

**РЕСПУБЛИКА КАЗАХСТАН
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Настоящее учебно-методическое пособие предназначено для студентов, магистрантов, докторантов юридических вузов, а также для специалистов-юристов, которые владеют английским языком на среднем уровне (Intermediate) и продолжают его изучение для использования в профессиональной сфере.

Данное пособие знакомит обучающихся с правовыми системами стран изучаемого языка, помогает овладеть основами юридической лексики английского языка и грамматическими структурами, характерными для правовых текстов.

В пособие включены материалы по гражданскому и публичному праву, взятые из английских и американских источников. Оригинальные тексты сокращены и адаптированы авторами для того, чтобы они соответствовали уровню пособия (Intermediate).

Результатом работы над уроком является умение беседовать по теме урока, знание активного словаря урока, умение переводить тексты, близкие по сложности и тематике, с английского языка на русский.

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UNIT 1

WHAT IS LAW?

Law is a body of rules supported by the power of **government**. It **governs** the **behavior** of members of **society**. It is not possible to have a society without laws, as there would be anarchy in society then.

Governments **make laws** and **enforce** them against all **citizens** within their power. They have two motives in making and enforcing laws. One is **social control**; the other is the **implementation of justice**. **To establish** social control governments use **public laws** and **civil laws**. Public laws **ensure the authority** of the government itself and civil laws **provide** framework for interaction among people. Justice is a concept that most people feel is very important but few are able to **define**. Sometimes a **just** decision is simply a decision that most people feel is **fair**.

New laws **appear** all the time as our life is changing very fast. But no country has been successful in producing laws, which are entirely satisfactory.

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

Even so, some **transactions** in modern society are so **complex** that few of us would risk making them without first **seeking legal advice**. We use it when we buy or sell a house, **set up a business**, or decide whom to give our **property** to when we die.

On the whole, it seems that people all over the world are becoming more and more **accustomed** to using **legal means** to **regulate** their relations with each other.

As countries **cooperate** more and more and have an increasing number of common global **problems to solve**, there are **attempts** to internationalize **legal standards**, so that the same legal principles could be **applied** to all countries and people.

When law helps people to **reach just agreements**, it is **regarded** as a good thing. However, when it **involves** time and money and shows people's inability to cooperate informally, law seems to be an evil- but a necessary one that everyone should have a **basic knowledge** of.

VOCABULARY NOTES

1. law	право, закон
2. a body of rules	свод правил, совокупность норм
3. to support	поддерживать
4. to govern	управлять
5. government	государство, правительство, государственная власть
6. to behave	вести себя
7. behaviour	поведение
8. society, modern society	общество, современное общество
9. to make laws	создавать законы
10. to enforce laws against smb.	применять законы к к.-л.
11. citizen	гражданин
12. social control	общественный контроль
13. justice	справедливость
14. just	справедливый
15. implementation of justice	осуществление справедливости
16. to establish	устанавливать
17. public law	публичное право
18. civil law	частное право
19. to appear	появляться
20. to produce a law	создать закон
21. satisfactory	удовлетворительный
22. (in)formal	не)официальный
23. to settle disputes	урегулировать споры
24. legal	юридический, правовой
25. legal obligations	правовые обязательства
26. legal means	правовые средства
27. legal implications	правовая подоплека
28. legal standards	правовые нормы
29. principles	принципы
30. to discuss	обсуждать
31. to consult the police	обращаться за помощью в полицию
32. lawyer	юрист
33. court	суд
34. to seek legal advice	обращаться за помощью к юристу
35. on the whole	в целом
36. to regulate	регулировать
37. transaction	сделка

EXERCISES

Exercise 1. Answer the following questions.

1. What is law?
2. Why isn't it possible to have a society without laws?
3. Who makes laws?
4. What are the motives in making and enforcing laws?
5. What do public laws ensure?
6. What do civil laws provide?
7. What decision is just?
8. Why do new laws appear?
9. Why are laws imperfect?
10. When do people start thinking about law?
11. What is a train ticket from the lawyer's point of view?
12. Do people often make contracts in their everyday life?
13. In what transactions do people seek legal advice and why?
14. What are people becoming accustomed to doing?
15. Why is it important to internationalize legal standards?
16. How do people treat law?

Exercise 2. Supply Russian equivalents.

to settle disputes
legal obligations
to seek legal advice
to become accustomed to doing smth
to solve problems
basic knowledge
to cooperate informally
to define justice
to enforce laws
to refuse to do smth
complex transactions

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Государства создают законы и применяют их к своим гражданам.
2. Право помогает людям достичь справедливых соглашений.
3. Новые законы появляются потому, что наша жизнь быстро меняется.
4. Невозможно иметь общество без законов.
5. Для установления общественного контроля государства используют публичное право и частное право.
6. Публичные законы обеспечивают власть самого правительства.
7. Некоторые сделки в современном обществе очень сложные.

8. Страны сотрудничают все больше и больше.
9. Существуют попытки сделать нормы права международными.
10. Одни и те же правовые принципы могли бы применяться ко всем странам и людям.

Exercise 4. Give other words with the same root.

agreement, discussion, just, to govern, to interact, definition, application, informal, production, success, regulation, cooperation, involvement, refusal, to oblige, to internationalize, citizenship, lawyer.

Exercise 5. Give antonyms and translate them.

1. possible _____
2. fair _____
3. just _____
4. legal _____
5. formal _____
6. agreement _____
7. important _____
8. necessary _____

Exercise 6. Supply English equivalents.

- обращаться за помощью к юристу
- основать предприятие правовые нормы
- сделать нормы права международными
- решать проблему
- имущество
- обеспечивать власть
- обсуждать вопрос с к-л
- регулировать отношения друг с другом
- попытка
- публичное право
- сложные сделки
- вести себя разумно
- сотрудничать
- правовые средства
- неофициальные пути
- справедливый

Exercise 7. Insert prepositions consulting the text.

1. If our neighbor plays loud music late ... night, we probably try to discuss the matter ... him.
2. We start thinking ... law when everyday informal ways ... settling disputes break
3. Governments make laws and enforce them ... all citizens ... their

power.

4. A train ticket represents a contract ... legal obligations.
5. We seek legal advice when we set ... a business.
6. ... the whole, people all ... the world are becoming more and more accustomed ... using legal means to regulate their relations ... each other.
7. The same legal principles should be applied ... all countries and people.
8. It is not possible to have a society ... laws.

Exercise 8. Fill in the gaps with missing words consulting the text.

1. People use legal means to ... their relations with each other.
2. Governments use civil and public laws to ... social control.
3. There are ... to internationalize legal standards.
4. Law is a good thing when it helps to reach ... agreements.
5. People usually try to ... disputes in informal ways.
6. Governments ... laws against all citizens within their power.
7. Law ... the behaviour of members of society.
8. Some ... in modern society are very complex.
9. When we buy a house we seek.

Exercise 9. Use passive sentences in the Past and in the Future as shown in the example.

Example. *The problem is solved.*

The problem was solved.

The problem will be solved.

1. The matter is discussed.
2. A new company is set up.
3. The disputes are settled
4. An agreement is reached.
5. Legal principles are applied.
6. A lot of money is involved.
7. Legal advice is sought.
8. Loud music is played.
9. Laws are enforced.
10. A train ticket is bought.

Exercise 10. Change sentences using the Passive Voice.

1. They solved this problem two weeks ago.
2. I hope they will reach some agreement.
3. People regard law as a good thing.
4. They made a transaction yesterday.
5. People often seek legal advice.
6. We bought train tickets last week.
7. He left his property to his grandchildren.
8. We use legal advice when we sell a house.

9. They showed me the book.
10. We will discuss this matter tomorrow.

Exercise 11. Translate the following sentences into Russian using the structures given.

I. Example. Countries have an increasing number of common global **problems to solve.** У стран существует возрастающее количество общих глобальных проблем, *которые они должны решать.*

1. There are a lot of important things to do.
2. They have got a few matters to discuss.
3. There are several problems to solve.
4. We have got a few problems to settle.
5. He has got a lot of books to read.
6. I know a good lawyer to consult.
7. There are a lot of necessary laws to make.

II. Example. We probably try to discuss the matter with him rather than **consulting the police, lawyers and courts.** Мы, наверное, попытаемся решить дело с ним, а не с *полицией, юристами и судами.*

1. They will sell this apartment rather than pay a high rent for it.
2. I'll speak to John rather than to Tom.
3. I'll discuss this problem with him rather than solve it alone.
4. The basic idea behind the "marketing concept" is that you make what you can sell rather than sell what you make.
5. It was what he meant rather than what he said.
6. These shoes are comfortable rather than pretty.

Exercise 12. Translate the following sentences into English using "without doing".

Example. No one will risk making complex transactions **without seeking legal advice.**

1. Он все урегулировал, не обращаясь за помощью к юристу.
2. Государство не может существовать без создания законов и применения их к своим гражданам.
3. Он не мог уйти, не решив эту проблему.
4. Мы не можем достичь соглашения без обсуждения этого вопроса.
5. Мы не можем купить дом, не проконсультировавшись с юристом.
6. Невозможно решить этот вопрос без денежных затрат.

Exercise 13. Read and translate.

Sometimes laws are simply an attempt to implement common sense. It is obvious to most people that dangerous driving should be punished; that fathers should provide financial support for their children if they desert their families; that a person should be compensated for losses when someone else breaks an

agreement with him or her. But, in order to be enforced, common sense needs to be defined by law, and when definitions are being written, it becomes clear that common sense is not such a simple matter. Instead, it is a complex skill based upon long observation of many different people in different situations. Laws based upon common sense don't necessarily look much like common sense when they have been put into words.

Exercise 14. Translate using the active vocabulary.

1. Вопрос был очень сложный. Было практически невозможно достичь справедливого решения.
2. Если одни и те же правовые принципы будут применяться ко всем людям и странам, будет проще решить многие проблемы.
3. Он отказался решать этот вопрос неофициально.
4. Когда мы решили продать дом, нам пришлось обратиться за помощью к юристу.
5. Невозможно создать законы, которые удовлетворяли бы всех.
6. Наша жизнь меняется слишком быстро, поэтому новые законы появляются каждый день.
7. Если вы хотите создать компанию, вам следует обратиться к юристу.
8. Трудно дать определение понятию "справедливость".
9. Мы редко задумываемся о правовой стороне нашей повседневной жизни.
10. Люди в США привыкли часто обращаться за помощью к юристу.

Exercise 15. Discuss the following statements.

1. Laws haven't changed since primeval times.
2. However hard people try, laws are always insufficient.
3. Laws are not for ordinary people, they are for lawyers.
4. All laws are situational. They suit only a particular place at a particular time.
5. There is some eternal law. It is good for all times and places.

UNIT 2

LAW SYSTEMS

Every country has its own system of law as each country has **developed** differently. However, there are two main traditions of law in the world - English **Common law**, or **Case law**, and **Continental**, or **Roman law**.

English Common law is **adopted** by many **Commonwealth** countries and most of the USA. Continental law is adopted in continental Europe, many countries in Asia and Africa and in **former** socialist states.

English Common law has developed **gradually** throughout the history and is based on **customs**, **court rulings (precedents)** and **statutes**. The most important concept of English Common law is the **doctrine of precedent**. Precedent is a decision made by a court on some case that serves example for other courts to follow if the **essential** elements of the case are the same. Thus, judges have to **apply existing** precedents to each new case. If the elements of the case are the same as those of **previous** recorded cases they have to **make the same decision**.

Sometimes governments make new laws (statutes) to **modify** or **clarify** common law, or to make rules, which have not **existed** before. Judges **interpret** those statutes and their **interpretations** become new precedents. Therefore, judges do not only apply law.

They make law as their interpretations are precedents for other courts to follow.

Another important concept of the common law is the principle of **equity**. By the 14-th century people of England had become **dissatisfied with the inflexibility** of common law. The courts became willing to **modify** the existing common law and a new system developed which **recognized the rights** that were not enforced as common law but were **equitable** or just (the right to force someone **to carry out a contract**, called **specific performance** or the right of **the beneficiary of the trust**).

The courts of common law and **of equity** existed alongside for centuries. An equitable ruling on the same case **prevailed**. The problem was that a person had **to start an action** in two different courts in order to get a **satisfactory solution**. For example, a person had **to seek** specific performance in a court of equity and **damages (monetary compensation)** in a common law court. That is why in 1873 the two systems were **unified**.

Continental systems are often called **codified law systems** as they **have resulted** from government attempts **to produce a set of codes** to govern every legal aspect of **life**.

The **legislators** wanted to show that the legal rights of the citizens **originated** in the state, not in local customs and **to separate legislature** and **judiciary**. It was the state that was to make new laws, not the courts. The courts could only apply the law that the governments had made. Making new codes the

lawmakers were **influenced** by the codes produced in the 7-th century under the direction of Roman Emperor Justinian. Thus appeared the name-Roman law.

The main concept of Continental Law is a government code (statute). Statute is a law **passed** by a **legislative body** and written in a formal document.

It is important not **to exaggerate** the differences between these two traditions of law as many countries use both (the USA). The clear **distinction** between legislature and judiciary has also **weakened**.

VOCABULARY NOTES

1.	to develop, to develop gradually	развиваться, постепенно	развиваться
2.	Common law / Case law	общее право / прецедентное право	
3.	Continental law / Roman law	континентальное право / римское право	
4.	to adopt a law, a system	принимать закон, систему	
5.	Commonwealth countries	страны Содружества	
6.	former socialist countries	бывшие	социалистические государства
7.	custom	обычай	
8.	to be based on	основываться	
9.	court ruling	постановление суда	
10.	doctrine of precedent	доктрина прецедента	
11.	essential elements	основные	элементы, составляющие
12.	thus	таким образом	
13.	judge	судья	
14.	previous	предыдущий	

EXERCISES

Exercise 1. Answer the following question:

1. Why are systems of law different in different countries?
2. What are the two main traditions of law in the world?
3. What is common law based on?
4. What is the most important concept of common law?
5. What is precedent?
6. What are the judges guided by when they make a decision?
7. Do governments make new laws? Why?
8. What do judges do with new laws?
9. Do judges make laws? In what cases?
10. Why did the tradition of equity appear?
11. What types of courts existed in England until 1873?

12. Why were the two systems of courts unified?
13. What are continental systems often called?
14. What have continental systems resulted from?
15. What did the lawmakers want to show?
16. Could judges make law in continental systems?
17. Why is continental law often called Roman law?
18. What is a statute?
19. What is the difference between common law and continental law?

Exercise 2. Find in the text English equivalents to the following Russian sentences

1. В мире существуют две традиции права.
2. Прецедент служит примером, которому должны следовать другие суды.
3. Общее право основывается на обычаях, прецедентах и статутах.
4. Судьи должны применять существующие прецеденты к каждому новому делу.
5. Государства создают новые законы, чтобы изменить или разъяснить общее право.
6. Континентальные системы часто называют кодифицированными правовыми системами.
7. Законодатели хотели разделить законодательную власть и судебную.
8. Статут - это, закон, принятый законодательным органом и записанный в официальном документе.
9. Суды могли только применять законы.
10. Судьи толковали статуты, и их толкования становились новыми прецедентами.

Exercise 3. Give other words with the same root.

adoption, difference, continent, development, to decide, legislature, judicial, production, money, satisfied, to solve, weak, to act, flexible, interpretation, equitable, to perform, to originate.

Exercise 4. Supply English equivalents.

- принимать закон
- предыдущие дела
- быть удовлетворенным ч.л.
- справедливый
- изменять закон
- кодифицированная правовая система
- постановление суда
- денежная компенсация
- разъяснять смысл закона

- признавать права
- создавать свод законов
- римское право
- обычай
- законодательный орган
- начать дело в суде
- выполнять контракт
- толковать закон
- убытки

Exercise 5. Insert prepositions consulting the text.

1. Statute is a law passed ... a legislative body and written ... a formal document.
2. People were dissatisfied ... inflexibility ... common law.
3. Judges have to apply existing precedents ... each new case.
4. Specific performance means to force someone to carry ... a contract.
5. An equitable ruling ... the same case prevailed.
6. Common law has developed gradually ... the history.
7. The courts ... common law and ... equity existed ... centuries.
8. English Common Law is adopted ... many Commonwealth countries and most... the USA.
9. Continental systems are often called codified law systems as they have resulted ... government attempts to produce a set... codes to govern every legal aspect ... life.
10. It is important not to exaggerate the differences ... these two traditions ... law.

Exercise 6. Fill in the gaps with missing words consulting the text.

1. A person had to start an ... in different courts to get a ... solution.
2. The legislators wanted to separate ... and ...
3. Governments made attempts to ... a set of codes to govern every ... aspect of life.
4. Precedents ... examples for other courts to ...
5. Statute is passed by a ... body.
6. The courts could only ... the law that the government had ...
7. Monetary compensation is often called ...
8. Common law is ..

Exercise 7. Translate the sentences into Russian using the structures given.

I. Example: It is not possible to have a society without laws.
Невозможно иметь общество без законов

1. It is important not to exaggerate the differences between these two traditions.

2. Sometimes it is difficult to apply the doctrine of precedent.
3. It is essential to adopt new laws.
4. It is necessary to internationalize legal standards.
5. It is not easy to reach a just agreement.
6. It is impossible to settle this dispute right now.
7. It was inconvenient to start an action in two different courts.

II. Example. Their interpretations are precedents for other courts to follow. - Их толкования становятся прецедентами, которым следуют другие суды.

1. Precedent is a decision made by a court on some case that serves example for other courts to follow.
2. The first thing for me to do is to find out when they arrive.
3. It is important for them to know the truth.
4. This is a problem for him to solve.
5. Precedents are for judges to apply.
6. It is difficult for them to carry out the contract.
7. It is necessary for Peter to start an action in court.
8. It is essential for him to settle this dispute immediately.
9. The problem under discussion was too complicated for the participants in the congress to cope with.

Exercise 8. Combine two sentences into one using "as".

Example. Every country has its own system of law. Each country has developed differently. - Every country has its own system of law **as** each country has developed differently.

1. Judges make new laws. Their interpretations are precedents for other courts to follow.
2. The two systems were unified. It was inconvenient for people to start an action in two different courts.
3. Continental systems are often called codified law systems. They have resulted from government attempts to produce a set of codes to govern every legal aspect of life.
4. It is important not to exaggerate the differences between these two traditions of law. Many countries use both.
5. Continental law is often called Roman law. The lawmakers were influenced by the codes produced in the 7-th century under the direction of Roman Emperor Justinian.
6. The principle of equity developed. People of England were dissatisfied with the inflexibility of common law.
7. New laws appear. Our life is changing.
8. There are attempts to internationalize legal standards. Countries cooperate more and more.

Exercise 9. Change the following word combinations using adverbs.
Example, a gradual development - to develop gradually.

1. Reasonable behavior
2. A fair decision
3. A different development
4. A quick adoption
5. A clear interpretation
6. An equitable agreement
7. A formal refusal
8. A legal government

Exercise 10. Translate.

Although courts continually have to find ways of interpreting existing common law for new cases, legislation has become the most important source of new law. When the government feels that existing common law, equity, or statutes are in need of revision or clarification, it passes new legislation. In this way courts avoid the obligation to follow precedent. Parliament passes hundreds of new laws every year on matters that need to be regulated more precisely than the common law has been able to do and on matters that never arose when the common law was developed. For example, modern society has produced crimes such as business fraud and computer theft which require complex and precise definitions. Some modern legislation is so precise and comprehensive that it is rather like a code in the Continental system.

Exercise 11. Translate.

1. Каждый год много новых законов принимаются Британским парламентом.
2. Если контракт не выполнен, вы можете начать дело в суде.
3. Судьи должны толковать существующие законы.
4. Он не был удовлетворен решением суда.
5. Если вы пострадали в аварии на железной дороге, вам выплатят убытки.
6. В странах континентального права судьи могут только применять законы.
7. Конгресс - является законодательным органом в США.
8. Законы записаны в Конституции.
9. Иногда трудно принять решение.
10. Этот вопрос обсуждался на предыдущем собрании.

Exercise 12. Discuss the following statements.

1. We should make a clear distinction between the two law traditions.
2. The main purpose of law is to protect property ownership.

UNIT 3

CIVIL AND PUBLIC LAW

One important distinction made in many countries is between **civil** (or private) and **public law**. Civil law **concerns disputes** among citizens within a country, and public law concerns disputes between citizens and the state, or between one state and another.

The main categories of English civil law are: **law of contracts, law of torts, law of trusts, probate law, land law and family law**.

Law of contracts **deals with binding agreements** between people or companies.

Law of torts deals with **wrongs committed** by one individual against another individual's person, property or reputation.

Law of trusts concerns **arrangements** when a person **administers property** for another person's **benefit**.

Probate law concerns arrangements for dealing with property after the owner's death.

The main categories of public law are **criminal law, constitutional law and international law**.

Criminal law deals with wrongs which **harm the well being of society**, even when they are committed against an individual.

Constitutional law shows how the law operates and regulates relations between private citizens and the government.

International law regulates relations between governments and also between private citizens of one country and those of another.

Criminal and civil procedures are different. **Criminal actions** are nearly always started by the state. **Civil actions, on the other hand**, are usually started by individuals.

The **party bringing a criminal action** (that is in most cases the state) is called the **prosecution**. The party bringing a civil action is called the **plaintiff**. The party **accused** in court of a crime or a civil offence is called the **defendant in both kinds of actions**.

