

МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
ВОЛОДИМИР-ВОЛИНСЬКИЙ ФАХОВИЙ КОЛЕДЖ



**Навчально-методичний посібник
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(за професійним спрямуванням)» (англійська)
для студентів спеціальності 081 «Право»**

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INTRODUCTION

This manual is assigned for the students of law departments and faculties of colleges and higher educational establishments. It contains the wide range of professional texts with illustrations, schemes, chats and appendixes; lexical exercises, test review, mini vocabulary and short terminological vocabulary.

The manual promotes the expansion of lexical supply needed for professional communication and helps to master all necessary information.

The educational aims of this textbook are:

- to improve the skills and knowledge of students in professional English;
- to develop students' cognitive interest;
- to contribute to the choice of profession;
- to analyze the professional texts;
- to remember the professional terms and use them in practice.

This manual has the professionally oriented character and its tasks are defined by the communicative needs of future specialists in the field of electrification and agriculture.

UNIT 1. THE STATE AND RIGHTS

Vocabulary

<i>enforce</i> – забезпечувати дотримання	<i>to put smth. into effect</i> – виконувати
<i>owe</i> – заборгувати, бути винним, бути зобов'язаним	(щось), здійснювати (щось), приводити (щось) в дію
<i>to have much in common</i> – мати багато спільного	<i>deontology</i> – деонтологія, етика, учення про моральні норми
<i>official body</i> – офіційний орган	<i>consider</i> – вважати(ся)
<i>concern with smth.</i> – стосуватися, займатися питанням	<i>fundamental</i> – основа
<i>legislature</i> – законодавча влада, законодавчий орган	<i>regard</i> – розглядати, розцінювати
<i>executive government</i> – виконавча влада	<i>established</i> – встановлений, затверджений
<i>to make laws</i> – приймати / створювати закони	<i>pillar</i> – опора, основа
<i>dispute</i> – диспут, полеміка, суперечка, спір, розбіжність у поглядах	<i>structure</i> – будувати, створювати, структурувати
<i>entitlement</i> – право	<i>content</i> – зміст
	<i>shape</i> – форма
	<i>currently</i> – нині, тепер
	<i>perceive</i> – розуміти, сприймати, убачати

The state has an important part to play in making and enforcing law. But what is state? It is a political unit with a territory that the international community treats as independent, for example the United Kingdom, Ukraine or Japan. The law settles how the state is to be governed (its constitution), what duties it owes its citizens, and what duties they owe to one another and to the state. Since each state has its own system of law, there are many legal systems: the law of the United Kingdom, Ukraine or Japan etc. The laws of states differ a bit but also have much in common. Legal systems are called systems because in each state or part of a

state with its own laws there are official bodies concerned with the whole of its law. These bodies – the branches of the state – are the legislature, which makes laws, the executive government, which puts laws into effect, and the judges, who decide disputes about the law. These branches of government try to see that the laws do not conflict with one another. In other words, they treat the laws as parts of a system that hang together.

Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory. Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology.

Rights are often considered fundamental to civilization, being regarded as established pillars of society and culture, and the history of social conflicts can be found in the history of each right and its development. According to the Stanford Encyclopaedia of Philosophy, "rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived."

Tasks

Task 1. *Give English equivalents to the following Ukrainian words and word combinations*

Політична одиниця, керувати, правова система, створювати закони, вирішувати суперечки з приводу закону, нормативний, теорія справедливості, встановлені норми суспільства і культури, соціальні конфлікти.

Task 2. *Complete the sentences from the text*

- 1) The state is a political unit with ...
- 2) The law settles ...
- 3) Legal systems are called systems because ...
- 4) They treat the laws as ...

- 5) Rights are the fundamental normative rules about ...
- 6) According to the Stanford Encyclopaedia of Philosophy, ...

Task 3. *Match the words on the left with their definitions on the right*

- | | |
|-----------------|--|
| 1) state | a) legal, social, or ethical principles of freedom or entitlement; |
| 2) rights | b) the governing body of a nation, state, or community; |
| 3) legislature | c) a public official appointed to decide cases in a court of law; |
| 4) government | d) a legally recognized subject or national of a state or commonwealth, either native or naturalized; |
| 5) citizen | e) a nation or territory considered as an organized political community under one government; |
| 6) legal system | f) the legislative body of a country or state; |
| 7) judge | g) the study of the nature of duty and obligation; |
| 8) deontology | h) the organization and network of courts and other institutions, procedures and customs, officers and other personnel concerned with interpretation and enforcement of a country's law or with advice and assistance in matters pertaining to those laws. |

Task 4. *Answer the following questions on the text*

- 1) What is the state?
- 2) What does the law settle?
- 3) What systems are called legal ones?
- 4) What is the function of legislature?
- 5) What are rights?
- 6) What are rights often regarded as?

UNIT 2. CLASSIFICATION OF RIGHTS AND FREEDOMS

Vocabulary

<i>freedom</i> – свобода	<i>supremacy</i> – верховенство,
<i>possession</i> – володіння	панування, верховна влада
<i>equality (before the law)</i> – рівність (перед законом)	<i>independence</i> – незалежність
<i>legal</i> – правовий	<i>indivisible</i> – неподільний, нероздільний
<i>condition</i> – умова	<i>state power</i> – державна влада
<i>participation</i> – участь	<i>tax</i> – податок
<i>achievements of culture</i> – досягнення культури	<i>implementation</i> – реалізація, забезпечення, здійснення
<i>community</i> – громада	<i>coat of arms</i> – герб
<i>provide</i> – забезпечувати	<i>torture</i> – тортури
<i>opportunity</i> – можливість	<i>slavery</i> – рабство
<i>participate</i> – брати участь, користуватися	<i>thought</i> – думка
<i>management</i> – управління	<i>conscience</i> – свідомість
<i>association</i> – спільність, об'єднання, з'єднання	<i>religion</i> – релігія
<i>put pressure (on)</i> – чинити тиск (на)	<i>marry</i> – одруження
<i>liberty</i> – свобода	<i>peaceable assembly</i> – мирне зібрання
<i>security</i> – безпека	<i>fair trial</i> – справедливий суд
<i>dignity</i> – гідність	<i>inviolability</i> – непорушність
<i>compulsion</i> – примус, присилання	<i>dwelling</i> – житло
<i>obligatory</i> – примусовий	<i>non-interference</i> – невтручання
<i>behaviour</i> – поведінка	<i>labour</i> – праця
<i>spread</i> – поширювати(ся)	<i>rest</i> – відпочинок
<i>possibility</i> – можливість	<i>education</i> – освіта
<i>protect</i> – захищати	<i>freedom of speech, thought, religion</i> – свобода слова, думки, релігії

<i>social protection</i> – соціальний захист	<i>environment</i> – навколишнє середовище
<i>housing</i> – житлове будівництво, забезпеченість житлом	<i>conduct</i> – проводити
<i>legal assistance</i> – правова допомога	<i>entrepreneurial activity</i> – підприємницька діяльність
	<i>prohibite</i> – забороняти

There are different classifications of the rights and freedoms of individuals and citizens (some rights belong to the individual as a whole, while others – only to citizens, and others – to a particular group of citizens, such as under a certain age for the possession of political rights).

Most often the constitutional rights and freedoms are divided into four groups:

- 1) the rights and freedom of expressing the equality of citizens (for example, the equality of citizens before the law);
- 2) socio-economic and cultural rights, which create legal conditions for active participation of the individual in the social, economic and cultural life (for example, the right to work and freedom of work, the right to use the achievements of culture)
- 3) political rights and freedoms of citizens, of their participation in the political life of the community, providing them with the opportunity to participate in the management of society and the state (for example, freedom of association is used, in particular, to put pressure on the government);
- 4) personal rights and freedoms that guarantee liberty, security and dignity of the individual.

Concept and Attributes of the State

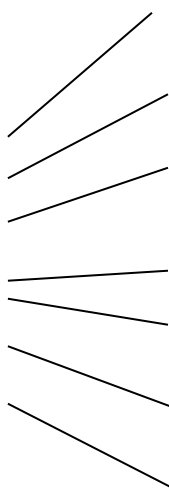
The state is sovereign, political, territorial organization of public power, which expresses interests of all people or group of people in society; has the special apparatus of management and compulsion, creates the obligatory rules of behaviour (norms of law) for the population.

There are basic and optional attributes of the state.

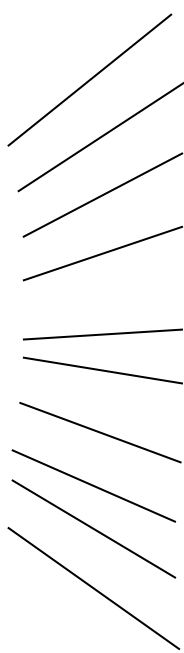
<i>№</i>	<i>Attributes of the state</i>	<i>Content of attributes of the state</i>
1.	Territory	This is the limited part of the Earth. Sovereignty of the state spreads to the territory of the state. It is material basic of the state activity.
2.	Population	These people live in the territory of the state and/or are citizens of this state. That's why they have a possibility to protect rights and freedoms by the state.
3.	Sovereignty	It's a main attribute of the state. There is no state without sovereignty. It is supremacy, independence and indivisible of the state power to decide all questions inside the state and outside of the state in international life.
4.	Presence of political public power	The character of the state power is political and public. Political character means that only the state power is supremacy, independence and indivisible, the state can create legal rules and system of bodies of state power. Public character means that only the state makes decisions for all population, these decisions have obligatory character.
5.	Presence of the system of bodies of state power	There is a system of bodies of state power, which realize functions of management and compulsion.
6.	Presence of law	There are obligatory rules of behaviour for subjects of legal relations in the state. The state creates law.
7.	Taxes, own currency note	The state can collect tax. These taxes form a base for implementation of functions of the state.
8.	Presence of symbols of the state	The capital, coat of arms, hymn, flag, official language.

HUMAN RIGHTS

The Human Rights to

- 
- *life*
 - *freedom from torture and slavery*
 - *freedom of thought, conscience and religion*
 - *marry and found a family*
 - *freedom of peaceable assembly*
 - *and association*
 - *a fair trial*

The Rights of Ukrainian Citizens to

- 
- *life*
 - *personal inviolability and inviolability of dwelling*
 - *non-interference in private and family life*
 - *labour, rest, education*
 - *freedom of speech, thought, religion*
 - *social protection*
 - *housing*
 - *legal assistance*
 - *a safe and healthy environment*
 - *conduct entrepreneurial activity which is not prohibited by law*

UNIT 3. THE STATE SYSTEM OF UKRAINE

Vocabulary

<i>sovereign</i> – суверенний, незалежний	національної безпеки
<i>sovereignty</i> – суверенітет	<i>to sign</i> – підписувати
<i>to proclaim</i> – проголошувати	<i>people's deputy</i> – народний депутат
<i>to hold, held, held</i> – проводити (збори)	<i>on the basis of</i> – на основі
<i>to take part</i> – приймати участь	<i>universal</i> – універсальний
<i>in favour of</i> – за, на користь	<i>direct suffrage</i> – пряме виборче право
<i>on behalf of</i> – від імені	<i>by secret ballot</i> – таємне голосування
<i>to elect</i> – обирати	<i>successive elections</i> – наступні вибори
<i>to be elected</i> – обиратися	<i>session</i> – сесія
<i>to vote</i> – голосувати	<i>to commence</i> – починати
<i>voter</i> – виборець	<i>presiding officer</i> – головуючий
<i>to secure</i> – забезпечувати	<i>law draft work</i> – робота над законопроектом
<i>to conduct</i> – вести, керувати	<i>State Budget</i> – державний бюджет
<i>negotiation</i> – переговори	<i>execution</i> – виконання
<i>to conclude treaty</i> – укласти договір	<i>to be responsible to</i> – бути відповідальним перед
<i>to appoint</i> – призначати	<i>to be accountable to</i> – бути підзвітним перед
<i>with the consent of</i> – за згодою	<i>to carry out</i> – виконувати
<i>bodies of local state administration</i> – органи місцевої держадміністрації	<i>domestic policy</i> – внутрішня політика
<i>to discharge</i> – звільняти	
<i>Commander-in-Chief</i> – Головнокомандуючий	
<i>to preside over</i> – головувати	
<i>the Council of National Security</i> – Рада	

<i>foreign policy</i> – зовнішня політика	<i>general jurisdiction</i> – загальна
<i>to fulfil</i> – виконувати, втілювати	юрисдикція
<i>fulfilment</i> – виконання	<i>juridical</i> – юридичний, законний,
<i>to administer</i> – управляти, вести,	судовий
забезпечувати	

Ukraine is the sovereign independent state. The first step towards its sovereignty was made on July 16 1990, when the Supreme Council of Ukraine proclaimed its independence. About 91% of the people who took part in the All-Ukrainian referendum, held on December 1 1991, voted in favour of Ukraine's independence.

The territorial structure of Ukraine is composed of 24 oblasts. Kyiv, the capital of Ukraine, possess a special status determined by law.

Under the Constitution of Ukraine the state power is divided into three branches – the legislative, the executive and the judicial.

The President of Ukraine is the head of the state and speaks on behalf of it. He is also a Commander-in-Chief of the Armed Forces of Ukraine and presides over the Council of National Security. The President of Ukraine is elected directly by the voters for a term of 5 years with no more than two full terms.

The President of Ukraine:

- secures state independence, national security, human rights and freedoms;
- represents the state in foreign relations, conducts negotiations and concludes international treaties of Ukraine;
- signs laws adopted by the Verkhovna Rada;
- appoints and discharges the Procurator General of Ukraine with the consent of Verkhovna Rada.

The one-housed parliament - the Verkhovna Rada is the only body of the legislative power in Ukraine. There are 450 people's deputies who are elected for a term of 5 years on the basis of universal, equal and direct suffrage by secret ballot.

Successive elections of the Verkhovna Rada shall be conducted on the last Sunday of last month of the fifth year of the term of the parliament.

The Verkhovna Rada works on a session basis. Regular sessions are commenced each year on the first Tuesday of February and on the first Tuesday of September. The presiding officer is the Chairman of the Verkhovna Rada.

The Verkhovna Rada's main function is making laws. Law draft work is performed in Committees.

The Verkhovna Rada appoints:

- the Prime-Minister according to the proposition of the President with the consent of the majority or the coalition of deputies' groups of the Verkhovna Rada;
- members of the Cabinet according to the proposition of the Prime Minister;
- Minister of Defence, Minister of Foreign Affairs according to the proposition of the President.

The Verkhovna Rada adopts the State Budget for the period from January 1 to December 31 and controls the execution of it.

The highest body of the executive power is the Cabinet of Ministers of Ukraine. It is responsible to the President and to the Verkhovna Rada and is accountable to the Verkhovna Rada.

The Cabinet of Ministers of Ukraine:

- carries out the domestic and foreign policy of the State, the fulfilment of the Constitution as well as the acts of the President;
- develops and fulfils national programs on the economic, scientific and technological, social and cultural development of Ukraine;

The executive power in oblasts and rayons is exercised by local state administrations. The President of Ukraine appoints the heads of state administrations and discharges them from these positions.

Justice in Ukraine is exercised entirely by courts. It is administered by the Constitutional Court and by the courts of general jurisdiction. The Supreme Court of Ukraine is the highest juridical body of general jurisdiction.

Task 1. *Answer the following questions*

1. When did Ukraine get its independence?
2. What is the territorial structure of Ukraine?
3. What cities have a special status?
4. What are the main branches of state power?
5. What are the functions of the President?
6. How many terms can the President of Ukraine hold his office?
7. What body is the highest body of the legislative power?
8. For what term are the people's deputies elected?
9. What are the main functions of the Verkhovna Rada?
10. What body adopts the State Budget and controls the execution of it?
11. What body is the highest body of the executive power?
12. What are the main functions of the Cabinet of Ministers of Ukraine?
13. What bodies is the executive power in oblasts and rayons exercised by?
14. What courts is justice exercised in Ukraine by?
15. What court is the highest juridical body of general jurisdiction?

Task 2. *Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents*

To determine, to preside over, secret ballot, council, negotiation.

Task 3. *Express your agreement or disagreement. Use: "In my opinion... / I think... / I guess... / I agree / I can't agree / How can one say that..."*

- 1) The Supreme Court of Ukraine is the highest juridical body of general jurisdiction.
- 2) Ukraine has got its independence in 1980.
- 3) The All-Ukrainian referendum was held on December 1 1991.
- 4) Kyiv, the capital of Ukraine, is the only city in Ukraine which possesses a special status determined by law.

- 5) The President of Ukraine must sign all laws adopted by the Verkhovna Rada.
- 6) Ukrainian parliament has two chambers.
- 7) The Verkhovna Rada adopts the State Budget and controls its execution.
- 8) The Cabinet of Ministers of Ukraine is responsible to the Verkhovna Rada and is accountable to the President.
- 9) The Prime-Minister appoints the heads of state administrations.
- 10) President of Ukraine is elected for a four-year term.

Task 4. *Fill in the blanks with the appropriate preposition*

- a) to carry ... the policy
- b) to take part ... the demonstration
- c) in favour ...
- d) to discharge ... the post
- e) ... the Constitution
- f) according ... Criminal Procedure Code
- g) to preside ... the meeting
- h) ... behalf of
- i) to be responsible ... the President
- j) to be accountable ... the parliament
- k) ... the consent of Verkhovna Rada

Task 5. *Translate the following sentences into Ukrainian*

- 1) June, the 28th is a state holiday – the Day of the Constitution of Ukraine.
- 2) The Verkhovna Rada works on a session basis.
- 3) Law drafting work is performed in the committees of the Verkhovna Rada.
- 4) The monetary unit of Ukraine is the Hrivnia.
- 5) The President of Ukraine enjoys the right of immunity during the period of his authority.
- 6) The Constitutional Court of Ukraine issues on constitutionality of laws and other legal acts, i.e. their correspondence to the Constitution.

Task 6. *Change each sentence by choosing an appropriate synonym from the list below for the underlined words*

speaker, matters, meetings, exercising, house,
organ, post, head, electors

- 1) The Supreme Court of Ukraine is the highest juridical body of general jurisdiction.
- 2) The President of Ukraine signs laws adopted by the Verkhovna Rada.
- 3) Ukrainian parliament has one chamber.
- 4) The Verkhovna Rada adopts the State Budget and controls its execution.
- 5) The President of Ukraine is elected directly by the voters for a term of five years with no more than two full terms.
- 6) The Verkhovna Rada elects the Chairman from its membership.
- 7) No one can discharge him from his office.
- 8) The Constitutional Court of Ukraine resolves issues on their correspondence to the Constitution.
- 9) Regular sessions of the Verkhovna Rada are commenced each year on the first Tuesday of February and on the first Tuesday of September.

Task 7. *Match the words on the left with their definitions on the right. Use them in the sentences of your own*

- | | |
|----------------|---|
| 1. court | a) a leader of a republic; often used as a title; |
| 2. budget | b) reaching an agreement or settling a dispute by formal discussion; |
| 3. president | c) the money that is available to a government and a plan how it will be spent over a given period of time; |
| 4. parliament | |
| 5. negotiation | |

- d) a place where legal trial takes place and are judged;
- e) the group of people who are elected to make the laws of the country.

Supplementary Tasks

Task 1. *Look up in the dictionary the synonyms to the following words*

To take part, sovereign, voter, negotiation, chairman, power, to discharge, to preside over, suffrage, law draft, to perform

Task 2. *Make the following sentences complete by translating the phrases in brackets*

1. The Chairman of the Verkhovna Rada (веде засідання верховної Ради та організовує її роботу).
2. The Verkhovna Rada of Ukraine hears annual messages of the President (про внутрішнє та зовнішнє становище України).
3. Providing for stability of currency (є основною функцією Національного Банку України).
4. The President of Ukraine (призначає голів центральних органів виконавчої влади).
5. The Cabinet of Ministers of Ukraine (іде у відставку, коли обрано нового президента).
6. The Procurator General of Ukraine oversights (за дотриманням законів).

Task 3. *Act dialogues on the following topics with your partner*

1. The territorial structure of Ukraine.
2. President of Ukraine is the guarantor of Ukrainians' rights and freedoms.
3. The only legislative body in Ukraine.
4. The executive power of the country.
5. Administration of justice.

Task 4. *Read and combine the two halves of each sentence*

- | | |
|-----------------------------------|--------------------------------|
| 1. Ukraine is | a) of Ukraine in 1990. |
| 2. The president is | b) based on the rule of law. |
| 3. Ukraine's parliament | c) the Commonwealth of |
| 4. Ukrainian became the official | independent states. |
| language | d) a Commander-in-Chief of the |
| 5. In 1922 Ukraine began creating | military. |
| a legal system | e) a democratic state. |
| 6. Ukraine also joined | f) for a four-year term. |
| 7. The people of Ukraine elect | g) is the nation's law-making |
| President | body. |

UNIT 4. LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF POWER OF UKRAINE

Vocabulary

law-based – правовий

adopt – приймати

Fundamental Law – Основний закон

modify – видозмінювати

multiparty – багатопартійний

exercise – здійснювати

division – розподіл

legislative – законодавчий

executive – виконавчий

judicial – юридичний

authority – влада

within the limits – в межах

establish – встановлювати

single-chamber – однопалатний

deputy – депутат

elect – обирати

reside – проживати

vote – голосувати; голосування

compulsory – обов’язковий

secret ballot – таємне голосування

amend – вносити зміни

adopt – приймати

domestic policy – внутрішня політика

foreign policy – зовнішня політика

designate – призначати

elections – вибори

oversee – переглядати, виправляти; здійснювати нагляд

confirm – підтверджувати, затверджувати, ратифікувати

appointment – призначення

perform – виконувати

delineate – зображати, відображати, окреслювати

be a subject to approval – підлягати затвердженню

carry out – виконувати

fulfilment – виконання

fulfil – виконувати

involve – включати, містити в собі

abide – підпорядковуватися

rules of law – норми права

claim – позов

offence – злочин, дисциплінарний проступок

conformity – відповідність

assembly of judges – збори суддів

Ukraine is a sovereign and independent, democratic, social, law-based state.

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

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

1) The Legislative Power

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

The Ukrainian Parliament has authority over:

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

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

2)The Executive Power

The Executive power is presented by the Cabinet of Ministers.

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

3)The Judicial Power

Justice in Ukraine is administered exclusively by courts.

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

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

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

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

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

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

Tasks

Task 1. *Translate the following words and word combinations into Ukrainian*

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

Task 2. *Match English and Ukrainian equivalents*

- | | |
|----------------------------|--------------------------|
| 1. favourable | a) вибирати |
| 2. offence | b) простягатись |
| 3. body of the state power | c) сприятливий |
| 4. to elect | d) орган державної влади |
| 5. to stretch | e) рабство |
| 6. conscience | f) поважати |
| 7. slavery | g) совість |
| 8. to respect | h) недоторканість |
| 9. non-interference | i) невтручання |
| 10. inviolability | j) правопорушення |

Task 3. *Use the following word combinations in the sentences of your own*

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

Task 4. *Choose the synonyms from the box*

<p><i>crime, execute, language, territory, flag, legislator, promise, authority, highest, hearing</i></p>

carry out _____

area _____

supreme _____

trial _____

tongue _____

lawmaker _____

power _____

offence _____

guarantee _____

banner _____

Task 5. *Group the following words and word combinations into 3 logical groups*

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

Legislative	Executive	Judicial
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Task 6. *Translate the following sentences into Ukrainian*

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

Task 7. *Open the brackets and put the verbs into the correct form*

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

Task 8. *Complete the sentences*

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

Task 9. *Guess the meaning of the international words used in the text*

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

Task 10. *Translate the words from the box and complete the sentences*

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

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

Task 11. *Choose the word or word combination which best completes the unfinished sentences*

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

Task 12. *Translate into English*

- 1) Єдиним органом законодавчої влади в Україні є парламент – Верховна Рада України.
- 2) Кабінет Міністрів України є вищим органом у системі органів виконавчої влади.
- 3) Кожен має право на освіту.

