МІНІСТЕРСТВО ВНУТРІШНІХ СПРАВ УКРАЇНИ
НАЦІОНАЛЬНА АКАДЕМІЯ ВНУТРІШНІХ СПРАВ

ENGLISH FOR STUDENTS OF LAW FACULTY

АНГЛІЙСЬКА МОВА ДЛЯ СТУДЕНТІВ ЮРИДИЧНИХ ФАКУЛЬТЕТІВ

Видання 2-ге, виправлене і розширене

ЧАСТИНА І



Посібник

Київ – 2025

УДК 811.111:34(075.8)

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Рекомендовано до друку Вченою радою Національної академії внутрішніх справ від 29.09.2025 р. (протокол № 21/4-7)

Матеріали подано в авторській редакції

English For Students of Law Faculty. Англійська мова для студентів юридичних факультетів : посіб. у 2 ч. / за заг. ред. В. М Богуцького, Л. О. Голік, О. І Степаненко. Вид. 2-ге, виправл. і розшир. Київ : Нац. акад. внутр. справ, 2025. Ч. 1. 278 с.

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Зміст посібника базується на сучасних принципах полікультурності та краєзнавчому підході в навчанні іноземної мови професійного спрямування. У ньому детально висвітлено особливості здобуття юридичної освіти у Великій Британії, а також специфіку професійної діяльності юристів у Великій Британії та США. Значна частина матеріалу присвячена аналізу законодавчої, виконавчої та судової гілок влади цих країн. Це сприятиме не лише збагаченню професійного і загального світогляду майбутніх українських юристів, але й розвитку навичок порівняльного аналізу суспільних явищ. Крім того, опанування представлених матеріалів підготує студентів-юристів до ефективної взаємодії та професійної роботи в умовах міжнародної співпраці.

Посібник розроблений на основі автентичних матеріалів і включає систему вправ, що відповідають сучасним вимогам комунікативного підходу до навчання іноземної мови. У ньому студенти отримують можливість ознайомитися з цікавими аспектами історії права, представленими в матеріалах для самостійної роботи та позааудиторного опрацювання. Матеріали можуть використовуватися під час факультативів або для підготовки до студентських наукових конференцій. У кожній темі передбачені ділові ігри, створення анотацій та реферування текстів професійного характеру, що значно розширюють можливості навчання та поглиблюють засвоєння англійської мови на юридичних факультетах.

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Unit 1
LEGAL EDUCATION IN GREAT BRITAIN AND THE USA

Warming-up:

1. Do you know what the general purpose and method of the law course at Cambridge is?

2. Would you like to have subjects on offer at your University? Give your reasons. What subjects would you choose?

Vocabulary notes:

to intend	мати намір
vocational perspective	професійна перспектива
to encourage	спонукати
interpretation of law	тлумачення права
to read law	вивчати право
to practise law	практикувати право
Tripos	екзамени або курс в Кембриджі
subject on offer/option	предмет за вибором
ethical judgment	етичне судочинство
postgraduate	аспірант
Property Law	майнове право
Jurisprudence	філософія права
participate in the seminar course	брати участь у семінарах
to submit a dissertation	представити дисертацію

LEGAL EDUCATION

A) The Law course at Cambridge is intended to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective. There are opportunities to study the history of law and to consider the subject in its wider social context. The emphasis is on principle and

technique. Skills of interpretation and logical reasoning are developed, and students are encouraged to consider broader questions such as ethical judgment, political liberty and social control.

B) Although many undergraduates who read law do so with the intention of practicing, many do not, preferring instead to go into administration, industrial management or accountancy. Candidates intending to read law need not have studied any particular subject at school. It is as common for undergraduates to have a scientific or mathematical background at A-level as it is for them to have studied history or languages.

C) Undergraduates reading law for three years take Part IA of the Tripos at the end of the first year. This comprises four papers: Criminal Law, Constitutional Law, the Law of Tort and Roman Law. In the second year five subjects are studied for Part IB of the Law Tripos which is taken at the end of the year. The range of subjects on offer is wide – from Family Law to International Law – though in practice most undergraduates take Contract and Land Law as two of their papers. In the third year, five subjects are studied for Part II of the Tripos. The range of options is even wider then in Part IB. According to preference an undergraduate may develop his or her interest in property law (including trusts and conveyance law), commercial law, public law (including Administrative Law and EEC Law), or in more academic and sociological aspects of law, such as Jurisprudence, Legal History, Labour Law and Criminology. Candidates may also participate in the seminar course, submitting a dissertation in place of one paper.

D) Candidates for the postgraduate LL.M. take any four papers selected from a wide range of options in English Law, Legal History, Civil Law, Public Law, International Law, and Comparative Law and Legal Philosophy.

Task 1. Read the text quickly and decide which paragraph:

• gives information about the subjects students can study on a first degree course;

• explains the general purpose and method of the course;
• gives information about Master's degree courses;
• says what most law students do before and after they go to university.

Task 2. Give the English equivalents of the following expressions:

кримінальне право, мати намір, професійна перспектива, спонукати, екзаменаційний курс, брати участь у семінарах, філософія права, випускник університету, адміністративне право, соціальний контекст, тлумачення закону, вивчати право, практикувати право, наукова база, предмет за вибором, представити дисертацію.

Task 3. Match the English and Ukrainian equivalents:

1. Constitutional Law	a) міжнародне право
2. Criminal Law	b) підприємницьке право
3. Administrative Law	c) договірне право
4. Family Law	d) конфліктологія
5. Legal History	e) трудове право
6. Criminal Procedure and Criminal Evidence	f) конституційне право
7. Law of Contract	g) історія права
8. Land Law	h) кримінальний процес
9. International Law	i) адміністративне право
10. Commercial Law	j) земельне право
11. Labour Law	k) кримінальне право
12. Conflict of Laws	сімейне право

Task 4. Read and decide if the following statements are true or false:

• The Law course at Cambridge is intended to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective.

• Skills of interpretation and logical reasoning are not developed, and students are encouraged to consider broader questions such as ethical judgment, political liberty and social control.

• Candidates intending to read law need have studied some particular subject at school.

• Undergraduates reading law for three years take Part IA of the Tripos at the end of the first year.

• In the second year six subjects are studied for Part IB of the Law Tripos which is taken at the end of the year.

• The range of subjects on offer is wide – from Family Law to International Law – though in practice most undergraduates take Contract and Land Law as two of their papers.

• Candidates may also participate in the seminar course, submitting dissertations in place of two papers.

Task 4. Read and decide if the following statements are true or false:

• The Law course at Cambridge is intended to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective.

• Skills of interpretation and logical reasoning are not developed, and students are encouraged to consider broader questions such as ethical judgment, political liberty and social control.

• Candidates intending to read law need have studied some particular subject at school.

• Undergraduates reading law for three years take Part IA of the Tripos at the end of the first year.

• In the second year six subjects are studied for Part IB of the Law Tripos which is taken at the end of the year.

• The range of subjects on offer is wide – from Family Law to International Law – though in practice most undergraduates take Contract and Land Law as two of their papers.

• Candidates may also participate in the seminar course, submitting dissertations in place of two papers.

Task 5. Complete the sentences using the following words:

undergraduates, emphasis, Tripos, opportunities, intention, interpretation, postgraduate

1. There are _____ to study the history of law and to consider the subject in its wider social context.
2. The _____ is on principle and technique.
3. Although many undergraduates who read law do so with the _____ of practising, many do not, preferring instead to go into administration, industrial management or accountancy.
4. It is as common for _____ to have a scientific or mathematical background at A-level as it is for them to have studied history or languages.
5. Skills of _____ and logical reasoning are developed.
6. In the third year, five subjects are studied for Part II of the _____.
7. Candidates for the _____ LL.M. take any four papers selected from a wide range of options in English Law, Legal History, Civil Law, Public Law, International Law, and Comparative Law and Legal Philosophy.

Task 6. Read the text and choose the correct word in brackets:

The Law course at Cambridge (is intended/intended) to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective. There are (opportunities/possibilities) to study the history of law and to consider the subject in its wider social context. The

(emphasis/emphasies) is on principle and technique. Skills of interpretation and logical reasoning are (develop/developed), and students are encouraged to consider broader questions such as ethical judgment, political liberty and social control. Although many (undergraduates/ graduates) who read law do so with the intention of practicing, many do not, preferring instead to go into administration, industrial management or accountancy. Candidates intending to read law need not have (studied/study) any particular subject at school. It is as (common/usual) for undergraduates to have a scientific or mathematical background at A-level as it is for them to have studied history or languages.

Undergraduates (read/reading) law for three years take Part IA of the Tripos at the end of the first year. This comprises four (papers/paper): Criminal Law, Constitutional Law, the Law of Tort and Roman Law. In the (first/second) year five subjects are studied for Part IB of the Law Tripos which is taken at the end of the year.

In the (third/ three) year, five subjects are studied for Part II of the Tripos.

Candidates for the (graduate/postgraduate) LL.M. take any four papers selected from a wide range of options in English Law, Legal History, Civil Law, Public Law, International Law, and Comparative Law and Legal Philosophy.

Task 7. Match the words & their definitions:

1. Tripos	a) law relating to civil wrongs which is not only breach of contract, for which the person who suffers harm can obtain damages
2. Jurisprudence	b) a course or examination at Cambridge
3. E.E.C. Law	c) the exams English schoolchildren take at the age of 18 if they want to go to University
4. Law of Tort	d) philosophy of law
5. A-level	the system of law created by the European Communities
6. Equity	e) Bachelor of Laws

7. Conveyance Law	f) Master of Laws
8. LLB	g) the branch of Land Law relating to the practical transfer of property
9. LLM	h) rules and remedies which supplement the common law

Task 8. Find words or phrases in the text which mean the following:

1. In paragraph A:

• abilities;
• the process of logical thinking;
• relating to moral principles.

2. In paragraph B:

• follow a course (such as Law or Medicine) at university;
• working in a profession;
• to work in.

3. In paragraph C:

• examinations;
• things you can choose;
• a long piece of academic written work.

4. In paragraph D:

• If LL.B. means Bachelor of Laws, what do you suppose LL.M. means?

Task 9. Answer the questions:

1. Does the Law course at Cambridge give an academic legal education or teach students to become lawyers?
2. What intellectual abilities does the law course at Cambridge develop?
3. Does the Law course at Cambridge only include strict (pure) law?
4. Do most Cambridge Law graduates become lawyers?
5. Should people who want to read Law study science or humanitarian subjects at school?

6. Can students choose the subjects they study in the first and second years of the law course?

7. Do students have the same options in the second year and in the third year?

8. Must students take an exam in all the subjects they study?

9. How many exams do postgraduates take?

Task 10. Choose the right form of a noun:

1. The Law (course/courses) at Cambridge is intended to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective.

2. There are (opportunities/opportunity) to study the history of law and to consider the subject in its wider social context.

3. The (emphasis/emphases) is on principle and technique.

4. (Skill/skills) of interpretation and logical reasoning are developed.

5. Many (undergraduate/undergraduates) read law with the intention of practicing.

6. The range of (subject/subjects) on offer is wide.

7. Candidates may also participate in the seminar course, submitting a (dissertation/dissertations) in place of one paper.

8. (Candidate/candidates) for the postgraduate LL.M. take four papers.

Task 11. Questions to debating:

1. What sort of school education did you get? Does it help you in your studies at the law faculty?

2. If you were a student at Cambridge University, which subjects would you choose to study?

3. What area of law interests you most? Why?

4. What are your plans for future?

5. What do you think are advantages/disadvantages of Law Course at Cambridge?

6. Where do most graduates of our University work? Why?

7. What are any particular differences or similarities between law students at our University and Cambridge?

Task 12. Read and comprehend the text:

Law School is the term used in the United States to indicate an institution where future lawyers obtain legal degrees. In the U.S. law is a graduate degree, which students embark upon only after completing an undergraduate degree in some other field; the undergraduate degree can be in any field. In most cases the degree granted by American law schools in the Juris Doctor, or J.D., degree.

Other degrees that are awarded include the Master of Laws degree (LL.M.) and the Doctor of Juridical Science degree (J.S.D.). A law school is usually an autonomous entity within a larger university and is considered to be a graduate or professional school program.

In the United States, most schools require a bachelor's degree (LL.B.), a satisfactory undergraduate grade point average, and a satisfactory score on the Law School Admissions Test (LSAT) in order to be considered for admission.

Some States that have non-ABA (American Bar Association) approved schools or State-Accredited schools have equivalency requirements that usually equal 90 credits toward a bachelor's degree. Additional personal factors are evaluated through essays, short-answer questions, letters of recommendation, and other application materials. The standards for grades and LSAT scores vary from school to school. Highly-regarded law schools accept only those applicants with very high LSAT scores, or financial and political leverage.

Individual factors are also very important, although applicants are virtually never asked to interview as part of the application process. Such factors are evaluated through other application materials.

Most law schools now factor in extracurricular activities, work experience, and unique courses of study in their evaluation of applicants.

Students considering law school should note that although law school tuition is notoriously high, it is not uncommon for law students to receive grants and scholarships, or more rarely complete tuition waivers, from their schools.

A student who could get into a "better" school – has a good chance of being offered some kind of scholarship by the lower-ranked school.

Law students are referred to as 1Ls, 2Ls, and 3Ls, based on their year of study. In the United States, the American Bar Association mandates a curriculum for 1Ls that includes:

- Civil procedure
- Constitutional law
- Contracts
- Criminal law
- Decision making
- Legal research
- Legal writing
- Property
- Torts

These basic courses are intended to provide an overview of the broad study of law. Not all ABA-approved law schools offer all of these courses in the 1L year; a significant number of schools make constitutional law and/or criminal law required upper-level courses. Some schools roll legal research and legal writing into a single year-long "lawyering skills" course, which may also include a small oral argument component.

The law school curriculum, ironically, results in lawyers who are ill-prepared for the realities of lawyering. Although students may know how to do legal research, they are not trained in dealing with clients, opposing counsel or how to navigate the court system. Some schools offer courses in negotiation, discovery procedures, trial advocacy and argument. However, actual lawyering is learned on the job.

After the first year, law students are generally free to pursue different fields of legal study, such as administrative law, corporate

law, international law, admiralty law, intellectual property law, and tax law. They may also take clinics, which offer hands-on experience providing free legal services to the surrounding community.

Many law students participate in internship programs during their course of study. Some become assistants ("clerks") for local, state, and federal judges; others work in law firms, corporations, or legal aid clinics.

Examinations usually entail interpreting the facts of a hypothetical case, determining how legal theories apply to the case, and then writing an essay. The process is intended to train students in the reasoning methods necessary to interpret theories, statutes, and precedents correctly, and argue their validity, both orally and in writing. In contrast, most civil law countries base their legal education on professorial lectures and oral examinations, which are more suited for the mastery of complicated civil codes.

Task 13. Check if you can guess the meaning of these words:

embark upon; award; equivalency; requirements; evaluate; leverage; factor in; extracurricular activities; tuition; notoriously; scholarship; waiver; mandate; navigate the court system; negotiation.

Task 14. Match the Ukrainian and English equivalents:

1. obtain	a) розпочинати справу
2. mandate	b) досягнення в політиці
3. embark upon	c) дослідження з права
4. average	d) орієнтуватись у судовій системі
5. political leverage	e) правове документознавство
6. legal research	f) брати участь у програмі для інтернів
7. legal writing	g) мати повноваження
8. navigate the court system	h) середня кількість
9. participate in internship program	i) здобувати

Task 15. Match the synonyms:

1. political leverage	a) entering process
2. virtually	b) take into account
3. application process	c) follow
4. be evaluated	d) involve
5. factor in	e) actually
6. pursue	f) achievements related to politics
7. entail	g) be appreciated

Task 16. Fill in the gaps with* a, an *and* some *where necessary:

1. …undergraduate
2. …postgraduate
3. …subject
4. …education
5. …interpretation
6. …information
7. …control
8. …advice
9. …property
10. …knowledge

Task 17. Give the plural form of the given nouns. Pay attention to the countable and uncountable nouns:

dictionary, university, student, information, subject, degree, course, advice, law, opportunity, education, emphasis, technique, knowledge, liberty, accountancy, postgraduate.

Task 18. Make up your own sentences using the words which are given. Pay attention to the verb:

education, information, advice, knowledge, justice, help, behaviour, news, liberty, research.

SUPPLEMENTARY READING

Task 1. As you read the text note the words you do not know, copy them into your vocabulary note-book, translate them with the help of a dictionary:

LAW STUDIES: USA vs. UK – UNDERSTANDING THE DIFFERENCES

Legal education structure: US vs. UK

While the United States and the United Kingdom both have highly regarded legal systems, their approaches to legal education differ significantly, with each country having its own set of requirements and standards.

1. Undergraduate education

In the UK, students who wish to become lawyers can opt to complete a three-year LLB program, or an alternative undergraduate degree plus a one-year GDL (Graduate Diploma in Law) conversion course.

The GDL is an option for students who did not study law for their undergraduate studies. It compresses the content of an LLB program into a shorter and more intensive course.

In the US, law is not typically studied as part of an undergraduate degree. Instead, undergraduates use the four-year program to prepare for further legal education in law school.

2. Postgraduate education

UK students with an LLB (or GDL) have two options for further legal education: Bar Professional Training Course (BPTC) or Legal Practice Course (LPC).

– BPTCs are for aspiring barristers, while LPCs are for those interested in becoming solicitors. Both courses take one year to complete and focus on specific areas of law.

– As of 2021, the Solicitors Qualifying Examination (SQE) is being phased in as the new centralised way to qualify as a solicitor in England and Wales. It will eventually replace the Legal Practice Course (LPC). The SQE is a new system of exams divided into two

stages – SQE1 and SQE2 – and all prospective candidates will have to pass both stages of exams to qualify as a solicitor.

– The Master of Laws (LLM) is another possible postgraduate qualification in the field of law for UK-based students. It is a good option for those who, rather than becoming a solicitor/barrister, want to gain in-depth knowledge about an area of law, for example, Maritime Law, Cyber Law, or Medical Law and Ethics. It is open to those who already have a first law degree, typically takes one year (full time) or two years (part time) to complete.

– Previously, the only people who pursued an LLM did so to become familiar with another legal system (generally that of the US or the UK) or as a stepping stone to a career teaching law, but that has is no longer the case.

In the US, students must take the LSAT and apply to law school after completing their undergraduate degree.

– The LSAT tests reading comprehension, logical reasoning, and pattern recognition skills.

– Accepted students spend three years studying for a Juris Doctor (JD) degree in law in the US, with no distinction between types of lawyers.

– It is also possible to study a law Master's (LLM) in the US. Typically, students from the USA would carry out an LLM post-completion of their JD. An LLM is a nine-month to a year-long programme focused on research and/or analytical study of the law.

3. Further qualifications

In the UK, after completing their 4-5 years of schooling, aspiring lawyers begin a 2-year pupillage or training contract.

– These hands-on experiences prepare them for the legal profession.

– Securing these opportunities is competitive, but leads to qualification as barristers or solicitors.

In the US, after completing the JD degree, law graduates must pass a state-specific bar exam to practice law.

– Each state has its own unique bar exam, making mobility between states complex.

– Wisconsin is the only state where graduates from specific law schools can skip the bar exam through Diploma Privilege.

Key factors to think about when deciding between the UK and the USA

One of the biggest decisions prospective law students have to make is where they want to study. The UK and US are both countries with prestigious institutions and renowned legal systems. Beyond reputation and academic excellence, there are crucial factors that need careful consideration when choosing between these two options, including living costs, tuition fees, and career plans.

1. Curriculum

US law schools offer a diverse range of courses and electives, allowing students to focus on specific areas of interest.

– Practical experiences, such as moot court competitions and internships, are encouraged in the US legal education system.

– These experiences develop skills and ethical consciousness while forging professional connections.

UK law schools follow a standardised curriculum focused on fundamental subjects like contract, tort, and criminal law.

– The academic framework in the UK emphasises theoretical and historical perspectives on legal matters.

– Students are actively involved in critical analysis, research essay composition, and interactive seminars.

– These activities refine research methodologies, analytical capabilities, and academic writing skills.

2. Career planning

Law graduates in the US have a variety of career paths to choose from, including private law firms, government agencies, non-profit organisations, international corporations, academia, and the judiciary.

– The legal landscape in the US is known for its richness, competitiveness, and dynamism.

– The nation's robust economy, thriving high-tech industry, and culturally diverse environment provide numerous opportunities for specialisation and potential clientele.

– Attending law school in a specific region in the US can be beneficial for those interested in practicing there because states administer the bar exam.

In contrast to the US, law graduates in the UK face a more nuanced spectrum of career options influenced by the legal market and economic dynamics.

– The UK legal sector has a higher degree of specialisation and conservatism with a focus on traditional practice areas such as commercial law, litigation, and conveyancing.

– Graduates pursuing legal careers in the UK may encounter heightened competition levels and a more limited job market compared to their American counterparts.

Top Law universities in the USA vs. UK

Accreditation is crucial in choosing a law school as it ensures quality standards are met. The American Bar Association (ABA) accredits US law schools, while the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB) accredit UK law schools.

Ranking is also important and reflects a school's reputation, resources, and outcomes. US law schools are ranked by organisations like US News & World Report based on factors such as academic prestige and employment rates. Law schools in the UK (England, Scotland, Wales and Northern Ireland) are ranked by league tables like The Guardian, considering factors like student satisfaction and teaching quality.

Both the QS and Times Higher Education produce global rankings related to law schools.

Top Law universities in the US

– Harvard University
– Yale University
– Stanford University
– New York University
– Columbia University

– University of California, Berkeley

Top Law universities in the UK

– University of Oxford

– University of Cambridge

– The London School of Economics and Political Science (LSE)

– University College London (UCL)

– Kings College London

– University of Edinburgh

Application process for studying law in the UK vs US

As we have already explored, law degrees in the US are postgraduate. Law schools typically look for:

– a Bachelor's degree from an accredited institution.

– a good GPA.

– a solid LSAT score (the test evaluates reasoning skills and reading comprehension).

– Candidates usually need to provide a personal statement, recommendation letters, and sometimes an interview to showcase their motivation, personality, and fit with the school.

– Applications are made through the prospective university's website.

In the UK, there are both undergraduate and postgraduate options for law studies.

– For undergraduate law degrees (LLB), applications are made via UCAS (Universities and Colleges Admissions Service). This centralised system allows students to apply to multiple universities with one application, which currently includes a personal statement (this due to change in January 2025).

– Some UK universities require the LNAT (National Admissions Test for Law) as part of the application process.

– Applications for GDL courses should be made through the Central Applications Board.

– Applications to universities in the UK for a Master in Law or LLM are submitted via the prospective university's website.

Frequently Asked Questions

How does the path to becoming a lawyer differ between the US and the UK?

– The path to becoming a lawyer differs between the USA and the UK. In the United States, the process involves obtaining a four-year undergraduate degree, passing the LSAT (Law School Admission Test), attending law school for three years, and passing the Bar Exam in the state where they intend to practice.

– On the other hand, in the UK, students must first obtain an undergraduate degree in law (or an undergraduate degree in a different subject plus a one-year 'conversion' course known as a Graduate Diploma in Law), followed by a one-year vocational course and a two-year apprenticeship or training contract at a law firm.

What opportunities do students have for hands-on legal experience in each country?

– Aspiring lawyers in the UK and USA have plenty of opportunities to gain hands-on experience in the legal field. Students in the UK can participate in mooting competitions, where they simulate a courtroom experience by presenting their cases in front of judges. They can also intern with law firms, work at legal clinics, or volunteer with charity organisations that offer legal advice and services.

– In the USA, law students can join moot court or mock trial programs, which not only train them in courtroom advocacy but also allow them to build their professional network. They can also clerk for judges, work as research assistants for legal scholars, or participate in pro bono projects that serve underprivileged clients. Earning practical experience in the legal profession can enhance students' skills, build their confidence, and provide them with exposure to various areas of the law.

Are there differences in the types of law students can specialise in?

– The choice to specialise in a specific area of law is a significant decision for any law student, whether in the UK or the USA. While both countries offer a diverse range of specialities, there

are differences to note. Graduates in the UK, for example, tend to have a greater focus on traditional areas of law such as property, criminal, and family law. In contrast, US law schools offer a more expansive list of options including intellectual property law, environmental law, and entertainment law.

What are the job prospects like for law graduates in each country?

– For aspiring lawyers looking to make their mark in the world, the UK and USA are two of the most promising places to study and start their careers. Both countries boast a strong legal system, a competitive job market, and numerous opportunities for professional growth and advancement.

– In the UK, the legal job market is highly competitive due to the abundance of law schools and graduates. However, if you manage to get a training contract or a pupillage opportunity, your prospects shall spell for a bright future.

– In the USA, the job market for lawyers is expected to grow at a higher than average rate, according to the Bureau of Labor Statistics. Therefore, it is safe to say that law graduates have a good chance of finding employment in the US. Nevertheless, in both countries, networking, and gaining work experience are crucial components in securing a career in the legal field.

Unit 2
THE NATURE OF LAW

Warming up:

1. Give the examples of customs, principles of morality and legal rules. What legal rules are formed out of the customs of the people?

2. Who creates laws? Who is responsible for fairly and just administration of law?

Vocabulary notes:

conduct	поведінка
companionship	товариство
order	порядок
compulsion	примус
obedience	слухняність
transgression	правопорушення
ethical precept	етичні принципи
conscience	совість
justice	правосуддя, справедливість
agreement	згода
behavior	поведінка
authorized body	адміністративний орган
to impose	накладати
to enforce	забезпечувати виконання, примушувати
to draw up	укладати
to ensure	гарантувати, забезпечувати
to comprise	складатися
to guide	регулювати, керувати
to approve of	схвалювати
to be vested in	бути уповноваженим
to lay down	покладати
to subject to smth.	підкорятися

to carry out	здійснювати
to mould the law	формувати
to attain justice	добиватися, досягати
to resolve disputes	розв'язувати суперечки
to facilitate	сприяти
to limit	обмежувати
to inhibit	забороняти, перешкоджати, стримувати
coercive	примусовий

THE NATURE OF LAW

The term "law" is used in many senses: we may speak of the laws of physics, mathematics, science, or the laws of football. When we speak of the law of a state we use the term "law" in a special and strict sense, and in that sense law may be defined *as a rule of human conduct, imposed upon and enforced among, the members of a given state.*

People are by nature social animals desiring the companionship of others, and in primitive times they tended to form tribes, groups, or societies, either for self-preservation or by reason of social instinct. If a group or society is to continue, some form of social order is necessary. Rules or laws are, therefore, drawn up to ensure that members of the society may live and work together in an orderly and peaceable manner. The larger the community (or group or state), the more complex and numerous will be the rules.

If the rules or laws are broken, compulsion is used to enforce obedience. We may say, then, that two ideas underline the concept of law: *(a)* **order**, in the sense of method or system; and *(b)* **compulsion** – i.e. the enforcement of obedience to the rules or laws laid down. When referring to "the law" we usually imply the whole of the law, however it may have been formed. As we shall see later, much of English law was formed out of the customs of the people. But a great part of the law has been created by legislation, i.e. the passing of laws. Common law and statutory law together comprise what is referred to as the "Law of England".

People resort to various kinds of rules to guide their lives. Thus moral rules and ethics remind us that it is immoral or wrong to covet, to tell lies, or to engage in drunkenness in private. Society may well disapprove of the transgression of these moral or ethical precepts. The law, however, is not concerned with such matters and leaves them to the individual's conscience or moral choice and the pressure of public opinion: no legal action results (unless a person tells lies under oath in a court, when he or she may be prosecuted for perjury). Thus there is a degree of overlap between moral and legal rules.

Law serves a variety of functions. Laws against crimes, for example, help to maintain a peaceful, orderly, relatively stable society. Courts contribute to social stability by resolving disputes in a civilized fashion. Property and contract laws facilitate business activities and private planning. Laws limiting the powers of government help to provide some degree of freedom that would not be otherwise possible. Law has also been as a mechanism for social change, for instance, at various times laws have been passed to inhibit social discrimination and to improve the quality of individual life in matters of health, education, and welfare.

We sometimes think of laws as being laid down by some authority such as a monarch, dictator, or group of people in whom special power is vested. In Britain we can point to legislation for examples of law laid down by a sovereign body, namely Parliament. The legal author John Austin (1790-1859) asserted that law was a command of a sovereign and that citizens were under a duty to obey that command. Other writers say that men and women in primitive societies formed rules themselves, i.e. that the rules or laws sprang from within the group itself. Only later were such rules laid down by a sovereign authority and imposed on the group or people subject to them.

Clearly, unless a law is enforced it loses its effectiveness as a law and those persons subject to it will regard it as dead. The chief characteristic of law is that it is enforced, such enforcement being today carried out by the State. Thus if A steals a wallet from B, it

may be prosecuted before the court and may be punished. The court may then order the restitution of the wallet to its rightful owner, B. The "force" used is known as a sanction and it is this sanction which the State administers to secure obedience to its rules.

The law is a living thing and it changes through the course of history. Changes are brought about by various factors such as invasion, contact with other races, material prosperity, education, the advent of new machines or new ideas or new religions. Law responds to public opinion and changes accordingly. Formerly the judges themselves moulded and developed the law. Today an Act of Parliament may be passed to change it.

People desire justice in their personal, social and economic dealings. There is no universal agreement on the meaning of justice, and ideal or perfect justice is difficult to attain in this life. People strive for relative justice, not perfect justice; and good laws assist to that end. It is the business of citizens in a democracy to ensure that wise laws are passed and that they are fairly administered in the courts of law.

COMMENTARY

Термін «*law*» в англійській мові у значенні «*право*» як наука, спеціальність чи система, а також їхні галузі, відноситься до необчислювальних іменників [U] і використовується без артикля чи з означеним артиклем: «*the study of law, commercial law; the law of nations*», а в значенні «*закон*», «*правило поведінки*» чи «*процедура*» термін «*law*» відноситься до обчислюваних іменників [C] і використовується в однині та в множині: «*a Bill becomes a law; the laws of a game*» і т. д.

Task 1. Read the text carefully and decide if the following statements are true or false. Add some other information:

1. When we speak of the law of a state we may speak of the laws of physics, mathematics, science, or the laws of football.

2. As the law of the state law may be defined as a rule of human conduct, imposed upon and enforced among, the members of a given state.

3. Rules or laws are drawn up to ensure that members of the society may live and work together in an orderly and peaceable manner.

4. If the rules or laws are broken no compulsion is used to enforce obedience.

5. A great part of the law has been created by the customs of the people

6. Laws were being laid down by some authority such as a monarch, dictator, or group of people in whom special power is vested.

7. Unless a law is enforced it doesn't lose its effectiveness

8. Formerly the judges themselves moulded and developed the law.

9. It is the business of authorities in a democracy to ensure that wise laws are passed.

Task 2. Give the Ukrainian equivalents for the following words and expressions:

conduct, obedience, transgression, ethical precepts, to be under a duty, to develop the law, facilitate business activities, to mould the law, the individual's conscience, compulsion, statutory law, to attain justice, to draw up the law, economic dealings, to provide freedom, pressure of public opinion, a degree of overlap, social change, to secure obedience, to administer the law, to carry out enforcement of law, to impose rules, to lay down laws.

Task 3. Give the English equivalents for the following words and expressions:

правила людської поведінки, не схвалювати правопорушення, розглядати судові справи, утворений зі звичаїв, товариство інших, підтримувати порядок, частковий збіг між нормами моралі та юридичними законами,

забезпечувати слухняність, етичні принципи, суспільний правопорядок, забезпечувати дотримання закону, забороняти соціальну дискримінацію, укладати закони, член суспільства.

Task 4. Find in the text words that go with the following noun:

1. _____		1. _____	
2. _____		2. _____	
3. _____	law	3. _____	justice
4. _____		4. _____	
5. _____		5. _____	
6. _____		6. _____	

Task 5. Match the following words and expressions with their Ukrainian equivalents:

I	
1. to enforce obedience	a) етичні принципи
2. the companionship of others	b) суспільний правопорядок
3. rule of human conduct	c) підтримувати порядок
4. social order	d) правила людської поведінки
5. disapprove of the transgression	e) частковий збіг між нормами моралі та юридичними законами
6. formed out of the customs	f) розглядати судові справи
7. ethical precepts	g) забезпечувати слухняність
8. overlap between moral and legal rules	h) утворений зі звичаїв
9. to maintain order	i) товариство інших
10. to decide lawsuits	j) не схвалювати правопорушення
II	
1. to enforce the law	a) гарантувати слухняність
2. to resolve disputes	b) підтримувати людську гідність
3. to pass a law	c) запроваджувати закон (забезпечувати дотримання закону)

4. to promote human dignity	d) сприяти підприємницькій діяльності
5. to secure obedience	e) забороняти соціальну дискримінацію
6. to find in legislation	f) вирішувати суперечки
7. to inhibit social discrimination	g) підтримувати упорядкене суспільство
8. to facilitate business activities	h) закріплювати у законах
9. to maintain orderly stable society	i) приймати закони

Task 6. Choose the synonyms from the box:

fulfill, power, disobedience, guarantee, form, cause, try, principle, restrict, reach, assist, subjugate, behaviour, establish, oblige, mean

mould –	conduct –
carry out –	precept –
attain –	lay down –
subject –	enforce –
transgression –	imply –
facilitate –	authority –
limit –	strive –
ensure –	reason –

Task 7. Write down the word families of the following words and translate them:

to obey _____ to agree _____
_____ _____
_____ _____
to guide _____ to order _____
_____ _____
_____ _____

Task 8. Translate into English:

1. Закон – це правила людської поведінки, що застосовуються членами суспільства певної держави.

2. Людина за природою – соціальна істота, що прагне товариства інших.

3. Щоб існувала спільнота людей, необхідний соціальний порядок.

4. Правила та закони створюються, щоб забезпечити мирне та впорядковане життя та роботу членів суспільства.

5. Право утворилось з традицій народу, але більша його частина створена законодавчою гілкою влади.

6. Загальне право та статутне право складають Англійське право.

7. Право слід відрізняти від інших законів соціального контролю та норм поведінки, таких як: мораль, етика, громадська думка, звичаї та традиції.

8. Право виконує такі функції: а) підтримка порядку у суспільстві; б) розв'язує суперечки цивілізованим шляхом; в) сприяє економічній діяльності; г) обмежує владу уряду, запроваджує свободу членів суспільства; д) забороняє соціальну дискримінацію.

9. Право змінюється протягом історії.

10 Люди прагнуть справедливості у приватному, суспільному житті та економічній діяльності, а гарні закони допомагають цьому.

11. Справа громадян забезпечити прийняття мудрих законів та справедливе застосування їх у судах.

Task 9. Use the information given in the text to answer the questions. Discuss your answer with other members of the group:

1. Why did people tend to form tribes in primitive times?

2. What formed English Law?

3. Are legal rules and actions distinguished from other means of social control?

4. Do people suffer any penalty when they break moral rules and ethics?

5. Who formed rules and laid down laws in ancient times?

6. What factors brought changes into the law?

7. What are the main functions of the law?

8. Who develops the law in Great Britain nowadays?

9. Who is to ensure passing of wise laws in a democracy?

Task 10. Discuss your ideas in pairs and then exchange opinions with the whole group:

1. Can any society do without laws?

2. It is the business of citizens in a democracy to ensure that wise laws are passed.

Task 11. Read and translate the text:

THE NOTION OF LAW

The English word "law" refers to limits upon various forms of behaviour. Some laws are descriptive: they simply describe how people usually behave. Other laws are prescriptive – they prescribe how people ought to behave.

In all societies, relations between people are regulated by prescriptive laws. Some of them are customs - that is, informal rules of social and moral behaviour.

If people break these rules they do not suffer any penalty, but they may be criticized by other members of the society. Moreover, the people who do not observe these unofficial rules of behaviour can remain in isolation as the people around them may refuse to deal with them.

Laws are rules that are supported by the power of government. The whole system of punishment exists for those who do not wish to obey these official rules.

The person who breaks the law is called an offender or a law-breaker.

There are offences against international law and order, offences against property, against public order, against the person,

against the state, etc. Laws may be written and unwritten. These traditional terms are misleading, because the expression "written" law signifies any law that is formally enacted or passed by Parliament, and the expression "unwritten" law signifies all unenacted laws, that is the laws not passed by Parliament.

On the Continent the volume of written law is more than the volume of unwritten. It can be explained by the fact that under the influence of the Napoleon Code many continental countries have codified their law.

In England in accordance with the tradition many laws have never been enacted, they have derived from judicial precedent. That is why in Great Britain unwritten law is predominant.

This does not mean that none of English law is codified. It only signifies that though Parliament "produces" a lot of acts, there is no whole system of codification, which prevails in many continental countries.

Task 12. Find in the text the words of the same root:

to describe, prescription, behaviour, to relate, observation, official, to isolate, refusal, to punish, existence, abeyance, to offend.

Task 13. Answer the questions:

1. What is the difference between prescriptive and descriptive laws?
2. Are customs formal rules of behaviour?
3. Do people suffer any penalty when they break customs?
4. When can people remain in isolation?
5. What may happen to a person who does not obey laws?
6. Is there any difference between the terms "an offender" and "a law-breaker"?

Task 14. Complete the sentences:

1. The person who breaks the laws is called ....
2. The people who do not observe customs may ....
3. Laws are rules that ...

4. The whole system of punishments exists for those ....
5. Descriptive laws simply ....
6. Prescriptive laws show ....

Task 15. Make up sentences using the key words and expressions:

1. to break // to suffer penalty // unofficial rules
2. isolation // to remain // not to observe
3. the system of punishment // not to obey // to exist
4. offender // to call // to break the law
5. to regulate // relations // prescriptive laws

Task 16. Translate the text into Ukrainian:

THE LAW

The Law and the Church are powerfully interlocked with the History of Britain. Both judges and bishops sit in the House of Lords, and are honoured with ancient titles. Both reached a climax of fame in Victorian times. Both have been intensely conservative and resistant to change – as their votes in the House of Lords showed.

The Victorian prestige of the law is expressed in the Royal Courts of Justice, built in 1880 when the profession was at its height. A broad doorway leads into a fake-medieval hall, like a stripped-down cathedral, another with big black-letter notices announcing "Lord Justice's Court", or "Wash and Brush Up". Ordinary dark-suited men carrying blue or red bags walk into a room by entrance, and emerge a few minutes late solemnly wearing horse-hair or nylon wigs and flowing gowns.

The conservatism of English lawyers is reinforced by their strict division into solicitors and barristers – found only in New Zealand, South Africa, New South Wales and Great Britain. Only solicitors are allowed to deal directly with the public. They perform all routine business: but when they have to take care to the central courts, they must employ a barrister to plead.

A barrister is required to have reached an accepted educational standard, to have passed the legal examinations

conducted by the Council of Legal Education and to have become a member of the Inns of Court.

SUPPLEMENTARY READING

Task 1. Read the text «What is Law?» and give your own definition of this notion:

WHAT IS LAW?

In everyday life people use the word law in many different ways. Actually the word law is very difficult to define. There is a field of law that is known as "jurisprudence", which analyzes the concept of law and is concerned with the philosophy of law. Throughout the centuries people have attempted to define law and to set forth its role in society.

In considering the numerous definitions of law and philosophy of law it must be recognized that one of the roles of law is to maintain order and that this is the function of the criminal laws. Another role of law is to resolve disputes that arise between individuals and to impose responsibility if one person has a legal claim against another. Between these two extremes of what might be called law and order on the one hand and settlement of disputes on the other, there are many situations that cannot be so clearly defined. For example, the income tax laws require that a person pay an income tax. If he fails to do so, or if he fails to declare all his income or takes improper deductions, he may be subjected to penalties, but he has also failed to live up to his obligations to society. In any event it is important that one bear in mind that the law is not simply a statement of rules of conduct but is also the means whereby remedies are afforded when one person has wronged another.

In one sense all issues and disputes in our society – political, social, religious, economic, or otherwise-ultimately become legal issues to be resolved by the courts. Thus it can be said that law is simply what the courts determine it to be as an expression of the public will in resolving these issues and disputes.

Another view of law is that it is a method of social control – an instrument of social, political, and economic change. Really law is both an instrument of change and a result of changes that take place in our society. It is difficult to determine whether the law brings

about changes in our society or whether changes in society bring about a change in the law. In our legal system both are true. The law-responding to the goals, desires, needs, and aspirations of society is in a constant state of change. Sometimes the law changes more rapidly that does the attitude of the majority of society. In this event the law and our legal system provide leadership in bringing about changes. At other times our society is ahead of the law in moving in new directions, and changes are brought about by the people who act according to their new attitude and convictions. When these changes are accepted by the rest of society, it often happens that the law then gives approval and recognition of the changes, and the law has thus been brought into line with the changing needs of society. For example, in the field of ecology various groups have put pressure on legislators to clean up the air and water. As a result of this laws have been enacted that require that devices be installed to control pollution. Here the public pressure resulted in the enactment of laws and the law was a follower rather than a leader. It is important to note that the law is not static – that it is constantly changing and that the impetus for the changes may come from many different sources.

In still another sense law has been defined as the rules and principles that are applied by the courts to decide lawsuits. These rules and principles fall into three categories: 1) laws that have been passed by legislative bodies, such as the Congress and state legislatures, together with the federal Constitution and the state constitutions and treaties that have been duly entered into; 2) common law or case law – the law that is derived from cases decided by the courts; and 3) procedural rules that determine how lawsuits are handled in the courts with regard to rules of evidence, enforcement of judgments, appeals, and related matters. It will be noted that the first two elements provide the rules that are applied by the courts to decide controversies and that the third provides the machinery whereby these rules of what is called substantive law are given effect and applied to resolve controversies.