VOCABULARY NOTES

1. public law	публичное право
2. civil (private) law	частное право (гражданское) право
3. to concern	затрагивать, касаться
4. law of contracts	договорное право
5. law of torts	деликтное право
6. law of trusts	доверительное право
7. probate law	наследственное право
8. land law	земельное право

9. family law	семейное право
10. to deal with (dealt)	иметь дело
11. binding agreement	обязательное, обязывающее соглашение
12. to commit a wrong	совершить правонарушение
13. arrangement	соглашение, договоренность
14. to administer property	управлять собственностью
15. criminal law	уголовное право
16. constitutional law	конституционное право
17. international law	международное право
18. to harm	наносить вред
19. well-being of society	благополучие общества
20. criminal procedure	уголовный процесс
21. civil procedure	гражданский процесс
22. criminal action	уголовное дело
23. civil action	гражданское дело
24. to bring a criminal action	возбуждать уголовное дело
25. prosecution	обвинение
26. plaintiff	истец
27. defendant	ответчик; обвиняемый; подсудимый

EXERCISES

Exercise 1. Answer the following questions:

1. What is the main distinction between public and private law?
2. What are the main categories of private law?
3. What do they deal with?
4. What are the main categories of public law?
5. What do they deal with?
6. How do criminal and civil procedures differ?
7. What are the parties in a civil action?
8. What are the parties in a criminal action?

Exercise 2. Find in the text English equivalents to the follow Russian sentences.

1. Публичное право касается споров между гражданами и государством и споров между государствами.
2. Сторона, начинающая уголовное дело, называется обвинением.
3. Уголовные дела почти всегда начинаются государством.
4. Гражданское право имеет дело со спорами, возникающими между гражданами внутри страны.
5. Деликатное право касается правонарушений, совершенных против частного лица, его собственности или репутации.

6. Сторону, которую обвиняют в преступлении или правонарушении, называют ответчиком.

7. Гражданские дела начинаются частными лицами.

8. Уголовное право имеет дело с правонарушениями, которые вредят благополучию общества.

Exercise 3. Give other words with the same root.

a crime, to prosecute, to internationalize, to arrange, to own, a regulation, to operate, citizenship, an accusation, to defend, to govern, a constitution, an administration, wrongful.

Exercise 4. Supply English equivalents.

- касаться споров внутри страны
- управлять собственностью на благо другого лица
- деликтное право
- истец
- вредить благосостоянию общества ответчик
- начинать уголовное дело
- доверительное право
- гражданский процесс
- совершать правонарушения
- регулировать отношения между гражданами
- обвинение
- обвинять в преступлении внутри страны семейное право сторона
- обязательное соглашение

Exercise 5. Fill in the gaps with missing words.

1. The state usually starts ... actions
2. Individuals usually start... actions.
3. The party bringing a civil action is called the
4. The party bringing a criminal action is called the
5. The party accused of a crime or a civil offence is called
6. The law concerning arrangements for dealing with property after the owner's death is called
7.deals with wrongs committed against the individual's person, property or reputation.
8. Criminal law deals with wrongs which of society.
9. Law of contracts deals with ... agreements between people or companies.

Exercise 6.

I. Translate the following word combinations using participles.

Examples: 1. wrongs committed by an individual - правонарушения, совершенные лицом 2. an individual committing a wrong - лицо,

совершающее преступление

1. a criminal action brought by the state the party bringing a criminal action

2. a contract made in 1990

3. the parties making a contract

4. an action started by an individual an individual starting an action.

5. a company set up in 2000

6. private person setting up a company

7. a precedent applied by the judge judges applying precedents.

II. Make word combinations using participles as shown in part 1.

1. to adopt a new law

2. to interpret a statute

3. to carry out a contract

4. to produce a set of codes

5. to recognize the rights

6. to seek legal advice

7. to solve a problem

Exercise 7. Translate the sentences into Russian using the structures given.

Example. It was the state that was to make new laws, not the courts.
Именно государство, а не суды, должно было принимать новые законы.

1. It is the state that usually starts criminal actions.

2. It is the doctrine of precedent that is the most important concept of English common law.

3. It was the court of equity that recognized the right to specific performance.

4. It is the plaintiff that brings a civil action.

5. It is public law that deals with disputes between citizens and the state.

Exercise 8. Read and translate.

Most countries make a rather clear distinction between civil and criminal procedures. For example, an English criminal court may force a defendant to pay a fine as punishment for his crime, and he may sometimes have to pay the legal costs of the prosecution. But the victim of the crime pursues his claim for compensation in a civil, not a criminal, action.

The standards of proof are higher in a criminal action than in a civil one since the loser risks not only financial penalties but also being sent to prison.

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

in the criminal trial.

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

Exercise 9. Translate.

1. Против него было возбуждено уголовное дело.
2. Если совершено правонарушение, вызовите полицию.
3. Наследственное право касается соглашений относительно собственности владельца после его смерти.
4. Контракт - это обязывающее соглашение.
5. В гражданском процессе есть две стороны: истец и ответчик.
6. Истец начинает гражданское дело.
7. Сделки с недвижимостью очень сложные.
8. Отношения между частными гражданами и государством регулируются конституционным правом.
9. Вчера было совершено преступление.
10. Ответчик - это сторона, обвиненная в преступлении.

Exercise 10. Discuss the following statement.

In English law an act of violence against a person may be treated both as a crime and as a civil wrong. Explain some of the differences between the two procedures.

UNIT 4

LAW OF TORTS

A **tort** is a **wrongful act** committed by an individual against another individual's person, property or reputation. The concept of tort is used in most English-speaking common law traditions. It is a civil wrong. Torts often help those who are not in **contractual relationship**. Contractual **liability** is based on agreement between parties.

Tort liability is based on the duty one person **owes** to another. It is **imposed** by law **regardless** of whether or not there is an agreement between the parties.

Although a tort and a crime appear to be the same in many cases, the parties, **burden of proof**, and punishment are different. In a **tortious action** the **injured party** is the plaintiff and the person **charged with committing the tort** is the defendant. The plaintiff has **to prove** the elements of his case. He is **entitled** to damages to **compensate him for his injury**.

Crimes usually **involve public law and order**. Thus in a criminal action the plaintiff is the state, represented by the prosecutor. The person charged with committing a crime is the defendant. The injured party is merely a **complaining witness**. The state has to prove its case. The **convicted defendant** either **pays a fine**, or **goes to prison**. The injured party receives nothing. Sometimes a crime is also a tort and the injured party may try to get damages in a civil court.

The most common torts are the **tort of conversion**, the **tort of trespass**, the **tort of nuisance**, the **tort of negligence** and the **tort of defamation**.

The tort of conversion covers taking, destroying or selling someone else's goods. It **resembles** the **crime of theft**.

The **tort of trespass** covers **entering someone's land without the owner's permission**.

The tort of nuisance covers an **unreasonable interference** with a person's **use or enjoyment of land**. It can be used in many situations. An individual can **sue in the tort** of nuisance when his neighbor creates too much noise or keeps rubbish that causes unpleasant smells.

The tort of negligence covers a **breach of a legal duty of care**. An individual may sue in the tort of negligence if he is injured by broken glass falling from a window or if someone has damaged his car while parking.

The tort of defamation covers attacks against someone's reputation through the written or spoken word.

Vicarious liability (liability **on behalf of** someone else) is an important concept in the law of torts. It gives the right to sue the employer of a person who commits a tort **in the normal course of his employment**. The concept is useful when high damages are sought and the defendant does not have the money to pay them.

Not every wrong committed in the society is **remediable in tort**. The

plaintiff has to show that he has suffered an action recognized as a tortuous one and he has to show that his relation to the **tort easer** (committer of a tort) gives him the **legal capacity** to sue.

Some torts are known as **statutory torts**. The breach of duty that must be proved is defined in a statute. For example, injury suffered because of **defective equipment** may lead to a negligence action regulated by the 1969 **Employers Liability Act**.

VOCABULARY NOTES

1. tort	деликт
2. wrongful act	противоправное действие
3. contractual relationship	контрактные отношения
4. liability	ответственность
5. to owe the duty to smb.	быть должным к.-л., обязанным
6. to impose smth. on smb.	налагать Ч.-Л. на к.-л.
7. burden of proof	бремя доказывания
8. tortuous action	деликтное действие
9. injured party	потерпевшая сторона
10. to charge smb. with smth.	обвинять к.-л. в ч.-л.
11. to commit a tort	совершить деликт
12. to prove smth.	доказывать ч.-л.
13. to be entitled to smth.	иметь право на ч.-л.
14. to compensate smb. for smth.	компенсировать к.-л. ч.-л.
15. public law and order	общественный правопорядок
16. complaining witness	свидетель, принесший жалобу
17. convicted defendant	осужденный ответчик
18. to pay a fine	платить штраф
19. to go to prison	сесть в тюрьму
20. to cover	охватывать
21. to resemble	походить
22. crime of theft	преступление кражи
23. to enter smb's land	входить на территорию владения
24. without smb's permission	без разрешения к.-л.
25. unreasonable interference	незаконное вмешательство
26. through the written or spoken word	в устной или письменной форме
27. on behalf of smb.	от имени к.-л.

EXERCISES

Exercise 1. Answer the following questions.

1. What is a tort?
2. What law system uses the concept of tort?

3. What kind of wrongs are torts?
4. Who does the law of torts help?
5. What is the difference between a tort and a crime?
6. What are the parties called in a tortuous action?
7. What are the parties called in a criminal action?
8. What is the plaintiff entitled to if he wins a tortuous action? What does of the injured party do in a criminal action? Can the injured party get damages in a criminal action?
9. Where may the injured party try to get damages?
10. What are the most common torts? What do they deal with?

Exercise 2. Supply Russian equivalents.

to involve public law and order	to impose smth on smb.
tort of conversion	vicarious liability to enter
to be entitled to smth	smb's land to pay a fine
to be remediable in tort	injured party
tort feaser	without smb's permission
crime of theft	unreasonable
statutory tort	interference legal
witness	capacity
tort of defamation contractual relationship	breach of a legal duty of care

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Деликт - это противоправное действие, которое совершается лицом против другого лица, его собственности или репутации.
2. Ответственность по контракту основывается на соглашении между сторонами.
3. Потерпевшая сторона в деликтном действии называется истцом.
4. Осужденный либо платит штраф, либо садится в тюрьму.
5. Потерпевшая сторона может попытаться получить убытки в гражданском суде.
6. Деликты помогают тем, кто не находится в контрактных отношениях.
7. Деликт небрежности имеет дело с нарушением обязанности соблюдать осторожность. Ответственность за действия третьих лиц - важное понятие в деликтном праве.
8. Деликт диффамации имеет дело с нападками на репутацию кого-либо в устной или письменной форме.
9. Человек может возбудить дело по деликту небрежности, если кто-то повредил его машину при парковке.

Exercise 4. Give other words with the same root.

A wrong, a contract, a relation, liable, to agree, to prove, tortuous, injured, compensation, an involvement, a crime, representative, to prosecute, to defend, imprisonment, to permit, a reason, to interfere, safe, noisy, pleasant, useless, a remedy, to act, a definition, to enjoy, a thief.

Exercise 5. Supply English equivalents.

деликт небрежности
ответственность за действия третьих лиц
входить на территорию владения
платить штраф
без разрешения
деликт нарушения покоя
компенсировать к.-л. за ч.-л.
правонарушитель
в устной или письменной форме
деликт противоправного нарушения владения
противоправное действие
совершать деликт
бремя доказывания
общественный порядок
преступление кражи
право пользования недвижимостью
обвинять к.-л. в ч.-л.
потерпевшая сторона
свидетель
правоспособность

Exercise 6. Insert prepositions consulting the text.

1. An individual can sue ... the tort... nuisance when his neighbor creates too much noise.
2. Vicarious liability is liability ... behalf... someone else.
3. He is charged ... committing a tort.
4. The tort of nuisance covers an unreasonable interference ... a person's use or enjoyment of land.
5. Tort liability is imposed ... law.
6. The plaintiff is entitled ... damages.
7. Tort liability is based ... the duty one person owes ... another.
8. The tort of defamation covers attacks ... someone's reputation ... written or spoken word.
9. He committed a tort of negligence ... the normal course ... his employment.
10. Injury suffered because ... defective equipment may lead ... a

negligence action regulated ... the 1969 Employers Liability Act.

Exercise 7. Fill in the gaps with missing words consulting the text.

1. If somebody damages your car while parking you can sue him in the tort of... .
2. Liability on behalf of someone else is called ... liability.
3. Attacks against someone's reputation through the written and spoken word are covered by the tort of... .
4. The tort of conversion resembles the crime of... .
5. The injured party in a criminal action is the
6. The injured party in a civil action is called
7. The person charged with committing a tort or a crime is called
8. A tort resembles a crime, but and damages are different.
9. In a tortious action a plaintiff is entitled to ... to compensate him for his ...
10. The convicted defendant in a criminal action either or
11. Crimes usually involve
12. An unreasonable interference with a person's use or enjoyment of land is covered by the tort of
13. The tort of negligence covers a breach of
14. A committer of a tort is a
15. Statutory torts are those where the breach of duty is defined in a

Exercise 8. Use "that", "which", "who" only if you cannot do without them.

Example: Tort liability is based on the duty (that) one person owes to another.

1. The breach of duty that must be proved is defined in a statute.
2. Common law is based on decisions ... the judges make.
3. The law of torts helps those ... are not in contractual relationship.
4. The plaintiff is a person ... starts a civil action.
5. Damages are the money ... the defendant pays to the plaintiff.
6. Vicarious liability gives the right to sue the employer of a person ... commits a tort in the normal course of his employment.
7. Justice is a concept... most people feel is very important.
8. No country has been successful in producing laws ... are entirely satisfactory.
9. Sometimes a just decision is simply a decision ... most people feel is fair.
10. Precedent is a decision made by a court on some case ... serves examples for other courts to follow.
11. A new system of law developed ... recognized the rights ... were not enforced as common law.
12. The obligations ... the parties to contract owe to each other may be

very complicated.

13. One of the first things ... a man learns in politics is to be cautious about words.

Exercise 9. Translate the following sentences into Russian.

Example: A tort and a crime appear to be the same (seem).

Кажется, что деликт и преступление похожи.

1. People all over the world seem to be becoming more and more accustomed to using legal means to regulate their relations with one another.

2. When law shows people's inability to cooperate informally, law seems to be an evil.

3. Lawyers try to explain exactly why a judicial decision has been made, even when the decision appears to be obvious common sense.

4. Most people appear to be confident that the political views they hold at any particular moment are absolutely right.

5. The concept of vicarious liability appears to be very useful when high damages are sought and the defendant doesn't have the money to pay them.

6. The convicted defendant either pays a fine or goes to prison.

7. We either settle this dispute now or I go to court.

8. We object not only to the terms of payment, but also to the terms of delivery.

9. Both the wheat and the barley will be shipped tomorrow.

10. We have received your telegram as well as your letter of the 20 May.

Exercise 10. Read and Translate.

People are not allowed on private land without consent. This has given rise to the saying '*An Englishman's home is his castle*'. For example, the law is that only people who are allowed to come into your home are those who are lawfully there - either at your 'invitation', or because they have been given authority to enter by the courts, such as the police entering your home after first obtaining a warrant. Someone who unlawfully invades your property may be sued for trespass. The court may order the trespasser to pay damages. It may also issue an injunction - a court order prohibiting him from trespassing again.

Negligence. Each year thousands of people are killed or injured in road accidents or accidents at work. This frequently happens because somebody has been in breach of their duty to take reasonable care for the safety of others. This means that they were negligent in some way. If the parties cannot reach agreement and settle the case between themselves, the courts have to decide who, if anyone, has been negligent and what the compensation should be. This may be a fairly simple task in some cases, but imagine the difficulties where there has been a multiple 'pile-up' on a motorway involving several buses and cars, and many people have been injured.

Nuisance. We all have the right to enjoy our property. The legal meaning of this word is that we have the right to keep it without its value to us being

disturbed or spoiled. A person who does spoil another's enjoyment of his or her property can be ordered to pay damages. He can also be ordered to stop committing the nuisance - by an *injunction*.

There are numerous ways in which a nuisance can be caused: factory or farm premises may •create nuisances by giving off terrible smells, or by polluting air or rivers; neighbors cause a nuisance when they make an unreasonable noise. People who have played their stereo equipment so loudly and at such unreasonable hours that it has disturbed and upset their neighbors are found to have committed a nuisance.

Defamation. This tort concerns damage to reputation. The law says that anyone is entitled to be protected from having untrue and damaging things written (libel) or spoken (slander) about him. Libel is regarded as more serious than slander, because things that are written are obviously more permanent than things that are said. Things that are broadcast on radio or television, and which may therefore reach millions of people, are also regarded as libel, not slander.

Not all unpleasant or unkind things can be made the subject of a claim for defamation - only those which would tend to lower a person's reputation *in the estimation of right thinking of members of the community*'. Merely swearing at someone, or 'name-calling', cannot form the basis for a claim for defamation. If it could, the queues of litigants would stretch around the country.

Exercise 11. Translate.

1. Он громко включал музыку по ночам, и соседи возбудили против него дело по деликту нарушения покоя.

2. Они имеют право на возмещение убытков. Компания отвечает за своего работника, если он совершает деликт в рабочее время и не может заплатить убытки по нему. Компания должна заплатить за него.

3. Пострадавшая сторона не может получить убытки в уголовном преследовании. Для получения убытков она должна возбудить гражданское дело.

4. Статутные деликты определены в статутах.

5. Он имеет право подать иск по деликту небрежности.

6. Каждый год тысячи людей становятся жертвами автодорожных происшествий.

7. Если стороны не могут достичь соглашения, они обращаются в суд.

8. Деликты помогают людям, которые не находятся в контрактных отношениях.

9. Не всякое совершенное правонарушение имеет средства судебной защиты по деликту.

UNIT 5

LAW OF TRUSTS

A **trust** is an agreement whereby property is held and controlled by someone on behalf of someone else. A common example of this is the situation where someone dies and leaves money for the grandchildren who are too young to deal with it. The money will be held in the name of trustees - for example, the children's parents.

There can be three parties in the trust: **a settlor, a trustee and a beneficiary.**

The settlor is a person who owns some property and creates a trust.

The trustee is a **natural or legal person** who **holds legal title** to the trust property. He controls money or property for the beneficiary's **advantage**. The trustee is **the legal owner of the property**. **He has the power to invest** and make other decisions about the property. But he is **required** to act **only in the interests** of the beneficiary, and he must not **make any personal profit**.

The beneficiary is a person for whom the trust is created and for whose benefit the trustee holds the trust.

Thus, the beneficiaries of the trust have an **equitable interest** in the property and the trustees have a **legal interest**.

The object of a trust can be both **movable property** and **real estate**. The exception is only the property **expressly forbidden by law**.

Trusts can be **express and implied**. The settlor creates an express trust intentionally. In some cases the law **presumes** that the settlor was going to create a trust even though he did **not expressly say** so. Such trusts are implied.

Express trusts are **divided into express private trusts and express public trusts**. Express private trusts are created for **certain** beneficiaries. Express public (**charitable**) trusts serve **uncertain** beneficiaries and must **work for the following purposes: the relief of poverty, the advancement of religion, the advancement of education, or the benefit of the community**.

Some trusts are **constructive**. The law **imposes a trust** and **obliges** the legal owner to **consider the beneficial interest** of another person. A **common example** of this is when the seller of a house is obliged to give **a proportion of the proceeds** to the former wife who once lived there with him. Directors of companies are often in the position of a constructive trustee **regarding the property under their control**.

The concept of trust is a creation of the law of equity. Trusts are **typical for** common law countries. However, in some countries, which use the continental system of law, trusts are imposed by statutes (Japan).

VOCABULARY NOTES

1. law of trusts

доверительное право

2. trust	доверительная собственность
3. settlor	учредитель доверительной собственности
4. trustee	доверительный собственник, управляющий
5. beneficiary	бенефициарий
6. natural person	физическое лицо
7. legal person	юридическое лицо
8. to hold legal title	обладать правовым титулом
9. for smb's advantage	на благо к.-л.
10. legal owner	законный владелец
11. to have the power to do smth	иметь право делать что-либо
12. to invest	вкладывать деньги
13. to require	требовать
14. to act in the interests of smb	действовать в интересах к.-л.
15. to make personal profit	извлекать личную выгоду
16. equitable interest	интерес по праву справедливости
17. legal interest	правовой интерес
18. object of the trust	предмет доверительной собственности
19. movable property	движимое имущество
20. real estate	недвижимое имущество
21. to be expressly forbidden by law	быть прямо запрещенным законом
22. implied trust	подразумеваемая доверительная собственность
23. to create a trust intentionally	создавать траст преднамеренно
24. to presume	презюмировать
25. to say smth expressly	сказать о ч.-л. прямо
26. to divide into	разделять на
27. private trust	частная доверительная собственность учрежденная в пользу частного лица или частных лиц
28. public trust	публичная доверительная собственность, учрежденная в общественно-благотворительных целях
29. (un)certain	(не)определенный
30. charitable	благотворительный
31. to work for some purposes	служить целям
32. the relief of poverty	помощь бедным
33. the advancement of religion	распространение религии
34. the advancement of education	распространение образования
35. the benefit of community	улучшение благосостояния

36. constructive trust	общества доверительная собственность в силу закона или судебного решения
37. to impose a trust	вводить траст
38. to oblige	обязывать
39. to consider the beneficial interest of	учитывать выгоду собственника

EXERCISES

Exercise 1. Answer the following questions.

1. What is a trust?
2. Can you give a common example of a trust?
3. What are the parties of the trust?
4. What are the duties and rights of the trustee?
5. How must the trustee act?
6. Do trustees and beneficiaries have the same interest in the property?
7. What can be the object of a trust?
8. What property can't be the object of a trust?
9. What is the difference between express and implied trusts?
10. What do charitable trusts work for?
11. Who imposes constructive trusts? Why are they imposed?
12. When was the concept of trust created?

Exercise 2. Find in the text English equivalents to the following Russian sentences.

1. Учредитель - это лицо, которое владеет собственностью и создает траст.
2. Доверительный собственник - это физическое или юридическое лицо, которое имеет правовой титул на доверительную собственность.
3. Бенефициарий - это лицо, для которого создана доверительная собственность и для чьей выгоды она управляется доверительным собственником.
4. Траст - это' соглашение, при котором собственность управляется и контролируется одним лицом на благо другого лица.
5. Доверительный собственник является юридическим владельцем собственности.
6. Требуется, чтобы доверительный собственник действовал в интересах бенефициария и не извлекал личной выгоды.
7. Прямые трасты создаются для определенных бенефициариев.
8. Объектом доверительной собственности может быть движимое и недвижимое имущество.
9. В некоторых случаях закон предполагает, что учредитель

собирался создать траст. Бенефициарий доверительной собственности имеют справедливый интерес в собственности, а доверительные собственники - правовой.