Task 13. *Answer the following questions*

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

UNIT 5. LAW ENFORCEMENT OF UKRAINE. ORGANS OF INTERNAL AFFAIRS

Vocabulary

<i>law enforcement (agencies)</i> –	<i>provide</i> – забезпечувати
правоохоронні органи	<i>security</i> – безпека
<i>metropolitan</i> – столичний	<i>highly important facility</i> –
<i>command</i> – влада, начальство,	найважливіший об'єкт
командування	<i>domestic intelligence service</i> –
<i>say</i> – авторитет	внутрішня розвідка
<i>maintain</i> – підтримувати	<i>presidential guard</i> – президентська
<i>public order</i> – громадський порядок	гвардія
<i>prevent</i> – запобігати	<i>coast guard</i> – берегова охорона
<i>detect</i> – виявляти	<i>subordinate (to)</i> –
<i>crime</i> – злочин	підпорядковуватися (кому, чому)
<i>gendarmierie</i> – жандармерія	<i>the Ministry of Internal Affairs of</i>
<i>large-scale</i> – великомасштабний	<i>Ukraine</i> – Міністерство внутрішніх
<i>riot</i> – заворушення, заколот	справ України

As Ukraine is a largely centralised state, regional law enforcement agencies do not really exist in the way that they do in the United States, Germany or the UK. In Ukraine, the national police service is directly responsible to the central government, and while it operates with an organisational structure that allows oblast and local metropolitan commands to exist, the regional authorities do not have any major say in law enforcement policy, and cannot affect the day-to-day operations of their local force.

In addition to local and national 'police' forces, there are also a number of specialised agencies which operate with more specific objectives in mind.

Law enforcement agencies:

- 1) Police (Поліція) – civil police service of the Ministry of Internal Affairs. Police is an agency of a community or government that is responsible for maintaining public order and preventing and detecting crime. The basic police mission is preserving order by enforcing rules of conduct or laws.
- 2) National Guard of Ukraine (Національна Гвардія України) – provides a gendarmerie function, supporting the policy and dealing with large-scale riots and internal armed conflicts. They also provide security for highly important facilities (like nuclear power plants).
- 3) Security Service of Ukraine (Служба Безпеки України) – provides domestic intelligence service and presidential guard, and used to operate as a secret police.
- 4) State Border Guard Service of Ukraine (Державна Прикордонна Служба України) – provides a border guard.
- 5) Sea Guard (Морська охорона) – a coast guard subordinate to the State Border Guard Service.
- 6) State Prison and Penitentiary Service (Державна кримінально-виконавча служба України) – provides prison administration and guard functions.

The Ministry of Internal Affairs of Ukraine executes state policy for the protection of rights and liberties of citizens, investigates unlawful acts against the interest of society and state, fights crime, provides civil order, ensures civil security, traffic safety, and protects the security and protection of important individuals. It is a centralised agency headed by the Minister of Internal Affairs. The ministry closely operates with the office of General Prosecutor of Ukraine. It oversees the National Police of Ukraine (police service) and the National Guard of Ukraine (gendarmerie).

Formerly, the Ministry directly controlled the Ukrainian national law enforcement agency, termed the militsiya. This changed in July 2015, with the introduction of reforms by Ukrainian president to reduce corruption, whereby the militsiya was replaced with the National Police. Ukraine's militsiya was widely

regarded as corrupt, and it has received severe accusations of torture and ill-treatment.

Tasks

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

- 1) national police service;
- 2) regional authorities;
- 3) law enforcement agencies;
- 4) internal armed conflicts;
- 5) border guard;
- 6) protection of rights and liberties of citizens;
- 7) reduce corruption.

Task 2. *Complete the sentences with the active vocabulary from the box*

Agencies	government	public order
security	border guard	accusations

- 1) In Ukraine, the national police service (Militsiya) is directly responsible to the central
- 2) There are also a number of specialised ... which operate with more specific objectives in mind.
- 3) Police is an agency of a community or government that is responsible for maintaining ... and preventing and detecting crime.
- 4) National Guard of Ukraine provides ... for highly important facilities.
- 5) State Border Guard Service of Ukraine provides a
- 6) Ukraine's militsiya has received severe ... of torture and ill-treatment.

Task 3. *Guess the meaning of the international words used in the text*

Regional, national police, organisational, structure, local, specific, operate, service, act, general, reform, minister, individual, interest, control.

Task 4. *Answer the following questions*

- 1) What is the national police service directly responsible to in Ukraine?
- 2) Can the regional authorities affect the day-to-day operations of their local force?
- 3) What is the basic police mission?
- 4) What does the National Guard of Ukraine provide?
- 5) What does the Security Service of Ukraine provide?
- 6) What does the State Border Guard Service of Ukraine provide?
- 7) What does the State Prison and Penitentiary Service of Ukraine provide?
- 8) What does the Ministry of Internal Affairs of Ukraine execute?
- 9) Who is the Ministry of Internal Affairs headed by?
- 10) When and why Militsiya was replaced by the National Police?

UNIT 6. ADVOCACY

Vocabulary

<i>advocacy</i> – адвокатура; пропаганда	<i>vulnerable</i> – уразливий
<i>undertake</i> – робити, брати на себе	<i>community</i> – громада, спільнота
<i>media campaign</i> – інформаційна кампанія	<i>indeed</i> – дійсно, напевно, звичайно
<i>public speaking</i> – публічні виступи	<i>public good</i> – суспільне благо
<i>commission</i> – доручати, уповноважувати	<i>experience</i> – досвід
<i>publish</i> – видавати, публікувати, обнародувати	<i>poverty</i> – злиденність, бідність
<i>research</i> – дослід, дослідження	<i>exclusion</i> – соціальне відчуження
<i>conduct</i> – керувати, проводити, вести	<i>aimed</i> – тут з метою
<i>exit poll</i> – екзит пол	<i>provide</i> – надавати, забезпечувати
<i>file</i> – подавати	<i>deliver</i> – надавати
<i>amicus brief</i> – експертне резюме	<i>direct services</i> – прямі послуги
<i>lobby</i> – обробляти членів парламенту; лобі, приймальня, кулуари	<i>meet</i> – тут задовільняти
<i>facilitate</i> – сприяти	<i>needs</i> – потреби
<i>civic engagement</i> – залучення громадянського суспільства	<i>empower</i> – розширювати можливості
<i>support</i> – підтримка; підтримувати	<i>involve</i> – залучати
<i>social justice advocacy</i> – захист соціальної справедливості	<i>experience the issues in the decisions</i> – мати проблеми в прийнятті рішень
<i>outcome</i> – результат	<i>impact</i> – мати вплив
<i>with / on behalf of</i> – з ім'ям / від імені	<i>social exclusion</i> – соціальна ізоляція
	<i>ensure</i> – забезпечувати
	<i>proactive</i> – активний
	<i>engagement</i> – взаємодія
	<i>government budget</i> – державний бюджет
	<i>accountable</i> – відповідальний

<i>promote</i> – сприяти	<i>election</i> – вибори
<i>transparency</i> – прозорість	<i>health care</i> – охорона здоров'я
<i>enable</i> – давати змогу, дозволяти	<i>enhance</i> – збільшувати,
<i>compel</i> – змушувати, добиватися	підвищувати
<i>alert</i> – уважний	<i>focus</i> – спрямовувати
<i>aspiration</i> – сподівання	<i>availability</i> – доступність
<i>deprived sections of the community</i> –	<i>care</i> – тут медична допомога
знедолені верстви суспільства	<i>approach</i> – підхід, подача
<i>decision-maker</i> – той, хто приймає	<i>protest</i> – акція протесту
рішення	<i>advance</i> – просувати, розвивати
<i>agenda</i> – порядок денний	<i>tool</i> – інструмент
<i>at a slower pace</i> – повільними	<i>with disabilities</i> – з обмеженими
темпами	можливостями
<i>express</i> – експрес, терміновий лист	<i>seek</i> – прагнути
<i>versus</i> – проти, в порівнянні з	<i>defend</i> – відстоювати
<i>issue</i> – спірне питання	<i>safeguard</i> – гарантувати, охороняти
<i>voter</i> – виборець	<i>genuinely</i> – щиро, дійсно
<i>cast</i> – опускати	<i>concern</i> – інтерес, зацікавленість,
<i>ballot</i> – бюлетень	турбота
<i>long term</i> – довгостроковий	<i>explore</i> – дізнаватися, досліджувати

Advocacy is an activity by an individual or group which aims to influence decisions within political, economic, and social systems and institutions. Advocacy can include many activities that a person or organization undertakes including media campaigns, public speaking, commissioning and publishing research or conducting exit poll or the filing of an amicus brief. Lobbying (often by lobby groups) is a form of advocacy where a direct approach is made to legislators on an issue which plays a significant role in modern politics. Research has started to address how advocacy groups in the United State and Canada are using social media to facilitate civic engagement and collective action.

An advocate is someone who provides advocacy support to people who need it.

There are several forms of advocacy, each representing a different approach in a way to initiate changes in the society.

The forms of advocacy include:

1) Social justice advocacy. Its purpose is to influence public policy outcomes, with and/ on behalf of a vulnerable group or community or indeed the wider public good.

Social justice advocacy is informed by experiences of poverty and exclusion by:

- providing individual/personal advocacy supports aimed at realizing right and entitlements;
- delivering direct services and meeting social and economic needs;
- empowering and involving those experiencing the issues in the decisions that impact their lives;
- producing research and analysis that illustrates the realities of poverty and social exclusion.

2) Budget advocacy: another aspect of advocacy that ensures proactive engagement of Civil Society Organizations with the government budget to make the government more accountable to the people and promote transparency. Budget advocacy also enables citizens and social action groups to compel the government to be more alert to the needs and aspirations of people in general and the deprived sections of the community.

3) Bureaucratic advocacy: people considered "experts" have more chance to succeed at presenting their issues to decision-makers. They use bureaucratic advocacy to influence the agenda, although at a slower pace.

4) Express versus issue advocacy: These two types of advocacy when grouped together usually refers to a debate in the United States whether a group is expressly making their desire known that voters should cast ballots in a particular way, or

whether a group has a long term issue that isn't campaign and election season specific.

5) Health advocacy: supports and promotes patients' health care rights as well as enhance community health and policy initiatives that focus on the availability, safety and quality of care.

6) Ideological advocacy: in this approach, groups fight, sometimes during protests, to advance their ideas in the decision-making circles.

7) Interest-group advocacy: lobbying is the main tool used by interest groups doing mass advocacy. It is a form of action that does not always succeed at influencing political decision-makers as it requires resources and organization to be effective.

8) Legislative advocacy: the "reliance on the state or federal legislative process" as part of a strategy to create change.

9) Mass advocacy: any type of action taken by large groups (petitions, demonstrations, etc.)

10) Media advocacy: "the strategic use of the mass media as a resource to advance a social or public policy initiative".

11) Special education advocacy: advocacy with a "specific focus on the educational rights of students with disabilities."

Advocacy in all its forms seeks to ensure that people, particularly those who are most vulnerable in society, are able to:

- have their voice heard on issues that are important to them;
- defend and safeguard their rights;
- have their views and wishes genuinely considered when decisions are being made about their lives.

Advocacy is a process of supporting and enabling people to:

- express their views and concerns;
- access information and services;
- defend and promote their rights and responsibilities;

- explore choices and options.

Tasks

Task 1. *Find English equivalents of the following word combinations in the text*

- 1) подача експертного резюме;
- 2) інформаційна компанія;
- 3) публічні виступи;
- 4) відігравати важливу роль;
- 5) сприяти залученню громадського суспільства;
- 6) надання прямих послуг;
- 7) задоволення соціальних і економічних потреб;
- 8) розширення прав і можливостей;
- 9) соціальна ізоляція;
- 10) державний бюджет;
- 11) потреби і сподівання людей;
- 12) мати доступ до інформації і послуг.

Task 2. *Complete the sentences and translate them into Ukrainian*

- 1) Research has started to address ...
- 2) There are several forms of advocacy, each representing ...
- 3) The purpose of social justice advocacy is to influence ...
- 4) Budget advocacy also enables ...
- 5) They use bureaucratic advocacy to influence ...
- 6) Health advocacy supports and promotes patients' health care rights as well as ...

UNIT 7. THE PROSECUTOR'S OFFICE

Vocabulary

prosecutor – прокурор

government official – урядовець

charge – покладати

відповідальність; обвинувачувати

defendant – обвинувачений

bring to justice – притягати до відповідальності

be in charge – відповідати

criminal proceeding – кримінальне судочинство

investigation – розслідування

trial – розгляд; суд

defend – захищати

carry out – здійснювати(ся), виконувати(ся)

prosecute – вести (процес), виступати обвинувачем

prosecution – обвинувачення, судове переслідування

Prosecutor's Office of Ukraine – прокуратура України

constitute – являти собою, становити

unified system – єдина система

entrust – довіряти, доручати

supervision – нагляд

observance of laws – дотримання законів

detective and search activity – оперативно-розшукова діяльність

inquiry – допит, розслідування, дізнання

pre-trial investigation – досудове розслідування

execution – виконання

judicial decision – судове рішення

application – застосування

measures of coercion – заходи примусового характеру

restraint – позбавлення волі, обмеження

liberty – свобода

office – тут посада

with the consent of – за згодою

express no confidence – висловлювати недовіру

resignation – відставка

operational procedure – порядок роботи

Crown Prosecution Service – Королівська служба судового розгляду

offence – злочин

<i>review</i> – розглядати	<i>evidence</i> – доказ
<i>submit</i> – тут представляти	<i>hearing</i> – слухання
<i>public prosecution</i> – публічне переслідування	<i>jury</i> – присяжні
<i>Attorney General</i> – Генеральний прокурор	<i>indictment</i> – обвинувальний акт
<i>key</i> – ключовий, основний	<i>questioning of witness</i> – допит свідка
<i>personnel</i> – особовий склад, штат	<i>summation</i> – підсумовування
<i>handle</i> – проводити	<i>appeal</i> – оскаржувати, апелювати
<i>district attorney</i> – окружний прокурор	<i>higher court</i> – суд вищої інстанції
	<i>brief</i> – підсумок, справа
	<i>plead</i> – виступати в суді, захищати підсудного

Prosecutor is a government official charged with bringing defendants in criminal cases to justice in the name of the state. Although responsibilities vary from one jurisdiction to another, many prosecutors are in charge of all phases of a criminal proceeding, from investigation by the police through trial and beyond to all levels of appeal. Many also defend the state in civil actions. In the United Kingdom, prosecution is carried out in the name of the crown. In this sense the crown can be said to prosecute, and the prosecution is often referred to as «the crown».

According to the Constitution of Ukraine, the Prosecutor's Office of Ukraine constitutes a unified system that is entrusted with:

- 1) prosecution in court on behalf of the State;
- 2) representation of the interests of a citizen or of the State in court in cases determined by law;
- 3) supervision of the observance of laws by bodies that conduct detective and search activity, inquiry and pre-trial investigation;
- 4) supervision of the observance of laws in the execution of judicial decisions in criminal cases, and also in the application of other measures of coercion related to the restraint of personal liberty of citizens.

The Prosecutor's Office of Ukraine is headed by the Prosecutor General of Ukraine, who is appointed to office with the consent of the Verkhovna Rada of Ukraine, and dismissed from office by the President of Ukraine. The Verkhovna Rada of Ukraine may express no confidence in the Prosecutor General of Ukraine that results in his or her resignation from office.

The term of authority of the Prosecutor General of Ukraine is five years. The organisation and operational procedure for the bodies of the Prosecutor's Office of Ukraine are determined by law.

In the UK the Crown Prosecution Service is responsible for prosecuting people charged with a criminal offence. As the principal prosecuting authority in England and Wales, it is responsible for:

- Advising the police on cases for possible prosecution.
- Reviewing cases submitted by the police.
- Preparing cases for court.
- Presentation of cases at court.

The head of The Crown Prosecution Service is the Director of Public Prosecutions. The Director of Public Prosecutions reports to the Attorney General, who holds Parliamentary responsibility for the Service. The Crown Prosecution Service employs approximately 7,700 staff including lawyers and administrators. These key personnel are located throughout the country and handle over 1.3 million magistrates' court cases and 115,000 Crown court cases every year.

The Crown Prosecution Service started operating in 1986 when the Prosecution of Offences Act (1985) became law. Before this time local police forces were responsible for deciding whether to prosecute particular cases.

In most U.S. state and local jurisdictions, prosecutors are elected to office. On the federal level, district attorneys are, in effect, members of the executive branch of the government; they are usually replaced when a new administration comes into office. In the United States the prosecutor presents evidence at a hearing before a grand jury, which may or may not return an indictment for trial.

In countries where the judge handles the questioning of witnesses, the prosecutor is limited to presenting evidence and giving a final summation. In the United States and Great Britain the prosecutor plays an active role in questioning witnesses. In most countries, when a decision is appealed to a higher court, the prosecutor presents briefs and pleads the state's case.

Tasks

Task 1. *Answer the following questions using the information from the text*

- 1) What is a prosecutor?
- 2) How do prosecutor's responsibilities vary?
- 3) What is the Prosecutor's Office entrusted with according to the Constitution of Ukraine?
- 4) What is the head of the Prosecutor's Office of Ukraine?
- 5) Which body may dismiss and express no confidence in the Prosecutor General of Ukraine?
- 6) What is the UK Crown Prosecution Service responsible for?
- 7) What is the staff of the Crown Prosecution Service?
- 8) Which authorities does a prosecutor have in the USA and the UK?

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

- | | |
|--|--|
| 1. to bring somebody to justice | a) записка по справі, що передається |
| 2. supervision of the observance of laws | в апеляційний суд |
| 3. to express no confidence | b) винести вердикт про передачу справи до суду |
| 4. to employ staff | c) мати в штаті |
| 5. questioning of witnesses | d) вести справу |
| 6. to return an indictment | e) передавати до суду |
| 7. brief | f) нагляд за додержанням законів |
| 8. to plead the case | g) висловити недовіру |

h) ДОПИТ СВІДКІВ

Task 3. *Find in the text the words that correspond to the following definitions*

- 1) approval of something done or proposed;
- 2) process of crime-detection;
- 3) agency responsible for maintaining public order and preventing crime;
- 4) body of men and women selected at random to determine facts and to provide a decision in a legal proceeding (traditionally consists of 12 people);
- 5) judicial examination of the issues between the parties;
- 6) to charge someone with a crime or a civil violation;
- 7) formal charge issued by a grand jury stating that there is enough evidence that a person committed the crime;
- 8) written statements that explain each side's case and tell why the court should decide in its favour (are the documents of appellate procedure).

Task 4. *Read the text and fill in the gaps with the words from the box below*

The Prosecution Process

motive	against	weapon	officer	evidence
victim	booklet	Crown Prosecutor	decision	
crime	principles	factors	violence	

After the police have investigated a ... and passed papers to the CPS, one of the lawyers – called a ... – carefully reviews the papers to decide whether or not to go ahead with the case. The prosecutor's ... is based on the two tests set out in the Code for Crown Prosecutors.

The code is a ... which sets out the general ... which prosecutors must apply when they decide whether to continue a case.

The two tests set out in the Code are as follows:

- Is there enough ...?
- Is it «in the public interest» for us to prosecute?

This means that the prosecutor must think carefully about the ... for and against a prosecution. For example, a prosecution is likely to be needed if:

- a ... was used or ... was threatened during an offence;
- the ... for the offence was any form of discrimination;
- the offence was committed ... a person serving the public such as a police

Crown Prosecutors must always think carefully about the interest of a ... of a crime. This is an important factor when prosecutors decide whether the public interest lies.

UNIT 8. FIELDS OF LAW

Vocabulary

span – з'єднувати, охоплювати

transaction – угода

elimination – ліквідація, усунення

criminal – злочинець

administration – застосування

criminal justice – кримінальне правосуддя

defence system – система захисту (оборони)

office – міністерство, управління, відділ

rulemaking – нормотворчість

enforcement – правозастосування

adjudication – судові рішення

admiralty – адміралтейство

maritime law – морське право

arbitration – арбітраж, третейський суд, розгляд суперечки третейським судом

dispute – спір, суперечка

impartial – неупереджений

referee – суддя

educational background – освіта

civil engineering – цивільна інженерія

medium – посередник

petitioner – позивач

codify – кодифікувати, шифрувати, систематизувати

price-fixing – фіксація цін

commodity – продукт, товар

competition law – закон про конкуренцію

forbid – забороняти

set up – встановлювати

tend – мати тенденцію

monopolize – монополізувати

antitrust – антитрестівський, антимонopolний

enact – постановляти, приймати

prevail – переважати

mall – торговельний центр

housing society – житлове товариство

carpet area – покриття

non-compliance – недотримання

demolition – руйнування

consumer protection – захист прав споживача

fair – чесний, справедливий

ensure – гарантувати

misguide – вводити в оману

mention – згадувати

mandatory – обов'язковий

<i>corporate</i> – корпоративний	<i>environmental law</i> – екологічне
<i>matter</i> – питання	право
<i>joint intellectual property</i> –	<i>cluster</i> – група, ряд, скупчення
інтелектуальна власність	<i>regulation</i> – нормативний акт
<i>liability</i> – відповідальність	<i>treaty</i> – договір
<i>business liability</i> – бізнес-	<i>conservation</i> – збереження
зобов'язання	<i>management of natural resources</i> –
<i>compliance</i> – відповідність, згода	раціонального використання
<i>legal personality</i> – юридична особа	природних ресурсів
<i>transfer</i> – преводити	<i>pollution</i> – забруднення
<i>share</i> – акція, пай	навколишнього середовища
<i>powers</i> – повноваження	<i>Kyoto Protocol</i> – Кіотський
<i>board of directors</i> – рада директорів	протокол
<i>limited liability</i> – обмежена	<i>global warming</i> – глобальне
відповідальність	потепління
<i>syllabus</i> – навчальний план	<i>United Nations Framework</i>
<i>pattern</i> – зразок	<i>Convention on Climate Change</i> –
<i>mediums of entertainment</i> –	Рамкова конвенція ООН зі зміни
розважальні засоби	клімату
<i>defamation</i> – дифамація, наклеп,	<i>purview</i> – компетенція, сфера
обмова	<i>marriage</i> – одруження
<i>privacy</i> – тут недоторканість	<i>adoption</i> – усиновлення
приватного життя	<i>divorce</i> – розлучення
<i>production agreement</i> – виробнича	<i>alimony</i> – аліменти
угода	<i>property distribution</i> – розподіл
<i>intellectual property</i> –	власності
інтелектуальна власність	<i>domestic violence</i> – побутове
<i>copyright</i> – авторське право	насилля
<i>trademark</i> – товарний знак	<i>surrogacy</i> – сурогатне материнство
	<i>custody</i> – опіка

applicable – відповідний, застосовний, придатний

manufacturer – виробник, постачальник

coincide – збігатися

ethical issue – етичне питання

consent – дозвіл, згода

guardian – тут опікун

practice any religion – сповідувати релігію

freedom of expression – свобода слова

constitutional remedy – конституційний засіб правового захисту

movement – тут пересування

legally – законно, на законних підставах

bind – зобов'язувати

political obligation – політичне зобов'язання

recent – нещодавній, сучасний

upload – передавати

encroach – зазіхати

undue – незаконний

advantage – вигода, користь

permit – дозвіл

extend – поширюватися

asylum – притулок

refugee – біженець

stateless citizen – особа без громадянства

insurance – страховий; страховка

insurance policy – страховий поліс

claim – претензія

warranty – гарантія

health insurance – медичне страхування

life insurance – страхування життя

disability insurance – страхування у випадку інвалідності

worker's compensation – компенсація працівнику

malpractice insurance – страхування зловживання службовим становищем

tangible – матеріальний, реальний

signatory – сторона, яка підписала

logo – логотип

patent – патент

asset – актив, майно

brand name – торгова марка

GATT (General Agreement on Tariffs and Trade) – ГАТТ (Генеральна угода з тарифів і торгівлі)

labour law – трудове законодавство

enforcement – виконання

compulsory – обов'язковий

likewise – також

employer – роботодавець

<i>benefit</i> – перевага	<i>payment of compensation</i> – виплата компенсації
<i>liability</i> – зобов’язання	<i>entity</i> – об’єкт
<i>union strikes</i> – профспілковий страйк	<i>commission</i> – призначати на посаду
<i>retrenchment</i> – скорочення штатів	<i>civilian</i> – цивільна особа
<i>affidavit</i> – письмове свідчення під присягою	<i>military</i> – армія
<i>testimony</i> – доказ, свідчення	<i>restrict</i> – обмежувати
<i>authenticity</i> – автентичність	<i>Right to Information Act</i> – право на інформацію
<i>tamper</i> – підробляти	<i>Official Secrets Act</i> – державна таємниця
<i>exclusion</i> – виключення	<i>real estate</i> – нерухоме майно
<i>burden of proof</i> – тягар доведення	<i>encompass</i> – охоплювати питання
<i>tort</i> – делікт	<i>ownership</i> – володіння
<i>tricky</i> – складний	<i>possession right</i> – право володіння
<i>nuisance</i> – порушення громадського порядку	<i>usage right</i> – право користування
<i>negligence</i> – недбалість	<i>sales right</i> – право продажу
<i>false imprisonment</i> – незаконне позбавлення волі	<i>tenant</i> – наймач, орендар
<i>defamation</i> – наклеп	<i>mortgage</i> – заставляти, ручатися
<i>slander</i> – клевета	<i>lease agreement</i> – договір оренди
<i>breach of duty</i> – порушення обов’язків	<i>agent brokerage</i> – брокерський агент, маклер
<i>civil wrong</i> – делікт	<i>real estate investment</i> – інвестиція у нерухомість
<i>amount</i> – складати, становити	<i>cross border relocation of people</i> – транскордонне переселення людей
<i>encroachment</i> – замах, посягання	<i>taxation</i> – оподаткування
<i>injury</i> – зазіхання	<i>Customs Law</i> – митне право
<i>violation</i> – порушення	

Law is a system of rules and regulations that helps keep order in a society by controlling behaviour of the citizens. It spans various sectors related to humans, society, business, transactions, security, fundamental rights and freedom of every individual, the elimination of criminals, administration of justice to the common man as well as criminal justice, education system, political system, and the defence system.

