend, invite, permit, order, prefer, recommend, remind, tell, want,

persuade, like, warn, wish, would like

My boss always encouraged me to work as hard as I could.

b) **verbs followed by an object + infinitive without "to":**

let, make, feel, see, hear, watch, notice, have and sometimes know and help, had better

Let me explain the rule.

Exercise 1. Open the brackets and choose the Infinitive in the Active or Passive Voice.

1. Be careful with him. He is a very resentful person. He can't bear (joke / be joked at). 2. Children like (tell / be told) tales and always (listen / be listened) to them with interest. 3. He does not like (ask / be asked) questions because he does not know how to answer them. 4. He does not like (laugh / be laughed) at other people. 5. He is glad (send / be sent) abroad. 6. He likes (ask / be asked) his professor questions. 7. He will be happy (see / be seen) you. 8. I did not think (interrupt / be interrupted) you. 9. I don't like (interrupt / be interrupted). 10. I was glad (meet / be met) at the station. 11. Look, a ship can (see / be seen) in the distance. Can you (see / be seen) it? 12. They are glad (invite / be invited) to the party.

Exercise 2. Fill in the blanks with the particle *to* where necessary.

1. He preferred (put on) a brown suit. 2. I want to get thinner so I'd rather (walk) than (go) by car. 3. I'd prefer (go) there in July. 4. I'd rather (listen) to the radio than (see) this soap opera on TV, – As for me, I prefer (watch) TV. You'd better (take) a radio and (go) for a walk. 5. I'd rather (not go) to the country tomorrow. The weather leaves much to be desired. 6. She prefers (not wear) shoes with high heels. 7. She'd prefer (fly) rather than (go) by train. The plane saves time. 8. You are cold. You'd better (sit) near the fireplace. 9. You'd better (buy) a mobile telephone, it's more convenient. 10. You'd better (take) an aspirin. You look bad.

Exercise 3. Translate into English.

1. Ви виступатимете (speak) першим. 2. Він не знав, що робити далі й до кого звертатися з проханням (make a request). 3. Він пізніше за всіх здогадався про її наміри (intentions). 4. Він та сама людина, з якою можна поговорити про це питання. 5. Вона була надто малою, щоб запам'ятати цей випадок (incident). 6. Вони дуже задоволені (pleased), що їх запросили на конференцію (conference). 7. Для нього важливо отримати інформацію сьогодні. 8. З його боку дуже шляхетно (great) зробити все (do one's best) для того, щоб урятувати їх. 9. Йому давно слід звернутися до лікаря. 10. На цю помилку варто звернути особливу (particular) увагу. 11. Ось гроші, які ми можемо витратити на меблі. 12. Ти б краще залишився вдома. 13. Уже зовсім темно, час умикати світло. 14. Я волію відпочивати десь на морі, а не сидіти на дачі. 15. Я б віддав перевагу поїхати туди машиною, а не літаком.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. In your opinion, should the police be allowed to stop and frisk someone based solely on a "gut feeling"? Why or why not?

2. Why do you think criminal trials require a higher standard of proof than civil lawsuits?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) prudent	a) a person involved in a lawsuit.
2) exculpatory	b) acting with or showing care and thought for the future.
3) threshold	c) evidence that tends to clear a defendant from fault or guilt.
4) litigant	d) the quality of being greater in number, quantity, or importance.
5) preponderance	e) the level or point at which something starts to happen.

3. Reading Text

FROM SUSPICION TO CONVICTION: UNDERSTANDING THE SPECTRUM OF PROOF

In the legal theater, justice is not a binary switch but a graduated scale. The Western judicial system operates on a "spectrum of proof," where the level of evidence required increases in tandem with the severity of the deprivation of liberty. At the lowest end lies **reasonable suspicion**. This is more than a mere hunch but less than a smoking gun. It is the standard that allows a police officer to briefly detain a citizen. To meet this bar, an officer must point to specific and articulable facts which, taken together with rational inferences, warrant the intrusion.

Stepping up the ladder, we encounter **probable cause**. This is the constitutional "sweet spot" required for arrests and search warrants. It exists when the facts and circumstances within an officer's knowledge are sufficient to lead a prudent person to believe that an offense has been or is being committed. While it does not require absolute certainty, it demands a fair probability that contraband or evidence of a crime will be found.

In the realm of civil law, where the stakes are usually monetary rather than carceral, the standard shifts to the **preponderance of the evidence**. Here, a **litigant** must prove their case is "more likely than not" – essentially a 51% certainty. However, the apex of this spectrum is reserved for criminal convictions: **beyond a reasonable doubt**. This is the highest threshold in the law. It does not require the prosecution to eliminate all imaginary doubt, but it does demand a level of certainty that leaves the jury firmly convinced of the defendant's guilt. This rigorous standard serves as the ultimate safeguard against the gravest error a state can commit: the conviction of an innocent soul.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Reasonable Suspicion is based on a police officer's intuitive "hunch."

2. Probable Cause requires a higher level of certainty than beyond a reasonable doubt.

3. In a civil case, a plaintiff wins if they prove their claim is 51% likely to be true.

5. Vocabulary Practice

Fill in the gaps with the words from the "Pre-reading Vocabulary" section:

1. The defense attorney presented _____ evidence that placed the defendant in another city during the crime.

2. In a civil trial, the _____ must provide enough evidence to

tip the scales in their favor.

3. A _____ investor would never put all their money into a single, high-risk stock.

4. The prosecutor failed to reach the _____ of proof required for a conviction, leading to an acquittal.

5. Under the _____ of evidence standard, the jury simply decides which side's story is more convincing.

Unit 19

Text: Evidence
Grammar: The Gerund

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What types of evidence do you know?
2. What is physical evidence?
3. On the basis of which evidence are many crimes solved and many defendants convicted?

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

1. circumstantial evidence	a) вага доказів
2. direct evidence	b) трасеологічні докази
3. documentary evidence	c) надавати докази
4. exhibits	d) непрямі докази
5. oral evidence	e) прямі докази
6. provide evidence	f) речові докази
7. trace evidence	g) документальні докази
8. weight of evidence	h) усні докази

Vocabulary notes:

clothing	одяг, одежа
credibility	переконливість, правдивість, надійність
exhibit	речовий доказ
fact in issue	факт, що є предметом судового спору
footprint	слід, відбиток ноги
footwear	взуття
former	перший з двох названих
impression	відбиток, відтиск, слід, зліпок
inference	висновок, умовивід
lie	обманювати, брехати, бути обманливим
stain	пляма, плямочка

transfer	перенесення, переміщення
two-way process	двосторонній процес

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

Evidence

The term "evidence" as used in English law means statement made by witnesses in court in relation to matters of fact under inquiry (oral evidence), and items produced for the inspection of the court (real and documentary evidence). The weight of evidence has no necessary relation to the number of witnesses who testify to the same thing but depends on credibility of witnesses.

Evidence can be divided into direct and circumstantial one. "Direct evidence" proves that the accused was seen committing the crime with which he is charged, that is, evidence of the fact in issue. "Circumstantial" means evidence of facts relevant to the issue from which, taken alone or together with other facts, an inference may be drawn that the crime was committed by a particular person. It is a mistake to consider circumstantial evidence to be weaker than direct evidence and that a man should not be convicted on it.

Criminals are very often convicted on circumstantial evidence or exhibits, for they naturally tend not to commit crimes when someone who could later give direct evidence is watching. This form of evidence may indeed be stronger than direct evidence as a witness can lie but circumstances cannot.

Trace evidence is an example of circumstantial evidence which links a person (the suspect or defendant) with a place (the scene of the crime) or an object. The link may be direct or indirect. The guiding principle in criminalistics is "Every contact leaves a trace". Identification of the trace may provide evidence of the contact and it is most frequently necessary in such crimes as theft and burglaries. In this case, the following items are to be examined:

– fingerprints;

– footprints and impressions reproducing the shape of the objects which made them;

– pieces of wood, metal, glass, etc., which are broken off in committing the crime;

– pieces of clothing, hairs, etc.;

– stains and traces of materials, such as paint, oil, etc.

The transfer of traces is often a two-way process**.** Traces from the crime scene may be carried away on the person, clothing, etc., and at the same time, traces may be left at the crime scene by the criminal.

However, the help which the expert can give is limited if no one in particular is suspected or if no arrest has been made, i.e. if only the scene of the crime is available for the examination. But even in this case the detective must make a thorough examination which may help him to discover what size and type of footwear, or what colour and material of clothing the criminal was wearing.

II. COMPREHENSION

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

1. What does the term "evidence" mean in English law?
2. Is there any relation between the weight of evidence and the number of witnesses?
3. What is "corroborative evidence"?
4. What is the difference between direct and circumstantial evidence?
5. What do we refer to as "trace evidence"?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. The evidence of one witness without corroboration is not sufficient for a conviction.
2. Direct evidence is stronger than circumstantial evidence.
3. The transfer of traces is a two-way process.
4. Efficiency of an expert in criminal cases is limited.

Exercise 3. Make up the plan of the text to outline the general ideas.

Exercise 4. Match the two parts of the sentences:

1. "Circumstantial" means evidence of facts from which	a) circumstantial evidence.
2. "Direct evidence" proves that the accused	b) circumstantial evidence or exhibits.
3. Criminals are very often convicted on	c) an inference may be drawn.
4. Evidence can be divided into	d) the criminal.
5. Identification of the trace may provide	e) direct evidence.
6. The term "evidence" as used in English law means	f) evidence of the contact.
7. Trace evidence is an example of	g) statement made by witnesses in court.
8. Traces may be left at the crime scene by	h) direct and circumstantial one.
9. Circumstantial evidence is not weaker than	i) was seen committing the crime.

III. VOCABULARY STUDY

Exercise 1. Write sentences using the following terms.

circumstantial evidence, committing a crime, credibility of witnesses, direct evidence, documentary evidence, exhibits, fact in issue, oral evidence, scene of a crime, statement made by witnesses, thorough examination, weight of evidence.