Exercise 3. Give other words with the same root.

Trust, beneficiary, obligation, to create, to settle, to move, equity, to advance, poor, profitable, requirement, construction, to situate, to agree, to own, intention, religious.

Exercise 4. Supply English equivalents.

недвижимость
собственность, прямо запрещенная законом
доверительная собственность
в силу закона
действовать в интересах к.-л.
вводить траст
движимое имущество
распространение религии
подразумеваемая
доверительная собственность
обладать правовым титулом
интерес по праву справедливости
прямо запрещать
типичный пример
разделять на
прямой траст
юридическое лицо
иметь право инвестировать
объект доверительной собственности
учредитель
извлекать личную выгоду
часть выручки

Exercise 5. Translate the word combinations into English and make sentences with them.

иметь право
вкладывать деньги
принимать решения относительно собственности
действовать от имени кого-то
служить распространению религии, распространению образования
благосостоянию общества
быть обязанным

действовать в интересах бенефициария
отдать часть выручки бывшей жене
не извлекать личной выгоды

Exercise 6. Insert prepositions consulting the text.

1. He left money to his grandchildren who were too young to deal ... it themselves.
2. A trust is an agreement whereby property is held and controlled ... behalf of someone else.
3. A trustee controls property ... the beneficiary's advantage.
4. Charitable trusts must work ... the following purposes.
5. Express trusts are divided ... express private trusts and express public trusts.
6. Directors of companies are often ... the position of a constructive trustee regarding the property ... their control.
7. Trustees are required to act only ... the interests of beneficiaries.
8. Express private trusts are created ... certain beneficiaries.
9. Trusts are typical ... common law countries.

Exercise 7. Fill in the gaps with missing words consulting the text.

1. When the law imposes a trust and obliges the legal owner to consider the beneficial interest of another person, it is a ... trust.
2. A person who holds legal title to the trust property is the
3. The trustee must not make any
4. A person who owns some property and creates a trust is called the
5. The legal owner of the property is the
6. The trust is created in the interests of the
7. The beneficiary has an ... interest in the property.
8. The trustee has a ... interest in the property.
9. The object of a trust can be both... and
10. The exception is property expressly
11. If a settlor has created a trust himself, it is an ... trust.
12. If a trust is created by law, it is an ... trust.
13. The concept of a trust is the creation of the
14. In Japan trusts are imposed by

Exercise 8. Change the following sentences using the Passive Voice.

Example. He committed a crime. A crime was committed.

1. The trustee holds and controls the trust property.
2. The trustee can invest money.
3. We divide express trusts into express private trusts and express public trusts.
4. The legal owner of the property must consider the beneficial interest of another person.

5. The law has imposed a trust.
6. The settlor created a trust.
7. He is going to give a proportion of proceeds to his former wife.
8. She has left money to her grandchildren.
9. He has to make some decision about the property.

Exercise 9. "So" or "Such".

I. Use either "so" or "such"

Example: so interesting, such a book, such an interesting book, such interesting books, such good advice

A good girl, well, a pencil, boring lectures, valuable information, a fair court ruling, surprising, equitable, satisfactory, informal, ways, reasonable decisions, a complex transaction, common.

II. Translate.

Example. Some transactions in modern society are so complex that few of us would risk making them without first seeking legal advice. Некоторые сделки в современном обществе настолько сложны, что мало кто из нас рискнет совершить их, не посоветовавшись с юристом.

1. It doesn't seem just that many people have so little money that they find it virtually impossible to live, while others have so much that they do not know what to do with all of it.

2. The information that the client gives to his lawyers is so confidential that the latter cannot go to the police and reveal it, even though the client may be guilty of a serious crime.

3. It was such a convincing argument that everybody believed him.

4. In America claims against doctors are so common and awards of damages are so high that some doctors are afraid to stop at accidents to help the injured, for fear they may be taken to court.

5. The lawyer delayed the start of the claim for so long that the court wouldn't allow it to proceed.

6. Sometimes lawyers try so hard to win their case that they break the important rules of their profession - that they must behave honourably, and not influence the evidence which their clients give on their witnesses.

7. No one should be given so much power that he can become a dictator or a tyrant.

8. The lawyer asked for such high fees that the litigants couldn't afford to pay them.

III. Make sentences with the following words using so and such.

Example. 1) a complex transaction, can't make it without legal advice. It is such a complex transaction that we can't make it without legal advice.

2) the transaction, complex, can't make it without legal advice.

The transaction is so complex that we can't make it would legal advice.

1. a difficult problem, can't solve it without his help

2. the problem, difficult, can't solve it without his help
3. our neighbour, played loud music, had to call the police
4. our neighbour, played music loudly, had to call the police
5. the court ruling, unfair, decided to appeal
6. the court, decided the case unfairly, decided to appeal
7. justice, a complicated concept, few people are able to define it.
8. justice, complicated, few people are able to define it
9. inconvenient to have two systems of courts, in 1873 court of common law and courts of equity unified.
10. reach a just agreement, everybody was satisfied.
11. agreement, just, everybody was satisfied

Exercise 10. Read and translate.

When creating an express private trust, the settlor creates rights and obligations that may survive his death. Certain conditions must therefore be met if the trust is to be valid in law. In English law, for example, there must be certainty that a trust is being created, what the trust property is, and who the beneficiaries are.

When creating an express public (charitable) trust, it is not necessary to be so certain about the beneficiaries. It is enough if the person giving the property (the donor) has shown a clear intention to benefit charity.

Trusts are now quite common. They are sometimes arranged for tax reasons. They are also a way of reassuring the owner of property who wishes to give it to another (for example, parents wishing to give property to their children) that it will be looked after carefully, that each of the beneficiaries will be treated fairly in accordance with the owner's wishes, and that it will not be squandered.

Exercise 11. Translate.

1. Он решил оставить деньги внукам и создал траст.
2. Доверительный собственник должен действовать в интересах бенефициария и не извлекать личной выгоды.
3. Было трудно решить во что вложить деньги.
4. Некоторые благотворительные трасты создаются на благо животных.
5. Государства имеют четкие правила по поводу того, что можно считать благотворительной организацией (a charity).
6. По английскому праву благотворительная организация должна служить следующим целям: помощи бедным, распространению религии, распространению образования, благосостоянию общества.
7. Иногда трасты создаются для того, чтобы избежать уплаты налогов.
8. Понятия траста было введено правом справедливости.
9. Объектом траста может быть движимое и недвижимое имущество.

UNIT 6

ENGLISH COURTS

There are two main reasons for **having a variety of courts**. One is that a **particular** court can **specialize in** particular actions - for example, **family courts** and **juvenile courts**. The other is that if a person thinks that the decision of a **lower court** on his case is unfair, he can **appeal to** a **higher court**. The decisions of a higher court are **binding upon** lower courts.

The United Kingdom does not have a **unified judicial system**— England and Wales have one system, Scotland another, and Northern Ireland a third.

The Courts of England and Wales are the civil and criminal courts responsible for the **administration of justice** in England and Wales. They are **constituted** and governed by the Law of England and are **subordinate to** the Parliament of the United Kingdom.

Minor criminal cases are started in **magistrates' courts** and civil cases - in **County courts**. Some serious crimes, like **murder**, cannot be **heard** by the magistrates. They must go to the **Crown Courts**. And there are some **offences** where the defendant is **given the choice of** having his case heard either in the magistrates' court or the Crown Court. It takes much longer to have a case heard in the Crown Court, but some defendants prefer it because the **facts of the case** are decided **by a jury**, that is, **ordinary members of the public**.

Some civil matters such as **debts** may be dealt with in the magistrates' courts. The **High Court considers appeals** from lower criminal courts as well as civil ones. The **highest court**, the **House of Lords**, deals with all the matters. The Constitutional Reform Act 2005 has **transferred the judicial functions** of the House of Lords to the Supreme Court of The United Kingdom. It is to start working in 2009.

Having arrested the suspect, the police must decide if they **have enough evidence to make a formal accusation, or charge**. If they **charge the suspect**, they may **release him on condition** that he **appears on a certain day at a certain magistrates' court**. This is known as **unconditional bail**. However, the police may instead take a suspect to a magistrate so that he **remains in custody** until he next **appears before a court**. The magistrate may decide that it is not necessary to **hold the suspect in custody** and may agree to **unconditional bail**, or the magistrate may **grant a conditional bail** -that is, release the suspect **provided** that he puts **some money as security** or agrees to surrender his passport or some other document.

VOCABULARY NOTES

- | | |
|--------------------------------|-------------------------------------|
| 1. to have a variety of courts | иметь разные суды |
| 2. particular | отдельный, определенный, конкретный |

3. to specialize in smth	заниматься чем-либо
4. a family court	суд по семейным делам
5. a juvenile court	суд по делам несовершеннолетних
6. lower court	нижестоящий суд
7. higher court	вышестоящий суд
8. to appeal to	подавать апелляцию
9. to be binding upon	быть обязательным для
10. unified judicial system	общая судебная система
11. administration of justice	осуществление правосудия
12. to constitute	учреждать
13. to be subordinate to	подчиняться
14. minor case	дело о малозначительном правонарушении
15. magistrates court	магистратский суд
16. County court	суд графства
17. to hear a case	слушать дело
18. murder	убийство
19. Crown Court	суд Короны
20. offence	правонарушение
21. to give the choice of doing smth	дать выбор сделать ч-л
22. the facts of the case	обстоятельства дела
23. jury	суд присяжных
24. ordinary members of the public	обычные граждане
25. debt	долг
26. High Court	Высокий суд
27. to consider appeals	рассматривать жалобы
28. House of Lords	Палата лордов
29. highest court	высший суд
30. to transfer the judicial functions to	передать судебные функции

EXERCISES

Exercise 1. Answer the following questions.

1. What are the reasons for having a variety of courts?
2. What decisions are binding upon lower courts?
3. Does the United Kingdom have a unified judicial system?
4. What courts are responsible for the administration of justice in England and Wales?
5. What body constitutes and governs the courts of England and Wales?
6. What body are the courts of England and Wales subordinate to?
7. Where are minor criminal cases started?
8. Where are civil cases started?
9. What court considers serious criminal cases?
10. Can the defendant choose between courts sometimes?

11. Why do some defendants choose the Crown Court to hear their cases?
12. What civil matters do magistrates courts deal with?
13. What does the High Court consider?
14. Which is the highest court in England?
15. What happened under the Constitutional Reform Act 2005?
16. When is the Supreme Court of the United Kingdom going to start working?
17. What should the police do after arresting the suspect?
18. On what condition can the police release the suspect who has been charged?
19. What can the police do with the suspect?
20. Who can grant a conditional bail?
21. What is a conditional bail?

Exercise 2. Supply Russian equivalents.

Crown Court
to hold the suspect in
unconditional bail
County
custody
to have evidence
lower courts
juvenile court
to suspect smb of
courts to release smb smth
to charge smb with smth
Supreme Court
administration of justice
to constitute
to surrender documents
to put some money as security jury
to have a variety of courts
minor case
magistrate court
to appeal
a higher court
House of Lords
to make a formal accusation
to consider appeals
debt
to be subordinate
to unified

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Уголовные дела начинаются в магистратском суде.
2. Каждый суд специализируется в определенных делах.
3. Высокий суд рассматривает апелляции из нижестоящих уголовных судов.
4. Магистратский суд может предоставить условное поручительство.
5. Некоторые гражданские дела, такие как долги, рассматриваются в магистратских судах. Соединенное Королевство не имеет единой судебной системы.
6. Он может подать жалобу в вышестоящий суд.
7. Полиция должна решить, достаточно ли у нее доказательств, чтобы предъявить официальное обвинение.
8. Если полиция обвинит подозреваемого, она может освободить его при условии, что он явится в определенный день в определенный магистратский суд.
9. Серьезные преступления, такие как убийство, не могут слушаться в магистратском суде. Верховный суд, Палата лордов, имеет дело со всеми делами.
10. Суды Англии и Уэльса подчиняются Парламенту Соединенного Королевства.

Exercise 4. Give other words with the same root.

To accuse, to secure, a condition, various, to decide, a defendant, appearance, necessity, to choose, to suspect, formal, to charge, to offend, judicial, crime, administration, just, constitution.

Exercise 5. Insert prepositions consulting the text.

1. The magistrate may agree ... unconditional bail.
2. The Courts of England and Wales are the civil and criminal courts responsible ... the administration ... justice ... England and Wales.
3. It is not necessary to hold the suspect... custody.
4. The police may release the suspect ... condition that he appears ... a certain day... a certain Magistrates court.
5. The suspect can remain ... custody until he next appears ... a court.
6. The High Court considers appeals ... lower courts.
7. Serious crimes must go ... the Crown Court.
8. The decisions ... a higher court are binding ... lower courts.
9. If the person thinks that the decision of a lower court ... his case is unfair, he can appeal ... a higher court.
10. A particular court can specialize ... particular actions.
11. The defendant is given the choice ... having his case heard either ... the Magistrates Court or the Crown Court.
12. The Courts of England and Wales are constituted and governed ... the

Law of England and are subordinate ... the Parliament of the United Kingdom.

13. The Constitutional Reform Act 2005 has transferred the judicial functions ... the House of Lords ... the Supreme Court... the United Kingdom .

Exercise 6. Fill in the gaps with missing words.

1. Minor criminal cases are started
2. Civil cases are started in
3. The highest court is the
4. The magistrates grant a ... bail or ... bail.
5. The Courts of England and Wales are ... and governed by the Law of England and are ... to the Parliament of the United Kingdom.
6. The police may release the suspect provided he appears on ... day at certain
7. The Constitutional Reform Act 2005 has ... the judicial functions of the House of Lords to the ... of the United Kingdom.
8. The suspect may remain in ... until he next appears before a court.
9. The police must have enough ... to make a

Exercise 7. Change sentences using the Passive Voice.

1. Magistrates Courts start minor criminal cases.
- 2 The magistrates' court has granted him a conditional bail.
3. The High Court is considering his appeal.
4. The police charged the suspect.
5. The police can take a suspect to a magistrate.
6. The jury must decide the facts of the case.
7. The magistrates do not hear serious crimes.
8. The police have released the suspect.
9. He put some money as security.
10. The police had to arrest the boy.
11. The Law of England and Wales constitutes and governs the courts.
12. The Act has transferred the judicial functions to the Supreme Court.

Exercise 8. Translate the sentences into Russian using the structures gives.

I. Example. The suspect may be granted a conditional bail if he puts some money as security. - Подозреваемому может быть предоставлено условное поручительство, если он даст залог (положит деньги в качестве залога).

This is known as unconditional bail. - Это известно как безусловное поручительство.

1. For our purposes, law can be defined as the rules and regulations made and enforced by the government that regulate the conduct of people within society.
2. The early common law was sometimes known as "unwritten law".
3. The chancellor's hearings developed into what came to be known as a

separate system of Courts of Equity.

4. The English colonies in America recognized the English common law as governing until July 4, 1776.

5. Parliament passes laws in the form of Acts of Parliament which are known as statutes.

6. The law created by Parliament is known as statute law.

7. The British legal system is generally regarded as a good and fair one.

II. Example. The police may take a suspect to a magistrate so that he remains in custody until he next appears before a court. - Полиция может доставить подозреваемого в магистратский суд, чтобы он оставался под стражей до его появления в суде.

1. Careful consumers try to learn as much as possible about products and services so that they compare their quality and prices before buying.

2. I gave him the book so that he might study the subject at home.

3. He recommended that Mr. Novak should make the shops a subsidiary of the Baron group so that the companies could be consolidated for tax purposes.

4. There are attempts to internationalize legal standards so that the same legal principles could be applied to all countries and people.

5. The judge must first tell the jury what the law is. This includes giving them "legal directions" that the prosecution must prove the case so that they are sure that the defendant is guilty.

Exercise 9. Read and translate.

County Courts were first introduced in 1846 to enable civil claims for small amounts to be heard quickly and cheaply. They still meet that need, and a large majority of civil claims are heard by the judges of the county court, who are now Circuit Judges and District Judges. They almost always sit alone - without juries - and deal with a great variety of civil work. They will be permitted to try family cases only if they have been specially trained and approved for that work. Recorders also sit as part-time judges in the county court.

The vast majority of all criminal cases are dealt with in the magistrates' courts by magistrates, who are also known as Justices of the Peace (JPs). The office of Justice of the Peace is one of the oldest in the country, and could date back to 1195, when King Richard I made a royal proclamation that 'knights of the peace' should assist the sheriff in the keeping of law and order. By 1361, in the reign of Edward III, the office was well established, but it was by a statute of that year that the title 'Justice of the Peace' was first created.

In some major cities, where the court building may house a number of magistrates' courts, qualified lawyers may be appointed to sit as full-time District Judges (magistrates' courts). They sit alone and usually deal with the more complicated cases. Until recently they were called 'Stipendiary Magistrates' because they are paid a *stipend* — an old word meaning a salary.

There are over 600 magistrates' court houses in the country and over 30,000 JPs. They try the huge number of criminal cases which are brought for relatively 'petty' (trivial) crimes, such as motoring offences, petty theft, causing criminal damage, drunkenness, and minor offences of violence and other breaches of public order. The men and women who become JPs are ordinary members of the community. They have no legal qualifications, although they must undergo a period of training. JPs are unpaid. Anyone who wishes to become a JP may apply to the Lord Chancellor's Department. They must be supported by references, and will be interviewed to determine their suitability.

Exercise 10. Translate.

1. Он был не удовлетворен решением магистратского суда и подал апелляцию в суд Короны.
2. Ей еще не вынесено официальное обвинение.
3. Магистратский суд предоставил ответчику условное поручительство.
4. Суды по делам несовершеннолетних имеют дело с правонарушителями, не достигшими 18 лет (under 18).
5. Решения вышестоящего суда обязательны для нижестоящих судов.
6. Он должен явиться в магистратский суд 15 мая.
7. Это дело не может слушаться в магистратском суде.
8. Он хочет, чтобы его дело слушалось в суде Короны, т.к. обстоятельства дела будут там рассматриваться судом присяжных.
9. У полиции не было достаточно доказательств, чтобы вынести официальное обвинение.
10. Ему могут предоставить безусловное поручительство.
11. Суды подчиняются Парламенту.
12. Суды отвечают за осуществление правосудия.

Exercise 11. Discuss the following statements.

1. Compare the court system in Great Britain and in Kazakhstan.
2. Why are serious crimes started in the Crown Court?

UNIT 7

JURY

Jury is a group of ordinary people **selected at random to decide the facts of the case and give a verdict.**

In a Crown Court trial in England there are twelve **jurors**. These are ordinary members of the public between the ages of 18 and 70. They are not paid but are **given expenses** while they **are on jury service**, which is usually for about two weeks. Service is **compulsory**, and cannot normally be **avoided without a good reason**, such as illness. It is not necessary for a juror to know anything about the law -indeed certain people connected with the world of law, such as **solicitors**, are not allowed to serve as jurors. This is because the job of the jury is to listen to the case and decide **questions of fact**. It is the judge's responsibility to **guide them on questions of law**.

This contrast between law and fact is very important. If a man **is on a trial for murder** the judge will explain what the crime of murder means in English law and what the prosecution has to prove. He will **sum up the evidence** of the prosecution and **defense** and explain how the trial will be **conducted**. These are **questions of law**. However, whether the defendant is guilty or not is a question of fact to be decided by the jurors themselves. It is necessary for at least ten out of the twelve jurors to agree.

It is a criminal offence to try to **influence a jury's decisions** or to **question** them about their discussions when the case is over.

In some countries such as France the judges and the jurors decide the case together. In the United States juries not only decide if the defendant is guilty but sometimes also **have a say** in what **punishment** he should receive. Before World War 11 Japan also had a jury system, but it was often criticized for the ease with which jurors could be **bribed**. Now Japan, like South Korea, is a **rare example** of a modern industrialized country where jurors are not used: all decisions are made by professional judges.

VOCABULARY NOTES

1. jury	суд присяжных
2. to select at random	выбирать произвольно/наугад
3. facts of the case	обстоятельства дела
4. verdict	решение присяжных
5. juror	присяжный заседатель
6. to give expenses	давать деньги на расходы
7. to be on jury service jury service	выполнять обязанности присяжного заседателя выполнение функций присяжного заседателя

8. compulsory	обязательный, принудительный
9. to avoid smth (doing smth)	избегать ч-л
10. without a good reason	без достаточного основания
11. solicitor	солиситор, юристконсульт
12. to guide smb on smth	направлять к-л по ч-л
13. question of fact	вопрос факта
14. question of law	вопрос права
15. to be on a trial for	предстать перед судом
16. murder	убийство
17. to sum up evidence	подытожить результаты судебного разбирательства
18. defence	защита (на суде)
19. to conduct a trial	вести судебный процесс
20. to influence smth	влиять на ч.-л.
21. to question smb	допрашивать к.-л.
22. to have a say	высказывать свое мнение
23. punishment	наказание
24. to bribe	давать взятку
25. rare example	редкий пример

EXERCISES

Exercise 1. Answer the following questions.

1. What is a jury?
2. How many jurors are there in the Crown Court?
3. What is the age of a juror?
4. Are jurors paid?
5. How long is the jury service?
6. Is it possible to avoid the jury service?
7. Who can become a juror?
8. What is the judge's responsibility?
9. What is the jury's responsibility?
10. Are there any differences between the jury service in England and in other countries?

Exercise 2. Give Russian equivalents.

- compulsory
- jury service
- facts of the case
- without a good reason
- punishment
- defense
- to sum up evidence juror
- questions of law

- to avoid jury service without a good reason

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Судья объясняет, что обозначает убийство в английском праве.
2. Служба является обязательной.
3. В Англии в суде Короны двенадцать присяжных.
4. Суд присяжных - это группа обычных людей, которая выбирается произвольно для решения вопросов факта и вынесения вердикта.
5. Для присяжного нет необходимости знать что-либо о праве.
6. Необходимо, чтобы десять из двенадцати присяжных согласились.
7. Судья подытожит доказательства обвинения и защиты.
8. Виновен ли ответчик или нет - это вопрос факта, который присяжные должны решить самостоятельно.
9. Все решения принимаются профессиональными судьями.
10. Присяжным не платят, но дают деньги на расходы, когда они выполняют обязанности присяжных заседателей.