- *Administrative Law*

This field deals with the laws made by the government for its offices. It consists of rulemaking, enforcement, and adjudication.

- *Admiralty and Maritime Law*

This law deals with the territory in waters, domestic and international alike.

- *Arbitration Law*

Arbitration means the hearing and determination of a dispute by an impartial referee selected by both the parties. The specialty of this field is that the lawyers can practice it on the basis of their own educational background. For example, a lawyer who has studied civil engineering can be a medium between the judges and the petitioner, and solve matters relating to construction and architectural issues.

- *Banking Law*

As the name suggests, this field is related to the banking sector and the norms and rules for operation of banks.

- *Civil Law*

This field of law is concerned with the society at large and deals with the codified laws in the country. It deals with disputes arising between individuals who are not criminal in nature.

- *Commercial Law*

Commercial law deals with the contracts between commodity manufacturers, distributors and consumers. It also deals with property laws. Bankruptcy laws, bills of exchange, insurance laws, credit card laws are examples of commercial laws.

- *Competition Law*

This field of law deals with the price-fixing of any commodity or services in the market. Competition law forbids setting up prices that tends to monopolize the business owner in the market. It is also known as the Antitrust law in the USA.

– *Constitutional Law*

This is the mother of all laws in a country. The constitution is the basis of all laws and any law enacted should be in accordance with it. In case it is not, then the constitution prevails over it. It basically defines all the fundamental rights and duties of not only the citizens but the government too.

– *Construction Law*

This law deals with the standards set by the government and the state governments for any kind of construction like roads, buildings, malls, housing societies, etc. It deals with issues like the carpet area, the number of elevators, parking areas, etc. Non-compliance might result in demolition of the structure.

– *Consumer Protection Law*

Consumer protection is a comparatively new branch of codified law. It deals with setting standards for fair practices and regulations on marketing, advertising, product ingredients, etc. It ensures that the consumers are not misguided by the mentioned factors in the advertisements, and thus it is mandatory to provide detailed information for each commodity.

– *Corporate / Company Law*

Corporate laws covers a range of subjects like contracts, matters dealing with intellectual property rights of corporations, business liabilities, legislative compliance, etc. It also deals with separate legal personality, transferred shares, powers of the board of directors, and limited liability.

– *Education Law*

Education laws are the collective laws of rules and regulations enacted by the government for the entire education system. The strength of a class, the subjects to be taught, the syllabus, the examination pattern, the privatization of schools, teaching methods, qualification of the teachers are some examples of the laws related to education.

- *Entertainment Law*

This is one field of law that can be subdivided into TV, radio, music, theatre, films, etc. because these happen to be the mediums of entertainment. Entertainment laws thus also include laws of defamation, right of privacy, production agreements, licensing, intellectual properties, copyrights, trademarks, etc.

- *Environmental Law*

Environmental law, like the education law, is a cluster of laws, regulations, treaties related to the environment. It consists of laws related to conservation and management of natural resources, pollution, etc. For example, the Kyoto Protocol is meant to control the global warming and is made by the United Nations Framework Convention on Climate Change (UNFCCC).

- *Family Law*

Family law, as the name suggests deals with family affairs arising in the domestic purview which includes marriage, adoptions, divorce, alimony, property distribution, domestic violence, surrogacy, etc. Divorce lawyers handle cases of alimony and custody of children too.

- *Health Law*

Health laws are applicable to the healthcare industry, patients' health, and manufacturers of equipment used in the health sector. Health law is different from the medical laws. However, it often coincides with ethical issues, consent given by patients / guardians, law of contract between the doctor-patient, etc.

- *Human Rights Law*

Human or civil rights are laws that protect every individual's fundamental and basic rights like freedom to practice any religion, right to education, freedom of expression, right to constitutional remedies, freedom of association, movement, etc. Although it is not a law that binds you legally, it is considered as one of the basis of political obligation.

- *Information Technology and Telecommunications Law / Cyber Law*

Cyber law is a very recent development which has come into existence because of the use of Internet. Communication through emails, transactions on the Internet comes into the purview of this law. Uploading any information or material that is illegal or encroaches upon somebody's privacy or if undue advantage of the freedom of expression takes place, the cyber law takes care of it.

– *Immigration Law*

As the name suggests, this field of law is related to the foreign citizens and their permit to work in any non-native countries. This law is also a part of the Nationality law which defines the citizenship of foreigners and their rights to travel. This law also extends to the Right of Asylum, refugees and stateless citizens.

– *Insurance Law*

Laws related to various businesses of insurance policies, claims, warranties are included in this field of law. Some areas insurance law covers are health insurance, life insurance, disability insurance, worker's compensation, malpractice insurance, etc.

– *Intellectual Property Law*

Intellectual property is not something tangible. It includes things like the scientists' rights on their inventions, authors' rights on their books, article or any publication, corporates' rights on their signatory logos, etc. Copyrights and patents are dealt within this field of law. Music composers, cartoonists, etc. too have their rights on their creations and consult attorneys for the same. A trademark attorney focuses on protecting business assets such as brand names, logos and slogans.

– *International Law*

This field extends to the international areas like the United Nations Organization and also has to do with human rights, business and economic policies. The GATT is one example of the international economic law.

– *Labour Law*

This is the most important and useful law for the masses. Rights of the labour class in any company, big or small, comes under the labour law. Enforcement of

compulsory standards is also included. Likewise the employers also have benefits under this law as far as liabilities, union strikes, and retrenchments are concerned.

– *Law of Evidence*

Evidence in any form, oral e.g. affidavits, testimonies, etc. or any tangible object that plays a role in any judicial proceeding comes under the purview of law of evidence. Authenticity, tampering, exclusion, burden of proof, etc. are factors which are included in the law of evidence.

– *Law of Tort*

Law of tort is one of the common laws that handle tricky civil issues like nuisance, negligence, false imprisonment, defamation, slander, liabilities, breach of duty, etc. It can basically be defined as any civil wrong that amounts to encroachment or 'injury' to the rights of others. Injury is nothing but violation of other's rights. This is accompanied by payment of compensation.

– *Military Law*

Military law is a completely separate entity of the legal system and has different rules altogether. Although all the commissioned officers come under the scanner of military law, the civilians in the military are also subjected to the military laws in some cases. The jurisdiction depends on the events and different situations. This field of law is restricted to military officers alone. And it is accessible to the common man only in those countries which have passed the Right to Information Act otherwise it comes under the Official Secrets Act.

– *Property Law / Real Estate Law*

Real estate law encompasses the ownership issues of land and / or property. It also helps in possession rights, usage rights, sales rights, tenant issues, etc. Mortgaging, lease agreements, agent brokerage, real estate investments, cross border relocation of people, etc. are also areas where property law comes into play.

– *Taxation and Customs Law*

This is one field of law that keeps differing according to the statutes and court decisions. Entities like the people, the state, corporates, etc. come under the purview of customs and taxation law.

Fields of Law

Administrative Law



Admiralty and Maritime Law

Arbitration Law

Banking Law

Commercial Law

Competition Law

Constitutional Law

Construction Law

Consumer Protection Law

Education Law

Entertainment Law

Environmental Law

Family Law

Health Law

Human Rights Law

Immigration Law

Information Technology
and Telecommunications
Law

Insurance Law

Intellectual Property Law

International Law

Labour Law

Law of Evidence

Law of Tort

Military Law

Property Law

Taxation Law

UNIT 9. CONSTITUTIONAL LAW

Vocabulary

exercise – здійснювати

instance – випадок

grant – надавати

powers – повноваження

spend – витрата

for the welfare – на благо

sufficient cause – достатня підстава

requirement – вимога

exhaust – вичерпувати(ся)

backbone – основа, суть

set of rules of law – сукупність
правових норм

range – діапазон

uniform – форма

homogeneous – однорідний

objectify – втілювати

equate – прирівнювати

Constitutional law deals with the fundamental principles by which the government exercises its authority. In some instances, these principles grant specific powers to the government, such as the power to tax and spend for the welfare of the population. Other times, constitutional principles act to place limits on what the government can do, such as prohibiting the arrest of an individual without sufficient cause. In most nations constitutional law is based on the text of a document ratified at the time the nation came into being.

Articles on the Constitutional Law of Ukraine

1. The subject of constitutional law.

In the system of national law of Ukraine is leading branch of the constitutional right of Ukraine. This industry has the features characteristic of the entire system of law: the normativity, the formal determination to achieve a certain legal result, the ability to protect the legal requirements by means of government influence, etc.

2. Constitutional law in national law of Ukraine.

The subject of constitutional law, given its social role and functions are the fundamental social relations in the sphere of sovereignty of the Ukrainian people.

3. The method of regulation of constitutional law.

Characterization of the constitutional right is not exhausted his subject. Important method of regulation, under which, of course, understand the system of methods and means by which the norms of law affect the specific social relations, arrange them on the aims and objectives of the regulation.

4. Constitutional and legal responsibility.

One of the backbones, qualifying features of the constitutional right is a constitutional institution (public and legal) responsibility.

5. The concept of constitutional law.

The system of constitutional law – is a system of institutions and norms of constitutional law. This is a complex, structured, dynamic system, with its laws, principles of construction and operation.

6. The institutions of constitutional law.

Institute of Law – a set of rules of law governing a specific range of uniform, same order of social relations and form a homogeneous group.

7. The concept and content of the sources of constitutional law.

The source of law – is a form (method), the existence of legal norms, the turnout makes the right (as will) in the objectified reality. Right as the objectified reality exists in some form (even in the literature often equate the term "source of law" and "a form of expression rights").

8. Types of sources of constitutional law.

Taken together, the sources of constitutional law form a complex both in structure and content of a dynamical system whose elements are the acts that contain constitutional and legal norms.

9. Constitutional and legal norms, their structure, content and classification.

Constitutional and legal norms – is established or authorized by the state rules governing the behaviour of the constitutional and legal relations.

10. The legal nature of the sources of constitutional law.

The most essential element of the legal nature of the sources of constitutional law is their normativity.

Tasks

Task 1. Choose the word on the right (a-f) that is associated with the word on the left (1-6)

- | | |
|-----------------|-------------------------------------|
| 1) Definition | a) school, scientist, circumstances |
| 2) Constitution | term |
| 3) Democracy | b) convention, custom, government |
| 4) Provision | c) authority, court, regulation |
| 5) Enforcement | d) exposition, custom |
| 6) Scholar | e) article, subject, influence |
| | f) work, document, tradition |

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

- 1) The federation was ... in 1949.
- 2) The UK is a... monarchy.
- 3) The right to speak freely is written in the ... of the USA.
- 4) A decision on the proposal's ... still has to be made.
- 5) ... oppressions were the reason for the international conflict.
- 6) He was ... incapable of dealing with this matter.

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

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

Task 4. Read and comment upon the definition of the constitution given below

Constitution is the fundamental, underlying document which establishes the government of a nation or state. The U.S. Constitution, originally adopted in convention on September 17, 1787, ratified by the states in 1788, and thereafter

amended 27 times, is the prime example of such a document. It is the basis for all decisions by the U.S. Supreme Court (and federal and state courts) on constitutionality.

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

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

Task 5. *Translate into English paying special attention to the terminology on the topic «Constitutional Law»*

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

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

1. соціально-економічний, політичний та територіальний устрій держави;
2. забезпечення реалізації прав та свобод людини і громадянина;

3. систему державної влади;
4. систему внутрішнього самоврядування.

Task 6. *Read the sentences. Three of these sentences are wrong. Find them and say why you have chosen them*

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

UNIT 10. ADMINISTRATIVE LAW

Vocabulary

<i>body of law</i> – звід законів	<i>manufacturing</i> – виробництво
<i>govern</i> – регулювати	<i>taxation</i> – оподаткування
<i>agency</i> – засіб, орган, представництво, управління; управлінський	<i>broadcasting</i> – радіомовлення
<i>agency of government</i> – орган влади	<i>expand</i> – збільшувати(ся), розширювати(ся)
<i>rule-making</i> – нормотворчість	<i>increasingly</i> – все більше й більше
<i>adjudication</i> – судовий вирок, судове рішення, ухвалення судового рішення	<i>complex</i> – важкий, складний
<i>enforcement</i> – здійснення, виконання	<i>interaction</i> – взаємодія
<i>agenda</i> – порядок денний	<i>review</i> – розглядати, переглянути
<i>decision-making</i> – прийняття рішень	<i>judicial review</i> – судовий перегляд/розгляд
<i>board</i> – колегія, дирекція, правління	<i>due</i> – належний
<i>commission</i> – комісія	<i>process</i> – правова процедура, судочинство, процес
<i>regulatory</i> – регулюючий	<i>justice</i> – справедливість
<i>international trade</i> – міжнародна торгівля	<i>appeal</i> – апеляція
	<i>sit</i> – засідати, розглядати
	<i>arrive the decision</i> – приймати рішення
	<i>correctness</i> – правильність

Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rule-making, adjudication, or the enforcement of a specific regulatory agenda.

Administrative law is considered a branch of public law. As a body of law, administrative law deals with the decision-making of administrative units of

government (e.g., tribunals, boards or commissions) that are part of a national regulatory scheme in such areas as police law, international trade, manufacturing, the environment, taxation, broadcasting, immigration and transport.

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

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

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

Tasks

Task 1. *Match the following English words and expressions with their Ukrainian equivalents*

- | | |
|------------------------|-------------------------------|
| 1. rulemaking | a) винесення судового рішення |
| 2. adjudication | b) урядові установи |
| 3. regulatory agenda | c) оподаткування |
| 4. taxation | d) нормотворчість |
| 5. government agencies | e) судовий перегляд |
| 6. judicial review | f) людська взаємодія |
| 7. human interaction | g) регулятивна програма |

Task 2. *Give the definitions for the following terms and expressions or explain in other words*

- 1) administrative law;
- 2) rulemaking;

- 3) a rule;
- 4) adjudication;
- 5) an order.

Task 3. *Answer the following questions using the information from the text*

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

Task 4. *Complete the following sentences according to the information from the text*

- 1) The decision-making of administrative units of government (e.g., tribunals, boards or commissions) are part of
- 2) While administrative decision-making bodies are often controlled by larger governmental units,
- 3) When sitting in review of a decision, the Court will only look at the method in which the decision was arrived at, whereas

Task 5. *Complete the sentences with the active vocabulary from the box*

judicial review	rulemaking	administrative agencies
administrative law	decision-making bodies	

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

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

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

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

Task 6. *Choose the right preposition and postpositions in brackets according to the contents of the sentences (up, with, of, for, to, of)*

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

- Tribunals – independent bodies which provide ‘merits review’, that is, examining and ‘re-making’ government decisions;
- Courts – providing ‘judicial review’ ... the lawfulness of government decision-making;
- The Commonwealth Ombudsman – a permanent office holder ... the power to investigate maladministration (неналежне адміністрування);
- Freedom of Information – laws which create a general right of access ... official information, subject to exclusions.
- The benefits of having a system ... review of administrative decisions that is well established and independent include encouraging higher-quality decision making and building public confidence in government administration.

Task 7. *The verbs below can all be used to form nouns. Find in the text the words which have related meanings. Pay special attention to the stress*

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

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

Task 8. *Give the English equivalents for the following word combinations*

Адміністративне право, урядова установа, регулятивна програма, винесення судового рішення, оподаткування, нормотворчість, судовий перегляд.

Task 9. *Translate into English*

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

UNIT 11. CRIMINAL LAW

Vocabulary

offence – (право)порушення, злочин
apprehension – затримання, арешт
charging – обвинувачення
trial – суд
suspected – підозрюваний
convicted offender – засуджений
presuppose – містити в собі
define – визначати, встановлювати
legal code – правовий кодекс
prohibit – забороняти
double jeopardy – ризик двічі понести кримінальну відповідальність за один і той же злочин
charge – обвинувачення
voluntary – добровільний
omission – бездіяльність
state of mind – душевний стан
commit (a crime) – вчиняти, скоювати (злочин)
fit – приступ, припадок
sleepwalking – лунатизм
involuntary – мимовільний, недобровільний, ненавмисний
mental disorder – психічний розлад
limiting responsibility – обмеження відповідальності

criminal – злочинець; злочинний, кримінальний
criminal intent – злочинний намір
self-defence – самозахист, самооборона
defence – захист, оборона
enforcement – дотримання, здійснення
justifiable – що може бути виправданий
excuse – бути виправданням
defendant – відповідач, підсудний, обвинувачений
necessitate – викликати, спричиняти
circumstance – обставина
arson – підпал
rape – зґвалтування
treason – особливо тяжкий злочин
aggravated assault – напад при обтяжуючих обставинах
theft – крадіжка
burglary – нічна крадіжка із зломом
robbery – крадіжка, пограбування
murder – вбивство
conspiracy – змова
denote – виражати, означати

<i>attempt</i> – замах, спроба; робити замах	<i>in some respects</i> – певною мірою, в певному відношенні
<i>beyond</i> – за межами	<i>repeal</i> – скасовувати, анулювати
<i>legally defined point</i> – правове поле	<i>try</i> – судити
<i>embody</i> – втілювати	<i>specify</i> – точно визначати
<i>consistently</i> – послідовно	<i>provision</i> – положення
<i>reject</i> – відхиляти, відкидати	<i>affect</i> – впливати
<i>effort</i> – намагання, зусилля	<i>with respect to</i> – щодо
<i>comprehensive</i> – всебічний, всеосяжний	<i>sentence</i> – вирок, винесення вироку
<i>statutory</i> – установлений законом	

Criminal Law is the body of law that defines criminal offences, regulates the apprehension, charging, and trial of suspected persons, and fixes punishment for convicted offenders.

The offences that involve criminal law, a part of public law, are those against the state. Criminal law presupposes a rule of law in defining acts as criminal. In other words, immoral or unjust act is not a crime unless the law says it is one. Under the common law, custom and precedent define criminal action; in countries or states where a legal code exists, statute defines it. Criminal law usually prohibits the trial of a person a second time for the same offence (double jeopardy) and contains statutes of limitations – that is, limits for the period during which charges may be made.

A crime is usually defined as a voluntary act or omission, in conjunction with a given state of mind. Acts committed during fits of epilepsy or while sleepwalking are involuntary and thus do not qualify as crimes. Mental disorders are also widely recognized as limiting responsibility for acts otherwise regarded as criminal. Other factors entering into the determination of criminal intent are self-defence, defence of other persons, protection of property, and enforcement of the law. The law of most countries recognizes that the use of force, while not justifiable, may be

excused if the defendant believed that the use of force was necessitated by special circumstances.

Criminal acts include arson, rape, treason, aggravated assault, theft, burglary, robbery, and murder. Other concerns of criminal law are conspiracy, a rather broad term that denotes agreement between two or more individuals to commit a crime, and attempt. The definition of attempt varies from one legal system to another, but essentially it is preparation for criminal action that has gone beyond a legally defined point.

Important differences exist between the criminal law of most English-speaking countries. The criminal law of England and the United States derives from the traditional English common law of crimes and has its origins in the judicial decisions embodied in reports of decided cases. England has consistently rejected all efforts toward comprehensive legislative codification of its criminal law; even now there is no statutory definition of murder in English law.

The criminal law of the United States, derived from the English common law, has been adapted in some respects to American conditions.

In the majority of the U.S. states the common law of crimes has been repealed by legislation. The effect of such statutes is that no person may be tried for any offence that is not specified in the statutory law of the state. But even in these states the common-law principles still exist, for the criminal statutes are often simply codifications of the common law, and their provisions are interpreted by reference to the common law.

In the last few decades the movement for codification and law reform has made considerable progress everywhere.

Modern criminal law has been affected considerably by the social sciences, especially with respect to sentencing, legal research, legislation, and rehabilitation.

Tasks

Task 1. *Match the following English words and expressions with their Ukrainian equivalents*

- | | |
|-------------------------|--|
| 1. codification of law | a) бездіяльність |
| 2. double jeopardy | b) свідома дія |
| 3. voluntary act | c) злочинний намір |
| 4. omission | d) кодифікація права |
| 5. sleepwalking | e) визначення, передбачене законом |
| 6. mental disorders | f) лунатизм |
| 7. criminal intent | g) заборона повторного переслідування з однієї і тієї ж справи |
| 8. statutory definition | h) психічні захворювання |

Task 2. A. *Give the definitions for the following legal terms*

- 1) Criminal law is ...
- 2) Crime is ...
- 3) Conspiracy is ...
- 4) Attempt is ...

Task 3. *Answer the questions*

- 1) What are the two important elements of a crime which the prosecution must prove?
- 2) What is «double jeopardy»?
- 3) What differences exist between the criminal law of most English-speaking countries and that of other countries?
- 4) What criminal codes provided the model for many European countries?
- 5) What has modern criminal law been affected by?

Task 4. Law Breakers. *Find in the text and decide from the context what the word could mean, then choose the appropriate definition. Match each word on the left with the correct definition on the right*

A

1. an arsonist
 2. a shoplifter
 3. a mugger
 4. an offender
 5. a vandal
 6. a burglar
 7. a murderer
 8. a kidnapper
 9. a pickpocket
 10. an accomplice
 11. a drug dealer
 12. a spy
 13. a terrorist
- a) attacks and robs people, often in the street
 - b) sets fire to property illegally
 - c) is anyone who breaks the law
 - d) breaks into houses or other buildings to steal
 - e) steals from shops while acting as an ordinary customer
 - f) kills someone
 - g) deliberately causes damage to property
 - h) steals things from people's pockets in crowded places
 - i) gets secret information from another country
 - j) buys and sells drugs illegally
 - k) takes away people by force and demands money for their return
 - l) helps a criminal in a criminal act
 - m) uses violence for political reasons

B

- | | |
|----------------|--|
| 1. an assassin | a) causes damage or disturbance in public places |
| 2. a hooligan | b) hides on a ship or plane to get a free journey |
| 3. a stowaway | c) takes control of a plane by force and makes the pilot change course |
| 4. a thief | d) murders for political reasons or a reward |
| 5. a hijacker | e) is someone who steals |
| 6. a forger | f) makes counterfeit (false) money or signatures |
| 7. a robber | g) is a member of a criminal group |
| 8. a smuggler | h) steals money etc. by force from people or places |
| 9. a traitor | i) marries illegally, being married already |
| 10. a gangster | j) is a soldier who runs away from the army |
| 11. a deserter | k) brings goods into a country illegally without paying tax |
| 12. a bigamist | l) betrays his or her country to another state |

Task 5. *Choose the right preposition in brackets according to the contents of the sentences (by, from, in, on, to, for)*

- 1) The Crown Prosecutor, who works for the Director of Public Prosecutions, is responsible ... prosecuting criminals based on evidence presented by the police.
- 2) The definition of some legal terms vary ... one legal system to another.