Task 2. Read the text to understand what information is of primary importance or new for you:

CHARACTERISTICS OF ENGLISH LAW

The United Kingdom is a unitary State, not a federation of States. Nevertheless, it does not have a single system of law within that State. There are separate systems operating in England and Wales, Northern Ireland, and Scotland. Due to the closeness of the association since the twelfth century between England and Wales on the one hand and Northern Ireland on the other, these countries have similar legal systems. There are, however, differences between the law of Scotland, influenced by Roman law, and that of the remainder of the United Kingdom, although since the Union with Scotland Act, 1707, these differences are now less marked on broad issues.

Two important links uniting the system are: 1) Parliament at Westminster is the supreme authority throughout the United Kingdom; 2) The House of Lords is the final court of appeal.

English law is one of the great legal systems of the world, and a substantial proportion of it is ruled today by laws that came originally from this small island. What, then, are the characteristics of English law which give it this pre-eminence? The most important are these:

Continuous growth

English law is traceable to Anglo-Saxon times. The common law, i.e. judge made law, which forms the basis of English law, has endured for 900 years and has continuously adapted itself to changing social and economic needs.

Old rules of law remain law despite their age, unless expressly repealed. Thus in the case of *Ashford* v. *Thornton* (1818), an appeal against alleged murder, the appellor claimed and was granted the ancient Norman right of trial by battle. In point of fact the appellor's opponent refused to fight, and the right was abolished by statute in 1819.

The Treason Act, 1351, is still good law and may be invoked today despite its age.

Whereas Continental countries have been subject to continual invasions, revolutions, declarations of independence and the like, the geographical separation of England from the Continent, coupled with the Englishman's traditional respect for law, have tended to preserve the independent and uninterrupted growth of English law.

Absence of codification

A legal code is a systematic collection of laws so arranged as to avoid inconsistency and overlapping. Codification was a feature of Roman law and was adopted by nearly all Continental countries, notably France, Germany, Austria, and Switzerland. The English common law was formed from the customs of the people. Under the Norman kings these unwritten laws achieved a fairly uniform legal system. Certain parts only of English law have today been codified, e.g. the Bills of Exchange Act, 1882, and the Sale of Goods Act, 1979, though the Law Commission is working towards a codification of criminal law and contract (Law Commissions Act, 1965)

Judicial character of the law

The early Norman judges were important figures appointed by the Crown whose justice they administered. The common law was largely "judge-made" from the existing customary laws. It is from the records and reports of cases tried by the judges that we derive our knowledge of early case law. Judges formed or moulded the common law, and its growth and character can often be traced to outstanding men like Bracton, Coke, and Littleton. Although judges today may develop the common law within fairly narrow limits, they are mainly concerned with interpreting and applying statute law which is now the main source of legal development.

Independence of judiciary

Justice requires that a judge be impartial and independent of either party to a particular legal dispute. The Act of Settlement, 1701, provided that judges of superior courts hold office during good behaviour, that their salaries be ascertained and established, and that they be removed only on the address of both Houses of Parliament.

Independence of lawyers

The two branches of the legal profession comprise barristers and solicitors. Each branch is controlled by an independent body which maintains high professional standards of education, training, and conduct. Lawyers are not appointed by the State and are not civil servants. They are not subject to direct political control, and, like the judges, are traditionally independent. Their relations with clients are based on confidence and protected by privilege; they cannot be compelled to disclose what passes between them during their professional dealings.

Influence of procedure

Procedure has influenced substantive law. We shall see later that at one time the existence of a legal right depended on whether there was a suitable writ with which to begin the action, the writ system governed early law. Such procedural rules affected the law itself and they have left their imprint.

No reception of Roman law

English common law was of native growth and little influenced by Roman Law, unlike the law of Continental countries and Scotland which was shaped by it.

The doctrine of precedent

To achieve some consistency in decisions, the courts developed the practice that the lower courts are bound to follow decisions in higher courts.

Practical nature of the law

It was emphasized by the House of Lords in *Ainsbury* v. *Millington* (1987) that it has always been a fundamental feature of the English judicial system that the courts decide disputes between the parties before them. They will not pronounce on abstract questions of law where there is no dispute to be resolved.

Task 3. Write down the resume about philosophers of law:

SIR THOMAS MORE (1478-1535)

Sir Thomas More was an English statesman and writer, known for his religious stance against King Henry VIII that cost him

his life. More was born in London and was educated at one of London's best schools. He later spent two years in the University of Oxford, mastering Latin and undergoing a thorough drilling in formal logic.

Among his important thoughts was that the reasons for crime were to be found in economic and social conditions. He believed that if people lived in a more just and humane society they would behave better. He also thought that punishment should be sensible and that people found guilty should be made to work for the good of the community. His views were far ahead of the time, so that it was only in later centuries that his book *Utopia* was really understood.

More's *Utopia* describes a pagan and communist city-state in which the institutions and policies are entirely governed by reason. The order and dignity of such a state provided a notable contrast with the unreasonable policy of Christian Europe, divided by self-interest and greed for power and riches, which More described in Book 1, written in England in 1516. Among the topics discussed by More in *Utopia* were penology, state-controlled education, religious pluralism, divorce, euthanasia, and women's rights. The resulting demonstration of his learning, invention, and wit established his reputation as one of the foremost Humanists. Soon translated into most European languages, *Utopia* became the ancestor of a new literary genre, the *Utopian* romance.

More's *History of King Richard III*, written in Latin and in English between about 1513 and 1518, is the first masterpiece of English historiography. Though never finished, it influenced succeeding historians. William Shakespeare is indebted to More for his portrait of the tyrant.

More attracted the attention of King Henry VIII. The King made More one of his favourites and often sought his company for philosophical conversations. More became Lord Chancellor in 1529; he was the first layman to hold the post. His fortunes changed, however, he refused to support Henry's request for a divorce from Catherine of Aragon.

As a strict Roman Catholic he disapproved of Henry VIII's attempt to break away from the church in Rome and set up his own Church of England. For failing to accept Henry as the head of the English church he was tried for treason in 1535 and beheaded at the Tower of London. He was made a saint by the Roman Catholic Church.

JOHN LOCKE (1632-1704)

The ideas and writing of the seventeenth-century English philosopher John Locke deeply influenced the political outlook of the American colonists. Locke spelled out his political ideas in Two *Treatises on Civil Government*, first published in 1690. His writings were widely read and discussed in both Europe and America. Locke's ideas seemed to fit the American colonial experience. Colonial leaders such as Benjamin Franklin, Thomas Jefferson, and James Madison regarded these ideas as political truth. Locke's ideas became so influential that they have been called the "textbook of the American Revolution".

Locke reasoned that all people were born free, equal, and independent. They possessed natural rights to life, liberty, and property at the time they lived in a state of nature, before governments were formed. People contracted among themselves to form governments to protect their natural rights. Locke argued that if a government failed to protect these natural rights, the people could change that government. The people had not agreed to be governed by tyrants who threatened their rights but by rulers who defended their rights.

Locke's ideas were revolutionary in an age when monarchs still claimed they had God-given absolute powers. Locke denied that people were born with an obligation to obey their rulers. Rather, in his Second *Treatise on Civil Government*, Locke insisted that freedom of people under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power vested in it.

Government, then, was legitimate only as long as people continued to consent to it. Both the Declaration of Independence and

the Constitution, written nearly a century after Locke, reflected Locke's revolutionary ideas.

Unit 3
SOURCES OF LAW

Warming-up:

1. What is the main difference between customs and law?

2. Can we refer to the Bible as the main source of law?

Vocabulary notes:

to determine	визначати
judicial decisions	юридичні рішення
to reduce	зменшувати
to set out	викласти (у збірці)
to derive	походити
a solemnity	важливість, законність
misleading	помилковий
to enact	постановляти, вводити закон
wholesale	повний, масовий
subsidiary	допоміжний
ultimate	основний, кінцевий
a set of laws	збірка законів
a volume	обсяг
a legislation	законодавство
an enactment	постанова
a hallmark	критерій
to signify	визначати
to preponderate, to prevail, to be predominant	переважати

SOURCES OF LAW

The courts are the interpreters and declarers of the law, the "sources" of law are therefore the sources to which the courts turn in order to determine what it is.

Laws are traditionally divided into two main categories according to the solemnity of the form in which they are made. They may either be written or unwritten. These traditional terms are misleading, because the expression "written" law signifies any law that is formally enacted, whether reduced to writing or not, and the expression "unwritten" signifies all unenacted law.

On the Continent the volume of written law tends to preponderate over the volume of unwritten. But in England unwritten law is predominant, for more of the law derives from judicial precedents than from legislative enactments.

Parliament has not adopted the system of wholesale codification which prevails in many continental countries.

Two principal and two subsidiary sources of English law must be mentioned. These principal sources are Legislation, and Judicial Precedent; the subsidiary sources are customs and Books of Authority.

Legislation is enacted law. In England the ultimate legislator is Parliament.

Parliament has no rival within the legislative sphere – and it means that there is no legal limit to the power of Parliament.

In the legislative sphere Parliament is legally "sovereign" and master, but this does not mean that the courts have no influence upon the development of enacted law; in order to be applied, every enactment has to be interpreted and the courts are the recognized interpreters of the law.

In all countries, at all times, the decisions of courts are treated with respect, and they tend to be regarded as "precedents" which subsequent courts will follow when they are called upon to determine issues of a similar kind.

This reliance upon precedent has been both the hallmark and the strength of the common law. Its rules have been evolved inductively from decisions involving similar facts, so that they are firmly grounded upon the actualities of litigation and the reality of human conduct. And new cases lead onwards to reach forward to new rules.

Customs are social habits, patterns of behaviour. Customs should be considered as one of the principal sources of law for much law was originally based upon it.

Some customary rules are observed in their own right and they command almost as much obedience as rules of law proper; they only differ from rules of law in that their observance is not enforced by the organs of the state.

In England there are certain "books of authority", written by authors of outstanding eminence, which may not only be cited as independent sources in themselves for the law of their times but which also carry a weight of authority almost equal to that of precedents.

Many textbooks are now in practice constantly cited in the courts, though only the best of them are likely to command attention.

The reason is that in comparatively recent years a large increase in the popularity of the study of English law has done much to improve the quality of legal writing and to increase the volume of legal literature.

Task 1. Give the Ukrainian equivalents of the following words and expressions:

rules, to improve, to increase the popularity, human conduct, to treat with respect, principal, misleading terms, independent sources, to adopt the law, to involve, social habits, to preponderate, precedent, subsequent courts, legal, obedience, the ultimate legislator, hallmark.

Task 2. Give the English equivalents of the following words and expressions:

ставитися з повагою, головний, правила, людська поведінка, незалежні джерела, помилкові терміни, збільшити популярність, вдосконалювати, прийняти закон, включати в себе.

Task 3. Match the following word-expressions and their definitions:

1. written law	a) all unenacted law
2. unwritten law	b) the process of making or defending a claim in a court of law
3. judicial precedent	c) any law that is formally enacted
4. “Books of Authority”	d) social habits, patterns of behavior
5. customs	e) the decisions of courts
6. litigation	f) legal literature written by authors of outstanding eminence

Task 4. Translate the words into English and complete the following sentences with the appropriate term:

джерела, категорії, звичаї, авторитетні видання, обсяг, законодавство

1. … is enacted law.
2. … are social habits, patterns of behavior.
3. On the Continent the … of written law tends to preponderate over the … of unwritten.
4. Two principal and two subsidiary … of English law must be mentioned.
5. Laws are traditionally divided into two main … according to the solemnity of the form in which they are made.
6. Many … are now in practice constantly cited in the courts.

Task 5. Answer the following questions:

1. What bodies are the interpreters and declares of the law?
2. What categories are laws traditionally divided into?
3. What does the expression “written law” signify?
4. What are the two principal and subsidiary sources of English law?
5. What is the ultimate legislator in England?

6. What kind of law is predominant in England?

7. What does it mean that Parliament has no rival within the legislative sphere?

8. What are customs?

9. What is the difference between customary rules and laws?

10. What does the term “books of authority” mean?

11. Is there the system of wholesale codification in England?

12. How do the decisions of courts tend to be regarded?

Task 6. Translate the following sentences into Ukrainian:

1. Parliament has not adopted the system of wholesale codification which prevails in many continental countries.

2. Customs should be considered as one of the principal sources of law for much law was originally based upon it.

3. In England unwritten law is predominant, for more of the law derives from judicial precedents than from legislative enactments.

4. Customs are social habits, patterns of behaviour.

5. In England the ultimate legislator is Parliament.

6. The courts are the interpreters and declarers of the law.

Task 7. Match the following English words and expressions with their Ukrainian equivalents:

1. rules	a) людська поведінка
2. to improve	b) ставитися з повагою
3. principal	c) включати в себе
4. human conduct	d) правила
5. to increase the popularity	e) головний
6. to treat with respect	f) збільшити популярність
7. to involve	g) покращувати, вдосконалювати
8. to adopt the law	h) помилкові терміни
9. independent sources	i) прийняти закон
10. misleading terms	j) незалежні джерела

Task 8. Make up the sentences using the following words:

1. the courts, in, many, constantly, in practice, cited, textbooks, now, are.
2. legally, Parliament, legislative, is, sphere, the, "sovereign", in.
3. the ultimate, England, is, Parliament, in, legislator.
4. the power, is, legal, no, of, limit, there, to, Parliament.

Task 9. Find in the basic text the synonyms to the words in italics:

1. On the Continent the volume of *enacted* law tends to preponderate over the volume of *unenacted* law.
2. Two *main* and two *secondary* sources of English law must be mentioned.
3. *Traditions* are social habits, patterns of behaviour.
4. In England there are certain "Books of Authority", written by *famous* authors.
5. Many *manuals* are now in practice constantly cited in the courts.
6. Traditional terms written or unwritten laws are *mistaken*.
7. In England the *principal* legislator is Parliament.

Task 10. Agree or disagree with the following statements:

1. The Parliament is the interpreter and declarer of the law.
2. In England written law tends to preponderate.
3. Legislation is enacted law.
4. The decisions of courts aren't always treated with respect.
5. In many continental countries the system of wholesale codification prevails.
6. There is no legal limit to the power of Parliament.
7. Not all enactments have to be interpreted.
8. The lawyers are the recognized interpreters of the law.
9. Judicial Precedents are firmly grounded upon the actualities of litigation and the reality of human conduct.

10. Courts have no influence upon the development of enacted law.

Task 11. Put these sentences into Past Simple tense:

1. The volume of legal literature increases.
2. "The books of authority" carry a weight of authority almost equal to that of precedents.
3. Parliament has no rival within the legislative sphere.
4. Some customary rules are observed in their own right.
5. Laws are traditionally divided into two main categories.
6. New cases lead onwards to reach forward to new rules.

Task 12. Explain the meaning of the following expressions. Make up sentences with each of them:

1. written and unwritten laws
2. judicial precedent
3. "books of authority"
4. custom
5. principal and subsidiary sources of law.

Task 13. Debate on the following issues:

1. The difference between custom and law.
2. Principal and subsidiary sources of law.
3. The difference between written and unwritten laws.

Task 14. Skim the text and find the passages dealing with:

- principal and subsidiary sources of English law.
- the role of Parliament as the source of English law.
- the role of courts.
- customs.
- "books of authorities".
- the system of wholesale codification.

Task 15. Translate the text into English:

Суди інтерпретують та проголошують закони. Закони традиційно поділяються на дві головні категорії: вони можуть бути «писаними» або «неписаними». У Великій Британії домінують «неписані» закони, що походять здебільшого від судових прецедентів.

Два основних джерела англійського права – це законодавчі акти та судові прецеденти. Допоміжними джерелами є звичаї та авторитетні видання. Законодавчі акти – це закони, прийняті Парламентом. Парламент є основним законодавчим органом Великої Британії.

Рішення судів мають тенденцію вважатись «судовими прецедентами», якими керуються суди, щоб вирішити схожі справи. Звичаї – це соціальні звички та зразки поведінки. У Великій Британії є певні авторитетні видання написані визначними авторами, які можуть цитуватись не тільки як незалежні джерела, а й як закони, що є рівнозначними прецедентам.

SUPPLEMENTARY READING

Task 1. Read the text and tell what information is new for you:

SOURCES OF LAW IN THE UNITED KINGDOM

United Kingdom law originates from legislative sources and judicial sources. Legislative sources consist of domestic law, which includes primary legislation, known as Acts of Parliament or statutes; secondary or delegated legislation; and European Union legislation and the European Convention on Human Rights. Judicial sources consist of common law and equity precedents, known as case law. In addition, there are a number of minor sources, such as textbooks and commentaries by legal writers.

Domestic law also includes important statutes enacted by Parliament over the centuries, such as the Magna Carta 1215, which embodies the principle that government must be conducted according to the law and with the consent of the governed, the Bill of Rights 1689, which impose limitations on the powers of the monarch, and the Act of Settlement 1701, which establish the constitutional independence of the judiciary.

In the United Kingdom, authority of parliament is a fundamental principle of the British democratic constitution and is significant for two reasons.

Firstly, Parliament is the originator of the most important source of law, Acts or statutes, emanating from the parliamentary chambers of the House of Commons and the House of Lords. Secondly, Parliament may delegate power to a government minister and the law that is enacted is referred to as secondary or delegated legislation, which is published as Statutory Instruments (SIs), By-laws, and Orders in Council. Judicial sources derived from common law and equity precedents are both subordinate to legislation, which means that Acts of Parliament take priority in case of conflict between primary legislation and judicial sources, that is, judge-made law as developed through cases. The reason for this is constitutional because under the UK's unwritten constitution Parliament is the

supreme legal authority to make laws without restriction. In other words, Parliament can enact or repeal any law that it likes on any topic and courts cannot declare that Acts of Parliament are invalid. This results in the doctrine of parliamentary sovereignty or parliamentary supremacy – sovereignty itself being a derived form of Latin super ("over") meaning "chief", "ruler".

Unlike Acts of Parliament, delegated legislation can be challenged in the courts via the doctrine of ultra vires – Latin term meaning "outside one's legal power or authority". Ultra vires is when the law goes beyond the powers which were granted by Parliament in the Enabling Act, so that any delegated legislation can be declared void by the court.

Task 2. Read the text and work over the italicized terminology:

SOURCES OF LAW IN THE UNITED STATES OF AMERICA

The primary sources of law in the United States are:

– United States constitution

– state constitutions

– federal and state legislation also known as *statutory law*

– case law, and

– *administrative regulations*.

The US Constitution is the "supreme Law of the Land", meaning that *federal statutes*, *state statutes*, *judicial opinions* and *administrative laws* must all comply with the Constitution's rules. So, the Constitution is the foundation of the federal government of the United States and establishes *the fundamental freedoms* and rights of people contained in the Bill of Rights.

The United States Congress, the federal legislative body consisting of the House of Representatives and the Senate, enacts federal statutes and these statutes apply in all 50 states. State statutes are enacted by the 50 state legislatures which are separate sovereigns with their own *state constitutions*, *state governments*, and *state courts*, and therefore apply only within the state. Courts then must apply statutes to the facts of a case. If no statute exists, courts defer

to case law, consisting of judicial interpretations of the Constitution, a statute or common law. Federal law is superior to state law, which means that federal law must be applied in case of conflict between federal and state law.

Task 3. Read the text paying special attention to the most important definitions:

SOURCES OF LAW IN THE EUROPEAN UNION

The sources of European Union law originate from:

– primary legislation, consisting of several treaties which contain broad statements of principles and policies pursued by the Union, and

– secondary legislation, consisting of law made by the Council, Parliament and Commission under the authority of the various treaty articles.

Secondary legislation comprises:

– Regulations, Directives and Decisions, referred to as binding legal acts, and

– Recommendations and Opinions, referred to as non-binding acts.

Like primary legislation, secondary legislation constitutes hard law and differs from non-binding instruments, which constitute soft law. In EU constitutional law, a distinction is made between direct applicability and direct effect. Direct applicability is the principle that a provision of EU law immediately becomes part of the law of a member state without the need for the member state to enact its own law on the matter. This provision is said to be self-executing. Direct effect is the principle that Union law may confer rights on individuals or institutions which the courts of EU member states must recognise and enforce.

So, the Union can adopt:

– Regulations – these have general, binding and direct applicability in all member states, meaning that they cannot be varied or amended by national legislation.

– Directives – these are binding on the member states as to the results to be achieved, but leave open to each member state the form and method of implementation (or transposition).

– Decisions – these are binding in their entirety upon those to whom they are addressed. As an individual measure ruling on a particular matter, a Decision must specify the person to whom it is addressed. This feature distinguishes a Decision from a Regulation.

There are, in addition, advisory recommendations and opinions which do not confer any rights or obligations on those to whom they are addressed, but may provide guidance as to the interpretation and content of Union law.

Together with the primary law (treaties) and the case law of the European Court of Justice, these secondary instruments comprise the Community acquis – the body of EU law.

Unit 4
THE HISTORICAL SOURCES OF LAW

Warming-up:

1 How are laws created in your country? Do you think that system works well?

2 How do national and local laws differ?

Vocabulary notes:

common law	загальне право
suitor	позивач
relief	допомога
Chancellor	Лорд Канцлер
summon before a judge	викликати до суду
Court of Chancery	суд справедливості
petition	прохання, клопотання
branch of equity	гілка права справедливості
overawe/ intimidate	примушувати до покори, залякувати
equitable remedy	засіб судового захисту по праву справедливості
equitable rules	безсторонні (неупереджені) правила
specific performance	реальне виконання прийнятого зобов'язання
injunction	судова заборона, заборонна норма
common law action	дії на основі норм загального права
Supreme Court of Judicature	Верховний суд Англії
friction	суперечка
court verdicts	судові рішення, постанови судді

to fail to give redress	не спромогтися надати відшкодування
to petition smb.	подавати прохання, клопотання, петицію, позикову заяву до суду
to harden into law	закріпити законом
rectification	виправлення помилок, внесення поправок
at smb.discretion	на чийсь розсуд
rescission	скасування, ліквідація
to administer law	провадити в життя закони
to obtain fairness	досягти законності
to govern the application of equity	контролювати застосування норм права справедливості
to overrule a precedent / to reject a precedent	відхиляти прецедент

Task 1. Review the text using the vocabulary notes:

EQUITY

In a general sense equity means fairness. In English law, equity means that body of rules originally enforced only by the Court of Chancery. Equity has been described as "a gloss (meaning a supplement) on the common law", filling in the gaps and making the English legal system more complete.

Petitions from persons unable to obtain justice in the common law courts were sent to the King as "fountain of justice". These petitions were sometimes examined by the King and Council and the relief was granted or refused. Later, due to pressure of business in the Council, the petitions were sent to the Lord Chancellor who, as Chief Secretary of State and "Keeper of the King's Conscience", dealt with them alone. The petitions were usually in the form of allegations that:

a) The common law was defective, e.g. the law of contract was undeveloped and inadequate to serve the growing needs of suitors.

b) The remedy of the common law courts, namely damages, was not always a satisfactory relief.

c) The defendant was too powerful; people of wealth and power in a county could overawe a court and intimidate jurors.

d) The court lacked jurisdiction to decide certain cases, e.g. where foreign merchants were suitors.

By the end of the fifteenth century the Chancellor had set up a separate court which dealt with petitions for relief. The Chancellor was not bound by the writ system or the technical and formal rules of the common law, and considered petitions on the basis of conscience and right.

At first the Chancellor used to consult the Council and sometimes the common law judges, but eventually it became customary to summon the parties to the dispute to appear before the Chancellor alone to answer "interrogatories" (specific questions relevant to the issue) and to unburden their consciences so that the truth could be ascertained and justice done.

The Court of Chancery proved popular with litigants and this caused friction with the common law courts. Jurisdiction was lost to the Chancery Court. Sometimes the courts of common law and the Chancery Court issued contradictory verdicts, and relations between the courts became difficult. The dispute came to a head under James I (1603-25) in the *Earl of Oxford's* case (1616). The common law courts, headed by Chief Justice Coke, gave a judgment which was alleged to have been obtained by fraud. The Chancellor, Lord Ellesmere, issued an injunction preventing the successful party from proceeding to enforce the judgment, whereupon the dispute was referred to the King for decision. The King sought the views of Sir Francis Bacon (Attorney-General) who advised that *where common law and equity conflicted, equity should prevail*. Although competition between the courts of common law and equity continued, the right of the Chancellor to grant injunctions thereafter was not seriously challenged. Matters were finally resolved by the passing of the Judicature Acts, 1873-5.

These Acts set up a new structure of courts known as the Supreme Court of Judicature. In addition the Acts laid down four important principles:

a) Equity and common law should in future be administered side by side in all courts.

b) Where there is a conflict between a rule of equity and a rule of common law with reference to the same matter, the rule of equity should prevail.

c) Evidence could be given in court orally.

d) Rules of the Supreme Court of Judicature were to be formulated with regard to procedural matters.

The final result of the Acts was the fusion of administration of both common law and equity. Certain matters, e.g. trusts, originally dealt with by the Court of Chancery were assigned with other matters to the Chancery Division of the High Court. All courts could henceforward award common-law remedies, e.g. damages, and grant the special equitable remedies of which the following are the most important:

a) Injunction, an order of the court in the form of a decree compelling the defendant in a case to cease from doing certain acts.

b) Specific Performance of contracts where the common law remedy of damages is inadequate to compensate the plaintiff.

c) Rescission of Contracts.

d) Rectification.

e) Relief against Penalties, Fraud, and Undue Influence.

These remedies are at the discretion of the court unlike the common law remedy of damages which is “of right”. The discretion is exercised on equitable principles, e.g. “He who comes to equity must come with clean hands”.

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

I	
1. court of common law	a) судова заборона

2. rescission	b) міри покарання за правом справедливості
3. overawe	c) засіб судового захисту
4. equitable remedies	d) Акт про судоустрій
5. injunction	e) ліквідація, відміна
6. equitable rules	f) норми звичаєвого права
7. relief	g) примушувати до покори, залякувати
8. the Court of Chancery	h) суд звичаєвого права
9. rules of common law	i) норми права справедливості
10. Judicature Act	j) канцлерський суд
II	
1. to obtain justice	a) створити Верховний суд
2. to set up a special court	b) займатися, мати справу
3. to cause friction	c) дістати правосуддя
4. to deal with	d) створити спеціальний суд
5. to prevail	e) спричинити суперечку
6. to petition smb.	f) виправлення помилок, внесення поправок
7. to summon the parties	g) застосовувати норми права справедливості
8. rectification	h) подавати прохання до когось
9. to establish the Supreme Court	i) переважати
11. administer equity	j) викликати сторони

Task 3. Find in the text the terms that correspond to the following definitions and translate them into Ukrainian:

a) to order to come; send for, esp. to attend court, by issuing a summons

b) body of law developed by the Court of Chancery;

c) an instruction or order issued by a court to a party to an action, esp. to refrain from some act, such as causing a nuisance;

d) someone involved in a lawsuit;

e) a formal application in writing made to a court asking for some specific judicial action;

f) redress of a grievance or hardship;

g) to prove to be guiltless or blameless;

h) to annul or repeal, to put an end to, as laws, customs, or conditions of existence.

Task 4. Use the information given in the text to answer the questions. Discuss your answers with the group:

1. Why did the King set up the Court of Chancery?
2. What did the petitions deal with?
3. What are equitable remedies?
4. Which rules prevail in case of conflict between rules of law and equity?
5. What principles were laid down after the Judicature Act 1873?
6. What was established as a result of the Judicature Act 1873?
7. What principles were laid down by the Judicature Acts, 1873-5?

Task 5. Read the text and pick out the main points about equity:

THE DEVELOPMENT OF EQUITY

The word “equity” means fair or just in its wider sense, but its legal meaning is the rules developed to mitigate the severity of the common law.

Petitioning the King

Disappointed litigants began to petition the King as the “Fountain of Justice”, the procedure being to present a petition (or bill) asking him to do justice in respect of some complaint. For a time the King in Council determined these petitions himself, but as the work increased he passed them to the Chancellor as the “Keeper of the King's Conscience”.

The Chancellor was usually a clergyman, generally a bishop, and learned in the civil and canon law. The King, through his Chancellor, eventually set up a special court, the Court of Chancery, to deal with these petitions. The Chancellor supervised the Chancery where clerks (who originally worked behind a wooden screen – *cancelleria* – hence Chancery) issued writs, commissions and other legal documents.

The Chancellor dealt with these petitions on the basis of what was morally right. The Chancellor would give or withold relief, not according to any precedent, but according to the effect produced upon his own individual sense of right and wrong by the merits of the particular case before him.

In 1474 the Chancellor issued the first decree in his own name, which began the independence of the Court of Chancery from the King's Council.

New Procedures

Equity was not bound by the writ system and cases were heard in English instead of Latin. The Chancellor did not use juries and he concerned himself with questions of fact. He could order a party to disclose documents. The Chancellor issued subpoenas compelling the attendance of the defendant or witnesses whom he could examine on oath.

New Rights

Equity created new rights by recognising trusts and giving beneficiaries rights against trustees. (A trust arises if one party gives property to trustees to hold for the use of beneficiaries.) The common law did not recognise such a device and regarded the trustees as owners.

Equity also developed the equity of redemption. At common law, under a mortgage, if the mortgagor had not repaid the loan once the legal redemption date had passed, he would lose the property but remain liable to repay the loan. Equity allowed him to keep the property if he repaid the loan with interest. This right to redeem the property is known as the equity of redemption.

New Remedies

Equity created new remedies:

a) Specific performance, which is an order telling a party to perform their part of a contract. This was useful where damages were not adequate, eg, in the sale of land. Thus if the seller refused to sell after signing a contract, the buyer could obtain an order of specific performance making the seller sell the house.

b) Rectification, which allowed a written document to be changed if it did not represent the actual agreement made by the parties.

c) Rescission, which allowed parties to a contract to be put back in their original position in the case of a contract induced by a misrepresentation.

d) Injunctions, usually an order to stop a person doing a particular act, like acting in breach of contract (a prohibitory injunction).

Task 6. Discuss your ideas in pairs and then exchange opinions with the whole group:

1. Does your legal system have rules of equity?
2. Was equity developed because in many situations there was no legal remedy available at common law?
3. Do the rules of equity remain different from the rules of common law?

Task 7. Read the text consulting a dictionary where necessary and pick out the main points about the sources of law in Great Britain:

ROMAN LAW

Roman law in a broader sense refers not only to the legal system of ancient Rome, but also to the law that was applied throughout most of Western Europe until the end of the 18th century. In some territories like the one occupied nowadays by Germany the practical application of Roman law in the past due to the ancient Holy Roman Empire lasted even longer. For these reasons, many

modern civil law systems in Europe and elsewhere are heavily influenced by Roman law. This is especially true in the field of private law. Even the English and North American Common law owes some debt to Roman law although Roman law exercised much less influence on the English legal system than on the legal systems of the continent. The influence of Roman law is shown by the wealth of legal terminology, retained by all legal systems, like *stare decisis*, *culpa-in-contrahendo*, or *pacta sunt servanda*, though often these were just Latin terms inherited from when "learned" literature was all written in Latin. In contrast with Western Europe, Eastern European countries, though heavily influenced by the Byzantine Empire from which the Corpus Juris Civilis came, were not significantly influenced by the Corpus. They were, however, influenced to some degree by the Roman Farmer's Law.

Roman legal development

Before the Twelve Tables (754-449 BC), private law consisted of the old Roman civil law (*jus civile Quiritium*), which applied only to Roman citizens. It was closely bonded to religion and it was undeveloped with attributes of strict formalism, symbolism and conservatism, such as the highly-ritualised practice of Mancipatio, a form of sale. The jurist Sextus Pomponius said, "At the beginning of our city, the people began their first activities without any fixed law and without any fixed rights: all things were ruled despotically by kings". It has been suggested that the ancient roots of the Roman Law derive directly from the Etruscan religion, which puts great emphasis on rituality.

The Twelve Tables

According to traditional, semi-legendary historical accounts, during the earliest period of the Republic the laws were kept secret by the pontifices other representatives of the patrician class, and were enforced with untoward severity, especially against the plebeian class. A plebeian named Terentilius proposed in 462 BC that an official legal code should be published, so that plebeians could not be surprised and would know the law.

Patricians long opposed this request, but in 455 CB, the first Decemvirate, or board of ten men, was appointed to draw up the first ten tables. They allegedly sent an embassy to Greece to study the legislative system of Athens, known as the Solonian Constitution, but also to find out about the legislation of other Greek cities. In 450 B.C. the second decemviri started work on the last 2 tables.

The first Decemvirate completed the first ten codes in 450 BC. Here is how Livy describes their creation, "...every citizen should quietly consider each point, then talk it over with his friends, and, finally, bring forward for public discussion any additions or subtractions which seemed desirable". In 449 DC, the second Decemvirate completed the last two codes the Law of the Twelve Tables was formally promulgated. The Twelve Tables were drawn up on twelve ivory tablets (Livy says bronze) which were posted in the Roman Forum so that all Romans could read and know them.

The laws of the Twelve Tables were not a comprehensive statement of all law; they are a sequence of definitions of various private rights and procedures, similar to a bill of rights. They generally took for granted such things as the institutions of the family and various rituals for formal transactions.

For such an important document, it is somewhat surprising that the original text has been lost. The original tablets were destroyed when the Gauls under Brennus burnt Rome in 390 BC. There was no other official promulgation of them to survive, only unofficial editions.

THE CODE OF HAMMURABI

The Code of Hammurabi was one of several sets of laws in the Ancient Near East. These codes come from similar cultures in a relatively small geographical area, and they have passages which resemble each other. The code is often pointed to be a primary example of even a king not being able to change fundamental laws concerning the governing of a country which was the primitive form of what is now known as a constitution.

The Babylonians and their neighbors developed the earliest system of economics that was fixed in a legal code, using a metric of

various commodities. The early law codes from Sumer could be considered the first (written) economic formula, and had many attributes still in use in the current price system today... such as codified amounts of money for business deals (interest rates), fines in money for 'wrong doing', inheritance rules, laws concerning how private property is to be taxed or divided, etc.

These are seven example laws, in their entirety, of the Code of Hammurabi, translated into English:

1. If anyone ensnares another, putting a ban upon him, but he cannot prove it, then he that ensnared him shall be put to death.

2. If anyone brings an accusation against a man, and the accused goes to the river and leaps into the river, if he sinks in the river his accuser shall take possession of his house. But if the river proves that the accused is not guilty, and he escapes unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.

3. If anyone brings an accusation of any crime before the elders, and does not prove what he has charged, he shall, if a capital offense is charged, be put to death.

4. If a Builder builds a house for someone, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death.

5. If a man gives his child to a nurse and the child dies in her hands, but the nurse unbeknown to the father and mother nurses another child, then they shall convict her of having nursed another child without the knowledge of the father and mother and her breasts shall be cut off.

6. If anyone steals the minor son of another, he shall be put to death.

7. If a man takes a woman to wife, but has no intercourse with her, this woman is no wife to him.

There are 281 such laws in the Code of Hammurabi, each no more than a sentence or two. The 282 laws are bracketed by a Prologue in which Hammurabi introduces himself, and an Epilogue

in which he affirms his authority and sets forth his hopes and prayers for his code of laws.

MOSAIC LAW

Another code of early law is the Code of Hebraic, or Mosaic Law of about 1400 BC. The Mosaic Law or Law of Moses is the law given through Moses to the Israelite people (the original Jewish people) per the Mosaic Covenant and consigned in the Torah (or Five Books of Moses, the Pentateuch). In the Torah and the Christian Testaments, it is simply called "the Law".

Depending on context and in widening order, Mosaic Law may refer to the observance of:

• The Ten Commandments, basis for the 613 Commandments.

• The 613 Commandments (613 Mitzvot), basis for the Biblical law.

• The Biblical law, the legal aspects of the Torah.

• The Torah, the founding texts of Judaism, first part of the Tanakh.

Less commonly, Mosaic Law may also refer to the observance of:

• The Tanakh, the Bible used in Judaism.

• The Halakha, collective body of Jewish religious law, the Jewish law.

Task 8. Match the synonyms:

1. a code	a) a hand-book
2. to set up	b) to compile
3. to undergo changes	c) thriving
4. highly developed	d) to reveal
5. to show	e) to establish
6. a reference book	f) to be influenced by
7. to draw up	g) a set of laws
8. to fulfill	h) to write a code

Task 9. Insert the prepositions if necessary:

1. These legal principles are still … use.
2. These codes are based … Roman law principles.
3. Roman law developed … the Law of the Twelve Tables.
4. … this way local rules became a part of Roman law.
5. These laws deal ... commerce.

Task 10. Read and comprehend the text:

EXCERPTS FROM THE TWELVE TABLES

TABLE I (Civil procedure)

Si in jus vocat, ito. Ni it, antestamino. Igitur em capito.

If someone is called to go to court, he has to go. If he doesn't go, a witness should be called. Only then should he be captured.

Si calvitur pedemve struit, manum endo iacito. Si morbus aevitasve vitium escit, iumentum dato. Si nolet, arceram ne sternito.

If he shirks or flees, he should be captured. If illness or old age is an impediment, let him be given a carriage. If he doesn't want it, it should not be covered.

Adsiduo vindex adsiduus esto. Proletario iam civi quis volet vindex esto.

Only a landowner should be surety for another landowner. But any citizen can be surety for a proletarian.

Rem ubi pacunt, orato. Ni pacunt, in comitio aut in foro ante meridiem caussam coiciunto. Com peroranto ambo praesentes. Post meridiem praesenti litem addicito. Si ambo praesentes, solis occasus suprema tempestas esto.

When parties have made an agreement, announce it. If they don't agree, they shall state their case in the Forum before noon. They shall plead together in person. After noon, let the judge pronounce. If both are present, the case shall end at sunset.

TABLE II (Civil procedure)

... morbus sonticus ... aut status dies cum hoste ... quid horum fuit unum iudici arbitrove reove, eo dies diffensus esto.

Serious illness ... or else a day appointed with an enemy; ... if any of these is an impediment for the judge or any party, on that day proceedings must end.

Cui testimonium defuerit, is tertiis diebus ob portum obvagulatum ito.

One who seeks the testimony from an absent person should wail before his doorway every third day.

TABLE III (Debt)

Aeris confessi rebusque iure iudicatis XXX dies iusti sunto.

A person who admits to owing money or has been adjudged to owe money must be given 30 days to pay.

Post deinde manus iniectio esto. In ius ducito. Ni iudicatum facit aut quis endo eo in iure vindicit, secum ducito, vincito aut nervo aut compedibus XV pondo, ne maiore aut si volet minore vincito. Si volet suo vivito, ni suo vivit, qui eum vinctum habebit, libras faris endo dies dato. Si volet, plus dato.

After then, the creditor can lay hands on him and haul him to court. If he does not satisfy the judgment and no one is surety for him, the creditor may take the defendant with him in stocks or chains with a weight of no more than 15 lbs. (or less if he desires). The debtor may live where he wishes. If he does not live on his own, the creditor must give him a pound of wheat a day. If he wants to he may give more.

Tertiis nundinis partis secanto. Si plus minusve secuerunt, se fraude esto.

On the third market day, (creditors) may cut pieces. If they take more than they are due, they do so with impunity.

Adversus hostem aeterna auctoritas esto.

Against a foreigner, the right of property is valid forever.

TABLE IV (Parents and children)

Cito necatus insignis ad deformitatem puer esto.

An obviously deformed child must be put to death.

Si pater filium ter venum duit, filius a patre liber esto.

If a father sells his son into slavery three times, the son shall be free of his father.

TABLE V (Inheritance)

Si intestato moritur, cui suus heres nec escit, adgnatus proximus familiam habeto. Si adgnatus nec escit, gentiles familiam habento.

If a person dies intestate without heirs, the nearest male kinsman shall inherit. If there is no near male kinsmen, his clansmen shall inherit.

Si furiosus escit, adgnatum gentiliumque in eo pecuniaque eius potestas esto.

If someone goes mad, his nearest male kinsman shall have authority over his property.

TABLE VI (Property)

Cum nexum faciet mancipiumque, uti lingua nuncupassit, ita ius esto.

When someone makes bond or conveyance and announces it orally, right shall be given.

Tignum iunctum aedibus vineave sei concapit ne solvito.

No one must displace beams from buildings or vineyards.

TABLE VII (Real Property)

Viam muniunto ni sam delapidassint, qua volet iumento agito.

[A property owner must] build a road [if there is a right-of-way]; if they become dilapidated, passersby can drive their beasts where ever they want.

Si aqua pluvia nocet ... iubetur ex arbitrio coerceri.

If runoff [from someone else's property] does damage, he shall be made to fix it by the judge.

TABLE VIII (Torts)

Qui malum carmen incantassit ...

Those who have incanted an evil song ...

Si membrum rupsit, ni cum eo pacit, talio esto.

If one has maimed another and does not buy his peace, let there be retaliation in kind.

Manu fustive si os fregit libero, CCC, si servo, CL poenam subito si iniuriam faxsit, viginti quinque poenae sunto.

Someone who breaks another's bone by hand or club must pay 300 sesterces; for a slave, 150; if he has done simple harm against another, 25.

Qui fruges excantassit ... neve alienam segetem pellexeris.

Someone who kills crops with a spell, or another's corn ...

Patronus si clienti fraudem fecerit, sacer esto.

If a patron defrauds his client, let him be outlawed.

Qui se sierit testarier libripensve fuerit, ni testimonium fatiatur, inprobus intestabilisque esto.

If one has been called to witness, or hold the scales, unless he gives his testimony, let him be dishonoured and incapable of further testimony.

Si telum manu fugit magis quam iecit, arietem subicito.

If an object flies unaimed from your hand rather than aimed [and causes injury], you will owe a ram.