Exercise 2. Match a line in A with a line in B.

A	B
to be to be to break off	a crime a thorough examination a trace

to commit	charged
to depend on	clothing
to give	drawn
to leave	evidence
to make	evidence
to make	for the inspection
to produce	footprints
to provide	credibility
to wear	pieces of glass

Exercise 3. Search the text to find the words that:

a) have the same roots as:

to avail; circumstance; credible; evidential; exhibition; factbase; inferable; producible; to relate; scenery; to state; traceable; transferable

b) have similar meaning to:

adventitious; affirmation; applicable; averment; believability; deponent; illation; inquest; larceny; obtainable; to witness

c) have opposite meanings to:

artificially; to confute; different; essential; general; incredibility; inessential; irrelevant; rarely; unavailable

d) mean the following:

− a document or object produced in court and referred to or identified by a witness in giving evidence

− a person who has seen or can give first-hand evidence of some event

− an impression of the pattern of ridges on the palmar surface of the end joint of each finger and thumb

− matter produced before a court of law in an attempt to prove or disprove a point in issue

Exercise 4. Restore the word order:

1. Are / circumstantial / convicted / criminals / evidence / exhibits / often / on / or / very.

2. And / be / can / circumstantial / direct / divided / evidence / into / one.

3. And / as / burglaries / crimes / frequently / identification / in / is / most / necessary / of / such / the / theft / trace.

4. A / be / circumstantial / consider / direct / evidence / evidence / is / it / mistake / than / to / to / weaker.

5. A / detective / examination / help / him / make / may / must / the / thorough / which.

6. "Evidence" / by / court / in / made / means / statement / term / the / witnesses.

7. An / circumstantial / evidence / evidence / example / is / of / trace.

8. At / be / by / crime / criminal / left / may / scene / the / the / traces.

Exercise 5. Give the English equivalents for the following word combinations:

вага доказів; висновок; відбиток пальців; ґрунтовний огляд; давати показання, свідчити; доводити, підтверджувати; доступний для огляду; злочинець; керівний принцип; крадіжка із зломом; місце злочину; непрямі (побічні) докази; очевидець, свідок; підозрюваний; прямі докази; речові докази; розпізнавання; розслідування.

Exercise 6. Translate into English.

1. "Непрямі докази" свідчать про факти, з яких можна зробити висновок, що злочин скоїла певна особа.

2. "Прямий доказ" доводить, що обвинуваченого бачили під час скоєння злочину, тобто засвідчує факт, який є предметом судового розгляду.

3. Докази можуть бути прямими й непрямими (побічними).

4. Злочинців дуже часто визнають винними на підставі непрямих або речових доказів, оскільки природно, що вони

прагнуть не скоювати злочин, коли хто-небудь їх бачить і пізніше може дати свідчення.

5. Керівний принцип криміналістики: "Будь-який контакт залишає слід".

6. Помилково вважати, що непрямий доказ є менш ефективний, ніж прямий і що особу не варто визнавати винною на підставі цього доказу.

7. Розпізнавання сліду може надати докази причетності до таких злочинів, як крадіжка й крадіжка зі зломом.

8. Сліди з місця злочину можуть залишитись на особі, одязі, і т.п., і в той же час, злочинець їх може залишити на місці скоєння злочину.

9. Слідчий повинен зробити ґрунтовний огляд, який може допомогти йому встановити розмір і вид взуття або колір і матеріал одягу, який носив злочинець.

10. Термін "доказ", що використовується в Англійському праві, означає показання свідків у суді стосовно справи, яка розслідується і речі, представлені на розгляд суду.

11. Трасеологічні докази – це приклад непрямих доказів, який пов'язує особу з місцем або об'єктом.

IV. SPEAKING

Exercise 1. Work in pairs. Discuss what things, phenomena, facts, etc. can be considered as evidence in court? Discuss what evidence presented during a trial are admissible? Inadmissible?

Exercise 2. Make a report on the topic "Evidence", paying attention to the following points in your speech:

− statement made by witnesses in court;
− form of evidence;
− direct evidence;
− circumstantial evidence;
− trace evidence;
− traces from the crime scene.

V. GRAMMAR FOCUS

Grammar Revision

The Gerund

1. The gerund has the following forms:

	Active	Passive
Indefinite	writing	being written
Perfect	having written	having been written

2. We use the gerund:

− as the subject of a sentence

Exporting will be our main objective next year.

− as the object of a sentence

I've always enjoyed reading.

− after certain verbs:

admit, mind, appreciate, avoid, consider, can't stand, can't help, delay, enjoy, finish, imagine, involve, postpone, propose, risk, stop, suggest

The manager proposed organizing an exhibition.

− after prepositions:

after, before, by, when, while, without

The company launched this product without doing the necessary research.

− after verbs and expressions followed by prepositions:

be interested in, be good at, be fond of, be for / against, be used to, instead of, feel like, think of / about, look forward to, succeed in, approve of, insist on, object to

I'm interested in learning more about this technology.

− after these expressions:

it's no use, it's not worth, it's no good, to have difficulty

It's no use asking him. He won't tell the truth.

Exercise 1. Complete the following sentences using gerunds.

1. (Be) free and alone is a good thing if you are tired of big cities. 2. Don't put of (do) it now. If you postpone (receive) a visa

again, you will miss an excellent opportunity of (go) there. 3. Everyone enjoyed (swim) in the river. 4. (Find) you here was a quite a surprise. 5. He does not seem to mind (air) the room. 6. He never mentioned (live) in Prague. 7. If this is what you intend (ask) me, stop (waste) your time. 8. Just imagine (go) there together! 9.My watch needs (repair). 10. They kept on (talk) though the band began (play).

Exercise 2. Make up sentences using gerunds.

1. Bob was feeling rather unwell, and was not really looking forward to (we, visit) him. 2. Cursing himself for (not learn) to drive a car he woke up Toni. 3. Do you know the reason for (he, feel) disappointed? 4. Do you mind (he, join) us? 5. Does he feel like (stay) here for another week? 6. Forgive (I, take up) so much of your time. 7. He warned us that there was no point in (we, arrive) half an hour earlier. 8. He wishes he'd never told you the truth but it's no use (he, deny) it. 9. I appreciate (you, encourage) him when he failed in his experiment. 10. "It's no good (you, hate) it," he said becoming didactic. 11. My father thinks I am not capable of (earn) my own living. 12. Of course, I should insist on (you, accept) the proper professional fee. 13. Only the other day they had been talking about (something, happen). 14. She was listening hard all the time for any sound of (Jan, descend) the stairs. 15. They were talking about (she, give up) the job and (go) to live in the country.

Exercise 3. Open the brackets and use the proper gerund either in the active or passive voice.

1. After (examining) by the doctor I was given a sick leave. 2. After (look through) the papers were registered. 3. Did you succeed in (persuade) your colleagues? 4. Excuse me for (give) so much trouble to you. 5. Have you ever dreamed of (earn) a million dollars? 6. He can't do anything without (disturb) anybody or (disturb). 7. He had never thought of security because he had no idea of (kidnap). 8. He insists on (pay) for his work done. 9. He is looking forward to (give) the main part in the play. 10. He is not used to

(speak to) like that. 11. He showed no sign of (hurt). 12. She does not stand (remind) people of their duties and (remind) of hers. 13. She insisted on (show) the files to her. 14. The problem is not worth (speak of). 15. The speaker was annoyed at (interrupt) every other moment. 16. The TV set needs (repair). 17. They deny (rob) the bank, but admit (make) plans about it. 18. They showed no sign of (recognize) us. 19. We did not want to speak to the correspondent and tried to avoid (interview) by him. 20. Why does he avoid (meet) journalists?

Exercise 4. Fill in the blanks with prepositions after, before, by, on, without.

1. … entering the house she rushed to the telephone … greeting anybody. 2. … going through the customs office he went aboard the plane. 3. He could tell the funniest story … smiling. 4. … hearing a woman's cry he jumped up from his seat. 5. His knowledge has improved … taking a training course. 6. She was upset … not getting an answer from him. 7. What did she mean … boasting like this? 8. Where did he go … finishing his work? 9. … writing an article about the events he must go to the place where they are taking place. 10. You can keep healthy and fit … jogging in the morning.

Exercise 5. Fill in the blanks with prepositions or adverbs where necessary.

1. Everybody congratulated her … passing the exam so well. 2. He is not very good … taking decisions quickly. 3. He succeeded … being promoted. 4. He went to the disco despite … having a headache. 5. I feel … staying at home. It is rather cold. Let's watch a new film on TV instead … going to the picnic. 6. I think it's no use … trying to get him home. 7. She has been dreaming … flying to the Bahamas. 8. She is fed … staying in the village. 9. She is looking … playing the leading part in the performance. 10. The police suspect him … drug smuggling. 11. The policeman accused him … exceeding the speed limit. 12. The rain prevented him … going to the country. 13. They don't approve … her getting married to James. 14.

They have decided … buying a new car. 15. We have difficulty … installing the new equipment.

Exercise 6. Translate into English using gerunds where possible.

1. Бачачи наше скрутне становище, вони запропонували свою допомогу. 2. Було неможливо дістати квиток, і йому довелося відмовитись від думки послухати славетного піаніста. 3. Ви не забули відправити лист, який він вам дав? 4. Він мав намір розпочати своє розслідування (investigation) з огляду саду. 5. Він намагався знайти привід (pretext), щоб піти раніше. 6. Він терпіти не може, коли його вихваляють. 7. Вона була впевнена, що хлопчики вже давно перестали працювати й побігли на річку. 8. Вона сиділа у вітальні (drawing room), не говорячи ні слова й не звертаючи уваги на теревені (chat) своєї сестри. 9. Вони не могли не розсміятися побачивши (at the sight of) клоуна. 10. Йому не подобається, що дочка годинами базікає по телефону. 11. Маленький хлопчик пишався тим, що у нього такий благородний (noble) друг. 12. Мені набридло бути старим і мудрим, і я не терплю, коли до мене ставляться (treat) як до інваліда. 13. Не відповідаючи на привітання, він швидко пройшов у зал. 14. Помивши посуд і прибравши все на кухні, вона лягла на диван. 15. Сподіваюсь, ви не заперечуєте, якщо йому все розкажуть? 16. Цей фільм варто подивитись. Вам не зможе не сподобатись прекрасна гра (performance) акторів. 17. Я вже не міг прогулятися без того, щоб він до мене не підійшов. 18. Я наполягаю, щоб ти показав нам свій новий автомобіль. 19. Я пам'ятаю, він голосно сміявся, коли розповідав цю історію. 20. Якщо ти не скажеш, у чому річ, яка користь від того, що я тут?