- 3) The judge sentenced my neighbour to punishment ... the crime which he hadn't committed.
- 4) The State of Louisiana has a Roman civil form of law which derives ... its days as a French colony?
- 5) This decision was repealed ... the Constitutional Court.
- 6) One of the two accused men were tried ... an offense at yesterday's trial.
- 7) In Ukraine ... the last eight years the movement of law reform has made considerable progress.
- 8) The judicial decision was based ... the Criminal Code of the country. The judge sentenced the other accused man ... two years in prison.

Task 6. *Here are some words connected with law and crime. If necessary, use a dictionary to help you check that you understand what they all mean. Then divide them into three groups, in what seems to you to be the most logical way*

theft	member of a jury	judge	statute
juvenile	sentencing	rehabilitation	bribery
delinquency	terrorism	omission	arson
investigator	detective	death penalty	code
probation	traffic warden	aggravated assault	rape
drunken driving	lawyer	conspiracy	precedent
malfeasance	burglary	lawyer	fine
treason			

Task 7. *Put each of the following words and phrases into its correct place in the passage below*

bigamy	community	criminal law	forgery
civil	countries	felony	laws
classes	crimes	fine	

life	offences	prison	treason
imprisonment	punishment	state	
misdemeanour	person	term	

Crime

Crime violates the laws of a community, ... or nation. It is punishable in accordance with these «The definition of crime varies according to time and place, but the laws of most ... consider as crimes such ... as arson, ... burglary, ..., murder, and

Not all offences against the law are The laws that set down the punishments for crimes form the This law defines as crimes those offences considered most harmful to the On the other hand, a ... may wrong someone else in some other way that offends the ... law.

The common law recognizes three ... of crime: treason, ..., and misdemeanour. Death or ... is the usual ... for treason. Laws in the United States, for example, define a felony as a crime that is punishable by a ... of one year or more in a state or federal A person who commits a ... may be punished by a ... or a jail term of less than one year.

Task 8. *Make a plan of the text in the form of questions and ask your friends to answer them*

Task 9. *Here are some more crimes. Complete the table if necessary consult the dictionary*

Crime	Criminal	Verb	Definition
Terrorism			
Blackmail			
drug-trafficking			

Forgery			
Assault			
pickpocketing			
Mugging			

Task 10. Give the name of the defined law breaker.

1. steals a _ _ _ _ _
2. steals purses and wallets a _ _ _ k _ _ _ _ _
3. gets money by threatening to disclose personal information a _ _ _ _ k _ _ _ _ _
4. seizes aeroplanes a _ _ j _ _ _ _ _
5. takes things from a shop without paying a _ _ _ _ _ I _ _ _ _ _
6. kills people a _ _ r _ _ _ _ _
7. steals from houses or offices a _ _ _ g _ _ _ _ _
8. steals from banks or trains a _ _ b _ _ _
9. takes people hostage for a ransom a _ _ _ n _ _ _ _ _
10. steals government secrets a _ _ _
11. wilfully destroys property a v _ _ _ _ _
12. marries illegally while being married already a b _ _ _ _ _

Task 11. Put the words and phrases from the box into the correct column of the table

murder	rape	sexual assault	assault causing grievous bodily harm
--------	------	----------------	--------------------------------------

mugging	robbery	burglary	euthanasia	car theft	homicide
blackmail	child abuse	embezzlement	kidnap	fraud	
pickpocketing	shoplifting	stealing	arson		

Crimes against people	Crimes involving things or property

Task 12. Game «Just a minute». Here are the phrases of three people discussing one of the problems/ crimes. What crime are they talking about?

— «smoking in public places»

— «a lucky escape from the place of the fire»

— «He has more than one wife»

— «He stole her briefcase from her car»

— «We have a video of the accused robbing a bank»

— «They entered (reached through the window) my neighbour's house without permission and stole his new TV5set»

UNIT 12. CIVIL LAW

Vocabulary

<i>evolve</i> – розвиватися	<i>eliminate</i> – усувати
<i>medieval</i> – середньовічний	<i>resolve</i> – вирішувати
<i>payment for personal injury</i> – плата (покарання) за особисту образу, шкоду, травму	<i>distinct</i> – окремий, чіткий
<i>code</i> – кодекс	<i>provision</i> – положення
<i>comprehensive</i> – всебічний	<i>govern</i> – визначати, регулювати
<i>accumulation</i> – накопичення	<i>ownership</i> – право власності
<i>trace</i> – простежувати	<i>intellectual property right</i> – право інтелектуальної власності
<i>inscribe</i> – надписувати, вписувати	<i>tort</i> – делікт
<i>tablet</i> – дощечка, табличка	<i>obligation</i> – облігація, повинність, боргова розписка
<i>constitute</i> – засновувати, складати	<i>inheritance</i> – насліддя, успадкування
<i>compile</i> – укладати, складати	<i>definition</i> – визначення
<i>the Corpus</i> – кодекс	<i>legal entity</i> – юридична особа
<i>seek (sought)</i> – намагатися	<i>factoring</i> – факторні операції
<i>rescue</i> – рятувати	<i>franchise</i> – право голосу
<i>deterioration</i> – виродження, погіршення	<i>franchising</i> – франчайзинг
<i>restore (smth.) to its former glory</i> – відновити колишню славу (чого-н.)	<i>rent</i> – оренд; наймати, винаймати
<i>vast</i> – великий, численний, переважний	<i>inherit</i> – успадковувати
<i>convince</i> – переконувати	<i>litigation</i> – судовий процес
	<i>distinction</i> – відмінність
	<i>marital property</i> – сімейне майно

Civil Law is a term applied to a legal tradition originating in ancient Rome and to the contemporary legal systems based on this tradition. Modern civil law systems, which were originally developed in Western European countries, have

spread throughout the world. Civil law is typically contrasted with common law, a system that evolved in medieval England and that is the basis of law in most of the United Kingdom, Canada, and the United States.

The term "civil law" also applies to all legal proceedings (whether taking place in a civil law or a common law system) that are not criminal in nature. Under this definition laws regulating marriage, contracts, and payment for personal injury are examples of civil law.

The most obvious feature of a civil law system is the presence of a written code of law. The code is a systematic and comprehensive accumulation of legal rules and principles.

The civil law tradition traces its origin to the Roman Republic. The early custom and laws of Rome were put in writing for the first time in 451 and 450 BC, when they were inscribed on 12 bronze tablets. The principles contained within these Twelve Tables constituted the basis for all Roman civil law.

In compiling the *Corpus Juris Civilis*, Justinian sought to rescue the Roman legal system from years of deterioration and to restore it to its former glory. The vast quantity of material written on the civil law convinced him that the code should eliminate error, resolve conflicts.

The rise of nationalism that began in the 18th century led to the adoption of distinct civil codes for each European country, of which the French Code Napoléon of 1804 is the most famous. In the early 1900s Switzerland and Germany adopted similar codes. The subject matter of all these codes is almost identical with the first three books of the *Corpus Juris Civilis*.

The main code of Ukrainian civil law is the Civil Code of Ukraine. It comprises provisions governing ownership, intellectual property rights, contracts, torts, obligations, inheritance law, and the definition of legal entities. The code introduces new types of business contracts into the legal practice, including factoring, franchising, rent service, and inherited contracts. Civil litigation is governed by the Civil Procedural Code of Ukraine.

The civil law tradition makes a sharp distinction between private and public law. Private law is the law that governs relations between private citizens and private businesses. When applied to financial and commercial transactions, it is known as commercial law. All other private law is known as civil law or labour law. Civil law refers to the law of persons, family law, marital property law, property law, contract law and tort law. Labour law regulates the relations of employers and their employees.

In general, public law regulates the relations between organs of the government and between the government and private citizens. Public law consists of matters that concern the government: constitutional law, criminal law, and administrative law, it also includes taxation and business licensing. In many countries with civil law systems, two sets of courts exist – those that hear public law cases and those that address matters of private law.

Tasks

Task 1. *Match the following English words and expressions with their Ukrainian equivalents*

- | | |
|------------------|-----------------------|
| 1. deterioration | a) таблицка з написом |
| 2. tablet | b) уникати |
| 3. transaction | c) занепад |
| 4. to eliminate | d) правочин |
| 5. vast | e) великий |

Task 2. *Give the definitions for the following terms and expressions or explain in other words*

- 1) civil law
- 2) legal proceedings
- 3) private law
- 4) public law
- 5) civil code

Task 3. *Answer the following questions using the information from the text*

- 1) What is civil law typically contrasted with? What does the term civil law also denote? What is the main feature of a civil law system?
- 2) When and where were the early custom and laws of Rome put in writing? What does private law include?
- 3) What is the main code of Ukrainian civil law?
- 4) What does public law consist of?

Task 4. *Complete the following sentences according to the information from the text*

- 1) Civil law is usually contrasted with ...
- 2) The term civil law is used to mark all ...
- 3) The most evident characteristic of a civil law system is ...
- 4) The rise of nationalism led to the adoption of ...
- 5) The civil law tradition makes ...
- 6) Private law involves ...
- 7) Public law is composed of ...

Task 5. *Match the following legal terms with their definitions*

- | | |
|--------------|--|
| 1. code | a) a traditional practice that is so long-established and universal that it has acquired the force of law; |
| 2. contract | |
| 3. custom | b) system of accepted laws and regulations that govern procedure or behaviour in particular circumstances or within a particular profession; |
| 4. civil law | |
| 5. court | c) the law of a state dealing with the rights of private citizens; a system of law based on Roman law rather than common law or canon (канонічне) law; |
| | d) a session of an official body that has authority to try cases, resolve disputes, or make other legal decisions; |
| | e) a formal or legally binding agreement. |

Task 6. *Choose the right preposition in brackets according to the contents of the sentences (with, on, from, in)*

- 1) The role of judges in civil law jurisdictions differs considerably ... that of judges in common law systems.
- 2) The term civil law was used to combine all non-English legal traditions together and contrast them ... the English common law.
- 3) Civil law is based ... written legal codes, a hallmark of the Roman legal system.
- 4) The tendency ... civil law is to create a unified legal system by working out with maximum precision the conclusions to be drawn from basic principles.

Task 7. *Complete the sentences with the words of the active vocabulary*

marriage civil law (2) common law contract code personal injury

- 1) judges administer the law, but they do not create it.
- 2) Systems of and also differ in how law is created and how it can be changed.
- 3) Private law includes the rules governing civil and commercial relationships such as ..., divorce, and ... agreements.
- 4) Laws regulating marriage, contracts, and payment for ... are examples of civil law.
- 5) The ... is a systematic and comprehensive accumulation of legal rules and principles.

Task 7. *The verbs below can all be used to form nouns. Find in the text the words which have related meanings and sentences with them. Pay special attention to where the stress is*

Example: To administer – an administrator (n.) e.g. The pension funds are administered by commercial banks.

to proceed, to accumulate, to adopt, to govern, to injure

Task 8. *Give the English equivalents for the following word combinations*

Адміністративний кодекс, приватне право, публічне право, правова система, процесуальні дії, конституційне право, шлюб, договір, звичаєве право, цивільно-правова система, суд, кримінальний, правові принципи, розв'язувати конфлікти, термін, походити.

Task 9. *Translate into English*

Цивільне право виникло в Стародавньому Римі. Цивільне право регулює шлюб, угоди, сплату завданої особистої шкоди тощо. Традиційно цивільне право порівнюють із загальним правом. Загальне право є основою правової системи більшої частини Великої Британії, Канади та США. Цивільно-правова традиція передбачає відмінності між приватним та публічним правом. Приватне право стосується регулювання цивільних торговельних правовідносин. Конституційне право, кримінальне право та адміністративне право складають приватне право.

Task 10. *Complete the words using definitions*

- harm done to a person's or an animal's body, for example in an accident – i_j_ _ y
- connected with organizing the work of a business or an institution _d_ _ _ _st_a_ _ _ _
- the legal relationship between a husband and wife; the state of being married m_rr_ _ _ _
- the group of people who are responsible for controlling a country or a state _ _v_r_ _ _ _ _

- the place where legal trials take place and where crimes, etc. are judged _ _ _ _t
- a question to be decided in court m_tt_ _

UNIT 13. LABOUR LAW IN UKRAINE

Vocabulary

<i>innumerable</i> – незліченний	припинення	трудового
<i>subordinate legislation</i> – підзаконні нормативні акти	зобов'язання сторін	
<i>provide</i> – передбачати	<i>statutory requirements</i> – нормативні вимоги	
<i>conclusion</i> – заключення, укладання	<i>conclude</i> – заключати	
<i>employment agreement</i> – трудова угода	<i>specify</i> – точно визначати	
<i>employer</i> – роботодавець	<i>chief executive</i> – виконавчий директор	
<i>employee</i> – працівник, робітник	<i>exceed</i> – перевищувати	
<i>employment relations</i> – трудові відносини	<i>circumstance</i> – випадок	
<i>application</i> – заява	<i>provide for</i> – передбачати	
<i>relevant</i> – відповідний, відносний	<i>trade union</i> – профспілка	
<i>administrative order</i> – адміністративний порядок	<i>upon the prior consent (of smb.)</i> – з попередньої згоди (кого-н.)	
<i>execution</i> – виконання	<i>limited duration</i> – обмежений термін	
<i>written agreement</i> – письмова угода	<i>payment at double rates</i> – подвійна оплата	
<i>distinguish</i> – відокремлювати, розрізняти	<i>transfer</i> – переведення	
<i>latter</i> – останній	<i>with the consent (of smb.)</i> – за згодою (кого-н.)	
<i>former</i> – перший	<i>labour remuneration</i> – оплата праці	
<i>additional term</i> – додаткова умова	<i>benefits</i> – пільги	
<i>condition</i> – положення	<i>entitle</i> – давати право	
<i>ground</i> – підстава	<i>vest</i> – наділяти	
<i>employment termination and liabilities of the parties</i> –	<i>significant</i> – багатозначний	
	<i>powers</i> – повноваження	

<i>on behalf (of smb.)</i> – від імені (кого-н.)	<i>with regard to</i> – відносно, стосовно, щодо
<i>issue</i> – питання	<i>draft</i> – проект
<i>introduction</i> – введення	<i>extension</i> – розширення
<i>revision</i> – перегляд	<i>stipulate</i> – встановлювати, обумовлювати
<i>work norms</i> – норми виробітку	<i>succession</i> – насліддя, наступництво, правонаступництво, спадкування
<i>dismissal</i> – звільнення	<i>employment</i> – найм, наймання
<i>at the demand (of smb.)</i> – на вимогу (кого-н.)	
<i>performance</i> – виконання	
<i>obligation</i> – зобов'язання	

Apart from the Constitution of Ukraine, which proclaims major labour rights and guarantees, the Labour Code of Ukraine (LCU) has remained the main source of Ukrainian Labour Law since 1972, the year when it came into effect. It has been adjoined by innumerable acts and subordinate legislation.

The LCU provides for the conclusion of an employment agreement between an employer and an employee as the basis of their employment relations. An employment agreement shall contain the following: the employee's application and the relevant employer's administrative order on employment; the execution of a written agreement by the parties and the actual start of work by the employee.

Ukrainian law distinguishes between an employment agreement and an employment contract. The latter is a particular form of the former that can provide for additional terms and conditions (e.g. additional grounds for employment termination and liabilities of the parties) as compared to the statutory requirements. Employment contracts can only be concluded with employees strictly specified by the law: as a rule, for private companies this refers only to a chief executive.

As basic work conditions the following major requirements are to be observed by an employer: the monthly wage of an employee shall not be less than a minimum wage established by law; the working week shall not exceed 40 hours;

overtime work is permitted only (1) under the circumstances provided for by the law, (2) upon the prior consent of a trade union (if any), (3) with a limited duration, and (4) with payment at double rates; the basic annual paid vacation of an employee shall not be less than 24 calendar days; transfer to another job, work at another company or in another location can be carried out only with the consent of an employee; changes in material work conditions (modification of the system and amount of labour remuneration, benefits, work regime, etc.) can be introduced upon provision of 2-months prior notice to an employee, etc.

Employees are entitled to join the trade unions. Ukrainian law vests trade unions with significant powers, namely: to conclude a collective agreement on behalf of the employees; to consider issues on introduction, revision and change of work norms, labour remuneration, additional payments and benefits; to consider the need for overtime work, issues on the dismissal of employees at the demand of the employer; to control the performance of employer's obligations with regard to labour and labour protection law, etc.

In 2003 the Parliament accepted the new draft Labour Code as a basis. The bill is still being worked on. The latest draft determines the borders of extension of the labour law to relations with foreign participation, stipulates the rules of succession in employment relationship, the terms and conditions of employment of a chief executive, etc.

Tasks

Task 1. Answer the questions

- 1) What year did the Labour Code of Ukraine come into effect?
- 2) What is the basis of the employment relationship?
- 3) What is the difference between employment agreement and employment contract?
- 4) What major requirements are to be observed by an employer?
- 5) What powers are vested in trade unions by Ukrainian law?
- 6) What does the latest draft of Labour Code determine?

Task 2. *Match English verbal expressions with their Ukrainian ones*

- | | |
|---|---|
| 1. to proclaim major labour rights | a) вимагати внесення поправок та змін у законодавство |
| 2. to come into effect | b) здійснювати тільки зі згоди |
| 3. to be adjoined by innumerous acts | c) укладати колективний договір |
| 4. the working week shall not exceed | d) проголошувати головні трудові права |
| 5. to permit overtime work | e) доповнювати численними актами |
| 6. to carry out only with the consent | f) наділяти профспілки повноваженнями |
| 7. to vest trade unions with powers | g) визначати межі поширення |
| 8. to conclude a collective agreement | h) дозволяти понаднормову працю |
| 9. to call for amendment of legislation | i) робочий тиждень не може перевищувати |
| 10. to determine the borders of extension | j) набувати чинності |

Task 3. *Are the following statements true or false? Find reasons for your answers in the text*

- 1) Only the Constitution of Ukraine proclaims major labour rights and guarantees.
- 2) There isn't any difference between employment agreement and employment contract.
- 3) The latest draft of Labour Code is perfect and isn't required any improvement.
- 4) The Labour Code of Ukraine doesn't provide the clear term of annual vacation.

- 5) Trade unions are entitled to have agreements only with an employee.
- 6) The Labour Code of Ukraine foresees the employment provisions as the basis of employment relations.

Task 4. *Complete the following sentences according to the information from the text*

- 1) Ukrainian law distinguishes between an employment_____ and employment_____.
- 2) An employer should observe the following requirements: to provide an employee a minimum_____, an annual paid _____ etc.
- 3) An employee has the right to associate in_____.
- 4) Ukrainian law vests trade unions with such powers as: labour_____, issues on _____and so on.
- 5) The new _____of Labour Code was accepted by the Parliament.

Task 5. *Give the English equivalents for the following words and word combinations*

Приєднуватись до/вступати; оплата праці; матеріальна допомога; понаднормова праця; відповідальність; заява робітника; заробітна платня; адміністративний наказ; скарга; звільнення.

Task 6. *Translate the text into English*

Трудове право — це галузь права, яка регулює трудові відносини між робітником та роботодавцем, трудовими колективами та профспілками. Трудовий кодекс України, що набрав чинності в 1972 році, встановлює вимоги, які повинен виконувати роботодавець. Серед них є такі: місячна заробітна платня повинна бути не нижчою від мінімальної, встановленої законом; робочий тиждень не повинен перевищувати 40 годин; оплачувана відпустка не менше 24 календарних днів; понаднормова робота дозволяється тільки при обставинах, передбачених законом і за умови подвійної оплати;

переведення на іншу посаду та місце праці здійснюється лише за згодою самого працівника і т. д.

Task 7. *Match the words with their definitions considering differences in their meaning*

- | | |
|-----------------|---|
| 1. fee | a) money or its equivalent received in exchange for |
| 2. charge | labour or services, from the sale of goods or |
| 3. remuneration | property, or as profit from financial investments |
| 4. salary | b) money made in a business venture, sale, or |
| 5. wage | investment after all expenses have been met |
| 6. earnings | c) a payment or series of payment to one in need |
| 7. income | d) a fixed or regular payment or allowance |
| 8. stipend | (винагорода, матеріальна допомога, надбавка до |
| 9. profit | окладу) |
| 10. benefit | e) payment for work done or services rendered |
| | f) smth. earned, as salary, wages or profit |
| | g) a fixed charge, a payment for professional service |
| | h) regular compensation for services or work (Lat. |
| | money given to Roman soldiers for purchase of salt) |
| | i) cost, price |
| | j) paying for goods provided, services rendered |

Task 8. *Fill in the missed letters using the definition above*

- 1) A person who is hired to work
for another or for a business,
firm, etc., in return for payment. _ m _ _ o _ _ _
- 2) Those areas of law which are
part of the relationships between
employers and employees and _ a _ _ _ _ _ w
between employers and trade
unions.
- 3) (In England, Scotland, and
Wales) a tribunal that rules on
disputes between employers and _ _ p _ _ _ _ _ _ r _ _ _ _ _ l
employees regarding unfair
dismissal, redundancy, etc.
- 4) A regular payment made by an
employer to former employees
after they retire. _ _ _ _ _ _ n
- 5) A fixed regular payment made
by an employer, often monthly,
for professional or office work _ _ _ _ _ y
as opposed to manual work.

Speaking

Task 1. *Explain the difference between these words using all information from the unit*

- employer and employee
- employment agreement and employment contract

Task 2. *Work in pairs. Choose 5 questions which you take an interest in and ask your partner to answer them and vice versa. Discuss them with the group*

- 1) What legal steps should you take in employment recruiting?
- 2) During the application and interview process, what qualifications can an employer look for?
- 3) What would an illegal advertisement contain?
- 4) What are permissible and impermissible interview questions?
- 5) Do you have to give references?
- 6) How must employees be paid?
- 7) Should you be paid for lunch and rest breaks?
- 8) Are you entitled to overtime for working on weekends, holidays, or at night?
- 9) What is the minimum wage?
- 10) Is drug testing legal?

Task 3. *Work in pairs. Choose any word or word combination from the list below and let your partner guess the word you have chosen. Your partner should ask you questions and your answer must be just “Yes” or “No”. There will be no more than 20 questions*

Employer, employee, labour law, dismissal, grievance, wage, trade union, collective agreement, collective contract.

UNIT 14. JUDICIAL SYSTEM IN UKRAINE

Vocabulary

<i>supervise</i> – контролювати, керувати	<i>conformity</i> – відповідність
<i>official</i> – посадова особа	<i>set up</i> – засновувати
<i>in the course (of)</i> – в ході (чого-небудь)	<i>court of first instance / trial court</i> – суд першої інстанції
<i>operational search activity</i> – оперативно-розшукова діяльність	<i>court judgment</i> – судове рішення
<i>establish</i> – встановлювати	<i>administers justice</i> – здійснювати правосуддя
<i>legal fact</i> – юридичний факт	<i>ensure equal application of legislation</i> – забезпечувати однакове застосування законодавства
<i>legal proceeding</i> – судочинство	<i>assessor</i> – судовий засідатель
<i>aggregate</i> – сукупність	<i>juror</i> – присяжний засідатель
<i>availability</i> – доступність	<i>board of judges</i> – рада суддів
<i>interpret</i> – тлумачити	<i>jury</i> – присяжні
<i>apply</i> – застосовувати	<i>paid position</i> – оплачувана посада
<i>enforcement</i> – виконання	<i>paid work</i> – оплачувана робота
<i>court of general jurisdiction</i> – суд загальної юрисдикції	

Warming-up

Task 1. *Before reading the text about judicial system in Ukraine think about the subject in general*

- 1) What is a judicial system?
- 2) What types of courts do you know?
- 3) Who are taking part in judicial proceedings?