TABLE IX (Constitutional principles)

Privilegia ne irroganto.

4. The penalty shall be death for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision.

5. Treason: he who shall have roused up a public enemy or handed over a citizen to a public enemy must suffer capital punishment.

6. Putting to death of any man, whosoever he might be unconvicted, is forbidden.

TABLE X (Funeral regulations)

Hominem mortuum in urbe ne sepelito neve urito.

No dead man may be cremated nor buried in the City.

Qui coronam parit ipse pecuniave eius honoris virtutisve ergo arduitur ei ...

When a man wins a crown, or his slave or cattle win a crown for him, ...

Neve aurum addito. at cui auro dentes iuncti escunt. Ast in cum illo sepeliet uretve, se fraude esto.

No one must add gold (to a funeral pyre). But if his teeth are held together with gold, and are buried or burnt with him, it shall be with impunity.

TABLE XI (Marriage)

Conubia plebi cum patribus sanxerunt.

Marriages between plebeians and patricians are prohibited.

Men in the army may not wed until training is complete.

TABLE XII (Crimes)

Si servo furtum faxit noxiamve noxit.

If a slave has committed theft or harm.

Si vindiciam falsam tulit, si velit is ... tor arbitros tris dato, eorum arbitrio ... fructus duplione damnum decidito.

Someone who has brought a false claim shall be brought before three judges, and shall pay a double penalty or be sent to death if he cannot do the time.

Task 11. Agree or disagree with the statements:

1. The Ten Commandments are based on moral standards of behaviour.

2. In common law, judges resolve disputes by referring to statutory principles arrived at in advance.

3. Roman law is based on the principle of deciding cases by reference to previous judicial decisions, rather than to written statutes drafted by legislative bodies.

4. The Napoleonic Code was introduced into a number of European countries, notably Belgium, where it is still in force. It also became the model for the civil codes of Quebec Province in Canada, the Netherlands, Italy, Spain, some Latin American republics, and the state of Louisiana.

Task 12. Make up the sentences with the following words:

influence, development, resolve, origin, reference, be in force, previous, will, tribal.

Task 13. Review the text:

SOURCES OF ENGLISH LAW

English law has developed from a number of sources: custom, the rules worked out by the common law courts and the courts of equity, canon law, the law merchant, legislation, etc. Moreover, the growth of substantive civil law has at common law been bound up with procedure, since a right existed only if it could be enforced.

The following is an outline of the sources of English law and of the courts and other institutions involved.

In Anglo-Saxon times there existed three fairly distinct legal systems: *The Dane Law*, which had been adopted after the invasions and settlement of Danish and Scandinavian warriors in the coastal areas of northern and northeastern England; *Mercian Law*, which bore traces of Germanic origin, following the Saxon invasions, and extended around the Midlands; *Wessex Law*, which applied in south and west England.

In each of the three systems the law was based on customs, and the customs varied from place to place and shire to shire. There was little distinction between criminal wrongs and civil wrongs at this time; the laws were generally primitive but nevertheless served to produce such good order as could be expected. But there were courts of law where cases were heard. The Anglo-Saxon courts before 1066 were:

1. The Shire Court (or Moot), presided over by the Sheriff, the Bishop, and the Ealdorman, and attended by the lords and freemen of the county, with the priest. This court sat twice a year.

2. The Hundred Court ("hundred" means a division of a shire), presided over by the Hundredman, assisted by twelve senior thanes.

3. The Franchise Courts, granted to certain persons by the monarch. The grantees were entitled to the profits, for the suitors or litigants who brought their cases to court for trial were required to pay fees. In Norman times the franchise courts were sometimes taken

over by the lords of the manor who, in deciding disputes between tenants of land, continued the practice of charging fees.

Of these three courts the shire court was the most important, but all enforced the local laws and all had jurisdiction to deal with obvious criminal offences, such as murder, theft, violence to person and property, and also the civil claims concerning ownership or possession of land or cattle - both very important sources of wealth.

The Anglo-Saxon system of keeping the peace was based *on frank-pledge*, a police organization which required every male over the age of 12 to belong to a "tithing", a group of ten or more persons under a headman. All in the tithing were mutually responsible for the offences of the others and were bound to produce the offender in court if called upon. Those who did not submit to justice in the courts were declared outlaws and could be killed with impunity. In most parts of England the succession to land on the death of an owner was determined by the rule of *primogeniture*, i.e. the first-born son inherited his father's land. But in some places it was different, e.g. in Kent the system of landholding was known as *gavelkind* and under it all sons inherited equally. In Bristol and Nottingham a system of *borough-English* applied, which provided that the youngest son inherited.

The procedure and the proof of guilt in Anglo-Saxon courts were primitive. Trial might be by ordeal, which was in effect an appeal to God or the supernatural. It might consist of ducking someone in a pool, and he was guilty if the water "rejected" him and innocent if he sank; or in an ordeal by fire a red-hot iron would be carried a distance of nine feet, whereby if the hands had not festered within a certain period after carrying the iron the offender had established his innocence.

Another form of proof in civil cases was compurgation. This consisted in the litigant repeating an oath word-perfect without stumbling. Sometimes the claimant was assisted by kinsmen who were oath helpers (or compurgators) and similarly swore. If they too repeated the oath successfully the claimant had "waged his law" and won his claim. Juries later superseded ordeal and compurgation.

Before the Norman Conquest there was no strong central government. The king with his council (or witan) had little control over his kingdom. Royal justice was difficult to obtain.

English legal development stems from 1066 when William of Normandy gained the Crown of England by right of battle. William and his Norman successors distinguished themselves in many ways. They possessed orderly minds and were efficient administrators. They crushed the rebellious English into submission and established a strong central government.

William owned all England: all other persons possessed land either as tenants (not owners) or sub-tenants of the King himself. Feudalism, based on land tenure, was introduced into England. No immediate change was attempted in regard to the customary laws of the English, for this would have been an insuperable task. Primitive people do not take kindly to radical alterations in their way of living.

The changes made by William I include the following:

a) The King's Council (*Magnum Concilium*) was set up. Here foregathered the barons, lords, bishops, and other important figures of the kingdom on whose advice and wisdom the monarch relied. Here was the strong central government.

b) A new feudalism was introduced. The King owned (in theory) all the land, and the barons, lords, bishops, and freemen held of him as tenants or sub-tenants. All tenants, whether barons or freemen, were compelled to swear an oath of allegiance to the King himself. Freemen owed allegiance as sub-tenants not only to a lord of the manor but also to the King, an important fact making for closer royal control.

c) Separation of lay courts and church (or clerical) courts, each with a definite jurisdiction. Bishops and clergy were henceforward to be tried in their own courts and Church (or canon) law was to be applied therein.

d) William and his successors achieved the uniformity of the law, making it the common law, by introducing the general ere.

Task 14. Using the information in the unit above, discuss the following:

1. There was always law in the community.
2. Influence of the earliest codes on modern law.

SUPPLEMENTARY READING

Task 1. Read and translate the text into Ukrainian:

EQUITY AND THE COMMON LAW

Rivalry between the Courts

The Court of Equity (or Chancery) became very popular because of its flexibility; its superior procedures; and its more appropriate remedies. Problems arose as to the issue of injunctions: the common law courts objected to the Chancellor issuing injunctions restraining the parties to an action at common law either from proceeding with it or, having obtained judgement, from entering it in cases where, in the Chancellor's opinion, injustice would result. Consequently, a certain rivalry developed between the two courts and this came to a head in the *Earl of Oxford's Case* (1616) 1 Rep Ch 1 in which the common law court gave a verdict in favour of one party and the Court of Equity then issued an injunction to prevent that party enforcing that judgement. The dispute was referred to the King who asked the Attorney-General to make a ruling. It was decided that in cases of conflict between common law and equity, equity was to prevail. From that time on the common law and equity worked together, side by side.

As equity was developing, it had no fixed rules of its own and each Chancellor gave judgement according to his own conscience. This led to criticism about the outcome of cases and John Selden, an eminent seventeenth century jurist, declared, “Equity varies with the length of the Chancellor's foot”. To combat this criticism Lord Nottingham (Lord Chancellor 1673-82) started to introduce a more systematic approach to cases and by the nineteenth century, equity had become as rigid as the common law. Delays were caused by an inadequate number of judges and the officials depended on fees paid by the litigants so that there was every incentive to prolong litigation for individual tasks and mulitply these tasks.

Some attempt was made to assimilate the remedies granted by the Court of Chancery and the common law courts. Thus under the Common Law Procedure Act 1854 the common law courts were

given some power to award equitable remedies and the Chancery Amendment Act 1858 gave the Chancellor the power to grant damages in addition to, or in substitution for, an injunction or a decree of specific performance.

The Judicature Acts 1873-75

The Judicature Acts 1873-75 rationalised the position. They created one system of courts by amalgamating the common law courts and the court of equity to form the Supreme Court of Judicature which would administer common law and equity.

The Supreme Court of Judicature consists of the High Court divided into divisions known as the Queen's Bench Division, Chancery Division, and the Probate, Divorce and Admiralty Division (re-named the Family Division in 1970 and the work reassigned); the Court of Appeal; and, since the Supreme Court Act 1981, the Crown Court. Each Division exercises both legal and equitable jurisdiction. Thus any issue can be adjudicated in any Division; and any point of law or equity can be raised and determined in any Division; but, for the sake of administrative convenience, cases are allocated to the Divisions according to their general subject-matter. Thus the court "is now not a Court of Law or a Court of Equity, it is a Court of complete jurisdiction." (*Pugh v Heath* (1882), per Lord Cairns.)

It was forseen that a court which applied the rules both of common law and of equity would face a conflict where the common law rules would produce one result, and equity another. Section 25 of the Judicature Act 1873 provided that if there was any conflict between these principles, then equity was to prevail. However, this did not fuse the principles of common law and equity, which still remain as separate bodies of rules. “The two streams have met and still run in the same channel, but their waters do not mix” (Maitland).

Task 2. Review the text:

NEW REMEDIES

In recent times the courts have used their equitable jurisdiction to develop new remedies:

Mareva Injunctions

In 1975 the Court of Appeal recognised the Mareva injunction for the first time. This is a court order freezing the assets of a party to an action or stopping that party moving the assets out of the country.

In *Mareva v International Bulkcarriers* [1975] 2 Lloyd's Rep 509, a shipowner let the "Mareva" to a foreign charterer, with payment half monthly in advance. The charterer defaulted on a payment. The shipowner found out that the charterers had money in an English bank and sought an injunction freezing the account. It was held that an order would be granted to stop the charterers from moving the money abroad before the case was heard. Normally the application will be ex parte, which means that one party applies without giving notice to the other side for if the other party did have notice, they could move the assets.

In *The Due Process of Law* (1980) Lord Denning described the Mareva injunction as "The greatest piece of judicial law reform in my time".

Anton Piller Orders

In 1974 the High Court started to grant what later became known as Anton Piller orders. This is an order to a defendant to allow the plaintiff on to the defendant's premises to inspect, copy or remove documents or other objects relating to the plaintiff's property. The aim is to stop the defendant removing or destroying vital evidence. The defendant may refuse entry, but such action would be regarded as contempt of court, for which the defendant could be sent to prison. Once again it is an ex parte application. The use of such orders was confirmed in the following case.

In *Anton Piller v. Manufacturing Processes Ltd* [1976] Ch 55, the plaintiffs made electrical equipment and employed the defendants as their agent in the UK. They suspected that he was selling their technical drawings to competitors and so applied for an order. The court held that an ex parte mandatory injunction would be granted, to the effect that the plaintiff could enter the defendant's premises and inspect relevant documents.

These orders have been used for breach of copyright, passing off and matrimonial disputes.

Task 3. Read and comprehend the text:

THE SUBJECT-MATTER OF EQUITY

It may be helpful to the understanding of equity to list the subjects which should properly be included within it. No list can be exhaustive. However, the following matters are assigned to the Chancery Division by the Supreme Court Act 1981:

– The sale, exchange or partition of land, or the raising of charges on land;

– The redemption or foreclosure of mortgages;

– The execution of trusts;

– The administration of the estates of deceased persons;

– Bankruptcy;

– The dissolution of partnerships or the taking of partnership or other accounts;

– The rectification, setting aside or cancellation of deeds or other instruments in writing;

– Probate business, other than non-contentious or common form business;

– Patents, trade marks, registered designs or copyright;

– The appointment of a guardian of a minor's estate;

– All causes and matters involving the exercise of the High Court's jurisdiction under the enactments relating to companies.

Task 4. Review the text:

CANON LAW

After the Norman Conquest, William I separated the courts of law into *lay courts* administering the common law, and *ecclesiastical* (or *church*) *courts.* In the early days the church courts were very important locally and nationally and assumed a wide jurisdiction. They were influenced by Roman law. The matters dealt with:

– clergy discipline;

– offences by clergy and laity against church doctrine, faith, and morality;

– marriage, e.g. declaring whether a lawful marriage had in fact taken place (if there was no valid marriage it was declared null); judicial separation (ordering that the parties be no longer bound to cohabit as man and wife, though not dissolving the marriage tie); and divorce (dissolving the marriage);

– legitimacy, e.g. declaring whether a child of a marriage was legitimate or the heir;

– wills of personal property, e.g. declaring whether a document was a lawful will, and the administration of the estates of deceased persons so far as personal property was concerned where the deceased left no will (i.e. was intestate). Realty (land) descended to the heir or other person in accordance with strict common law rules, and disputes as to ownership and possession of realty fell exclusively within the jurisdiction of the common law courts.

For church purposes England was divided into the Province of Canterbury and the Province of York, each in the charge of an archbishop. The two provinces were each divided into dioceses, each in the charge of a bishop. Each bishop had his Consistory Court for the diocese which he administered and which was in his spiritual charge. The presiding officer of this diocesan court was called a Chancellor and was appointed by the bishop as his representative in the court. Appeal from the bishops' diocesan courts went to the respective provincial courts of Canterbury (called the Court of Arches) and York (known as the York Chancery). From the provincial courts appeal lay to the Pope, until this right was abolished after the Reformation by the Statute of Appeals Act, 1532. The Statute of Appeals Act brought the church courts in England more and more under the control of the State, but their separate jurisdiction continued on into the nineteenth century.

However, in 1857, the jurisdiction in divorce, judicial separation, nullity and legitimacy was transferred to the Divorce Court which was set up in that year by the Matrimonial Causes Act.

Testamentary matters relating to wills were also transferred in 1857 from the church courts to a new Court of Probate.

The new civil courts of Probate and Divorce were staffed by civil lawyers who replaced the ecclesiastical lawyers, and the legal principles which had hitherto been enforced in the church courts and which had been based on canon law were incorporated in the law of England.

In 1875 the Probate Court and the Divorce Court were incorporated into the Supreme Court of Judicature set up by the Judicature Act, 1873. Probate is now dealt with in the Family Division and Chancery Division of the High Court. Divorce falls within the Family Division.

Task 5. Read and comprehend the text:

THE MERCHANT LAW

Mercantile law, or "law merchant", has been described as "Neither more nor less than the usages of merchants and traders … ratified by the decisions of the Courts of law which, upon such usages being proved before them, have adopted them as settled law" (Goodwin v. Robarts, 1875).

The law merchant in medieval times was applied in maritime courts found in coastal towns, and local courts found in certain market towns.

The Maritime Courts applied the customary maritime law which operated generally in western Europe and which was derived from the Laws of Oleron, the Consolato del Mare, the Laws of Wisby, and other Mediterranean maritime laws.

Jurisdiction included such matters as the hiring of ships, charter-parties, carriage of goods by sea, marine insurance, piracy and crimes on the high seas.

As England became a trading and seafaring nation the jurisdiction of the maritime courts increased. In 1482 the Lord High Admiral of England appointed on behalf of the Crown a special judge to take over the jurisdiction of the local maritime courts and extended their jurisdiction to include prize matters. Prize jurisdiction

determines whether a ship, with its cargo, captured during time by war by a belligerent is "prize", and, if so, how it is to be disposed of.

Local Courts administering mercantile or commercial law were of two kinds. In towns holding fairs at fixed times and places, courts were constituted on the spot and usually included the mayor assisted by one local trader and one foreign merchant. Justice was speedy and the unwritten law applied was based on the customs of merchants in buying, selling and delivering goods, bills of exchange, negotiable instruments and the like. The courts were sometimes called "Piepowder" courts, because the merchants attending them often came into court with dusty feet *(pieds poudres)*.The second group were known as the Courts of the Staple and were set up in certain "staple" towns which had a monopoly in trading in such staple goods as wool and leather. These courts also applied the law merchant.

In both the local courts and the staple courts the law contained an international flavour. This was because the Crown, wishing to encourage Continental trade, gave the foreign merchants and traders the protection of the law which applied to men of their kind generally throughout Europe. Accordingly justice was administered on the spot by the special courts constituted by the mayor with one local and one foreign merchant, Merchants and traders moving from one fair to the next could not wait for the justice of either the ordinary English local courts or the royal courts. In any case the common law of England was inadequate to deal with the contractual disputes of the traders.

Gradually, however, the courts merchant declined in importance as the common law courts became more efficient and reliable and became centralized in London. Moreover, limitations were imposed by statute in 1477 on the jurisdiction of the local courts merchant.

By the middle of the eighteenth century the common law courts had absorbed nearly all the jurisdiction of the courts merchant, except for the maritime law and prize law applied in the maritime courts.

Lord Mansfield, Chief Justice in 1756, was notable for his work in regard to the law merchant. He established the principle that once a judgment had been given on a mercantile custom, that custom became judicially recognized and no further proof of it needed to be given in a similar case in the future. Specially selected juries of merchants ensured continuity in the administration of mercantile law. Mansfield's work was carried on by other judges and resulted in the absorption of this branch of the law into the common law of England.

Local custom

A local custom is a usage or rule which has gathered the force of law and is binding within a defined area upon the persons affected thereby. Common examples are local rights of way or rights of common. A useful case which exemplifies the operation of law is the following:

M*ercer v. Denne (1905)*

Defendant owned part of a beach and proposed to erect houses thereon. Local fishermen sought to stop him by claiming that they had a local customary right to dry their nets on the land. Witnesses proved that the custom dated back for some seventy years and reputedly earlier. This raised the presumption of antiquity. Held: that the defendant must not build the houses on the land: the local customary right was upheld.

The onus of proof of a local custom rests on the person claiming that such a custom exists. Judicial recognition will be given and the custom will be enforced if it is:

– Reasonable.

– Certain as to the subject-matter of the right, the persons benefited by it and the locality.

– Local, in the sense that the custom must be applicable to a district known to law, e.g. a parish, manor, or shire.

– Of immemorial existence, i.e. must have existed from “the commencement of legal memory”: arbitrarily fixed at 1189, the first year of the reign of Richard I. Because of the difficulty of proving

this, courts presume that the custom existed then unless there is clear evidence of the contrary.

– Peaceably used. The custom must have been exercised peaceably, openly and as of right *(neeper vim, nee dam., necprecario).* If a right is exercised by permission, then it cannot be claimed to be exercised "of right" for the right can only be exercised in accordance with the permission.

– Continuously observed. This does not mean that the right must have been continuously exercised but that it could have been the right to do so being observed without interruption.

– Compulsory. Once established the custom must be local common law and legally effective because it is right and enforceable.

– Not contrary to any statute.

– Consistent, in the sense of being consistent with other customs and not contradictory to them.

Local customs must be distinguished from conventional usages, which are found and observed in particular occupations, trades or business or among professional groups. Following the analogy of the local custom, the courts have laid down certain principles. Every usage must be certain and reasonable and must have acquired notoriety (in the sense that the usage is well known and observed) in the trade or business to which it relates. In contracts, for example, there will usually be express terms, but in addition to these the court may, in construing the contract, imply a term or terms where the parties are deemed to have contracted on that basis. Thus, if a usage is shown to exist in a class of workers entitling members to, say, three months' notice terminating their engagements, this usage or trade custom will apply unless expressly negatived by the contract itself.

Dashwood v. Magniac (1897)

A had devised an estate to B with "a power to cut timber for the repair of the estate". Evidence was admitted to show what trees were included in the term "timber" in the locality. Held: that "timber" included beech in addition to the usual meaning of oak, ash, and elm.

Grant v. Maddox(1846)

Evidence was admitted in this case of a theatrical usage to show that the word "year" in a theatrical contract means those parts of the year during which the theatre is open.

Smith v. Wilson (1832)

A usage was proved and admitted that in a lease of a rabbit warren the words "thousand rabbits" meant in that particular locality twelve hundred. A more recent example is Egerton v. Harding (1974), where the duty to fence was held to be based on custom.

Unit 5
SYSTEMS OF LAW

Warming-up:

1. Is there any difference between the common-law system and the civil law system?

2. Which legal system operates in your country?

Vocabulary notes:

legal system	правова система
form of government	форма державного правління
common-law system	система загального права
civil law	римське цивільне право
case law	прецедентне право
statutes	статут, законодавчий акт
code	кодекс
derive from	походити
to apply the law system	застосовувати правову систему
to amend	вносити поправки
scholarly literature	наукові праці
court decision	судове рішення
legal precedent	судові прецеденти
private law	приватне право
contract law	договірне право
property law	право власності
public law	публічне право
estate in land	нерухомість
personal property	особиста власність
to decide court cases	вирішувати судові справи
to adopt a common-law system	прийняти систему загального права

to encompass	здійснювати
to compensate smb. for the loss	компенсувати втрати
to assemble statutes into codes	укласти закони у кодекс
to confuse with	заплутати
to refer to precedents	звертатися до прецеденту
to combine features of both systems	поєднувати риси обох систем
to deal with matters	мати справу з питанням

SYSTEMS OF LAW

The major legal systems of the world today consist of civil law, common law and Slavic law, Islamic law and religious law. However, each country often develops variations on each system or incorporates many other features into the system.

Common law systems place great weight on court decisions, which are considered "law" with the same force of law as statutes. By contrast, in civil law jurisdictions (the legal tradition that prevails in, or is combined with common law in, almost all non-Islamic, non-common law countries), judicial precedent is given relatively less weight (which means that a judge deciding a given case has more freedom to interpret the text of a statute independently, and less predictably), and scholarly literature is given relatively more. For example, the Napoleonic code expressly forbade French judges from pronouncing the law. Common law systems trace their history to England, while civil law systems trace their history to Roman law.

Common law is currently in practice in Ireland, most of the United Kingdom (England and Wales and Northern Ireland), Australia, India (excluding Goa), Pakistan, South Africa, Canada (excluding Quebec), Hong Kong and the United States (excluding Louisiana) and many more places. In addition to these countries, several others have adapted the common law system into a mixed system. For example, Nigeria operates largely on a common law system, but incorporates religious law.

Civil law is the most widespread system of law in the world. It is also sometimes known as Continental European law. The central source of law that is recognized as authoritative is codifications in a constitution or statute passed by legislature, to amend a code. Civil law systems mainly derive from the Roman Empire, and more particularly, the Corpus Juris Civilis issued by the Emperor Justinian ca. 529AD. This was an extensive reform of the law in the Byzantine Empire, bringing it together into codified documents. Civil law was also partly influenced by religious laws such as Cannon law and Islamic law. Civil law today, in theory, is interpreted rather than developed or made by judges. Only legislative enactments (rather than judicial precedents, as in common law) are considered legally binding.

The former Soviet Bloc and other Socialist countries used a Socialist law (Slavic law) system (some of them use civil law system, for example, Lithuania).

The opposition between civil law and common law legal systems has become increasingly blurred, with the growing importance of jurisprudence (almost like case law but in name) in civil law countries, and the growing importance of statute law and codes in common law countries. An example of this is the United States, where matters of criminal law, commercial law and procedure have been codified.

It is interesting to know that Scotland is often said to use the civil law system but in fact it has a unique system that combines elements of an uncodified civil law dating back to the Corpus Juris Civilis with an element of common law long predating the Treaty of Union with England in 1707. Scots common law differs in that the use of precedents is subject to the courts seeking to discover the principle which justifies a law rather than to search for an example as a precedent and that the principles of natural justice and fairness have always formed a source of Scots Law.

Task 1. Give English equivalents of the following words and expressions:

законодавчий орган; система загального права; система цивільного права; наукові праці; дотримуватися принципів і правил (нормативних актів); правова система; законодавчі акти; право, засноване на судовій практиці; вирішувати судові справи; походити з …; римське цивільне право; створювати/видавати закони; судові рішення; збирати законодавчі акти в кодекси; запроваджувати систему загального права.

Task 2. Translate the following expressions into Ukrainian:

codifications; authoritative; personal property; in order to decide lawsuits; to decide lawsuits; judicial precedent, scholarly literature, to take an appeal; passed by legislature; legal principals; to overrule precedents; rules of law; private law.

Task 3. Match the following words and expressions with their Ukrainian equivalents:

1. to adopt a common-law system	a) творити / видавати закони
2. common-law system	b) форма державного правління
3. court rulings	c) повноваження суддів
4. legal precedents	d) розв'язувати судові справи
5. to follow rules	e) судові рішення
6. to decide court cases	f) захищати свободи громадян
7. form of government	g) судові прецеденти
8. power of judges	h) система загального права
9. to overrule precedents	i) запроваджувати систему звичаєвого права
10. to apply systems	j) подолати / переглядати прецеденти
11. to defend liberties of citizens	k) дотримуватися правових норм

12. to make law	l) застосовувати системи

Task 4. Match the terms with their definitions:

1. legal system, 2. ruling, 3. precedent, 4. code, 5. legislature, 6. statute

a) a systematic, written collection of laws on a particular subject or area of law;

b) a legislative body's written enactment (a law made by a legislative body or a part of such a law), expressed in whatever form necessary to make it binding.

c) a decision made by a judge, tribunal, etc.;

d) all the institutions, bodies of laws and principles, ideas, methods, procedures, traditions and practices which together form an organized system for the application of law in a State or community;

e) a judicial decision that furnishes a rule or model for deciding a subsequent case that presents the same or a similar legal problem;

f) the supreme body with responsibility and authority to pass a law or laws for a political unit such as a State.

Task 5. Translate the following sentences into Ukrainian:

1. English common-law developed from the rules and principles that judges traditionally followed in deciding court cases.

2. Judges could expand precedents to make them suit particular cases and also overrule (reject) any precedents that they considered to be in error or outdated.

3. Civil law is sometimes called private law for the obvious reason of its content.

4. The approaches of the two types of legal systems differ, for example, in matters of contractual law and freedom of testation.

5. The majority of civil law countries have assembled their statutes into one or more carefully organized collections called codes.

6. In some civil law countries laypersons participate in the adjudication of criminal cases.

Task 6. Explain the meanings of the following expressions from the text. Make sentences with each of them:

- common-law country;
- civil law country;
- precedent;
- case law.

Task 7. Read the text and decide if the following statements are true or false. Add some other information:

1. Legal systems depend on a country's customs and traditions.
2. The two great systems of law have spread over the USA.
3. The common-law systems are based on legislative acts.
4. Some countries have features of both systems.
5. English common law is "judge made" law.
6. Common-law countries have assembled statutes into codes.
7. Modern law codes can be traced back to the Judicature Acts.
8. Other systems have been influenced by common-law principles.

Task 8. Use the information given in the text to answer the following questions. Discuss your answers with the group:

1. Which legal systems are the most widespread?
2. What are common-law systems based on?
3. What are civil law systems based on?
4. What countries practice common-law?
5. What countries practice civil law countries?
6. What is the role of legislatures in common-law countries?
7. What is called a law code?
8. What is called a precedent?
9. What are the most modern law codes influenced by?

Task 9. Read the text again and pick out the main points about the common-law and civil law systems:

Task 10. On the basis of the information above discuss the most important differences between the two systems of law:

Task 11. Translate the text into English:

Кожна незалежна країна належить до певної правової системи. Правові системи залежать від традицій та форм правління. Зараз у світі нараховують близько 200 правових систем, наприклад правові системи Англії, Франції, Японії, Росії та інші. Більшість систем можна поділити 5-7 правових сімей, а саме: слов'янську (Slav law), романо-германську, мусульманську (Islamic law), сім'ю загального (звичаєвого) права та інші.

Система загального права почала розвиток в Англії сотні років тому. Вона базується, в основному, на прецедентному праві, правилах та принципах, яких традиційно дотримувались судді у вирішенні судових справ, тобто на рішеннях суду. Судді могли розширювати або відміняти прецедент, якщо вважали його помилковим чи застарілим. Таким чином загальне право – це право створене суддями.

Система римського права базується на статутах (законодавчих актах). Ця система права походить з древнього Риму. Більшість країн римського права уклали законодавчі акти у кодекси. У країнах римського права статути, а не суди, надають кінцеву відповідь на будь-яке правове питання. Судді можуть звертатися до прецеденту у прийнятті рішення, але вони повинні базуватись у своїх рішеннях на певному статуті, а не на прецеденті.

Інші правові системи зазнали впливу як системи загального права, так і римського права.

Task 12. Role play:

Detention of a Suspect in the Robbery.

Situation: By the operations report the police detained a person in the evening. He was found on the bank's roof near a vent-pipe. He was supposed to be waiting for his **accessory/accomplice** (співучасник) who had to break into a safe in the bank's storehouse and then to get out onto the roof through the vent-pipe. The accomplice of the robbery, who had got into the bank, managed to disappear through another exit. The police group pursues him/gives after him.

Play participants: John Winstain, police sergeant, Caroline Drag, policewoman, Mr Steven Crone, detainee

Taking part in the play as participants, express your point of view and discuss possible actions, in particular:

a) Policeman John Winstain declares to the man that:

• he is detained and is considered/not considered under arrest yet ...

• he (John Winstain) demands the documents identifying the detainee to be produced ...

• he thinks/does not think immediate questioning is necessary ...

• he thinks the detainee is to be under a severe system of discipline after the search and he can see the reason for it ...

b) Policewoman Caroline Drag reminds the detainee of his rights, she wants to find out immediately the reason for his staying on the bank's roof at such a late hour and wants him of the senselessness of denial (заперечення) and intricating (заплутування) the police.

The detainee names himself Steven Crone, but he cannot produce any documents to identify him, however. He proposes his own version: he found himself on the roof by chance because he wanted to take some photos of the city at night, but he had left the camera behind ... He does not want to answer any further questions of the policemen and declares he will explain everything to the police-officer at the police station. Besides, he objects to putting handcuffs (наручники) on him ... .

Task 13. Write an essay describing the fundamentals of the legal system in any country of your choice.

SUPPLEMENTARY READING

Task 1. Review the text:

WRIT

In civil cases, however, procedure was more technical. The proceedings in the common-law courts started with the issue of an "original" writ (so named because it originated the proceedings), which was purchased from the main royal office, the Chancery.

The writ was a formal document addressed to the sheriff of the county where the defendant resided, commanding him to secure the presence of the defendant at the trial and setting out the cause of action or ground of claim of the plaintiff. For every civil wrong or cause of action there was a separate writ. Important examples were the writ of trespass, the writ of debt, and the writ of detinue (detinue alleged that the defendant detained an article or chattel from the plaintiff and would not return it). The plaintiff had to select the particular writ which he considered fitted the facts of his case.

The plaintiff attended the Writ Office of the Chancery, where a register of the various writs was kept, and applied for the writ most suitable to his claim. If there was no writ suitable to the civil claim made or the relief required of the law, the plaintiff was at a severe disadvantage. We may say, therefore, that the writ system dominated the civil law: for only where there was a remedy was there a right (which is expressed in the Latin phrase *am remedium ibi jus).* Moreover, if the wrong kind of writ were selected by the plaintiff, the common law judges would throw out the case and refrain from inquiring into its merits. Under the rigid procedure of the writ system the remedy available to litigants became more important than the justice of the claim.

Some attempt to alleviate this system was made by the clerks in the Chancery. Where a writ was thrown out by the court, or where none existed to found the claim, the clerks endeavored to accommodate litigants by issuing new writs, thus effectively expanding the rights available. At first the common law judges tolerated this procedure and accepted some new writs; but later their

attitude stiffened and they refused to accept the new writs, since these amounted to new law.

The Provisions of Oxford, 1258, forbade the practice of creating new writs. As a result certain wrongs went unremedied merely because they did not fall within the limits of an existing writ. However, some alleviation was attempted by the Statute of Westminster II, 1285, which empowered the clerks in the Chancery to issue writs *in consimili casu* ("in like case to"), i.e. existing writs could be adapted to fit new circumstances. However, full use was not made of this provision, and litigants' claims still went unsatisfied by the ineffectual writ system: the common law did not expand to meet the urgent and growing needs of the community. Complaints to the King and his Council regarding the inelasticity of the common law led to the emergence of the Court of Chancery and its special field known as equity.

Task 2. Read and translate the text into Ukrainian:

COMMON LAW RULES

Where a statute is not clarified by reference to the above statutory guides, a judge may look to the following common law rules:

– *"The Literal Rule"* lays down that words must be given their literal, grammatical meaning. Words in old statutes are given the meaning they had when the statute was passed, e.g. The Statute of Treason, 1351. Words appearing more than once must usually be given the same meaning throughout the Act. The duty of the court is to interpret the words that the legislature has used. If a statute so interpreted is clear and produces hardship, the remedy is to create a new statute; it is not the duty of a judge to fill in the gaps.

– "*The Mischief Rule"* is also known as the Rule in *Heydon's* case (1584), lays down that the court must look at the Act to see what mischief or defect in the common law the Act was passed to prevent. Four questions should be considered:

1. What was the common law before the Act was passed?

2. What was the mischief and defect for which the common law did not provide?

3. What remedy had Parliament resolved to provide?

4. What was the true reason for the remedy?

Judges were enjoined to make such construction "as shall suppress the mischief and advance the remedy".

– "*The Golden Rule"* lays down that a judge should construe the statute in its grammatical and ordinary sense:

"It is a very useful rule in the construction of a statute to adhere to the ordinary meaning of the words used, and to the grammatical construction, unless that is at variance with the intention of the legislature to be collected from the statute itself, or leads to any manifest absurdity or repugnance, in which case the language may be varied or modified so as to avoid such inconvenience, but no further" (Parke, B., in *Becke* v. *Smith,* 1836).

For example, section 57 of the Offences Against the Person Act, 1861, defines the offence of bigamy and provides: "Whosoever being married shall *marry* any other person during the life of the former husband or wife ... shall be guilty of bigamy." Under English law a married person cannot "marry", and to avoid absurdity or repugnance the word "marry" in this section means "to go through the form of marriage" (*R.* v. *Allen,* 1872).

– *The "Ejusdem Generis" Rule.* Where general words follow specific words, the general words must be construed as applying to the persons or things of the same class *(ejusdem generis)* as those already mentioned. Thus "other person", "other cattle", "other animals" are vague and a reference in an Act to "dogs, cats, and other animals" was held not to include lions and tigers, for "other animals" meant those *ejusdem generis* with dogs and cats, i.e. domestic animals (*Evans* v. Cross, 1938).

(v) *Expressio unius est exdusio alterius* (the express mention of one thing implies the exclusion of another). This means that where specific words are used in a statute and are not followed by general words, the statute applies only to those things mentioned.

(vi) *Noscitur a sociis* (the meaning of a word can be comprehended from its context). Ambiguous or doubtful words may be determined by reference to those words appearing in association with them.
(vii) *The Exclusionary Rule* excludes reference to parliamentary materials in interpreting an Act. However, if the Act is ambiguous or obscure, or its literal meaning leads to an absurdity, the court may have regard to the *Official Report of Debates* (usually referred to as *Hansard*) for assistance in interpreting the Act (*Pepper* v. *Hart,* 1993).

Task 3. Review the text:

PRESUMPTIONS

Certain presumptions or rules of evidence must also be born in mind. These presumptions apply to the construction of a statute, unless there are express words to the contrary. The following examples are some of the more important presumptions in law:

– The presumption against criminal liability, unless *mens rea* (guilty mind) is shown to exist. Proof of criminal intent is generally necessary to secure a conviction. Thus a motorist involved in a road accident of which he or she was unaware, could not rightly be convicted of "failing to report the accident to the police within 24 hours", since the motorist was unaware of involvement, and the law does not compel the impossible *(Harding v. Price,* 1948).

– The presumption against the ouster of jurisdiction of the courts. Thus, where a particular statute provides that tribunals be set up to determine questions arising in administration (as under the National Service Act, 1948, to consider appeals for postponement of military service) and excludes the jurisdiction of the courts of law *expressly,* then the terms of the statute will be applied. Where no such express terms exist the jurisdiction of the courts is not ousted.

– The presumption that the Crown is not bound by statute, unless expressly stated therein.

– The presumption that a statute does not alter the general principles of the common law, unless expressly so stated.

– The presumption against the infringement of international law.

– The presumption against the deprivation of property. Statutes empowering the acquisition of private property will be strictly construed. Where private property is taken away from an owner, the law infers that compensation will be paid unless there are clear words in the statute to the contrary.

– The presumption against arbitrary conduct and abuse of a power given by statute.

– The presumption that the legal meaning of an Act is that which corresponds to its literal meaning.

Task 4. Write down the resume:

REFERENCE TO STATUTES

There are three forms of referring to an Act of Parliament: by its short title, by its official reference, or by its full title.

Short Title. When we refer to an Act such as the Theft Act, 1968, or the Data Protection Act, 1984, we are using its short title.

Official Reference. This shows the calendar year in which the Act was passed and the number of the Chapter (or Act) passed in that year. For example, 1968 CHAPTER 60 is the official reference to the Theft Act, 1968, and 1984 CHAPTER 35 is the official reference to the Data Protection Act, 1984.

Full Title. This gives the official reference and a short description of the object of the statute. For example, the full title of the Theft Act, 1968, is ELIZABETH II 1968 CHAPTER 60.

An Act to revise the law of England and Wales as to theft and similar associated offences, and in connection therewith to make provision as to criminal proceedings by one party to a marriage against the other, and to make certain amendments extending beyond England and Wales in the Post Office Act, 1953 and other enactments; and for other purposes connected therewith.

The full title of the Data Protection Act, 1984, is ELIZABETH II 1984 CHAPTER 35.

An Act to regulate the use of automatically processed information relating to individuals and the provision of services in respect to such information.

Reference to statutory instruments

The most common form of delegated legislation is the statutory instrument. Each statutory instrument is allocated a number, and reference to the instrument is to the year of issue followed by the number so allocated. For example, S.I. 1968 No. 1911 relates to the Town and Country Planning (Planning Inquiry Commissions) Regulations, 1968.

The printing of Bills, Acts of Parliament and statutory instruments is done by Her Majesty's Stationery Office. The Statutory Instruments (Production 1730, Sir Edward Coke's *Institutes* (1628-41), Sir William Blackstone's *Commentaries* (1765), and Sir Michael Foster's *Crown Law* (eighteenth century).

The above works and a few other early works, written when law reporting had barely begun, are accepted as books of authority and therefore as an original source of common law.

The modern textbook is not a source of law, and not a book of authority. However, such works may have persuasive authority; counsel may adopt the view of a distinguished academic writer and the court may accept that view of the law. In this way the writer is influencing the law. Works by Cheshire, Dicey, Winfield, Salmond, Williams and Smith and Hogan have often been referred to in this way, particularly on points which are not covered by authority or where there is some doubt about the authority. As Mr. R.J. Walker has commented, "On the whole the persuasive authority of a standard textbook is of considerable weight."

Similarly, articles in legal journals such as the *Criminal Law Review,* the *Law Quarterly Review* and the *Cambridge Law Journal* have been referred to in the courts.

Unit 6
CLASSIFICATION OF LAW

Warming-up:

1. What area of law interests you most? Why?

2. Try to classify the following branches of law into Public Law and Private Law: Law of Contract, Constitutional Law, Law of Tort, Criminal Law, Law of Property, Administrative Law, Law of Succession, Family Law. Check your answer after reading the text.

Vocabulary notes:

substantive	матеріальний
wrongdoing	правопорушення
offence	правопорушення, злочин
to punish	покарати
disobedience	непокора
to forbid	забороняти
imprisonment	ув'язнення
penalty (fine)	штраф
discharge	звільнення
prosecution	судове або кримінальне переслідування
to determine	визначати
to enforce	застосовувати
enforceable	забезпечений судовою санкцією, має позовну силу
remedy	засіб захисту права
breach	порушення
property	власність
devolution	перехід до іншої особи(права, майна)
succession	спадкування

prejudice	упередженість, (юр.) шкода, збитки
accused	обвинувачений

CLASSIFICATION OF LAW

Law may be classified in various ways. The four main divisions are as follows:

- Criminal Law and Civil Law;
- Public Law and Private Law;
- Substantive Law and Procedural Law;
- Municipal Law and Public International Law.

Criminal Law is that part of the law which characterizes certain kinds of wrongdoings as offences against the State, not necessarily violating any private right, and punishable by the State. Crime is defined as an act of disobedience of the law forbidden under pain of punishment. The punishment for crime ranges from death or imprisonment to a money penalty (fine) or absolute discharge. For example, to commit murder is an offence against the State because it disturbs the public peace and security, so the action is brought by the State and not the victim.

The police are the public servants whose duty is the prevention and detection of crime and the prosecution of offenders before the courts of law. Private citizens may legally enforce the criminal law by beginning proceedings themselves, but, except in minor cases of common assault, rarely do so in practice.

Civil Law is concerned with the rights and duties of individuals towards each other. It includes the following:

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

II. Law of Tort. A tort is defined as a civil wrong for which the remedy is a common law action for unliquidated (i.e. unspecified or unascertained) damages and which is not exclusively the breach of contract or breach of trust or other merely equitable obligation.

Examples of torts are: nuisance, negligence, defamation, and trespass.

III. Law of Property is that part of the law which determines the nature and extent of the rights which people may enjoy over land and other property – for example, rights of 'ownership' of land, or rights under a lease.