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If a piece of evidence clearly proves someone's guilt but was obtained by the police without a warrant, should it still be used in court?

2. Do you think jurors are easily swayed by "emotional" evidence, or can they remain objective?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) admissible	a) information received from other people that one cannot adequately substantiate; rumor.
2) hearsay	b) the extent to which a piece of evidence proves a fact at issue in a case.
3) probative value	c) tending to convince a jury to decide a case on an improper basis, such as emotion or bias.
4) prejudicial	d) acceptable or valid as evidence in a court of law.
5) incarceration	e) the state of being confined in prison; imprisonment.

3. Reading Text

ADMISSIBILITY OF EVIDENCE: WHY SOME TRUTHS NEVER REACH THE JURY

In a court of law, the "truth" is a curated narrative. While a layperson might assume that any relevant information should be shared with a jury, the legal system employs a rigorous filtering process known as the **admissibility** of evidence. This gatekeeping function is governed by the principle that fairness and constitutional integrity often outweigh the mere pursuit of factual accuracy.

The most common hurdle for evidence is **relevance**.

However, even relevant evidence may be excluded if its **probative value** is substantially outweighed by the danger of it being unfairly **prejudicial**. For instance, gruesome photographs of a crime scene might accurately depict the tragedy, but if they serve only to inflame the jury's passions rather than prove a specific fact, a judge may deem them inadmissible.

Furthermore, the "Exclusionary Rule" acts as a constitutional shield. If evidence is gathered in violation of a defendant's rights – such as an illegal wiretap or a search conducted without a warrant – it is often suppressed. This is colloquially known as the "fruit of the poisonous tree" doctrine. The logic is deterrent: if the police know that illegally obtained "truth" will never reach the jury, they are less likely to trample on civil liberties.

Finally, the rule against **hearsay** ensures that evidence is reliable. Generally, a witness cannot testify about what a third party said outside of court because that third party cannot be cross-examined. These layers of protection ensure that while the jury may not hear every detail, the "truth" they do hear is gathered and presented within the bounds of due process.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Evidence can be excluded from a trial even if it is completely relevant to the case.
2. The "fruit of the poisonous tree" doctrine refers to evidence that has been physically damaged.
3. Hearsay is generally inadmissible because the original speaker cannot be questioned in court.

5. Vocabulary Practice

Fill in the gaps with the words from the "Pre-reading Vocabulary" section:

1. The judge ruled that the witness's statement was _____ because she was merely repeating a story she heard at a party.

2. If the DNA results are found to be _____, they could provide the breakthrough the prosecution needs.

3. The defense argued that showing the victim's bloodstained clothing would be too _____ and would bias the jury.

4. After the scandal, the former CEO faced a lengthy period of _____ in a federal penitentiary.

5. In many jurisdictions, polygraph tests are not considered _____ in criminal trials due to their perceived unreliability.

Unit 20

Text: Investigation

Grammar: Infinitive or Gerund?

I. WARMING-UP

Exercise 1. Answer the following questions:

1. In what way does evidence help in an investigation?
2. What are the most important phrases of a criminal investigation?
3. What is the aim of preliminary investigation?

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

1. as well as	a) а саме, тобто
2. basically	b) а також; так само, як (і)
3. for the sake of	c) до деякої міри, дещо, досить
4. however	d) дуже, надзвичайно, вельми
5. insofar	e) заради (*чогось, когось*)
6. mainly	f) отже, таким чином, тому
7. namely	g) наскільки, якою мірою
8. particularly	h) здебільшого, переважно
9. rather	i) по суті, в основному
10. thus	j) проте, однак; незважаючи на це (те)

Vocabulary notes:

accomplish	завершувати, виконувати, досягати, доводити до кінця
advance	просуватися вперед, робити успіхи
clue materials	ключові предмети, найбільш суттєві докази
competently	кваліфіковано
conscientious	сумлінний, добросовісний, совісний
constituent	компонент, складова частина
craft	вправність, уміліcть, майстерність

cultivated	спеціально створений, підтримуваний
embrace	містити в собі, включати, охоплювати
experienced	досвідчений, обізнаний, кваліфікований
former criminal	раніше судимий, що відбув покарання
handle	обходитися, поводитися з, обговорювати, розробляти (питання), керувати, упоратися
in possession of information	що володіє інформацією, інформований
insight	прозорливість, проникливість, інтуїція, розуміння
intelligently	зрозуміло, до ладу, із знанням справи
interrogate	опитувати, допитувати
interview	проводити опитування, розпитувати
lead	вказівка, ключ (до розгадування)
lie detector	"детектор брехні", поліграф
modus operandi file	картотека злочинних "почерків"
objective	мета, прагнення
paid informant	інформатор, донощик, виказувач
physical sciences	природничі науки
public-spirited	керований турботою про інтереси суспільства, сповнений духом громадянськості
reluctant	неприхильний, неохочий, вимушений
room attendant	покоївка
skilful questioning	уміле опитування
substance	речовина, матеріал
surveillance equipment	устаткування для ідентифікації, технічні засоби спостереження
threefold	потроєний, потрійний, триєдиний
turn in information	давати відомості, повідомляти інформацію
utility	корисність, вигідність, практичність, ефективність

X-ray unit	рентгенівська установка

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

Investigation

A criminal investigator is a person who collects facts to accomplish a threefold aim: to identify and locate the guilty party and to provide evidence of his guilt. Thus the objectives of the investigator provide a convenient division of the investigation into three phases: 1) the criminal is identified; 2) he is traced and located; and 3) the facts proving his guilt are gathered for court presentation.

Most crimes can be solved. The investigation will be considered successful if the available physical evidence was competently handled**,** the witnesses intelligently interviewed, the suspect effectively interrogated, all logical leads properly developed, and the case comprehensively, clearly, and accurately reported to the court.

The tools of the investigator are, for the sake of simplicity, referred to as the three "i's", namely, information, interrogation, and instrumentation. By the application of the three "i's" in varying proportions the investigator gathers the facts which are necessary to establish the guilt of the accused in a criminal trial.

Information. The word "information" is used here to describe the knowledge which the investigator gathers from other persons. The success of "information" depends on the intelligent selection of informative sources. According to its sources there are basically two kinds of information. The first type of information is acquired from regular sources such as conscientious and public-spirited citizens, company records, and the files of other agencies. The second type, which is of particular interest to the criminal investigator, is the knowledge which the experienced investigator gathers from cultivated sources such as paid informants, former criminals, bartenders, taxi drivers, or room attendants.

Interrogation, the second "i", includes the skilful questioning of witnesses as well as suspects when they are reluctant to divulge information. The effectiveness of interrogation varies with the craft, logic, and psychologic insight with which the investigator questions a person who is in possession of information relevant to the case. In this regard we should differentiate interrogation from an ordinary interview. The term "interview" means the simple questioning of a person who is co-operating with the investigator, while "interrogation" is used to describe the intensive questioning of those who are reluctant to turn in information.

Instrumentation. The third "i" means the application of the instruments and methods of the physical sciences to the detection of crime. Physics, for example, offers such aids as microscopy, photography, and the optical methods of analysis. Biology and pathology are particularly important in crimes of physical violence.

The sum of these sciences insofar as they are applied to crime detection is called criminalistics. Their utility is associated mainly with physical evidence. By their means a part of the *corpus delicti* may be established in certain crimes – the cause of death in a homicide or the nature of the drug in a narcotics violation. They may be used to link the suspect to the scene of the crime by showing that clue materials found at the scene possess the same constituents as materials associated with the suspect. The same procedure is employed in identifying the criminal by tracing a substance found at the scene to a source that can be immediately associated with the suspect.

Instrumentation, however, embraces rather more than criminalistics. It includes also all the technical methods by which the fugitive is traced and examined and, in general, the investigation is advanced. Thus, fingerprint systems, modus operandi files, the lie detector, communication systems, surveillance equipment, searching apparatus such as the X-ray unit and the metal detector, and other investigative tools are contained within the scope of the term.

II. COMPREHENSION

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

1. What are the objectives of an investigator?
2. What makes the investigation successful?
3. Which tools are available for an investigator?
4. What are the two kinds of information that the investigator is interested in?
5. What physical sciences are associated with "instrumentation"?
6. Give the examples of investigative tools being used by an investigator.

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Every crime is soluble.
2. Instrumentation is regarded to be the same as criminalistics.
3. Information acquired from regular sources is of particular interest to the criminal investigator.

Exercise 3. Match the beginnings with the endings:

1. A criminal investigator is a person who	a) an ordinary interview.
2. Instrumentation embraces rather more than	b) collects facts.
3. Instrumentation means the application of the instruments and methods of	c) criminalistics.
4. Interrogation includes the skilful questioning of	d) information, interrogation, and instrumentation.
5. Most crimes can be	e) informative sources.

6. The effectiveness of interrogation varies with	f) solved.
7. The investigation will be considered successful if	g) the craft, logic, and psychologic insight**.**
8. The success of "information" depends on the intelligent selection of	h) the physical sciences.
9. The tools of the investigator are	i) the witnesses intelligently interviewed.
10. We should differentiate interrogation from	j) witnesses.