Exercise 4. Give other words with the same root.

jury, to serve, to punish, a decision, a profession, an explanation, to defend, guilt, an offender, to discuss, a proof, responsible, meaning, reason, importance, connection.

Exercise 5. Translate the word combinations into English and make sentences with them

рассматривать	вопросы права обстоятельства дела вопросы факта
решать	виновен ответчик или нет вопросы факта
влиять	на решения присяжных на судью
предстать перед судом	за убийство за воровство за ограбление

Exercise 6. Insert prepositions consulting the text.

1. In the United States juries have a say ... what punishment the defendant should receive.
2. The judges guide the jury ... the questions of law.

3. The defendant is ... a trial for murder.
4. Jurors are given expenses while they are ... jury service.
5. The judge will sum ... the evidence.
6. Jury is selected ... random.
7. The jury listens ... the case and decides questions ... fact.
8. The judge will explain what the crime ... murder means ... English law.
9. It isn't allowed to question jurors ... their discussions.

Exercise 7. Fill in the gaps with missing words.

1. The jury is selected at ...
2. A juror can be any ordinary citizen between 18 and 70.
3. The judge will sum up the ... of the prosecution and
4. The jury considers questions of... .
5. The jury gives a
6. The judge will explain how the trial will be
7. The jury decides whether the defendant is ... or not.
8. It is a criminal offence to try to ... a jury's decision.
9. The jury system was criticized in Japan because jurors were often
10. In the USA juries have a say in what ... the defendant should receive.

Exercise 8. Change sentences using the Passive Voice.

1. The judge has summed up the evidence.
2. They give jurors expenses.
3. The judge guides the jury on the questions of law.
4. Nobody can influence the jury.
5. The jurors are deciding this case now.
6. They will conduct a trial.
7. They didn't prove his guilt.
8. They have bribed a juror.
9. They often criticize the jury system.
10. Citizens mustn't avoid jury service without a good reason.

Exercise 9. Translate the following sentences using the structure

"whether... or"

Example. The jury has to decide **whether the defendant is guilty or not.**

1. Он не знает, начинать ли ему дело в Магистратском суде или в суде Короны.
2. Иногда трудно сказать, является ли данное правонарушение деликтом или преступлением.
3. Я не знаю, обсуждать с ним этот вопрос или нет.
4. Я не могу выяснить, признали ответчика виновным или нет.
5. Он не может решить, апеллировать ему или нет.
6. Она не знает, помогать им или нет.

Exercise 10. Disagree with the following sentences using be "allowed to do smth".

Example. Solicitors can serve as jurors. - No, solicitors **are not allowed** to serve as jurors.

1. The judge can influence the jury's decision.
2. The jury can decide questions of law.
3. A juror can avoid jury service.
4. The judge can select a jury.
5. The judge gives a verdict.
6. A trustee can make some personal profit.
7. The police can grant a conditional bail.

Exercise 11. Read and translate.

The following text comes from a handbook on jury service for the U.S. citizens.

JURY SERVICE - AN IMPORTANT JOB AND REWARDING EXPERIENCE

The right to trial by of our fellow citizens is one of our most important rights and is guaranteed by the Constitution of the United States. By serving on a jury, then, you are helping to guarantee one of our most important freedoms.

Your job as a juror is to listen to all the evidence presented at trial and to 'decide the facts' - that is, to decide what really happened. The judge, on the other hand, 'decides the law' -that is, makes decisions on legal issues that come up during the trial. For example, the judge may have to decide whether you and the other jurors may hear certain evidence or whether one lawyer may ask a witness a certain question. You should not try to decide these legal issues, sometimes you will even be asked to leave the courtroom while they are being decided. Both your job and that of the judge must be done well if our system of trial by jury is to work. In order to do your job you do not need any special knowledge or ability. It is enough that you keep an open mind, concentrate on the evidence being presented, use your common sense, and be fair and honest. Finally, you should not be influenced by sympathy or prejudice: it is vital that you be impartial with regard to all people and all ideas.

Many jurors find that it is exciting to learn about this most important system 'from the inside', and challenging to deal fairly and thoroughly with the cases they hear. We hope that you, too, find your experience as a juror to be interesting and satisfying.

Exercise 12. Translate.

1. В суде Короны дела слушаются присяжными.
2. Судья объяснил, как будет проходить судебный процесс.
3. Многие считают, что решения суда присяжных не всегда справедливы, т.к. на присяжных легко влиять.

4. Ваше имя было выбрано произвольно.
5. Он уверен, что присяжные были подкуплены.
6. Когда людей выбирают присяжными, им часто показывают видеопленку, которая объясняет, в чем заключается их работа.
7. Присяжные должны решить вопрос факта, виновен ли ответчик или нет.
8. Присяжным не может быть человек моложе 18 лет.
9. Вы не можете отказаться от работы в суде присяжных без веских оснований.
10. Присяжные не получают заработной платы.

Exercise 13. Agree or Disagree.

1. It's clear that the system is far from ideal. Juries of ordinary people are by their very nature more influenced by emotion than facts because they aren't trained to deal with these.

2. Flawed as the jury system is, the right to be judged by one's peers is not something that should be tossed aside lightly, and certainly not on the grounds of expense.

3. Trial by jury is part of what the English-speaking nations of the world understand by democracy. The ordinary people don't only decide who shall write the laws, by electing the MPs, they also, decide by serving on juries, against whom those laws shall be applied. If you argue that they are incompetent to do the latter, then by the same token you are in fact arguing that they are incompetent to do the former.

4. The people need to be involved in the justice system. No juries, only appointed judges? I don't think so.

5. Having worked as a Barrister's Clerk for some time I have come to the conclusion that jury trials do not always result in justice. Most criminals are accomplished liars, resulting in many juries being lead astray from the truth. As a result, justice is not reached.

UNIT 8

APPEALS

An **appeal** is a **request** to a higher court to **re-examine** and **change the judgment** of a previous court hearing.

In modern English practice most appeals are dealt by way of **rehearing**. **Appellate tribunals** are usually **reluctant** to **overturn** the decisions of lower tribunals on **questions of fact** even when they have the power to do so. Consequently, most of the argument is about **legal errors allegedly** committed at the trial.

The appeal system is mostly for the benefit of the defendant, but it is possible for the prosecution to appeal for a **re-trial** if it can be shown that there was some **improper conduct**, such as **bribing** or **intimidating witnesses** or jurors.

A defendant found guilty may **appeal against the finding** or **against the punishment** to the local Crown Court, and the Crown Court judge will hear the appeal without a jury. If a defendant has a good reason to believe the magistrates **have made a mistake about a point of law**, then he may appeal to the Queen's Bench Division of the High Court.

Appeals from the Crown Court go first to the High Court and, in special cases, to the Court of Appeal. **Occasionally**, a case is carried through this system of appeal all the way to the House of Lords. The House of Lords, the **upper house** of the British parliament, only deals with **cases of real public importance**. The House of Lords is **the final court of appeal**. Its decisions on both criminal and civil matters **bind** all other courts. Only the government can **overturn a decision** of the House of Lords and then, only by **passing an Act of Parliament**.

Under the Constitutional Reform Act of 2005 the Supreme Court of the United Kingdom will take over the judicial functions from the House of Lords in 2009. The new Supreme Court is supposed to put the relationship between the **executive**, the **legislature** and the **judiciary** on a modern footing. It will ensure the **separation of powers** between the three **branches of power**. The Supreme Court will consist of 12 judges appointed by **Her Majesty**.

It is not possible to appeal the decision of any court to **the European Court of Human Rights**.

The ECtHR is an international court that hears complaints concerning **breaches of the European Convention on Human Rights and Fundamental Freedoms**. A dissatisfied **litigant** might complain to the ECtHR that English law has **violated his rights**. A decision in the ECtHR will not change English law, and it is up to the Government of the United Kingdom to decide what action (if any) to take after an **adverse finding**.

VOCABULARY NOTES

1. appeal	апелляция, апелляциянная жалоба
2. request	просьба, ходатайство, запрос
3. to re-examine	пересмотреть
4. to change the judgment	изменить судебное решение
5. rehearing	повторное слушание дела
6. appellate tribunal	апелляционный суд
7. to be reluctant to do smth	делать ч-л с неохотой
8. to overturn a decision	отменять вынесенное решение
9. question of fact	вопрос факта
10. consequently	следовательно
11. argument	довод, доказательство, спор
12. legal error	ошибка в вопросе права
13. allegedly	якобы, как утверждается
14. re-trial	повторное слушание дела
15. to bribe	давать взятки
16. to intimidate a witness	запугивать свидетеля
17. to appeal against the finding	подавать апелляцию против решения по делу
18. to appeal against the punishment	подавать апелляцию против наказания
19. to make a mistake about a point of law	сделать ошибку в вопросе права
20. occasionally	иногда
21. cases of public importance	дела общественной важности
22. final court of appeal	апелляционный суд последней инстанции
23. to bind (bound)	обязывать
24. to pass an Act of Parliament	принять акт парламента
25. the executive	исполнительная власть
26. the legislature	законодательная власть
27. the judiciary	судебная власть
28. separation of powers	разделение властей
29. branch of power	ветвь власти

EXERCISES

Exercise 1. Answer the following questions.

1. What is an appeal?
2. How are most appeals dealt with in modern English practice?
3. What are appellate tribunals reluctant to do?
4. What is most of the argument about?
5. For whose benefit is the appeal system created?

6. When can the prosecution appeal for a re-trial?
7. Where can the defendant appeal if he is dissatisfied with the decision of the magistrates' court?
8. What can the defendant appeal against?
9. Where does the defendant appeal if he thinks that there has been a mistake about a point of law?
10. How does the appeal system work in England?
11. Who can overturn a decision of the House of Lords and by what way?
12. What will happen under the Constitutional Reform Act of 2005?
13. What is the new Supreme Court supposed to do?
14. How many judges will there be in the Supreme Court?
15. Who will appoint the judges of the Supreme Court?
16. Is the European Court of Human Rights the final court of appeal in Great Britain?
17. What kinds of complaints does the European Court of Human Rights hear?
18. Are decisions of the European Court of Human Rights binding upon English courts?

Exercise 2. Supply Russian equivalents.

the executive
 to pass an Act of Parliament
 lower house
 Supreme Court
 request
 appellate tribunal
 to appeal against the finding legal error
 to violate one's rights
 separation of powers
 final court of appeal
 law lords
 to overturn decision
 improper legislation
 allegedly
 conduct to intimidate a witness
 the judiciary

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Иногда дело проходит всю апелляционную систему до Палаты лордов.
2. Апелляция - это ходатайство в суд высшей инстанции о пересмотре и изменении решения предыдущего суда.

3. Ответчик, признанный виновным, может подать апелляцию против решения суда или против наказания.

4. Решения Палаты лордов как по гражданским, так и по уголовным делам обязательны для всех судов.

5. Обвинение может апеллировать о повторном слушании дела.

6. Только правительство может отменить решение Палаты лордов.

7. Верховные суды занимаются только правовыми вопросами.

8. Каждая апелляция слушается пятью судебными лордами.

9. Невозможно подавать апелляцию на решение любого суда в Европейский Суд по правам человека.

10. Неудовлетворенный тяжущийся может жаловаться в Европейский Суд по правам человека, что английское правосудие нарушило его права.

Exercise 4. Give other words with the same root.

Appeal, reality, to divide, to argue, judge, examination, to hear, possibility, belief, crime, legislator, to allege, to punish, jury, violation, constitutional, litigation, free, humanity, appointment, relation, judicial, to separate, to complain.

Exercise 5. Insert prepositions consulting the text.

1. A defendant found guilty may appeal ... the finding or ... the punishment.

2. An appeal is a request ... a higher court to re-examine and change the judgment ... a previous court hearing.

3. Appeals ... the Crown Court go first ... the High Court and, ... special cases, the Court of Appeal.

4. Its decisions ... both criminal and civil matters bind all other courts.

5. Only the government can overturn a decision ... the House ... Lords and then, only ... passing an Act of Parliament.

6. Most of the argument is ... legal errors allegedly committed ... the trial.

7. If a defendant has a good reason to believe the magistrates have made a mistake ... a point ... law, then he may appeal ... the Queen's Bench Division of the High Court.

8. Occasionally, the case is carried ... this system of appeal all the way ... the House of Lords.

9. It is possible ... the prosecution to appeal ... a re-trial.

10. The Crown Court judge will hear the appeal ... a jury.

11. It is the Government of the United Kingdom to decide what action (if any) to take ... an adverse finding.

Exercise 6. Fill in the gaps with missing words consulting the text.

1. The decisions of the House of Lords on criminal and civil matters ... all other courts.

2. Only the government can ... a decision of the House of Lords and then, only by passing... .
3. The House of Lords only deals with cases of
4. Most of the argument is about... allegedly committed at the trial.
5. The new Supreme Court is supposed to put the relationship between the... the ... and the ... on a modern footing.
6. The Crown Court judge will hear the appeal without a
7. It is possible for the prosecution to appeal for a ... if it can be shown that there was some improper ... , such as ... or ... witnesses or jurors.
8. The Supreme Court will ... of 12 judges ... by Her Majesty.
9. Under the Constitutional Reform Act of 2005 the Supreme Court of the United Kingdom will take over the from the House of Lords in 2009.

Exercise 7. Translate using the Passive Voice.

1. Решение было отменено после принятия акта парламента.
2. Только общественно значимые дела рассматриваются в Палате лордов.
3. Ответчик уверен, что магистратский суд совершил ошибку в вопросе права.
4. Сейчас дело слушается.
5. Его можно заставить выполнить контракт.
6. Существующие прецеденты должны применяться к каждому новому делу.
7. Иногда дело проходит через всю апелляционную систему и заканчивается в Палате лордов.
8. Преступления наносят вред благосостоянию общества, хотя они и совершаются против частного лица.
9. Следует обсудить этот вопрос с ним.
10. Необходимо сделать нормы права международными, чтобы одни и те же правовые принципы могли применяться ко всем странам и людям.
11. Мои права были нарушены.
12. Жалобу подадут в Европейский Суд по правам человека.
13. Судебные функции будут переданы Верховному Суду в 2009.
14. 12 судей назначаются Ее Величеством.

Exercise 8. Translate the sentences paying attention to the given words and structures.

- | | |
|-----------------|--|
| to allege | - заявлять (обычно без фактов) |
| alleged | - утверждаемый (голословно), мнимый |
| alleged refusal | - якобы полученный отказ |
| allegedly | - как утверждают якобы |
| allegation | - заявление (голословное), обвинение (на словах) |

Example. Most of the argument is about legal errors allegedly committed

at the trial. - Большинство споров касаются правовых ошибок, якобы совершенных на судебном процессе.

1. Alleging human rights violations, some countries have imposed economic sanctions against others.

2. They are alleged to have signed a secret treaty.

3. They have denied the allegations against them, and their lawyers accused the courts of bias.

4. The allegations against him include links to the Russian mafia and intelligence.

5. Last week the Milan prosecutors asked the judge to order three companies to stand trial for alleged financial crimes.

6. The police allege that the man was murdered but they have given no proof.

7. A teenager allegedly sent the message to the CIA during a computer class.

8. The claimant can claim damages for defamation of character - where he alleges that unpleasant and untrue things have been written or said about him that have damaged his reputation.

Exercise 9. Translate the sentences using the structure given.

Example. It is possible for the prosecution to appeal for a re-trial.

1. Им необходимо обратиться за помощью к юристу.

2. Истцу важно показать, что он действительно понес убытки.

3. У них была возможность достичь соглашения.

4. Ему было трудно урегулировать спор.

5. Им нужно подать апелляцию.

6. Мне нелегко принять решение.

7. Они могут требовать реального исполнения.

Exercise 10. Translate the following sentences using the Gerund.

Example: The government can overturn a decision of the House of Lords by passing an Act of Parliament. - Государство может отменить решение Палаты лордов путем принятия акта Парламента.

1. Мы можем решить этот спор только начав дело в суде.

2. Он может добиться удовлетворяющего его решения только путем апелляции в вышестоящий суд.

3. Он помог ответчику, дав свидетельские показания в суде.

4. Верховный Суд обеспечит разделение властей в Великобритании, забрав судебные функции у Палаты лордов.

5. Возможно изменить судебное путем повторного слушания.

6. Присяжные решают, виновен ответчик или нет, путем вынесения вердикта.

7. Мы можем заставить соседа вести себя надлежащим образом, начав против него иск по деликту нарушения покоя.

Exercise 11. Read and translate.

THE COURT OF APPEAL

The Court of Appeal hears most of the important civil and criminal appeals from courts in England and Wales. Very few cases go on appeal from the Court of Appeal to the House of Lords.

The court has two main functions: to hear appeals in civil cases from the High Court and county courts; and to hear appeals in criminal cases from the Crown Court.

The appeals in civil cases will each be heard by three Lords Justices sitting together. They usually deliver unanimous judgments - in which they all agree - but they may reach their decisions by a majority of 2:1. When they do so, the judge who is in the minority will give a dissenting (disagreeing) judgments explaining why he does not agree with the others. Sometimes, if the case then goes on appeal to the House of Lords, these dissenting judgments are preferred by the Law Lords.

Appeals in criminal cases are heard by the Criminal Division of the Court. Again, these cases are heard by three judges sitting together. The decisions in criminal appeals are always given as the decision of all three judges. This means that if one judge disagrees with the other, he must follow their decision; he will not give a dissenting judgment.

The Court of Appeal also functions as Martial Appeal Court. In this capacity it deals with appeals from the various courts - martial of the Army, Navy and Air Force.

Exercise 12. Translate.

1. Если совершена ошибка в вопросе права, ответчик может апеллировать в отделение Королевской скамьи.

2. Только профессиональные судьи имеют дело с преступлениями, за которые ответчик может быть посажен в тюрьму больше, чем на один год.

3. Каждый год Парламент принимает около сотни законов путем издания актов Парламента.

4. Ни один закон не может быть принят, если он не прошел ряд ступеней в Палате общин и Палате лордов.

5. Акт Парламента от 1949 сильно ограничил права лордов по отклонению законопроектов (bills).

6. Судебные лорды не поддерживают никакую политическую партию.

7. С 1911 членам Парламента платится зарплата.

8. Если ответчик не удовлетворен решением суда Короны, он может апеллировать в Высокий суд.

9. Верховные суды полностью занимаются правовыми вопросами.
10. Решения Палаты лордов обязательны для всех других судов.

Exercise 13. Discuss the following.

1. Which are questions of law and which are questions of fact?
2. whether an alibi can be believed.
3. whether killing a cat is a crime.
4. whether a guilty defendant should be imprisoned.
5. The difference between Supreme Courts and the British House of Lords.

UNIT 9

THE LEGAL PROFESSION

In most countries there is only one legal profession. This means that all the **lawyers** have roughly the same professional education leading to the same legal **qualifications**, and they are allowed to do all the legal work that has to be done. In England the system is different. Here the profession is divided into two types of lawyers, called solicitors and barristers. **Solicitors** and **barristers** are **qualified lawyers**, but they **have a different legal training**, they take different examinations to qualify, and once they qualified they usually do different types of legal work.

Barristers specialize **in arguing cases** in front of a judge and have **the right to be heard, the right of audience**, even in the highest courts. They are not paid directly by clients, but are employed by solicitors. Judges are usually chosen from the most **senior** barristers, and once **appointed** they cannot continue to practice as barristers.

Solicitors **do much of the initial preparation** for cases, which they then **hand to** barristers to argue in court, as well as legal work, which does not **come** before a **court**. They **draw up wills, give advice in the field of business**, make all the legal **arrangements for buying** or selling land, **assist** employees and employers in cases involving **allegations of unfair dismissal** and **redundancy payments, handle divorce** and **child care**. They also deal with **litigation**, which is **settled out of court**. Solicitors have the right of audience in lower courts, but in higher courts, such as the Court of Appeal, they choose a barrister who argues their case in court.

In general, it can be said that a barrister spends most of his time either in a **courtroom** or **preparing his arguments** for the court and a solicitor spends most of his time in an office giving advice to clients, **making investigations** and preparing documents.

Many people believe the **distinction** between barristers and solicitors should be **eliminated** in England, as it has already happened in Australia. The government is **considering various proposals**, but there are arguments **for maintaining**, as well as removing, the division.

Vocabulary notes

1. lawyer	юрист
2. qualification	подготовленность, квалификация
3. solicitor	солиситор
4. barrister	барристер
5. qualified lawyer	дипломированный юрист
6. to have a legal training	иметь юридическую подготовку

7.	to argue a case in court	обсуждать дело в суде вести дело в суде
8.	the right to be heard = the right of audience	право выступать в суде
9.	to appoint smb	назначать к.-л.
10.	to do the initial preparation for cases	вести первоначальную подготовку дел
11.	to hand smth to smb	передавать ч-л к-л
12.	to draw up wills	составлять завещания
13.	to make legal arrangements for smth	юридически оформить ч-л
14.	to assist smb	помогать к.-л.
15.	allegation	заявление, утверждение
16.	unfair dismissal	несправедливое увольнение
17.	redundancy payments	выплаты при увольнении по сокращению штатов
18.	to handle smth	иметь дело с ч-л, рассматривать
19.	child care	опека над детьми
20.	litigation	тяжба, судебный спор, процесс
21.	to settle out of court	решать вне суда
22.	courtroom	зал суда
23.	to prepare one's arguments	готовить выступление по делу
24.	to make investigations	проводить расследование
25.	distinction	различие
26.	to eliminate	устранять, уничтожать, ликвидировать
27.	to consider various proposals	рассматривать различные предложения
28.	to maintain	сохранить
29.	to remove	устранить

EXERCISES

Exercise 1. Answer the following questions.