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

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

The above are the major branches of civil law. Its main distinction from criminal law is that in civil law the legal action is begun by the private citizen to establish rights (in which the State is not primarily concerned) against another citizen or group of citizens, whereas criminal law is enforced on behalf of or in the name of the State. Civil law is sometimes referred to as Private Law as distinct from Public Law.

Public Law comprises Constitutional Law, Administrative Law, and Criminal Law.

I. Constitutional Law has been defined as the rules which regulate the structure of the principal organs of government and their relationship to each other, and determine their principal functions. This subject includes: choice of monarch, his or her powers and prerogative; the constitution of the legislature; powers and privileges of Members of Parliament; the relationship between the separate chambers of Parliament; the status of Ministers; the civil service; the armed forces; the police; the relations between the central government and local authorities; the making of treaties; admission and rights of aliens; the courts of justice; liberties of speech, of meeting, of association; and voting rights.

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

instruments of government. (C. K. Allen: Law and Orders.) For example, administrative law determines the legal rights of a private citizen whose house a local authority intends to acquire compulsorily.

III. Criminal Law has already been described, with its distinction from civil law.

Substantive Law is the body of rules of law in the above branches which regulate the rights, duties and liabilities among citizens and governments.

Procedural Law lays down the rules governing the manner in which a right is enforced under civil law, or a crime prosecuted under the criminal law. Thus a legal action is started by taking out a writ in civil cases, by a summons or an arrest in criminal cases, and ends by the trial and judgment in the court itself, followed by the execution of the judgment. Procedural law governs the steps in the progress of the civil legal action or criminal prosecution.

The distinction between substantive law and procedural law is not always clear. It is an important rule of law that the prosecution may not (except in special circumstances) refer to the accused's bad character during the course of the trial, for this could clearly prejudice their case. (English law presumes that an accused person is innocent until proved guilty.) This rule may be regarded as either substantive or procedural, depending on the view taken of its nature.

Municipal or National Law is the law operative within a State. One branch of that law is the law relating to conflict of laws, otherwise known as Private International Law, which determines which national law governs a case in which there is a foreign element.

Thus Jenkins, a British subject, makes a contract in Rome with Boussac, a Frenchman, for the supply of footballs to a team m Madrid. If Jenkins now takes action against Boussac in an English court of law for alleged breach of contract, the court will have to determine by the rules of private international law which law is to be applied: English, Italian, French, or Spanish.

Public International Law is the body of rules of law which govern the relationships between states, particularly rules of war. Certain writers hold that since there is no world authority with power to enforce the rules or laws and that, as public international law is incompatible with national sovereignty, the essential characteristics of law are absent.

Task 1. Give the Ukrainian equivalents of the following expressions:

personal property, to provide punishment for violation of the law, to breach an agreement, legal principals, business law, rules of law, source of litigation, compensate for the loss, the basic ingredient, to constitute procedural law; substantive law of contracts; areas of public and private law; bodies of law; the multitude of administrative agencies; general maxims; to provide punishment for violation of law; to be subdivided into the subjects; a part of the total body of law; civilized society people; relationships between states.

Task 2. Give the English equivalents of the following expressions:

приватна власність, загальне правило поведінки, публічне і приватне право, вести судовий процес, виконувати судове рішення, мати право на компенсацію збитків, цивільне правопорушення, матеріальне право, порушувати договір, право на нерухомість, торгова організація.

Task 3. Translate the following words and expressions:

personal property; приватна власність; commercial paper; загальні правила поведінки; to provide punishment for violation of law; публічне та приватне право; to decide lawsuits; вести судовий процес; to take an appeal; виконати судове рішення; to breach an agreement; кримінальне право; legal principals; мати право на відшкодування збитків; business law; правопорушення; rules of law.

Task 4. Choose the correct word or expression in brackets and complete the sentence:

1. There are many legal principles or rules of law that are found in statutes, cases decided by courts, and other sources that are applied by the courts in order to decide lawsuits, and these rules or principles of law are classified as _____ (procedural law / substantive law).

2. In other words, substantive law is that part of the law that defines _____ (rights / rules), and procedural law establishes the procedures whereby rights are enforced and protected.

3. Law is also frequently classified into areas of public and _____ (constitutional law / private law).

4. Public law may be divided into _____ (three / two) general categories.

5. Private law is that body that pertains to the relationships between individuals in _____ (an organized society / business organization).

6. _____ (The law of torts / law of contracts) is the primary source of litigation in the country and is also a part of the total body of law is such areas as agency and sales.

Task 5. Complete the sentences using the following words and expressions:

public law, procedural law, economic system, private law, different aspects of law, Substantive Law

1. In order to understand the many _____ it is helpful to look at the various areas or classifications of the law.

2. The legal procedures that provide how a lawsuit is begun, how the trial is conducted, how appeals are taken, and how a judgment is enforced are called _____.

3. _____ includes those bodies of law that affect the public generally.

4. _____ includes the areas of the law that are concerned with the relationships between individuals.

5. _____ is the body of rules of law in the above branches which regulate the rights, duties and liabilities among citizens and governments.

6. Property is the basic ingredient in our _____, and the subject matter may be subdivided into several areas such as wills, trusts, estates in land , personal property, bailment, and many more.

Task 6. Think and say whether the statements are true or false:

1. There are many legal principles or rules of law that are found in statutes, cases decided by courts, and other sources that are applied by the courts in order to decide lawsuits, and these rules or principles of law are classified as substantive law.

2. Law is not classified into areas of public and private law.

3. Public law may be divided into three general categories: constitutional law, administrative law, procedural law.

4. The law of torts is predicated upon the premise that in civilized society people who injure other persons or their property should compensate them for their loss.

5. The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property contains much more than the contract characteristics.

Task 7. Explain the meaning of the following expressions from the text. Make sentences with each of them:

legal classification;

rules of law;

to breach an agreement.

Task 8. Read the text and pick out the main points about classification of the law.

Task 9. Make up a plan in the form of questions.

Task 10. Insert the prepositions if it is necessary in the following expressions:

aspects … law
cases decided … courts
divided … three general categories
welfare … the state or society
between individuals … an organized society
compensate them … their loss.

Task 11. Read and complete the sentences using the words from the text:

1. There are many legal principles or rules of law that are found in statutes, cases decided by courts, and other sources that are applied by the courts in order to decide lawsuits, and these rules or principles of law are classified as _____.

2. For example, A and B have entered into an _____, and A claims that B has breached the agreement.

3. Whether the agreement was enforceable and whether A is entitled to damages are matters of substance and would be _____ on the basis of the substantive law of contracts.

4. Each of these subjects includes several bodies of law. For example, the law of _____ may be subdivided into the subjects of sales, commercial paper, agency, and business organizations.

5. The law of torts is the primary _____ in the country and is also a part of the total body of law is such areas as agency and sales.

6. The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property _____ much more than the contract characteristics.

Task 12. Translate the sentences into Ukrainian:

1. The law is a civilizing influence within a society.

2. The law must have something to do with rules and their enforcement.

3. Very broadly, criminal law is concerned with the general well-being and civil law with individual rights and duties.

4. Civil law is sometimes called private law for the obvious reason of its content.

5. Another way of classifying the law is to split it between municipal and public international law.

6. Municipal law is the law of one state.

7. Public international law regulates dealings between different states and it is largely made up of treaties, conventions and international agreements.

Task 13. Answer the questions:

1. What areas is law frequently classified into?

2. What does public law include?

3. What three general categories may public law be divided into?'

4. Give the definition of private law.

5. What is the primary source of litigation in the country?

6. May the law of property be thought of as a branch of the law of contracts?

7. Give the definition of property.

Task 14. Translate the following sentences into English:

1. В Україні злочином визнається суспільно небезпечне діяння.

2. На відміну від Сполучених Штатів Америки в Україні всі кримінальні справи розглядаються судами загальної юрисдикції.

3. Для різних злочинів передбачено різний ступінь і міру (degree) покарання залежно від їх небезпечності (серйозності).

4. Кримінальне право опікується захистом багатьох прав людини, гарантованих Конституцією України.

5. Процедура розгляду кримінальної справи дещо відрізняється від інших судових процедур: тут «позивачем» виступає держава.

6. За Конституцією України кожному її громадянинові гарантовані право на життя та особисту недоторканність.

7. За українським законодавством єдиним органом, уповноваженим виносити рішення у кримінальних справах, є суд.

SUPPLEMENTARY READING

Task 1. As you read the text below define the legal terms and write them down:

CLASSIFICATION OF LAW IN GREAT BRITAIN

There are two main branches of the law – criminal and civil. Criminal law is concerned with acts contrary to the order, peace and security of society which are punishable by the State. Civil law is concerned with disputes between individuals about their rights, duties and obligations. It also covers dealings between individuals and companies and between one company and another. Contract law, for example, is essential to trade between companies and the smooth running of the market economy.

Various government committees are responsible for reviewing the law and making recommendations for its simplification and modernization. Any changes resulting from this activity are made by legislation.

Criminal Law

The aims of the criminal justice system are to:

• prevent and reduce crime where possible;

• help victims;

• ensure that those suspected, accused or convicted of crimes are dealt with fairly, justly and with the minimum of delay;

• convict the guilty and acquit the innocent; and

• punish suitably those found guilty and discourage further offending.

The effectiveness of the system in England and Wales was examined by a Royal Commission on Criminal Justice between 1991 and 1993 and a number of significant recommendations for change were made. Some of these were addressed by the Criminal Justice and Public Order Act which, together with the Police and Magistrates' Courts Act, formed a major part of the Government's legislative programme in 1994.

Further important legislation introducing a Criminal Cases Review Commission in England, Wales and Northern Ireland, and

enhancing the powers of the criminal justice agencies in Scotland was enacted in July 1995.

Civil law

The civil law of England, Wales and Northern Ireland covers business related to the family, property, contracts and non-contractual wrongful acts suffered by one person at the hands of another (torts). It also includes constitutional, administrative, industrial and maritime law. Scottish civil law has its own, broadly similar, branches.

The main sub-divisions of civil law are:

• family law, which includes the laws governing marriage, divorce and the welfare of children;

• the law of property, governing ownership and rights of enjoyment, the creation and administration of trusts and the disposal of property on death;

• the law of contract, which regulates, for instance, the sale of goods, loans, partnerships, insurance and guarantees; and

• the law of torts, which governs injuries suffered by one person at the hands of another – for instance, negligence, libel and malicious prosecution.

The Law of Tort

Torts include wrongs such as negligence, defamation, malicious prosecution and nuisance. If these legal rights have been infringed, a plaintiff can sue for compensation in a tort action.

An example of a tort is libel. Here, the plaintiff must prove to the court that the statement concerned was defamatory. Equally, the defence can produce evidence that the statement is true in substance and in fact. The court takes a decision and, if the plaintiff is successful, damages can be awarded.

One of the most important tort actions is that for negligence, when a person fails to live up to an expected standard of care and someone is injured as a result. This can cover physical damage or financial loss.

The Law of Contract

A contract is an agreement between two or more parties, which is enforceable in law. A valid business contract, for instance, must involve an offer to supply goods or services, consideration (the price to be paid) and acceptance by the purchaser. The offer may be revoked at any time before acceptance but this must be communicated to the purchaser. Acceptance of an offer must mean agreement entirely with the terms of the offer, and the terms must be sufficiently detailed. In addition, the object of the contract must not be illegal; it is against the law for two people to make a deal between themselves if this involves committing a criminal offence.

It can happen that in an apparently valid contract, consent to the agreement does not express the true intention of the consenting party, and he or she may therefore not be bound by it. This may arise from mistake, misrepresentation, fraud, duress or undue influence.

There are few rules about the form of contracts, although some contracts have to be written – for example, the sale of land or a house. The seller and purchaser exchange a written contract and, once the exchange takes place, the seller is obliged to sell to the purchaser and vice versa.

An increasing amount of statute law is designed to protect consumers. Legislation, for example, covers the sale and supply of goods and services and the way that goods and services are described. It also regulates the marking and accuracy of quantities.

An example of a contract is the purchase of goods in a shop. If the goods purchased turn out to be shoddy, the purchaser can sue the seller in the civil courts usually for damages. Conversely, if the ownership of the goods passes to the purchaser and they are not paid for, the seller can sue for the price of the goods. Similarly, an employer is bound to pay an employee for work done; if he or she fails to do so, a breach of contract action can take place.

There are differences between contract law in England and Wales and that in Scotland.

Company Law

All British companies have to be registered. Companies may be either public or private. A company must satisfy three conditions before it can be a public limited company. It must:

• be limited by shares and have a share capital;

• state in its memorandum of association that it is to be a public limited company; and

• meet specified minimum capital requirements.

All other British companies are private companies and are generally prohibited from offering their shares to the public.

Laws relating to companies are designed to meet the need for proper regulation of business, secure open markets and create greater safeguards for those wishing to invest in companies or do business with them.

In England and Wales and in Scotland there is a licensing procedure to secure the professional competence, integrity and independence of people who act as trustees of bankrupt individuals or as liquidators, receivers or administrators of insolvent companies.

Task 2. Review the text to practice and improve your reading skills:

DEFINING CONFLICT OF LAWS

Each country's legal system reflects its society's values. As a result, national laws and the structure of domestic judicial systems vary considerably from country to country. Nevertheless, many kinds of legal situations or events, such as marriage, decedents' estates, torts, and business transactions, often are not confined to a single country or even to a single jurisdiction within a country. The courts of each involved country may claim jurisdiction over the matter, and the laws of each involved country may be applicable under certain circumstances. When such conflicts, or differences, exist, procedures need to be in place to resolve them; the term *conflict of laws* (sometimes also *conflicts* or *conflicts law*) describes the body of law of each country or state that is designed to resolve problems arising from the differences between legal systems. *Conflict of laws* is a term

used primarily in the United States, Canada, and, increasingly, the United Kingdom. In most other countries (and historically in the United Kingdom), the term *private international law* is used.

The latter term derives from the civil-law distinction between private and public law, whereby private law addresses the legal relationships between and among individuals, corporations, and even the state in its relations with individuals and corporations when it is not acting in a governmental capacity (for example, in the conclusion of contracts), while public law deals with the law governing state institutions as well as the latter's governmental – e.g., regulatory – relations with private parties. Private international law thus emphasizes the differences between national legal systems: although the term *private international law* may aptly describe the subject matter, it may also mislead by suggesting that there is an international body of rules to bridge differences between legal systems. This is emphatically not the case. The term *conflict of laws* refers primarily to rules that are solely national in origin and are explicitly not part of international law (except insofar as countries have concluded treaties concerning them).

Conflicts law must address three principal questions. First, when a legal problem touches upon more than one country, it must be determined which court has jurisdiction to adjudicate the matter. Second, once a court has taken jurisdiction, it must decide what law it should apply to the question before it. The rules governing the court may direct it to apply its own law or call for the application of the law of another country. Third, assuming that the court ultimately renders a judgment in favour of the plaintiff, conflicts law must address the enforcement of the judgment. In the event that the defendant has insufficient assets locally, recognition and enforcement of the judgment must be sought in a country where assets do exist.

Unit 7
LEGAL PROFESSION IN GREAT BRITAIN

Warming-up:

1. Why did you make up your mind to become a lawyer?

2. Did anybody advice you to choose a career?

3. What is the most attractive thing for you in the legal profession?

Vocabulary notes:

successor	спадкоємець, наступник
attorney	повірений, адвокат, юрист, прокурор
proctor	проктор, інспектор, повірений
litigation	судовий процес, тяжба
ecclesiastical	церковний
to consolidate	закріпити, об'єднати
to provide for	передбачувати
clerkship	посада секретаря клерка
entrant	абітурієнт; той, хто наново заступає на посаду
to admit	допускати, приймати
to enroll	реєструвати, заносити до списку, записуватися
officer	судовий виконавець
to be permitted to	мати дозвіл
to incorporate	змішувати, приймати, об'єднувати, інкорпорувати
liability	відповідальність
to be liable for	бути відповідальним за
to make a will	складати заповіт
estate	власність
to draw up documents	складати документи

conveyancing	передача власності
brief	короткий письмовий виклад справи, висновок
to brief	доручати ведення справи у суді
to approach	звертатися до
to represent the client at the trial	представляти клієнта в суді
right of audience	право виступати в суді
to compel	примушувати
defamation	наклеп
to sue	позивати, подавати позов до суду
negligence	недбалість
to owe	бути зобов'язаним
(the) Inns of Court	юридичні спілки, які готують адвокатів
the Bar	адвокатура
to lay down	затверджувати
attendance	присутність, відвідування
unsubstantiated	необґрунтований
to bias	схиляти, (погано) впливати
to comply	підкорятися, виконувати
to withdraw from	відмовитися
to settle pleadings	складати змагальні папери
to acquire	досягати, оволодіти (навичками), набувати
to relinquish	відмовлятися, передавати, поступатися

THE LEGAL PROFESSION

There are two branches of the legal profession in Britain: barristers and solicitors of the Supreme Court. In most other countries, including some parts of the Commonwealth, there is no such division.

The modern solicitor is the successor of three former ancient professions known as attorney (or representative), solicitor, and proctor. These assisted judges in the King's Bench in the early stages of litigation or carried out the less skilled work in the ecclesiastical and Admiralty courts. By a succession of Solicitors Acts, 1939 to 1974, the profession has been unified and regulated (the 1974 Act consolidates the law). The regulations of the Law Society provide for:

- the scales of remuneration and fees of solicitors;
- the terms and conditions of articles of clerkship for new entrants;
- courses for the education and training of students;
- the conduct of examinations;
- the discipline of all solicitors.

A person who has served articles (from 2-4 years) to a solicitor, and who passes the examinations of the Law Society, may be admitted a solicitor by having his or her name enrolled. Enrolled solicitors thereby become officers of the Supreme Court, and each receives a Certificate to Practise which is renewable annually. As from 1 October 1984 solicitors are permitted to advertise on certain terms and also advertise properties for sale. In accordance with the Courts and Legal Services Act 1990 they are also permitted to form partnerships with foreign firms.

Most solicitors are employed in private practice, either alone/or in a partnership firm, with the right to incorporate with limited or unlimited liability. Others are employed in the public service, industry, and commerce.

Practising solicitors are consulted by, and receive instructions from lay clients on a wide variety of matters both civil and criminal, e.g. the making of wills, administration of estates, family matters, the formation of companies, drawing up of documents, conveyancing, and criminal offences of all kinds. In cases of unusual difficulty or where a trial is to take place in the superior courts, the solicitor takes instructions from the client,

prepares a brief and approaches a barrister (counsel) to give an "opinion" or represent the client at the trial.

Solicitors' rights of audience in the magistrates' courts, county courts and limited rights of audience in the Crown Court and the Supreme Court have now been extended by the Courts and Legal Services Act 1990.

The relationship between solicitor and client is based on professional confidence, and a solicitor cannot be compelled to disclose in court communications made in a professional relationship. Nor is a solicitor liable for defamation in respect of statements made in court during the course of a trial. Solicitors are, however, liable to be sued for damages for negligence in the conduct of their profession: e.g. where they have carelessly lost documents entrusted to them. In certain situations it has also been held that a solicitor might owe a duty of care in tort to a third party (Ross v. Caunters, 1980 and Al-Kandari v. J.R. Brown and Co., 1987).

Anyone wishing to become a barrister must join one of the four Inns of Court: Gray's Inn, Lincoln's Inn, Inner Temple, or Middle Temple. These four Inns of Court are unincorporated bodies of medieval origin, owned and controlled by their senior members called the Masters of the Bench.

The Senate of the Inns of Court and the Bar, formed in 1974, can be regarded as the governing body of the Bar today, since the Inns follow the general policy laid down by the Senate and the judges have agreed that disciplinary powers shall be exercised in accordance with the Senate's regulations.

Intending barristers must make a certain number of attendances (known as "keeping term") at their Inn, and to qualify for Call to the Bar they must pass the examinations conducted by the Council of Legal Education. After passing the examinations a barrister intending to practise must undertake one year's pupilage in chambers. After six months barristers have the right of audience in any court of law in England and Wales. As noted above, they may take instructions only from a solicitor, not from a lay client direct.

Unlike the solicitor, they may not sue for their fees and are not liable in negligence in the conduct of a case.

A barrister intending to practise must choose in which part of the law he or she intends to specialize. A barrister is essentially an advocate whose task is to present his or her client's case effectively in court. Counsel's duty to put their client's case does not extend to advancing the client's unsubstantiated belief that the judge is biased and corrupt. In this case the barrister must either refuse to comply with the client's instructions or withdraw from the case – *Thatcher v. Douglas* (1996). Their work includes the drafting of opinions on difficult points of law, the settling of pleadings and advice on evidence and procedural matters.

The difference between the two branches of the profession may be summarized as follows:

Barristers are advocates; solicitors are not necessarily so.

Barristers have the right of audience in all courts; solicitors have only a limited right.

Barristers specialize in certain branches of the law; solicitors tend to be general practitioners.

Barristers deal with legal matters; solicitors may be consulted about many non-legal matters, e.g. family, business or financial matters.

Barristers are instructed by solicitors, who are instructed by the lay client.

Barristers cannot sue for their fees; solicitors can.

Barristers may not be liable for negligence in the conduct of a case; solicitors may.

Solicitors are controlled under the Solicitors Acts, 1839-1974; barristers are controlled by their Inns of Court and the recently established Senate, non-statutory bodies.

When a barrister has acquired a substantial practice, application may be Counsel made to the Lord Chancellor to "take silk", i.e. become a Queen's Counsel.

If the applicant's request is granted, letters patent are issued and he or she will then be called "within the bar" thus relinquishing

their former status of “outer” or “utter” barrister. Henceforth they wear a silk gown.

By this new status the successful applicant will expect to attract more important cases and to command higher fees. He or she will no longer draft pleadings, conveyances, or similar documents. Thenceforward they will have the assistance of junior counsel who will be briefed with them. A Queen’s Counsel is distinguished by the letters Q.C. after their name, and is referred to as a “Leader”.

Task 1. Give the English equivalents of the following words and expressions:

судові іни, складати заповіт, доручати молодому юрисконсульту ведення справи в суді, передбачувати, мати дозвіл співробітничати з іноземними фірмами, звертатися до баристера, представляти клієнта в суді, складати документи, бути відповідальним за недбале ведення справи, мати право виступати в суді, наклеп, передача власності, відмовитися від справи, виконувати інструкції клієнта, впливати на суддю, відмовлятися від колишнього статусу, складати змагальні папери, бути примушеним.

Task 2. Find the corresponding Ukrainian equivalents of the following expressions:

not be liable for negligence in the conduct of a case, draft pleadings, the right of audience in all courts, successor, join one of the four Inns of Court, acquire a substantial practice, officers of the Supreme Court, follow the general policy laid down by the Senate, conveyance, limited or unlimited liability, make a certain number of attendances at their Inn, in the early stages of litigation, sue for the fees, relinquish the former status, prepare a brief, unsubstantiated belief, new entrants, comply with the client’s instructions.

Task 3. Write down the word-families of the following words:

liability, conveyance, brief, advocate, pleading.

Task 4. Match the verbs and the nouns:

1. incorporate with	a) a barrister
2. sue for	b) legal matters
3. relinquish	c) the former status
4. present	d) a will
5. draw up	e) the case effectively in court
6. make	f) the client's instructions
7. comply with	g) documents
8. be consulted about	h) the case
9. approach	i) fees
10. withdraw from	j) limited or unlimited liability

Task 5. Read the text again to find out if the following statements are true or false:

1. Barristers are paid directly by clients.
2. Professional examinations must also be passed before anyone can become a solicitor.
3. Solicitors can present cases in lower courts.
4. The solicitor is the first point of contact with the law for a client in the UK.
5. The barrister is the specialist with particular skills in advocacy, a consultant who will examine the case and decide what line to take in court.
6. There are only a few solicitors who are allowed to present cases in the higher courts.
7. The Bar is an advocacy profession.
8. After passing the examinations a solicitor intending to practice must undertake one year's pupilage in chambers.
9. Practicing barristers receive instructions from lay clients on a wide variety of matters both civil and criminal.
10. A barrister and a solicitor are both qualified lawyers.

Task 6. Fill in the gaps in the text below with the appropriate words and word-combinations from the box:

solicitors, one of the four Inns of Court, the lower courts, judges, guilty, a brief, a Queen's Counsel, defamation, barristers, negligence

1. "Preparing _____ for counsel" means a solicitor writes a detailed description of a case so as to inform the barrister of all the facts and main legal points.

2. _____ are trained lawyers, nearly always ex-barristers, who sit in court, hear and decide legal matters.

3. In Britain a person is innocent unless found _____.

4. Barristers may not be liable for _____ in the conduct of a case.

5. _____ carry out routine matters.

6. _____ are called in to advise on really difficult points.

7. A solicitor may represent the accused only in _____.

8. _____ is distinguished by the letters Q.C. after their name.

9. Anyone wishing to become a barrister must join _____.

10. A solicitor is not liable for _____ in respect of statements made in court during the course of a trial.

Task 7. Complete the following sentences:

1. When a barrister has acquired a substantial practice, he may become _____.

a) a judge;

b) a Queen's Counsel;

c) the Crown Prosecutor.

2. In England the decision of a law student is between becoming _____.

a) a barrister or a solicitor;

b) a barrister or a judge;

c) a solicitor or a prosecutor.

3. The solicitor usually deals with _____.

a) petty crimes and matrimonial matters;

b) arguing cases;

c) presenting cases in any court.

4. Barristers specialize in _____.

a) arguing cases in front of a judge and representation in Magistrates' Courts;

b) advocacy;

c) employing solicitors.

5. _____ in the UK is an independent qualified lawyer.

a) a solicitor;

b) a magistrate;

c) a barrister.

Task 8. Find in the text the words and expressions with the following meanings:

a. connected with the law, required by the law;

b. gathering of people for the purpose of hearing a speaker, etc.;

c. speaking or pleading in the court;

d. an English lawyer who specializes in arguing cases and representation in any court;

e. professionally working;

f. an English lawyer who gives advice to clients, investigates, prepares documents;

g. support of a client in a Court;

h. barrister's offices;

i. allowed to speak in court;

j. a lawyer who prepares a case for court.

Task 9. Replace the words in a bold type with the synonyms:

1. This affair requires experience and hard work.

2. Who is responsible for the inquiry?

3. Could you recommend me what barrister to choose?

4. He is not an attorney and has no freedom to decide on the case.

5. What reasons to suspect him of robbery have you got?

Task 10. What do usually lawyers do? Can you answer at once? If you can't do that then read the text below and say whether the list of lawyers' functions is complete:

• First, lawyers counsel. This means that lawyers offer advice, even if it is advice their clients would prefer not to hear. Of course, lawyers regularly counsel clients during negotiations and litigation.

• Second, lawyers negotiate. This means that they mediate between competing interests aiming for results that will prove advantageous to their clients and, if possible, their opponents.

• Third, lawyers draft documents. This is probably their most intellectually challenging function.

• Fourth, they litigate. This is the skill most people associate with lawyers. Ironically, only a small fraction of all lawyers devote much time to courtroom activities. In fact, the majority of attorneys never venture into a courthouse except to file legal papers with a clerk.

Vocabulary notes:

negotiation	переговори
to mediate	бути посередником
advantageous	сприятливий, вигідний
to draft	складати (документ)
to venture	ризикувати, зважитися

Task 11. Read and translate the text about other types of legal profession in the UK:

OFFICERS OF THE COURT

The Judge is the officer who is either elected or appointed to preside over the court. If the case is to be tried before a jury, the judge rules upon points of law dealing with trial procedure, presentation of the evidence and the law of the case. If the case is tried before the judge alone, he will determine the facts in addition to performing the aforementioned duties.

The court clerk is an officer of the court, also either elected or appointed, who at the beginning of the trial, upon the judge's instruction, gives the entire panel of prospective jurors (veniremen) an oath. By this oath, the venireman promises that, if called, he will truly answer any question concerning his qualifications to sit as a juror in the case.

Any venireman who is disqualified by law, or has a valid reason to be excused under the law, ordinarily is excused by the judge at this time. A person may be disqualified from the jury duty because he is not a resident voter or householder, because of age, hearing defects, or because he has served recently on a jury.

Then the court clerk will draw names of the remaining veniremen from a box, and they will take seats in the jury box. After twelve veniremen have been approved as jurors by the judge and the attorneys, the court clerk will administer an oath to the persons so chosen "to well and truly try the case".

The bailiff is an officer of the court whose duties are to keep order in the courtroom, to call witnesses, and to take charge of the jury as instructed by the court at such times as the jury may not be in the courtroom, and particularly when, having received the case, the jury is deliberating upon its decision. It is the duty of the bailiff to see that no one talks with or attempts to influence the jurors in any manner.

The court reporter has the duty of recording all proceedings in the courtroom, including testimony of the witnesses, objections made to evidence by the attorneys and the ruling of the court thereon, and listing and marking for identification any exhibits offered or introduced into evidence. In some states, the clerk of the court has charge of exhibits.

The attorneys are officers of the court whose duties are to represent their respective clients and present the evidence on their behalf, so that the jury or the judge may reach a just verdict or decision.

The role of the attorney is sometimes misunderstood, particularly in criminal proceedings. English system of criminal

jurisprudence presumes every defendant to be innocent until proved guilty beyond a reasonable doubt. Every defendant is entitled to be represented by legal counsel, regardless of the unpopularity of his cause. This is a constitutional safeguard.

It is entirely ethical for an attorney to represent a defendant whom the community may assume to be guilty. The accused is entitled to counsel in order that he is protected from conviction on insufficient evidence, and he is entitled to every protection which the law affords him.

Vocabulary notes:

to preside over the court	здійснювати керівництво у суді
aforementioned	вищезгаданий
venireman	член сформованого складу присяжних, присяжний
oath	присяга
jury	склад присяжних
juror	присяжний
attorney	повірений, адвокат, юрист
to try	судити
bailiff	бейліф, судовий пристав
to deliberate upon	обговорювати
court reporter	укладач збірника судових рішень
testimony of the witnesses	свідчення свідка
objection	заперечення
exhibit	речовий доказ

Task 12. Translate the words and expressions:

a bailiff, секретар суду, a resident, common law, присяга, a householder, судовий процес, venirman, цивільні та кримінальні справи, склад присяжних, to gather testimony, обговорювати рішення, to challenge the jurisdiction, обвинувальний акт, attorney,

заперечення, testimony of the witnesses, речові докази, a just verdict, укладач збірника судових рішень, exhibit.

Task 13. You have learnt a lot about different types of legal professions. Now test yourself matching the following extracts with the law professional titles in the box:

barristers, clerks, high court judges, magistrates, solicitors, bailiffs, attorneys

1. English lawyers who judge cases in the lower courts. They're usually unpaid and have no legal qualifications, but they're respectable people who are given some training.

2. Lawyers who can act for somebody in a court of law.

3. Officials who keep order in a court of law, take people to their seats, watch prisoners.

4. They make up the largest branch of the legal profession in England and Wales. They are found in every town where they deal with all the day-to-day work of preparing legal documents for buying and selling houses, making wills, etc. These lawyers also work on court cases for their clients, prepare cases for other lawyers to present in the higher courts, and may represent their client in a Magistrates' Court.

5. Only a small proportion of these lawyers doesn't preside in Magistrates' Courts. They deal with the most serious crimes, such as those for which the criminal might be sent to prison for more than a year. They are paid salaries be the State and have considerable legal training.

6. They defend or prosecute in the English higher courts. They specialize in representing clients in court. In court, these lawyers wear wigs and gowns in keeping with the extreme formality of the proceedings. The highest level of them have the title QC (Queens Counsel).

7. Officials in charge of the records of a council, court, etc.

Task 14. Translate the telephone conversation:

Секретар суду: Це номер 441521? Чи можу я поговорити з місіс Вайт?

Місіс Вайт: Говорить Місіс Вайт. Слухаю вас.

Секретар суду: Ми щойно надіслали вам повістку про явку до суду як свідка (subpoena for attendance of witness). Адвокати обох сторін воліють поставити вам декілька питань. Не могли б ви з'явитися у суді завтра зранку або післязавтра?

Місіс Вайт: Повістку я ще не отримала і завтра прийти не зможу. Якщо вас влаштовує, я зможу післязавтра об одинадцятій ранку.

Секретар суду: Домовились. Чекаємо на вас післязавтра об 11-ій. Дякую, до побачення!

Місіс Вайт: До побачення!

Task 15. Translate the sentences into English:

1. Ретельна підготовка з боку (on the part) державного обвинувачення і захисту передує судовому процесу.
2. Захист може спочатку виступити з пропозицією, що заперечує юрисдикцію суду за певним порушенням у справі або стосовно певного відповідача.
3. Готуючись до судового засідання адвокати обох сторін опитають наявних свідків і, якщо необхідно, отримають висновок експерта і зберуть дані щодо балістики, хімічної експертизи, збитків та іншу подібну інформацію.
4. Присяжні засідають у суді і слухають свідків перед тим як вирішити чи винний засуджений.
5. Судді – це підготовлені юристи. Вони слідкують, щоб суд відбувався згідно з законом.
6. Якщо присяжні вважають, що обвинувачений винний, суддя виносить вирок.
7. Щоб стати баристером потрібно досягти певного освітнього рівня, скласти екзамен встановлений Радою юридичної освіти.

8. Адвокат (юрисконсульт) пояснює спірні питання, що пов'язані з законом, готує справу та докази до захисту, діє від імені клієнта.

9. Магістрати – це судді, які не мають юридичної кваліфікації, і обираються серед поважних місцевих людей. Магістратські суди існують у багатьох містах.

10. Баристери мають право публічного виступу перед судом.

Task 16. Answer the questions:

1. When does the process of criminal justice begin?
2. Whom do usually people meet when they need legal help?
3. What does a solicitor do?
4. What is the main function of a barrister?
5. Is the division of the legal profession justifiable and necessary today?
6. What is the main judges' function in the UK?
7. What does a venireman do?
8. What is the role of an attorney?
9. Who is a court reporter?

Task 17. Describe and compare the duties performed by:

- a barrister;
- a solicitor;
- a Queen's Counsel;
- a judge;
- a juror;
- a bailiff;
- an attorney.

Task 18. Translate the information about the process of jurors' choice:

Якщо судовий розгляд відбуватиметься за участю присяжних, першим кроком буде їх вибір. Перш ніж розпочати судовий процес по справі, секретар суду викликає до суду

потенційних присяжних на співбесіду. Вони обираються навмання із списку законослухняних громадян, і 12 з них будуть викликані на лаву присяжних для перевірки на неупередженість. Сучасне законодавство в окремих країнах допускає участь присяжних при розгляді деяких справ. Таке законодавство визнане Верховним судом. Слід відмітити, що деякі нові закони не вимагають одностайного голосування присяжних за вердиктом.

Перевірка на неупередженість є методом, за допомогою якого суд та адвокати з кожної сторони перевіряють кваліфікаційну придатність потенційних присяжних на справедливість та неупередженість. Кожна сторона конфлікту може відхилити певну кандидатуру присяжного через його упередженість або через підозру у зв'язку із іншою стороною. Крім цього, кожна сторона має право заявити певну кількість відхилів без повідомлення причини ("peremptory challenges"). Кожна сторона має можливість поставити питання потенційному присяжному та приймати або відхиляти їх кандидатури поки кількість відхилів не буде вичерпано. Потенційні присяжні зобов'язуються давати правдиві відповіді під час перевірки на неупередженість. Процес продовжується аж поки не буде обрано суд присяжних у повному складі.

Після вибору присяжних адвокати виголошують вступну промову, щоб ознайомити їх із основними фактами по справі, які кожна із сторін намагається довести, щоб суд присяжних міг зрозуміти загальну картину справи. Після вступних промов позивач подає свої докази.

Докази та свідчення подаються у відкритому суді у вигляді опитування свідків і ознайомлення присутніх із речовими доказами.

SUPPLEMENTARY READING

Task 1. Read the text to understand what information about the legal professions is of primary importance or new to you:

THE PERSONNEL OF THE LAW

Judges

Judges are normally appointed from practising barristers, (advocates in Scotland) or solicitors.

High Court judges, circuit judges and recorders are appointed by the Queen on the recommendation of the Lord Chancellor. District judges are appointed by the Lord Chancellor. Circuit judges and district judges are appointed through a competitive procedure including an interview before a panel which makes recommendations to the Lord Chancellor. Over the next few years, this procedure for making appointments is to be extended to all judicial posts below the level of the High Court.

Circuit judges, who preside in county courts and the Crown Court, are appointed from barristers or solicitors who have held a right of audience in the Crown Court or county courts for at least ten years or from recorders with at least two years' experience. Recorders are part-time judges in the Crown Court and county courts and are appointed from among those barristers or solicitors who have held a right of audience in the Crown Court or county courts for at least ten years; they are expected to sit for at least 20 days a year but no more than 50. High Court judges are appointed from practitioners who have held a right of audience in the High Court for at least ten years, or for among circuit judges who have served for at least two years.

Court of Appeal judges are appointed by the Queen on the recommendation of the Prime Minister, usually from among High Court judges. The Law Lords (in the House of Lords) are usually appointed from among Court of Appeal judges or the Scottish equivalent.

In Scotland, Supreme Court judges, sheriffs principal and sheriffs are appointed by the Queen on the recommendation of the

Secretary of State for Scotland. They are chosen from advocates or solicitors who have had many years experience as practitioners in the Supreme or sheriff courts.

Lay magistrates in England and Wales need no legal qualifications but are trained to have sufficient knowledge of the law, including the rules of evidence, and of the nature and purpose of sentencing.

The Scottish district court justices of the peace need no legal qualifications, but they too must take part in training. Stipendiary magistrates are legally qualified.

In Northern Ireland all full-time judges and resident magistrates are appointed by the Queen and are drawn from the legal profession. Members of a lay panel who serve in juvenile courts undertake training courses.

The Lord Chancellor

The Lord High Chancellor of Great Britain, more usually known as the Lord Chancellor, ranks eighth in order of precedence in England after the Queen: a status which reflects the importance of this position as a Minister of the Crown chiefly responsible for the administration as a Minister.

The Lord Chancellor is appointed by the Queen on the advice of the Prime Minister. The position combines duties which are legislative, executive and judicial: it is therefore an exception to the constitutional doctrine of the "Separation of Powers".

In this legislative capacity the Lord Chancellor presides over the House of Lords. He or she may take part in its debates and can vote in all of its divisions.

In this executive capacity he or she is a member of the Cabinet, its chief legal and constitutional adviser and one of its representatives in the House of Lords. The Lord Chancellor is responsible for the custody and the use of the Great Seal, which authenticates important legal documents such as Letters Patent.

In a judicial capacity the Lord Chancellor is head of the judiciary and presides over the House of Lords sitting as a court of appeal. He or she is a member of the Judicial Committee of the Privy

Council, is head of the Chancery Division of the High Court and a member of the Court of Appeal. However, the Lord Chancellor never sits as a judge other than in the House of Lords and the Judicial Committee of the Privy Council. The Queen is advised on the appointment of puisne judges of the High Court, circuit judges and recorders. Magistrates and the chairmen of certain administrative tribunals are also appointed by the Lord Chancellor.

Attorney-General and Solicitor-General

Together these are known as Law Officers. Both are appointed by the Prime Minister. They are political appointments, and the holders are precluded from private practice while holding office.

The Attorney-General is a member of the House of Commons (not cabinet rank). His or her duties comprise the following:

– Represents the Crown in the courts in civil matters where the public interest is concerned, and may prosecute in important and difficult cases in the criminal courts.

– Advises the Cabinet and Government departments on important legal matters and may take part in many judicial and quasi-judicial proceedings affecting the public interests, e.g. the administration of charities and patent law.

– Certain criminal offences must be reported to the Attorney-General, and his or her consent is necessary before criminal proceedings may be taken in certain cases, e.g. bribery, incest, corrupt practices, and offences against the Official Secrets Act, 1911 to 1989, the Misuse of Drugs Act, 1971, the Public Order Act, 1936, and various other Acts. He or she is head of the English Bar.

The Solicitor-General is a deputy to the Attorney-General and his or her duties are similar. He or she is a barrister and is a member of the House of Commons. By the Law Officers Act, 1944, any functions authorized or required to be discharged by the Attorney-General may, unless expressly excluded, be discharged by the Solicitor-General if the Office of Attorney-General is vacant, if

the Attorney-General is absent or ill, or if the Attorney-General authorizes his or her deputy to act in any particular case.

Masters

Masters of the Supreme Court are salaried officials, lawyers of at least ten years' standing, attached either to the Queen's Bench Division or to the Chancery Division of the High Court.

Masters of the Queen's Bench Division adjudicate on all matters preliminary to a trial. These preliminaries are known as 'interlocutory matters'. Thus one party may wish to inspect documents in the possession of their opponent, or one party may wish to put questions to their opponent to clarify certain points in issue. In these circumstances application may be made to a master for an order for discovery or an order for interrogatories commanding the opponent to produce the required documents or to answer on oath written questions. Disputes may arise as to the most convenient time or place of trial, or whether the trial should be with or without a jury. Such disputes may be decided by a master, from whose decision appeal lies to a judge in chambers. They are appointed from barristers.

Chancery Division Masters perform similar work in their Division of the High Court. They are appointed from among solicitors.

Taxing Masters are officers of the Supreme Court whose function is the checking, determining, and levying of costs to be paid by parties to the trial when the court so directs.

Directors of Public Prosecutions

The office of the Director of Public Prosecutions is governed by the Prosecution of Offences Act, 1985. The Director must be a barrister or solicitor of at least ten years' standing. This is an official appointment by the Attorney General with responsibility for the Crown Prosecution Service. This service, set up under the 1985 Act, is staffed by barristers and solicitors, certain of whom are designated Crown Prosecutors and Chief Crown Prosecutors (who are responsible for the service in each area in England and Wales).