Exercise 4. Scan the text to find legal terms wich correspond to the following explanations:

− a man who serves in a bar

− a native registered or naturalized member of a state, nation, or other political community

− a person who gives information about a thing, a subject being studied, etc

− a person who investigates, such as a private detective

− a person who is under suspicion

III. VOCABULARY STUDY

Exercise 1. Write out of the text all word combinations with the following words. Translate them and use some of them in your own sentences:

attendants; citizens; criminals; detector; equipment; evidence; facts; insight**;** interview; investigator; materials; methods; presentation; sciences**;** sources; suspect; tools; trial; violation; violence

Exercise 2. Find synonyms in the following group of words. Try to explain the difference in their meaning, give your own examples.

blameworthy; decease; examination; ferocity; to find; fingermark; goal; police detective; police investigation; to realize; runaway; scrupulous; unwilling

Exercise 3. Complete the sentences with the words given below:

cultivated; evidence; information; interview; investigation; investigator; objectives; pathology; physical; questioning; regular; successful; suspect; violence

1. Biology and ….. are particularly important in crimes of physical ….. .
2. The first type of ….. is acquired from ….. sources.
3. The investigation will be considered …… if the available physical ….. was competently handled.
4. The ….. of the investigator provide a convenient division of the ….. into three phases.
5. The ….. sciences may be used to link the ….. to the scene of the crime.
6. The second type of information is the knowledge which the experienced **…..** gathers from ….. sources.
7. The term "….." means the simple ….. of a person who is co-operating with the investigator.

Exercise 4. Match the terms with their definitions and make up your own sentences with these words:

1. detection	a) a conversation with or questioning of a person
2. information	b) a device that gives an audible or visual signal when its search head comes close to a metallic object
3. interview	c) knowledge acquired through experience or study

4. investigation	d) the branch of medicine concerned with the cause, origin, and nature of disease
5. metal detector	e) the act or process of investigating; a careful search or examination in order to discover facts, etc
6. pathology	f) the act of discovering or the fact of being discovered

Exercise 5. Give English equivalents to the following Ukrainian words and phrases:

використання допоміжних засобів; джерела інформації; допит; засоби слідчого; збирати факти; звичайне опитування; криміналістика; кримінальний судовий процес; наведення доказів у суді; надавати докази; насильство через наркотики; оприлюднювати інформацію; психологічна прозорливість; речові докази; розслідування злочину; слідкувати, стежити; слідчий у кримінальних справах; спеціально розроблені джерела інформації, утікач, фізичне насильство.

Exercise 6. Translate into English.

1. Біологія й патологія є особливо важливими в злочинах із фізичним насильством.

2. Використання додаткових засобів включає також усі технічні способи, за допомогою яких утікача вистежують і допитують, а розслідування просувається вперед.

3. Використання додаткових засобів означає застосування інструментів і методів природничих наук у розслідуванні злочину.

4. Ефективність допиту залежить від майстерності, логіки й психологічної прозорливості з якою слідчий розпитує особу, яка володіє інформацією по справі.

5. Засоби слідчого – це інформація, допит і використання допоміжного устаткування.

6. Розслідування вважатиметься успішним, якщо наявні

речові докази кваліфіковано опрацьовані, свідки як слід опитані, підозрюваний ефективно допитаний, усі логічні вказівки належно використані й матеріали справи всебічно, ясно й правильно представлені суду.

7. Слідчий у кримінальних справах – це особа, яка збирає факти для досягнення потрійної мети: встановити й визначити місцеперебування винної сторони й надати докази її провини.

8. Сукупність цих наук у тому обсязі, в якому вони застосовуються в розкритті злочину називається криміналістикою.

9. Успіх "інформації" залежить від розумного вибору джерела інформації.

10. Фізика пропонує такі допоміжні засоби, як мікроскопія, фотографування й оптичні методи аналізу.

IV. SPEAKING

Exercise 1. Discuss what the necessary aspects are to considered in the investigation of a crime? Use key words:

scene; evidence; witness; informant; to rely on; to collect; to arrest; to question.

Exercise 2. Make a report on the topic "Investigation", paying attention to the following points in your speech:

– the objectives of the investigator;
– available physical evidence;
− types of information;
– phases of investigation;
– tools of the investigator: information, interrogation, instrumentation.

V. GRAMMAR FOCUS

Grammar Revision

Infinitive or Gerund?

1. The infinitive is often used when talking about aims and objectives, and the gerund when the verb is the subject of the sentence.

*He made a decision **to start a new life.***

***Learning languages** is my hobby.*

2. The infinitive is used after adjectives, adverbs, nouns and pronouns; the gerund is used after prepositions and conjunctions.

*I was surprised **to meet** him there.*

*She is certain **to retire** soon.*

*He was shocked. He didn't know **what to do.***

*They have a plan **to start** a business.*

***After graduating** from the University he set up his business.*

*He insisted **on restructuring** the company.*

3. Some verbs can be followed by either a gerund or an infinitive.

begin, can't bear, continue, hate, like, love, remember, start, stop, try, intend, bother, prefer

4. Some of these verbs change their meanings depending on whether they are used with the gerund or the infinitive

to remember + infinitive = not to forget to do something

to remember + gerund = to remember something done in the past

to regret + infinitive = to be sorry for something you are doing

to regret + gerund = to be sorry because of something that happened in the past

to stop + infinitive = to stop so that you can do it

to stop + gerund = to end an action

Exercise 1. You can use either gerunds or infinitives after the following verbs. Find the odd word in the chain of the verbs.

Example: *fancy – avoid – agree – postpone*

1. admit – fancy – fail – consider; 2. be busy – neglect – threaten – plan; 3. can't help – adore – refuse – carry on; 4. can't stand – keep – resist – seem; 5. delay – have difficulty – intend – spend time; 6. deny – practise – afford – suggest; 7. enjoy – endure – imagine – appear; 8. expect – happen – give up – tend; 9. offer – mention – risk – mind; 10. put off – prove – learn – aim.

Exercise 2. Open the brackets with either gerunds or infinitives. Use prepositions or adverbs where necessary.

1. Before (give) evidence you must swear (speak) the truth. 2. Do you want me (order) a long-distance call? 3. I'd like you (arrange) everything by the time I come back. 4. I'm looking forward (make) an appointment with this businessman. 5. It is no use (have) a car if you don't know how (drive). 6. It was a lovely day, so I suggested (go) to the country. 7. It's worth (arrange) the things properly. 8. I've seen him (leave) the office early this afternoon. He seemed (be) unhappy about something. 9. It's very difficult (deal) with him because he got used (do) everything in his own way. 10. She didn't succeed (be) economical. 11. The teacher was very strict. Nobody dared (speak) to each other. 12. There is no point (worry) about these things. 13. They don't have much money. They can't afford (go) out very often. 14. Would you mind (close) the window? I hate (sit) in. a draught. 15. Would you mind (look up) his telephone number?

Exercise 3. Choose the right variant with the following verbs.

A) remember

1. Did you remember (to give / giving) him the key to the safe? – No, I didn't. I'll go and do it now. 2. Do you remember (to meet / meeting) them last summer? 3. I don't remember ever (to see / seeing) you. 4. I remember (to pay / paying) him. I gave him

two pounds. 5. Remember (to look / looking) ahead when driving. 6. Remember (to phone / phoning) as soon as arrive. 7. She does not remember (to ask / asking) this question. 8. The policeman asked me if I clearly remembered (to lock / locking) the door before I went to bed. 9. We remember (to stay / staying) a weekend with her. She is a nice woman. 10. When you are on holiday remember (to send / sending) postcards to a few close friends. 11. When you go on that mission please remember (to point out / pointing out) to people there that our stand on this issue remains the same. – I won't fail to do that.

B) regret

1. He's always regretted (not to learn / not learning) to play a musical instrument. 2. I don't regret (to quarrel / quarrelling) with him. 3. I regret (to inform / informing) you that your application has been rejected. 4. I regret (to say / saying) I won't be able to come. 5. I regret (to tell / telling) you all the tickets for this performance have been sold. 6. If you regret (to do / doing) something, you are sorry about an action in the past. 7. She regrets (not to be able / not being able) say goodbye to him. 8. The manager regrets (to say / saying) that your proposal has been turned down. 9. They regret (to fail / failing) to understand the importance of your proposal. 110. We regret (to miss / missing) this film. It is worth seeing.

C) be (get) used to / used to

1. He quickly got used to (have / having) a good meal and nice suits. 2. He used to (be / being) good at mathematics. 3. He used to (say / saying) that there was nothing like warm crisp brown bread spread with honey. 4. He used to (study / studying) late at night when a youth. 5. He wasn't used to (work / working) late at night. 6. I got used to (get up / getting up) very early. 7. In my childhood my aunt used to (bring / bringing) little presents for me. 8. In the Dark Ages people used to (think / thinking) that the sun goes round the earth. 9. She was used to (wander / wandering) about the fields by herself. 10. The mother used to (do / doing) all the work about the house. 11. The mother was used to (do / doing) all the work about the house alone.

D) try

1. Do stop talking, I am trying (to write / writing) a letter. 2. He tried (to cook / cooking) but failed. 3. He tried (to go / going) to evening classes but his English was still hopeless. 4. He tried (to persuade / persuading) them to sign a contract. 5. I tried (to catch / catching) his eye, but he sat motionless. 6. She tried (to explain / explaining) the situation but he refused to listen and went on grumbling. 7. They had tried (to introduce / introducing) many other methods in return to the initial one. 8. Try (to forget / forgetting) it, it is not worth worrying about. 9. Why don't you try (to lose / losing) some weight?

E) stop

1. Do stop (to make / making) this awful noise! 2. He suddenly stopped (to speak / speaking), got up and left without saying anything. 3. If you stop (to do / doing) something, you finish an action. 4. If you stop (to do / doing) something, you interrupt one action in order to do something else. 5. They stopped (to produce / producing) refrigerators because of their workers' strike. 6. We stopped (to buy / buying) food in the store because the owner raised the prices. 7. We stopped (to buy / buying) food in the store because we were hungry. 8. We've only stopped (to buy / buying) some petrol.