1. How many legal professions are there in England?
2. What is the difference between a barrister and a solicitor?
3. What do barristers specialize in?
4. How are judges chosen?
5. What is the solicitor's job?
6. In what courts do solicitors have the right of audience?
7. Can you compare the work of a barrister with the one of a solicitor?

Exercise 2. Find in the text English equivalents to the following Russian sentences.

1. Барристер большую часть своего времени проводит либо в зале суда или готовя свое выступление по делу.
2. Солиситоры передают дела барристерам для выступления в суде.
3. Барристеры имеют право выступать в суде.
4. Солиситоры помогают работодателям и наемным рабочим в делах, включающих заявления о несправедливом увольнении и выплатам рабочим при сокращении штатов. Клиенты не платят барристерам напрямую.
5. Солиситоры и барристеры - это дипломированные юристы.
6. Солиситоры составляют завещания и дают советы в области бизнеса.
7. Солиситоры имеют дело с судебными разбирательствами, которые решаются вне суда. Судьи обычно избираются из самых опытных барристеров.
8. Когда судьи назначены, они не могут продолжать работать барристерами.

Exercise 3. Give other words with the same root.

assistance, to dismiss, to divide, seniority, redundant, to employ, to argue, to prepare, appointment, elimination, choice, to vary, removal, to initiate, settlement, to advise, payment, careful, to investigate, belief, distinct, to propose.

Exercise 4. Translate the following word combinations into English and make sentences with them.

назначить	судью
	день суда
	доверительного собственника
юридический	образование
	подготовка
	профессия
	оформление
разделять	на два типа юристов на четыре части
решать	вне суда
	спор
	вопросы
специализироваться	в ведении дел в суде
	в составлении завещаний
	в ведении дел по разводу в составлении контрактов

Exercise 5. Insert prepositions consulting the text.

1. Solicitors do much ... the initial preparation ... cases which they then hand barristers to argue ... court.
2. Solicitors draw ... wills, give advice ... the field of business make all the legal arrangements ... buying and selling land.
3. Barristers specialize arguing cases front of a judge and have the right to be heard ... the highest courts.
4. The legal profession is divided ... two types of lawyers.
5. Solicitors deal litigation which is settledcourt.
6. ... general, it can be said that a barrister spends most of his time either ... a courtroom or preparing his arguments the court.
7. A solicitor spends most of his time an office giving advice clients, making investigations and preparing documents.
8. There are arguments maintaining, as well as removing, the division.
9. Solicitors do legal work which doesn't come a court.
10. Judges are chosen ... the most senior barristers.

Exercise 6. Fill in the gaps with missing words.

1. A lawyer who has the right of audience in higher courts is
2. Solicitors and barristers are
3. Solicitors make all the legal ... for buying or selling land.
4. Judges are chosen from the most
5. Solicitors deal with litigation which is
6. A solicitor spends most of his time in his office giving to clients, making and preparing
7. Lawyers in many countries have the same.... .
8. A barrister spends most of his time either in a or preparing his for the court.
9. Many people believe the between barristers and solicitors should be
10. There are arguments for ..., as well as ... , this division.

Exercise 7. Change sentences using the Passive Voice.

1. They have settled the dispute out of court.
2. Solicitors have to do much of the initial preparation for cases.
3. Solicitors employ barristers.
4. The employers must make redundancy payments.
5. The government is considering various proposals.
6. They have made some investigations.
7. The solicitor drew up a will a few days ago.
8. Clients can't pay barristers directly.
9. The barrister is preparing arguments for the court now.
10. The British government should eliminate the distinction between

barristers and solicitors.

Exercise 8. Read and translate.

The Privilege Given to Clients.

There is a special and very important privilege that has been given to clients. This has been developed over many years, and belongs to them as a matter of public policy, in order to ensure the proper and efficient running of the system of justice. This is that a lawyer must not reveal what he or she has been told by the client in the course of preparing a case, without the client's consent. This is a privilege given to the clients who are represented by lawyers.

If, therefore, a client admits to his solicitor and barrister that he has committed the crime of which he is charged, it is their duty to advise him that he should plead guilty, but they cannot go to the police and tell them that their client has confessed. If the police approach them and ask for information, they cannot (without the client's permission) reveal anything - even if the client has confessed to murder.

The Privilege Given to Lawyers.

Until recently lawyers too enjoyed an important privilege an "immunity from suit" - meaning that they could not be sued by their clients for negligence in respect of their conduct of a case in court. They were privileged from legal action only in respect of work which was done in court; if a lawyer performed his "out of court" work negligently, giving bad legal advice, preparing a defective contract or delaying the start of a claim for so long that the court would not allow it to proceed, the client could take him to court and claim compensation.

This old law has been changed, but the change is a very limited one. The clients can sue their lawyers in respect of their conduct of a case in court only if it is a very plain case of neglect and the Court of Appeal has set aside the defendant's conviction because he was so badly represented at the trial.

Exercise 9. Translate.

1. Ему не пришлось предстать перед судом, т.к. его солиситору удалось все урегулировать вне суда.

2. Барристеры специализируются в защите клиентов в суде. Они имеют право выступать в любом суде.

3. Судьи в Англии не получают специального образования. Они получают подготовку (trained as) барристеров.

4. Солиситор может выступать в Суде графства, когда дело касается развода и возмещения (recovering) долгов.

5. Если вам нужен барристер, вы никогда не встретитесь с ним без

присутствия вашего солиситора.

6. Солиситор специализируется в составлении завещаний и контрактов, в проведении сложных сделок с недвижимостью.

7. Если ваше дело слушается в Магистратском суде, вы можете попросить солиситора пойти в суд за вас и представлять ваше дело (argue).

8. Барристеры являются экспертами (expert in) в толковании права.

9. Солиситор дает советы клиентам по всем юридическим вопросам.

UNIT 10

LAW OF CONTRACTS

A **contract** is an agreement which is made between two or more **parties** and which is **binding in law**.

The parties must have a **legal intention to be legally bound** before **making a contract**. They must agree **to contract on certain terms**, that is, they must know what they are agreeing to, though they need not know that their agreement can be described in law as a contract.

In order to be binding in law the agreement must include **an offer** and **an acceptance** of that offer. In every **valid** contract there must also be **an exchange of consideration**. A **valuable consideration** is something a person has given, or done, or agreed not to do when making a contract. For a example, when you buy **an item** at a store, your consideration is the money you pay, and the seller's consideration is the item you buy.

One principle of English contract law is that there must be an offer and an acceptance in the contract. An advertisement to sell something is not normally considered an offer, since it is impossible to make a contract with all the people who might read it. From the legal point of view an advertisement is an **invitation to treat**.

If I see an ad in a newspaper offering to sell a car, and I telephone the advertiser and agree to buy it, he is not obliged to sell it to me. This is because the law considers that the real offer is when I contact the seller asking to buy the car. The seller may then decide whether **to accept** or **reject** my offer. That is the reason a store does not have to sell you the goods it **displays for sale**.

Most contracts can be either **written** or **oral**. However, certain kinds of contracts must be in writing **to be enforceable in court of law**. These include contracts for the sale of land and real estate, **contracts of insurance** and **hire-purchase**.

VOCABULARY NOTES

1. contract	контракт
2. party	сторона в контракте
3. to be binding in law	иметь обязательную силу по закону
4. legal intention	правовое намерение
5. to be legally bound	быть обязанным по закону
6. to make a contract	заключать контракт
7. to contract on certain terms	заключать контракт на определенных условиях
8. acceptance	принятие, акцепт
9. valid	юридически действительный

10. exchange of consideration	обмен	встречными
	удовлетворениями	
11. valuable consideration	надлежащее	встречное
	удовлетворение	
12. item	вещь	
13. advertisement	реклама, рекламное объявление	
14. invitation to treat	приглашение к сотрудничеству	
	/сделать оферту	
15. to accept an offer	принять оферту	
16. to reject an offer	отказаться принять оферту	
17. to display for sale	выставлять на продажу	
18. written contract	контракт в письменной форме	
19. oral contract	контракт в устной форме	
20. to be enforceable in court of law	способный быть осуществленным	
	в судебном порядке	
21. contract of insurance	контракт по страхованию	
22. hire-purchase	купля - продажа в рассрочку	

EXERCISES

Exercise 1. Answer the following questions.

1. What is a contract?
2. Do the parties always know that their agreement is a contract from the legal point of view?
3. What must a valid contract include?
4. What is meant by an exchange of consideration?
5. Why isn't an advertisement to sell something considered an offer?
6. What is an advertisement from the legal point of view?
7. When does a real offer happen?
8. Why aren't stores obliged to sell you the goods they display for sale?

Exercise 2. Supply Russian equivalents.

exchange of consideration
to contract on certain terms
to be legally acceptance
to be binding in law
invitation to treat
hire-purchase
valuable
consideration
to reject an offer

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Чтобы иметь обязательную силу по закону, соглашение должно включать оферту и акцепт.
2. Стороны должны иметь правовое намерение быть обязанными по закону прежде, чем заключить контракт.
3. Большинство контрактов заключаются или в устной, или в письменной форме.
4. Контракт - это соглашение, которое заключается между двумя и более сторонами и которое является обязательным по закону.
5. Стороны должны согласиться заключить контракт на определенных условиях.
6. Надлежащее встречное удовлетворение - это то, что лицо дало, сделало или согласилось не делать при заключении контракта.
7. Когда вы покупаете что-то в магазине, ваше встречное удовлетворение - это деньги, которые вы платите.
8. Встречным удовлетворением продавца является товар, который вы покупаете.
9. Реклама о продаже товара не является офертой, т.к. невозможно заключить контракт со всеми людьми, которые могут прочитать его.
10. Некоторые контракты должны быть только в письменной форме, чтобы они могли быть рассмотрены в судебном порядке.
11. Продавец может тогда решать, отвергнуть или принять мое предложение.

Exercise 4. Give other words with the same root.

To bind, to invite, to accept, rejection, treatment, advert, to consider, value, to enforce, to intend, to write, to see, obligation, sure, description

Exercise 5. Translate word combinations into English and make sentences with them.

обмен	встречными удовлетворениями мнениями делегациями
согласиться	на определенное условие на заключение контракта на предложение сделать ч-л
имеющий юридическую силу	документ контракт завещание

отказаться

от предложения

от идеи

от помощи

принять

предложение

помощь

приглашение

Exercise 6. Insert prepositions consuming the text.

1. That is the reason a store does not have to sell you the goods it displays ... sale.
2. In order to be binding ... law the agreement must include an offer and an acceptance ... that offer.
3. ... every valid contract there must also be an exchange consideration.
4. These include contracts ... the sale ... land and real estate, contracts ... insurance and hire purchase.
5. A contract is an agreement which is made two or more parties and which is binding ... law.
6. It is impossible to make a contract... all the people who might read the advertisement.
7. An advertisement is an invitation ... treat.... the legal point.... view.
8. Certain kinds ... contracts must be writing to be enforceable.
9. If I see an ad ... a newspaper offering to sell a car, and I telephone the advertiser and agree to buy it, the seller is not obliged to sell it.... me.

Exercise 7. Fill in the gaps with missing words consulting the text.

1. The seller may then decide whether to ... or my offer.
2. Certain kinds of contracts must be in writing to be
3. In every valid contract there must be an ...
4. A contract is an agreement between two or more which is in law.
5. A ... is something a person has given, or done, or agreed not to do when making a contract.
6. An advertisement is an ... from the legal point of view.
7. The advertiser is not ... to sell the car to me.
8. The contract must include an ... and an.... .
9. Contracts that must be in writing include contracts for the sale of land and, contracts of ... and
10. Most contracts can be either ... or

Exercise 8. Translate the following sentences and write them into the correct column in the table.

A. Example. Деньги, которые вы платите. - The money you pay.

Деньги, которые платятся. - The money which (that) is paid.

1. Деньги, которые вложены в банки.
2. Деньги, которые вы вкладываете в банки.
3. Товары, которые магазин выставляет для продажи.
4. Товары, которые выставлены на продажу в магазине.
5. Контракт, который вы заключили.
6. Контракт, который был заключен.
7. Вещь, которую вы купили.
8. Вещь, которая была куплена.
9. Люди, которые прочитали рекламное объявление.
10. Люди, о которых я читал.
11. Предложение, которое будет принято.
12. Предложение, которое мы примем.

B. Translate the following sentences paying special attention to the structures given above.

1. A community punishment order gives the offender opportunity to repay society for the wrong he or she has done.

2. The trial by jury is perhaps the best opportunity any citizen has to identify with and perform his or her public duty.

3. There is still a strong body of opinion that we should replace parts of the jury system with one which is less expensive and more efficient.

4. Some of the cases jurors may try may be harrowing, or may last for many weeks, taking them away from their work.

5. There may be strong practical arguments in favour of petty cases being tried in the Magistrates Courts, but when it comes to crimes for which substantial sentences of imprisonment may be passed, different considerations apply, and those who claim to understand the real value of the jury system and the protection it affords stand firm against them.

6. Jurors who are only 18 years old are too inexperienced in life to try cases.

7. For many years jury trials were very unsatisfactory and bore little resemblance to the trials we have today.

Exercise 9. Change the following sentences using the Passive Voice.

1. They may reject our offer.
2. They have accepted our offer.
3. They included special terms into the contract.
4. They don't consider an advertisement to sell something an offer.
5. They are going to exchange considerations.
6. They must buy a car.
7. They shouldn't display those goods for sale.

8. They will pay the money.
9. They have agreed to the terms of the contract.

Exercise 10. Use either offer or suggest.

I. suggest - предлагать, подавать идею
 suggest a plan \ an idea \ the idea of doing smth suggest that smb. (should) do smth. suggest doing smth.

II. offer smth. - предлагать, давать ч-л. offer smb. one's help \ a loan \ money \ a lift

offer to help smb. (with smth.) \ give smb. a lift \ show smb. around (a city \ Paris \ an exhibition)

Note. Нельзя использовать личные местоимения после глагола 'offer', если прямое дополнение выражено инфинитивом.

Example. Он предложил мне сделать перевод. - He offered to do the translation for me. (Он вызвался сделать перевод для меня.)

A Change the following sentences using 'suggest' or 'offer'.

Example. 'Let's go there,' Peter said. Peter suggested going there.

1. "Let's make a contract," Mr. Jones said.
2. "Let's include these terms into the contract," he said.
3. Donald said that it wouldn't be bad if we considered various proposals.
4. "Let's try to settle the dispute out of court."
5. He volunteered to help them to do this work.
6. Jane said she would show me round London.
7. "Let John apply to the manager", that's what Helen said.
8. Philip said he would take me for a drive in his new car.

B Translate.

1. Мистер Бейкер предложил обсудить этот вопрос немного позднее.
2. Он вызвался решить этот вопрос без посторонней помощи.
3. Кто предложил вам обратиться к юристу?
4. Он предложил заключить контракт в письменной форме.
5. Он вызвался подготовить все нужные документы.
6. Он предложил, чтобы Джон составил завещание.
7. Солиситор предложил провести расследование прежде, чем передать дело в суд.

Exercise 11. Read and translate.

The terms being offered and accepted must be certain. However, in the 1932 case of Hillas Company vs. Arcos it was decided that a reference to previous agreements or usual agreements might be certain enough.

Another principle mentioned above is that there is no contract if one of

the parties did not intend to be legally bound. This is supported by a case decided in 1605 (Weeks vs. Tybald) when a man joked that he would pay money to any man who would marry his daughter.

What is valuable consideration? The principle behind this phrase is that the law will not enforce an empty promise. For example, if a man offers to wash my car for \$10 and I accept, but he goes away and never washes it, I will not probably be able to make him keep his promise unless I have already paid the \$10. This is because I have given no consideration: I have not done anything or lost anything because of his offer. However, even if I haven't paid, I may still have given some kind of valuable consideration. For example, perhaps I left the car at home because of his offer to wash it and took a taxi to work. In this case a court might consider that there was an enforceable contract. As a result, I would be able to compel the man either to wash the car or to pay me the taxi fare I had spent.

In the 1960 case of Chappell vs. the chocolate manufactures Nestle, it was decided that valuable consideration could be of as little value as the used chocolate wrappers which Nestle asked people to send to them in return for a free record.

Exercise 12. Translate.

1. Существует много повседневных сделок, которые большинство людей не рассматривают как контракт.

2. Продавец не может заключить контракт со всеми людьми, которые прочитали его объявление.

3. С юридической точки зрения реальная оферта возникает тогда, когда вы связываетесь с продавцом и говорите, что вы согласны купить его товар.

4. Устные контракты имеют такую же юридическую силу, как и письменные по английскому праву.

5. Продавец имеет право принять или отвергнуть оферту.

6. Чтобы контракт был юридически действительным он должен иметь следующие элементы: оферту, акцепт и встречное удовлетворение.

7. Стороны должны обменяться встречными удовлетворениями.

8. Контракты по купле-продаже в рассрочку должны быть в письменной форме.

9. Стороны согласились заключить контракт на определенных условиях.

10. Обычно реклама о продаже чего-либо не считается офертой.

Exercise 13. Discuss the following.

Mr.A invites Ms.B out to dinner and reserves a table at an expensive restaurant in the countryside. He rents a car to take her to the restaurant but when he arrives at her house he finds she is out. After waiting for an hour he gives up and goes to the movies. He later discovers that Ms.B changed her mind

when another boyfriend invited her out.

Consider whether, under English law, Mr.A or Ms.B might be in breach of any contract, and what compensation might be demanded.

UNIT 11

THE CONTRACT VALIDITY

In a valid contract each person is legally bound to do what is promised. If one **party to a contract** does not **carry out** the promise, the other party can go to court and **be entitled to a remedy**.

First, the court must decide if a contract has been made. The most important principle guiding a judge is whether a **reasonable observer, an average citizen**, would decide that it was a contract. The judge will also consider if the contract has all the **essential elements**: an offer, an acceptance and a valuable consideration.

It is very important for a judge to consider the **capacity of contractors**, that is whether they are legally **competent** to make a contract. In English law there are special rules if one of the contractors is a company, rather than an individual, a person under 18, or an **insane** person.

There are special rules of interpreting contracts in which one or more contractors made a mistake or were **pressured** or **tricked into** making an agreement. There are also rules for dealing with illegal contracts. For example, an agreement to sell illegal **drugs** could never be **enforced** in court.

In common law countries, the judge will be guided by decisions made in previous cases when deciding about contracts. If the judge is dealing with a problem that has never **arisen** before, he must make a decision based upon general legal principles, and the decision will become a precedent for other judges in similar cases in the future.

VOCABULARY NOTES

1. validity	действительность, законность
2. party to a contract	сторона в контракте
3. to carry out smth.	выполнять ч-л.
4. to be entitled to a remedy	иметь право на средство судебной защиты
5. reasonable observer	благоразумный наблюдатель
6. average citizen	среднестатистический гражданин
7. essential elements	основные составляющие
8. capacity of contractors	дееспособность сторон в контракте
9. to be legally competent to do smth	иметь право по закону сделать ч-л.
10. insane	душевнобольной
11. to trick smb. into making a contract	заставить к-л. заключить контракт обманным путем
12. to pressure smb. into making a	заставить к-л. заключить контракт

	contract	
13.	drugs	наркотики, лекарства
14.	to be enforced in court	обеспечивать исполнение в судебном порядке
15.	to arise / arose, arisen /	возникать

EXERCISES

Exercise 1. Answer the following questions.

1. What can one party do if the other party does not carry out the contract?
2. How does the court decide whether the contract has been made?
3. What is the most important principle guiding the judge when he decides if a contract has been made?
4. Who is a reasonable observer?
5. What is the capacity of contractors?
6. For whom are there special rules when they make a contract? Why do you think those rules exist?
7. What contracts are considered to be illegal?
8. What is the judge guided by when making decisions about a contract in common law countries?
9. What must the judge do if he is dealing with a problem that has never arisen before?

Exercise 2. Supply Russian equivalents.

to be tricked into making a contract
to be enforced in court
essential elements
capacity of contractors
to be legally competent to do smth
reasonable observer
average citizen
validity
to arise
to carry out
a contract
to be entitled to a remedy

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Судье важно рассмотреть правоспособность сторон, заключающих контракт.
2. Если одна из сторон не выполняет обещание, другая сторона

может обратиться в суд и иметь право на средство судебной защиты.

3. В первую очередь суд должен решить, был ли заключен контракт.

4. Исполнение соглашения о продаже запрещенных законом лекарственных препаратов никогда не может быть обеспечено в суде.

5. В контракте, имеющем юридическую силу, каждая из сторон по закону должна делать то, что обещано.

6. Судья также рассмотрит, имеет ли контракт все основные элементы: оферту, акцепт, встречное удовлетворение.

7. По английскому праву существуют специальные правила, если одной из сторон в контракте является компания.

8. Если судья имеет дело с проблемой, которая не возникала прежде, он должен принять решение, основываясь на общих юридических принципах.

9. Самый важный принцип, которым руководствуется судья, решит ли благоразумный наблюдатель, среднестатистический гражданин, что это контракт.

10. Решение станет прецедентом для других судей в подобных делах в будущем.

Exercise 4. Give other words with the same root.

Valid, reason, contract, to accept, competence, enforceable, to consider, value, remediable, interpretation.

Exercise 5. Insert prepositions consulting the text.

1. If one party ... a contract does not carry ...the promise, the other party can go ... court and be entitled ...a remedy.

2. The judge will be guided ... decisions made ... previous cases.

3. There are also rules ... dealing ... illegal contracts.

4. If a judge is dealing ... a problem which has never arisen before he must make a decision based ...general legal principles.

5. The decision will become a precedent... other judges to follow.

Exercise 6. Fill in the gaps with missing words consulting the text

1. If one party to a contract does not the promise, the other party is entitled to a

2. There are special rules if one of the contractors is a company, ... individual, a person under 18, or an ... person.

3. The most important principle ... a judge is whether a reasonable observer, ... ,would decide that it was a contract.

4. In a ... contract each person is legally ... to do what was promised.

5. There special rules of interpreting contracts in which one or more contractors made a mistake or were ... or ... into making an agreement.