Task 2. *Read the definitions of the word 'judiciary' and decide in what meaning(s) it can be used in the text*

- a) judicial power

- b) judicial system
- c) court organization
- d) all the judges in a country who form part of the system of government.

Judicial power in Ukraine is based on the Constitution. It is an independent branch of state power created to solve legal problems between the state and citizens, citizens and legal persons; to supervise over constitutionality of laws; to defend citizens' rights in their relations with bodies of state power and officials; to supervise citizens' rights in the course of investigating crimes and conducting operational search activity; to establish the most significant legal facts.

Judicial power is realized by judges in the form of civil, criminal, economic, administrative as well as constitutional legal proceedings. Thus, judicial system is an aggregate of all existing courts in Ukraine. They have jurisdiction over all legal relations that appear in the state. The system provides availability of justice for every person. The courts interpret and apply the laws created according to the Constitution of Ukraine. Their decisions are made on behalf of Ukraine and are obligatory for enforcement on the entire territory of the country.

Judicial proceedings are administered by the Constitutional Court of Ukraine and courts of general jurisdiction.

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction. It decides on issues of conformity of laws and other legal acts with the Constitution and provides their official interpretation.

Courts of general jurisdiction form the common system of courts united by aims, tasks, principles of organization and activity, and are headed by the Supreme Court of Ukraine. They are set up according to principles of territoriality and specialization. General courts are local, appellate, Highest Specialized Courts, and the Supreme Court. Economic, administrative and some other courts are defined as specialized.

The lowest courts are local (district, city, etc.), which are courts of first instance or trial courts, decide different types of cases. The appellate courts hear

appeals from the local ones. The Highest Specialized Courts deal with cassations and determine the legality and reasoning of the previous court judgments. The Supreme Court, the highest court in their system, administers justice, ensures equal application of legislation by all courts of general jurisdiction.

The specialized courts of general jurisdiction consist of administrative and economic courts resolving disputes in the sphere of administrative and economic legal relations.

Justice is administered by professional judges and, in cases determined by law, people's assessors and jurors. Judicial proceedings are administered by a judge personally, a board of judges or a jury.

A citizen of Ukraine of at least 25 years old, who has higher legal education and work experience in the sphere of law for not less than 3 years, has resided in Ukraine at least 10 years and speaks state language may be recommended by the qualification commission for the position of a judge. The first appointment is made by the President for a five-year term. All other judges, except for judges of the Constitutional Court, are elected by the Verkhovna Rada for a lifetime. Professional judges must not belong to political parties and trade unions, occupy any other paid positions, and perform other paid work except scientific, teaching and creative activity.

The independence and immunity of judges are guaranteed by the Constitution and laws of Ukraine.

COURT SYSTEM OF UKRAINE

Local Courts	<ul style="list-style-type: none">• <i>Local "general" courts</i> (combining criminal and civil jurisdiction) consisting of:<ul style="list-style-type: none">• district, urban district and town courts;• city courts in Kyiv.• <i>Local specialized courts</i> (either commercial or administrative jurisdiction) consisting of regional courts.
Courts of appeal	<ul style="list-style-type: none">• <i>Courts of Appeal</i> (combining criminal and civil jurisdiction), consisting of:<ul style="list-style-type: none">• regional courts of appeal;• courts of appeal of Kyiv.• <i>Specialized Courts of Appeal</i> (either commercial or administrative jurisdiction) consisting of:<ul style="list-style-type: none">• commercial courts of appeal;• administrative courts of appeal.
High courts with specialized jurisdiction	<ul style="list-style-type: none">• The <i>High Specialized Court on Civil and Criminal Cases</i>, covering civil and criminal cases;• The <i>High Administrative Court of Ukraine</i>, covering administrative cases;• The <i>High Commercial Court of Ukraine</i>, covering commercial cases.
The Supreme Court of Ukraine	<ul style="list-style-type: none">• <i>The Supreme Court</i> is the highest court within the system of courts of general jurisdiction, conducting the review regarding unequal application of the rules of substantive law by the cassation courts and subject to cases when international judicial institution the jurisdiction of which is recognized by Ukraine has established the violation of international obligations by Ukraine.
The Constitutional Court of Ukraine	<ul style="list-style-type: none">• <i>The Constitutional Court</i> of Ukraine is a special body with authority to assess whether legislative acts of the Parliament, President, Cabinet are in line with the Constitution of Ukraine. This Court also gives commentaries to certain norms of the Constitution or laws of Ukraine (superior acts of Parliament).

Tasks

Task 1. *Read the following statements to choose the main topics of the text. Arrange them according to the content of the text, and add or exclude any point if necessary*

1. The judicial system consists of courts of general jurisdiction.
2. Court decisions are binding for everybody in Ukraine.
3. Trial courts can hear some types of appeal.
4. A person may have work experience in the sphere of law for five years to become a judge.
5. President appoints all judges.
6. Judges are allowed to take part in political activity.

Task 2. *Answer the following questions*

1. What are the tasks of the judicial system?

2. What does the judicial system consist of?
3. What are the functions of courts?
4. What types of jurisdiction do courts possess?
5. Who can administer justice?
6. Who can become a judge?

Task 3. *Find in the text legal terms which have the following meanings*

- A person with authority to hear and decide disputes brought before a court;
- An application to a higher court to examine again a case decided by a lower court;
- The power of a court to hear and decide cases;
- The process of settling a dispute by referring it to an independent third party for decision as an alternative to court proceedings;
- A serious disagreement;
- A body of persons who decide the facts of a case and give a decision of guilty or not guilty called a verdict;
- A process of thinking carefully about something in order to make a judgment.

Task 4. *Match the legal terms with their definitions*

- | | |
|-----------------------------|---|
| 1. a case of first instance | |
| 2. a hearing | a) a collective term for all judges; |
| 3. immunity | b) freedom from a legal obligation or consequence such as prosecution for crimes; |
| 4. a judgment | |
| 5. the judiciary | c) one which is heard before a court for the first time; |
| 6. a trial | |
| 7. jurisdiction | |

- d) the right to use an official power to make legal decisions, the area where this right exists;
- e) a meeting of a court to find out the facts about the case;
- f) an official decision given by a judge or a court of law;
- g) the process of examining and deciding a civil or criminal case before a court.

UNIT 15. TYPES OF PUNISHMENT

Vocabulary

<i>punish</i> – карати	<i>personal injury</i> – тілесне ушкодження
<i>punishment</i> – покарання	<i>theft</i> – крадіжка
<i>penalty</i> – покарання	<i>harsh</i> – жорсткий
<i>impose</i> – накладати	<i>evolve</i> – розвиватися
<i>violate criminal law</i> – порушувати кримінальний закон	<i>seek</i> – прагнути, намагатися
<i>commit crime</i> – скоїти злочин	<i>restitution</i> – відшкодування
<i>offender</i> – порушник	<i>community service</i> – громадська робота
<i>fine</i> – штраф	<i>encourage</i> – заохочувати
<i>monetary assessment</i> – грошовий внесок	<i>damage</i> – шкода, збиток
<i>infliction</i> – заподіяння	<i>obtain</i> – одержувати, отримувати
<i>confinement</i> – ув'язнення	<i>probation</i> – випробувальний термін
<i>jail / prison</i> – в'язниця	<i>supervised release</i> – контрольоване звільнення
<i>incarceration</i> – позбавлення волі	<i>alternatively</i> – альтернативно, по черзі
<i>revenge</i> – помста	<i>parole program</i> – програма умовно-дострокового звільнення
<i>wrongdoer</i> – правопорушник	<i>divert</i> – направляти
<i>prevent</i> – запобігати	<i>repeat offender</i> – рецидивіст
<i>contemplate</i> – мати намір	<i>misdemeanour</i> – дрібний злочин
<i>substitute</i> – замінити	<i>await</i> – чекати
<i>unlawful action</i> – незаконна дія	<i>convict</i> – засуджувати, визнавати винним
<i>devise</i> – винайти, вигадувати	<i>felony</i> – кримінальний злочин
<i>retaliation</i> – відплата	<i>capital punishment</i> – страта
<i>lex talionis</i> – лат. закон відплати	
<i>injure</i> – шкодити, ображати, кривдити	
<i>maim</i> – калічити, нівечити	

Criminal Punishment is a penalty imposed by the government on individuals who violate criminal law. People who commit crimes may be punished in a variety of ways. Offenders may be subject to fines or other monetary assessments, the infliction of physical pain (corporal punishment), or confinement in jail or prison for a period of time (incarceration). In general, societies punish individuals to achieve revenge against wrongdoers and to prevent further crime—both by the person punished and by others contemplating criminal behaviour. Some modern forms of criminal punishment reflect a philosophy of correction, rather than (or in addition to) one of penalty. Correctional programs attempt to teach offenders how to substitute lawful types of behaviour for unlawful actions.

Throughout history and in many different parts of the world, societies have devised a wide assortment of punishment methods. In ancient times, societies widely accepted the law of equal retaliation (known as *lex talionis*), a form of corporal punishment that demanded “an eye for an eye.” If one person’s criminal actions injured another person, authorities would similarly maim the criminal. Monetary compensation is another historic punishment method. In England during the early Middle Ages payments of “blood money” were required as compensation for death, personal injury, and theft.

Although some societies still use ancient forms of harsh physical punishment, punishments have also evolved along with civilization and become less cruel. Contemporary criminal punishment also seeks to correct unlawful behaviour, rather than simply punish wrongdoers.

Certain punishments require offenders to provide compensation for the damage caused by their crimes. There are three chief types of compensation: fines, restitution, and community service.

A fine is a monetary penalty imposed on an offender and paid to the court. However, fines have not been widely used as criminal punishment because most criminals do not have the money to pay them. Moreover, fining criminals may actually encourage them to commit more crimes in order to pay the fines.

The term restitution refers to the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused. This damage may include psychological, physical, or financial harm to the victim. In most cases, crime victims must initiate the process of obtaining restitution from the offender. Judges may impose restitution in conjunction with other forms of punishment, such as probation (supervised release to the community) or incarceration.

Alternatively, restitution may be included as a condition of an offender's parole program. Prisoners who receive parole obtain an early release from incarceration and remain free, provided they meet certain conditions.

Offenders sentenced to community service perform services for the state or community rather than directly compensating the crime victim or victims. Some of the money saved by the government as a result of community service work may be diverted to a fund to compensate crime victims.

The most serious or repeat offenders are incarcerated. Criminals may be incarcerated in jails or in prisons. Jails typically house persons convicted of misdemeanours (less serious crimes), as well as individuals awaiting trial. Prisons are state or federally operated facilities that house individuals convicted of more serious crimes, known as felonies.

The most extreme form of punishment is death. Execution of an offender is known as capital punishment. Like corporal punishment, capital punishment has been abolished in Ukraine.

Tasks

Task 1. *Read the statements. Are they true or false?*

1. Criminal Punishment is imposed by the individuals who violate criminal law.
2. A fine is a kind of a monetary assessment.
3. Confinement in jail or prison for a period of time is called incarceration.
4. The only reason to punish offenders is to achieve revenge against wrongdoers.

5. At present societies widely accept the law of equal retaliation.
6. No societies use the forms of harsh physical punishment nowadays.
7. Community service is one of the three types of compensation for the damage caused by their crimes.
8. Fines are often used as criminal punishment.
9. Restitution may be included as a condition of an offender's parole program.
10. The most serious or repeat offenders are incarcerated.
11. Criminals may be incarcerated in courts or police office.
12. Both corporal and capital punishments have been abolished in Ukraine.

Task 2. *Match the parts of the sentences*

- | | |
|------------------------|--|
| 1) Corporal punishment | a) supervised release to the community |
| 2) Incarceration | b) less serious crimes |
| 3) Lex talionis | c) a monetary penalty imposed on an offender and paid to the court |
| 4) Fine | d) the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused |
| 5) Restitution | e) the infliction of physical pain |
| 6) Probation | f) performing services for the state or community |
| 7) Parole | g) execution of an offender |
| 8) Community service | h) confinement in jail or prison for a period of time |
| 9) Capital punishment | i) obtaining an early release from incarceration while remaining |
| 10) Felonies | |
| 11) Misdemeanours | |

free, provided an offender meets certain conditions

j) more serious crimes

k) the law of equal retaliation, a form of corporal punishment that demanded “an eye for an eye”

Task 3. Match the words with their definitions and with the crimes committed

traffic ticket	remain in one's home for a certain period of time	Assault
license suspension	spend the rest of one's life in prison with no chance of going back into society	a young offender who is waiting to go to court
Fine	driving rights are removed for a certain period of time	speeding, parking
house arrest	leaves marks on driving record/involves paying a fine	hunting out of season
community service	pay money as punishment for minor/petty crime	a youth that steals a car for the first time
jail time	do volunteer work such as teaching children about crime or cleaning up garbage	Homicide
life in prison	spend a certain amount of months or years locked away from society	drunk driving

Task 4. Complete the text with the words from the box

criminal; punished; rehabilitate; revenge; wrongdoing; impose; crime

Goals of Criminal Punishment

The major driving force underlying all punishment is _____ also referred to as retribution. The word retribution derives from a Latin word meaning "to pay back." In retaliation for _____ societies seek to punish individuals who violate the rules. Criminal punishment is also intended as a deterrent to future criminality. Offenders who are _____ may be deterred from future wrongdoing because they fear additional punishment. Others who contemplate _____ may also be deterred from _____ behaviour. Societies also _____ punishments in order to incapacitate dangerous or unlawful individuals by restricting their liberty and to _____ these wrongdoers and correct their behaviour.

Task 5. *Make up sentences from the words*

- 1) from society / or incarceration / crime prevention / Isolating criminals / is the most direct method of / through confinement.
- 2) penalize wrongdoers / seeks to / and transform their behavior, / rather than / correct criminals / merely / Contemporary criminal punishment.
- 3) harsh physical punishment, / some societies / punishments have also / Although / evolved along with civilization / and become less cruel / still use ancient forms of.
- 4) contemporary punishments / In most industrialized societies, / are / or / either fines / or both / terms of incarceration.
- 5) refers to / requiring offenders / to financially compensate / for the damage / the offenders caused / The term restitution / the practice of / crime victims.
- 6) or / are incarcerated / The most serious / repeat offenders.
- 7) certain undesirable individuals, / such as / Some societies / with banishment or exile / criminals and political and religious dissidents, / punish.
- 8) capital punishment / Opponents of / barbaric and degrading / see it as / to the dignity of the individual.

Task 6. *Role-play*

Student A is a police officer and student B is a suspect. Make up a dialogue. The replies below will help you.

Questions from law breakers or suspected criminals.

- Why did you pull me over?
- Have I done something wrong?
- Is this illegal?
- What are my rights?
- Can I call a lawyer?
- Where are you taking me?
- Can I make a phone call?

Questions police may ask a suspected criminal.

- Are you carrying any illegal drugs?
- Do you have a weapon?
- Does this belong to you?
- Whose car is this?
- Where were you at eight last night?

Informing someone of laws and police procedures.

- You are under arrest.
- Put your hands on your head.
- I am taking you to the police station.
- Please get in the police car.
- You will have to pay a fine for this.
- I will give you a warning this time.
- I'm going to write you a ticket.
- We'll tow your car to the station.
- Smoking in restaurants is illegal in this country.
- It is against the law to do drugs in public.

UNIT 16. THE STATE SYSTEM OF THE UK

Vocabulary

<i>constitutional</i>	<i>monarchy</i>	–	<i>impartial</i>	–	неупереджений, справедливий
конституційна монархія					
<i>reign</i> – царювати			<i>chairman</i> – головуючий		
<i>rule</i> – управляти, правити			<i>reelect</i> – переобирати		
<i>make political decisions</i> – приймати політичні рішення			<i>duration</i> – термін		
<i>chamber</i> – палата			<i>dissolve</i> – розпускати		
<i>constituency</i> – виборчий округ			<i>bring into being</i> – вводити в дію		
<i>be presided over (by)</i> – головувати			<i>prorogation</i> – перерва в роботі парламенту за королівським наказом		
<i>appoint</i> – призначати			<i>available</i> – доступний, готівковий		
<i>Lords Temporal</i> – світські члени палати лордів			<i>appropriate</i> – розподіляти, асигнувати		
<i>Lords Spiritual</i> – єпископи-члени палати лордів			<i>carry a seat</i> – займати посаду		
<i>archbishop</i> – архієпископ			<i>Home Secretary</i> – Міністр внутрішніх справ		
<i>bishop</i> – єпископ			<i>Foreign Secretary</i> – Міністр зовнішніх справ		
<i>hereditary peer</i> – спадкоємний пер			<i>Defence Secretary</i> – Міністр оборони		
<i>inherit</i> – успадковувати			<i>Chancellor of the Exchequer</i> – канцлер казначейства (міністр фінансів Великобританії)		
<i>title</i> – титул			<i>Secretary for Scotland</i> – секретар Шотландії		
<i>Lords of Appeal (Law Lords)</i> – судді верховного суду Англії			<i>Privy Council</i> – таємна рада		
<i>hold office</i> – займати посаду			<i>in theory</i> – в теорії		
<i>appeal case</i> – апеляційна справа			<i>in practice</i> – на практиці		
<i>deliberations, pl</i> – обговорення					
<i>Lord Chancellor</i> – лорд-канцлер					
<i>distinguished</i> – видатний					
<i>renounce</i> – відмовлятися					

The United Kingdom is a constitutional monarchy, which means that the sovereign reigns but does not rule.

Strictly speaking, Parliament consists of three elements: the Sovereign (that is the King or the ruling Queen), the House of Lords and the House of Commons.

The Queen (or King) is officially head of state, head of the executive, head of the judiciary, head of the legislature, Commander-in-Chief of the armed forces, “Supreme Governor” of the Church of England. The monarch is expected to be politically neutral, and should not make political decisions.

The Parliament legislature consists of 2 chambers: the House of Lords and the House of Commons.

Members of the House of Commons are elected by the adult suffrage of British people in general elections, which are held at least every 5 years.

The country is divided into 650 constituencies each of which elects one MP. The Commons has 650 MPs, of whom only 6.3 % are women. The party, which wins the most seats, forms the Government and its leader becomes Prime Minister.

The House is presided over by the Speaker who is appointed by the Government after consultation with the leader of the Opposition. All the members of the House of Commons are paid salary.

The House of Lords consists of the Lords Temporal and the Lords Spiritual.

The Lords Spiritual are the Archbishops of York and Canterbury, together with 24 senior bishops of England.

The Lords Temporal consist of:

- hereditary peers, who have inherited their titles;
- life peers who are appointed by the Queen on the advice of the Government for various services to the nation;
- the Lords of Appeal (Law Lords) who become life peers on their judicial appointments. The latter serve the House of Lords as the ultimate court of appeal. This appeal court consists of nine law lords who hold senior judicial office. They

are presided by the Lord Chancellor and they form a quorum of 3 or 5 when they hear appeal cases.

The House of Lords has no real power but acts rather as an advisory council for the House of Commons.

The person who presides over the Lords deliberations is the Lord Chancellor. He is one of the principal officers of State, and is nowadays a distinguished lawyer. His office is very different from that of Speaker. The Speaker does not speak in the House, but is so named because he speaks on behalf of the Commons to the Sovereign. He renounces party politics on his election, and acts as impartial chairman. He does not change with the Government, but is reelected each Parliament. He controls the member's parliamentary behaviour, and this function contrasts with the power of the Lord Chancellor. The Lord Chancellor is active in party politics, being one of the chief spokesmen for the Government. He has no authority to speak on behalf of the whole House and has no power of discipline.

A new session of Parliament opens every year. The duration of Parliament is five years. In practice it ends sooner. Parliament's life is ended by the Sovereign who dissolves it. It is a constitutional convention that the Queen dissolves Parliament only at the request of the Prime Minister. The Queen issues a Proclamation to bring into being a new Parliament. The life of a Parliament is divided into Sessions, which ends by Prorogation, and each House may put off its meetings by resolution.

The main functions of Parliament are:

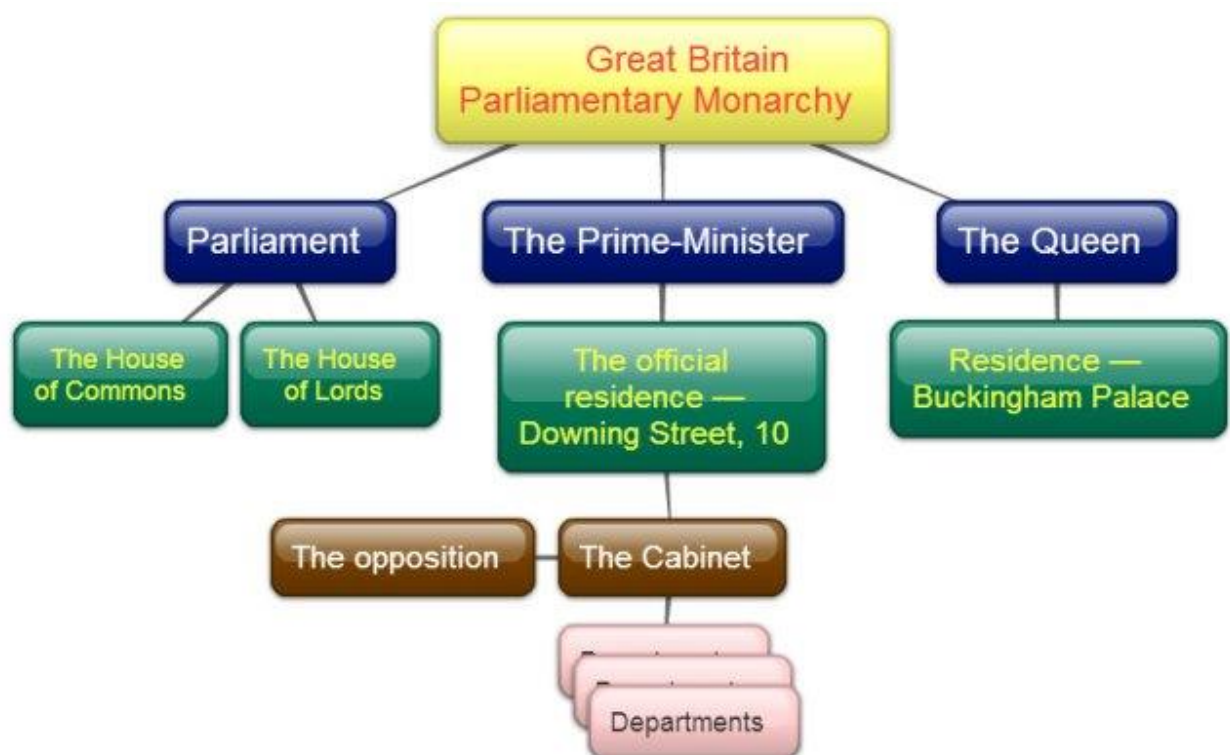
- 1) to make laws regulating the life of the community;
- 2) to make available finance for the needs of the community and to appropriate the funds necessary for the service of the State;
- 3) to criticise and control the Government.

The executive consists of government – that is the Prime Minister and Cabinet. The Prime Minister chooses a team of ministers, of whom 20 or so are in the Cabinet. Ministers may be members of either the House of 100 Lords or the House of Commons. Certain offices usually carry a seat in the Cabinet: the Prime

Minister, the Home and Foreign Secretaries, the Defence Secretary, the Chancellor of the Exchequer, the Secretary for Scotland, the Lord Chancellor and others. The meetings of the Cabinet are usually held at 10, Downing Street, which is the residence of the Prime Minister.

The Cabinet is responsible for initiating and directing the national policy, government departments, local authorities and public corporations.