F) be afraid to / be afraid of

1. He was afraid (to leave / leaving) the house because he was afraid (to meet / meeting) someone who might recognise him. 2. He was afraid (to make / making) the next step because he was afraid (to fall / falling) because he was standing on the brink of the precipice. 3. He was afraid (to say / saying) a word because he did not know anybody. 4. He was afraid (to tell / telling) her the sad news. 5. I am afraid (to go / going) by plane. 6. I'm afraid (to take / taking) an exam because I'm afraid (to fail / failing) it. 7. My sister is such a coward! She can't see horror films because she is afraid (to meet / meeting) a ghost at night.

G) can't help

1. He couldn't help his son (to solve / solving) the problem. 2. I can't help (to laugh / laughing)) at his jokes. 3. It is silly of me, but I can't help (to feel / feeling) anxious. 4. She could not help (to be attracted / being attracted) by the fact that she was being looked at. 5. She couldn't help (to phone / phoning) her mother when she heard the news. 6. They can't help him (to do / doing) the exercise.

Exercise 4. Open the brackets with either gerunds or infinitives.

1. Do you feel like (dine) out or would you rather (have) dinner at home? – I'd like (go) out. I always enjoy (have) dinner at a restaurant. 2. Do you remember (meet) her at my birthday party? – Yes, certainly. Thank you for the chance (meet) such a beautiful and witty girl. 3. I don't mind (travel) by bus but I hate (stand) if there are a lot of people. I think it's better (go) by tube. 4. I don't remember (switch off) the TV set. I'd better (go) and (check) it. 5. I remember (lend) that book to you. You wanted (write) a report. – Oh, I'm so sorry! I'll bring it back tonight. 6. I'm delighted (hear) that you can come for the weekend. We are all looking forward to (see) you. 7. The autumn is wonderful! You got used to (swim) in September, so remember (bring) your bathing suit. 8. The results are very disappointing, I regret (say). I allow you (to rewrite) the test. But I allow (rewrite) on condition everyone is present. 9. The weather is very nice. Let's (go) for a swim. – I am not particularly good at (swim). What about (go) for a drive instead of (bathing)? 10. We stopped once (buy) some food, and then we stopped again (ask) the way. 11. When would you like (start off)? – In a few moments. – Let's (wait) till it stops (snow) otherwise we may get lost. 12. Would you like (come) to the conference devoted to the theatre? – No, thanks. I like (see) performances but I don't enjoy (listen) to people talking about it. 13. You know I meant (buy) something for supper but the shop was closed. – OK. It means (have) sandwiches and tea for supper.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. Do you believe that an innocent person could ever be talked into confessing to a crime they didn't commit? Why or why not?

2. What is the difference between an "interview" and an "interrogation" in a legal context?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) coercion	a) to draw out or evoke a reaction or piece of information.
2) rapport	b) a close and harmonious relationship in which people understand each other's feelings.
3) implicit	c) the practice of persuading someone to do something by using force or threats.
4) compliance	d) suggested though not directly expressed.
5) to elicit	e) the act of conforming to a wish, policy, or command.

3. Reading Text

THE ART OF THE INTERROGATION: PSYCHOLOGICAL TACTICS IN CRIMINAL INVESTIGATION

An interrogation is far more than a high-stakes conversation; it is a meticulously choreographed psychological duel. In modern criminal investigation, the focus has shifted from the "third degree" (physical force) to more sophisticated, cognitive-based methodologies. The objective is rarely to "break" the suspect, but rather to **elicit** a statement that can be corroborated by physical evidence.

One of the most famous, albeit controversial, frameworks is

the Reid Technique. This method relies heavily on building **rapport** to lower the suspect's defenses before transitioning to "minimization." In this phase, the investigator offers **implicit** justifications for the crime – suggesting, for example, that the theft was an act of desperation rather than malice. By providing a "moral out," the interrogator makes **compliance** seem like the path of least resistance.

However, the line between strategic persuasion and psychological **coercion** is dangerously thin. Critics argue that aggressive interrogation tactics can lead to "coerced-compliant" false confessions, where a suspect, exhausted and isolated, confesses simply to end the immediate stress of the situation. To combat this, many jurisdictions are moving toward the PEACE model – a less accusatory, information-gathering approach that prioritizes transparency over trickery. Regardless of the method, the art of the interrogation remains a fundamental, yet deeply scrutinized, pillar of the justice system.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Modern interrogation techniques prioritize physical pressure over psychological strategies.
2. "Minimization" involves providing a suspect with a less morally reprehensible reason for their actions.
3. The PEACE model is generally considered more accusatory than the Reid Technique.

5. Vocabulary Practice

Fill in the gaps with the words from the "Pre-reading Vocabulary" section:

1. The detective spent the first hour simply building _____ with the witness to make her feel comfortable.
2. Legal experts warn that any confession obtained through _____ will be thrown out of court.

3. While there was no written agreement, there was an _____ understanding that the informant would be protected.

4. The goal of the new questioning technique is _____ more accurate details from trauma victims.

5. Strict _____ with departmental guidelines is required to ensure the investigation remains ethical.

Unit 21

Text: Kinds of Cases
Grammar: The Participle

I. WARMING-UP

Exercise 1. Answer the following questions:

1. What crimes do you know? Enumerate them in English.
2. What types of cases are civil cases?
3. What types of cases are criminal cases?

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

1. to bring a suit	a) грошова компенсація шкоди
2. burden of proof	b) доводити провину
3. money damages	c) непідтверджені докази
4. preponderance of evidence	d) приватна особа
5. private citizen	e) подавати позов
6. to prove guilt	f) переважання доказів
7. uncorroborated evidence	g) свідчення, не скріплене присягою
8. unsworn evidence	h) тягар доказів

Vocabulary notes:

bar to conviction	перешкода для обвинувального вироку
cast upon	піддавати (*кого-що чому*), покладати на
evolve	розвивати(ся), розгортати(ся), утворювати
extent	ступінь, міра, межі
falsity	неправильність, помилковість, обманливість, хибність, невірність
landlord	орендодавець, домовласник, землевласник
latter	останній (*з двох названих*)
meet	задовольняти (*бажання, вимоги*), відповідати
not proven	невинний через відсутність доказів

outcome	наслідок, результат, підсумок
tenant	орендар, наймач, тимчасовий власник
warrant a conviction	підтверджувати обвинувальний вирок, визнавати винним

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

Kinds of Cases

Civil cases are usually disputes between or among private citizens, corporations, governments, government agencies, and other organizations. Most often, the party bringing the suit is asking for money damages for some wrong that has been done. For example, a tenant may sue a landlord for failure to fix a leaky roof, or a landlord may sue a tenant for failure to pay rent. People who have been injured may sue a person or a company they feel is responsible for the injury.

The party bringing the suit is called the plaintiff; the party being sued is called the defendant. There may be many plaintiffs or many defendants in the same case. It is up to the plaintiff to prove the case against the defendant. In each civil case the judge tells the jury the extent to which the plaintiff must prove the case. This is called the plaintiff's burden of proof, a burden that the plaintiff must meet in order to win. In most civil cases the plaintiff's burden is to prove the case by a preponderance of evidence, that is, that the plaintiff's version of what happened in the case is more probably true than not true.

A criminal case is brought by the state or by a city or county against a person or persons accused of having committed a crime. The state, city, or county is called the plaintiff; the accused person is called the defendant.

Since the outcome of a criminal trial may result in the defendant's loss of liberty or even life, the courts evolved a rule which casts upon the prosecution a heavy burden of proof. No rule of criminal law is of more importance than that which requires the

prosecution to prove the defendant's guilt and not for the latter to establish his innocence; he is presumed innocent until the contrary is proved.

In criminal cases the plaintiff cannot succeed on a mere balance of probabilities. If there is any reasonable doubt whether the accused is guilty, he must be acquitted. An acquittal therefore either means that the jurors believe the accused and are satisfied of his innocence, or that, while not satisfied that he is innocent, they do not feel sure of his guilt. In England there is no middle verdict such as the Scottish verdict of "not proven" to cover this sort of situation; "not guilty" is the only alternative to a conviction.

The heavier burden of proof required in criminal trials can also be seen to operate in the rules which provide that in certain cases corroboration is necessary. In some instances the rule is one of law and the absence of corroboration is a bar to conviction. For example, the unsworn evidence of a child must be corroborated. A jury cannot convict on such evidence alone, for the law does not consider it sufficiently reliable to warrant a conviction. In a charge of perjury the jury may not by law convict the accused on the uncorroborated evidence of one witness alone. The falsity of the defendant's evidence cannot be established by the evidence of only one witness, for if this were allowed, it would be merely a case of oath against oath.

II. COMPREHENSION

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

1. What does the party bringing the suit ask for in a civil trial?
2. Who is called "the plaintiff in criminal cases?
3. Is there a difference of the plaintiff's burden of proof in civil and criminal cases?
4. What does an acquittal mean in criminal cases?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Civil cases are disputes between private citizens.
2. In a civil trial there may be only one plaintiff in the same case.
3. In criminal cases the plaintiff can succeed on a mere balance of probabilities.
4. If there is any reasonable doubt whether the accused is guilty, he or she must be acquitted.
5. In all parts of Great Britain "not guilty" is the only alternative to a conviction.
6. The evidence of a child isn't sufficiently reliable to warrant a conviction.

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

advantage; arbiter; quarrel; discharge; false evidence; guiltlessness; to institute a suit; litigation; onus of proof; to plead; to sentence.