6. An agreement to sell ... drugs could never be ... in court.

7. The judge will ... if the contract has all the ... elements.

8. It is very important for a judge to consider the ... of contractors that is whether they are legally ... to make a contract.

Exercise 7. Use and translate participles correctly.

A. Translate the following word combinations using either Participle I or Participle II

Example. Самый важный принцип, которым руководствуется судья...
- The most important principle guiding a judge...

Судья, который руководствуется прецедентами...- A judge guided by precedents...

1. Выполняя контракт, стороны... Контракт, выполненный сторонами...

2. Принимая законы, парламент... Законы, принятые парламентом...

3. Рассматривая дело, судья... Дело, рассмотренное судьей...

4. Толкуя контракты, судья... Контракты, толкуемые судьей

5. Заключая контракт, стороны... Контракт, заключенный между сторонами...

6. Принимая оферту, сторона... Оферта, принятая стороной...

B. Use either Participle I or Participle II.

1. The Home Secretary is responsible for the actions of the Ministers and civil servants (employ) by the Home Office.

2. He brought an action in the courts (claim) that he had been falsely imprisoned and (request) his immediate release.

3. The speed limits (impose) upon drivers are laws that prescribe how fast we should drive.

4. Some are precise laws (make) by nations and (enforce) against all citizens within their power.

5. Government-made laws are nevertheless often patterned upon informal rules of conduct already (exist) in society.

6. Laws (base) upon common sense do not necessarily look much like common sense when they have been put into words.

7. One problem (result) from the existence of two systems of justice was that a person often had to begin actions in two different courts to get a satisfactory solution.

8. Specific performance is an order (force) the other party to do something.

9. The clear distinction between legislature and judiciary has weakened in many countries (include) Germany, France and Italy, where courts are able to challenge the constitutional legality of a law (make) by a parliament.

10. The Royal Assent is given by the Queen (sign) the bill.

11. Everyday transactions (involve) private individuals are more informal.

C. Translate.

1. Законы, принятые парламентом, называются актами парламента.
2. Правовая система Англии и Уэльса является старейшей, которая действует (operate) в современном мире.
3. Соединенное Королевство, которое состоит из Англии, Шотландии, Уэльса и Северной Ирландии, разделено на 659 географических областей.
4. Любой человек, обвиненный в преступлении, имеет право на справедливый суд.
5. Правонарушения, совершенные против общества, являются преступлениями.
6. Сторона, начинающая уголовное дело, называется обвинением.
7. Вынося официальное обвинение, полиция должна иметь достаточно доказательств.
8. Полиция арестовала человека, подозреваемого в совершении преступления.
9. Ответчик, освобожденный по безусловному поручительству, должен явиться в определенный день в определенный магистратский суд.
10. Решая вопросы факта в суде короны, присяжные должны постановить, виновен ли ответчик или нет.

Exercise 8. Translate the following sentences paying attention to the translation of 'rather than'.

Example. In English law there are special rules if one of the contractors is a company, rather than an individual. - По английскому праву существуют специальные правила когда одной из сторон контракта является компания, а не частное лицо

1. Judges attempted to apply existing customs and laws to each new case, rather than looking to the government to write new laws.
2. The system of equity recognized rights that were not enforced as common law but which were considered equitable, such as the right to force someone to fulfill a contract, rather than simply pay damages for breaking it.
3. In the continental system of law it was necessary for the legislators to speculate quite comprehensively about human behavior, rather than simply looking at previous cases.
4. Despite a growing labor shortage, the Japanese government has passed very little legislation challenging the assumption that mothers should stay at home, rather than go out to work.
5. Trusts are agreements whereby a person administers property for another person's benefit rather than his own.

Exercise 9. Fill in the gaps with either 'other' or 'another'.

Another - additional person or thing (используется только с

исчисляемыми существительными в единственном числе)

Give me another example. - Дайте мне другой (еще один, отличный от этого) пример.

This is not a very good example; I want another one.

I have given you one example; now I shall give you another.

They were glad to see one another.

Other - 1. One of the two

one side of the street - the other side of the street one hand - the other hand

2. People or things in addition to the ones already known other judges. The others are waiting in the office. Others want this job if you turn it down. We were glad to see each other.

1. The trustee has the power to invest and make ... decisions about the property.

2. Tort liability is based on the duty one person owes to... .

3. There are two main reasons for having a variety of courts. One is that a particular court can specialize in particular actions. The ... is that if a person thinks that the decision of a lower court on his case is unfair, he can appeal to a higher court.

4. A tort is a wrongful act committed by an individual against ... individual's person, property or reputation.

5. Civil actions, on the ... hand, are usually started by individuals.

6. Governments have two motives in making and enforcing laws. One is social control; the ... is the implementation of justice.

7. Trusts are agreements whereby a person administers property for ... person's benefit.

8. International law regulates relations between governments and also between private citizens of one country and those of... .

9. If one party to a contract does not carry out the promise, the ... party can go to court and be entitled to a remedy.

Exercise 10. Read and translate.

METHOD OF CREATION

The way a contract comes into being gives some idea of its nature. Thus, there are express contracts, implied contracts, and quasi contracts.

Express contracts. In an express contract, the agreement is stated in words - written or spoken.

Implied contracts. In an implied contract, the agreement is not stated in words. Instead, the intent of the parties is shown by their conduct and by the surrounding circumstances. For example, a schoolboy buys some fruit juice in the high school cafeteria by inserting coins into vending machine.

Quasi contracts. In a quasi contract, the parties are bound as though there

were a valid contract even though technically there is none. For example, a doctor may voluntarily give first aid to a person injured in an accident. There is no agreement. Yet the doctor may submit a bill and collect a charge reasonable for such a professional service. Thus, the law creates an obligation in the absence of an actual agreement between the parties. This is done to prevent unjust enrichment of one party. Strictly speaking no contract exists if some essential element is missing. Someone who is not a doctor could give similar first aid yet not be entitled to payment since the service is not done with the expectation of payment nor by a licensed specialist.

Exercise 11. Translate.

1. Контрактное право - это раздел права, который касается соглашений. Многие по-разному понимают, что означает 'прийти к соглашению'. Одни считают, что договор - это сделка или соглашение между двумя или более людьми об определенных действиях при покупке или продаже товаров. Другие полагают, что договор - это соглашение о выполнении каких-либо обязательств, которые отдельное лицо или компания принимают на себя в обмен на обязательства другой стороны (как правило, обязательства по уплате денег).

2. Если подходить строго юридически, то договор - это соглашение, которое право защищает и проводит в жизнь. Если я обещаю доставить вагон строевого леса и покупатель обещает заплатить мне за это определенную сумму, и я не доставляю обещанного, то тем самым я нарушаю свой договор. В этом случае покупатель имеет право требовать с меня по суду возмещения ущерба.

3. Чтобы договор был действительным, необходимо иметь минимум две стороны, обладающие правоспособностью. Одна из договаривающихся сторон должна сделать некоторое предложение, а другая - принять его.

4. Реклама универмага, которая 'предлагает' швейные машины за низкую цену, с точки зрения права не несет в себе никакого юридического предложения. По крайней мере, она не обещает на самом деле какому-либо лицу эти машины. Магазин не обязан распродавать весь имеющийся запас швейных машин лишь для того, чтобы не разочаровать покупателей.

Exercise 12. Solve the following problems.

1. For a college graduation present, an aunt promised to give Eileen two tickets for a Caribbean cruise with a friend of her choice. At the graduation exercises, however, her aunt gave her a kiss instead and said, 'The stock market is down. Sorry, darling!' Although not likely to do so, could Eileen successfully sue her aunt for a breach of contract?

2. The people next door plan to go abroad for two weeks. They promise to pay you \$60 if you take care of their garden and pick up their mail and newspaper while they are away. You agree. Is this a contract? Do both you and

your neighbors give and receive consideration?

3. Jackson was the defendant in a legal action. Piece was a key witness for the plaintiff. Jackson told Piece that he would pay her expenses if she would take a long cruise - from New York to San Francisco and back - while the trial was in progress. Piece agreed to take the trip. Upon her return, she presented her expense account to Jackson. Can she collect?

UNIT 12

REMEDIES

When one party refuses to perform or **fails to perform the obligations under the contract**, it is called a **breach of contract**.

The **party in breach** must compensate the other party. **Accordingly**, the **injured party** may **seek** any of several **remedies** for the breach in court. A remedy is the **means** to enforce a right or to **compensate** for an **injury**.

The usual remedy is **damages - monetary compensation**. The **court must be satisfied that there was a contract, that one party is in breach, and the other party has** suffered some loss **because of the breach**. In addition to **financial loss a plaintiff sometimes tries to** claim damages for mental distress caused by the **breach of contract**. **Such claims are less successful in Britain than in the US**, except for **holiday contracts (though often successful in tort actions)**.

A court will **award damages** only for the loss closely connected with the defendant's breach, i.e. for the loss that is not too **remote**. The precedent for **remoteness** is the 1949 English case of **Victoria Laundry vs. Newman Industries**. The defendants were five months late in **delivering** a new **boiler** for the laundry. The laundry claimed damages first for profits they would probably have made if they had had the boiler on time. They would have increased their regular laundry customers then. Secondly, they claimed damages for profits they might have made if the boiler had **enabled** them to **take on new dyeing contracts**. The court decided that the first claim was reasonable, but the second was too remote. Remoteness is an important concept in both contract and tort.

In deciding how much in damages to award, courts try to **put the plaintiff into the same financial position** that he would have been in if the defendant had carried out the contract properly.

Instead of damages, a plaintiff sometimes asks the court **to force** the other contractor to carry out the contract. In English law this is called **specific performance**. The court will not agree to do this if it **causes hardship** to the defendant, however, or if it is no longer possible or practical to carry out the contract. Sometimes the court decides to award damages instead of specific performance, and sometimes it awards both. Another remedy is **injunction** against the defendant, that is, to order the defendant not to do something that would be in breach of contract. Specific performance and injunctions are remedies that were developed by the courts of equity because of **inadequacies** in the common law courts.

VOCABULARY NOTES

- | | |
|-------------------------------------|--------------------------|
| 1. remedy | средство судебной защиты |
| 2. to fail to do smth. | не сделать ч-л. |
| 3. to perform the obligations under | выполнять обязанности по |

	the contract	контракту
4.	breach of contract	нарушение контракта
5.	party in breach	сторона, нарушившая контракт
6.	accordingly	в соответствии, соответственно
7.	injured party	потерпевшая сторона
8.	to seek remedies for the breach in court	обращаться в суд для получения средств судебной защиты за нарушение контракта
9.	to compensate	компенсировать
10.	means	средство, средства, способ
11.	injury	ущерб, вред, повреждение
12.	damages	возмещение ущерба, компенсация
13.	monetary compensation	денежная компенсация
14.	to suffer some loss	понести убытки
15.	in addition to	дополнительно, помимо всего прочего
16.	to claim damages	требовать возмещения ущерба
17.	mental distress	моральный ущерб
18.	to cause	вызывать, причинять
19.	except for	за исключением
20.	to award damages	присуждать возмещение ущерба
21.	remote	имеющий отдаленную причинную связь
22.	remoteness	отдаленная причинная связь
23.	laundry	прачечная
24.	to deliver	поставить
25.	boiler	бойлер, котел
26.	to enable	давать возможность
27.	to take on a contract	заключить контракт
28.	dyeing contract	контракт по окрашиванию
29.	to put the plaintiff into the same financial position	поставить истца в то же самое финансовое положение
30.	to force smb. to do smth	заставить к-л. делать ч-л.
31.	specific performance	реальное исполнение
32.	to cause hardship	причинять трудности, вызывать лишения
33.	inadequacy	несоответствие, недостаточность

EXERCISES

Exercise 1. Answer the following questions.

1. What is a breach of contract?
2. What may the injured party seek in court?
3. What is remedy?

4. Who must compensate a breach of contract?
5. What are damages?
6. When will the court award damages?
7. What damages may the plaintiff claim?
8. Why is the concept of remoteness important?
9. What is the precedent for remoteness?
10. How does the court decide how much in damages to award?
11. What other remedies can the plaintiff get in court?
12. Can the court award several remedies at the same time?

Exercise 2. Supply Russian equivalents

to award damages
 mental distress
 remote
 to claim damages
 injunction
 specific performance
 injured party
 injury
 remedy
 party in breach
 to suffer some loss
 to seek remedies

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Суд присудит возмещение ущерба только за убытки, тесно связанные с нарушением контракта ответчиком.
2. Вместо убытков истец иногда просит суд заставить другую сторону выполнить контракт.
3. Ответчики задержали поставку нового бойлера для прачечной на пять месяцев.
4. Суд должен быть убежден, что контракт был, что одна из сторон его нарушила, а другая сторона понесла убытки из-за нарушения.
5. Когда одна сторона отказывается выполнять или не выполняет обязанности по контракту, это называется нарушением контракта.
6. Прачечная потребовала возмещения ущерба сначала за прибыль, которую они бы получили, если бы котел был поставлен вовремя.
7. Они бы увеличили число своих постоянных клиентов.
8. Иногда суд решает присудить убытки вместо реального исполнения, а иногда присуждает и то, и другое.
9. Решая вопрос о размере убытков, суды пытаются поставить истца в то же самое финансовое положение, в котором он был бы, если бы

ответчик выполнил бы контракт надлежащим образом.

10. Другое средство судебной защиты - это судебный запрет, что означает постановить, чтобы ответчик не делал того, что было бы нарушением контракта.

Exercise 4. Give other words with the same root.

Refusal, remote, to oblige, to lose, profitable, to perform, finances, success, injured, money, equity, reason, to compensate, to act, able.

Exercise 5. Insert prepositions consulting the text.

1. In deciding how much ... damages to award, courts try to put the plaintiff ... the same financial position that he would have been ... if the defendant had carried ... the contract properly.

2. When one party refuses to perform or fails to perform the obligations ... the contract, it is called breach ... contract.

3. A court will award damages only ... the loss closely connected with the defendant's breach, i.e. ... the loss that is not too remote.

4. The defendants were five months late ... delivering a new boiler ... the laundry.

5. Sometimes the court decides to award damages specific performance, and sometimes it awards both.

6. Secondly, they claimed damages ... profits they might have made if the boiler had enabled them to take ... new dyeing contracts.

7. ... addition ... financial loss a plaintiff sometimes tries to claim damages ... mental distress caused ... the breach of contract.

Exercise 6. Fill in the gaps with missing words consulting the text.

1. In addition to financial ... a plaintiff sometimes tries to... damages for mental distress ... by the breach of contract.

2. ... damages, a plaintiff sometimes asks the court to ... the other contractor to carry out the contract.

3. Secondly, they claimed damages for ... they might have made if the boiler had ... them tonew dyeing contracts.

4. A court will ... damages only for the loss closely ... with the defendant's breach, i.e. for the loss that is not too

5. A remedy is the ... to enforce a right or to compensate for an

6. In deciding how much in damages to... , courts try to put the plaintiff into the same that he would have been in if the defendant had carried out the contract

7. The court must be ... that there was a contract, that one party is in breach, and the other party has because of the breach.

8. They will not agree to do this if it causes ... to the defendant, however, or if it is no longer possible or ... to carry out the contract.

9. Specific performance and ... are remedies that were developed by the courts of ... because of ... in the common law courts.

10. Accordingly, the injured party may ... any of several ... for the breach in court.

Exercise 7. Change the following sentences using 'fail to do smth'.

Example. One party didn't perform the obligations under the contract. - One party **failed to** perform the obligations under the contract.

1. He didn't appear before a court.
2. They didn't solve the problem.
3. The lawyer didn't give substantial evidence.
4. The defendants didn't deliver the boiler on time.
5. The laundry didn't take on new dyeing contracts.
6. The laundry didn't increase their regular customers.
7. The defendants didn't compensate the plaintiffs for the loss.

Exercise 8. Translate the sentences using the Passive.

1. Его заставили заключить контракт.
2. Обязанности по контракту не выполнены.
3. Ему следует компенсировать за его потери.
4. Им будет присуждено возмещение ущерба.
5. Сейчас заключаются новые контракты.
6. Недавно было поставлено новое оборудование.
7. Условия контракта были нарушены.
8. Сейчас пытаются получить средства судебной защиты в суде.
9. При заключении контракта были допущены ошибки.
10. Убытки можно взыскивать в суде.

Exercise 9. Translate the following sentences using 'except' or 'besides'.

Example:

except - кроме, исключая к.-л., ч.-л.

Such claims are less successful in Britain than in the US, except for holiday contracts. - Такие иски менее успешны в Британии, чем в США, за исключением отпускных контрактов.

besides - кроме, в дополнении к к.-л., ч.-л.

Besides financial loss a plaintiff sometimes tries to claim damages for mental distress. - Помимо убытков за финансовые потери, истец иногда пытается получить возмещение убытков за моральный ущерб.

1. Кроме возмещения ущерба, истец потребовал наложения судебного запрета на ответчика.
2. Все оборудование, кроме бойлера, было поставлено вовремя.
3. Все судебные лорды назначаются королевой, кроме лорда-канцлера, которого назначает премьер-министр.

4. Помимо Палаты общин, законопроект обсуждается в Палате лордов.

5. Любой полноправный гражданин, кроме лиц, связанных с правом, может быть присяжным.

6. Большинство контрактов могут быть или в устной, или в письменной форме, за исключением контрактов по продаже земли и недвижимости, контрактов по страхованию и купле-продаже в рассрочку, которые должны быть только в письменной форме.

Exercise 10. Translate.

1. Когда происходит нарушение контракта, пострадавшая сторона имеет право быть поставленной в то же самое положение, и котором она была бы, если бы контракт был исполнен. Стороны часто урегулируют нарушение напрямую или с помощью своих юристов. Если им не удастся прийти к соглашению, пострадавшая сторона может обратиться в суд, чтобы получить возмещение ущерба.

2. Право стран континентальной Европы исходит из того, что требование об исполнении в натуре является основным, и должник в принципе всегда может быть принужден к исполнению в натуре, когда этого желает кредитор. Требование возмещения убытков рассматривается, если исполнение в натуре оказывается невозможным или если пострадавшая сторона потеряла интерес к получению такого исполнения.

3. С точки зрения англо-американского права требование возмещения убытков рассматривается как основное средство, и потерпевшая сторона всегда имеет возможность получить денежную компенсацию в случае нарушения договора.

Exercise 11. Discuss the following.

1. Wanes contracted with Holland to install some coffee machines in Holland's snack bar. When Wanes attempted to deliver the machines, Holland said he had changed his mind and cancelled the contract. What rights did Wanes have?

2. Kelly contracted to buy 160 acres of land from McCalls. She planned to develop an amusement park on the land. When the McCalls learned of her plan, they refused to deliver the deed. Can Kelly sue the McCalls?

UNIT 13

FORMS OF BUSINESS ORGANIZATION

There are three principal forms of business organization:

- the **sole proprietorship**,
- the **partnership**, and
- the **corporation**, or **limited company**.

Of the three, the simplest and the easiest to start is the sole proprietorship, which is owned by one person called the **sole proprietor**, or the **sole trader**. **He** has **unlimited control over the business** and keeps all the profits. However, the sole trader also has **unlimited personal responsibility** for the losses, debts, and **liabilities** that the business may have.

A partnership is an association of two or more persons **to carry on, as co-workers, a business for profit**. They **share management**, profits, and liabilities to debts. The **shares of partners** are not necessarily **equal** ones. The share depends upon the **partnership agreement** and usually **reflects the amount of capital** the partner has invested in the business. Partnerships can be formed very easily and **the legal position** of partners is not very different from that of sole traders. Partners may find their **personal property at risk** if they are sued by the creditors.

A corporation is a kind of **artificial legal person**, with the right to sue and be sued. It may **consist of** a single person, but in each case it has a **legal identity** separate from the individuals. The members of a limited company have **limited liability**. This means that if the business has **debts**, they can be made to **pay them only up to a certain limit**. Normally this limit is the amount unpaid on **shares they hold (limited by shares)**, or the amount they have guaranteed to contribute to company **assets (limited by guarantee)**.

It is also possible to form an **unlimited company**. Since member's liability is unlimited, this form of business organization is, **in effect, similar to** a partnership.

Unlike many legal systems, English law has never developed a **comprehensive** code of company law. Instead, the **relevant** law is found **partly** in cases decided according to the principles of common law and equity and partly in statutes.

VOCABULARY NOTES

- | | |
|------------------------|--|
| 1. sole proprietorship | частное предпринимательство
(предприятие) |
| 2. partnership | товарищество |
| 3. corporation | корпорация |
| 4. limited company | компания с ограниченной
ответственностью |

5.	sole proprietor sole trader	частный предприниматель
6.	to have unlimited control over the business	иметь бизнес полностью под контролем
7.	unlimited personal responsibility	неограниченная личная ответственность
8.	liabilities	денежные обязательства
9.	to carry on a business for profit	заниматься бизнесом для получения прибыли
10.	co-worker	сотрудник
11.	to share management	совместно осуществлять (разделять) руководство
12.	share	доля
13.	equal	равный
14.	partnership agreement	партнерское соглашение
15.	to reflect	отражать
16.	amount of capital	размер капитала
17.	legal position	правовое положение
18.	to find personal property at risk	рисковать личной собственностью
19.	artificial legal person	созданное правом юридическое лицо
20.	to consist of smth	состоять из ч-л.
21.	legal identity	правовой статус
22.	limited liability	ограниченная ответственность
23.	to pay debts only up to a certain limit	платить долги только до определенного уровня
24.	to hold a share	держат акцию
25.	to be limited by shares	быть ограниченным акциями
26.	to be limited by guarantee	быть ограниченным гарантией
27.	to contribute to smth.	внести, вложить к-л.
28.	company assets	активы, капитал компании
29.	unlimited company	компания с неограниченной ответственностью
30.	in effect	на самом деле
31.	to be similar to smth	быть похожим на ч-л.
32.	comprehensive	всеобъемлющий
33.	relevant	относящийся к делу
34.	partly	частично

EXERCISES

Exercise 1. Answer the following questions.