The Sovereign's group of close advisers in high matters of state is known as the Privy Council. In theory it advises the Sovereign to make a certain course, but in practice it is a court and consists of the Law Lords.



Tasks

Task 1. Answer the following questions

1. Who rules the UK?
2. Which of the Parliament chambers has the greatest power?
3. Which of the words are used when the British Government is mentioned in the press: the Cabinet, the Downing Street 10, White Hall?
4. Who debates bills?

5. Who runs the Government in Britain?
6. Who appoints Cabinet Ministers and other ministers?
7. Who approves the appointment of the Prime Minister?
8. Who becomes a Member of Parliament?
9. Who gives honours such as peerages, knighthood and medals?
10. Could you name the Head of the Commonwealth?

Task 2. *Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents*

To inherit, lord, appeal, to renounce, issue, to preside, office.

Task 3. *Complete the following expressions choosing a suitable proposition from the list below; find the best way of expressing them in Ukrainian*

- 1) to serve ...
- 2) the court ... appeals
- 3) debates ... the House of Lords
- 4) to be opened ... the Queen to derive ...
- 5) carry ... formal occasions
- 6) according ... 101
- 7) to sit ... the benches

Of, by, out, on, to, from, in, as

Task 4. *Translate the following sentences*

- 1) It is common knowledge that Great Britain, having the oldest Parliament in the world, has one of the most stable and effective political regimes of our time.
- 2) The Prime Minister chairs the meetings, selects its members, and also recommends their appointment as ministers by the Monarch.
- 3) An Act of Parliament creates a new law or changes an existing one.

- 4) Private Members' Bills are Public Bills introduced by MPs or Lords who are not ministers.
- 5) Public Bills are the most common type of Bill and change the law that applies to the general public.

Task 5. Match the words on the left with their definitions on the right. Use them in the sentences of your own

- | | |
|----------------|---|
| 1. queen | a) place where one lives |
| 2. preside | b) receive property, a title, etc as heir |
| 3. inherit | c) be chairman , be the head of |
| 4. residence | d) put on one side for special purpose |
| 5. appropriate | e) ruler in her own right |

Task 6. Translate the words and word combinations into English

Приймати політичні рішення, міністр зовнішніх справ, виборчий округ, розпускати парламент, робити перерву в роботі парламенту, палата, розпочинати роботу парламенту, тривалість роботи парламенту, критикувати роботу уряду, займати вищу судову посаду, успадковувати титул, змінюватися, контролювати поведінку членів парламенту, найближчі радники, урядові міністерства, міністр фінансів Великобританії, в теорії, на практиці, конституційна угода, видатний юрист, резиденція, виконавча гілка влади, повноваження лорда-канцлера, таємна рада, лідер опозиції, призначати, офіційне оголошення.

UNIT 17. LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF POWER OF GREAT BRITAIN

Vocabulary

House of Lords – палата лордів

House of Commons – палата общин

in the reign – за панування

peer – лорд

“lords spiritual” – “духовні лорди”

(єпископи і архієпископи)

archbishop – архієпископ

bishop – єпископ

life peers – довічний пер

inherit – успадкувати

hereditary – спадковий

Lord Chancellor – Лорд-канцлер

Woolsack – вантух, мішок з вовною
(місце лорд-канцлера в палаті лордів)

“front-benches” – передні лавки

“back-benches” – задні лавки

rank-and-file – непримітний

catch the Speaker’s eye – «зловити»
очі спікера

bill – законопроект

approve – схвалювати

veto – накладати вето

reject – відхиляти

“royal assent” – королівська згода

Power in Great Britain is divided among three branches: the legislative branch, the executive branch and the judicial branch.

The legislative branch is represented by Parliament, which consists of two chambers, or houses: the House of Lords and the House of Commons.

Parliament in Britain has existed since 1265. Having been organized in the reign of King Edward I, it is the oldest parliament in the world.

The House of Lords consists of more than 1000 peers, including the “lords spiritual”: the Archbishop of Canterbury, the Archbishop of York, and 24 bishops of the Church of England. The peers (with the exception of the “lords spiritual”) have the right to sit in Parliament during their lifetime and transmit their right to their eldest sons.

During the last century a new practice appeared: the practice of “creating” new peers. They are called “life peers”, because their children do not inherit their titles like the children of hereditary peers. New peers are created by the monarch on the advice of the Prime Minister. The House of Lords is the only non-elected chamber in the world. The chairman of the House of Lords is the Lord Chancellor and he sits on a special seat called the Woolsack.

The House of Commons is made up of 650 elected members, known as Members of Parliament (MPs). The House of Commons is presided over by the Speaker. MPs sit on two sides of the hall, one side for the governing party and the other for the opposition. The first two rows of seats are occupied by the leading members of both parties (called “front-benches”), the back benches belong to the rank-and-file MPs (called “back-benches”). Each session of the House of Commons lasts for 160-175 days. Parliament has intervals during its work. MPs are paid for their parliamentary work and have to attend the sittings. MPs have to catch the Speaker’s eye when they want to speak, then they rise from where they have been sitting to address the House and must do so without either reading a prepared speech or consulting notes.

Parliament’s main function is to make laws. The procedure of making laws is as follows: a member of the House of Commons proposes a bill, which is discussed by the House. If the bill is approved, it is sent to the House of Lords, which, in case it does not like it, has the right to veto it for one year. If the House of Commons passes the bill again the following year, the House of Lords cannot reject it. Finally the bill is sent to the Queen for the “royal assent”, after which it becomes a law.

The executive branch is headed by the Prime Minister, who is appointed by the king (queen). According to tradition, the Prime Minister is the leader of the party that has won the elections and has the majority in the House of Commons. The Prime Minister appoints the ministers to compose the government. The most important ministers of the government (about 20) form the Cabinet.

The main function of the executive branch of the government is to administer the laws (to see to it that the laws are carried out, actually to rule the country).

The judicial branch interprets the laws. The highest judicial body is the Supreme Court.



Tasks

Task1. Find in the text English equivalents of the following Ukrainian words and word combinations

Засідати в парламенті протягом життя, діти спадкових перів (лордів), головуєчий, обраний член, головувати, правляча партія, відвідувати засідання, підготовлена промова, створювати закони, законопроект, створювати уряд, виконувати закони.

Task 2. Complete the sentences with the active vocabulary from the box

peers	laws	Parliament	the Queen
the Supreme Court	the government	the Speaker	

- 1) The legislative branch is represented by
- 2) The House of Lords consists of more than 1000
- 3) The House of Commons is presided over by
- 4) Parliament's main function is to make
- 5) Finally the bill is sent to ... for the "royal assent".
- 6) The Prime Minister appoints the ministers to compose
- 7) The highest judicial body is

Task 2. *Are the following statements true or false?*

1. Parliament in Britain has existed since 1365.
2. Having been organized in the reign of King Edward I, it is the oldest parliament in the world.
3. New peers are created by the monarch on the advice of the Queen.
4. The House of Lords is made up of 650 elected members.
5. MPs sit on two sides of the hall, both of them are for the governing party.
6. MPs are paid for their parliamentary work and have to attend the sittings.
7. If the bill is approved, it is sent to the House of Lords, which, in case it does not like it, has the right to veto it for two years.
8. The executive branch is headed by the Prime Minister.
9. The most important ministers of the government (about 20) form the Cabinet.
10. The main function of the executive branch of the government is to make the laws.

Task 3. *Translate into English the following text*

Королева Англії

Королева Єлизавета II – це 40-й за рахунком монарх, починаючи з Вільгельма Завойовника, який отримав корону Англії.

З 1952 року королеві було присвоєно вже близько 387 700 нагород.

Єлизавета II абсолютно вільно володіє французькою мовою і досить часто використовує її для державних візитів. Їй ніколи не потрібен перекладач.

Понад 620 благодійних організацій тримає під своєю опікою Королева.

256 офіційних зарубіжних візитів в 129 різних країн провела за час правління Єлизавети.

Єлизавета II народилася 21 квітня 1926 року, але офіційно її день народження всі святкують у червні.

Одне з найважливіших нововведень Єлизавети було відкриття в 1962 році в Букінгемському палаці галереї з виставкою. Тоді вперше частина палацу стала доступною для широкого загалу.

У 1986 році Єлизавета відвідала Китай, перша серед англійських монархів.

У металевому контейнері на Місяці досі зберігається послання королеви Єлизавети II з привітанням астронавтам Аполлона-11, які приземлилися на Місяць 21 липня 1969.

UNIT 18. LAW OF THE UNITED KINGDOM

Vocabulary

pluralistic – плюралістичний

apply – застосовувати

diverge – розходитися, відрізнятися

equity – справедливість

devolve – передавати

substantive – основний, значний

previously – попередньо,
заздалегідь, раніше

Treaty of Union – союзний договір
«Акт про Унію» (від 01.05.1707 р.)

put into effect – виконувати,
проводити в життя

contain – містити в собі

provision – положення

preserve – зберігати, додержуватися

Appellate Committee – апеляційний
комітет

pattern – модель, зразок

Justiciary – судовий чиновник;
суддівський, судовий

caseload – обсяг роботи

Privy Council – Таємна рада

overseas – закордонний,
заморський, заокеанський

dependency – залежність,
несамостійність, підлеглість

asylum – притулок

employment – працевлаштування

The United Kingdom has three legal systems. English law, which applies in England and Wales, and Northern Ireland law, which applies in Northern Ireland, are based on common-law principles. Scots law, which applies in Scotland, is a pluralistic system based on civil-law principles, with common law elements dating back to the High Middle Ages. While England and Wales, Northern Ireland, and Scotland diverge in the more detailed rules of common law and equity, and while there are certain fields of legislative competence devolved in Northern Ireland, Scotland, Wales and London, there are substantive fields of law which apply across the United Kingdom.

The United Kingdom does not have a single legal system since it was created by the political union of previously independent countries. Article 19 of the Treaty of Union, put into effect by the Acts of Union in 1707, created the Kingdom of

Great Britain but guaranteed the continued existence of Scotland's separate legal system. The Acts of Union of 1800, which combined Great Britain and Ireland into the United Kingdom of Great Britain and Ireland, contained no equivalent provisions but preserved the principle of separate courts to be held in Ireland, of which the part called Northern Ireland remains part of the United Kingdom.

The Supreme Court of the United Kingdom is the highest court in the land for all criminal and civil cases in England and Wales and Northern Ireland, and for all civil cases in Scots law. The Supreme Court came into being in October 2009, replacing the Appellate Committee of the House of Lords. In England and Wales, the court system is headed by the Senior Courts of England and Wales, consisting of the Court of Appeal, the High Court of Justice (for civil cases) and the Crown Court (for criminal cases). The Courts of Northern Ireland follow the same pattern. In Scotland the chief courts are the Court of Session, for civil cases, and the High Court of Justiciary, for criminal cases. Sheriff courts have no equivalent outside Scotland, as they deal with both criminal and civil caseloads.

The Judicial Committee of the Privy Council is the highest court of appeal for several independent Commonwealth countries, the British overseas territories, and the British Crown dependencies. There are also immigration courts with UK-wide jurisdiction – the Asylum and Immigration Tribunal and Special Immigration Appeals Commission. The Employment tribunals and the Employment Appeal Tribunal have jurisdiction throughout Great Britain, but not Northern Ireland.

Tasks

Task 1. *Find in the text the words that correspond to the following definitions*

- 1) A legal system that is largely formed by the decisions previously made by courts and not imposed by legislatures or other government officials.
- 2) The organization and network of courts and other institutions, procedures and customs, officers and other personnel concerned with interpretation and enforcement of a country's law.
- 3) The highest court in the land for all criminal and civil cases.

- 4) A noncriminal lawsuit, usually involving private property rights.
- 5) A lawsuit brought by a prosecutor employed by the federal, state, or local government that charges a person with the commission of a crime.
- 6) An old name for the judges of the higher English courts.

Task 2. *Read and combine the two halves of each sentence*

- | | |
|---|--|
| 1) The United Kingdom has ... | a) in October 2009. |
| 2) Scots law, which applies in Scotland, is a pluralistic system ... | b) three legal systems.
c) jurisdiction throughout Great Britain. |
| 3) The Acts of Union of 1800 combined Great Britain and Ireland ... | d) no equivalent outside Scotland.
e) into the United Kingdom of Great Britain and Ireland. |
| 4) The Supreme Court came into being ... | f) based on civil-law principles. |
| 5) Sheriff courts have ... | |
| 6) The Employment tribunals and the Employment Appeal Tribunal have ... | |

Task 3. *Use the following word combinations in the sentences of your own*

Legal systems, more detailed rules, legislative competence, independent countries, put into effect, the highest court, criminal case, civil cases, come into being.

UNIT 19. THE STATUTE LAW

Vocabulary

<i>judge-made</i> – судочинний	<i>approve</i> – затверджувати,
<i>case law</i> – прецедентне право	схвалювати
<i>distinction</i> – розрізнення,	<i>eventually</i> – зрештою
винятковість, особливість	<i>codify</i> – кодифікувати
<i>set forth</i> – висловлювати	<i>code book</i> – книга шифрів
<i>powers</i> – повноваження	<i>addendum</i> – додаток
<i>to be vested with the power</i> – бути	<i>vest</i> – наділяти
наділеним владою	<i>intent</i> – значення, намір
<i>interstate commerce</i> – торгівля між	<i>behind the statute</i> – за законом
штатами	<i>plain</i> – простий, відвертий,
<i>government</i> – тут форма правління	зрозумілий

Statute law is written law passed by legislatures. It is different than judge-made common law or case law. Statute laws are laws that are formally established to deal with specific situations, and written down in code books.

In common law societies such as England, Canada, and the United States, law is made by two distinct bodies. The legislature makes some laws, and judges make other laws. In the US, this distinction is set forth by separation of powers rules in the Constitution.

When the legislature makes a law, it is considered statute law or statutory law. The legislature can make a law on anything that they have the power to govern. In the United States, for example, state legislatures are vested with the power to make laws on property and divorce, among other things, while federal legislatures are allowed to make laws on matters governing interstate commerce and on issues such as international relations.

The legislature, unlike the courts, does not have to have a "case" before it to make a law. If the legislature has the authority to make a law about something and

it believes that it is a good idea to make a law, it is permitted to do so. Judges, on the other hand, can only make law when a case comes before them and they make law in the form of establishing precedent in that particular case.

The procedures for making statute law by the legislature differ depending on how the government is set up in the particular country. In the United States, for example, bills are proposed which are suggested laws. The bills must then be approved by the House and the Senate, and signed by the president in most cases, if the law is to be a federal law.

The legislature sets forth a rule in statute law, and that rule eventually becomes the law after passing through the appropriate process and receiving the required number of votes. Eventually, all of the statutory laws are published and codified in code books. Before this occurs, the statutory laws are still the law, but the laws are published in special addendums to existing code books and/or on government websites.

Statutes cannot possibly cover every situation and are not always completely clear on their face. As a result, courts can sometimes be called upon to interpret statute law, and/or statutes may create agencies and vest those agencies with the power to interpret the law. Both courts and state agencies must interpret any statutes by understanding the legislature's intent behind the statute and remaining true to the statute's plain language and purpose.

Tasks

Task 1. *Complete the sentences translating the word combinations in brackets*

- 1) The legislature makes some laws, (а судді створюють інші закони).
- 2) When the legislature makes a law, (він вважається статутним законом).
- 3) Judges can only make law (коли справа доходить до них).
- 4) The procedures for making statute law by the legislature differ depending on (як налаштована робота уряду в конкретній країні).
- 5) The bills must be signed (президентом в більшості випадках).
- 6) All of the statutory laws are published and codified (в книгах шифрів).

Task 2. *Answer the following questions*

- 1) What is statute law?
- 2) Where is law made by two distinct bodies? What are those bodies?
- 3) When is a law considered statute law or statutory law?
- 4) What can the legislature make a law on?
- 5) What are state legislatures in the USA vested with?
- 6) Does the legislature have to have a “case” before it to make a law?
- 7) When can judges make law?
- 8) What form do the judges make law in?
- 9) What do the procedures for making statute law by the legislature depend on?
- 10) Where are all statutory laws published and codified?
- 11) Can statutes possibly cover every situation?
- 12) In what cases courts can be called upon?
- 13) What must both courts and state agencies interpret any statutes by?

UNIT 20. COMMON LAW

Vocabulary

Common Law – загальне право

onward – далі, наперед, уперед;
прогресуючий

previous – попередній

draft – створювати

accumulate – наносити(ся),
нагромаджувати(ся)

precedent – виникати

emerge – з'являтися

guideline – директива, рекомендація

precedent – прецедент

subsequent – наступний

reveal – виявляти, з'ясовувати

consideration – міркування, розгляд

depart – відходити

establish – створювати

accept – допускати, приймати

retain – зберігати

dynamic – динаміка

apply – використовувати,
застосовувати

trial court – суд першої інстанції

layer – прошарок

adjudicate – ухвалювати вирок

ultimate – остаточний

verdict – вирок

appellate review – перегляд справи в
апеляційному порядку

preserve – зберігати

check – перевірка

judicial power – судова влада

Common Law is a term, which describes the main body of English unwritten law that evolved from the 12th century onward. The name comes from the idea that English medieval law, as administered by the courts, reflected the «common» customs of the kingdom. This system of law prevails in Great Britain and in those countries, such as Canada and the United States that were originally colonized by English settlers.

The common law is based on the principle of deciding cases by reference to previous judicial decisions, rather than to written statutes drafted by legislative bodies. Common law can be contrasted to the civil-law system, based on ancient Roman law, found in continental Europe and elsewhere.

As the number of judicial decisions accumulates on a particular kind of dispute, general rules or precedents emerge and become guidelines for judges deciding similar cases in the future. Subsequent cases, however, may reveal new and different facts and considerations, such as changing social or technological conditions. A common-law judge is then free to depart from precedent and establish a new rule of decision, which sets a new precedent as it is accepted and used by different judges in other cases. In this manner, common law retains a dynamic for change.

In all common-law systems, a pyramidal structure of courts exists to define the law. At the base of the pyramid are trial courts, composed of a single judge and a jury selected from local citizens. The judge controls the conduct of the court and the admission of evidence. After both sides have presented their evidence, the judge instructs the jury on the appropriate legal principles to be applied in determining the case. The jury then weighs the facts and retains a dynamic the law, as stated by the judge, in order to reach a verdict or judgment.

Above the trial courts, layers of appellate courts, composed entirely of judges, exist to adjudicate disputes. These disputes centre on whether or not the trial judge applied the correct principles of law. (The jury's determination of fact and its ultimate verdict or judgment are not subject to appellate review, however, in order to preserve the independence of the jury as a check on judicial power.) The interpretations of law made by appellate courts form the precedents that govern future cases. Furthermore, the importance of a precedent for any given court depends on that court's position in the pyramidal structure; for example, a precedent set by an appellate court has greater force in trial courts than in other appellate courts.

Tasks

Task 1. *Match the following English words and expressions with their Ukrainian equivalents*

- | | |
|-----------------------------|----------------------------------|
| 1) to preserve independence | a) судові рішення |
| 2) rule of decision | b) встановити прецедент |
| 3) to set a precedent | c) проведення судового засідання |
| 4) trial courts | d) винести вердикт |
| 5) conduct of a court | e) розглядати спори |
| 6) to reach a verdict | f) зберігати незалежність |
| 7) to adjudicate disputes | g) суд першої інстанції |
| 8) appellate courts | h) апеляційні суди |

Task 2. *Mark these statements T (true) or F (false) according to the text. Find the part of the text that gives the correct information*

1. The term «Common Law» has been used since the 12th century.
2. Common Law system is used in the USA, Canada, Great Britain and in continental Europe.
3. Common law is a term which describes the civil law system.
4. In all the countries with common law system, the structure of courts exists in order to define the law.
5. Common law system is characterized as a very dynamic one.
6. The Jurors are usually selected from residents.
7. Any verdict couldn't be reached before both sides have presented their evidence.
8. The jury's verdict is ultimate but is subject to appellate review.
9. Appellate courts have no right to interpret laws.
10. The precedent set by appellate courts has greater force in appellate courts than in other trial courts.

Task 3. *Below are some words and phrases derived from «appeal» and «judge». Link each item to its definition*

- 1) appeal
- 2) Appellate
- 3) appellee
- 4) court of appeal
- 5) leave to appeal

- a) to ask a more senior court or person to review a decision of a subordinate court or person;
- b) permission of the court to institute appeal proceedings from a single judge or lower court to full court or a higher court respectively which appeals are made on points;
- c) a court to which appeals are made on points of law resulting from the judgement of a lower court;
- d) a party who appeals against a judicial decision which isn't in that party's favour;
- e) refers to a higher court that can hear appeals from a lower court.

-
- 1) judge
 - 2) judicial
 - 3) jury
 - 4) adjudicate
 - 5) judgment

- a) the judicial decision of a case in court or verdict;
- b) a body of persons sworn to render a verdict or true answer on a law case officially submitted to them;
- c) a public officer authorized to hear and to determine causes in a court of law;
- d) to settle judicially;
- e) pertaining to courts of law or to judges.

Task 4. Choose the right preposition in brackets according to the contents of the sentences (*by, from, in, on, to, of, for*)

1. If no precedent could be found, the judge made a decision that is based ... existing legal principles and his decision would become a precedent for other courts to follow when a similar case arose.
2. All new treaties must be adopted only ... reference ...the main legal document of a country, its Constitution.
3. These judges are free to depart ... the precedent and set a new precedent as it is accepted and used by other judges.
4. How many chapters is the Ukrainian Constitution composed ...?
5. In the USA jurors are selected at random ... all of the registered voters in the district.
6. The judge must instruct the jury ... the law that applies ... the case.
7. Even statutes often need to be interpreted ... the courts ... order ... fit particular cases, and these interpretations become new precedents.
8. The property and affairs of mentally ill persons are administered ... the Court of Protection.

Task 5. Substitute the active vocabulary of the lesson for the italicized parts

The investigator *disclosed* new facts and evidence.

1. In civil cases, the jury's verdict must be unanimous, unless the *sides* have agreed before the trial that they will *agree to* a verdict that is not unanimous.
2. What issues will be taken into *deliberation* during pre-trial conference.
3. The judges are free to *deviate* from the precedent and *establish a new court decision* as it is used by other judges to follow when a similar case arose.
4. The jury retired to the jury room to discuss the evidence and to reach a verdict.
5. In all common law systems, judges sometimes make laws, since their *creative explanation* may become precedents for other courts to allow.
6. In English law, the principle of judicial *re-examination* enables a court to overturn a decision made by government ministry that acted illegally.

7. In most cases the lawyers and judges agree before trial what issues are *engaged in argument involving different opinions*.

Task 6. *Many words have more than one meaning and you must be careful when you use your dictionary to find the right definition. In the following sentences, the words in italics have several meanings. Translate the words paying special attention to the meanings as legal terms*

- 1) Who is the leader of the political *party*?
- 2) Yesterday he invited me to his birthday *party* and I was very glad to hear it.
- 3) Each of the sides involved in a legal dispute is a *party*.
- 4) A lawyer participates in questioning the witnesses and submits *evidence*.
- 5) Do you have any *evidence* to prove your idea?
- 6) Judgement is a legal *term* that means the legal reasoning and decision of a court in a case brought before it.
- 7) The constitutional composition of the Verkhovna Rada of Ukraine consists of 450 National Deputies of Ukraine who are elected for a four-year *term* on the basis of universal, equal and direct suffrage, by secret ballot.
- 8) Every year many Ukrainian young people *apply* to various higher education institutions.
- 9) The courts interpret and *apply* the law.
- 10) *Applicant* is a person who makes a formal request or application to a court.