Exercise 4. Choose the right variant:

1. A criminal case is brought by ...
a) the citizen.
b) the corporation.
c) the state.
2. A tenant may sue a landlord for failure …
a) to bring a suit.
b) to fix a leaky roof.
c) to pay rent.
3. The party bringing the suit is asking for …
a) money in cash.
b) money laundering.
c) money damages.
4. If there is any reasonable doubt whether the accused is guilty, he must be …

a) accused.
b) acquitted.
c) convicted.
5. The party bringing the suit is called …
a) the defendant.
b) the judge.
c) the plaintiff.

III. VOCABULARY STUDY

Exercise 1. Arrange the letters in the following legal terms; then match these terms with their definitions:

1. aces	a) a civil proceeding; lawsuit
2. eegmnnortv	b) a group of people sworn to deliver a true verdict according to the evidence upon a case presented in a court of law
3. degju	c) the institution and conduct of legal proceedings against a person
4. jruy	d) an action or suit at law or something that forms sufficient grounds for bringing an action
5. foopr	e) the executive policy-making body of a political unit, community, etc.;
6. ceinooprstu	f) a public official with authority to hear cases in a court of law and pronounce judgment upon them
7. istu	g) the judicial examination of the issues in a civil or criminal cause
8. ailrt	h) the whole body of evidence upon which the verdict of a court is based

Exercise 2. Choose and read the word that best completes the sentence.

1. A *criminal / civil* case is brought by the state *again / against* a person accused of having committed a crime.

2. An *acquittal / acquit* means that the jurors believe the accused and are satisfied of his *innocent / innocence.*

3. *Criminal / civil* cases are usually *disputants / disputes* between or among private citizens.

4. In a charge of *perjury / perjuror* the jury may not by law convict the accused on the *corroborated / uncorroborated* evidence of one witness alone.

5. In each civil case the *judge / jury* tells the *judge / jury* the extent to which the plaintiff must *disprove / prove* the case.

6. People who have been *injurant / injured* may sue a person or a company they feel is *responsible / reliable* for the injury.

7. The party bringing the suit is called the *defendant / plaintiff*; the party being sued is called the *defendant / plaintiff*.

8. The *unsworn / sworn* evidence of a child must be *corroborated / uncorroborated.*

Exercise 3. In the text "Kinds of Cases" find the antonyms for the following words:

to abolish; conviction; to diverge; to eliminate; to fail; former; gain; guilty; imbalance; improbably; innocence; insufficiently; to lose; presence; seldom; success; sworn; tight; unimportance; verity.

Exercise 4. Make up sentences from the words.

1. is brought / a criminal case / against a person / by the state

2. for failure / a landlord / a tenant / may sue / to pay rent

3. a landlord / a leaky roof / a tenant / for failure / may sue / to fix

4. are usually / between or among / civil cases / disputes / private citizens

5. against / it is / the case / the defendant / the plaintiff / to prove / up to

6. by the evidence / cannot be established / of only / the defendant's evidence / the falsity of / one witness

7. being sued / is called / the party / the defendant

8. a child / corroborated / evidence of / must be / the unsworn

Exercise 5. Give the English equivalents for the following words and word combinations.

альтернатива, вибір; виправдання; відповідальний за пошкодження; відстоювання (*позовних вимог*); графство; грошова компенсація шкоди; дах, що протікає; перевага; підтвердження; платити за оренду; подавати позов; позбавлення волі; правильний, правдивий; приватна особа; присяга, клятва; провина; рішення присяжних; свідчення, не скріплене присягою; урядова установа.

Exercise 6. Translate into English.

1. В Англії немає середнього рішення присяжних, як, наприклад, у Шотландії: "невинний через відсутність доказів"; "невинний" – це єдина альтернатива визнанню винним.
2. В обвинуваченні за лжесвідчення присяжні не можуть за законом визнати винним підсудного на підстав непідтверджених доказів лише одного свідка.
3. Виправдання означає, що присяжні вірять обвинуваченому й переконані в його невинності.
4. Кримінальну справу ініціює держава, місто або графство проти особи чи осіб, що обвинувачуються у скоєнні злочину.
5. Люди, яким заподіяли шкоду можуть подати позов на особу чи компанію, відповідальну за пошкодження.
6. Результатом кримінального судового процесу може бути позбавлення відповідача волі або навіть життя.
7. Сторона, яка подає позов називається позивачем; сторона, на яку подали позов називається відповідачем.
8. У кожній цивільній справі суддя вказує присяжним в яких межах позивач має підтвердити факти по справі.
9. Цивільні справи – це, зазвичай, суперечки між приватними особами, корпораціями, урядами, урядовими установами або іншими організаціями.
10. Якщо є будь-який обґрунтований сумнів, що обвинувачений винний, його мають виправдати.

IV. SPEAKING

Exercise 1. In pairs, discuss the following questions:

1. What cases are considered violent?
2. What cases are property crimes?
3. What are the most frequent crimes in Ukraine?
4. What are the least frequent crimes in Ukraine?
5. Which crimes become more / less frequent in Ukraine?

Exercise 2. What – in detail – would happen to you in our country if you were caught:

a) speeding in your car;
b) in possession of soft drugs;
c) with a gun in your pocket;
d) breaking into house;
e) withholding information from the court being a witness;
f) using forged money to pay your purchase in the shop;
g) blackmailing your boss?

Exercise 3. Make a report on the topic "Kinds of Cases", paying attention to the following points in your speech:

− **c**ivil cases;
− damages for some wrong;
− the party being sued;
− the party bringing the suit;
− a criminal trial;
− criminal law;
− criminal cases;
− middle verdict.

V. GRAMMAR FOCUS

Grammar Revision

The Participle

1. The participle has the following forms:

	Active	Passive
Present (Participle I)	writing	being written
Perfect (Participle I)	having written	having been written
Past (Participle II)	_____	written

2. Participles can be used like:

a) **verb forms.** Participles are used with the auxiliary verbs "be" and "have" to make progressive, perfect and passive verb forms.

*He **was answering** questions when I came in.*

*He **has forgotten** my name.*

*You'll **be informed** soon.*

b) **adjectives**

*Your offer seems **exciting.** The office window is **broken.***

c) **adverbs**

*The secretary ran **screaming** out of the house.*

d) **clauses**

***Having spent all his money,** he asked father to help him.*

***Being** unable to help, we gave him some money.*

3. The structure **object + participle (clause)** is used after verbs of sensation (e.g. see, hear, feel, watch, notice, smell) and some other verbs (e.g. find, get, have, make)

*I **saw your secretary sending a fax to** our business partner.*

*I **found him speaking to** a customer.*

*You ought **to get your car repaired.***

Exercise 1. Open the brackets and use the correct form of Participle I.

1. A new road will soon be built (connect) the plant with the railway station. 2. And (say) this he threw himself back in the armchair. 3. (Be) so far away he still feels himself part of the community. 4. He speaks like a man (take) his opinion of everything. 5. I spent about ten minutes (turn) over the sixteen pages of *The*

Guardian before I found the main news and articles. 6. (Not know) that she could trust them she did not know what to do. 7. She smiled (remember) the joke. 8. (Support) her by the arm he helped her out of the taxi. 9. That night, (go) up to his room he thought of his unpleasant duty. 10. The boy came out of the water (shake) from top to toe.

Exercise 2. Open the brackets and use the correct form of Participle II.

1. He did not doubt that the information (receive) by morning mail was of great interest for his competitors. 2. She looked at the table. There was a loaf of brown bread (divide) into two halves. 3. She warmed over the dinner that she cooked yesterday. 4. The centre of the cotton industry is Manchester (connect) with Liverpool by a canal. 5. The child (leave) alone in the large room began screaming. 6. The equipment (install) in the shop is rather sophisticated. 7. The methods that were applied in the building of the new metro stations proved to be efficient. 8. The story (tell) by the old captain made the young girl cry. 9. There was another pause (break) by a fit of laughing of one of the old men sitting in the first row. 10. We've got a great variety of products, which are in great demand. Here are some samples (send) to our distributors last month.

Exercise 3. Translate into English using participles where possible.

1. Ми сиділи на терасі, насолоджуючись чудовими краєвидами гір, що оточували наш готель. 2. На аркуші паперу було декілька рядків, написаних олівцем. 3. Отримавши телеграму, моя сестра негайно виїхала в Глазго. 4. Отримане повідомлення схвилювало всіх. 5. Поїхавши увечері, ми прибули до міста о шостій ранку. 6. Я відправив їй записку, не заставши її вдома. 7. Я не запам’ятав ім’я людини, яка дзвонила вам учора. 8. Я не знаю людини, яка говорить по телефону. 9. Будьте уважні, коли ведете машину. 10. Відчуваючи втому, вони вирішили перепочити.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. If someone punches another person, should the goal of the court be to put the attacker in jail or to make them pay for the victim's medical bills? Can it be both?

2. Why do you think the "burden of proof" is lower when fighting over money than when fighting for one's freedom?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) liability	a) the party who initiates a lawsuit in a civil court.
2) prosecution	b) legal responsibility for one's acts or omissions.
3) plaintiff	c) money claimed by, or ordered to be paid to, a person as compensation for loss or injury.
4) damages	d) the institution and conducting of legal proceedings against someone in respect of a criminal charge.
5) to redress	e) to set right an undesirable or unfair situation; to remedy.

3. Reading Text

CIVIL VS. CRIMINAL: TWO PATHS OF JUSTICE

The legal landscape is primarily divided into two distinct domains: civil and criminal law. While they may share the same courtrooms and judges, their objectives, parties, and consequences are fundamentally different. Understanding this divide is crucial for grasping how modern societies maintain order and resolve conflict.

Criminal law involves the state's power to punish behavior that is deemed harmful to society as a whole. In these cases, the **prosecution** – acting on behalf of the government – must prove the defendant's guilt "beyond a reasonable doubt." Because the stakes

involve the potential loss of physical liberty through incarceration, the procedural safeguards for the accused are at their peak. The primary goals here are retribution, deterrence, and rehabilitation.