1. What are principal forms of business organization?
2. Who is called the sole trader?
3. What responsibility does the sole trader have for losses and debts?

4. What is a partnership?
5. What do partners share?
6. Do the partners have an equal share in the business?
7. What does the share depend upon?
8. What does the share usually reflect?
9. Is it easy to form a partnership?
10. In what case can the partners find their personal property at risk?

What is a corporation?

11. Can a corporation consist of a single person?
12. What kind of legal identity does the corporation have?
13. What sort of liability do the members of the corporation have? What is limited liability?
14. How is the limit determined?
15. What form of business organization is similar to partnership?
16. Has English law developed a comprehensive code of company law? Where is the relevant law found?

Exercise 2. Find in the text English equivalents to the following Russian sentences.

1. Частный предприниматель полностью контролирует бизнес, и ему принадлежит вся прибыль.
2. Партнеры разделяют руководство, прибыль и обязательства по долгам.
3. Корпорация является созданным правом юридическим лицом, которое имеет право начинать дела в суде, и против которого могут быть начаты дела в суде.
4. Частный предприниматель несет неограниченную личную ответственность за потери, долги и денежные обязательства, которые бизнес может иметь.
5. Также возможно организовать компанию с неограниченной ответственностью.
6. В отличие от многих правовых систем, английское право не создало всеобъемлющий закон о компаниях.
7. Это означает, что если у компании есть долги, членов компании можно заставить выплачивать их только до определенного уровня.
8. Доля партнера обычно отражает размер капитала, который он внес в дело.
9. Корпорация имеет правовой статус, не зависящий от ее членов.
10. Товарищества могут формироваться очень легко, и правовое положение партнеров не очень отличается от частных предпринимателей.

Exercise 3. Give other words with the same root.

Responsible, management, relevance, to identify, partner, similarity, proprietor, liable, profitable, contribution, credit, dependant, necessity, equality,

to associate, to own

Exercise 4. Insert prepositions consulting the text.

1. The relevant law is found partly in cases decided the principles of common law and equity and partly ... statutes.
2. This means that if the business has debts, they can be made to pay debts only a certain limit.
3. Since member's liability is unlimited, this is, ... effect, similar a partnership.
4. A corporation is a kind ... artificial legal person, ... the right to sue and be sued.
5. ... many legal systems, English law has never developed a comprehensive code ... company law.
6. It may consist ... a single person, but in each case it has a legal identity separate ... these individuals.
7. A partnership is an association of two or more persons to carry ... as co-workers, a business ... profit.
8. He has unlimited control ... the business and keeps all the profits.
9. The share depends ... the partnership agreement.
10. Partners may find their personal property ... risk if they are sued ... the creditors.
11. Normally this limit is the amount unpaid ... shares they hold (limited ... shares), or the amount they have guaranteed to contribute ... company assets (limited ... guarantee).
12. The share reflects the amount... capital each partner has invested ... the business.

Exercise 5. Fill in the gaps with missing words.

1. Partners may find their... at risk if they are ... by the creditors.
2. A partnership is an ... of two or more persons to carry on as co-workers, a business
3. A corporation is a kind of... , with the right to sue and
4. They ... management, profits, and ... to debts.
5. The shares are not necessarily ... ones.
6. Normally this limit is the ... unpaid on shares they .. (limited by shares), or the amount they have guaranteed to contribute to company ... (limited by guarantee).
7. Unlike many legal systems, English law has never developed a ... code of company law.
8. Partnerships can be formed very ... and the legal position of partners is not very different from that of.
9. The sole trader has over the business and ... all the profits.
10. A corporation may ... of a single person, but in each case it has a ... separate from these individuals.

11. The members of a limited company have This means that if the business has debts, they can be made to pay debts only

12. The ... law is found ... in cases decided according to the principles of common law and equity and ... in statutes.

Exercise 6. Change the following sentences using the structure 'be made to do smth'.

Example. They made him pay debts. - He was made to pay debts.

1. The court made the defendant carry out the contract.
2. The court can make the legal owner of the property consider the beneficial interest of another person.
3. They have made Mr. Smith sell his shares.
4. They will make the injured party sue in court.
5. The contract was not valid because they made him make the contract.
6. We have made him do what he promised to do.
7. They should make the injured party start a civil action.
8. We can't make the store sell us goods that it displays for sale.
9. We must make the other party give us a valuable consideration.
10. The court must make the defendant pay damages.

Exercise 7. Use 'that' and 'those' instead of nouns.

Example. The legal position of partners is not very different from **the position** of sole traders. - The legal position of partners is not very different from **that** of sole traders.

The definitions of many torts closely resemble **the definitions** of crimes.
- The definitions of many torts closely resemble **those** of crimes.

1. Many companies invest in such spheres as sophisticated technologies and **spheres** giving fast returns.

2. The Supreme Court has direct jurisdiction in only two kinds of cases: cases involving foreign diplomats and cases in which a state is a party.

3. The most urgent question everywhere in this country today is the question of complying with the law.

4. Many people, in particular teenagers and people in their twenties, who become addicted to drugs, turn to life of crime.

5. The political power of the US Secretary of State is second only to the political power of the President.

6. International law comprises the regulation of relations between governments and also between private citizens of one country and private citizens of another.

7. Most legal systems of Europe, including the legal system of Scotland and indirectly legal systems in many other parts of the world, were strongly influenced by Roman Law.

8. Ordinary Americans are much more interested in local politics than in

politics at the federal level.

Exercise 8. Translate the following sentences using Present Perfect.

1. Членам Парламента платится зарплата с 1911 года.
2. Монархия не всегда была популярной.
3. Парламент осуществляет эффективный контроль над финансами монарха с 17 века.
4. Люди, которые получили телесные повреждения, могут начать иск против лица или компании, которые, как они считают, несут ответственность за это.
5. Только один американский президент получил импичмент, (be impeached)
6. Всегда была борьба (battle) между федеральными правами и правами штатов.
7. В Британии не осуществлялась смертная казнь с 1965.
8. Публичное право Франции никогда не кодифицировалось.

Exercise 9. Read and translate.

TYPES OF CORPORATIONS.

In terms of purpose, a corporation is either public or private. A public corporation is established for a governmental purpose. State hospitals and state universities are public corporations. A private corporation is established by private citizens for a business or charitable purpose. Sometimes a private corporation is called public because its stock is broadly owned by the general public. This differentiates it from a private corporation where the stock is owned by only one or a small number of shareholders. The latter type is also known as a close or closely-held corporation.

Private corporations are further classified as profit-making, non-profit and public service corporations. A profit-making corporation is a private corporation organized to produce a financial profit for its owners. Examples abound banks, manufacturing and merchandising companies, and airlines. A nonprofit corporation is organized for a social, charitable, or educational purpose. It may have revenues, which exceed expenses, but it does not distribute any earnings among members as profits. If a nonprofit corporation engages in business for profit, it must - like any other business - pay income taxes. Churches, colleges, fraternal societies are typically organized as nonprofit corporations. Finally, a public service corporation (also called a public utility) is generally a private company that furnishes an essential public service. Electric, gas and water companies are examples. These companies are closely regulated as to prices they can charge. However, they are often given monopolistic franchises and special powers such as eminent domain.

Exercise 10. Translate.

1. Если вы основываете дело, даже очень маленькое, вы будете покупать и продавать товары и услуги, и, возможно, нанимать людей, покупать или арендовать землю, брать деньги в долг. Чтобы заниматься всем этим, вам необходимы основы правовых знаний о контракте, деликте и земельном праве.

2. Почти любая отрасль права подходит (be relevant to) к ведению бизнеса. Почти каждая страна имеет свой собственный свод законов, созданных для ведения бизнеса. В отличие от многих стран, Англия не развила всестороннего законодательства о компаниях.

3. Закон о компаниях 1985 определяет юридический статус компаний различного вида, правила распределения акций и облигаций, полномочия директоров, порядок осуществления контроля за их деятельностью и, наконец, способы ликвидации компаний.

Exercise 11. Discuss the following situations.

1. Krug, a prosperous banker, was willing to go into a promising fiberglass boat manufacturing business with Ericson, an engineer. Krug could not devote any time to the business, but she wanted to have some voice on major decisions. Yet she did not want to have unlimited liability if the business should fail. What form of business organization would be appropriate?

2. Hudson, De Soto and Auburn were partners in an advertising agency. Hudson, who spent days playing golf and tennis with prospective clients and friends, brought in most of the firm's accounts. De Soto did most of the actual production and often worked ten-hour days as well as weekends. Auburn, who had no creative talent and little energy, spent most of his time delivering and picking up copy and layouts. Are Hudson and De Soto entitled to a larger share of the profits than Auburn?

UNIT 14

HUMAN RIGHTS

Human rights are rights to which every **human being** is entitled, whatever his nationality and wherever he lives. They are basic minimum **standards of freedom and security** for all.

Many constitutional rights are considered human rights. But constitutional rights are ones which a state guarantees to its own citizens and, sometimes to foreigners who are **within its jurisdiction**. Whereas human rights **transcend political division** and all the people in the world can **enjoy** them.

The United Nations Universal Declaration of Human Rights

adopted in 1948 spells out the main rights that must be protected but it is not binding in international law. There are two international **covenants**, however, that bind the parties who have ratified them: the 1966 **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights**.

The International Covenant on Civil and Political Rights **sets forth** the right to **self-determination** (the right of people in a territory **to** decide the political and **legal status of that territory**), **the inherent right to life, the right to liberty of movement and freedom to choose one's residence, the right to freedom of thought, conscience and religion, the right of peaceful assembly, the right to marry and found a family, universal and equal suffrage**, etc. It prohibits **torture, slavery, genocide and propaganda of war**.

According to the International Covenant on Economic, Social and Cultural Rights, the states parties recognize **the right to work, the right to social security**, the right to education, **the right to an adequate standard of living** for oneself and one's family, etc.

There are also various regional conventions on human rights, some of which have established **machinery** for hearing individual **complaints**.

The violation of human rights is often **cited as a reason for military intervention** or for **imposing economic sanctions**, although there are, **undoubtedly**, other reasons for these.

VOCABULARY NOTES

1. human rights	права человека
2. human being	человек
3. standard	норма
4. freedom	свобода
5. security	безопасность
6. to be within its jurisdiction	подпадать под юрисдикцию
7. whereas	в то время как
8. to transcend political division	переступить политические

	границы
9. to enjoy a right	пользоваться правом
10. The United Nations Universal Declaration of Human Rights	Всеобщая декларация ООН о правах человека
11. covenant	пакт, договор
12. International Covenant on Civil and Political Rights	Международный пакт о гражданских и политических правах
13. International Covenant on Economic, Social and Cultural Rights	Международный пакт об экономических, социальных и культурных правах
14. to set forth a right	выдвинуть право
15. right to self-determination	право на самоопределение
16. political and legal status of the territory	политический и правовой статус территории
17. inherent right to life	неотъемлемое право на жизнь
18. right to liberty of movement	
19.	право на свободное передвижение
20. freedom to choose one's residence	свобода выбора местожительства
21. right to freedom of thought, conscience and religion	право на свободу мысли, совести, религии
22. right of peaceful assembly	право на мирные собрания
23. right to marry and found a family	право на вступление в брак и право основывать семью
24. universal and equal suffrage	всеобщее равное избирательное право
25. torture	пытка
26. slavery	рабство
27. genocide	геноцид
28. propaganda of war	пропаганда войны
29. right to work	право на труд
30. right to social security	право на социальное обеспечение
31. right to an adequate standard of living	право на достаточный жизненный уровень
32. machinery	механизм
33. complaint	жалоба
34. cite as a reason for smth	приводить ч-л. в качестве причины
35. military intervention	военное вмешательство
36. to impose economic sanctions	вводить экономические санкции
37. undoubtedly	без сомнения

EXERCISES

Exercise 1. Answer the following questions.

1. What are human rights?
2. How are human rights and constitutional rights similar and different?
3. What international documents spell out human rights?
4. What rights does The International Covenant on Civil and Political Rights set forth?
5. What rights does the International Covenant on Economic, Social and Cultural Rights set forth?
6. What do regional conventions on human rights establish?
7. Why is the violation of human rights often cited as a reason for military intervention?

Exercise 2. Supply Russian equivalents.

self-determination
inherent right to life
to enjoy a right
to impose economic sanctions
right to social security
political and legal status of a territory
covenant
to set forth
a right of peaceful assembly
right to work
torture
to be within jurisdiction
military intervention

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Права человека переходят политические границы, все люди в мире могут пользоваться ими.
2. Всеобщая декларация прав человека Организации объединенных наций, принятая в 1948 году, выдвигает основные права, которые должны быть защищены, но она не является обязательной по международному праву.
3. Нарушение прав человека часто приводится как причина для военной интервенции и введения экономических санкций, хотя, несомненно, есть другие причины.
4. Многие конституционные права считаются правами человека.
5. Существуют различные региональные конвенции по правам человека, некоторые из которых устанавливают механизм заслушивания индивидуальных жалоб.
6. В соответствии с международным пактом о гражданских и

политических правах, государства-участники признают право на труд, право на социальное обеспечение, право на образование, право на достаточный жизненный уровень для себя и своей семьи и т.д.

7. А конституционные права - это права, которые государство гарантирует своим гражданам и иногда иностранцам, которые находятся под его юрисдикцией.

8. Права человека - это нормы, на которые каждый человек имеет право, независимо от его национальности и места жительства.

9. Они являются минимальными нормами свободы и безопасности для всех.

10. Пакт запрещает пытки, рабство, геноцид и пропаганду войны.

Exercise 4. Give other words with the same root.

Humanity, nation, free, constitution, jurist, to divide, to declare, ratification, politics, culture, to determine, resident, religious, peace, equality, slave, to prohibit, to educate, variety, region, machine, to complain, to intervene, doubt.

Exercise 5. Insert prepositions consulting the text.

1. There are also various regional conventions ... human rights, some of which have established machinery ... hearing individual complaints.

2. The United Nations Universal Declaration of Human Rights adopted in 1948 spells ...the main rights that must be protected but it is not binding ... international law.

3. Human rights are rights ... which every human being is entitled, whatever his nationality and wherever he lives.

4. But constitutional rights are ones which a state guarantees ... its own citizens and, sometimes to foreigners who are ...its jurisdiction.

5. The violation of human rights is often cited ... a reason ... military intervention or ... imposing economic sanctions, although there are undoubtedly other reasons ... these.

6. They are basic minimum standards ... freedom and security ... all.

7. According ... the International Covenant ... Economic, Social and Cultural Rights, the states parties recognize the right ... work, the right ... social security, the right ... education, the right ... an adequate standard of living ... oneself and one's family, etc.

Exercise 6. Fill in the gaps with missing words.

1. The International ... on Civil and Political Rights the right to self-determination (the right of people in a territory to decide the political and legal ... of that territory), the ... right to life, the right to liberty of movement and freedom to choose one's ... , the right to freedom of thought, ...and religion, the right of peaceful ..., the right to marry and ... a family, universal and equal ..., etc.

2. It... torture, slavery, genocide and ... of war.
3. The ... of human rights is often cited as a reason for military ... or for imposing economic ..., although there are undoubtedly other ...for these.
4. Human rights ... political division and all the people in the world can ... them.
5. There are two international ..., however, that bind the parties who have ... them: the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
6. The United Nations Universal Declaration of Human Rights ... in 1948 spells out the main rights that must be ... but it is not ... in international law.
7. Human rights are rights to which every is entitled, whatever his ... and ... he lives.
8. There are also ... regional conventions on human rights, some of which have established ... for hearing individual
9. But constitutional rights are ones which a state ... to its own citizens and, sometimes to foreigners who are
10. According to the International Covenant on Economic, Social and Cultural Rights, the states parties ... the right to work, the right to social ..., the right to education, the right to an ... standard of living for oneself and one's family, etc.

Exercise 7. Use 'whatever', 'wherever', 'whenever', 'however' to connect parts of the sentences.

Example. Human rights are rights to which every human being is entitled, whatever his nationality and wherever he lives. –

Права человека - это нормы, на которые каждый человек имеет право, независимо от его национальности и места проживания, (какова бы ни была его национальность и где бы ни было его место жительства)

A. Translate.

1. By law, the police must, whenever it is possible, obtain a warrant before entering any premises without the occupier's permission.

2. The Home Secretary is responsible for the actions of the Ministers and civil servants employed by the Home Office; and however powerful he may be, if it is thought that he or anyone in his department has acted unlawfully, he may be taken to court.

3. We are obliged to invent environmentally-friendly technologies to take into account environmental protection, whatever the nature of our activity may be.

4. Whenever gun-control bills are brought up, the National Rifle Association lays down heavy barrages on the Congress.

5. English law gives individuals and companies the maximum, freedom of choice so that they can conclude commercial agreements on whatever terms they wish, subject only to very limited exceptions.

B. Fill in the gaps using 'whatever', 'wherever', 'whenever', 'however'.

1. The laws that apply to everyone, ... we may be, are called the laws of the land.
2. Even criminals who plan a crime work to a set of rules of their own making, ... unpleasant they and their crimes are.
3. ... there is any question about the meaning of a law passed by Parliament, it is for the judges in the courts to decide what the true meaning is.
4. Private consultations must be held ... practicable.
5. The Queen is seen above the judges. Does that mean that she is above the law, and can do ... she likes?
6. We denounce all acts of terrorism, ... they occur.
7. Multinational companies employ expensive lawyers, ... they do business.
8. Land reform legislation, ... it exists, does not seem to be working properly.
9. International law treats states as equals, ... their population, wealth and power.

Exercise 8. Translate the following word combinations and sentences paying special attention to the proposition 'within'.

A. Within a year, within jurisdiction, within a few miles of London, within the committee, within the law, within the country, within twenty four hours, within walking distance, within the income, within the scope of the convention, within the system.

B. 1. These are not ordinary statutes, even though they were adopted in the ordinary legislative way, and they are codified within the structure of a single orderly document.

2. The actual role and political weight of the regional governments within the system largely depend on the will of the central government to support or to restrict their autonomy.

3. Northern Ireland had special autonomy within the United Kingdom until restrictions were introduced to cope with the emergency situation in that region.

4. Administrative law is the legal framework within which public administration is carried out.

5. Since international law is the product of forces within international society, in order to understand the nature of the international legal system, it is necessary to analyze the structure and processes which function within the global society.

Exercise 9. Read and translate.

CAPITAL PUNISHMENT

The ultimate punishment is death penalty. Although most countries still have a capital punishment, some (including almost every European nation) have

abolished it; some retain it for exceptional crimes such as war offences; and some no longer carry out executions even when a death sentence is passed. Almost half the countries of the world have ceased to use the death penalty. The UN has declared itself in favor of abolition.

Supporters of capital punishment believe that death is a just punishment for certain crimes. Many also believe that it deters others from committing such crimes. Opponents argue that execution is cruel and uncivilized. Capital punishment involves not only the pain of dying, but also the mental anguish of waiting, sometimes for years, not knowing if and when the sentence will be carried out. Opponents also argue that there is no evidence that it deters people from committing murder any more than imprisonment does. A further argument is that, should a mistake be made, it is too late to rectify it once the execution has taken place. In 1987 two academics published a study showing that 28 innocent people had been executed in the United States. Research has shown that capital punishment is used inconsistently. During the crime wave in China in the 1980s, cities were given a quota of executions to meet; in a city where there weren't very many murders, people convicted of lesser crimes were more likely to be executed. In addition, while in some countries young people are not sent to prison but to special juvenile detention centers, in Nigeria, Iran, Bangladesh, Barbados and the United States children under 18 have been legally put to death.

As the debate about capital punishment continues, the phenomenon of death row (people sentenced but still alive) increases. The debate also involves the question of what punishment is for. Is the main aim to deter? This was certainly the case in the 18^m century England when the penalty for theft was supposed to frighten people from stealing and compensate for inabilities to detect and catch thieves. Is punishment revenge or retribution? Is it to keep criminals out of society? Or is it to reform and rehabilitate them?

Exercise 10. Translate.

1. Всеобщая декларация прав человека, провозглашенная Генеральной Ассамблеей в 1948, выдвигает основные права и свобод, на которые все люди имеют право. Они включают: право на жизнь, право на свободу передвижения, право на свободу мысли, совести, право на труд, образование, право принимать участие в управлении государством.

2. Декларация послужила основанием (to lay the groundwork) для более 80 конвенций и деклараций по правам человека, включая конвенции по устранению расовой дискриминации и дискриминации женщин, конвенции по правам ребенка, статусу беженцев и предотвращению геноцида.

3. Комиссия ООН по правам человека назначает независимых экспертов, которые сообщают о нарушениях прав человека и проверяют соблюдение прав человека в отдельных странах.

Exercise 11. Discussion.

1. There are some situations which can justify the violation of human rights.
2. List ways in which women in some countries appear to suffer unfair treatment.
3. Matters such as corporal punishment and the status of women should be left up to individual societies, not international organizations.
4. Give some arguments for and some against intervention against another country because its human rights policies.

UNIT 15

CONSUMER LAW

Have you ever bought a meal in a restaurant or a pair of sneakers at a sporting goods store? Have you ever ridden a bus to work or had your car repaired at a service station? If you did any of these things you were a **consumer**. A consumer is a person who buys goods and services for personal or **household** purposes from a seller.

When you receive **poor-quality goods** or **fall victim to a deceptive practice** you can try to solve the problem yourself. And when you can't, consumer law may **provide a remedy**.

The principles of contract and tort are particularly **relevant to** consumer matters, but in addition to these, new legislation is passed every year to clarify the law and deal with specific problems.

For many years, consumer law was characterized by the **legal expression caveat emptor**. This means 'let the buyer beware'. In other words, consumers had to look out for unfair and **misleading sales practices** before buying or else be prepared to **suffer the consequences**. Once consumers bought something, they were stuck with the purchase, even if they got less than they **bargained for**, such as unsafe or poor-quality products.