The Director, in his or her capacity as head of the Service, is responsible for all criminal proceedings on behalf of the police (other than minor criminal offences). He or she must also conduct all binding-over proceedings instigated on behalf of the police force and any other proceedings where, because of the importance, difficulty or otherwise of the case, may be considered necessary.

Unit 8
LEGAL PROFESSION IN THE USA

Warming-up:

1. What are some different jobs in the legal profession?

2. Which legal job would you prefer, and why?

Vocabulary notes:

attorney	аторней, уповноважений, юрист, адвокат
trial court adjunct	помічник суду першої інстанції
grist	зерно, кількість
bench	суд, судді, склад суду, судова присутність
promotional pattern	система просування по службі
litigator	спеціаліст, який проводить судовий процес
office lawyer	судовий виконавець
counsel	адвокат, який бере участь у справі
promise	договірний обов'язок
litigant	сторона судового процесу
adversary	протилежна сторона судового процесу
the American Bar Association	Американська асоціація адвокатів
legislature	законодавча влада
affiliate	входити до складу, приєднувати(ся)
eligible	той, який має право
reciprocity	взаємність

JUDGES IN THE USA

The multitudinous judicial systems in the United States are operated by a variety of persons. Judges are at the core of any court

system. They are the decision makers, the key officials around whom all else is arranged. However, there is a vast supporting cast. Most intimately connected with the judges are those who assist them in the process of deciding issues and cases: law clerks, staff attorneys, and trial court adjuncts. Beyond these are the clerical and administrative personnel: secretaries, clerks of court and their staffs, judicial educators, and court administrators. Outside the court systems are numerous organizations whose functions are to assist the courts in various ways. Finally, there are the lawyers who present cases, thus supplying the grist for the judicial mill.

Because American judges sit on courts of widely varying types and come from a variety of backgrounds and experiences, it is difficult to generalize about them. Two generalizations, however, are possible. First, judges in the United States initially come to the bench from other lines of legal work and after a substantial number of years of professional experience. Second, once on the bench they do not, in the main, follow a promotional pattern through the ranks of the judiciary.

Compared to the English and civil-law systems of judicial recruitment and promotion, the methods used in the United States are quite varied. These procedures generally lack means of assuring professional quality. Moreover, the American judges' backgrounds are much more diverse than those of the English and civil-law judges. With the relatively minor exception of some lay judges on state courts of limited jurisdiction, all American judges have studied law and been licensed to practice law.

Although most judges have actually practiced law, the nature of that practice can be quite varied. Many judges have been litigators, but some have been office lawyers or counsel to organizations such as corporations or private associations. The types of law practice that judges have experienced range from small-town general practice to specialized fields in large metropolitan firms. Numerous judges have been lawyers in government service as prosecuting attorneys or counsel to government agencies, either state or federal. Some judges are former law professors, but their number

is small. Many judges have earlier been active in political affairs, often as legislators, political campaign managers, or party committee members or chairmen. Indeed, many American judges can be described as former lawyer-politicians.

Another feature of the American judiciary that sharply distinguishes it from that of civil-law countries and other common-law countries is that persons can enter the judicial system at any level. A lawyer can initially become a judge on the highest court, the lowest court, or any in between. There is no system or pattern about this. In other words, a lawyer who has never been a judge can become a judge on a court of last resort or an intermediate appellate court or trial court, in either a state or the federal system. Lawyers who come on the bench at the trial or intermediate appellate levels have no real promise of moving to a higher court, although some may have hopes in that regard. Some judges do move up, but most spend their entire judicial careers on the same court. There is no system of promotion and no substantial sentiment among American lawyers, judges, or politicians that such a system would be desirable.

LAWYERS

It is a longstanding tradition in the Anglo-American legal world that anyone can represent himself in court. But contemporary law and judicial procedure are so complicated that it is unrealistic for a litigant to represent himself in any but the simplest matters. Lawyers are essential to ensure the full and fair presentation of cases. American courts, being passive agencies in the common-law tradition, depend on lawyers to present the litigants' positions and to develop the evidence and the legal arguments. Under the adversary system it is each lawyer's obligation to present his client's case to the court vigorously and completely. Lawyers are thus an integral part of the machinery of justice.

In the United States admission to the practice of law and the governance of the legal profession are matters of state concern. One can speak accurately, for example, of "the Virginia bar" or "the Texas bar" or "the Illinois bar", meaning the lawyers in each of those

states who have licensed by those states. There is no national or federal authority to admit persons to the legal profession. The entity known as the American Bar Association is a private, voluntary, nationwide organization of some 370,000 lawyers from all states; it is the largest organization of lawyers in the country, although there are many other private bar associations, often based on areas of legal specialization.

In each state the requirements for admission to the bar are set by the Supreme Court or the legislature or the two acting together. Typically graduation from an accredited law school is required; there are more than 170 such schools in the United States, almost all affiliated with universities. Law school requires a three-year course of study after a student has attended college for four years and received a bachelor's degree. Law school graduates are awarded the degree of Juris Doctor (J.D.). They are then eligible to take a state bar examination, a written examination lasting two or three days. These examinations are usually administered by a body of lawyers, known as bar examiners, acting under the authority of the state's Supreme Court. Applicants who pass the bar examination and who also meet the requisite standards of character are admitted into the bar by that court.

Within the legal profession there is no formal division; there are no barristers or solicitors. Anyone admitted to the bar in a state is legally authorized to engage in any kind of legal practice in that state. As a practical matter, there is an increasing degree of specialization among lawyers. Typical areas of specialization are litigation, taxation, labor law, patent law, family law, trusts and estates, and various branches of administrative law.

A lawyer admitted to one state's bar can practice in another state only if he gets admitted in that state or that state recognizes the original state's admission. This kind of reciprocity is accorded in some states but not in all.

Task 1. Find the corresponding Ukrainian equivalents of the following English ones:

the multitudinous judicial systems, trial court adjuncts, to assist in the process of deciding issues and cases, to supply the grist for the judicial mill, to come to the bench from other lines of legal work, to follow a promotional pattern through the ranks of the judiciary, litigators, to enter the judicial system at any level, a court of last resort, to ensure the full and fair presentation of cases, to present the litigants' positions, to develop the evidence and the legal arguments, an integral part of the machinery of justice, the American Bar Association, to meet the requisite standards of character, to be admitted into the bar, to engage in any kind of legal practice.

Task 2. Give the English equivalents:

колегія адвокатів, протилежна сторона судового процесу, судовий виконавець, мати право, адвокат або група адвокатів, які беруть участь у судовій справі, спеціаліст, який проводить судовий процес, аторней, найвищий суд, бути прийнятим до колегії, займатися будь-якою юридичною практикою, представляти інтереси однієї із сторін судового процесу, розкривати докази та судові аргументи.

Task 3. Write down the word-families of the following words:

litigator, judiciary, counsel, promotion, judge.

Task 4. Match the following adjectives with the nouns and translate the word-combinations:

1. legal	a) administrators
2. adversary	b) associations
3. bar	c) careers
4. judicial	d) system
1. trial court	a) practice
2. court	b) jurisdiction
3. limited	c) adjuncts

Task 5. Match the terms with their definitions:

a court, an administrator, a litigator, a litigant, a lawyer, a clerk of court, a counsel a district attorney, a judge.

1. A person whose profession is advising others in matters of law or representing them in lawsuits is _____.

2. A person with authority to decide cases in a court of law is _____.

3. An official in charge of the records of a court is ____.

4. A lawyer who is responsible for bringing criminal charges against smb. in a particular area or state is _____.

5. A person who takes a claim or dispute to a court of law is ____.

6. A person who is making or defending a claim in a court of law is ____.

7. A lawyer or group of lawyers representing smb. in a court of law is _____.

8. A person whose job is to manage and organize the court is _____.

Task 6. Find a word or an expression which best completes the sentence:

1. In the USA judges _____.

a) are drawn from the experienced practitioners – barristers.

b) have practiced law, the nature of that practice can be quite varied.

c) begin their professional careers as judges.

2. A lawyer can initially become a judge _____.

a) on the highest court.

b) on the lowest court.

c) on the highest court, on the lowest court, or any court in between.

3. In the USA attorney at law _____.

a) performs both civil and criminal legal functions for clients.

b) does not represent the clients in court.

c) is the specialist with particular skills in advocacy.

4. In the USA law school graduates _____.

a) must spend a similar year as pupils.

b) are awarded the degree of Juris Doctor.

c) are not necessarily qualified.

5. In the USA anyone admitted to the bar in a state _____.

a) is allowed to present cases in the higher courts.

b) spends much of his time preparing briefs for counsel.

c) is legally authorized to engage in any kind of legal practice in that state.

Task 7. Match the different branches of the law with the sphere of their application:

1. litigation	a) treaties and cross-border agreements
2. corporate and commercial	b) bringing lawsuits against others
3. family	c) contracts and mergers
4. environmental	d) rules applied to how a prosecution or civil action is conducted
5. employment	e) civil cases
6. private	f) pleading a case in court on behalf of a client
7. advocacy	g) divorce and marriage settlements
8. public international	h) relating to creativity, published ideas and art forms
9. intellectual property	i) equal opportunities and fair pay
10. procedural law	j) regarding industrial waste and pollution

Task 8. Complete the following sentences translating the words in brackets:

1. (*Суддi*) are the decision makers, the key officials around whom all else is arranged.

2. Beyond these are the clerical and administrative personnel: secretaries, (*секретарi суду*) and their staffs, judicial educators, and court administrators.

3. American courts depend on lawyers (*представляти інтереси сторін у суді*) and to develop the evidence and the legal arguments.

4. There are many other private (*колегії адвокатів*), often based on areas of legal specialization.

5. A lawyer who has never been a judge can become a judge (*в найвищому суді*) or an intermediate appellate court or trial court, in either a state or the federal system.

6. Lawyers who come on the bench at the trial or intermediate appellate levels have no real (*обов'язок*) of moving to a higher court.

Task 9. Answer the questions:

1. What people are involved in court cases in the US?
2. How do judges in the United States initially come to the bench?
3. Do they follow a promotional pattern through the ranks of the judiciary?
4. What methods of judicial recruitment and promotion are used in the United States?
5. Who is essential to ensure the full and fair presentation of cases?
6. What is each lawyer's obligation?
7. Whose matters are the admission to the practice of law and the governance of the legal profession?
8. What is the American Bar Association?
9. What are the requirements for admission to the bar?
10. Is there a formal division within the legal profession in the US?
11. What are typical areas of specialization among the US lawyers?

Task 10. Study the article below and answer the questions:

1. What are the names of the plaintiff and the defendant in the lawsuit?

2. What was the issue at the heart of the dispute?
3. What were the claims of both parties?
4. How did the Random House editor describe the manuscript?
5. How did Joan Collins' attorney build up the defense?
6. What was the jury's verdict?

Joan Collins has starring role in lawsuit

Reuter and Associated Press
NEW YORK

British actress Joan Collins made her debut Tuesday in a New York courtroom, battling publishing giant Random House over a multimillion-dollar book contract. Random House is suing Collins, demanding the return of a $1.2 million advance paid to her for manuscripts it claims were unfinishable and unpublishable. Collins, best known for playing the scheming Alexis Carrington in the television series Dynasty, has countersued for $3.6 million she claims the publishing house still owes her.

Collins said she "felt completely shattered and let down" by the lawsuit. "It has seriously upset my writing career and my reputation," she said.

The dispute centered on a simple question: what is a completed manuscript?

Delivering the opening argument for Random House, attorney Robert Callagy said Collins had not met the terms of her contract and had to return the advance money. "Miss Collins should be treated like any other person," Callagy said. "If you sign the contract, you must perform."

Former Random House editor Joni Evans testified that in 1991, when she first read Collins' manuscript, she felt 'alarmed'. "It just wasn't working in any shape or form," said Evans, now a literary agent. "It was no good. It wasn't grounded in reality. It was dull, primitive and rough. It was clichéd in plot."

Collins' attorney, Kenneth David Burrows, argued that the actress had submitted two complete manuscripts, A Ruling Passion, written in 1991 at her home in France, and a second manuscript with the working title Hell Hath No Fury. Thus she had turned in the required number of words and therefore had complied with the contract. He also said Random House should have provided her with editing and advice but instead it was trying to avoid meeting its obligations. He argued earlier that under the 1990 book deal she was guaranteed the money even if the publisher rejected the book.

The jury decided that Collins had completed one manuscript in compliance with her contract. But Random House did not have to pay her for the second manuscript because it was merely a rehashing of the first one and not a separate piece of work. The verdict meant Collins could keep the advance and collect more from Random House, though how much more remained in dispute.

Task 11. Work in pairs:

ROLE-PLAY

Is Justice Done?

Role play the Joan Collins trial.

Step 1. Write down the speeches for the opening and closing arguments of the parties' attorneys.

Step 2. Role play the trial: 'the lawyers' deliver their speeches; "the defendant" testifies in court.

Step 3. The rest of the group – the jurors – deliberate the evidence and bring in a verdict of their own.

Task 12. Being a lawyer is regarded as one of the best professions in many countries. Think about what the different areas of specialization are, and which you would choose, or have chosen, and why. Make notes under the headings:

- choice of specialization;
- number of years of training;
- income expectations;
- responsibilities;

• kind of clients;
• need for foreign languages;
• likely challenges & opportunities.

Add any other points that occur to you.

SUPPLEMENTARY READING

Task 1. Read the text paying special attention to the most important definitions:

DUAL RESPONSIBILITY OF THE LEGAL PROFESSIONAL

Principles of legal ethics, whether written or unwritten, not only regulate the conduct of legal practice but also reflect the basic assumptions, premises, and methods of the legal system within which the lawyer operates. They reflect as well the profession's conception of its own role in the administration of justice. In democratic countries such as the United States, Canada, the member states of the European Union, and Japan, this conception includes the fundamental assumption that the typical lawyer, although principally engaged in the representation of private interests, has a considerable public responsibility as well. For a lawyer is an officer of the court who plays a critical role in upholding the integrity of the legal system. Accordingly, a lawyer must eschew tactics that would defeat the fair administration of justice, even while working vigorously to advance the interests of a client.

Naturally, the interests of client and society do not always coincide, and the principles of legal ethics do not always indicate the lawyer's obligations in such situations. Should a lawyer cross-examine an adverse witness in a way that undermines or destroys his testimony when the lawyer believes the witness is actually telling the truth? May he invoke rules of evidence to exclude points that would weigh against his case but that he considers to be true or probably true? May he take advantage of the errors of an unskilled opponent? Should he demand a jury trial for purposes of delay when such a trial would have no advantage for his client? These questions may be answered differently in legal systems that operate on different premises. A system in which a lawyer presents a client's case in the most favourable light permitted by law and in which the court must decide the merits of the case may well produce different answers than those produced in a system that assigns a higher priority to the lawyer's duty to the state to assure proper administration of justice.

A lawyer is at times faced with the question of whether to represent two or more clients whose interests conflict. Quite aside from his ethical obligations, the legal systems of the world generally prohibit a lawyer from representing a client whose interests conflict with those of another, unless both consent.

In Anglo-American legal systems the prohibition has three aspects. First, the attorney is not permitted to represent two or more clients concurrently if, in order to further the interests of one, he must forgo advancing the conflicting interests of another. In short, he cannot be both for and against a client. Second, he cannot subsequently accept employment from another for the purpose of undoing what he had earlier been retained to accomplish. Third, he may not accept subsequent employment from another if it involves the use, the appearance of use, or the possible use of confidential information received from his former client. Such actions are forbidden by law and by legal ethics.

Task 2. Read the text to understand what information is new for you:

CONTEMPORARY TRENDS IN LEGAL PROFESSION

It is no cliché to suggest that the legal profession has been undergoing enormous changes in recent years, and there are many reasons to believe that the pace of change will accelerate.

Perhaps the most obvious change of the past half century concerns the demography of the legal profession in the United States and many other countries. Whereas even as late as the mid-20th century few women and ethnic minorities attended law school, now approximately half of all law students in the United States are women, while roughly one-fifth to one-quarter identify themselves as members of a previously underrepresented minority. The impact of these demographic shifts has not fully made itself felt at the partnership level in the nation's leading law firms, for reasons that have been hotly debated (one contention is that the great number of

work hours demanded of young lawyers imposes particular strains on women).

Nevertheless, at the associate level and in government, business, and academe, the growing presence and prominence of women and minority attorneys is evident.

In the United States the joint effort of the legal profession and Congress to increase access to legal services during the late 1960s also effected the emergence of the paralegal profession. A paralegal is an individual who serves as a legal assistant to one or more attorneys during the provision of legal services. Paralegals perform many of the same tasks as lawyers, including conducting legal research, obtaining affidavits, assisting in the preparation of legal arguments, and drafting legal documents.

They have not, however, been admitted to the actual practice of law and are thus prohibited from performing tasks considered as such, including providing legal advice, setting and collecting legal fees, and representing clients in court. Paralegals are most commonly employed in law firms, government offices, and corporate legal departments.

In the 21st century the paralegal profession experienced an above-average occupational growth rate, as employers aimed to cut costs and increase efficiency by hiring paralegals to handle tasks once performed by lawyers.

Unit 9
CRIME AND PUNISHMENT

Warming-up:

1. Is the crime rate high in your country? If so, what are the causes of crimes?

2. What is the most violent crime in your opinion?

3. Is it necessary to differentiate a crime of passion from the crime which is planned?

4. What capital punishment should be in our country? What is your attitude to the death penalty?

Vocabulary notes:

to restrict	обмежувати
to convict	засуджувати
to reform	змінити, покращити
retribution	кара
to rehabilitate	реабілітувати, поновити в правах
to prevent	попереджувати
preventive measures	попереджувальні міри
to deter	стримувати
relevant (to)	відповідний
to deprive	позбавляти
exile	вигнання
harsh	суворий
available	такий , що є у розпорядженні
community service	суспільно-корисна праця
suspended	відстрочений
law-abiding	законослухняний
to deprive of	позбавити
corporal punishment	тілесне покарання
capital punishment	смертна кара
gravity	тяжкість

custodial	такий, що стосується позбавлення волі
semi-custodial	напівпозбавлення волі
non-custodial	без позбавлення волі
culprit	злочинець

CRIME AND PUNISHMENT. CIVIL AND CRIMINAL PENALTIES

Criminal punishment of persons who have committed crimes is one of the forms of state fight against crime. Any criminal punishment is always a restriction of the rights of convicted persons. This restriction is a sort of retribution for the crime a person committed. If a person is convicted, the court decides on the most appropriate sentence. The facts of the offence, the circumstances of the offender, his/her previous convictions are taken into account. The more serious an offence is, the stricter a penalty should be.

What is the purpose of punishment? One purpose is obviously to reform the offender, to correct the offender's moral attitudes and anti-social behaviour and to rehabilitate him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a deterrent because it warns other people of what will happen if they are tempted to break the law and prevents them from doing so. However, the third purpose of punishment lies, perhaps, in society's desire for retribution, which basically means revenge. In other words, don't we feel that a wrongdoer should suffer for his misdeeds?

The form of punishment should also be considered. On the one hand, some believe that we should "make the punishment fit the crime". Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that crime doesn't pay. 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.

On the other hand, 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.

But in any case, the responsibility of the court is to impose an exact and just punishment relevant to the gravity of a crime. The more just the punishment is, the greater is the possibility of a person's reformation. The defence lawyer may make a speech in mitigation on behalf of the offender.

There are several kinds of punishment available to the courts. In civil cases, the most common punishment is a fine. For criminal offences fines are also often used when the offence is not a very serious one and when the offender has not been in trouble before. Another kind of punishment available in some countries is community service. This requires the offender to do a certain amount of unpaid work, usually for a social institution such as a hospital. For more serious crimes the usual punishment is deprivation of liberty – imprisonment, exile and public censure. Some prison sentences are suspended: the offender is not sent to prison if he keeps out of trouble for a fixed period of time, but if he does offend again both the suspended sentence and any new one will be imposed. The length of sentences varies from a few days to a lifetime. However, a life sentence may allow the prisoner to be released after a suitably long period if a review (parole) board agrees his detention no longer serves a purpose. Capital punishment is usually used only as an exceptional measure when an especially determined by law. There are quite a lot of countries where death penalty is prohibited.

In some countries, such as the Netherlands, living conditions in prison are fairly good because it is felt that deprivation of liberty is punishment in itself and should not be so harsh that it reduces the possibility of the criminal reeducating and reforming himself. In other countries, conditions are very bad.

Task 1. Give the Ukrainian equivalents of the following words and expressions:

convicted person, retribution for the crime, suspended sentence, public censure, in mitigation, a life sentence, gravity of a crime, deprivation of liberty, to impose a just punishment, to be released, a harsh punishment, penology, exile, reformation, discharge, a restriction of the rights, a fine, offender, to send to prison, community service, a parole board.

Task 2. Translate the following words and expressions into English:

умовне покарання, утримати від злочину, довічне ув'язнення, утримувати за ґратами, обмежувати, кара, запобігати злочинам, попередні засудження, брати до уваги обставини, перевиховання, виступати від імені, суспільно-корисна праця, позбавлення волі, ув'язнення, відправити за ґрати, тяжкість злочину, пом'якшення.

Task 3. Translate the following words and expressions:

convicted person, *утримувати за ґратами*, retribution for the crime, *обмежувати*, public censure, *довічне ув'язнення*, to impose a just punishment, *суспільно-корисна праця*, suspended sentence, *брати до уваги обставини*, to be released, *утримати від злочину*, exile, *позбавлення волі*, a restriction of the rights, *позбавляти власності*, a harsh punishment, *смертна кара*, purpose of punishment, *попередні ув'язнення*, law-abiding life, *рада по умовно-достроковому звільненню*, corporal punishment.

Task 4. Match the following words and expressions with their Ukrainian equivalents:

1. convicted person	a) рада по умовно-достроковому звільненню
2. retribution for the crime	b) позбавлення волі
3. to impose a just punishment	c) довічне ув'язнення
4. gravity of a crime	d) умовний вирок

5. person's reformation	e) винести справедливе покарання
6. in mitigation	f) виступати від імені злочинця
7. to make a speech on behalf of the offender	g) тяжкість злочину
8. deprivation of liberty	h) засуджений
9. suspended sentence	i) для пом'якшення
10. life sentence	j) перевиховання
11. parole board	k) кара за злочин

Task 5. Use the information given in the text to answer the following questions. Discuss your answers with other members of the group:

1. Is a criminal punishment only a retribution for the offence committed?
2. What should be taken into consideration before court decides on the most appropriate sentence?
3. What is the most common punishment in civil cases?
4. What is the purpose of punishment?
5. What is the main aim of punishment nowadays? Why?
6. Do you agree that crime is not always prevented or reduced by severity of punishment? Prove your opinion.
7. In what cases can prison sentences be suspended?

Task 6. Make a "forms of punishment" list. Compare your list to your partner's and then present it to the group.

Task 7. Find the words that correspond to the following definitions and translate them into Ukrainian:

1. a rule or law that limits or controls what people can do	a) reform
2. when something bad is stopped from happening	b) deprive
3. officially allow someone to leave somewhere	c) discharge
4. the lack of something that you need in order to be healthy, comfortable or happy	d) prevention

5. to prevent someone from having something, especially something that they need or should have	e) deterrence
6. severe punishment for something very serious	f) deprivation
7. to change your behaviour and become a better person, or to make someone to do this	g) restriction
8. something that makes someone less likely to do something by making them realize it will be difficult or have bad results	h) retribution

Task 8. Explain the meaning of the words and expressions:

wrongdoer, misdeeds, deterrent, retribution, death penalty, corporal punishment, reform, barbaric, law-abiding, humane, crime doesn't pay.

Task 9. Read and translate the text:

FORMS OF PUNISHMENT IN GREAT BRITAIN

The kinds of punishment may be classified as: custodial; semi-custodial; and other (non-custodial) forms.

• Custodial.

Imprisonment. An adult offender is committed to one of H.M.1 prisons of which there are various kinds, some "open" and some "closed" prisons. Broadmoor Mental Hospital is allocated for those suffering from insanity to be detained during H.M. pleasure. "Penal servitude", "Imprisonment with hard labour", and flogging have been abolished.

Most statutes lay down maximum punishments for particular offences. Robbery (Theft Act, 1968) and arson (Criminal Damage Act, 1971) are punishable by imprisonment for life. A Crown Court may award any sentence imposable by law from imprisonment to absolute discharge. A Magistrates' Court may not sentence a person to more than 6 months' imprisonment for any offence.

Hospital Order. This order may be made by a court where it is found the offender is suffering from mental illness or severe abnormality without first convicting him, if the court is satisfied that the accused did the act charged. The purpose of the order is to enable

the offender to be compulsorily detained, or placed under guardianship, for as long as it is necessary in his and the public interest (Mental Health Act, 1959).

• Semi-custodial.

Borstal. These institutions are for the training of young offenders between 15 and 21 years of age, where the court is of the opinion – having regard to the circumstances of the offence, the offender's character and his previous conduct – that it is expedient that he should be detained for not less than 6 months. The maximum period of detention is 3 years. The offender is then subject to 18 months' supervision. The general purpose of Borstal is to give all-round training for the development of character and capacities – moral, mental, physical and vocational. Home leave is given. The release date of each person is decided by the Home Secretary.

Detention Centres. A person over 14 and under 21 found guilty of offence, punishable in the case of an adult with imprisonment, may be sent to a Detention Centre for up to 3 months. Thereafter he will be subject to supervision for 1 year.

Community Homes. These homes are now in course of being set under the Children and Young Persons Act, 1969. They replace Approved Schools and Remand Homes. They are run by the local authorities and are used for children (i.e. those over 10 and under 14) and young persons (i.e. persons over 14 and under 17), for the purposes of remand and for correction where a person has been found guilty of an offence usually of a serious kind.

Attendance Centres. These are for person's over 10 and under 21, found guilty of breach of probation or of an offence punishable in the case of an adult with imprisonment. The offender will be obliged to do chores, cleaning and scrubbing the centre, redecorating, car maintenance, etc. The maximum sentence is usually 12 hours, and the maximum hours on any one day (usually Saturdays) is 3 hours. Mostly it is of 2 hours' duration.

Care Orders. These orders are made by a court where a child or young person is in need of care, protection or control, or has committed a criminal offence. The child or young person may be

committed by the court to the care of a local authority, who may place him in a community home or a foster home, or he may be made subject to a hospital order or a guardianship order. The general intention under the Children and Young Persons Act, 1969, is to bring care proceedings only in respect of children under 14, and care proceedings or a criminal prosecution in respect of young persons between 14 and 17 years of age. The object is to try to keep children and young persons out of court and to help the parents of deprived or delinquent children by the provision of effective support "through the social and other services".

• Non-custodial forms.

Absolute Discharge. This order may be made by a court where it finds the accused guilty, but, having regard to all the circumstances, thinks it inexpedient to inflict any punishment or to impose a probation order.

Conditional Discharge. This is similar to the above except that the offender is discharged subject to the condition that he does not commit another offence. If he does, he will be liable to be sentenced for the original offence. The condition cannot remain in force for more than three years.

Binding Over. The offender is found guilty, but the court requires him to enter into a recognizance and to keep the peace and to be of good behaviour. Binding over is a form of preventive justice. If the offender does commit another offence, he is liable to forfeit the sum named in the recognizance or bond he has already entered into.

Probation Order. The order may be made requiring the offender to be placed under the supervision of a probation officer for a specified period (not more than 3 years). A probation order may be made subject to conditions designed to ensure that the offence is not repeated. If the conditions in the order are broken or a further offence committed during the period of the probation, the probationer may be recalled for sentence on the original charge.

Fine. This is the imposition of the payment of money to the court for an offence committed. Certain statutes lay down the maximum which may be imposed. All summary offences are

punishable by a fine with a fixed maximum, in accordance with a standard scale of five levels.

Compensation Order. When someone has committed a criminal offence that caused personal injury, loss, or damage, the court may make a compensation order requiring the offender to pay the compensation resulting from that offence to the person suffering the loss. Magistrates' courts may not make a compensation order for more than 5 000 pounds. The court must take into account the offender's means and should avoid making excessively high orders or orders to be paid in long-term installments. A compensation order may be made for funeral expenses or bereavement in respect of death resulting from an offence other than death due to a motor-vehicle accident. Compensation orders may be made in addition to, or instead of, other sentences. A court must order a parent or a guardian of an offender under the age of 17 to pay a compensation order on behalf of the offender unless the parent or guardian cannot be found or it would be unreasonable to order him to pay it.

Suspended Sentence. A custodial sentence that does not take effect immediately. When a person is sentenced to imprisonment for less than two years, the court may, in exceptional circumstances, order that he should not actually be imprisoned unless he commits another offence within a specified operational period of between one and two years. If the suspended sentence is for a prison term of more than six months, the court may also make a suspended sentence supervision order, placing the offender under the care of a probation officer. If the offender fails to comply with the terms of such an order he is liable to a fine.

Borstal order. The aim of Borstal was to give all-round training for the development of young offenders (aged 15 to 20 inclusive). Since 1983 sentence to borstal has been replaced by detention in a young offenders institution.

Deferred sentence. The sentence imposed by a magistrates' court or the Crown Court after a period of up to six months from conviction for the offence. The court may postpone sentencing, if the

convicted person agrees, if it wishes to assess any change in the offender's conduct or circumstances during that time.

Community Service Order. A person over 17 may be required to perform community service of not more man 240 hours of unpaid work, usually at weekends. There are certain conditions. Thus the offender must consent to the order, and the service must be fulfilled within 12 months. The community service intended will be work involving repairing footpaths, slag heaps, nature reserves, churchyards, beaches, canals, children's adventure playgrounds, work in hospitals, and so on. The community service must not interfere with religious observance, his normal work or education (Criminal Justice Act, 1972).

Deprivation of Property. Where a person is convicted of an offence punishable with not less than 2 years' imprisonment, and the court is satisfied that any property in his possession or control on arrest has been used for committing any offence, or was intended to be used for that purpose, it may deprive him of any rights he may have in the property, which shall be taken into, or remain in, the possession of the police. A motor-vehicle, therefore, may be confiscated under this section (s. 23, Criminal Justice Act, 1972).

Disqualification from Driving a Motor Vehicle. Where a person is convicted on indictment of an offence punishable with not less than 2 years' imprisonment a Crown Court may, if satisfied that a vehicle was used by the defendant or anyone else for committing the offence, disqualify him for such period as the court thinks fit. A Magistrates' Court may not exercise this power (Criminal Justice Act, 1972,5.24).

Day Training Centres. The Criminal Justice Act, 1972, provides for Day Training Centres to be established. Four are opened initially at Inner London, Liverpool, Sheffield and Glamorgan. The centres will provide offenders with intensive supervision and social education as a condition of a probation order.

Supervision Order. This may be made by a Court after trying a juvenile or after "care proceedings". The court may order mat the juvenile be placed under the supervision of a local authority or of a

probation officer. The supervision order is similar to a probation order. The supervisor's general duty is to "advise, assist and befriend" the juvenile.

Task 10. Fill in the table. List different forms of punishment in the UK. Use the information in the text above to complete the chart. First you need identify the most important points to include in the chart. Choose your information carefully:

custodial	semi-custodial	non-custodial

Task 11. Discuss your ideas in pairs and then exchange opinions with the group:

1. Which forms of punishment must be introduced in our country in your opinion?
2. What are the advantages of non-custodial forms of punishment?

Task 12. Study the vocabulary. Check to see if you know the meaning of these words and expressions for discussion. Read and translate the text into Ukrainian:

wicked, to breed, violence, hijacking, manslaughter, to blame, misguided, defender, poverty, excessive, effortless, to glorify, to pursue, vast, memoirs, hardened, misfit, to cuddle, to cosset, driving ban, community service, probation, desperate, to ponder, vulnerable.

CRIME AND PUNISHMENT

Crime and punishment is the question that worries people all over the world. We live in the wicked society, which breeds evil. Every minute a crime is committed in our society: we are frightened, we are afraid of being robbed. Robbery takes many forms, such as: pickpocketing, shoplifting, mugging, burglary, theft.

We see a lot of violence on our TV screens, such as: terrorism, hijacking, murder. While reading newspapers, we become

aware of the cases of manslaughter, blackmail, forgery, assault, drug-trafficking.

If we live in a wicked society and society is to blame, as the misguided defenders say, why we are not all criminals? What makes people commit crimes?

May be poverty, when people can't make both ends meet, or the excessive permissiveness of the parents, when a child is allowed to do whatever he likes and gets away with *blue murder*[1], poor living conditions, lack of education. Some people try to get away with their usual routine and that provokes them to commit a crime. Some people base their life on the definite ideas, they say, that "Stolen sweets are best" (they realize their dreams in the most effortless way). Some people think, that "laws were made to be broken". Some people are in need of hospital treatment. Crime is a kind of disease and it should be treated as such. Some people consider the pleasure to be the beginning of leaving happily, different people find different pleasures. Some people find pleasure in challenging nature, doing sport and keeping fit, while other people find pleasure in taking drugs, hunting, disturbing their neighbours and committing the crimes. The violent criminal has become a kind of hero-figure in our time. He is glorified on the screen; he is pursued by the press and paid vast sums of money for his "memoirs". The hardened criminal is cuddled and cosseted by the sociologists on the one hand and adored as a hero by the masses on the other. It's no wonder he is a privileged person who expects and receives VIP treatment wherever he goes. So how should we refer to such people?

It's a controversial question. There are some points of view. On the one hand we refer to them as "social misfits". As the saying goes: "Society prepares the crime, the criminal commits it". It has become fashionable to pose as the defender of the *under- dog*[2], people are always willing to hold liberal views at the expense of others, but as long as you, personally, remain unaffected. But if it concerns us, we demand that punishment should fit the crime because crime doesn't pay and honesty is the best policy. The defendant might be given one of the penalties, depending on the

seriousness of the crime: imprisonment, fine, driving ban, community service, putting on probation, capital punishment. Unfortunately it was replaced by life sentence. We all know that "life sentence" doesn't mean what it says. After ten years or so of "good conduct", the most desperate *villain*[3] is free to return to society where he will live very comfortably, thank you on the proceeds of his crime, or he will go on committing offences until he is caught again.

Capital punishment used to be a major deterrent. It made the violent robber think twice before pulling the trigger. It gave the cold – blooded poisoner something to ponder about while he was shaking up his arsenic cocktail. It prevented unarmed policemen from being *mowed down*[4] while pursuing their duty by killers armed with automatic weapons. Above all it protected the most vulnerable members of society, young children, from brutal sex – maniacs. It made the professional killer think twice before using his cosh or crowbar to batter some harmless old lady to death.

I think that our attitude to crime should be tough, we should have harsh laws and in this respect we have a good example to follow Singapore, which is called "the intelligent island", where huge fines are imposed for such offences, as chewing gum, smoking in public places, jaywalking, spitting, or failing to flash a public lavatory. Any act of vandalism is severely punished. More serious crimes, such as drug – trafficking, automatically carry the death penalty. May be that is why Singapore is one of the safest places to live. Muggings are practically unheard of and a woman can safety walk at any hour.

Be sure, that if we changed our attitude to crime and criminals, we would enjoy the same pleasures, the same way of life and we would be called "intelligent nation".

Notes:

[1] *blue murder* – to complain very loudly;

[2] *under-dog* – a weaker person, country, etc., that is always treated badly by others;

[3] *villain* – a criminal;
[4] *to mow down* – to kill, destroy.

Task 13. Read the text and decide if these statements are true or false:

1. Crime and punishment is the question that makes people glad all over the world.

2. Every minute a crime is committed in our society: we are happy of being robbed.

3. We see a lot of violence on our TV screens, such as: terrorism, hijacking, murder.

4. What makes people commit crimes? May be wealth, when people can afford everything they want, high living conditions and higher education.

5. Some people think, that "laws were made to be broken".

6. Some people find pleasure in challenging nature, doing sport and keeping fit, while other people find pleasure in taking drugs, hunting, disturbing their neighbors and committing the crimes.

7. So, how we should refer to such people? On the one hand we refer to them as "lucky men".

8. The defendant might be given one of the penalties, depending on the seriousness of the crime: imprisonment, fine, driving ban, community service, putting on probation, capital punishment.

9. After ten years or so of "bad conduct", the most desperate villain is free to return to society where he will live very comfortably.

10. Singapore is called "the savage island", where huge fines are imposed for such offences, as chewing gum, smoking in public places, jaywalking, spitting, or failing to flash a public lavatory.

Task 14. Complete the sentences below:

a) We live in a wicked society, which breeds ... .

b) Every minute a crime is committed in our society: we are frightened, we are afraid of being ... .

c) Robbery takes many forms, such as: ..., ..., ..., ..., ...

d) We see a lot of violence on our TV screens, such as: ..., ...

e) While reading newspapers, we become aware of the cases of … .

f) “Stolen sweets are ...”.

g) “... were made to be broken”.

h) “... prepares the crime, the criminal commits it”.

i) “Honesty is the best ...”.

j) The defendant might be given one of the penalties, depending on the seriousness of the crime: ..., ..., ..., ...

Task 15. Complete the sentences using the words from the box in the Passive Voice Construction:

catch, find, inform, question, return, search, see, steal, take.

BURGLARY

Jewellery and coins _____ last night from the house of Mr. and Mrs. Thomson. At about 1.30 a.m., a young man _____ in the garden by a neighbour. The police _____ immediately by the neighbour’s wife. Ten minutes later the man _____ as he was leaving the garden and _____ to the police station for questioning. His pockets _____. Rings and gold coins worth over $ 3000.

When the man _____ about the theft, he said: “It was easy. The window was open and the safe was not locked.”

The jewellery and coins _____ the next morning.

Task 16. Match the synonyms. Words from the first column are taken from the text “Crime and Punishment”:

1. mischievous	a) offence
2. catastrophe	b) struggle
3. hijacking	c) to adore
4. to be aware of	d) disease
5. courageous	e) to fear
6. shy	f) penalty
7. blackmail	g) discovery
8. invention	h) up-to-date

9. frighten	i) naughty
10. vip-treatment	j) disaster
11. sickness	k) brave
12. controversial	l) to know
13. to glorify	m) skyjacking
14. fashionable	n) timid
15. to be afraid of	o) questionable
16. punishment	p) behaviour
17. crime	q) reminiscences
18. conduct	r) red-carpet treatment
19. memoirs	s) scared
20. fight	t) extortion

Task 17. Discuss in pairs.

a. What does the writer mean by the underlined phrases?

b. What makes people commit crimes?

c. How should we refer to offenders?

Task 18. Make up a composition on one of the given topics. Do you agree with these statements or not?

1. “Stolen sweets are best”.
2. “Laws were made to be broken”.
3. “Society prepares the crime and the criminal commits it”.
4. “Honesty is the best policy”.

Task 19. Give the comparative and superlative degree of the following adjectives:

wicked, excessive, poor, controversial, fashionable, mischievous, courageous, shy, conscious, suitable, punitive, cruel.

Task 20. Complete the following sentences with the words in the box:

professional, serious, young, controversial, violent, cold-blooded, brutal, vulnerable, old, capital.

1. A felony is a _____ crime but not as serious as treason.

2. It is a _____ question.

3. _____ punishment used to be a major deterrent.

4. It made the _____ robber think twice before pulling the trigger.

5. It gave the _____ poisoner something to ponder about while he was shaking up his arsenic cocktail.

6. Above all it protected the most _____ members of society _____ children, from _____ sex-maniacs.

7. It made the _____ killer think twice before using his crowbar to batter some harmless _____ lady to death.

Task 21. Make up your own sentences using the following adjectives:

mischievous, courageous, conscious, punitive, cruel, controversial, wicked.

Task 22. Role Play:

Training work with young offenders

Situation: Warden (*наглядач*) Thomas Heart brings to a member of the Disciplinary Committee two juvenile offenders on demand of one of them. These young men are serving their term in a juvenile prison in connection with one and the same criminal case. They used to be friends and courted to the same girl. The one has to serve 6 months, the other, 4 months. Now they are on hostile terms (*у ворожих стосунках*) with each other.

Play participants:

• Thomas Heart, prison warden,

• Mrs Elisabeth Magow, member of the Disciplinary Committee, member of the magistrate,

• 17-year-old Winston Brown, prisoner (4 months of imprisonment),

• 16-year-old Jacob Collins, prisoner (6 months of imprisonment).

Taking part in the play as acting characters, discuss possible versions, in particular:

• Prison warden Thomas Heart reports to Mrs Elisabeth Magow that 17-year-old Winston fulfills firmly all the requirements set by the discipline routine (*тюремний режим*), tries to increase his training level and works diligently in a radio electronics laboratory... As a result he was granted extra privileges... At the same time his accessory Jacob does not want to study and refuses to do any kind of work, behaves provocatively (зухвало) with some prisoners and tries to cause harm (*спричинити зло*) to Winnie...

• Prisoner Winston Brown confirms the statements and characteristics given to him by the warden and asks Mrs Magow to transfer him to another department and, if possible, to place him on probation (*звільнити умовно*) (3 months of the imprisonment have already passed)...

• Prisoner Jacob Collins thinks that the warden is unfair to him and the prison discipline (*тюремні правила*) is too severe; besides, he is not allowed to phone his girl-friend or home once again, there are no cultural activities, and he wants to work... As for his relations to Winston, it is only his, Winston's fault, – he is gaining favour (*вислужується*) and he hates this sort of people. In addition, he is charged a less term of imprisonment... that is why he will be able to be released earlier and to court to his girl-friend, in his opinion...