Conversely, **civil law** deals with disputes between private parties, such as individuals or corporations. The central figure is the **plaintiff**, who seeks **to redress** a wrong – often a breach of contract or a tort like negligence. Unlike criminal trials, the objective is not punishment but compensation. The court determines **liability**, and the losing party is typically ordered to pay **damages** to the winner. Furthermore, the standard of proof is the "preponderance of the evidence," meaning the jury only needs to be convinced that the plaintiff's version of events is more likely than not. While a single act can trigger both a criminal trial and a civil suit, they remain parallel tracks on the long journey toward justice.

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. In a criminal case, the victim of the crime is the one who officially initiates the lawsuit against the defendant.
2. The main purpose of a civil case is to ensure the defendant is punished for their "moral" failings.
3. Civil cases require a lower level of certainty from the jury than criminal cases.

5. Vocabulary Practice

Fill in the gaps with the words from the "Pre-reading Vocabulary" section:

1. After the car accident, the _____ filed a claim to recover the costs of his vehicle repairs.
2. The company faced significant legal _____ after it was discovered they had ignored safety regulations.
3. The jury awarded $50,000 in _____ to the homeowner for the emotional distress caused by the contractor's fraud.
4. The _____ decided to drop the charges due to a lack of

physical evidence connecting the suspect to the scene.

5. The new legislation was designed _____ the historical inequalities in the local housing market.

Unit 22

Text: Trial

Grammar: Countable and Uncountable Nouns

I. WARMING-UP

Exercise 1. Answer the following questions:

1. Have you ever been to a court hearing? Do you know what happens at the trial?
2. Who brings the case?
3. Who stands trial?

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

1. opportunity	a) давати показання
2. to pass a sentence	b) представлення доказів
3. physical exhibits	c) постанова судді
4. potential juror	d) сприятлива можливість
5. presentation of evidence	e) оголосити вирок
6. ruling	f) речові докази
7. to testify	g) свідок під присягою
8. witness under oath	h) потенційний присяжний

Vocabulary notes:

believable	ймовірний, правдоподібний, вірогідний
counsel for the party	адвокат сторони
cross-examination	перехресний допит
deposition	свідчення під присягою
discharge	звільняти від виконання обов'язків
disregard	не звертати уваги, не надавати значення, нехтувати чимсь, ігнорувати
examination-in-chief	головне опитування, первісне опитування або допит свідка
fair chance	однаковий шанс

it is up to	(що-небудь) залежить, виконується, робиться (кимось)
overrule the objection	відхиляти протест, заперечення
reasonableness	слушність (доводу, доказу); обґрунтованість
sensible and orderly fashion	доцільний і послідовний спосіб проведення
stricken of the record	вилучений з протоколу засідання суду
sustain the objection	підтримувати заперечення, протест
swear in	приводити до присяги

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

What Happens During the Trial?

Events in a trial usually happen in a particular order, though the order may be changed by the judge. The usual order of events is set out below.

Step One: **Selection of the Jury**. From a large group of potential jurors 12 are chosen by counsels for the parties and sworn in.

Step Two: **Opening Statements.** The lawyers for each side discuss their views of the case that the court is to hear and also present a general picture of what they intend to prove about the case. What the lawyers say in their opening statements is not evidence and, therefore, does not help prove their cases.

Step Three: **Presentation of Evidence**. All parties are entitled to present evidence. The testimony of witnesses who testify at trial is evidence. The questioning of your own witness under oath is called examination-in-chief. Each party may also question the other's witnesses – it is a "cross-examination". Evidence may also take the form of physical exhibits, such as a gun or a photograph. On occasion, the deposition – written testimony of people not able to attend the trial – may also be evidence in the case.

Many things presented during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence. Physical exhibits offered by the lawyers, but not admitted by the judge are also to be disregarded, as is the testimony that the judge orders stricken of the record.

Many times during the trial the lawyers may make objections to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they consider them improper under the laws of evidence. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will sustain the objection. If the objection was not valid, the judge will overrule the objection. These rulings do not reflect the judge's opinion of the case or whether the judge favours or does not favour the evidence or the question to which there has been an objection.

It is the duty of a jury to decide the weight or importance of evidence allowed by the judge. Jurors are also the sole judge of the credibility of witnesses, that is, of whether their testimony is believable. In considering credibility, the jury may take into account the witnesses' opportunity and ability to observe the events about which they are testifying, their memory and manner while testifying, the reasonableness of their testimony when considered in the light of all the other evidence in the case.

Step Four: **The Instructions**. Following presentation of all the evidence, the judge instructs the jury on the laws that are to guide the jury in their deliberations on a verdict. A copy of the instructions is sent to the jury room for the use of jurors during their deliberations. Evidence in the form of documents or physical objects is also sent to the jury room.

Step Five: **Closing Arguments**. The lawyers in the closing arguments summarize the case from their point of view. They may discuss the evidence that has been presented or comment on the credibility of witnesses. The lawyers may also discuss any of the

judge's instructions that they feel are of special importance to their case. These arguments are not evidence.

Step Six: **Jury Deliberation**. The jury retires to the jury room to conduct the deliberations on the verdict in the case they have just heard. The jury first elects a foreman who will see to it that discussion is conducted in a sensible and orderly fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate.

Step Seven: **Adjudication**. When a verdict has been reached, the foreman signs it and informs the bailiff. The jury returns to the courtroom, where the foreman presents the verdict. The judge then discharges the jury from the case and passes his sentence.

II. COMPREHENSION

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

1. What is the usual order of events during a trial? What happens at each of these steps?
2. What can cause lawyers to make objections during the trial? Whose duty is it to decide whether each objection was valid or invalid?
3. Who can decide the weight of evidence and the credibility of witnesses?

Exercise 2. Are the following statements true or false? Correct the false ones.

1. Events in a trial usually happen in a particular order, which may never be changed.
2. At the stage of selection 20 persons are chosen from a large group of potential jurors.
3. Everything the lawyers say in their opening statements is evidence.
4. Many things presented during the trial are not evidence.

5. In considering credibility, the jury may not take into account the witnesses' opportunity and ability to observe the events about which they are testifying.

6. It is the judge who provides that discussion is conducted in a sensible and orderly fashion.

7. After presenting the verdict the jurors also participate in the deliberation and passing the sentence.

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

affidavit; to aim; attorney; choice; common; to confirm; to debate; to disallow; to evidence; juryman; legitimate; panel; peculiar; physical evidence; probability; protest; rationality; unsuitable; vow.

Exercise 4. Choose the right variant:

1. It is up to the judge to decide whether each objection was…

a) proper or improper.
b) regarded or disregarded.
c) valid or invalid.

2. Jurors are also the sole judge of …

a) the defense witnesses.
b) the credibility of witnesses.
c) the expert witnesses.

3. The lawyers may also discuss any of the judge's …

a) instructions.
b) objections.
c) opinions.

4. The questioning of your own witness under oath is called

a) cross-examination.
b) examination-in-chief.
c) voir-dire examination.

5. What the lawyers say in their opening statements is …

a) evidence.
b) not evidence.

c) testimony.

6. When a verdict has been reached, the foreman signs it and informs …

a) the judge.

b) the lawyers.

c) the bailiff.

III. VOCABULARY STUDY

Exercise 1. Arrange the letters in the following legal terms; then match these terms with their definitions:

1. abffiil	a) the principal juror, who presides at the deliberations of a jury
2. cmooorrtu	b) the findings of a jury on the issues of fact submitted to it for examination and trial; judgment
3. abdeeiilnort	c) evidence given by a witness, esp orally in court under oath or affirmation
4. aefmnor	d) formal discussion and debate, as of a committee, jury, etc
5. eimnostty	e) an officer of the court who is employed to execute writs and processes and make arrests etc.
6. cdeirtv	f) a room in which the sittings of a law court are held

Exercise 2. Choose and read the word that best completes the sentence.

1. Each party may also question the other's witnesses – it is a *"examination-in-chief" / "cross-examination".*

2. Evidence in the form of documents or physical objects is also sent to the *jury room / courtroom.*

3. From a large group of potential jurors 12 are chosen by *lawyers / counsels* for the parties and sworn in.

4. If the objection was *valid / invalid* , the judge will sustain the objection.

5. It is the duty of a *judge / jury* to decide the weight or importance of evidence allowed by the *judge / jury*.

6. The jury returns to the courtroom, where the *bailiff / foreman* presents the verdict.

7. The lawyers for each side present a general picture of what they intend to *prove / disprove* about the case.

8. The lawyers in the *opening / closing* arguments summarize the case from their point of view.

Exercise 3. In the text "What Happens During the Trial?" find the antonyms for the following words:

actual; to answer; to contradict; to deny; general; inability; insensible; meagerly; mental; to remain; unfairly.

Exercise 4. Make up sentences from the words.

1. are entitled / all parties / evidence / to present

2. in a particular / events / in a trial / order / usually happen

3. exhibits / evidence / take / may also / physical / the form of

4. and passes / from the case / his sentence / the judge / the jury / then discharges

5. a foreman / elects / first / the jury

6. into account / may take / opportunity and ability / the jury / the witnesses'

7. discuss / for each side / of the case / the lawyers / their views

8. any of / discuss / instructions / may also / the judge's / the lawyers

9. and closing / evidence / in their opening / is not / say / statements / the lawyers / what

Exercise 5. Give the English equivalents for the following words and word combinations.

брати до уваги; вибір присяжних; відкидати (відхиляти) пропозицію; відображати; вступна промова; загальна картина; заключна промова; заперечення, протест; коментувати, тлумачити, роз'яснювати; неслушний, недоречний; обговорення рішення присяжних; оголосити вирок; підсумовувати, резюмувати; показання свідка; потенційний присяжний; при нагоді, інколи; своєрідна послідовність; ставитися прихильно; старшина присяжних; судовий пристав.

Exercise 6. Translate into English.