Today the law is more balanced. Consumers now have the right to be correctly informed about quality, price and credit terms. Sellers must **avoid** sales and advertising practices that **mislead, deceive**, or are **otherwise** unfair to consumers. This increased **concern for** consumers is based on the fact that sellers are usually better informed about the products or services being offered and are usually in control of the sales protection. That is why **product liability** (the seller's responsibility for damage or injury caused by faulty goods) is one of the fastest growing areas of consumer law.

Consumer law has grown most quickly in **wealthier** industrialized countries where there is a **great variety of goods** to choose from, and where people are **used to asserting their rights** and have a **wide range of information available** to them. There are magazines which publish **independently researched information** about products, services and consumer rights. Popular television programs discuss **consumer complaints**. **If a discontented consumer** is forced to take a legal action, there are judicial institutions which enable him to do this without spending a lot of money.

But even though the law has changed, the best protection is still a careful purchase. Learning about products and services, shopping carefully, and knowing your legal rights and how **to enforce** them are the best ways to avoid a problem.

VOCABULARY NOTES

1. consumer law	закон о защите прав потребителей
2. consumer	потребитель
3. household	хозяйство
4. poor-quality goods	товары низкого качества
5. to fall victim to a deceptive practice	стать жертвой обмана
6. to provide a remedy	давать / обеспечивать средство судебной защиты
7. to be relevant to smth	относиться к ч-л.
8. legal expression	правовой термин
9. caveat emptor'	пусть покупатель будет бдителен', качество на риске покупателя
10. misleading sales practices	методы продажи, вводящие покупателя в заблуждение
11. to suffer the consequences	страдать от последствий
12. to bargain for smth.	заклучить сделку о ч-л.
13. to avoid smth./doing smth.	избегать ч-л./ делать ч-л.
14. to mislead smb.	вводить к-л. в заблуждение
15. to deceive smb	обманывать к-л.
16. otherwise	другим способом, иначе
17. concern for smb.	забота о к-л.
18. product liability	ответственность производителя перед потребителем за качество товара
19. wealthy	богатый, состоятельный
20. variety of goods	разнообразие товаров
21. to be used to doing smth	привыкать делать ч-л.
22. to assert one's rights	отстаивать свои права
23. wide range of information	широкий спектр информации
24. to be available to smb.	быть доступным для к-л.
25. independently researched information	независимо исследуемая информация
26. consumer complaints	жалобы потребителей
27. discontented consumer	недовольный потребитель
28. to enforce one's rights	применять права

EXERCISES

Exercise 1. Answer the following questions.

1. Who is a consumer?
2. What do you do when you buy poor-quality goods?
3. What areas of law are relevant to consumer law?
4. What characterized consumer law for many years?

5. What did consumers have to do before buying goods?
6. What happened if they bought goods of poor quality?
7. What rights do consumers have now?
8. What is product liability? Why do you think it is one of fastest growing areas of consumer law?
9. Why has consumer law grown most quickly in wealthier countries?
10. How are consumers informed there?
11. Is it difficult for a discontented consumer to take a legal action?
12. What is still the best protection for the consumer?

Exercise 2. Supply Russian equivalents.

variety of goods
 to assert one's rights
 legal expression
 caveat emptor
 consumer law
 to enforce one's rights
 product liability
 wide range of information
 wealthy
 to provide a remedy
 independently researched information
 consumer complaints

Exercise 3. Find in the text English equivalents to the following Russian sentences.

1. Когда вы получаете товар плохого качества или становитесь жертвой обмана, вы можете попытаться решить проблему самостоятельно.
2. Продавцы должны избегать продажи и рекламы, которые вводят в заблуждение, обманывают или каким-то другим образом являются несправедливыми к потребителю.
3. Закон о защите прав потребителей развился быстрее в более богатых индустриально-развитых странах, где существует большой выбор товаров и где люди привыкли отстаивать свои права и имеют широкий спектр информации, доступной им.
4. Потребители имеют право быть точно информированными о качестве, цене и условиях кредитования.
5. Популярные телевизионные программы обсуждают жалобы потребителей.
6. Многие годы право потребителей характеризовалось юридическим термином: «качество на риске покупателя».
7. Принципы контракта и деликта имеют особое отношение к делам потребителей.

8. Если недовольный потребитель вынужден подать дело в суд, есть правовые институты, которые позволяют ему сделать это без больших денежных затрат.

9. Ответственность производителя - это ответственность за убытки или телесные повреждения, вызванные некачественными товарами.

10. Изучение спектра товаров и услуг, внимательная покупка и знание своих прав и как их применять есть лучшие способы избежать проблем.

11. Потребитель - это человек, который покупает товары и услуги для личных или бытовых нужд у продавца.

12. Есть журналы, которые публикуют независимо полученную информацию о товарах, услугах и правах потребителей.

Exercise 4. Give other words with the same root.

To lead, to deceive, various, provision, to depend, to complain, wealth, width, fault, to consume, legislative, availability, to protect, to qualify, care, to express, advertisement, choice.

Exercise 5. Insert prepositions consulting the text.

1. When you receive poor-quality goods or fall victim ... a deceptive practice you can try to solve the problem yourself.

2. Consumer law has grown most quickly ... wealthier industrialized countries where there is a great variety ... goods to choose ..., and where people are used ... asserting their rights and have a wide range ... information available ... them.

3. The principles of contract and tort are particularly relevant ... consumer matters, but ... addition ... these, new legislation is passed every year to clarify the law and deal ... specific problems.

4. This increased concern ... consumers is based ... the fact that sellers are usually better informed ... the products or services being offered and are usually ... control ... the sales protection.

5. Once consumers bought something, they were stuck ... the purchase, even if they got less than they bargained ..., such as unsafe or poor-quality products.

6. A consumer is a person who buys goods and services ... personal or household purposes ... a seller.

7. ... other words, consumers had to look unfair and misleading sales practices ... buying or else be prepared to suffer the consequences.

8. That is why product liability (the seller's responsibility ... damage or injury caused ... faulty goods) is one ... the fastest growing areas ... consumer law.

9. Have you ever bought a meal ... a restaurant or a pair ... sneakers ... a sporting goods store?

10. Sellers must avoid sales and advertising practices that mislead,

deceive, or are otherwise unfair ... consumers.

Exercise 6. Fill in the gaps with missing words.

1. Sellers must ... sales and advertising practices that mislead ..., or are otherwise ... to consumers.

2. But even though the law has ..., the best protection is still a careful

3. There are magazines which publish information about products, services and consumer rights.

4. For many years, consumer law was characterized by the legal expression

5. Consumers now have the right to be correctly ... about quality, price and credit

6. Popular television programs discuss

7. Learning about products and services, shopping..., and knowing your legal rights and how to ... them are the best ways to ... problems.

8. If a discontented consumer is forced to ... a legal action, there are judicial institutions which ... him to do this without spending a lot of money.

9. When you receive goods or fall victim to a ... practice you can try to solve the problem yourself.

10. Consumer law has grown most quickly in ... industrialized countries where there is a great ...of goods to choose from, and where people are ... to asserting their rights and have a wide ...of information ... to them.

Exercise 7. Make up definitions.

Example. A consumer / a person / to buy goods and services. - A consumer is a person who buys goods and services.

A contract / an agreement / to make between two or more parties / to be binding in law. - A contract is an agreement (which is) made between two or more parties and which is binding in law.

- A plaintiff/ a person / to start a civil action.

- Law / a body of rules / to support by the power of government.

- A statute / a law / to pass by a legislative body / to write in a formal document.

- A liquidator / a person / to collect money owed to the company / to distribute its assets justly among the creditors.

- A shareholder / a person / to own shares / to have a right to vote at general meetings / to be entitled to dividend.

- A tort / a wrongful act / to commit by an individual against another individual's person, property or reputation.

- A tort easer / a person / to commit a tort.

- A statutory tort / a tort / to define in a statute.

- A loan / an amount of money / to lend.

- A memorandum of association / a document / to file with the national

registrar of companies.

- A settlor / a person / to own some property / to create a trust.
- A remedy / a relief / to grant by a court / to a successful plaintiff.

Exercise 8. Translate the following sentences paying attention to 'once' and 'otherwise'.

Once - как только, коль скоро, раз, однажды (когда-то).

Otherwise - иначе, в противном случае, по-другому.

1. Sellers must avoid sales and advertising practices that mislead, deceive, or are otherwise unfair to consumers.
2. Once in force, EC regulations must be applied by national courts with precedence over national legislation.
3. If the plaintiff alleges that something happened he must prove that it did, otherwise the court must assume that it did not.
4. Once a court decides that there has been a breach of contract, it must then judge how the party in breach must compensate the other party.
5. Most industrial societies throughout the world impose punishments on traders who overcharge or otherwise deceive their customers.
6. Exact fulfillment of the terms of a contract is demanded, otherwise the course of business would be hardly possible.
7. Once the House has voted an impeachment, it then selects members to present the case before the Senate.
8. Australia, Hong Kong, Canada were once parts of the British Empire.
9. Of course, none have certain knowledge about the future path of interest rates, otherwise they could become very rich indeed.

Exercise 9. Fill in the gaps with either 'used to do' or 'be used to doing'.

Used to do - бывало, когда-то

The company and its clients used to lose the right to remedies for breach of contract over an ultra vires transaction.

To be used to doing - привыкать, иметь в привычке

People are used to asserting their rights.

1. Companies (to draft) very wide objects clauses.
2. Consumer law (to be characterized) by the legal expression caveat emptor.
3. The Japanese still (to rely) on informal ways of solving disagreements.
4. Before World War II, Japan had a jury system, but it (to be criticized) for the ease with which jurors were bribed.
5. People (to appeal) if they are not satisfied with the decision of a lower court.
6. Before the tradition of equity was introduced people in England (to get) damages when the contract was breached.
7. In the United States people (to consult) lawyers.
8. Bakers in England (to add) an extra roll free to the batch of twelve

because the laws against selling underweight bread were very strict.

9. Barristers (to argue) cases in court.

10. Before court of common law and equity were unified, people (to start) an action in two different courts to get a satisfactory solution.

11. People in developed countries (to have) a wide range of information available.

Exercise 10. Translate the following sentences using 'available'.

Available - наличный, имеющийся в распоряжении, доступный To make smth. available - предоставлять, делать доступным

Example. Люди имеют широкий спектр информации, доступной им. - People have a wide range of information available to them.

1. Есть несколько методов исследования (research), которые мы можем использовать.

2. Скоро мы сделаем эти факты достоянием общественности.

3. Есть много книг по этому вопросу, которые можно взять в нашей библиотеке.

4. В нашем институте есть много возможностей, которые студенты могут использовать.

5. Есть несколько средств судебной защиты, доступных истцу.

6. С доктором сейчас нельзя поговорить.

7. Эти данные (data) сейчас нельзя получить.

Exercise 11. Read and translate.

FEDERAL LAWS

Congress has passed many consumer protection laws. These laws protect consumers in several ways. First, they prohibit unfair or misleading trade practices, such as false advertising, unfair pricing, and mislabeling. The Federal Trade Commission (FTC) is the federal agency primarily concerned with unfair or deceptive trade practices.

Second, federal laws set standards for the quality, safety, and reliability of many goods and services. Failure to meet these can result in legal action against the seller. For example, the Consumer Product Safety Act allows the government to ban, seize, or prevent the sale of harmful products.

Third, the federal government has established many agencies that enforce consumer laws and help consumers. For example, as already mentioned, the Federal Trade Commission has the power to prohibit unfair or deceptive trade practices (such as false advertising) and can take legal action to stop such practices.

Fourth, Congress passes laws and agencies issues rules to improve the operation of the marketplace. In many instances, these rules are designed to give consumers better information about products. For example, in 1992

Congress passed the Nutrition Labelling and Education Act. This law requires that all food product labels list ingredients and nutritional information in a form that most people will be able to understand. With this information, consumers will be able to make smarter choices.

Fifth, a new federal law, the Americans with Disabilities Act (ADA), protects consumers against discrimination on the basis of disability. Under the ADA, consumers who are disabled must have equal access to goods and services.

Exercise 12. Translate.

1. Много рекламных объявлений содержат полезную информацию о товарах, но реклама может также повлиять на покупателя и заставить его купить товар, который ему не нужен или тот, который он не может себе позволить.

2. Самым лучшим средством защиты от покупки некачественного товара является бдительность самого покупателя. Если вы все-таки приобрели товар плохого качества, вы можете разрешить проблему самостоятельно или обратиться в суд.

3. Потребители, которые ограничены физически (have disability), должны иметь равные возможности при покупке товаров и услуг.

4. Законы запрещают нечестную торговлю или вводящую в заблуждение рекламу, продажу вредных для здоровья товаров. Если продавец не соблюдает установленных стандартов качества, безопасности и надежности товаров и услуг, против него может быть начато дело в суде.

UNIT 16

INTELLECTUAL PROPERTY

Most countries **place legal limits on copying** the exact words someone has written, the art or music he has created, or the technology which has been **invented**. Products of this work are known as **intellectual property**. It is **intangible property** the main instruments of protecting which are **patents, copyrights and trademarks**.

In order to prevent a new discovery or scientific process from being copied, it is necessary to **apply for a patent** (the **grant of an exclusive right to exploit an invention**). **If granted** it makes it illegal for others **to manufacture** or use the invention without permission.

However, a patent will only be granted if the invention has not been yet shown to public and if it **has industrial application**. Ideas -mathematical and scientific theories, for example, - cannot be patented. The patent must be **carefully worded** since it may be possible for someone to copy any part of the process or invention not mentioned in the patent. The **holder of a patent** is often a company rather than individual scientists inventing something **in the course of their work**.

Literature, **artistic works**, computer programs, movies and **radio and television broadcasts** cannot be patented but they can be **protected by copyright**. In most countries such work is automatically protected when it is created. There is no need to apply for or to register copyright. It is usual to **record the date of creation** and to mark it with the international copyright symbol c, but it is not essential. The breach of copyright is **piracy**.

A copyright is usually owned by the **creator of the work** - the writer, painter or musician - but it might be passed to someone else. If a journalist is employed by a newspaper then the articles he writes are usually the rights of the newspaper owner. The copyright in a movie is owned by the **film maker**, not by individual writers or **performers**.

Another kind of intellectual property is trademark. Companies often use a certain name or description to help sell their products, or sometimes a symbol everyone **associates with** that company. To prevent other businesses from using their trademark, companies often register them.

As with other kinds of property, intellectual property can only be protected if ownership is clear. The usual remedies are damages, an injunction and **account of profits** (a successful **claimant** is entitled to a sum equal to the monetary gain the defendant has made through **wronging the claimant**).

VOCABULARY NOTES

- | | |
|----------------------------------|---------------------------------|
| 1. intellectual property | интеллектуальная собственность |
| 2. to place legal limits on smth | ставить правовые ограничения на |

	Ч-л.
3. to copy smth.	копировать ч-л.
4. to invent smth.	изобретать ч-л.
5. intangible property	нематериальная собственность
6. patent	патент
7. copyright	авторское право
8. trademark	торговая марка
9. to apply for a patent	подать заявление на выдачу патента
10. grant of an exclusive right	предоставление исключительного права
11. to exploit an invention	пользоваться изобретением
12. to grant smth.	предоставить ч-л.
13. to manufacture smth.	производить ч-л.
14. to have industrial application	иметь промышленное применение
15. to be carefully worded	быть четко сформулированным
16. holder of a patent	держатель патента
17. in the course of one's work	во время работы
18. artistic works	произведения искусства
19. radio and television broadcasts	радио и телепередачи
20. to be protected by copyright	быть защищенным авторским правом
21. to record the date of creation	ставить дату создания
22. piracy	пиратство

EXERCISES

Exercise 1. Answer the following questions.

1. What is intellectual property?
2. What are the instruments for protecting it?
3. Why is it necessary to apply for a patent if you have made a new discovery?
4. What is a patent?
5. What does it make illegal?
6. On what conditions can a patent be granted?
7. What can't be patented? Why do you think it is so?
8. Why must a patent be carefully worded?
9. Who can be the holder of a patent?
10. What does copyright protect?
11. Is it necessary to apply for a copyright?
12. What is the breach of copyright?
13. Who can own a copyright?
14. Do individual writers and performers own the copyright in a movie?
15. Why do companies use trademarks?

16. Why do companies register trademarks?
17. In what case can intellectual property be protected?
18. What remedies do courts use to protect intellectual property?
19. What is account of profit?

Exercise 2. Find in the text English equivalents to the following Russian sentences.

1. Интеллектуальная собственность - это нематериальная собственность, главными инструментами защиты которой являются патенты, авторские права и торговые марки. Произведения литературы, искусства, компьютерные программы, фильмы, радио и телепередачи не могут быть запатентованы. Но они защищены авторским правом. Однако патент будет предоставлен только в том случае, если изобретение не было показано широкой публике и имеет промышленное применение.

2. Нарушение авторского права является пиратством.

3. Нет необходимости подавать заявление о предоставлении авторского права или регистрировать его.

4. Компании часто используют определенное название или описание, чтобы лучше продать свои товары, а иногда символ, который все ассоциируют с компанией. Как и другие виды собственности, интеллектуальная собственность может быть защищена только в том случае, когда понятно, кому она принадлежит.

5. Если патент предоставлен, становится незаконным запускать изобретение в производство или использовать его без разрешения.

6. Авторским правом обычно владеет создатель - писатель, художник или музыкант, - но оно может быть передано кому-то еще.

7. Для того чтобы предотвратить изобретение или научную технологию от копирования, необходимо получить патент.

8. Обычно ставят дату создания и обозначают ее международным символом ©.

Exercise 3. Give other words with the same root.

Invention, to protect, pirate, performance, association, creation, to describe, to claim, journal, science, to permit, industry, music, to employ, to own, exclusive.

Exercise 4. Insert prepositions consulting the text.

1. A successful claimant is entitled ... a sum equal ... the monetary gain the defendant has made ... wronging the claimant.

2. The patent must be carefully worded since it may be possible ... someone to copy any part ... the process or invention not mentioned ... the patent.

3. In order to prevent a new discovery or scientific process ... being copied, it is necessary to apply ... a patent.

4. Most countries place legal limits ... copying the exact words someone has written, the art or music he has created, or the technology which has been invented.

5. Companies often use a certain name or description to help sell their products, or sometimes a symbol everyone associates ... that company.

Exercise 5. Translate the following sentences paying attention to the structure given.

Example. **If granted** it makes it illegal for others **to manufacture** or use the invention without permission. - **Если патент предоставлен**, становится незаконным запускать изобретение в производство или использовать его без разрешения.

1. Such institutions in the United States as the presidential cabinet and the system of political parties, though not even mentioned in the written constitution, are most certainly of constitutional significance.

2. Nationals who commit crimes in foreign countries may be extradited, but only if required or authorized by treaty with the country concerned.

3. The objects of criminal law and civil law, although closely connected, are entirely different.

4. American newsmen, journalists and television reporters are known the world over for "not showing proper respect" for Government leaders, whether their own or others.

5. Under English law an employee may not normally work for a competitor while employed by an employer.

6. Once approved Supreme Court justices hold their office for life.

Exercise 6. Use adverbs for giving additional information.

Example. Copyright is protected, (automatic) - Copyright is automatically protected.

1. Enforcement of intellectual property law is difficult, (particular)

2. In consumer law researched information is important, (independent, extreme)

3. The powers of the central government are large, (relative)

4. The members of the Cabinet are chosen by the president and are responsible to him. (political)

5. Parties to the contract are bound to perform obligations under the contract, (legal)

6. Civil servants do not serve under a contract of employment but have a special status, (general)

7. Once enacted by the legislature, a tax cannot be restrained, (judicial)

8. The problem of insider trading has become serious, (increasing)

9. In some countries banks are entitled to refuse information to tax agents concerning their clients, (legal)

10. Procedural law is contrasted with substantive law. (common)

11. This document recites certain relevant data, (mere)

Exercise 7. Continue the following sentences by using "there is no need".

Example. Artistic works are automatically protected, (to apply for copyright) - There is no need to apply for copyright.

1. The internal management of the company is regulated by the articles of association, (to register)

2. We can settle this dispute ourselves, (to consult a lawyer)

3. Our company can raise its capital by issuing shares, (to issue debentures)

4. This director can run the company quite well, (to appoint another director)

5. We can do business by forming a partnership, (to set up a company)

Exercise 8. Read and translate.

The law provides some help for companies that want to keep trade secrets confidential. In some countries, it is a criminal offence to pass information about an employer's production methods, business techniques and customer lists. In others, it is legal for a contract of employment to include restrictions about giving away or using such secrets, and the restrictions may continue to apply even after the employee has left the company. Some contracts enable a company to take legal action against an ex-employee who tries to work for a competitor. English law recognizes the need for businesses to protect themselves from ex-employees who start up a rival business, but it also puts limits upon the extent that the company can restrict others.

Enforcement is a major problem in intellectual property law. In some cases, infringing copyright can be a criminal offence. For example, filming or recording a live performance without permission and for commercial purposes can result under English law in imprisonment for two years and a £2000 fine. But if filming or recording is made for private purposes, the performer will have to take out a civil action in order to obtain injunction or compensation. Copyright holders usually take a practical approach: it would be a waste of time and money to sue every individual who makes a private recording of music. In Germany the price of tape recorders and video recorders includes a fee paid to the Musicians Union and other associations of people likely to suffer from unauthorized copying.

Exercise 9. Translate.

1. Подлинные (original) художественные произведения, которые имеют ценность (economic value), защищаются законом. Законы об интеллектуальной собственности вознаграждают (reward) создателей, лишая других лиц возможности копировать, исполнять или

распространять эти произведения без разрешения. Они также стимулируют (provide incentives for) людей создавать научные и творческие произведения, которые приносят пользу обществу в целом.

2. Некоторые виды интеллектуальной собственности автоматически защищаются законом с момента их создания. Для защиты других требуется специальное разрешение на право (grant of rights) государственного учреждения, прежде чем они могут быть защищены законом.

3. Почти все государства имеют законы, защищающие интеллектуальную собственность. Однако некоторые государства не обеспечивают соблюдение (enforce) законов. Подделывание (counterfeiting) является серьезной проблемой в этих странах.

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