• Mrs Magow promises Winnie to solicit for (*поклопотатися*) his probation immediately, and if it is not solved safely, then to transfer him to another form of serving. She thanks the warden for his detailed report and holds Jacob back (*залишає*) for further talks...

SUPPLEMENTARY READING

Task 1. Read the text referring to the italicized terms:

FROM THE HISTORY OF PUNISHMENT

For the most history *execution* has been both painful and public in order to act as deterrent to others. Physical punishments and *public humiliations* were social events and earned out in most accessible parts of towns, often on market days when the greater part of the population were present. Justice bad to be seen done.

One of the most bizarre methods of punishment was inflicted in ancient Rome on people found guilty of murdering their fathers. Their punishment was to be put in a sack with a rooster, a viper, and a dog, then drowned along with the three animals. In ancient Greece the custom of allowing a condemned man to end his own life by poison was extended only to full citizens. The philosopher Socrates died in this way. Condemned slaves were beaten to death instead. Stoning was the ancient method of punishment for adultery among other crimes.

In Turkey if a butcher was found guilty of selling bad meat, he was tied to a post with a piece of stinking meat fixed under his nose, or a baker having sold short weight bread could be nailed to his door by his ear.

One of the most common punishments for petty offences was the *pillory*, which stood in the main square of towns. The offender was locked by hands and head into the device and made to stand sometimes for days, while crowds jeered and pelted the offender with rotten vegetables or worse.

In medieval Europe some methods of execution were deliberately drawn out to inflict maximum suffering. Felons were tied to a heavy wheel and rolled around the streets until they were crushed to death. Others were *strangled*, very slowly. One of the most terrible punishments was *hanging* and *quartering*. The victim was hanged, beheaded and the body cut into four pieces. It remained a legal method of punishment in Britain until 1814 *beheading* was normally reserved for those of high rank. In England a block and axe

was the common, method but this was different from France and Germany where the victim kneeled and the head was taken off with a swing of the sword.

Task 2. Read the text to understand what information on the death penalty is of primary importance or new for you:

SEVEN MYTHS WHICH SUPPORT THE DEATH PENALTY

Myth 1. The death penalty is deterrent to murder.

The death penalty may, in fact, add to the violent nature of society and increase the murder rates. The FBI Uniform Crime Reports Division publication, Crime in the US, released in 1980, showed murder rates in states which have abolished the death penalty averaged 5.1 per 100.000 population while states still using the death penalty averaged 9.1 per 100.000. This data is consistent with a study on deterrence by the Council on Crime and Delinquency in 1992.

The state may be used as an instrument of suicide by self-destructive persons who lack the will to take their own lives.

Murder is a horrible crime and this in and of itself is a powerful deterrent. State sanctioning of murder reduces the horror of murder, but our society is not improved by habituation to the taking of lives.

Myth 2. The death penalty is handed out to the worst criminals who have committed the worst crimes.

The truth is that the death penalty is reserved for a particular group of people who commit murder rather than punishment for a particular kind of murder that is committed. As such, the death penalty is arbitrary and capricious.

It is a form of racism and classism that punishes severely those who kill people society holds in high regard. Supreme Court Justice Thurgood Marshall, in his opinion in Godfrey vs. Georgia (1980) writes, “The task of eliminating arbitrariness in the infliction of capital punishment is proving to be one which our criminal justice system – and perhaps any criminal justice system – is unable to perform.

Myth 3. Victim's families want the death penalty.

"My brother, William S. Abner, age 54, was fatally shot in the back by a business associate in 1974. My opposition to the death penalty is grounded in my Christian faith that the redemptive love of God is for all people and that no human being has the right to take the life of another. Our dealings with each other should be such that the redemptive love of God can work in our lives and that is not possible if we kill each other." Tennala A. Gross of Greenville.

"May 6, 1995, marked the twentieth anniversary of the murder of my daughter Betsy, in Raleigh. After waiting almost eight years for a trial in her case, which resulted in a sentence of two consecutive life sentences, I was relieved to know that her murderer would be in prison for the foreseeable future. I do not "deserve" to live, but am persuaded against capital punishment because of what it does to us individually and to our community as a whole. The basis for my conviction is my belief in the sacredness of human life. The process of deciding legally to terminate the life of a convicted person seems to draw everyone into a vortex in which personal responsibility is shifted to someone or something else. It develops an energy as system which is difficult for an individual to resist or escape. A Roman Circus atmosphere envelopes those who stand outside a prison as the time of scheduled execution approaches, and their celebration of the death of another human being desensitizes all of us to human pain and suffering. I would rather their energies be used to meet the needs of the survivors of the victim of that executed person's crimes. The elimination of the death penalty frees us as individuals and society from a Dance of Death into a creative Affirmation of Life." Betty Parks of Fletcher, North Carolina.

"I have always opposed the death penalty. Although both my husband and my mother-in-law were murdered, I refuse to accept the cynical notion that their killer deserves the death penalty", Coretta Scott King.

Myth 4. The American public favors the death penalty.

Polls that gauge a high favorable response to the death penalty generally ask for simple thumbs up or thumbs down

response to the question, “do you favor the death penalty?” This question again tests our gut reactions to the death sentence. When offered a range of sentencing options, respondents in public option polls have consistently shown a preference for imprisonment rather than execution.

Myth 5. The Bible calls for the death sentence when it says “an eye for an eye, a tooth for a tooth”.

According to the same chapter in the Bible capital punishment is demanded also if a person hits his or her parents, steals a person (a verse that is used to support slavery as well), curses his or her father or mother, keeps an ox that has been known to gore people, or participates in sorcery, bestiality, idolatry, or adultery. Other crimes that received the death sentence according to scripture include gluttony, disobedience, and drunkenness. Most who interprets “eye for an eye” literally also use these verses to refer to homosexuality as a crime which was punishable by death if the death penalty were used according to the literalist or conservative view of the scriptures we would not have many people left standing to institute the punishment.

In truth the Hebrew text “An eye for an eye, a tooth for a tooth” was a limitation on mass killings of clans out of vindication. Until the law was put into effect the practice had been for a family that had one person murdered to retaliate on entire family or clan, “An eye for an eye” meant that people could not take more than one life for a life, even if the person who was murdered was pregnant and about to give birth. In practice, “an eye for an eye, a tooth for a tooth” death penalty was used only when there had been two witnesses that had seen the murder taking place. These witnesses had to inform the person about to commit murder that he/she would receive the death penalty if he/she committed murder. If after that warning, the person proceeded in a premeditated fashion then the death penalty could be used. Because of these limitations, the death penalty was rarely used in Hebrew culture.

The Christian scripture adds another dimension. The people supporting the death penalty have to be sinless. The scriptures go on

to explain that sinlessness in these cases does not mean merely that the people supporting capital punishment have never committed murder, but that they have never held hate or anger in their hearts at any time. Those who interpret the scriptures of "an eye for an eye" to give the right for vengeance are told to forgive their enemies and bless those who have harmed them. In general, the death penalty flies in the face of the Christian message that all are to be forgiven and are able to be redeemed.

Other religions limit or demand the abolition of the death penalty. There are other, more spiritually supportive means of ending violent crime, such as prevention and restoration. Most religions that recognize God as Creator are in unison on making the growth of spirituality the significant focus of action. If God made something such as a person, then it is sacred. No matter what that person does, that person's life is still sacred. This is a spiritual premise that underlies most Creator-God religions.

Myth 6. The death penalty offers a "true form of justice".

For many, "true justice" means revenge in equal measure – if you kill, you will be killed. But we do not support such a system in America. We do not steal from thieves or rape rapists. Ethically this is "stooping to the level of the perpetrator." It places the government in a reactionary rather than a leadership role. Inevitably, this reactionary attitude is reflected in the citizens. Historically "true justice" has a much different meaning than revenge. This different interpretation places the state in a much different position from selling reactionary sound bites to thinking out preventative and cost-effective solutions to deter crime. It demands that the state place itself in the role of leadership and caretaker rather than exploiter of citizens.

This true justice has to be restorative, has to regard each person as unique, has to dignify humanity, has to be assigned with mercy, has to bring healing to everyone involved, and has to demonstrate a nature that the government wants imitated in daily life.

Restorative justice helps in healing both the victim's family and the perpetrator so that the criminal roots of the problem is taken

care of, and the victims and victim's families have a way to heal fully. It also sets an example for the citizens of the state. Restorative Justice also focuses on preventative measures in society such as adequate childcare and parenting programs, mental health systems, foster parent systems, and effective drug treatment facilities. In almost all of the cases of the people who are on death row, appropriate intervention in one of these areas could have made all of the difference and stopped them from becoming murderers. However, in society where these systems are seen as "tax burdens,» we may ask if true justice is possible.

Myth 7. The death penalty costs less than life in prison without parole.

The death sentence is a greater tax burden then the preventative measures discussed in Myth 6. Dr. Philip cook and Donna Swenson of Duke University released a report in April of 1993 called "The Cost of Processing Murder Cases in North Carolina". It compared the costs of prosecuting murder cases capitally and noncapitally in North Carolina spends approximately 2.16 million dollars per actual execution. The overall costs to the state for having the death sentence are 4 million dollars a year higher than if it only sought life sentences in first degree murder cases.

According to the Duke study, the costs to the tax payers for first degree murder prosecution and conviction that results in execution is $ 165,000 higher than if the same person had been sentenced to life prison. With more than 140 people on North Carolina's death row this is quite an inordinate additional expense for a penalty that has not been shown to be a deterrent. Speeding up the appeals process was found to have no significant effect on the number of dollars spent.

Unit 10
THE LEGISLATIVE SYSTEM OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAN

Warming-up:

1. Do you like the way how Great Britain is governed?

2. What do you think about the British Parliament?

3. Do you see any drawbacks in the British political system? What are they?

Vocabulary notes:

Commonwealth	(Британська) Співдружність
assent	дозвіл
peer	лорд
bishop	єпископ
personal services	соціальні служби
levy	збір мита
constituency	виборчий округ
tax	податок
permission	дозвіл
support	підтримка
to summon	скликати
to dissolve	розпускати
to fall vacant	звільнятись (ставати вакантним)
to succeed	успадковувати престол
to preside	очолювати
to delay	затримувати, відкласти
to approve	затверджувати, схвалювати
to undertake	починати, братися
impartial	неупереджений
acceptable	прийнятний
hereditary	спадковий

temporal	світський
ancient	стародавній

STATE ORGANS

The constitutional principles, rules and practices of the United Kingdom have never been codified; they derive from statute law, from common law, and from conventions of the constitution, which are not laws at all, but political practices which have become considered as dispensable to the smooth working of the machinery of government. The monarchy, followed by the legislative, executive and judicial organs of government will be discussed in turn.

The monarchy is the most ancient secular institution in the United Kingdom, with a continuous history stretching back over a thousand years. The monarchy is hereditary and the present title to the Crown derives from provisions of the Act of Settlement of 1701 which secured the Protestant succession. King Charles III, who succeeded to the throne in 2022, is, in addition to being an integral part of the legislature, the head of the judiciary, the commander-in-chief of the armed forces of the Crown and the temporal head of the established Church of England. The monarchy in the United Kingdom has evolved over the centuries from absolute personal authority to the present constitutional form by which the King reigns but does not rule. His Majesty's government governs in the name of the King who must act on the advice of his ministers. The King summons, prorogues (dismisses at the end of a session) and dissolves Parliament; he usually opens new sessions of Parliament with a speech from the throne in which the major governmental policies are outlined.

Parliament is the legislative organ and is constitutionally composed of the Monarch, the House of Lords, and the House of Commons. The King in Parliament represents the supreme authority within the United Kingdom.

The Parliament Act, 1911 provides that the life of one Parliament may not exceed five years. Parliament consists of two Houses: the House of Lords and the House of Commons.

The House of Lords is for the most part still a hereditary body. It consists of the Lords Temporal and the Lords Spiritual .The Lords Temporal include hereditary peers and peeresses, life peers and peeresses created by the Crown under the Life Peerages Act, 1958 in recognition of public service; and the Lords of Appeal in Ordinary. The House of Lords is presided over by the Lord Chancellor who is ex officio chairman of the House. The Lords Spiritual include the Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester, and the 21 most senior diocesan bishops of the Church of England.

The House of Commons is an elected and representative body; members (at present 650) are elected by almost universal adult suffrage to represent constituencies in England (523), Scotland (72), Wales (38) and Northern Ireland (17). Any British subject aged 21 or over, not otherwise disqualified (as for example, members of the House of Lords, certain clergy, undischarged bankrupts, civil servants, holders of judicial office, members of the regular armed services and the police forces) may be elected a Member of Parliament (M.P.). Members are paid a salary and an allowance for secretarial and office expenses; after a Parliament is dissolved all seats are subject to a General Election. By-elections take place when a vacancy occurs during the life of a Parliament, as when a member dies, is elevated to the House of Lords or accepts an “office of profit” under the Crown.

The Speaker of the House of Commons is elected by the members from the members to preside over the House immediately after each new Parliament is formed. He is an impartial arbiter over Parliamentary procedure and the traditional guardian of the rights and privileges of the House of Commons.

The supremacy, or sovereignty, of the United Kingdom Parliament is probably the most basic principle of British constitutional law. Parliament has of its own will settled the duration of the life of a Parliament, acts in such a way as not to bind its successors in the manner or form of their legislation, and, in the Parliament Acts of 1911 and 1949 has provided that in certain

circumstances a Bill may become law without the concurrence of all the component parts of Parliament. These two Acts have clarified the supremacy of the House of Commons over the House of Lords, which can only delay the passage of Public Bills for a maximum period of one year and cannot delay at all the passage of Money Bills (financial measures).

Task 1. Guess the meaning of the international words using in the text:

constitutional, parliament, session, vacant, minimum, political party, leader, official, civil, social.

Task 2. Translate the following expressions into Ukrainian:

secular institution, succeeded to the throne, constitutional Monarchy, the commander-in-chief of the armed forces, the supreme authority, hereditary body, the House of Lords, the House of Commons, preside over, summon, dissolve, assent, universal adult suffrage, representative body, a seat falls vacant, prorogue, support, an impartial member, archbishop, diocesan bishops, hereditary monarch, unelected members, permission, constituencies, appeals.

Task 3. Translate the words and expressions into English:

Співдружність, скликати, розпускати, важливі рішення, монархія, спадковий, Палата Лордів, Палата Громад, відставка, неупереджений, прийнятний, законодавчий, світський інститут влади, соціальні служби, податок, захищати, виборчий округ, апеляція, загальні вибори, затримувати прийняття законопроекту.

Task 4. Form the nouns from the following verbs:

advise, elect, appoint, agree, protect.

Task 5. Using this box, match the numbers on the left with the letters on the right to form three true statements about some of the King's duties. Don't be afraid to guess!

1. Parliament is prorogued by the King…	a) …before a new legislature can be elected.
2. Parliament is summoned by the King…	b) …when the Prime Minister requests a General Election.
3. Parliament is dissolved by the King…	c) …at the end of the year's session.

Task 6. Find and study the sentences in the text containing the words in capitals. First decide from the context what you think the word could mean, and then choose the appropriate dictionary definition:

EXERCISE

1. use or practice of powers, duties or rights
2. activity for physical, mental or spiritual training

SEAT

1. something to sitting on, e.g. a chair
2. a place where something is, or is located or based
3. a parliamentary constituency
4. membership in legislative body

SUBMISSION

1. act of accepting the power or authority of another
2. legal theory, opinion presented to a judge or jury
3. the act of presenting something, e.g. a plan or document, for consideration

Task 7. Find words and expressions in the text which mean:

1. body of persons governing a state;
2. choosing or selecting (of candidates for an office, etc.) by vote;
3. the inhabitants of an electoral district;
4. laws enacted by lawmaking body;

5. a person with the right to sit in the House of Lords.

Task 8. Explain the meaning of the following words and expressions:

1. the head of the state;
2. to reign and to rule;
3. the hereditary principle;
4. the Crown.

Task 9. Agree or disagree with the following statements:

1. Britain is a parliamentary democracy with a Constitutional monarch, King Charles III, as head of State.
2. The King is also head of the Commonwealth, and is head of State in 14 of its 42 member countries.
3. Parliament consists of the House of Lords and the House of Commons.
4. The King does not formally summon and dissolve Parliament.
5. The House of Commons, which plays the major part in lawmaking, consists of 650 elected members of Parliament (MPs).
6. Any British subject aged 21 or over, not otherwise disqualified may be elected a Member of Parliament (M.P.).
7. The House of Lords is made up of hereditary and life peers and peeresses.
8. The King, Lords and Commons all have not to agree to any new law which is passed.
9. Not only the House of Commons can give permission for the Government to collect taxes.
10. Members of Parliament protect the rights of individual.
11. Britain is divided into 659 areas, known as constituencies.
12. The House of Commons is a Court of Justice.

Task 10. Make dialogues on the basis of the text you've just read. Imagine that you are a journalist from Ukraine asking a British student about his feelings for the British monarchy. Discuss the following points:

- function of the Sovereign;
- powers of the King in Government;
- the hereditary principle in the UK.

Task 11. Make up the questions:

1. Britain is the parliamentary democracy with a Constitutional Monarch? King Charles III.
2. The Parliament consists of the King, the House of Lords? And the House of Commons.
3. The house of Lords is made up of hereditary peers or peeresses.
4. The House of Commons is elected and representative body.
5. The King, Lords and Commons all have to agree to any new law which is passed.

Task 12. Fill in the blanks:

1. The parliament of the UK consists of the _____ (hereditary monarch), the House of _____ and the House of _____.
2. The King is also _____.
3. He also gives formal assent _____.
4. The House of Commons, which plays major part in lawmaking, consists of _____.
5. The House of Commons is presided over by _____.
6. The Queen, Lords and Commons all have to _____.
7. _____ examine the work of the Government.
8. Only the House of Commons can give permission for the Government to collect _____.
9. Members of Parliament protect _____ of the individual.

Task 13. Answer the questions:

1. What is the relationship between the King and the Parliament in Britain?
2. What are the functions of the House of Lords?
3. What are the functions of House of Commons?
4. What does the House of Lords consist of?
5. Who may be a member of the House of Commons?
6. Who presides over the House of Lords?
7. Who presides over House of Commons?
8. In what case do by-elections usually take place?
9. What is the most basic principle of British constitutional law?
10. In what way does the supremacy of the House of Commons over the House of Lords prevail?

Task 14. Insert the correct preposition:

1. The King is also head _____ the Commonwealth.
2. He is temporal head _____ the Church _____ England.
3. The House of Commons which plays the major part _____ lawmaking, consists _____ 650 members _____ Parliament.
4. The minimum voting age is 18, and the voting is _____ secret ballot.
5. The House _____ Commons is presided over _____ the Speaker, an impartial member acceptable _____ the whole House.

Task 15. Render the text into English:

1. Уряд управляє Великою Британією від імені короля Чарльза ІІІ, який очолює Британську Співдружність та Церкву Англії.
2. Парламент Великої Британії складається з Короля, Палати Громад та Палати Лордів.
3. Палата Громад є виборчим і представницьким органом та складається з 650 членів парламенту.
4. Палата Лордів складається з лордів, 2 архієпископів та 24 єпископів. Лорд Канцлер очолює Палату.

5. Основними функціями Парламенту є створення законів, перевірка роботи уряду, захист особистості, розгляд апеляційних скарг.

Task 16. Refer to the text and decide which of the 20 words and phrases you need to deliver the basic information about the legislative branch of the UK.

SUPPLEMENTARY READING

Task 1. As you read the text below write the words with the suffix* -tion *and translate them into Ukrainian:

STATUTES

The Sovereignty of Parliament means that Parliament is legislatively supreme and can make and unmake (i.e. repeal) laws to any extent, Moreover, there is no body which can declare its legal enactments to be of no effect; the only limit on the legislative power of Parliament is that it cannot bind its successors in power. This statement is now qualified since Britain's entry to the E.E.C. The E.E.C., now E.U., rules take precedence in the event of conflict with statute or common law.

Any Act passed by Parliament which is of general application is absolutely binding on all persons within the sphere of Parliament's jurisdiction. However controversial a particular statute may be, a judge is bound to enforce its provisions, although there may be some scope for judges to interpret a new statute in a particular way.

A statute may be defined as an express and formal laying-down of a rule or rules of conduct to be observed in the future by persons to whom the statute is expressly, or by implication, made applicable. A statute and a judgment may be contrasted thus:

– Statute: a) Creates new law; b) Lays down general rules for the guidance of future conduct; c) Is imperative.

– Judgment: a) Usually disclaims any attempt to create new law; b) Usually applies an existing law to a particular set of circumstances; c) Gives reasons.

The making of a statute

Parliament comprises the Queen, the House of Lords, and the House of Commons. Although legislation may be introduced by both Houses, the effective chamber from which most legislation springs is the House of Commons. This lower House contains some 635 members representing geographical areas of the country called constituencies. Such Members of Parliament are elected at General

Elections, held usually every five years, by the vote of all subjects over eighteen years of age, unless disqualified.

The Government is formed by that party gaining a majority of seats in the House of Commons. A Prime Minister is appointed to lead the Government. He then forms his Cabinet from the important members of his party, and appoints junior officials to various posts in the Government. When, however, no one party has a sufficient majority, or when a national emergency occurs, a coalition government may be formed by two or more parties temporarily uniting.

The Cabinet forms its policies of government and turns to legislation as the means of carrying the policies into effect, e.g. The Local Government Act, 1972 (as amended).

Task 2. Read the text to understand what information on stages in legislation is of primary importance or new for you.

STAGES IN LEGISLATION

The first step in legislation is the drafting of the Bill. This is a skillful and sometimes long process requiring the services of Parliamentary Counsel, who are lawyers attached to the Treasury.

Once drafted, the Bill passes through the following stages to enable Parliament to consider and reconsider its provisions as thoroughly as possible:

– **First Reading**. This is a formality. The Bill may be read a first time as a result of the House agreeing to a motion for leave to introduce it. The Bill is then printed and published.

– **Second Reading**. Here the Minister or Member in charge of the Bill explains its purpose and the main issues of policy involved. The debate is limited to the purpose of the Bill and the means proposed for giving it effect. The House votes on the Bill. If the Bill survives the vote it passes to the next stage.

– **Committee Stage**. At this stage the Bill is dealt with by a committee of the whole House, or a Select Committee, or a Standing Committee. A Select Committee is a committee constituted on a party basis, while a Standing Committee is composed of 20-50

Members appointed to examine Public Bills, which, after a second reading, are not passed to a committee of the whole House or to Select Committees. The purpose of the Committee Stage is to consider the details of the Bill clause by clause.

– **Report Stage**. Having passed the Committee Stage the Bill is formally reported to the House by the chairman of the committee. At the Report Stage the amendments made in the committee are considered by the House, which may make any additional amendments.

– **Third Reading**. At this stage the Bill is reviewed in its final form. The debate is confined to verbal amendments only, not the principles of the Bill.

The House of Lords is the second tier in the legislative process which allows for reflection on the merits or faults of the Bill and for criticism from different points of view.

After its Third Reading in the Commons, the Bill is sent to the Lords where it goes through a procedure similar to that in the Commons. If the Bill is amended in the Lords, it is returned to the Commons for consideration of the amendments. These may be accepted or rejected, though an attempt is made to reconcile the two points of view. If agreement is impossible, the Commons can invoke its powers under the Parliament Acts, 1911 and 1949, whereby it may present the Bill for Royal Assent after one year without the agreement of the Lords. A Money Bill must originate in the Commons and may be delayed by the Lords for one month only.

Royal Assent. Having passed the House of Lords the Bill is ready for the Royal Assent, which may be given by the Queen personally or by three Lords Commissioners. The Royal Assent Act, 1967, now provides that an Act is duly enacted if the Royal Assent is notified to each House of 28 Law-Parliament, sitting separately, by either the Speaker of that House or the acting Speaker. The Royal Assent is now simply a formality. Once the Royal Assent is given, the Bill becomes an Act of Parliament and takes effect immediately (unless some future date is specified in the Act).

Private Members' Bills. At the beginning of a Parliamentary Session (a session lasts one year), the Cabinet lays down its legislative programme. It is still possible for a Private Member of the House (i.e. an M.P. who is not a member of the Government) to introduce a Bill on some matter of importance to him or her. If the Private Member's Bill is of general importance and receives the support of the House it may be adopted by the Government and so form part of its legislative programme. Otherwise the Member may have difficulty in securing the passage of the Bill through Parliament. The Matrimonial Causes Act, 1937, and the Murder (Abolition of Death Penalty) Act, 1965, were the Private Members' Bills of Sir Alan Herbert and Mr Sidney Silverman, respectively.

Private Bills. These are of two kinds: Local and Personal. Local Bills deal with purely local matters. Where a local authority or other public body wishes to acquire additional powers not available under the general law, it may obtain them by the promotion of a private Bill. After receiving Parliament's approval the Bill becomes an Act of Parliament.

Local Bills usually deal with the construction or alteration of bridges, canals, docks, ports, roads, railways, tramways, waterworks, etc., or with extending the powers of local authorities, gas, electricity or other public-utility undertakings.

Personal Bills relate to private estates, names, naturalization, divorce, peerage and other matters. Such Bills are rare and must be started in the House of Lords.

Task 3. As you read the text below define its main idea:

CONFLICT WITH COMMON LAW

Because Parliament is omnipotent (all-powerful , almighty) in the field of law, it follows that a statute may abolish any rule of common law or any criminal offence at common law.

Obsolescence

It is obvious that the social conditions of today are vastly different from those obtaining in medieval and Tudor times. Some

case law laid down in earlier times and applicable to wholly different social situations may therefore have to be disregarded on account of obsolescence.

Statute law, on the other hand, does not become obsolete on account of age. We may instance the well-known case of Asbford v. Thornton (1818), where the plaintiff asserted that a right of trial by wager of battle was available to him under a statute of Henry II. This long-forgotten statute was repealed the year after its existence was revealed by the plaintiff's application. The Treason Act, 1351, is still law despite its age, and was invoked in 1946 to prosecute a British subject for broadcasting enemy propaganda during the Second World War (Joyce v. Director of Public Prosecutions, 1946).

Though statute law does not become obsolete by reason of age, nevertheless there are some Acts which are so inappropriate to the changed conditions of today that in practice they are not enforced. The Sunday Observance Act, 1677, forbids meetings or assemblies of people out of their own parishes on the Lord's day for any sports and pastimes whatsoever. Every offender is to forfeit 4d. The Profane Oaths Act, 1745, made it an offence for any persons to curse or swear (penalty 1s. for a day labourer, common soldier, sailor, or seaman; 2s. for any person under the degree of gentleman; 3s. over the degree of gentleman). The Act was not enforced for many years, and was finally abolished by the Criminal Law Act, 1967.

Task 4. As you read the text below note the main facts:

ENGLISH TITLES

The British, like other nations, like to honour their distinguished countrymen and countrywomen by awards, decorations, and titles, The Order of Merit, for instance, has 24 members only, and so it is rare to see O.M. after anyone’s name. The titles conferred, such as “Sir” and “Lord”, are usually the same as the hereditary ranks which were established far back in British history.

It is much more usual today, however, to confer titles which are not heritable, e.g. there are many “life peers” who have done

outstanding public work and are given the title so that they may sit in the House of Lords and help it with their knowledge and experience. For example, C. P. Snow (whom Russians know as Charles Snow) recently became Lord Snow, as a life peer. Life peeresses, with the title "Lady", are also created. Also, since peers cannot sit in the House of Commons, it has now been made possible for persons who have inherited, for example, the rank of "Lord", to resign that rank for their own lifetime; this is owing to the efforts of Mr. Wedgwood Benn, an active Labour member of the House of Commons, who did not want to become Lord Stansgate on the death of his father.

The correct use of titles on formal occasions is often found puzzling by foreigners and indeed, now that British manners have become so informal, by British people also.

Peers or noblemen, all members of the House of Lords, are of five ranks: in ascending order – baron, viscount, earl, marquees, and duke. Their wives are baroness, viscounts, countess, marchioness, and duchess. There are very few dukes or marquises, and the other three ranks are more often referred to as "Lord", e.g. Lord Attlee (Prime Minister, ds Mr. Attlee, 1945-51), rather than Earl Attlee, Wives of these three ranks are also more often referred to as "Lady".

Titles in these five ranks are inherited by the eldest son, unlike the custom in many European countries where all sons acquire the title. If there is no male heir the title usually becomes extinct.

Confusion arises because the children of peers have "courtesy titles". The children of a duke or marquees put "Lord" or "Lady" as a prefix in front of their first name and family name. Thus at the end of last century one of the sons of The Duke of Marlbprough was Lord Randolph Churchill, but as he was not the eldest son he did not succeed to the dukedom, and his son was plain Mr. Winston Churchill (until, after the last war, he was knighted and became Sir Winston Churchill). Persons with courtesy titles are not counted as peers, and may sit in the House of Commons until they inherit a peerage.

The only heritable honour apart from a peerage is a baronetcy. Baronets have the title “Sir” in front of their first name and family name, and usually add “Baronet” or “Bart.”, or “Bt.” after it.

Knights, of whom there are many, are also known as “Sir”, but this title is not inherited. The peculiarity about knights and baronets is that the title “Sir” is used with the first name, and never with the family name alone. Sir John Falstaff is “Sir John” if one does not use his full name; “Sir Falstaff” is the typical foreigner’s mistake. The same applies to the title “Dame” which was invented during this century to give distinguished women the equivalent of a knighthood in their own right. Thus the actress Edith Evans is Dame Edith Evans or "Dame Edith"; “Dame Evans” is impossible.

The wives of knights and baronets, however, put “Lady” in front of their surnames; the wife of Sir Geoffrey Harrison, British Ambassador in Moscow, is Lady Harrison.

But the same rule about first names applies also to courtesy titles, e.g. “Lord Randolph”, not “Lord Churchill”. It applies to the prefix “The Honourable” which may be used (though it is often ignored) by the children of barons, viscounts, and earls; and also to the prefix “The Reverend” which is usually put instead of “Mr.” before the names of ministers any religion, e.g. “The Rev. John Smith”, never “The Rev. Smith”.

The prefix “The Right Honourable” (used only in formal contexts) means that the person so titled is a member of the Queen's Privy Council, a body older than Parliament, which performs certain formal functions. The title is not hereditary.

Finally, there remains in regular use, though less common than formerly, the suffix “Esq.”, meaning “Esquire”, whose formal use are now understood by very few. It can be written after the name of any adult-male who has no title, e.g. “John Smith, Esq.” But if you put “Esq.” you must not put “Mr.” in front of the name.

I should like to assure readers of *Anglia* that English life is not cluttered up with titles in ordinary social intercourse; a short time

ago I had Colleague (a very good administrator) who was a duke, but in the office we all called him “Charles”.

Unit 11
THE EXECUTIVE POWER OF GREAT BRITAIN

Warming-up:

1. What can you say about the form of the government in Great Britain?

2. Do you know any political parties of this country?

3. Which organ represents the executive power?

4. What did you hear about the term of elections in Great Britain?

Vocabulary notes:

majority	більшість
conventions	збори, конвенти
government policy	політика уряду
an election campaign	виборча компанія
Polling Day	день виборів
request	запит
General Elections	загальні вибори
to dissolve	розпускати
spokesman	оратор/делегат
nucleus	центр
to be responsible to	бути підзвітним
to be responsible for	відповідати за щось
to be appointed	бути призначеним
to preside over	очолювати
to announce	оголосити
to select/choose	обирати
to determine	визначити
to launch	починати
to supervise	наглядати

THE EXECUTIVE POWER OF THE UNITED KINGDOM

The UK is governed by the Government – a body of ministers who are responsible for the administration of national affairs. The ministers are the leading members of the political party, which wins a majority of seats in Parliament. The party which wins the second largest number of seats in Parliament becomes the official Opposition.

The executive power is exercised by the Prime Minister and the Cabinet. The ministers are appointed by the Crown on the recommendation of the Prime Minister, who is appointed directly by the Crown and is the leader of the political party which for the time being has a majority of seats in the House of Commons. The office of Prime Minister dates from the eighteenth century and is the subject of a number of constitutional conventions. The Prime Minister is the head of the government and presides over meetings of the Cabinet; by convention he is always a Member of the House of Commons. He consults and advises the Monarch on government business supervises and to some extent coordinates the work of the various ministries and departments and is the principal spokesman for the government in the House of Commons. He also makes recommendations to the Monarch on many important public appointments, including the Lord Chief Justice, Lords of Appeal in Ordinary, and Lords Justices of Appeal.

The Cabinet is the nucleus of government; its members consist of a small group of the most important ministers who are selected by the Prime Minister. The size of the Cabinet is today about 23 and its principal function, much of the work being carried out in Committee, is to determine, control and integrate the policies of the government for submission to Parliament. The Cabinet meets in private and its deliberations are secret; no vote is taken, and, by the principle of "Cabinet unanimity", collective responsibility is assumed for all decisions taken. Ministers are responsible collectively to Parliament for all Cabinet decisions, and individual ministers are responsible to Parliament for the work of their

departments. The second largest party becomes the official opposition with its own leader and the Shadow Cabinet.

The opposition under the direction of its leader forms a "Shadow Cabinet". The ministers in the "Shadow Cabinet" deal with the same matters as the Cabinet of Ministers in the current government, debating with the actual cabinet ministers from the government side.

The majority of ministers are members of the Commons, although the Government is also fully represented by ministers in the Lords. The British government is elected for 5 years and it is the Prime minister who chooses the date of the next General Elections. When the date is announced the Prime Minister usually asks the Queen to dissolve Parliament. So, the election campaign is launched all over the country and it usually lasts about three weeks. Voting takes place on Polling Day. When the results are known and it becomes clear what party has a majority of seats in the House of Commons, its leader forms a government by His Majesty's request. The central government ministries and departments give effect to government policies and have powers and duties conferred on them by legislation, and, sometimes, under the Royal Prerogative. Each is headed by a minister who is in most cases a member of either the House of Lords or the House of Commons. There are over 100 ministers of the Crown at the present time. The Lord Chancellor and the Law Officers of the Crown deserve special mention at this point.

Task 1. Give the Ukrainian equivalents of the following expressions:

Polling Day, British government, General Elections, voting, House of Commons, request, Shadow Cabinet, dissolve Parliament, current government, determine government policy, co-ordinate government departments, have a majority of seats, administration of national affairs, official Opposition, the election campaign, meet in private, give effect, duties, at the present time, submission to Parliament, deliberations, principal function, various ministries, constitutional conventions.

Task 2. Give the English equivalents of the following expressions:

відповідати за щось, підтримуватися більшістю, тіньовий кабінет, проблема, політика уряду, розпустити парламент, діяльність, обирати, підзвітний, департамент / міністерство, оголосити, запит, день виборів.

Task 3. Match the English and Ukrainian equivalents:

1. launch an election campaign	a) створити команду міністрів
2. General Elections	b) відповідати за щось
3. be responsible for	c) тіньовий кабінет
4. announce	d) спільне вибори
5. the Shadow Cabinet	e) голосити
6. choose a team of ministers	f) визначити
7. determine	g) починати виборчу компанію

Task 4. Mach the parts of word expressions and make up the sentences with them:

1. the government	a) appointed
2. the government policy is	b) formed
3. the laws are	c.) supported
4. the ministers	d.) rejected
5. the Shadow Cabinet	e. selected

Task 5. Match the words and their definitions:

1. choose	a) to officially end parliament
2. minority	b) a period of planned activities
3. dissolve	c) the largest part of a group
4. campaign	d) a representative in the House of Commons
5. majority	e) to show formally by making a paper or raising your hand which person you want to win an election
6. vote	f) pick out of smth.
7. MP	g) smaller part of a group

8. function	h) work

Task 6. Find the synonyms of the following words in the text:

maintain, resign, declare, a monarch, restrict, affairs.

Task 7. Form the nouns from the following verbs:

to govern – to invite –	to unite – to associate –	to influence – to form –

Task 8. Decide which word is an odd one:

1. sovereign – minister – monarch-king
2. restrict – limit – extend – confine
3. receive – get – govern- to take into one's possession
4. leader – subordinate – chief – head

Task 9. Explain the meaning of the following words in English:

conventions, deliberations, meet in private, dissolution.

Task 10. Agree or disagree on the following sentences:

1. After an election a Government is formed.
2. Prime Minister is appointed by the Cabinet.
3. The Prime Minister selects the Ministers.
4. The Ministers form the House of Commons.
5. The Cabinet doesn't determine Government policies.
6. The Parliament agrees to support or reject Government policies and laws.
7. The office of Prime Minister dates from the nineteenth century.
8. The Prime Minister consults and advises the Monarch on government business.
9. The Cabinet consists of the small group of the most important ministers who are elected by the Crown.

10. The Cabinet doesn't meet in private and its deliberations are open.

11. By convention the Prime Minister is always a Member of the House of Lords

Task 11. Complete the sentences:

1. The central government ministries and departments give effect to government policies and have powers and duties conferred on them by _____.

2. The government consists of the ministers appointed by the Crown on the recommendation of _____.

3. There are over _____ ministers of the Crown at the present time.

4. The size of the Cabinet is today about _____.

Task 13. Fill in the gaps with the appropriate prepositions:

1. The size of the Cabinet is today about 23 and its principal function is to determine government policy _____ submission to Parliament.

2. The Cabinet consists _____ the small group _____ the most important ministers who are elected _____ the Prime Minister.

3. The Prime Minister is the head _____ the government and presides _____ meetings _____ the cabinet.

4. The government consists _____ the ministers appointed _____ the Crown _____ the recommendation _____ the Prime Minister.

5. The Cabinet meets _____ private.

6. There are _____ 100 ministers _____ the Crown _____ the present time.

Task 14. Complete the sentences using the words from the box:

office, eighteenth, meetings, spokesman, ministers, conventions, head, Monarch, government, Prime Minister, Crown, House of Commons.

1. The _____ consists of the _____ appointed by the _____ on the recommendation of the _____.

2. The _____ of Prime Minister dates from the _____ century and is the subject of a number of constitutional _____.

3. The Prime Minister is the _____ of the government and presides over _____ of the cabinet.

4. By convention the Prime Minister is always a Member of the _____.

5. The Prime Minister consults and advises the _____ on government business.

6. The Prime Minister is the principal _____ for the government in the House of Commons.

Task 15. Answer the following questions:

1. Who is the head of the government? What are his/her authorities?
2. How many members are there in the Cabinet?
3. What is the principal function of the Cabinet?
4. What are the main functions of Ministers in Great Britain?
5. How is the executive branch of the government formed?
6. How many members does the Cabinet of Ministers of Great Britain include?
7. Are the Ministers appointed by the Prime minister?
8. What is the term of election of the Parliament?
9. What can you tell about the "Shadow Cabinet"?

Task 16. Comment on the following citation:

"It is not the voting that is democracy, it is counting".

Task 17. Refer to the text & decide which of the 20 words and phrases you need to deliver the basic information about the executive branch of the UK.

Task 18. Render the text into English:

1. Виконавча влада належить прем'єр-міністру та кабінету міністрів.
2. Прем'єр-міністр призначається королем.
3. Він є лідером партії, яка становить більшість в Палаті Громад.
4. Прем'єр-міністр обирає міністрів, які формують Кабінет і зазвичай допомагають прем'єр-міністру приймати політичні рішення.
5. Саме прем'єр-міністр призначає дату Загальних виборів.
6. Після проголошення дати виборів прем'єр-міністр просить короля розпустити Парламент.

SUPPLEMENTARY READING

Task 1. As you read the text below note the main facts about Sir Keir Starmer:

EXECUTIVE AUTHORITY

A cabinet-style government, formed by whichever party (or coalition of parties) commands a majority in the House of Commons, wields executive power at the national level in the UK.

The head of the national government, known as the prime minister, is the leader of the largest party in the House of Commons. The prime minister appoints the other members of the cabinet, as well as sub-cabinet officials known as ministers.

The Prime Minister is the leader of His Majesty's Government and is ultimately responsible for the policy and decisions of the government.

As leader of the UK government the Prime Minister also:

– oversees the operation of the Civil Service and government agencies;

– chooses members of the government;

– is the principal government figure in the House of Commons.

Sir Keir Starmer became Prime Minister on 5 July 2024. Keir attended Reigate Grammar School, before studying Law at the University of Leeds. He went on to do postgraduate studies at the University of Oxford, receiving a Bachelor of Civil Law (BCL) degree. Keir was elected a Member of Parliament for Holborn and St Pancras in May 2015. He was elected leader of the Labour Party in April 2020. Keir qualified as a barrister in 1987 working in private practice before working as a legal advisor to the Northern Ireland Policing Board. He was appointed Queen's Counsel (QC) in 2002. In 2008, Keir was appointed Director of Public Prosecutions, leading the Crown Prosecution Service until 2013. He received a knighthood in 2014 for services to criminal justice.

Most government ministers are members of the House of Commons affiliated with the same political party as the prime

minister, but members of the House of Lords also may serve as ministers.

The national government exercises its authority in the name of the sovereign, a hereditary monarch who serves as the head of state, a role that is largely, though not entirely, ceremonial. The current monarch is King Charles III, who acceded to the throne in 2022 upon the death of his mother, Queen Elizabeth II, the longest serving monarch in British history.

Task 2. Read the text and divide it into logical groups:

THE CABINET

The Cabinet is made up of the senior members of government. Every week during Parliament, members of the Cabinet (Secretaries of State from all departments and some other ministers) meet to discuss the most important issues for the government.

Ministers are chosen by the Prime Minister from the members of the House of Commons and House of Lords. They are responsible for the actions, successes and failures of their departments. Departments and their agencies are responsible for putting government policy into practice.

Some government departments, like the Ministry of Defence, cover the whole UK. Others don't – the Department for Work and Pensions doesn't cover Northern Ireland. This is because some aspects of government are devolved to Scotland, Wales and Northern Ireland. Non-ministerial departments are headed by senior civil servants and not ministers. They usually have a regulatory or inspection function like the Charity Commission.