UNIT 21. STATE SYSTEM OF THE USA

Vocabulary:

to sign – підписувати

original – тут перший

amendment – поправка (до резолюції, законопроекту)

according to – відповідно до

officials – посадовці, чиновники

citizen – громадянин

to violate – порушувати

to proclaim – проголошувати, оголошувати

to issue money – випускати гроші

to regulate the trade – регулювати торгівлю

federal power – федеральна влада

to locate – знаходитися, розташовуватися

to vest – наділяти (правом), давати права, володіти правом

branch – гілка влади

legislative – законодавчий

executive – виконавчий

judiciary – судовий

Congress – Конгрес

house – тут палата

Senate – Сенат

House of Representatives – Палата представників

to assist – допомагати, сприяти

Vice President – віце-президент

elections – вибори

to enforce – примушувати, змушувати (до чого-н.); нав'язувати (кому-н. (on))

commander-in-chief – головнокомандувач

armed forces – збройні сили

to veto – накладати вето (на що-н.), забороняти

bill – законопроект, білля

overrule – відхиляти, відмовляти; скасовувати (чис-н.. рішення); відкидати

chairman – голова, засідатель

to assume – приймати, брати на себе (відповідальність, керування); одержувати (посаду)

Department Secretaries – міністри

Secretary of State – державний секретар

Federal District Court – Федеральний окружний суд

Supreme Court – Верховний суд

federal judge – федеральний суддя

to appoint – назначати

<i>to amend</i> – вносити зміни, вносити поправки (в законопроект і т. п.)	<i>to abolish</i> – анулювати, скасовувати; спрощувати; оголошувати недійсним <i>slavery</i> – рабство
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The United States of America is a federal republic consisting of 50 states. Each state has its own government («state government»). In some ways the United States is like 50 small countries.

The government of the USA act according to the Constitution which was signed by the first thirteen representatives of thirteen original American states in 1787. The document was written in 1787 and since that time twenty six Amendments have been added. The first ten Amendments were simply rights or the Bill of rights. According to the Constitution the USA is a republic. So, the officials of any rank are elected by US citizens. Every citizen has rights which cannot be violated.

The Constitution proclaims a federal system of government which keeps both the states and the federal power from getting too much power. It means that the federal government is given certain powers, for example, to make peace or war, to issue money and to regulate the trade and so on.

The federal power is located in Washington, D.C. It is based on legislative, executive and juridical branches of power.

The legislative power is vested in Congress, which consists of two houses: the Senate and the House of Representatives, There are 435 members in the House of Representatives and 100 senators in Congress. Each state elects two members for the Senate.

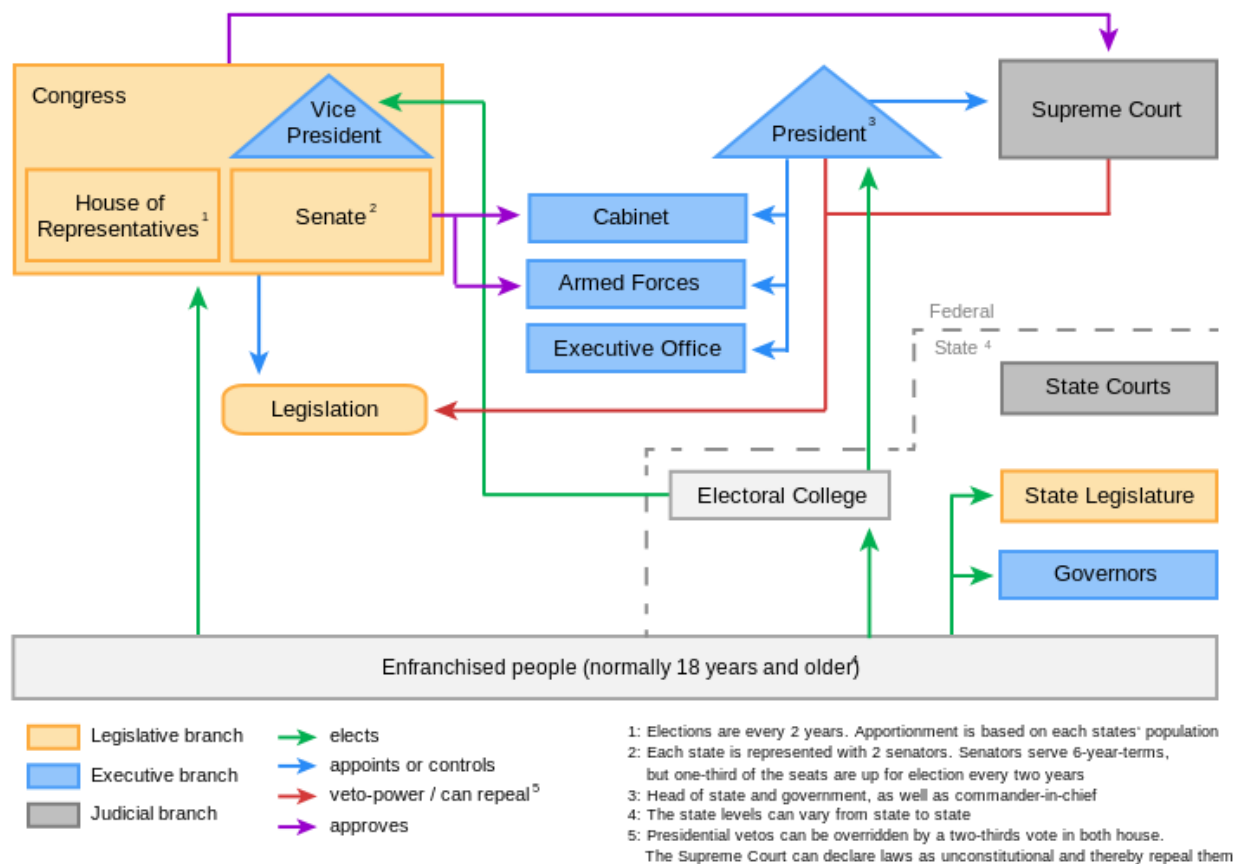
The executive branch is headed by the President who is assisted by the Vice President. The President enforces federal laws, serves as commander-in-chief of the Armed Forces. The President can veto a bill unless Congress by a two-thirds vote shall overrule him. The Vice President, elected from the same political party as the President, acts as chairman of the Senate, and in the event of the death of

the President, assumes the Presidency. The President of the USA is chosen in nationwide elections every 4 years together with the Vice-President. The President cannot be elected for more than two terms. The Cabinet is made up of Department Secretaries. The most important of them is the Secretary of State, who deals with foreign affairs.

The judicial branch is made up of Federal District Courts, 11 Federal Courts and the Supreme Court. Federal judges are appointed by the President for life.

Federal courts decide cases involving federal law, conflicts between citizens of different states.

Constitution has been amended twenty six times. The Bill of Rights guarantees individual liberties: freedom of word, religion and so on. Later amendments abolished slavery, granted the vote to women and colour people and allowed citizens to vote at the age of 18.



Task 1. *Answer the following questions*

1. What is the main document of the USA?
2. When was the Constitution of the USA signed?
3. How many Amendments have been added to the Constitution since 1787?
4. What does the Constitution proclaim?
5. What powers is the federal government given?
6. Where is the federal government located?
7. Where is the legislative power vested?
8. How many members are there in the House of Representatives?
9. Who is the head of the executive power in the USA?
10. How often do the President's elections take place?
11. Who deals with foreign affairs in the USA?
12. What does the Bill of Rights guarantee?

Task 2. *Translate the following English words and word combinations into Ukrainian and use them in the sentences of your own*

Federal republic, state government, to violate the rights, to get power, to make piece, to issue money, to veto a bill, foreign affairs, to appoint (somebody) for life, to guarantee individual liberty.

Task 3. *Complete the sentences*

- 1) According to the Constitution the USA ...
- 2) The Constitution proclaims ...
- 3) Every citizen has rights which ...
- 4) The federal power is based on ...
- 5) The legislative power is vested in Congress, which consists of ...
- 6) The executive branch is headed by ...
- 7) President cannot be elected for more than ...
- 8) The judicial branch is made up of ...

UNIT 22. LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF POWER OF THE USA

Vocabulary

<i>Upper House</i> – верхня палата	<i>urban development</i> – міський розвиток
<i>Lower House</i> – нижня палата	<i>rank ahead of</i> – ранжувати попереду
<i>State Assembly</i> – державне зібрання	<i>maintain peace</i> – підтримувати мир
<i>levy</i> – збирати, оподатковувати	<i>negotiate</i> – погоджувати
<i>declare</i> – оголошувати	<i>office</i> – управління, міністерство
<i>treaty</i> – договір	<i>immediate</i> – безпосередній
<i>put into effect</i> – виконувати	<i>assistance</i> – допомога, підтримка
<i>approve</i> – схвалювати	<i>charge</i> – обвинувачення, жалоба
<i>disapprove</i> – спростовувати	<i>accusation</i> – обвинувачення
<i>ambassador</i> – посол	<i>treason</i> – державна зрада
<i>vote treatment</i> – процедура голосування	<i>bribery</i> – хабарництво
<i>invent</i> – винаходити	<i>approval</i> – схвалення
<i>reelect</i> – переобирати	<i>voluntary</i> – добровільний
<i>natural-born</i> – природжений	<i>retirement</i> – вихід на пенсію
<i>deliver speech</i> – виголошувати промову	<i>remove from office</i> – звільняти з посади
<i>formulator</i> – укладач	<i>chief justice</i> – головний суддя
<i>override</i> – відхиляти	<i>associate justice</i> – член суду
<i>with the consent (of)</i> – за згодою	<i>capacity</i> – становище
<i>outline</i> – намітити в загальних рисах	<i>violate</i> – порушувати
<i>indefinite</i> – невизначений	<i>judicial review</i> – судовий розгляд
<i>take somebody's office</i> – вступити на посаду	<i>provide</i> – передбачати
<i>housing</i> – житлове будівництво	<i>establish</i> – встановлювати, засновувати
	<i>landmark</i> – орієнтир

The political system of the USA is divided into three branches: judicial, legislative and executive. Each branch holds a certain degree of power over the others, and all take part in the governmental process.

The legislative branch. Supreme legislative power in the American government lies with Congress: the Senate, the Upper House; and the House of Representatives – the Lower House. Each state has its own government – State Assemblies or, Legislatures with two houses. According to the constitution of the USA, all citizens of both sexes over 18 years of age have a right of voting, but in reality the number of voters is much smaller. The main task of Congress is to make federal laws, to levy federal taxes, to make rules for trade, to organise Armed forces, to declare war, to make amendments to the constitution or put foreign treaties into effect.

Under the constitution the US Senate has some special powers, not given to the House of Representatives. It approves or disapproves the main presidential appointments: Ambassadors, Cabinet Members and federal judges; also ratify by a 2/3 vote treatments between the USA and foreign countries. The House of Representatives has a special power of its own – to invent a bill to raise money.

The Senate is composed of 100 members – two from each of 50 states, who are elected for a term of 6 years. Although congressional elections take place every two years, only 1/3 of the Senate is reelected. A Senator must be at least 30ty years old, a citizen of the USA for 9 years and a resident of the state from which he is elected. Democrats sit in the western part of the chamber – on Vice-president Right. Republicans sit on his left. Vice-president presides over the Senate and conducts debates. The Senate is stable and more conservative than the House of Representatives and many Senators are more experienced politicians.

The House of Representatives has 450 members. The number of Representatives depends on the population of each state. A Representative must be at least 25 years age, a US citizen for 7 years and live in the state from which he is elected. Democrats sit on the Speaker's right, republicans – on his left. The Speaker presides over the House and conducts debates. The Speaker, like Vice-

president, may vote. Most of the Congressmen are lawyers, businessman and bankers. The American press as an unrepresentative institution sometimes criticises the US Congress.

The executive branch. The executive power in the USA belongs to the President and his Administration. The Presidency in the USA is the highest governmental office. President in the USA is the head of the state and the government, and also the commander-in-chief of the US Armed Forces.

Vice-president and the Cabinet assist president. The President and Vice-president are elected for a term of four years and can be reelected. President must be a natural-born citizen of the USA and at least 35 years old, and for at least 14 years resident of the USA. The term of office of the President begins on the 2nd of January. Presidential elections are held in two stages – in November and December. Before the elections the candidates for Presidency tour the country, meeting people and delivering speeches.

The president, as the chief formulator of public policy, often proposes legislation to Congress. The president can also veto (forbid) any bill passed by Congress. The veto can be overridden by a two-thirds vote in both the Senate and House of Representatives. As head of his political party, with ready access to the news media, the president can easily influence public opinion regarding issues and legislation that he deems vital. President conducts foreign affairs, signs documents and appoints diplomats, Cabinet Members, federal judges with the consent and advice of the Senate. He outlines the course of his administration through Congress.

Vice-president presides over the Senate, his other duties are indefinite. He takes the president's office, if the president is unable to finish his term. So Vice-president is 'a forgotten man of the American politics'. A Cabinet of 12 members assists the US President. Cabinet secretaries correspond to European ministers. They are heads of different departments and are responsible to President. Today these 13 departments are State, Treasury, Defence, Justice, Interior, Agriculture, Commerce, Labour, Health and Human Services, Housing and Urban

Development, Transportation, Energy and Education. The State Department ranks ahead of others. The political power of the Secretary of the State is the second only to that of the president. He must maintain peace and negotiates economic and political decisions.

Besides, President has an inner Cabinet, the so-called 'white-house office', i. e. immediate assistance and advises of the President. The House of Representatives may bring charges against the President; it is called 'impeachment' – a formal accusation against a public official by a legislative body, for treason, bribery and other high crimes.

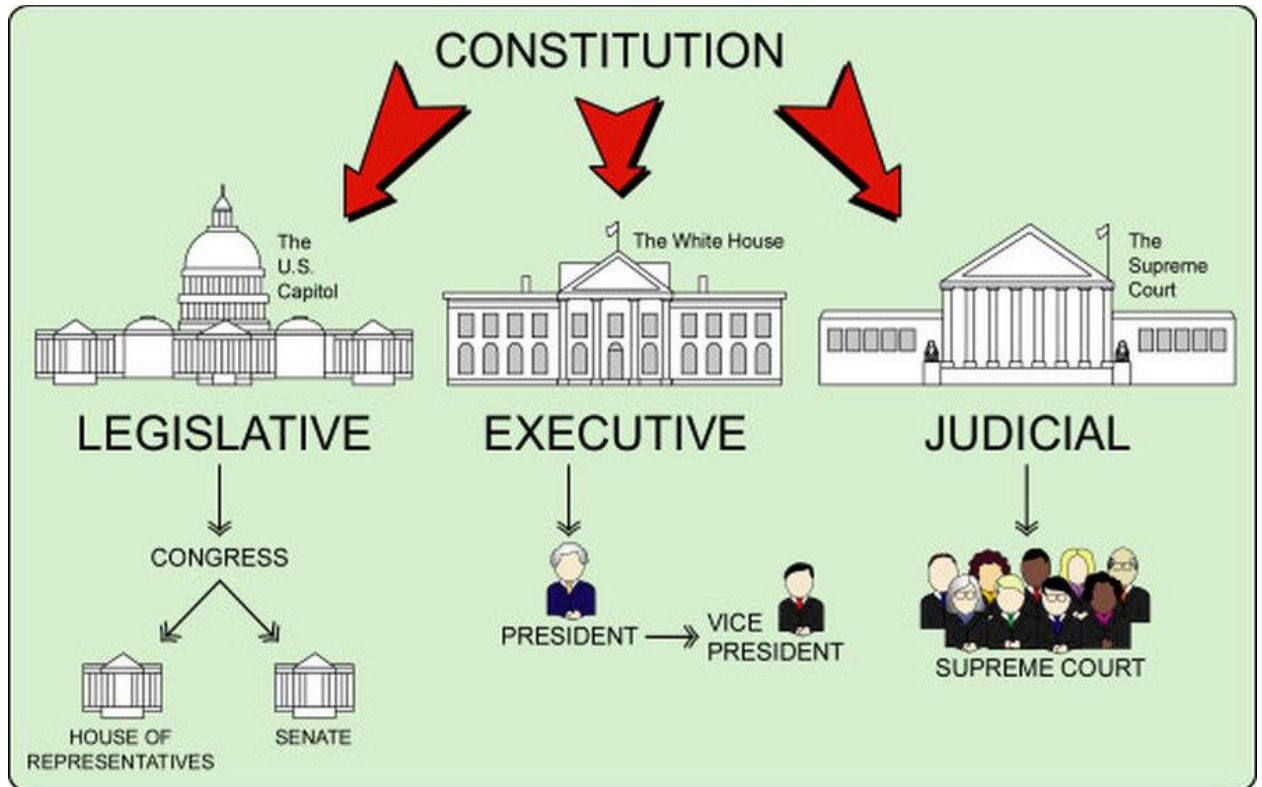
Under the Constitution, the president is primarily responsible for foreign relations with other nations. He often represents the United States abroad in consultations with other heads of state, and, through his officials, he negotiates treaties with other countries. Such treaties must be approved by a two-thirds vote of the Senate. Presidents also negotiate with other nations less formal "executive agreements" that are not subject to Senate approval.

Judiciary. The judicial branch is headed by the Supreme Court, which is the only court specifically created by the Constitution. In addition, the Congress has established 11 federal courts of appeal and below them 91 federal district courts. Federal judges are appointed for life or voluntary retirement, and can only be removed from office through the process of impeachment and trial in the Congress.

Federal courts have jurisdiction over cases arising out of the Constitution: laws and treaties of the United States: maritime cases; issues involving foreign citizens or governments; and cases in which the federal government itself is a party. Ordinarily, federal courts do not hear cases arising out of the laws of individual states.

The Supreme Court today consists of a chief justice and eight associate justices. With minor exceptions, all its cases reach the Court on appeal from lower federal or state courts. Most of these cases involve disputes over the interpretation of laws and legislation. In this capacity, the Court's most important function consists of determining whether congressional legislation or executive action

violates the Constitution. This power of judicial review is not specifically provided for by the Constitution; rather, it is the Court's interpretation of its Constitutional role as established in the landmark.



UNIT 23. LAW IN THE UNITED STATES OF AMERICA

Vocabulary

<i>the Constitution's Supremacy Clause</i>	<i>stare decisis</i> – лат. стояти на
– положення конституції про	вирішеному
верховенство	<i>sensible</i> – розумний
(загальнонаціонального права)	<i>enforce</i> – тут впроваджувати в
<i>enact</i> – вводити в дію, постановляти	життя
<i>circumscribe</i> – обмежувати	<i>reverse</i> – скасовувати, давати задній
<i>case law</i> – прецедентне право	хід
<i>fall under</i> – підпадати під	<i>refuse</i> – відмовляти(ся)
<i>subordinate</i> – підпорядковувати	<i>establish</i> – створювати
<i>contradict</i> – заперечувати,	<i>reversal</i> – повна заміна
суперечити	<i>outlaw</i> – позбавляти законної сили
<i>invalid</i> – недійсний	<i>attainder</i> – позбавлення державних
<i>merely</i> – лише, тільки	та майнових прав за державну
<i>delete</i> – вилучати, виключати	зраду
<i>subsequent</i> – подальший, наступний	

The law of the United States was originally largely derived from the common law system of English law, which was in force at the time of the Revolutionary War. However, the supreme law of the land is the United States Constitution and, under the Constitution's Supremacy Clause, laws enacted by Congress and treaties to which the U.S. is a party. These form the basis for federal laws under the federal constitution in the United States, circumscribing the boundaries of the jurisdiction of federal law and the laws in the fifty U.S. states and in the territories.

In the United States, the law is derived from four sources. These four sources are constitutional law, statutory law, administrative regulations and the common law (which includes case law). The most important source of law is the United States Constitution. All other laws fall under that document and are subordinate to

it. No law may contradict the Constitution. For example, if Congress enacts a statute that conflicts with the Constitution, the Supreme Court may find that law unconstitutional, and declare it invalid.

A statute does not disappear "automatically" merely because it has been found unconstitutional; it must be deleted by a subsequent statute. Many federal and state statutes have remained on the books for decades after they were ruled to be unconstitutional. However, under the principle of "stare decisis", no sensible lower court will enforce an unconstitutional statute, and any court that does so will be reversed by the Supreme Court. Conversely, any court that refuses to enforce a constitutional statute (where such constitutionality has been expressly established in prior cases) will risk reversal by the Supreme Court. Also, certain practices traditionally allowed under English common law were outlawed by the Constitution, such as bills of attainder.

Tasks

Task1. *Match the following Ukrainian words combinations with their English equivalents*

- | | |
|--------------------------------|---|
| 1) залишатися на папері; | a) administrative regulations; |
| 2) відповідно до конституції; | b) remain on the books; |
| 3) визначати межі юрисдикції; | c) source of law; |
| 4) прецедентне право; | d) lower court; |
| 5) адміністративний регламент; | e) circumscribe the boundary of the jurisdiction; |
| 6) джерело закону; | f) common law; |
| 7) суд нижчої інстанції; | g) case law; |
| 8) загальне право; | h) under the Constitution. |

Task 2. *Complete the sentences with the active vocabulary from the box*

law	a statute	the Supreme law	Constitution
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- 1) The supreme law of the land is the United States Constitution.
- 2) In the United States, the law is derived from four sources.
- 3) The most important source of law is the United States Constitution.
- 4) No law may contradict the Constitution.
- 5) If Congress enacts a statute that conflicts with the Constitution, the Supreme Court may find that law unconstitutional, and declare it invalid.
- 6) A statute does not disappear "automatically" merely because it has been found unconstitutional.

Task 3. *Read the text, translate it into Ukrainian, and put questions to it*

Application of Law

Application of Law is activity of state bodies or officials by which, in legal acts promulgated on the basis of and in execution of statutes, edicts, and other normative acts, these bodies or officials establish, amend, and abolish rights and duties of state bodies, public organizations, officials, and individual citizens or resolve questions of applying sanctions for violation of legal norms.

The process of applying the law includes establishing the factual circumstances of the case with objective reliability, selecting the legal norm to be applied in the given instance, interpreting the meaning of the legal norm selected, and issuing an instrument on the application of the legal norm addressed to the person or organization in question.

Application of the law is a legal form by which state bodies carry out their functions of managing political and administrative affairs (for example, acts on the appointment or removal of officials), managing the economy (for example, acts establishing plan assignments), and administering justice (for example, the decisions and verdicts of courts).

UNIT 24. CRIMINAL PROCEDURE IN THE UNITED STATES

Vocabulary

procedure – процедура;

misdemeanor – проступок, дрібний злочин;

felony – кримінальний злочин;

bail – порука; брати на поруки, вносити заставу;

on behalf of – від імені когось;

bailsman – поручитель;

charge – назначати;

grand jury – велике слідче журі (колегія з 12-23 присяжних, які вирішують питання про передачу обвинувачуваного суду);

examine – розслідувати (в суді).

Criminal procedure in the United States follows a pattern derived from English traditions and principles, but with many variations. The lay magistrates play an insignificant role, if any, in the U.S. system, and the prosecutor (the district attorney) is a key courtroom figure. He determines the charges, which in turn may well determine whether the accused appears before a lower court (dealing with misdemeanors) or a higher court (dealing with felonies). The accused is offered bail in almost every case, but he is not released unless he is able to deposit with the court a certain sum, often posted on his behalf by a bailsman who charges a proportion of the amount of the bail. The role of the examining magistrates in English criminal procedure may be played in the United States by the grand jury whose task it is to examine the evidence produced by the prosecutor and, if warranted, to return an indictment. The deliberations and proceedings before the grand jury are normally conducted in private. When the case is brought before the trial court, it is often settled on the basis of a plea bargain made between the prosecutor and the defense lawyer, by whom the accused pleads guilty to some of the charges and the prosecutor recommends a sentence that has been agreed upon beforehand.

Task 1. *Answer the questions*

- 1) What role do the lay magistrates play in the U. S. system?
- 2) Who is a key courtroom figure in the U.S. system?
- 3) What does the prosecutor determine?
- 4) What is meant by the term “bail”?
- 5) What is the task of the grand jury?
- 6) What is meant by the term “indictment”?
- 7) What is normally conducted in private?
- 8) What is meant by the term “plea bargain”?