1. Адвокатам дозволяється протестувати проти певних речей, коли вони вважають їх недоречними відповідно до законодавства про свідчення.
2. Адвокати в завершальних промовах підсумовують справу з їхньої точки зору.
3. Адвокати кожної із сторін обговорюють свої точки зору щодо справи, яку має розглянути суд і подають на розгляд загальну картину того, що вони мають намір довести у справі.
4. Адвокати можуть також обговорювати будь-які вказівки судді, які вони вважають особливо важливими для їхньої справи.
5. З великої групи потенційних присяжних обирають 12 осіб і приводять їх до присяги.
6. Інколи письмові показання свідків, що не мають змоги бути присутніми на судовому розгляді можуть слугувати доказами у справі.
7. Кожна сторона також може ставити запитання іншим свідкам – це "перехресний допит".
8. Коли рішення прийнято, старшина присяжних підписує його й інформує судового пристава.
9. Копії інструкцій передаються до кімнати присяжних для використання їх під час обговорення.

10. Опитування свідків під присягою називається "головним (первісним) допитом".

11. Під час представлення доказів суддя знайомить присяжних із законами, якими вони мають керуватися обговорюючи своє рішення.

12. Події судового розгляду зазвичай відбуваються у своєрідній послідовності, проте порядок може змінюватись суддею.

13. Потім суддя звільняє присяжних від виконання своїх обов'язків по справі й оприлюднює вирок.

14. Присяжні ідуть до своєї кімнати, щоб провести обговорення рішення по справі, яку вони заслухали.

15. Присяжні спочатку обирають старшину присяжних, який стежитиме, щоб обговорення проходило розважливо й організовано, щоб усі питання повністю і справедливо розглядались, і щоб усі присяжні мали однакові можливості брати участь в обговоренні.

16. Речові докази представлені адвокатами, але не прийняті суддею, можуть бути проігноровані, як наприклад свідчення, що суддя наказує вилучити з протоколу засідання суду.

17. Якщо заперечення було обґрунтованим, суддя підтримує його. Якщо заперечення не було обґрунтованим, суддя його відхиляє.

IV. SPEAKING

Exercise 1. Work in groups. Write definitions of your own of the following words. Compare your definitions with those given in a dictionary and decide if you were right or not. Whose definition was most precise?

exhibits; jury; objection; ruling; sentence; testimony; trial; witness.

Exercise 2. Point out advantages and disadvantages of the jury system. Discuss them in pairs.

Exercise 3. Agree or disagree with the statement:

"When you go into court, you are putting your fate into hands of 12 people who weren't smart enough to get out of jury duty". (*Norm Crosby*)

Exercise 4. Make a report on the topic "Trial", paying attention to the following points in your speech:

− events in a trial;
− selection of the jury;
− opening statements;
− presentation of evidence;
− the instructions;
− jury deliberation;
− adjudication.

V. GRAMMAR FOCUS

Grammar Revision

Countable and Uncountable Nouns

1. Countable nouns are those that have both a plural and singular forms:

things / persons that we can count. They are used with words such as **the, a, several, many, (a) few** and numbers.

e.g. a computer, two computers

2. Uncountable nouns have only one form. This may be grammatically singular:

e.g. advice, information, equipment, traffic, progress, work, trouble, furniture, news, money, cash, knowledge, luck, fun, accommodation, expertise, feedback, hardware, leisure, weather, bread, behaviour;

or grammatically plural: *e.g. personnel, police*

3. Uncountable nouns cannot take the indefinite article (a / an), they are used with words such as **some, much, (a) little.** You can't use numbers with them.

4. Some nouns can have both plural and singular verb forms

e.g. team, public, government, committee, group, media, staff

5. Some nouns are countable with one meaning and uncountable with another meaning.

*e.g. That conversation took too much **time.***

*How many **times** have I heard that?*

Exercise 1. Divide the following words into two columns: countable and uncountable nouns (you must get 25 uncountable nouns).

accident; accommodation; advice; air; baggage; beach; blood; bread; coffee; computer; country; damage; flour; food; furniture; holiday; information; job; kick; knowledge; language; laugh; laughter; leaf; list; luggage; money; mountain; news; permission; permit; pigeon; progress; scene; scenery; traffic; water; weather; window; work.

Exercise 2. Open the brackets and choose the proper form.

1. His company (was / were) founded in 2012. 2. I feel that the jury already (have / has) thought that you are innocent. 3. My family (is / are) early risers, so at 11 o'clock p.m. the family (is / are) always in bed. 4. Such an organization as the board of directors (is / are) elected by stockholders. 5. The average American family (have / has) three children. 6. The cattle (is / are) in the field next to it. 7. The committee (is / are) full of enthusiasm. 8. The crew of the plane (consist / consists) of four people. 9. The crops (is / are) good this summer. 10. The government (was / were) not able to pursue the policy which had been promised before the elections. 11. The government usually (consist / consists) of the prime minister and several ministers. 12. The jury (is / are) represented by twelve people. 13. The party (was / were) in full swing. The music was playing, the company (was / were) eating and drinking. 14. The police (is / are) investigating the case now. 15. The ship turned out to be a good ship, the crew (was / were) skilled seamen.

Exercise 3. Translate the sentences into English.

1. Акторів зустріли оплесками. 2. В Англії зарплата робочим виплачується щотижня. 3. Ваші товари зроблені дуже погано. 4. Види цих рослин (plant) невідомі. 5. Він купив буханець хліба, пакет молока, шматок мила й тюбик зубної пасти. 6. Вона робить хороші успіхи в англійській. 7. Вони вважають, що сучасний одяг красивий і зручний (convenient). 8. Докази були важливими, і він відчував, що суд присяжних був проти нього. 9. Екіпаж був готовий виконати (fulfil) наказ капітана. 10. Його знання з правознавства кращі моїх. 11. Його поради завжди бувають такі переконливі (convincing). Чому ти ніколи їх не слухаєш? 12. Інформація про ціни дуже цікава. 13. Критерії часто змінюються. 14. Мені здається, ці ваги зламані. 15. Мені не подобаються ці джинси. Мені здається, та пара джинсів краща. 16. Мій годинник відстає. 17. Морква містить багато вітамінів. 18. Ніку необхідно зшити (sew) нові штани. У мене є хороша синя матерія. 19. Раптом позаду себе я почув гучний сміх. 20. Ти взяв бінокль? – Ні, він нам не знадобиться. Наші місця у другому ряду. 21. Тут немає світлофора, і перехрестя дуже небезпечне місце. 22. Учора я поклав сюди гроші. Де вони? Я не можу їх знайти. 23. Я вважаю, що приміщення для нашої крамниці цілком придатне. 24. Я здивований (be surprised), що вона повірила цим дивним новинам. Боюсь, вони недостовірні. Хто їх їй повідомив? 25. Яка бридка (nasty) погода! У таку дощову погоду краще сидіти вдома.

SUPPLEMENTARY READING

1. Lead-in

Answer the following questions to activate your background knowledge:

1. In a trial, do you think the first impression made during the opening statement is more important than the final argument? Why?

2. Why might a defense attorney choose a "bench trial" (decided by a judge) over a "jury trial"?

2. Pre-reading Vocabulary

Match the terms with their correct definitions:

1) voir dire	a) to challenge the honesty or credibility of a witness.
2) impeach	b) the preliminary examination of personal background to determine the suitability of a juror
3) contention	c) to isolate a jury from outside influences during a trial.
4) sequester	d) an assertion or point maintained in an argument.
5) verdict	e) the formal finding of fact made by a jury.

3. Reading Text

THE ANATOMY OF A TRIAL: FROM OPENING STATEMENTS TO THE FINAL VERDICT

A trial is essentially a contest of competing narratives, bound by strict procedural rules. Before a single word of testimony is heard, the process begins with **voir dire**, where attorneys filter potential jurors for bias. Once the panel is sworn in, the "Opening Statements" set the stage. Unlike a closing argument, this phase is not supposed to be argumentative; rather, it is a roadmap of the evidence each side intends to present.

The "Case-in-Chief" follows, where the prosecution or plaintiff calls witnesses to the stand. This involves "Direct Examination," followed by the often-combative "Cross-

Examination." During this stage, a skilled lawyer may attempt to **impeach** a witness, exposing inconsistencies in their story to erode their credibility. If a witness's **contention** seems flawed, the opposing counsel will seize the opportunity to highlight these gaps for the jury.

After both sides have "rested," they deliver "Closing Arguments." This is the oratorical climax of the trial, where attorneys weave the scattered threads of evidence into a persuasive tapestry. Following this, the judge provides "Jury Instructions," explaining the specific laws that apply to the case. The jury then retreats to deliberate in private. In high-profile cases, the judge may choose to **sequester** the jurors to prevent media influence. Finally, the jury returns to the courtroom to deliver the **verdict**, bringing the legal drama to its definitive conclusion

4. While-reading Tasks

Decide if the following statements are True or False based on the text:

1. Opening statements are intended to be the primary place for lawyers to argue their interpretation of the law.

2. Cross-examination is used to test the reliability and truthfulness of the opposing side's witnesses.

3. Jury instructions are given by the lawyers to help the jury understand the emotional weight of the case.

5. Vocabulary Practice

Fill in the gaps with the words from the "Pre-reading Vocabulary" section:

1. During the _____ process, the defense attorney dismissed two potential jurors who admitted to following the case on social media.

2. The prosecutor attempted to _____ the defendant's alibi by producing security footage that placed him at the crime scene.

3. It is the defense's main _____ that the police ignored several other viable suspects during the initial investigation.

4. After several hours of deliberation, the jury finally reached a "not guilty" _____.

5. To ensure a fair trial, the judge ordered the jury to be _____ in a local hotel without access to the news.

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Навчальне видання

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РОМАНОВ Ігор Ігорович

ENGLISH FOR STUDENTS OF LAW FACULTY

АНГЛІЙСЬКА МОВА ДЛЯ СТУДЕНТІВ ЮРИДИЧНИХ ФАКУЛЬТЕТІВ

Посібник

Видання 2-ге, виправлене і розширене

Частина 2

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