Executive agencies are part of government departments and usually provide government services rather than decide policy – which is done by the department that oversees the agency. An example is the Driver and Vehicle Licensing Agency (overseen by the Department for Transport).

Other public bodies have varying degrees of independence but are directly accountable to ministers. There are 4 types of non-departmental public bodies (NDPBs):

– Executive NDPBs do work for the government in specific areas - for example, the Environment Agency.

– Advisory NDPBs provide independent, expert advice to ministers - for example, the Committee on Standards in Public Life.

– Tribunal NDPBs are part of the justice system and have jurisdiction over a specific area of law - for example, the Competition Appeal Tribunal.

– Independent monitoring boards are responsible for the running of prisons and treatment of prisoners – for example, His Majesty's Inspectorate of Prisons.

The Civil Service does the practical and administrative work of government. It is co-ordinated and managed by the Prime Minister, in their role as Minister for the Civil Service.

Around half of all civil servants provide services direct to the public, including:

– paying benefits and pensions;

– running employment services;

– staffing prisons;

– issuing driving licences.

Unit 12
THE JUDICIAL POWER OF GREAT BRITAIN

Warming-up:

1. What do you know about the System of Courts in Great Britain? Would you like to work as a lawyer in the British Court System? Why?

2. Do you know what the highest court in the British Judicial System is? Where is it situated?

Vocabulary notes:

superior court	суд вищої (загальної) інстанції
to hear cases	слухати справи
county court	суд графства
The Court of Appeal	Апеляційний суд
The High Court	Високий суд
to convict	визнавати винним
indictment	акт обвинувачення
proceeding	судочинство
sentence	вирок суду
sitting	засідання суду
assize	виїзна сесія
inferior court	суд нижчої інстанції
The Crown Court	Суд Корони
summarily	без участі присяжних
indictable offence	злочин, що підлягає судовому переслідуванню
to be referred	бути переданим до розгляду
to assign	призначати
to be remitted	бути полегшеним
appropriate	відповідний
supervisory	наглядацький
circuit judge	суддя виїзної сесії

to be charged	бути звинуваченим / притягнутим до
statutory	уставний, дисциплінарний
stipendiary, salaried	оплачуваний
debt	борг
quarter session	квартальна сесія

JUDICIAL ORGANIZATION

The highest court is the House of Lords, which exercises the judicial function of Parliament. In theory appeal to the House of Lords is an appeal to the whole House but in practice, particularly since the Appellate Jurisdiction Act, 1876, created a group of salaried life peers, or 'law lords'. Lay peers do not participate in judicial sittings of the House. Appeals are referred to an Appellate Committee of the House. By that Act appeal must be heard by at least three of the Lord Chancellor, the Lords of Appeal in Ordinary, and such peers as hold or have held high judicial office.

The Court of Appeal sits in both civil and criminal divisions. The Civil division hears appeals from the High Court, county courts and certain special courts, and certain tribunals, such as the Lands Tribunal. The Criminal division hears appeals by persons convicted on indictment in the Crown Courts.

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

The criminal jurisdiction of the High Court is exercised exclusively by the Queen's Bench Division. A divisional court of two or three judges of that Division deals with appeals from a Crown Court and magistrates' court and also exercises the supervisory jurisdiction.

The Crown Court, created in 1972, replaces the former assizes and quarter sessions. It exercises criminal jurisdiction and sittings are held regularly at major towns throughout England and Wales. It comprises judges of the Queen's Bench Division of the High Court, circuit judges and Recorders (part-time judges). They sit singly with juries trying persons charged on indictment with crimes. A judge of the Crown Court sits with two to four justices of the peace to hear appeals from magistrates' court.

County courts have exclusively civil jurisdiction, which is limited in extent and in area, and which is entirely statutory. The judges are persons who also hold office as Circuit judges of the Crown Court.

Magistrates' courts consist of a stipendiary magistrate or of two to seven (usually two or three) lay justices of the peace; a single lay justice has a very limited jurisdiction.

Magistrates' courts have civil jurisdiction in relation to certain debts, licences, and domestic proceedings. A magistrates' court may try summarily many minor statutory offences, and also certain offences if the prosecutor applies for the case to be heard summarily, the court agrees it is a suitable mode of trial and the defendant does not elect jury trial. Cases may be appealed to the Crown Court or defendants remitted for sentence to the Crown Court.

Notes to the text:

Lord Chancellor is the chief judicial officer in the British Constitution. He (she) is a peer and Cabinet Minister, Speaker of the House of Lords, president of the Supreme Court and of the House of Lords sitting as a final court of appeal. He appoints magistrates. Recommends people for high judicial office.

Lord of Appeal in Ordinary. The title of a judge with a life peerage who exercises the judicial functions of the House of Lords.

Old Bailey is the popular name for the Central Criminal Court.

Task 1. Give the Ukrainian equivalents of the following expressions:

Superior courts, judicial function, to exercise, the House of Lords, sitting, to hold judicial office, to hear cases (appeals), county court, convicted on indictment, Crown Court, limited jurisdiction, deal with, throughout England and Wales, magistrates' court, part-time judges, try person, inferior courts, indictable offence, statutory offence, sentence.

Task 2. Give the English equivalents of the following expressions:

суд вищої інстанції, засуджувати (судити), суди графств, звинувачення, суд обмеженої юрисдикції, апеляційний суд, звинувачений (підзахисний), слухання по справі, вирок суду, обвинувальний акт, Карний суд, судочинство, засідання суду, палата Лордів, Високий Суд, магістратські суди.

Task 3. Find in the text synonyms of the following words:

branch, fulfill, take part, be in high post, wholly, comprise, obligation, all over, judgment, appropriate, decide, form, layman, trial.

Task 4. Form the nouns from the following verbs and translate them into Ukrainian:

to participate –	to examine –
to divide –	to conduct –
to convict –	to prosecute –
to organize –	to indict –
to investigate –	to assign –
to agree –	to decide –
to elect –	to preside –

Task 5. Form adjectives from the following nouns:

judge, function, parliament, theory, appeal, practice, crime, division, jurisprudence, limit, person, suit, sentence.

Task 6. Make up sentences using the following expressions:

the judicial function, to hear appeals, criminal jurisdiction, consists of two judges, sittings are held, indictable offences, inferior courts, civil jurisdiction, Circuit judges, try summarily, minor offences.

Task 7. Fill in the gaps with the appropriate prepositions:

1. The highest court is the House _____ Lords.
2. The High Court is divided _____ three divisions.
3. Judges sit singly _____ juries.
4. There is an established convention dating _____ 1844.
5. The criminal jurisdiction of the High Court is exercised _____ the Queen's Bench Division.
6. Divisional courts consisting _____ two judges have limited jurisdiction _____ certain cases.
7. _____. theory appeal to the House of Lords is an appeal _____ the whole House.
8. The Central Criminal Court is a sitting _____ the Crown Court.
9. Cases may be appealed _____ the Crown Court.
10. Defendants may be remitted sentence _____ the Crown Court.

Task 8. Choose the correct word in brackets and complete the sentence:

1. The House of Lords has (general / limited) appellate jurisdiction.
2. The civil division (hears / exercises) appeals from the High Court.
3. The Crown Court was (created / limited) in 1972.
4. The Crown Court (comprises / deals with) judges of the Queen's Bench Division.
5. The Crown Court (exercises / implements) criminal jurisdiction.

6. County courts have exclusively (civil / criminal) jurisdiction.

7. Magistrates' courts (consist of / exercise) a stipendiary magistrate.

8. Magistrates' courts have civil jurisdiction in relation to (debts / murders).

Task 9. Match the English and the Ukrainian equivalents:

1. the Court of Appeal	a) обмежена юрисдикція
2. to constitute a "precedent"	b) Суд Корони
3. the final tribunal	c) найвищий (остаточний) суд
4. High Court	d) суди графств
5. court of general jurisdiction	e) головувати у суді
6. to preside over court	f) Високий Суд
7. county courts	g) тимчасове призначення
8. limited jurisdiction	h) розглядати справи
9. Crown Court	i) створити «прецедент»
10. temporary appointment	j) Апеляційний Суд
11. to try cases	k) суд загальної юрисдикції
12. stipendiary magistrates	l) магістратські суди
13. magistrates courts	m) магістрати, які отримують платню

Task 10. Match the words and their definitions:

1. indictable offence	a) a person who judges less serious cases in a local law court
2. division	b) to be in post
3. circuit judge	c) a person who receives a regular fixed payment
9. hold an office	d) an offence which could be tried by jury in the Crown Court
5. indictment	e) the separate sections of the High Court and the Court of Appeal

6. salaried peer	f) a judge who makes journey round a particular area to hear civil and criminal cases in the county court and Crown Court of a district of England and Wales
7. justice of the peace	g) to take a question to a higher court where it can be heard again
8. appeal	h) a formal document of accusation which is read out in court the power of a court to hear and decide a case

Task 11. Complete the sentence using the following words:

summarily, hears, hold office, civil, exercises, sittings, magistrate, jurisdiction.

1. The Criminal division _____ appeals by persons convicted on indictment in the Crown Courts.
2. The House of Lords _____ the judicial function of Parliament.
3. The Crown Court exercises criminal jurisdiction and _____ are held regularly.
4. The House has almost entirely appellate _____ only, in civil and criminal cases from the Courts of Appeal in England and in Northern Ireland and in civil cases only from the Court of Session in Scotland.
5. Magistrates' courts consist of a stipendiary _____.
6. County courts have exclusively _____ jurisdiction.
7. The judges are persons who also _____ as Circuit judges of the Crown Court.
8. A magistrates' court may try _____ many minor statutory offences.

Task 12. Agree or disagree with the following statements:

1. When the House of Lords sits as court only peers who are senior members of the judiciary can take part in the proceedings.
2. The House of Lords is the final court of appeal for civil and criminal cases in the UK.

3. The three divisions of the High Court each hear different kinds of cases.

4. A jury is always present at the Crown Court hearings.

5. The Old Bailey is the name of the Crown Court for the London area.

6. The county courts only hear cases concerning statute law.

7. All English judges and magistrates are professional lawyers.

8. The magistrates' courts hear certain categories of less important cases.

9. The magistrates' courts investigate some cases which are later tried by jury in the Crown Court.

10. The magistrates' courts can choose to hear cases with or without a jury.

Task 13. Decide which word is an odd one:

a) 1. convention, 2. code, 3. custom, 4. legislation, 5. judicial precedent;

b) 1. opposition, 2. majority, 3. Cabinet, 4. Prime Minister, 5. Home Secretary;

c) 1. life peerage, 2. delaying power, 3. Lord Chancellor, 4. House of Commons, 5. Lords spiritual;

d) 1. recommend, 2. pass, 3. abolish, 4. enact, 5. amend;

e) 1. binding precedent, 2. judicial decision, 3. parliamentary sovereignty, 4. common law, 5. authority;

f) 1. criminal law, 2. case-law, 3. Land Law, 4. Jurisprudence, 5. Law of Tort;

g) 1. court, 2. judge, 3. tribunal, 4. investigator, 5. barrister.

Task 14. Answer the following questions:

1. What are two main areas of jurisdiction of English courts?
2. Which courts exercise jurisdiction in both areas?
3. Which are the superior courts in England and Wales?
4. Which is the final court of appeal?

5. Which division of the High Court has criminal jurisdiction?

6. What is the maximum number of appeals in a civil case?

7. And in a criminal case?

8. Do the county courts hear all civil cases?

Task 15. Translate the following text into English:

Магістратські суди – це суди, де слухаються дрібні цивільні та карні справи. Вони охоплюють всю територію країни. У самому Лондоні та в інших великих містах, в таких судах головують судді – магістрати. Це професійні юристи, які отримують платню, зазвичай вони засідають одноосібно. В інших місцях країни в таких судах головують мирові судді (зазвичай в складі трьох осіб), які не отримують платню, але котрі повинні мати бездоганну репутацію. Їх навчають основам судочинства, а магістратські клерки допомагають їм у питаннях судової процедури.

Task 16. Complete the following text using the words from the box:

THE JURY IN BRITAIN

criminal offence; acquitted; challenge; civil cases; convicted; disqualified; liable for; ownership of property; randomly; right of appeal; evidence; judiciary; unanimous; undertake.

Trial by jury is an ancient and important feature of English Justice. Although it has declined in _____ _____ (except for libel and fraud), it is the main element in criminal trials in the crown court. Jury membership was once linked to the _____ _____, which resulted in male and middle-class dominance. But now most categories of British residents are obliged to _____ jury service when summoned.

Before the start of criminal trial in the crown court, 12 jurors are chosen from a list of some 30 names _____ selected from local electoral registers. They listen to the _____ at the trial and give their verdict on the facts, having been isolated in a separate room for their

deliberations. In England, Wales and Northern Ireland the _____ may be ‘guilty’ or ‘not guilty’, the latter resulting in acquittal. Until 1967 the verdict had to be _____. But now the judge will accept a majority verdict after the jury has deliberated for more than two hours provided that, in the normal jury of 12 people, there no more than two dissenters.

In Scotland the jury’s verdict may be ‘guilty’, ‘not guilty’ or ‘not proven’; the accused is _____ if either of the last two verdicts is given. As a general rule no one may be _____ without corroborated evidence from at least two sources.

If the jury acquits the defendant, the prosecution has no _____ and the defendant cannot be tried again for the same offence.

A jury is independent of the _____. Any attempt to interfere with a jury is a _____ _____. Potential jurors are put on a panel before the start of the trial. In England and Wales the prosecution and the defence may _____ individual jurors on the panel, giving reasons for doing so. In Scotland the prosecution of defence may challenge up to three jurors without reason. In Northern Ireland each defendant has the right to challenge up to 12 potential jurors without given a reason.

People between the ages of 18 and 70 (65 in Scotland) whose names appear on the electoral register, with certain exceptions, are _____ _____ jury service and their names are chosen at random. Ineligible people include, for example, judges and people who have within the previous ten years been members of the legal profession or the police, prison or probation services. People convicted of certain offences within the previous ten years cannot serve on a jury. Anyone who has received a prison sentence of five years or more is _____ for life.

Task 17. Read the following text and write down Ukrainian equivalents for the words and expressions in bold type:

KINDS OF CASES

As a juror, you may sit on a criminal case, a civil case, or both.

Civil cases are usually disputes between of 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.

The plaintiff starts the lawsuit by filing a paper called a complaint, in which the case against the defendant is stated. The next paper filed is usually the answer, in which the defendant disputes what the plaintiff has said in the complaint. The defendant may also feel that there has been a wrong committed by the plaintiff, in which case a counterclaim will be filed along with the answer. 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.

Jury verdicts do not need to be unanimous in civil case. Only ten jurors need to agree upon a verdict if there are 12 jurors: five must agree if there are six jurors.

In Great Britain in civil cases, the person suing was, until 1999, known as the plaintiff, but is not officially called the claimant, and the person sued is the defendant.

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. The charge against the defendant is called an information or a complaint. The defendant has pleaded not guilty and you should presume the defendant's innocence throughout the entire trial unless the plaintiff proves the defendant guilty. The plaintiff's burden of proof is greater in a criminal case than in a civil case. In each criminal case you hear the judge will tell you all the elements of the crime that the plaintiff must prove; the plaintiff must prove each of these elements beyond reasonable doubt before the defendant can be found guilty.

In criminal cases the verdict must be unanimous, that is, all jurors must agree that the defendant is guilty in order to overcome the presumption of innocence.

Task 18. Find in the text above the English equivalents for the following words and expressions:

1. заява про звинувачення
2. елемент (складу) злочину
3. презумпція невинуватості
4. свідчення (2)
5. позивач
6. судовий розгляд (3)
7. приватні особи
8. грошова компенсація шкоди
9. одноголосне рішення присяжних
10. наявність більш вагомих доказів
11. письмове пояснення, заперечення відповідача по справі
12. відповідач
13. зустрічний позов
14. тягар доказів
15. відповідальність за шкоду
16. подати позов / порушити справу

17. заслухати свідчення
18. заявити про свою невинуватість

Task 19. Translate the following definitions into Ukrainian:

defendant – (crim.) person charged with a crime; (civ.) person or entity against whom a civil action is brought.

action – proceeding taking in court synonymous to case, suit, lawsuit.

preponderance of evidence means that the weight of evidence presented by one side is more convincing to the trier of facts than the evidence presented by the opposing side.

plaintiff – the party who begins an action, complains or sues.

counterclaim – claim presented by a defendant in opposition to the claim of the plaintiff.

complaint – (crim.) formal written charge that a person has committed a criminal offence; (civ.) initial document filed by a plaintiff which starts the claim against the defendant.

Task 20. Match the following English expressions with their Ukrainian equivalents:

1). evidence for the plaintiff	a) викликати позивача в суд
2). judgement for the plaintiff	b) виступати в суді як адвокат позивача
3). plaintiff's claim	c) докази на користь позивача
4). to appear for the plaintiff	d) позовна вимога
5). to call the plaintiff	e) свідок, виставлений позивачем
6). witness by the plaintiff	f) судове рішення на користь позивача

Task 21. 1) Read the text "Criminal Courts" quickly and try to understand what it is about and what information is already known to you. 2) Write down the law terms, known to you, in Ukrainian. 3)Write a list of international words, used in the text. Use your dictionary to check their exact meaning. 4) Find in the text the sentence about establishing a government department in the "Serious Fraud Office".

Commentary and notes to the text:

1. criminal proceedings – кримінальне судочинство
2. the Crown Prosecution Service – Служба королівського переслідування
3. public prosecutors (procurators fiscal) – державні обвинувачі (судові виконавці)
4. a Director of Public Prosecutions – Директор публічних переслідувань
5. to issue cautions – винести попередження
6. the Serious Fraud Office – Міністерство з боротьби зі значним шахрайством
7. the Prosecution of Offences Act 1985 – Акт 1985 р. про обвинувачення правопорушників
8. to provide lawyers – приписувати юристам
9. to brief barristers to appear – доручати баристерам виступати
10. the Chief Crown Prosecutor – Головний королівський обвинувач
11. to avoid suggestions of local influence – уникати впливу (порад) місцевої влади
12. the Official Secret Act – Акт про офіційні секретні документи
13. discharging his duties … – виконуючи свої обов'язки …
14. the Higher Court of Justiciary – Вищий суд
15. the Crown Agent – Королівський представник

16. the Solicitor-General for Scotland – генеральний повірений у справах Шотландії

17. to try on indictment – судити по обвинувальному акту

18. summary offence – злочин, що переслідується в порядку сумарного провадження

CRIMINAL COURTS

In England and Wales the initial to begin criminal proceedings normally lies with the police. Once the police have brought a criminal charge, the papers are passed to the Crown Prosecution Service which decides whether the case should be accepted for prosecution in the courts or whether the proceedings should be discontinued. In Scotland public prosecutors (procurators fiscal) decide whether or not to bring proceedings. In Northern Ireland there is a Director of Public Prosecutions. In England and Wales (and exceptionally in Scotland) a private person may institute criminal proceedings. Police may issue cautions, and in Scotland the procurator fiscal may warn, instead of prosecuting.

In April 1988 the Serious Fraud Office, a government department was established to investigate and prosecute the most serious and complex cases of fraud in England, Wales and Northern Ireland.

The Crown Prosecution Service was established in England and Wales by the Prosecution of Offences Act 1985. The Director of Public Prosecutions is the head of the Service, which is responsible for the prosecution of criminal offences in magistrates' courts and the Crown Court. The Service is divided into 31 areas with a locally based Chief Crown Prosecutor, heading each. He is appointed by the Director of Public Prosecutions. The Service provides lawyers to prosecute cases in the magistrates' courts and briefs barristers to appear in the Crown Court. Although the decision to prosecute is generally delegated to the Chief Crown Prosecutor, some cases are dealt with by the headquarters of the Service; these include cases of national importance, exceptional difficulty or great public concern and those which require that suggestions of local influence be

avoided. Such cases might include terrorist offences, breaches of the Official Secrets Act, large-scale conspiracies to import drugs and the prosecution of police officers.

Discharging his duties through the Crown Office, the Lord Advocate is responsible for prosecutions in the High Court of Justiciary, sheriff courts and district courts. There is no general right of private prosecution; with a few minor exceptions crimes and offences may be prosecuted only by the Lord Advocate or his deputies or by the procurators fiscal, who are the Lord Advocate's local officials. The permanent adviser to the Lord Advocate on prosecution matters is the Crown Agent, who is head of the procurator fiscal service and is assisted in the Crown Office by a staff of legally qualified civil servants, all of whom have had experience as deputy procurators fiscal. Prosecutions in the High Court are prepared by procurators fiscal and Crown Office official and prosecuted by the Lord Advocate, the Solicitor-General for Scotland (the Lord Advocate's ministerial deputy) and advocates deputy who are collectively known as Crown Counsel. Crimes prepared and tried before the sheriff and district courts, procurators fiscal prosecute them. The police and other law enforcement agencies investigate crimes and offences and report to the procurator fiscal, who decides whether or not to prosecute, subject to the directions of the Crown Counsel.

Under the Criminal Justice (Scotland) Act 1087 a procurator fiscal may make a conditional offer of fixed penalty to an alleged offender in respect of certain minor offences as an alternative to prosecution: the offender is not obliged to accept an offer but if he or she does so the prosecution loses the tight to prosecute.

The Director of Public Prosecutions for Northern Ireland, who is responsible to the Attorney General, prosecutes all offences tried on indictment, and may do so in summary cases of a serious nature. Other summary offences are prosecuted by the police.

Task 22. Answer the questions:

1. Who is responsible for beginning criminal proceeding in England and Wales?
2. Where do the police pass the papers after they have brought a criminal charge?
3. Who decides whether or not to bring proceedings in Scotland?
4. May a private person institute criminal proceedings?
5. May police issue cautions in England and Wales?
6. When and what for was the Serious Fraud Office established?
7. What do you know about the Prosecution of Offences Act 1985?
8. What are the duties of the Director of Public Prosecutions?
9. What do you know about the structure of the Crown Prosecution Service?
10. What does the Service provide lawyers to do?
11. What cases do the headquarters of the Service deal with?
12. Which offences are included into the category of national importance?
13. What can you say about the duties of the Lord Advocate in Scotland?
14. What are the functions of the Crown Agent in Scotland?
15. Who prepares prosecutions in the High Court?
16. How are the cases prepared in Scotland before the sheriff and district courts?
17. What do you know about the Criminal Justice (Scotland) Act 1987?
18. How are Public Prosecutions exercised in Northern Ireland?

Task 23. Pick out from the text "Criminal Courts" all the word combinations with the following words (terms) and give their Ukrainian equivalents:

proceeding	court

criminal	service
prosecution; to prosecute	case
procurator	local
charge	responsible
offence	advocate

Task 24. Read and memories the active vocabulary to the text "Criminal Courts":

1. prosecution ***n*** ***"to appear for the prosecution"***	1) судове переслідування; 2) пред'явлення позову; 3) обвинувачення *«виступати від імені позивача чи бути свідком обвинувачення»*
2. procurator fiscal (in Scotland)	судообвинувач, судовиконувач
3. institute ***v*** ***"to institute legal proceedings against sb."***	починати, встановлювати *«порушити справу проти когось»*
4. warn ***v***	попереджати, застерігати
5. brief ***v***	доручати (адвокату) ведення справи у суді
6. barrister ***n*** (in English law)	адвокат, баристер
7. avoid ***v***	1) уникати, вступитися; 2) ухилятися; 3) скасовувати, анулювати
8. breach ***n*** ***"breach of justice"*** ***"breach of prison"*** ***"breach of privilege"*** ***"breach of the peace"*** ***"a breach of loyalty, trust, protocol"*** ***"to breach"***	порушення (закону, зобов'язань) *«несправедливість»* *«втеча з в'язниці»* *«порушення прав парламенту»* *«порушення громадського порядку»* *«порушення вірності, довіри, протоколу»* *«порушувати»*

9. conspiracy *n* (to sth. / to do sth.) ***"to conspire"***	1) конспірація; 2) змова, таємний зговір; 3) таємна підпільна організація *«влаштовувати змову, таємно задумувати»*
10. discharge *v*	1) виконувати (обов'язки); 2) звільняти (ув'язненого); 3) звільняти, давати розрахунок; 4) реабілітувати, поновлювати у правах
11. adviser *n* (also esp US – **advisor**) (to sb.) (on sth.) ***"advice"***	радник *«порада»*
12. penalty *n*	покарання, стягнення, штраф
13. alleged *adj* ***"to allege"***	здогадний, гаданий *«1) посилатися на виправдання, на доказ;* *2) стверджувати (без підстав)»*

Task 25. Translate the given sentences:

1. Failure to pay your taxes will make you liable to prosecution.

2. There have been several successful prosecutions for drug smuggling recently.

3. Mr Smith acted as counsel for the prosecution. The prosecution based their case on the evidence of two witnesses.

4. Procurator fiscal is public official whose job is to decide whether he or she suspected of crime should be prosecuted.

5. Police have instituted inquiries into the matter.

6. They warned her that if she did it again she would be sent to prison.

7. I had been warned what to expect.

8. The company has briefed a top lawyer to defend it.

9. Barrister is a lawyer who has the right to speak and argue as an advocate in higher lawcourts.

10. I think he is avoiding me.

11. Try to avoid accidents.

12. There was a breach of confidence.

13. There was a breach of diplomatic relations between two countries.

14. He was accused of conspiracy to murder.

15. There was a conspiracy to overthrow the Government.

16. One couldn't breach a conspiracy of silence.

17. They conspired with others against the leader.

18. She undertook to discharge all the responsibilities of a Minister.

19. The accused man was found not guilty and discharged.

20. The members of the jury were discharged.

21. He is a discharged bankrupt.

22. He serves as special adviser to the President.

23. The maximum penalty for this crime is 10 years' imprisonment.

24. He was an alleged culprit.

25. The prisoner alleges that he was at home on the night of the crime.

26. He alleged illness as the reason for his absence.

Role play

Enact in English with roles on the theme "Hearing the Case in a Criminal Court".

Situation:

53-year-old Mr Charles Bell committed a crime before (stealing a car) and was punished with every week visiting the police station during 6 months. He was also imposed a fine of £1,500. Now he is accused of robbery and grievous bodily harm. A victim is 36-year-old mistress (співмешканка) of Mr Charles Bell, whose salary he took away and drank away, having beaten her (what resulted in concussion of the brain (струс мозку)). A witness of the crime appeared to be the mistress's girl-friend, who had just come to see her.

Play participants:

Ernest Brain, county presiding judge
Glen Robinson, prosecutor
Charles Bell, defendant (accused)
Mitchell Fisher, defendant's barrister
Linda Smith, victim's solicitor
Carol Evans, witness
the jury

Taking part in the play as acting characters of a criminal case give proof (*обґрунтуйте*) of your point of view, in particular:

a) Prosecutor, Glen Robinson, prosecuting a crime in the court, is making a report about the basic facts of the case, details of the process and the results of the investigation that completely proves the criminal essence of the offence, committed by Charles Bell, characterizes the personality of the accused … Mr Robinson taking into consideration all the circumstances of the crime that took place and were proved in the court, asks the jury to find the accused Charles Bell guilty according to three articles of the Criminal Code … He also demands punishment on the strength of these articles (у сукупності цих статей). The Prosecutor demands that he should go to prison for seven years and six months with the confiscation of property of £50,000 as compensation for physical and moral damages to the victim …

b) Witness Carol Evans testifies upon a trial about the circumstances of the crime … She saw Charles Bell cynically beat a defenceless woman, who did not even resist him … The witness said that she, in fact, had to tear the victim out of the hands of the malicious (злісний) Hooligan, then to call for the ambulance and the police …

c) The defendant's barrister (баристер підсудного / обвинувачуваного) Mitchell Fisher calls the jury's attention to a number of facts and circumstances that can influence the jury's opinion … He states that part of the money, taking away from the victim (потерпіла), was really drunk away by Charles Bell, the

Accused, but the basic sum was given to the hospital, where his mother was to be operated on. In addition, the defendant understood that he had committed a crime and voluntarily gave himself up (прийти з повинною) to the police …

d) The victim's solicitor Linda Smith states that it is very dangerous for the society when family relations turn into a criminal act (кримінал) and, what is more, weak persons (women and children) suffer in these cases … She finds the guilty of Charles Bell in this case completely proven: moreover, she does not think that he is recommended for mercy (заслуговує на милість), giving proof (підкріплюючи доказами) of it by the facts … Linda Smith also calls the attention off the jury to the defendant's rudeness and lack of restraint (невгамовність) in combination with hard drinking (пияцтво) that became dangerous for the society …

e) Defendant Charles Bell pleads guilty according to all three articles of the Criminal Code, brought by the prosecutor … He deeply repents (кається) and asks the jury to bear in mind the circumstances that he has a sick mother, who will feel very bad without his support … Besides, he think that his great service (великі заслуги) to his country must be taking into account (взяті до уваги) by the jury: he commanded the landing of troops (висадкою десанту) on the Falkland Isles (Фолклендські острови) and his hard service in the army had a bad influence on his character …

The Jury Finds Charles Bell Guilty

During the trial Country judge Ernest Brain asked the witness, defendant, barrister, solicitor questions and after the announcement (*оголошення*) of the decision of the jury he makes a short speech and passes a sentence (виносити вирок): "Sentenced to 6 years of imprisonment and partial confiscation of the property in order to satisfy the suit of the victim of £40,000".

SUPPLEMENTARY READING

Task 1. Read the text referring to the italicized terms:

THE EVOLUTION OF THE SUPREME COURT: FROM THE HOUSE OF LORDS TO MIDDLESEX GUILDHALL

For centuries, the United Kingdom presented a constitutional paradox. As the "mother of parliaments," it championed the rule of law, yet its highest court of appeal was physically and institutionally embedded within the legislature. The *Appellate* Jurisdiction of the House of Lords saw the *Law Lords* – judges who also held seats in the upper house of Parliament – adjudicating the most significant legal disputes of the land. This arrangement, while steeped in tradition, was increasingly viewed as an *anomalous* relic that blurred the lines between the judiciary and the legislature.

The turning point came with the Constitutional Reform Act 2005. The primary objective was to *divest* the House of Lords of its judicial functions to ensure a visible and functional separation of powers. This reform was driven not just by a desire for domestic efficiency, but also by the requirements of the European Convention on Human Rights, which mandates an independent and impartial tribunal.

In October 2009, the Supreme Court of the United Kingdom officially opened its doors at Middlesex Guildhall, across from the Houses of Parliament. While the Court did not acquire new powers – it remains unable to "strike down" primary legislation due to the principle of Parliamentary Sovereignty – its independence is now symbolic and literal. It provides the final word on matters of public importance, ensuring that judicial *oversight* remains robust, transparent, and entirely distinct from the political machinations of Westminster.

Task 2. Match the terms (1-5) with their definitions (A-E):

1. law lords 2. appellate 3. divest 4. anomalous 5. oversight

A. to deprive someone of power, rights, or possessions.

B. deviating from what is standard, normal, or expected.

C. members of the house of lords who formerly carried out the judicial work of the house.

D. relating to cases on appeal or the power to review lower court decisions.

E. the action of overseeing and supervising something; regulatory monitoring.

Task 3. Decide if the statements are True (T), False (F), or if the information is Not Given (NG):

1. The Constitutional Reform Act 2005 granted the Supreme Court the power to cancel any law passed by Parliament.

2. Before 2009, the highest judges in the UK were also members of the legislative body.

3. The relocation to Middlesex Guildhall was funded entirely by European Union grants.

Task 4. Choose the best synonym for the word "robust" as used in the final paragraph:

1. rigid 2. fragile 3. vigorous and strong 4. complicated

Task 5. Discuss the following questions:

1. What was the main "constitutional paradox" mentioned at the beginning of the text?

2. Mention two factors (one domestic and one international) that influenced the creation of the Supreme Court.

Task 6. Fill in the gaps (derived from the text):

The move to the Supreme Court was a move toward a "functional _____ of powers." Even though the Court moved, the UK still upholds the principle of _____ Sovereignty, meaning the Court must interpret laws rather than invalidate them.

Task 7. Based on the text, evaluate the following statement: "The creation of the Supreme Court was merely a change of scenery (location) rather than a change of substance."

Support your answer with evidence from the text regarding the Court's powers and its independence.

Unit 13
THE POLITICAL SYSTEM OF THE USA. THE LEGISLATIVE BRANCH

Warming-up:

1. Do you like the way, how the USA is governed?

2. Do you see any drawbacks in the USA political system? What are they?

3. Can you explain what these words "Congress", "Senate" mean?

4. Do you know what the Congress Agency is?

Vocabulary notes:

to prescribe	призначати
dual	подвійний
coat of arms	герб
degree	рівень
to embody	втілювати
backbone	основа, база
so far	досі
freedom of worship	свобода віросповідання
to invent	робити винахід
to reject	відмовляти
to occur	траплятись
to persuade	переконувати
motto	девіз, гасло
glory	слава
courage	хоробрість
in favor	на користь
The House of Representatives	палата представників
similar	схожий

THE POLITICAL SYSTEM OF THE USA

The USA is a federal union of 50 states. The basic law is the constitution, adopted in 1787, which prescribes the structure of national government and lists its rights and fields of authority. Each state has its government and all of them have the dual character of both federal and state government.

The political system of the USA is divided into three branches: judicial, legislative and executive. Each branch holds a certain degree of power over the others, and all take part in the governmental process.

The flag is called the stars and the stripes and old glory. It was adopted in 1777. The red stripes proclaim courage, the white – liberty, and the field of blue stands for loyalty.

The coat of arms of the US represents an eagle with wings outspread, holding a bangle of rods (the symbol of administer) in the left claw and olive twig (the emblem of love) in the right claw. The motto of the coat of arms is "one out of many" (aplinibus nun).

Although the American system of government is based on that of the Great Britain, it differs in having a written constitution that is the bases of all government and law. The constitution of the US was adopted after the War of Independence on the 17th of September 1787. It lists the set of rules, law regulations, which provide the practical norms, regulating the work of the government. The document embodied the practical theories of man of property. The main principle underlined in the constitution was as follows: "Private property is the backbone of liberty".

The constitution consists of Preamble and seven articles. So far 27 amendments have been added to its original text. The first 10 amendments, known as "the Bill of Rights", were added in a group in 1791. These amendments establish the individual rights and freedoms of all people of the states, including freedom of speech, freedom of the press, freedom of worship etc.

Supreme legislative power in the American government lies with Congress: the Senate, the upper house; and the House of the Representatives – the lower house. Each state has its own

government – State Assemblies or Legislatures with two Houses. According to the constitution of the USA, all citizens of both sexes over 18 years of age have right of voting, but in reality the number of voters is much smaller. The main task of Congress is to make federal laws, to levy federal taxes, to make rules for trade, to organize the activity of Armed forces, to declare war, to make amendments to the constitution, to put foreign treaties into effect.

Under the constitution the US Senate has some special powers, not given to the House of Representatives. It approves or disapproves the main presidential appointments: ambassadors, cabinet members and federal judges.

Senate has also the power to ratify treaties between the USA and foreign countries.

The Senate is composed of 100 members – two from each of 50 states, who are elected for a term of 6 years. Although congressional elections take place every two years, only 1/3 of the Senate is reelected. A Senator must be at least 30ty years old, a citizen of the USA for 9 years and a resident of the state from which he is elected. Vice-president presides over the Senate and conducts debates. The Senate is stable and more conservative than the House of Representatives and many Senators are more experienced politicians.

The House of Representatives has 450 members. The number of Representatives depends on the amount of population in each state. A Representative must be at least 25 years age, a US citizen for 7 years and live in the state from which he is elected. The Speaker presides over the House and conducts debates. The Speaker, like Vice-president, may vote. Most of the Congressmen are lawyers, businessmen and bankers. The American press as an unrepresentative institution sometimes criticizes the US Congress.

A new Congress session begins on the 3rd of January each leap year and continues for two years. A Congressman must work long and hard. But most of their work is done in committee meetings. Here bills are studied, congressmen are consulted by experts and recommendations are given to the whole House or Senate. During a

two year term of a Congress, as many as 20000 bills are introduced. There are 16 permanent committees in the Senate, and 22 in the House. They accept and improve some bills, but reject most of them. For a bill to become a law it must be read, studied in committees, commented on and amended in the Senate or the House in which it was introduced. It is then voted upon. If it passes, it is sent to the other House where a similar procedure occurs. Members of both Houses work together in "committees" if the chambers have passed different versions of the same bill. Groups who try to persuade congressmen to vote for or against a bill are known as "lobbies". When both Houses of Congress pass a bill on which they agree, it is sent to the President for his signature. If President disapproves it, he vetoes refusing to sign it, and sends it back to Congress. President's objections are read and debated. In order to overcome the President's veto, the bill must get a 2/3 majority in each chamber.

While discussing Congress of the USA, the third chamber should be mentioned. This specific American phenomenon is called lobbies. There are big corporations, social organizations, foreign diplomats, who try to influence lawmaking process in their favour. This is done with the help of lobbyists. Practically lobbyism (backstage influence in legislation) has become legal. It means, that the passing of a bill can be prevented, if it doesn't suit the interests of a definite group of big business. More and more people realize that legislation is influenced as much by the hidden polices, as by the public debates.

Task 1. Give the Ukrainian equivalents of the following word-expressions:

federal union, fields of authority, dual character, eagle, a bangle of rods, claw, olive twig, law regulations, private property, a certain degree of power, the stars and the stripes, improve some bills, proclaim courage, motto, so far, freedom of worship, to levy federal taxes, reject most of them, in favour.

Task 2. Give the English equivalents of the following word-expressions:

свобода, відданість, гасло, війна за незалежність, підкреслено в конституції, збирати податки, посол, президентські призначення, вести дебати, відхиляти, прихований вплив, зірки та стрічки, орел, забезпечувати, заперечувати, герб, відповідати інтересам, прихована політика, відмовлятись підписати.

Task 3. Choose the correct word in brackets and complete the sentence:

1. The USA is a federal union of (50 / 48 / 52) states.
2. The flag was adopted in (1856 / 1777 / 1698).
3. The constitution was adopted in (1802 / 1659 / 1787).
4. The coat of arms of the US represents an eagle with wings outspread, holding a bangle of rods (the emblem of war / the symbol of administer / the emblem of love).
5. The constitution of the US was adopted after the (World War I / War of Independence / World War II).
6. The constitution consists of Preamble and (seven / eight / six) articles.
7. So far (30 / 27 / 29) amendments have been added to its original text.
8. The first (12 / 14 / 10) amendments, known as “the Bill of Rights”, were added in a group in 1791.
9. According to the constitution of the USA, all citizens of both sexes over (16 / 18 / 21) years of age have right of voting, but in reality the number of voters is much (smaller / bigger).
10. The Senate is composed of (50 / 100 / 65) members.
11. The House of Representatives consists of (400 / 420 / 450) members.

Task 4. Complete the sentences using the following words and phrases:

a federal union, fields of authority, prescribes, loyalty, courage, establish, embodied, lies with Congress, some special powers, to levy federal taxes, the Speaker, more conservative, committees, depends on.

1. The USA is _____ of 50 states.
2. The basic law is the Constitution, which _____ the structure of national government and lists its rights and _____.
3. The red stripes of the flag proclaim _____, the white – liberty, the field of blue stands for _____.
4. The constitution _____ the practical theories of man of property.
5. The amendments _____ the individual rights and freedoms of all people of the states.
6. Supreme legislative power in the American government _____.
7. The main task of Congress is to make federal laws, _____, to make rules for trade.
8. Under the constitution the US Senate has _____ not given to the House of Representatives.
9. The Senate is stable and _____ than the House of Representatives.
10. The House of Representatives has 450 members. The number of Representatives _____ amount of the population of each state.
11. _____, like Vice-president, may vote.
12. Members of both houses work together in _____ if the chambers have passed different versions of the same bill.

Task 5. Match the synonyms:

I	
1. occur	a) enact
2. continue	b) defeat
3. recommendation	c) carry on

4. pass	d) level
5. overcome	e) contain
6. refuse	f) include
7. degree	g) stress
8. embody	h) reject
9. underline	i) advice
10. be composed	j) happen
II	
1. courage	a) triumph
2. authority	b) constant
3. dual	c) result
4. liberty	d) slogan
5. coat of arms	e) bravery
6. glory	f) power
7. motto	g) double
8. effect	h) freedom
9. leap year	i) disadvantage
10. permanent	j) national emblem
11. drawback	k) bissextile

Task 6. Match the antonyms:

1. accept	a) different
2. approve	b) agreement
3. permanent	c) minority
4. divide	d) interrupted
5. majority	e) approve
6. glory	f) unite
7. differ	g) disapprove
8. criticize	h) reject
9. similar	i) obscurity
10. objection	j) resemble

Task 7. Match the words and their definitions:

1. chamber	a) the ability to do something dangerous, or to face pain or opposition, without showing fear
2. conduct	b) the process of choosing a person or a group of people for a position, especially a political position, by voting
3. courage	c) become better than before; to make something/somebody better than before
4. depend on	d) a short sentence or phrase that expresses the aims and beliefs of a person, a group, an institution, and is used as a rule of behaviour
5. election	e) to try to influence a politician or the government and persuade them to support or oppose a change in the law
6. experienced	f) to succeed in dealing with or controlling a problem that has been preventing you from achieving something
7. improve	g) to show respect for God, especially by saying prayers, singing, with other people in a church
8. to lobby	h)to say what should be done or how something should be done
9. motto	i) to rely on somebody/something and be able to trust them
10. overcome	j) having knowledge or skill in a particular job or activity
11. prescribe	k) to organize and/or do a particular activity
12. worship	l) one of the parts of a parliament

Task 8. Form the nouns from the following verbs and translate them into Ukrainian:

adopt, prescribe, reject, approve, invent, differ, add, compose, depend, continue, consult, recommend, introduce, sign, refuse, agree, debate.

Task 9. Make up sentences using the following expressions:

prescribe the structure, be divided, be adopted, the motto of the coat of arms, list the set of rules, embody the practical theories, preamble and seven articles, establish the individual rights and freedoms, have some special powers, be composed, depend on, preside over the house, become a law.

Task 10. Match the endings of the sentences:

1. Each state has its government and all of them have…	a) the Great Britain, it differs in having a written constitution that is the bases of all government and law.
2. The political system of the USA is divided into…	b) over the others, and all take part in the governmental process.
3. Each branch holds a certain degree of power…	c) to make federal laws, to levy federal taxes, to make rules for trade, to organize the activity of Armed forces, to declare war, to make amendments to the constitution, to put foreign treaties into effect.
4. Although the American system of government is based on that of…	d) the dual character of both federal and state government.
5. The main principle underlined in the constitution was…	e) three branches: judicial, legislative and executive.
6. The constitution consists of…	f) with Congress: the Senate, the upper house; and the House of the Representatives – the lower house.
7. Supreme legislative power in the American government lies…	g) as follows: “Private property is the backbone of liberty”.

8. The main task of Congress is…	h) Preamble and seven articles

Task 11. Answer the following questions:

1. What is the structure of the US government?
2. How does the flag of the US look like?
3. What does the coat of arms symbolize?
4. What are the basic principles of the US constitution?
5. What parts does the US constitution consist of?
6. Why were the first 10 amendments known as "The Bill of Rights" added to the US constitution in 1791?
7. In what way can the dual system of US government be explained?
8. Where does the supreme legislative power lie in the USA?
9. What are the specific powers of the Senate?
10. What are the main differences in the structure & the way of election in both Houses of the Congress?
11. In what way is the work of Congress organized?
12. What do you know about lobbyists?

Task 12. Refer to the text and decide which of the 20 words and phrases you need to deliver the basic information about the political system and the legislative branch of the US government.

Task 13. Think of the new information about the political system and the US constitution you've got to know and make up a list of their specific features. Compare them with those of the Ukrainian political system.

Task 14. Work in pairs and discuss the most important points concerning the activity of Congress, compare your ideas with the other group mates.

Task 15. Render the text into English using the following vocabulary notes:

checks and balances	взаємоконтроль
tension	тиск
at least	щонайменше
item	пункт
maneuvering	маніпулювання
passage	прийняття
rival	суперник; супротивний

Конституція США поділяє сфери відповідальності між законодавчою, виконавчою та судовою гілкою влади, щоб переконатись, що жодна влада не залишиться неперевіреною.

Хоча ця система взаємоконтролю працює успішно роками, вона часто є джерелом конфлікту між законодавчою та виконавчою владою. Тиск стає більш виразним, коли одна політична партія займає Білий Дім, а супротивна партія контролює, щонайменше, одну палату Конгресу, оскільки повноваження законотворення стало головним фокусом роботи Конгресу.

Запропонований законопроект стає законом, коли більшість в обох палатах погоджується з його прийняттям, а президент підписує його. Але процес досягнення консенсусу з кожного пункту законодавчого акта є часто предметом інтенсивного політичного маніпулювання.

Task 16. Fill in the gaps using the proper modal verb* can, may *or* must*:

1. The US Senate _____ approve or disapprove the main presidential appointments: ambassadors, cabinet members and federal judges.

2. Senate also _____ ratify treaties between the USA and foreign countries.

3. A Senator _____ be at least 30ty years old, a citizen of the USA for 9 years and a resident of the state from which he is elected.

4. Vice-president _____ preside over the Senate and conducts debates.

5. A Representative _____ be at least 25 years age, a US citizen for 7 years and live in the state from which he is elected.

6. The Speaker, like Vice-president, _____ vote.

7. A Congressman _____ work long and hard.

8. If President disapproves a bill, he _____ veto refusing to sign it, and _____ send it back to Congress.

Task 17. Make up dialogues using the questions of Task 12 and your own ones.

Task 18. Sum up the main information from the text in writing.

SUPPLEMENTARY READING

Task 1. Read the text referring to the italicized terms:

BICAMERALISM IN ACTION: THE DISTINCT ROLES OF THE HOUSE AND THE SENATE

The legislative branch of the United States, established by Article I of the Constitution, is a study in deliberate friction. By creating a *bicameral* legislature, the Founding Fathers sought to balance the competing interests of large and small states, while simultaneously creating a system where the "passions" of the public would be tempered by a more stable, deliberative body. This result is the U.S. Congress, composed of the House of Representatives and the Senate.

The House of Representatives is often referred to as the "People's House." Its 435 members serve two-year terms, keeping them in a state of perpetual campaigning and, theoretically, more sensitive to the immediate whims of their *constituency*. Under the Constitution, the House holds the exclusive *prerogative* to originate revenue bills. Its leadership structure is highly hierarchical, favoring the majority party and allowing for relatively swift legislative action compared to its counterpart.

In contrast, the Senate was designed as a "cooling saucer" for the heat of the House. With only two senators per state regardless of population and six-year staggered terms, the Senate is insulated from short-term political shifts. This body emphasizes individual influence and minority rights; any single senator can significantly delay proceedings through the filibuster. The Senate also holds unique powers of "advice and consent," such as confirming federal judges and ratifying treaties. While this dual-chamber system ensures that legislation is thoroughly vetted, it frequently leads to partisan *gridlock*, where the two houses – often controlled by opposing parties – struggle to find common ground.

Task 2. Match the terms (1-5) with their definitions (A-E):

1. bicameral 2. constituency 3. gridlock 4. prerogative 5. incumbency

A. a body of voters in a specified area who elect a representative to a legislative body.

B. a situation when there is difficulty passing laws that satisfy the needs of the people.

C. having two branches or chambers (of a legislative body).

D. the holding of an office or the period during which one is held.

E. a right or privilege exclusive to a particular individual or class.

Task 3. Decide if the statements are True (T), False (F), or if the information is Not Given (NG):

1. The Senate was designed to respond more quickly to public opinion than the House.
2. All bills related to taxes and spending must start in the House of Representatives.
3. The House of Representatives has the power to confirm Supreme Court justices.

Task 4. Complete the sentences with no more than THREE words from the text:

1. The Founding Fathers created two chambers to act as a system of _____.
2. Because of their short terms, House members are described as being in a state of _____.
3. The Senate's long terms are intended to keep it _____ from sudden political changes.

Task 5. What does the author imply by using the term "cooling saucer" for the Senate?

A) The Senate is less important than the House.

B) The Senate is meant to slow down and carefully consider legislation.

C) The Senate is physically located in a colder part of the Capitol.

D) The Senate is responsible for environmental regulations.

Task 6. Find words in the text that mean the same as:

1. balanced or moderated (Paragraph 1): _____
2. fixed or distributed over time (Paragraph 3): _____
3. examined or evaluated carefully (Paragraph 3): _____

Task 7. According to the text, what is the primary "trade-off" of the American bicameral system? (Explain in your own words based on the final paragraph).

Unit 14
THE EXECUTIVE POWER OF THE USA

Warming-up:

1. Is there clear distinction between the USA executive branch and that of your own country?

2. What are the advantages of the USA executive power? Are there any disadvantages?

3. Do you know what the Executive Office of the President is?

Vocabulary notes:

to intend	мати намір
an involvement	залучення, зайнятість
uncooperative	не схильний до співпраці
a bureaucracy	бюрократія, державні урядовці
State (Department)	Держдепартамент
Defense	міністерство оборони
Justice	міністерство юстиції
Treasury	міністерство фінансів
Commerce	міністерство торгівлі
Housing and Urban Development	міністерство житлового будівництва і міського розвитку
Interior	міністерство внутрішніх справ
a tie	рівна кількість голосів
to take over from smb.	приймати посаду від, брати на себе обов'язки
to erect	споруджувати
(the) Chief Justice	голова Верховного Суду США

THE WHITE HOUSE

The President (any natural-born citizen over 34) is elected for a term of four years and can only be re-elected for one more term

(according to the Twenty Second Amendment, adopted after Franklin D. Roosevelt's four successive terms).

The President was originally intended to be little more than a ceremonial Head of State, as well as Commander-in-Chief of the armed forces, but the Federal Government's increasing involvement in the Nation's economic life and its prominent role in international affairs, where secrecy and speed are often essential, has increased the importance of the Presidency over Congress.

The President now proposes a full legislative program to Congress, although the President, the Cabinet and staff are not, and cannot be members of Congress. This means that the various bills must be introduced into the House of Representatives or Senate by their members. The President is consequently completely powerless facing an uncooperative Congress. While mentioning the difficulties in ensuring that the laws passed are effectively implemented by the federal bureaucracy, it has been said that the President's only real power is the power to persuade.

The President is assisted by the members of the Cabinet who administer 14 major departments: State, Defense, Justice, Treasury, Commerce, Labor, Health, Education and Welfare, Housing and Urban Development, Interior, Agriculture and Transportation. Though they rank as the President's chief advisers, in recent decades members of President's administration have generally more influence on him.

The role of the Vice President is not very well defined by the Constitution, which gives him or her no other task than presiding over the debates in the Senate, where he may only vote in the case of a tie. Yet the Vice President takes over from the President in case of death, resignation, or sickness, which has already happened on eight occasions. To try and attract able men to this otherwise unimportant, mainly ceremonial post, Vice Presidents have recently been given more important tasks, especially in foreign affairs.

Inaugurations of Presidents and Vice Presidents take place on January 20 of every year following a national election. These ceremonies are held on a platform erected over the steps on the East

front of the Capitol Building. The oath of office is administered by the Chief Justice of the United States.

Task 1. Give the Ukrainian equivalents of the following word-expressions:

natural-born citizen, elected, adopted, successive terms, Commander-in-Chief, increasing, prominent role, essential, propose, staff, various bills, consequently, powerless, difficulties in ensuring, effectively implemented, persuade, be assisted, Education and Welfare, Labor, rank, recent, influence.

Task 2. Give the English equivalents of the following word-expressions:

строк, голова держдепартаменту, перевибори, міністерство закордонних справ, головнокомандувач збройних сил, особовий склад (персонал), труднощі, повинні бути представлені, у випадку рівної кількості голосів, займати посаду, визначна роль, таким чином, секретність та швидкість.

Task 3. Choose the correct word in brackets and complete the sentence:

1. The President (any natural-born citizen over (36 / 34 / 35)) is elected for a term of (five / six / four) years and can only be re-elected for (two/one/three) more term.

2. The (Prime minister / President / Congress) was originally intended to be little more than a ceremonial Head of State, as well as (Chief Justice / Commander-in-Chief of the armed forces / State Secretary).

3. The Federal Government's increasing involvement in the Nation's economic life and its prominent role in international affairs, where secrecy and speed are often essential, has increased the importance of the Presidency over (Prime minister / Justice / Congress).

4. The various bills must be introduced into the House of Representatives or (local administration / Senate / Supreme Court) by their members.

5. The President is consequently completely powerless facing an uncooperative (Congress / State Department / Interior).

Task 4. Complete the sentences using the following words and phrases:

a ceremonial Head of State, a full legislative program, re-elected, staff, federal bureaucracy, well defined, consequently, rank, introduced, chief advisers, in the case of a tie, the members of the Cabinet, the power to persuade.

1. The President (any natural-born citizen over 34) is elected for a term of four years and can only be _____ for one more term.

2. The President was originally intended to be little more than _____, as well as Commander-in-Chief of the armed forces.

3. The President now proposes _____ to Congress, although the President, the Cabinet and _____ are not, and cannot be members of Congress.

4. This means that the various bills must be _____ into the House of Representatives or Senate by their members.

5. The President is _____ completely powerless facing an uncooperative Congress.

6. While mentioning the difficulties in ensuring that the laws passed are effectively implemented by the _____, it has been said that the President's only real power is _____.

7. The President is assisted by _____ who administer 14 major departments.

8. Though they _____ as the President's _____, in recent decades members of President's administration have generally more influence on him.

9. The role of the Vice President is not very _____ by the Constitution, which gives him or her no other task than presiding over the debates in the Senate, where he may only vote _____.

Task 5. Think and say whether the statements are true or false:

1. The President (any natural-born citizen over 34) is elected for a term of four years.

2. The President was originally intended to be little less than a ceremonial Head of State.

3. Government's increasing involvement in the Nation's economic life and its prominent role in international affairs, where secrecy and speed are often essential, has increased the importance of the Presidency over Judiciary.

4. The various bills must be introduced into the House of Representatives or Senate by the governors.

5. The President is assisted by the members of the Cabinet who administer 14 major departments.

6. The role of the Vice President is very well defined by the Constitution, which gives him or her no other task than presiding over the debates in the Senate, where he may only vote in the case of a tie.

7. The Vice President takes over from the President in case of death, resignation or sickness, which has already happened on eight occasions.

8. The residence of the Administration is the House of Congress.

Task 6. Match the words and their definitions:

1. increasing	a) the situation when two or more groups in Congress have the same results by voting
2. tie	b) rising in the amount, number or value
3. consequently	c) to make somebody do something by giving them good reasons for doing it
4. department	d) to have a position of this kind
5. intend	e) following immediately one after the other
6. oath	f) important or well known
7. persuade	g) a section of a large organization such as a government

8. prominent	h) a formal promise to do something
9. to rank	i) as a result; therefore
10. successive	j) to have a plan or purpose in your mind

Task 7. Answer the following questions:

1. Who may become the President of the USA?
2. What has increased the importance of the Presidency over Congress?
3. What are the functions of the US President?
4. What are the issues facing the President in Congress?
5. Who rank as the President's chief advises?
6. Who takes over from the President in case of death, resignation or sickness?
7. Why has the Vice President been recently given more important task?

Task 8. Read and translate the text:

LOCAL ADMINISTRATION

State Government. There is very little in the Constitution about State government. The Tenth Amendment (1791) merely says that those powers not specially delegated to the federal government are reserved for States. While the fifty Stat constitutions differ widely, they all include the separation of powers and a system of checks and balances and share the underlying American belief that government should be kept to a minimum.

Each State has a Governor, a Legislature and a State Judiciary. This means that each State parallels the governmental forms of the Federal system.

The Governor is elected directly in a state-wide election. All the states except Nebraska have bicameral legislatures normally called the Senate and House of Representatives.

All States have the right to levy taxes, and many services, such as education, health, welfare, and police are supported entirely or more likely by State than by Federal funds. The sovereignty of State governments has, however, been steadily eroded. Functions

such as education, unemployment relief, public works, and the like – once considered entirely within State jurisdiction – are now matters of Federal concern as well.

County and City Governments. These governments are solely the creations of the States and the powers of such jurisdictions vary greatly from one State to another. In Connecticut, for example, there are no county governments, while the next door in New York some counties have significant powers of taxation.

The same is true for city governments, all of which derive their powers from the States. In some States the power of city governments to tax, to educate and to operate broad-scale social services is great, while in other States the cities are virtually powerless in many areas. But, as befits American system, the balance can always be shifted.

Task 9. Transcribe, read and translate the terms:

state government, underlying, bicameral, to levy (taxes), entirely, sovereignty, steadily, to erode, unemployment relief, concern, to derive, social services, to befit, to shift.

Task 10. Match the parts of the following sentences:

1. While the fifty State constitutions differ widely	a) has, however, been steadily eroded.
2. Each State has a Governor	b) they all include the separation of powers and a system of checks and balances.
3. The Governor is elected	c) and many services – such as education, health, welfare, and police – are supported entirely or more likely by State than by Federal funds.
4. All States have the right to levy taxes	d) directly in a state-wide election.
5. The sovereignty of State governments	e) a Legislature and a State Judiciary.

6. In some States the power of city governments to tax, to educate, and to operate broad-scale social services is great	f) the balance can always be shifted.
7. As befits American system	g) while in other States the cities are virtually powerless in many areas.

Task 11. Match the synonyms:

1. however	a) only
2. for example	b) although
3. include	c) divide
4. underlying	d) contain
5. solely	e) for instance
6. share	f) basic
7. entirely	g) destroy
8. erode	h) worry
9. concern	i) to be similar
10. to parallel	j) completely

Task 12. Match the words and their definitions:

1. broad-scale	a) to get something from somebody/something
2. to shift	b) divide something among somebody
3. to befit	c) to give part of the work, power or authority to somebody in a lower position
4. steadily	d) wide range of levels
5. unemployment relief	e) to gradually destroy something or make it weaker
6. bicameral	f) to move, to change from one position to another
7. to erode	g) financial help given by the government to people who need it
8. share	h) not changing

9. to delegate	i) to be suitable and good enough for somebody/something, to allow
10. to derive	j) having two main parts

Task 13. Make up a plan to the text "Local Administration" in the form of questions.

Task 14. Answer the questions and get ready to prove your opinion:

1. What was the system of checks and balances of the governmental activity created for?
2. Why does the federal government and not the local communities deal with the problems facing the nation?
3. Do you think the role of the Vice President is more or less important than that of the President one? Why?
4. Why isn't the US President elected directly?

Task 15. Draw a parallel between Federal & State administration in the form of chart.

Task 16. Refer to the text and decide which of the 20 words and phrases you need to deliver the basic information about the executive branch of the US government.

Task 17. Think of the new information about the executive system you've got to know and make up a list of their specific features.

Task 19. Work in pairs and discuss the most important points concerning the activity of the Executive Branch of the USA, share your ideas with the other groupmates.

Task 20. Render the text into English using the following vocabulary notes:

Vocabulary notes:

within	в межах
manage	керувати
issue	видавати
binding	що зобов'язує
require	вимагати
call into	викликати
emergency	небезпека
grant	призначати, надавати
confirm	підтвердити

У межах виконавчої гілки влади президент має широкі повноваження, щодо керування національними справами та роботою Федерального уряду. Президент може видавати нормативні акти та інструкції, що називаються виконавчими наказами, які законом зобов'язують федеральні агенції і не вимагають схвалення Конгресу. Як головнокомандувач збройними силами США, президент може скликати федеральну службу державних угрупувань Національної гвардії під час війни або національної небезпеки, конгрес може надати президенту навіть ширші повноваження щодо керування національною економікою та захистом безпеки США.

SUPPLEMENTARY READING

Task 1. Read the text referring to the italicized terms:

THE COMMANDER-IN-CHIEF: EXAMINING THE PRESIDENT'S WAR POWERS

The U.S. Constitution creates a deliberate tension regarding the use of military force. Under Article II, the President is designated as the "Commander-in-Chief," a title that implies supreme operational command of the armed forces. However, Article I grants Congress the sole power to "declare war." This constitutional *ambiguity* has sparked a centuries-long tug-of-war between the executive and legislative branches over who truly holds the keys to the war machine.

Historically, the President's role was viewed as defensive – authorized to repel sudden attacks but requiring congressional approval for offensive campaigns. However, the Cold War era ushered in a shift toward an "Imperial Presidency." The speed of modern warfare and the necessity of nuclear *brinkmanship* led to increased *unilateral* action. From the Korean War to recent drone strikes in the Middle East, many modern conflicts have been initiated without a formal declaration of war, relying instead on the President's inherent *prerogative* to protect national security.

In an attempt to reclaim its authority, Congress passed the War Powers Resolution of 1973. This *statute* requires the President to notify Congress within 48 hours of committing armed forces to military action and forbids forces from remaining for more than 60 days without legislative authorization. Despite this, almost every president since the law's inception has questioned its constitutionality, arguing that it infringes upon executive authority. Consequently, the boundary of war powers remains less a fixed line and more a shifting frontier, defined by political will and the exigencies of the global stage.

Task 2. Match the terms (1-5) with their definitions (A-E):

1. unilateral 2. ambiguity 3. brinkmanship 4. prerogative 5. statute

A. a written law passed by a legislative body.

B. the quality of being open to more than one interpretation; inexactness.

C. performed by or affecting only one person, group, or country involved in a situation.

D. the art or practice of pursuing a dangerous policy to the limits of safety before stopping.

E. a right or privilege exclusive to a particular individual or class.

Task 3. Decide if the statements are True (T), False (F), or if the information is Not Given (NG):

1. The U.S. Constitution explicitly lists every situation where a President can use the military without Congress.

2. The War Powers Resolution of 1973 was designed to limit the President's ability to wage long-term war without oversight.

3. Most U.S. Presidents have strictly followed the War Powers Resolution without legal complaint.

Task 4. Which word in the text is a synonym for "urgent needs or demands"?

1. inception 2. exigencies 3. inherent 4. authorization

Task 5. Complete the sentences based on the text:

1. Originally, the President was mainly expected to use the military to _____ rather than start offensive wars.

2. The rise of the "Imperial Presidency" was largely influenced by the nature of the _____.

3. If a President sends troops into combat, they must inform Congress within _____.

Task 6. What is the author's primary purpose in the third paragraph?

A) To argue that the War Powers Resolution is unconstitutional.

B) To describe a legislative attempt to balance executive power and its subsequent challenges.

C) To list every war the U.S. has fought since 1973.

D) To praise the President's ability to act quickly in a crisis.

Task 7. Explain the "constitutional paradox" mentioned in the first paragraph regarding the roles of the President and Congress. How does this paradox affect modern military actions?

Unit 15
THE JUDICIAL BRANCH OF THE USA

Warming-up:

1. What do you know about the System of Courts in the USA?

2. Would you like to work as a lawyer in the US Court System? Why?

3. Do you know what the highest court in the US Judicial System is? Where is it situated?

Vocabulary notes:

to be vested (in)	бути наділеним
a Chief Justice	головний суддя
associate justice	члени суду
an original jurisdiction	юрисдикція суду першої інстанції
to be subject to exceptions and regulations	підлягати під виняток та зміни
to alter the Constitution	змінити конституцію
to interpret the Constitution	тлумачити конституцію
the district courts	місцеві суди, федеральні районні суди
a circuit court of appeals	окружний апеляційний суд (федеральний суд другої інстанції)
the Federal courts	федеральні суди
the regulating agencies	регулятивні органи
disputed questions of law	суперечливі питання права
to state the law	встановлювати право
to settle routine cases	вирішувати звичайні справи
to hold trials	проводити судові процеси
to call witnesses	викликати свідків

an admiralty law	морське право
bankruptcy proceedings	процедура банкрутства
postal laws	закони пошти
the three-layer court system	трирівнева федеральна судова система
the Court of Claims	суд претензій
the Tax Court	податковий суд
the Court of Customs and Patent Appeals	апеляційний суд у справах про митний збір та патенти
court of small claims	суди позовних вимог на невелику суму
inherited and adapted by court decisions	успадкована та пристосована судовими рішеннями
restitution	поновлення у правах

THE SYSTEM OF COURTS IN THE UNITED STATES

The judicial branch has the responsibility of judging the constitutionality of acts of law.

According to Article III of the Constitution "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish".

There are about 100 Federal courts throughout the country, final authority resting in the United States Supreme Court.

The U.S. Supreme Court is the highest tribunal in the United States. It includes a Chief Justice and eight associate justices. They are all appointed by the President and approved by the Senate.

Under the Constitution the Supreme Court has original jurisdiction (i.e., it is the court in which proceedings may be brought in the first instance) in case affecting ambassadors, other public ministers and consuls and cases in which a state is a party. In all other cases coming within the judicial power of the United States, the Supreme Court's jurisdiction is only appellate, and is subject to exceptions and regulations by Congress.

The Supreme Court cannot alter the Constitution. The Court's function is to interpret the Constitution, not to Alter or modify it.

The Supreme Court meets on the second Monday in October for a session which generally extends through to July.

The Supreme Court is made up of lawyers who had long and successful experience before they were appointed to the Court. Not all were judges or lawyers in private practice. A Supreme Court Justice may have been a senator, an Attorney General, a teacher in a law school, or even the administrator of an agency that acts like a court. The typical justice was probably appointed at about the age of fifty, and will live from twenty to forty years on the court. He is therefore likely to be somewhat elderly, and also to have lived in close contact with the political world of the previous generation.

Besides the US Supreme Court there are various other Federal courts, including the district courts and (circuit) courts of appeals.

The Federal courts (see the chart below "Federal Court System") and the regulating agencies that act somewhat like courts, apply the law to particular cases; but they do far more than that. For the words of the written law cannot be all the law. New cases arise, and the law must deal with them. Sometimes Congress passes new laws to deal with new cases.

The Courts of Appeals were organized to relieve the Supreme Court of pressure resulting from accumulation of appellate cases. In general these courts have final jurisdiction over the great mass of litigation not involving constitutional questions. For example, parties from different states have their case heard in a high Federal Court without going to the Supreme Court. A United States Court of Appeals generally comprises three judges. The Chief Justice and associate justices of the Supreme Court are authorized to assign additional circuit court judges to such courts as may need them.

A Court of Appeals accepts the facts sent up to it by the lower courts, and therefore does not need a jury. Its work is to decide on disputed questions of law. As a rule the Court of Appeals sits with

three judges together on the bench. This court's principal duty is to protect the Supreme Court from routine cases of no political importance. Its decision may be so clear and well grounded that the Supreme Court will refuse to go into the question further, in which case the Court of Appeals has stated the supreme law of the land, at least for the exact circumstances of that case.

The inferior courts in the federal system have somewhat less political importance, since their principal duty is to settle routine cases where no constitutional question is at stake. At the ground level there are the District Courts with about two hundred district judges scattered over the United States. These courts handle both civil and criminal cases that come under the jurisdiction of the Federal laws. By the Constitution they are required to give a jury trial in all except civil cases involving less than twenty dollars.

The District Courts have original jurisdiction in nearly all cases. That is they collect the facts. The district court is the only Federal court where trials are held, juries are used, and witnesses are called. Criminal cases are tried by a judge sitting with a jury whose duty is to hear the evidence, the speeches of prosecuting and defending counsel, the remarks of the judge and reach a unanimous decision as to whether the accused is guilty or not of the crime he is charged with.

Each state has at least one district court, a few have as many as four. District courts are also found in Washington, D.C., and the territories of Puerto Rico, Guam, The Virgin Islands, and the Panama Canal Zone. Each court has from one to twenty four judges, depending on the volume of business, but each judge holds court separately. Certain cases are heard by a three-judge panel. All judges are appointed for life terms by the President with the Senate's consent except those serving in territorial courts who have eight years terms.

The bulk of judicial work in Federal courts is conducted by the district courts. About 100,000 cases a year are tried, mostly civil cases involving such matters as admiralty law, bankruptcy proceedings, civil rights, and postal laws.

The parties may appeal the decision either on the ground that the court made an error in concluding the trial, or on the ground that the law is unconstitutional. The appeals go up to the middle layer of Federal Courts, the (Circuit) courts of Appeals.

Outside the three-layer federal court system there are a number of special courts, such as the Court of Claims, the Tax Court, and the Court of Customs and Patent Appeals. The special courts have been established to handle cases that are difficult for a judge to understand unless he devoted his whole time to this one type of problem. The special courts are on a borderline between strictly "judicial" courts and the administrative agencies with practically judicial powers, through which the government regulates certain kinds of business.

In the United States, the judiciary (which is a collective term for courts and judges) is divided into the national (federal) and state judiciary. Each is independent of the other with the exception that the United States Supreme Court may, under special circumstances involving federal questions, review a state court decision. Jurisdiction of particular courts of judges is determined by either the national or state constitutions and laws.

THE STATE COURTS

The states all have their own courts: a Supreme Court, superior courts, local courts, some states have courts of small claims.

The State courts are set up in a system that looks like the system of Federal courts, with a Supreme Court at the top that has the power to declare State laws unconstitutional. The State courts, however, deal with a different kind of law. Whereas the Federal courts speak mainly of what they find in the Federal Constitution, the State courts rest upon all the law there is, except what has been delegated to the Federal Government. Some of the State law is found in the State constitution and the statutes passed by legislature. But a large part of it is the common law of England, inherited and adapted by court decisions to the conditions and moral judgments of the

American people. In Louisiana much of the inherited law is French, brought down from the code Napoleon.

In most of the states the lowest courts are the magistrates or police courts, where the judge or magistrate (the justice of the peace can send a drunk to jail for thirty days, or fine a motorist for speeding, without the aid of jury. Some of the states have special traffic courts, probate courts or other special courts among their courts of small claims. The magistrate (the judge of the lowest court) may also have authority to receive a man accused of murder and decide whether to hold him for trial in a higher court.

Task 1. Translate the following words and expressions into Ukrainian:

original jurisdiction, regulations, associate justice, litigation, the district courts, circuit court of appeals, to alter the Constitution, the Court of Claims, a jury trial, original jurisdiction, the highest tribunal, an Attorney General, regulating agencies, special courts, to interpret the Constitution.

Task 2. Translate the following words and expressions into English:

головний суддя, судова влада, судовий процес, встановлювати право, податковий суд, поновлення у правах, член суду, посол, виключення, змінювати, приймати законопроект, суди вищої інстанції, суди нижчої інстанції, розкиданий, бути в небезпеці.

Task 3. Match the synonyms:

1. litigation	a) change
2. responsibility	b) consequently
3. establish	c) include
4. appointed	d) endorse
5. approve	e) trial
6. instance	f) set up
7. exception	g) amenability

8. alter	h) assigned
9. therefore	i) exclusion
10. comprise	j) example

Task 4. Match the antonyms:

1. superior	a) attack
2. appoint	b) decrease
3. approve	c) innocent
4. include	d) entail
5. arise	e) gathered
6. involve	f) inferior
7. high	g) discharge
8. protect	h) exclude
9. scattered	i) disapprove
10. guilty	j) low

Task 5. Correct the wrong statements. Decide whether they are true or false:

1. The executive branch has the responsibility of judging the constitutionality of acts of law.

2. There are about 50 Federal courts throughout the country.

3. Final authority resting in the United States Court of Appeals.

4. The U.S. Supreme Court is the highest tribunal in the United States.

5. It includes a Chief Justice and ten associate justices.

6. The Supreme Court can alter the Constitution.

7. The Supreme Court meets on the second Monday in September for a session which generally extends through to July.

8. The Supreme Court is made up of lawyers who had long and successful experience before they were appointed to the Court.

Task 6. Match the endings of the sentences:

1. The judicial branch has the responsibility of …	a) and successful experience before they were appointed to the Court.

2. Under the Constitution the Supreme Court has original jurisdiction in case…	b) since their principal duty is to settle routine cases where no constitutional question is at stake.
3. The Supreme Court meets on the second Monday in October …	c) pressure resulting from accumulation of appellate cases.
4. The Supreme Court is made up of lawyers who had long …	d) judging the constitutionality of acts of law.
5. A Supreme Court Justice may have been …	e) affecting ambassadors, other public ministers and consuls and cases in which a state is a party.
6. The Courts of Appeals were organized to relieve the Supreme Court of …	f) for a session which generally extends through to July.
7. The inferior courts in the federal system have somewhat less political importance …	g) trials are held, juries are used, and witnesses are called.
8. The district court is the only Federal court where …	h) a senator, an Attorney General, a teacher in a law school, or even the administrator of an agency that acts like a court.

Task 7. Choose the proper definition to the following words:

1. congress	a) the process of making and defending claims in a court of law, in non criminal matters;
2. litigation	b) a demand or request for something which one has a right to have;
3. authority	c) the act of returning something lost or stolen to its owner, or demand or request for something which one has a right to have of paying for damage;

4. claim	d) the quality of being sensible and trustworthy;
5. ambassador	e) to give the official and legal right to possess or use power, property;
6. consul	f) the ability, power, or right to control and command;
7. circumstance	g) a Diplomat of the highest rank who is the official representative of his/her country in another country;
8. vest in	h) a person appointed by a government to protect and help its citizens and its interests in trade in a foreign country;
9. responsibility	i) the law-making body of the US country of the Senate and the House of Representatives;
10. restitution	j) the combination of facts, conditions, or events that influence one's action, regarded as being outside one's control.

Task 8. Match the Ukrainian terms with their English equivalents:

1. to alter the Constitution	a) юрисдикція суду першої інстанції
2. circuit court of appeals	b) суд присяжних
3. the judicial branch	c) мировий суддя
4. original jurisdiction	d) змінити конституцію
5. the Supreme Court	e.) окружний апеляційний суд (федеральний суд другої інстанції)
6. litigation	f) податковий суд
7. a jury trial	g) переглядати рішення суду штату
8. to review a state court decision	h) Верховний суд
9. the Tax Court	i) судова суперечка
10. the justice of the peace	j) судова гілка влади

Task 9. Translate the words from the box and complete the sentences:

Верховний суд, юрисдикція суду першої інстанції, суди нижчої інстанції, магістратські та поліцейські суди, Конгрес, апеляції.

1. _____ in the federal system have somewhat less political importance.
2. The District Courts have _____ in nearly all cases.
3. According to Article III of the Constitution "the judicial power of the United States shall be vested in one _____".
4. Sometimes _____ passes new laws to deal with new cases.
5. In most of the states the lowest courts are _____.
6. _____ go up to the middle layer of Federal Courts - the Circuit courts of Appeals.

Task 10. Make up sentences using the following expressions:

judicial branch, according to, the highest tribunal, Chief Justice, to be appointed by, to be approved by, to alter, successful experience, to pass laws, to be authorized, principal duty, to be at stake.

Task 11. Answer the questions:

1. What responsibility does the judicial branch have?
2. What kind of court is the judicial power vested in according to the Constitution?
3. Could you describe the Supreme Court of the USA?
4. What do you know about the Federal courts and the regulating agencies?
5. What jurisdiction do the district courts have?
6. What kind of cases do the District Courts handle?
7. What is the judiciary in the USA divided into?
8. What courts in the state judicial system are inferior ones? What are their functions?
9. What are the functions of special courts?

Task 12. Translate the following sentences into Ukrainian:

1. People go to civil courts to seek remedies – things they are asking the courts to give them.

2. The most common remedy is damages to compensate for a loss.

3. The loss may be something concrete, such as damage to a reputation resulting from a libelous publication.

4. Closely related to damages is restitution, the return of something belonging to e person, such as land or corporate bonds.

5. Another kind of remedy is coercion, in which a party asks the court to require that another party either take a particular action or refrain from an action.

6. The major form of this remedy is an injunction, in which a court can order action such as the halting of a labor strike.

7. The final type is a declaration of legal rights or status, such as the termination of marriage through divorce or a ruling that a statute is unconstitutional.

Task 13. Translate sentences into Ukrainian (it is recommended to repeat the previous sentence before giving the translation):

1. Більшість людей мають хибне уявлення про те, що закон є набором відомих правил, що застосовуються суддями.

2. If the judge does not know the law on a particular subject, he needs only look it up in one of hundreds of books in his library.

3. Це зовсім не так, особливо у галузі конституційного права.

4. Law is frequently made and not found. It is also changed from time to time to meet changing conditions.

5. Таким чином суди є інструментом соціальних, політичних та економічних змін.

6. The law changes as it is applied to new cases.

7. It may expand or contract its application or take off in a new direction, but is seldom static.

Task 14. Translate into English:

У США функціонують паралельно єдина федеральна система судів та самостійні судові системи кожного з 50 штатів, округа Колумбія та чотирьох федеральних територій. До компетенції федеральних судів належить, перш за все, розгляд кримінальних справ, що передбачені федеральним законодавством, та цивільних справ за позовами до федеральної влади і за позовами, що виникають у зв'язку з застосуванням федеральних законів між громадянами, які проживають у двох різних штатах, якщо при цьому сума позову перевищує $10,000. З ряду питань компетенція федеральних судів і судів штатів співпадає як з кримінальних так і з цивільних справ, що викликало складні правила розмежування функцій. За певних обставин у обвинувачення та позивача з цивільної справи виникають можливості вибору між зверненням до суду одного з штатів або федерального суду, а в деяких, дуже рідких, випадках допускається звернення до федерального суду зі скаргою по справі, що розглядалась у штаті, але якщо мова йдеться про тлумачення чи застосування норм федерального права. Більша частина кримінальних чи цивільних справ розглядається судами штатів, і лише 5-10% є предметом розгляду федеральних судів.

Task 15. Fill in the gaps using the proper Modal verb* can, can't, may, must, shall*:

1. According to Article III of the Constitution "the judicial power of the United States _____ be vested in one Supreme Court, and in such inferior courts as the Congress _____ from time to time ordain and establish".

2. The Supreme Court _____ alter the Constitution.

3. A Supreme Court Justice _____ have been a senator, an Attorney General, a teacher in a law school, or even the administrator of an agency that acts like a court.

4. For the words of the written law _____ be all the law.

5. New cases arise, and the law _____ deal with them. Sometimes Congress passes new laws to deal with new cases.

6. Its decision _____ be so clear and well grounded that the Supreme Court will refuse to go into the question further, in which case the Court of Appeals has stated the supreme law of the land.

7. The parties _____ appeal the decision either on the ground that the court made an error in concluding the trial, or on the ground that the law is unconstitutional.

8. The magistrate (the judge of the lowest court) _____ also have authority to receive a man accused of murder and decide whether to hold him for trial in a higher court.

Task 16. Make up the diagram, which shows the hierarchy & jurisdiction of the Courts in the USA. Speak about the Federal Court system of the United States of America.

Task 17. Make up dialogues using the questions of Task 11 and your own ones.

Task 18. Sum up the main information from the text in writing.

Task 19. Role Play:

Family Drama

Situation: Mrs. Mary Wood comes home after the trial with her son Robin. Fifteen-year-old Robin committed a theft of a computer from a shop. In court he was sentenced to one month of imprisonment and was placed on probation and his parents were fined £500.

Play participants: Mrs. Mary Wood, Mr. John Wood, Robin, their son

Taking part in the play as acting characters add new details or make some changes:

a) Mrs. Mary Wood tells the head of the family about the course of the trial upon their son's case: The court took into account

the circumstances, extenuating (пом'якшуючи) his guilt... The terms of probation to be obeyed are the following: Robin must attend the Youth Treatment Centre three hours a day...

b) Robin repents (розкаюватися) of all he has done and notes he asked his father to buy a computer... Now he apologizes to his parents and promises to study hard...

c) Mr. John Wood is in anger and thinks the judge acted too gently (he should have punished Robin more severely), that Robin did not want to wait a bit – he was just going to buy a computer by his birthday... Now Robin has to work by himself (the father has arranged everything) to earn some money to buy that damned computer...

SUPPLEMENTARY READING

Task 1. Read the text referring to the italicized terms:

THE SUPREME COURT: THE FINAL ARBITER OF THE CONSTITUTION

The Supreme Court of the United States (SCOTUS) stands as the apex of the federal judiciary and the ultimate *arbiter* of constitutional disputes. Unlike the legislative and executive branches, which are designed to be responsive to the political whims of the electorate, the Court is intended to be a non-political body. This independence is primarily shielded by the lifetime *tenure* of its nine justices, a constitutional provision meant to insulate them from external pressure and partisan retaliation.

The Court's most formidable power is not explicitly found in the Constitution but was established through the landmark case Marbury v. Madison (1803): the power of judicial review. This authority allows the Court *to nullify* acts of Congress or presidential actions if they are found to be inconsistent with the "Supreme Law of the Land." While the Court does not seek out cases, it exerts its influence by choosing which petitions for a writ of certiorari to grant, typically selecting only those that involve significant federal questions or conflicting interpretations of the law among lower courts.

The impact of the Supreme Court extends far beyond the courtroom, as its rulings establish a binding *precedent* that must be followed by all other courts in the country. This doctrine, known as stare decisis, ensures stability and predictability in the legal system. However, the Court also possesses the rare ability to overturn its own prior decisions, a move that often signals a profound shift in the nation's social and legal trajectory. Consequently, the Court remains a focal point of intense *litigation* and public debate, reflecting the ongoing struggle to define the boundaries of American liberty.

Task 2. Match the terms (1-5) with their definitions (A-E):

1. arbiter 2. tenure 3. to nullify 4. precedent 5. litigation

A. the process of taking legal action; a lawsuit.

B. an earlier event or action that is regarded as an example or guide to be considered in subsequent similar circumstances.

C. a person who settles a dispute or has ultimate authority in a matter.

D. to make legally null and void; to invalidate.

E. the conditions under which land or buildings are held or occupied, or the period of holding an office.

Task 3. Decide if the statements are True (T), False (F), or if the information is Not Given (NG):

1. The power of judicial review was clearly written into the original text of the US Constitution in 1787.

2. Supreme Court justices can be removed from office if their rulings are unpopular with the majority of voters.

3. The Supreme Court only reviews a small fraction of the cases that are appealed to it each year.

Task 4. What is the primary purpose of "lifetime tenure" according to the text?

A) To ensure that justices gain enough experience to understand complex laws.

B) To prevent the other branches of government from influencing judicial decisions through threats.

C) To guarantee that the Supreme Court reflects the current political mood of the country.

D) To reduce the costs associated with frequent judicial elections.

Task 5. Find a word in the second paragraph that means "an official order to a lower court to send up the records of a case for review."

Task 6. Complete the summary using terms from the text:

The Supreme Court uses the doctrine of (1) _____ to

maintain consistency in the law. However, its most significant power is (2) _____, which allows it to strike down laws it deems (3) _____. Because it is the highest court, its decisions create a (4) _____ that lower courts are required to follow.

Task 7. Based on the text, why is the Supreme Court described as a "non-political" body, and what challenges to this description are suggested in the final paragraph?

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ENGLISH FOR STUDENTS OF LAW FACULTY

АНГЛІЙСЬКА МОВА ДЛЯ СТУДЕНТІВ ЮРИДИЧНИХ ФАКУЛЬТЕТІВ

Посібник

Видання 2-ге, виправлене і розширене

Частина 1