Task 2. *Translate following words and word combinations into English*

Суд нижчої інстанції; проступок; передача на поруки; заставу; велике слідче журі; розслідувати в суді; підтверджувати; виносити обвинувальний вирок; процесуальні дії при закритих дверях; врегулювати; угода про визнання провини; визнати себе винним; предмет глузувань; вищестоящий суд; поручитель; процедура; погодитися з доводами обвинувачення.

GLOSSARY OF LEGAL TERMS

A

Acquittal

A jury verdict that a criminal defendant is not guilty or the finding of a judge that the evidence is insufficient to support a conviction.

Active judge

A judge in the full-time service of the court. Compare to senior judge.

Administrative Office of the United States Courts (AO)

The federal agency responsible for collecting court statistics, administering the federal courts' budget, and performing many other administrative and programmatic functions, under the direction and supervision of the Judicial Conference of the United States.

Admissible

A term used to describe evidence that may be considered by a jury or judge in civil and criminal cases.

Adversary proceeding

A lawsuit arising in or related to a bankruptcy case that begins by filing a complaint with the court, that is, a "trial" that takes place within the context of a bankruptcy case.

Affidavit

A written or printed statement made under oath.

Affirmed

In the practice of the court of appeals, it means that the court of appeals has concluded that the lower court decision is correct and will stand as rendered by the lower court.

Alternate juror

A juror selected in the same manner as a regular juror who hears all the evidence but does not help decide the case unless called on to replace a regular juror.

Alternative dispute resolution (ADR)

A procedure for settling a dispute outside the courtroom. Most forms of ADR are not binding, and involve referral of the case to a neutral party such as an arbitrator or mediator.

Amicus curiae

Latin for "friend of the court." It is advice formally offered to the court in a brief filed by an entity interested in, but not a party to, the case.

Answer

The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.

Appeal

A request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the "appellant;" the other party is the "appellee."

Appellant

The party who appeals a district court's decision, usually seeking reversal of that decision.

Appellate

About appeals; an appellate court has the power to review the judgment of a lower court (trial court) or tribunal. For example, the U.S. circuit courts of appeals review the decisions of the U.S. district courts.

Appellee

The party who opposes an appellant's appeal, and who seeks to persuade the appeals court to affirm the district court's decision.

Arraignment

A proceeding in which a criminal defendant is brought into court, told of the charges in an indictment or information, and asked to plead guilty or not guilty.

Article III judge

A federal judge who is appointed for life, during "good behavior," under Article III of the Constitution. Article III judges are nominated by the President and confirmed by the Senate.

Assets

Property of all kinds, including real and personal, tangible and intangible.

Assume

An agreement to continue performing duties under a contract or lease.

Automatic stay

An injunction that automatically stops lawsuits, foreclosures, garnishments, and most collection activities against the debtor the moment a bankruptcy petition is filed.

B

Bail

The release, prior to trial, of a person accused of a crime, under specified conditions designed to assure that person's appearance in court when required. Also can refer to the amount of bond money posted as a financial condition of pretrial release.

Bankruptcy

A legal procedure for dealing with debt problems of individuals and businesses; specifically, a case filed under one of the chapters of title 11 of the United States Code (the Bankruptcy Code).

Bankruptcy administrator

An officer of the Judiciary serving in the judicial districts of Alabama and North Carolina who, like the United States trustee, is responsible for supervising the administration of bankruptcy cases, estates, and trustees; monitoring plans and disclosure statements; monitoring creditors' committees; monitoring fee applications; and performing other statutory duties.

Bankruptcy code

The informal name for title 11 of the United States Code (11 U.S.C. §§ 101-1330), the federal bankruptcy law.

Bankruptcy court

The bankruptcy judges in regular active service in each district; a unit of the district court.

Bankruptcy estate

All interests of the debtor in property at the time of the bankruptcy filing. The estate technically becomes the temporary legal owner of all of the debtor's property.

Bankruptcy judge

A judicial officer of the United States district court who is the court official with decision-making power over federal bankruptcy cases.

Bankruptcy petition

A formal request for the protection of the federal bankruptcy laws. (There is an official form for bankruptcy petitions.)

Bankruptcy trustee

A private individual or corporation appointed in all Chapter 7 and Chapter 13 cases to represent the interests of the bankruptcy estate and the debtor's creditors.

Bench trial

A trial without a jury, in which the judge serves as the fact-finder.

Brief

A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.

Burden of proof

The duty to prove disputed facts. In civil cases, a plaintiff generally has the burden of proving his or her case. In criminal cases, the government has the burden of proving the defendant's guilt. (See standard of proof.)

Business bankruptcy

A bankruptcy case in which the debtor is a business or an individual involved in business and the debts are for business purposes.

C

Capital offense

A crime punishable by death.

Case file

A complete collection of every document filed in court in a case.

Case law

The law as established in previous court decisions. A synonym for legal precedent. Akin to common law, which springs from tradition and judicial decisions.

Caseload

The number of cases handled by a judge or a court.

Cause of action

A legal claim.

Chambers

The offices of a judge and his or her staff.

Chapter 11

A reorganization bankruptcy, usually involving a corporation or partnership. A Chapter 11 debtor usually proposes a plan of reorganization to keep its business alive and pay creditors over time. Individuals or people in business can also seek relief in Chapter 11.

Chapter 12

The chapter of the Bankruptcy Code providing for adjustment of debts of a "family farmer" or "family fisherman," as the terms are defined in the Bankruptcy Code.

Chapter 13

The chapter of the Bankruptcy Code providing for the adjustment of debts of an individual with regular income, often referred to as a "wage-earner" plan. Chapter 13 allows a debtor to keep property and use his or her disposable income to pay debts over time, usually three to five years.

Chapter 13 trustee

A person appointed to administer a Chapter 13 case. A Chapter 13 trustee's responsibilities are similar to those of a Chapter 7 trustee; however, a Chapter 13 trustee has the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

Chapter 15

The chapter of the Bankruptcy Code dealing with cases of cross-border insolvency.

Chapter 7

The chapter of the Bankruptcy Code providing for "liquidation," that is, the sale of a debtor's nonexempt property and the distribution of the proceeds to creditors. In order to be eligible for Chapter 7, the debtor must satisfy a "means test." The court will evaluate the debtor's income and expenses to determine if the debtor may proceed under Chapter 7.

Chapter 7 trustee

A person appointed in a Chapter 7 case to represent the interests of the bankruptcy estate and the creditors. The trustee's responsibilities include reviewing the debtor's petition and schedules, liquidating the property of the estate, and making

distributions to creditors. The trustee may also bring actions against creditors or the debtor to recover property of the bankruptcy estate.

Chapter 9

The chapter of the Bankruptcy Code providing for reorganization of municipalities (which includes cities and towns, as well as villages, counties, taxing districts, municipal utilities, and school districts).

Chief Judge

The judge who has primary responsibility for the administration of a court; chief judges are determined by seniority

Claim

A creditor's assertion of a right to payment from a debtor or the debtor's property.

Class action

A lawsuit in which one or more members of a large group, or class, of individuals or other entities sue on behalf of the entire class. The district court must find that the claims of the class members contain questions of law or fact in common before the lawsuit can proceed as a class action.

Clerk of court

The court officer who oversees administrative functions, especially managing the flow of cases through the court. The clerk's office is often called a court's central nervous system.

Collateral

Property that is promised as security for the satisfaction of a debt.

Common law

The legal system that originated in England and is now in use in the United States, which relies on the articulation of legal principles in a historical succession of judicial decisions. Common law principles can be changed by legislation.

Community service

A special condition the court imposes that requires an individual to work – without pay – for a civic or nonprofit organization.

Complaint

A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.

Concurrent sentence

Prison terms for two or more offenses to be served at the same time, rather than one after the other. Example: Two five-year sentences and one three-year sentence, if served concurrently, result in a maximum of five years behind bars.

Confirmation

Approval of a plan of reorganization by a bankruptcy judge.

Consecutive sentence

Prison terms for two or more offenses to be served one after the other. Example: Two five-year sentences and one three-year sentence, if served consecutively, result in a maximum of 13 years behind bars.

Consumer bankruptcy

A bankruptcy case filed to reduce or eliminate debts that are primarily consumer debts.

Consumer debts

Debts incurred for personal, as opposed to business, needs.

Contingent claim

A claim that may be owed by the debtor under certain circumstances, e.g., where the debtor is a cosigner on another person's loan and that person fails to pay.

Contract

An agreement between two or more people that creates an obligation to do or not to do a particular thing.

Conviction

A judgment of guilt against a criminal defendant.

Counsel

Legal advice; a term also used to refer to the lawyers in a case.

Count

An allegation in an indictment or information, charging a defendant with a crime. An indictment or information may contain allegations that the defendant committed more than one crime. Each allegation is referred to as a count.

Court

Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

Court reporter

A person who makes a word-for-word record of what is said in court, generally by using a stenographic machine, shorthand or audio recording, and then produces a transcript of the proceedings upon request.

Credit counseling

Generally refers to two events in individual bankruptcy cases: (1) the "individual or group briefing" from a nonprofit budget and credit counseling agency that individual debtors must attend prior to filing under any chapter of the Bankruptcy Code; and (2) the "instructional course in personal financial management" in chapters 7 and 13 that an individual debtor must complete before a discharge is entered. There are exceptions to both requirements for certain categories of debtors, exigent circumstances, or if the U.S. trustee or bankruptcy administrator have determined that there are insufficient approved credit counseling agencies available to provide the necessary counseling.

Creditor

A person to whom or business to which the debtor owes money or that claims to be owed money by the debtor.

D

Damages

Money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct).

De facto

Latin, meaning "in fact" or "actually." Something that exists in fact but not as a matter of law.

De jure

Latin, meaning "in law." Something that exists by operation of law.

De novo

Latin, meaning "anew." A trial de novo is a completely new trial. Appellate review de novo implies no deference to the trial judge's ruling.

Debtor

A person who has filed a petition for relief under the Bankruptcy Code.

Debtor's plan

A debtor's detailed description of how the debtor proposes to pay creditors' claims over a fixed period of time.

Declaratory judgment

A judge's statement about someone's rights. For example, a plaintiff may seek a declaratory judgment that a particular statute, as written, violates some constitutional right.

Default judgment

A judgment awarding a plaintiff the relief sought in the complaint because the defendant has failed to appear in court or otherwise respond to the complaint.

Defendant

An individual (or business) against whom a lawsuit is filed.

Defendant

In a civil case, the person or organization against whom the plaintiff brings suit; in a criminal case, the person accused of the crime.

Deposition

An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial. See discovery.

Discharge

A release of a debtor from personal liability for certain dischargeable debts. Notable exceptions to dischargeability are taxes and student loans. A discharge releases a debtor from personal liability for certain debts known as dischargeable debts and prevents the creditors owed those debts from taking any action against the debtor or the debtor's property to collect the debts. The discharge also prohibits creditors from communicating with the debtor regarding the debt, including through telephone calls, letters, and personal contact.

Dischargeable debt

A debt for which the Bankruptcy Code allows the debtor's personal liability to be eliminated.

Disclosure statement

A written document prepared by the chapter 11 debtor or other plan proponent that is designed to provide "adequate information" to creditors to enable them to evaluate the chapter 11 plan of reorganization.

Discovery

Procedures used to obtain disclosure of evidence before trial.

Dismissal with prejudice

Court action that prevents an identical lawsuit from being filed later.

Dismissal without prejudice

Court action that allows the later filing.

Disposable income

Income not reasonably necessary for the maintenance or support of the debtor or dependents. If the debtor operates a business, disposable income is defined as those amounts over and above what is necessary for the payment of ordinary operating expenses.

Docket

A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.

Due process

In criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, the legal rights of someone who confronts an adverse action threatening liberty or property.

E

En banc

French, meaning "on the bench." All judges of an appellate court sitting together to hear a case, as opposed to the routine disposition by panels of three judges. In the Ninth Circuit, an en banc panel consists of 11 randomly selected judges.

Equitable

Pertaining to civil suits in "equity" rather than in "law." In English legal history, the courts of "law" could order the payment of damages and could afford no other remedy (see damages). A separate court of "equity" could order someone to do something or to cease to do something (e.g., injunction). In American jurisprudence, the federal courts have both legal and equitable power, but the

distinction is still an important one. For example, a trial by jury is normally available in "law" cases but not in "equity" cases.

Equity

The value of a debtor's interest in property that remains after liens and other creditors' interests are considered. (Example: If a house valued at \$60,000 is subject to a \$30,000 mortgage, there is \$30,000 of equity.)

Evidence

Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other.

Ex parte

A proceeding brought before a court by one party only, without notice to or challenge by the other side.

Exclusionary rule

Doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.

Exculpatory evidence

Evidence indicating that a defendant did not commit the crime.

Executory contracts

Contracts or leases under which both parties to the agreement have duties remaining to be performed. If a contract or lease is executory, a debtor may assume it (keep the contract) or reject it (terminate the contract).

Exempt assets

Property that a debtor is allowed to retain, free from the claims of creditors who do not have liens on the property.

Exemptions, exempt property

Certain property owned by an individual debtor that the Bankruptcy Code or applicable state law permits the debtor to keep from unsecured creditors. For example, in some states the debtor may be able to exempt all or a portion of the equity in the debtor's primary residence (homestead exemption), or some or all "tools of the trade" used by the debtor to make a living (i.e., auto tools for an auto mechanic or dental tools for a dentist). The availability and amount of property the debtor may exempt depends on the state the debtor lives in.

F

Face sheet filing

A bankruptcy case filed either without schedules or with incomplete schedules listing few creditors and debts. (Face sheet filings are often made for the purpose of delaying an eviction or foreclosure)

Family farmer

An individual, individual and spouse, corporation, or partnership engaged in a farming operation that meets certain debt limits and other statutory criteria for filing a petition under Chapter 12.

Federal public defender

An attorney employed by the federal courts on a full-time basis to provide legal defense to defendants who are unable to afford counsel. The judiciary administers the federal defender program pursuant to the Criminal Justice Act.

Federal public defender organization

As provided for in the Criminal Justice Act, an organization established within a federal judicial circuit to represent criminal defendants who cannot afford an adequate defense. Each organization is supervised by a federal public defender appointed by the court of appeals for the circuit.

Federal question jurisdiction

Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.

Felony

A serious crime, usually punishable by at least one year in prison.

File

To place a paper in the official custody of the clerk of court to enter into the files or records of a case.

Fraudulent transfer

A transfer of a debtor's property made with intent to defraud or for which the debtor receives less than the transferred property's value.

Fresh start

The characterization of a debtor's status after bankruptcy, i.e., free of most debts. (Giving debtors a fresh start is one purpose of the Bankruptcy Code.)

G***Grand jury***

A body of 16-23 citizens who listen to evidence of criminal allegations, which is presented by the prosecutors, and determine whether there is probable cause to believe an individual committed an offense. See also indictment and U.S. attorney.

H

Habeas corpus

Latin, meaning "you have the body." A writ of habeas corpus generally is a judicial order forcing law enforcement authorities to produce a prisoner they are holding, and to justify the prisoner's continued confinement. Federal judges receive petitions for a writ of habeas corpus from state prison inmates who say their state prosecutions violated federally protected rights in some way.

Hearsay

Evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial

Home confinement

A special condition the court imposes that requires an individual to remain at home except for certain approved activities such as work and medical appointments. Home confinement may include the use of electronic monitoring equipment – a transmitter attached to the wrist or the ankle – to help ensure that the person stays at home as required.

I

Impeachment

1. The process of calling a witness's testimony into doubt. For example, if the attorney can show that the witness may have fabricated portions of his testimony, the witness is said to be "impeached;" 2. The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government, who are then tried by the Senate.

In camera

Latin, meaning in a judge's chambers. Often means outside the presence of a jury and the public. In private.

In forma pauperis

"In the manner of a pauper." Permission given by the court to a person to file a case without payment of the required court fees because the person cannot pay them.

Inculpatory evidence

Evidence indicating that a defendant did commit the crime.

Indictment

The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial; it is used primarily for felonies. See also information.

Information

A formal accusation by a government attorney that the defendant committed a misdemeanor. See also indictment.

Injunction

A court order preventing one or more named parties from taking some action. A preliminary injunction often is issued to allow fact-finding, so a judge can determine whether a permanent injunction is justified.

Insider (of corporate debtor)

A director, officer, or person in control of the debtor; a partnership in which the debtor is a general partner; a general partner of the debtor; or a relative of a general partner, director, officer, or person in control of the debtor.

Insider (of individual debtor)

Any relative of the debtor or of a general partner of the debtor; partnership in which the debtor is a general partner; general partner of the debtor; or corporation of which the debtor is a director, officer, or person in control.

Interrogatories

A form of discovery consisting of written questions to be answered in writing and under oath.

Issue

1. The disputed point between parties in a lawsuit; 2. To send out officially, as in a court issuing an order.

J

Joint administration

A court-approved mechanism under which two or more cases can be administered together. (Assuming no conflicts of interest, these separate businesses or individuals can pool their resources, hire the same professionals, etc.)

Joint petition

One bankruptcy petition filed by a husband and wife together.

Judge

An official of the Judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices.

Judgeship

The position of judge. By statute, Congress authorizes the number of judgeships for each district and appellate court.

Judgment

The official decision of a court finally resolving the dispute between the parties to the lawsuit.

Judicial Conference of the United States

The policy-making entity for the federal court system. A 27-judge body whose presiding officer is the Chief Justice of the United States.

Jurisdiction

The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases.

Jurisprudence

The study of law and the structure of the legal system

Jury

The group of persons selected to hear the evidence in a trial and render a verdict on matters of fact. See also grand jury.

Jury instructions

A judge's directions to the jury before it begins deliberations regarding the factual questions it must answer and the legal rules that it must apply.

L

Lawsuit

A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff.

Lien

A charge on specific property that is designed to secure payment of a debt or performance of an obligation. A debtor may still be responsible for a lien after a discharge.

Liquidated claim

A creditor's claim for a fixed amount of money.

Liquidation

The sale of a debtor's property with the proceeds to be used for the benefit of creditors.

Litigation

A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

M

Magistrate judge

A judicial officer of a district court who conducts initial proceedings in criminal cases, decides criminal misdemeanor cases, conducts many pretrial civil and criminal matters on behalf of district judges, and decides civil cases with the consent of the parties.

Means test

Section 707(b)(2) of the Bankruptcy Code applies a "means test" to determine whether an individual debtor's chapter 7 filing is presumed to be an abuse of the Bankruptcy Code requiring dismissal or conversion of the case (generally to chapter 13). Abuse is presumed if the debtor's aggregate current monthly income (see definition above) over 5 years, net of certain statutorily allowed expenses is more than (i) \$10,000, or (ii) 25% of the debtor's nonpriority unsecured debt, as long as that amount is at least \$6,000. The debtor may rebut a presumption of abuse only by a showing of special circumstances that justify additional expenses or adjustments of current monthly income.

Mental health treatment

Special condition the court imposes to require an individual to undergo evaluation and treatment for a mental disorder. Treatment may include psychiatric, psychological, and sex offense-specific evaluations, inpatient or outpatient counseling, and medication.

Misdemeanor

An offense punishable by one year of imprisonment or less. See also felony.

Mistrial

An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury.

Moot

Not subject to a court ruling because the controversy has not actually arisen, or has ended

Motion

A request by a litigant to a judge for a decision on an issue relating to the case.

Motion in Limine

A pretrial motion requesting the court to prohibit the other side from presenting, or even referring to, evidence on matters said to be so highly prejudicial that no steps taken by the judge can prevent the jury from being unduly influenced.

Motion to lift the automatic stay

A request by a creditor to allow the creditor to take action against the debtor or the debtor's property that would otherwise be prohibited by the automatic stay.

N

No-asset case

A Chapter 7 case in which there are no assets available to satisfy any portion of the creditors' unsecured claims.

Nolo contendere

No contest. A plea of nolo contendere has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose.

Nondischargeable debt

A debt that cannot be eliminated in bankruptcy. Examples include a home mortgage, debts for alimony or child support, certain taxes, debts for most

government funded or guaranteed educational loans or benefit overpayments, debts arising from death or personal injury caused by driving while intoxicated or under the influence of drugs, and debts for restitution or a criminal fine included in a sentence on the debtor's conviction of a crime. Some debts, such as debts for money or property obtained by false pretenses and debts for fraud or defalcation while acting in a fiduciary capacity may be declared nondischargeable only if a creditor timely files and prevails in a nondischargeability action.

Nonexempt assets

Property of a debtor that can be liquidated to satisfy claims of creditors.

O

Objection to dischargeability

A trustee's or creditor's objection to the debtor being released from personal liability for certain dischargeable debts. Common reasons include allegations that the debt to be discharged was incurred by false pretenses or that debt arose because of the debtor's fraud while acting as a fiduciary.

Objection to exemptions

A trustee's or creditor's objection to the debtor's attempt to claim certain property as exempt from liquidation by the trustee to creditors.

Opinion

A judge's written explanation of the decision of the court. Because a case may be heard by three or more judges in the court of appeals, the opinion in appellate decisions can take several forms. If all the judges completely agree on the result, one judge will write the opinion for all. If all the judges do not agree, the formal decision will be based upon the view of the majority, and one member of the

majority will write the opinion. The judges who did not agree with the majority may write separately in dissenting or concurring opinions to present their views. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law the majority used to decide the case. A concurring opinion agrees with the decision of the majority opinion, but offers further comment or clarification or even an entirely different reason for reaching the same result. Only the majority opinion can serve as binding precedent in future cases. See also precedent.

Oral argument

An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

P

Panel

1. In appellate cases, a group of judges (usually three) assigned to decide the case;
2. In the jury selection process, the group of potential jurors;
3. The list of attorneys who are both available and qualified to serve as court-appointed counsel for criminal defendants who cannot afford their own counsel.

Parole

The release of a prison inmate – granted by the U.S. Parole Commission – after the inmate has completed part of his or her sentence in a federal prison. When the parolee is released to the community, he or she is placed under the supervision of a U.S. probation officer.

The Sentencing Reform Act of 1984 abolished parole in favor of a determinate sentencing system in which the sentence is set by sentencing guidelines. Now,

without the option of parole, the term of imprisonment the court imposes is the actual time the person spends in prison.

Party in interest

A party who has standing to be heard by the court in a matter to be decided in the bankruptcy case. The debtor, U.S. trustee or bankruptcy administrator, case trustee, and creditors are parties in interest for most matters.

Per curiam

Latin, meaning "for the court." In appellate courts, often refers to an unsigned opinion.

Peremptory challenge

A district court may grant each side in a civil or criminal trial the right to exclude a certain number of prospective jurors without cause or giving a reason.

Petit jury (or trial jury)

A group of citizens who hear the evidence presented by both sides at trial and determine the facts in dispute. Federal criminal juries consist of 12 persons. Federal civil juries consist of at least six persons.

Petition

The document that initiates the filing of a bankruptcy proceeding, setting forth basic information regarding the debtor, including name, address, chapter under which the case is filed, and estimated amount of assets and liabilities.

Petition preparer

A business not authorized to practice law that prepares bankruptcy petitions.

Petty offense

A federal misdemeanor punishable by six months or less in prison.

Plaintiff

A person or business that files a formal complaint with the court.

Plan

A debtor's detailed description of how the debtor proposes to pay creditors' claims over a fixed period of time.

Plea

In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. See also nolo contendere.

Pleadings

Written statements filed with the court that describe a party's legal or factual assertions about the case.

Postpetition transfer

A transfer of the debtor's property made after the commencement of the case.

Pre-bankruptcy planning

The arrangement (or rearrangement) of a debtor's property to allow the debtor to take maximum advantage of exemptions. (Pre-bankruptcy planning typically includes converting nonexempt assets into exempt assets.)

Precedent

A court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent" - meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a

party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.

Preferential debt payment

A debt payment made to a creditor in the 90-day period before a debtor files bankruptcy (or within one year if the creditor was an insider) that gives the creditor more than the creditor would receive in the debtor's chapter 7 case.

Presentence report

A report prepared by a court's probation officer, after a person has been convicted of an offense, summarizing for the court the background information needed to determine the appropriate sentence.

Pretrial conference

A meeting of the judge and lawyers to plan the trial, to discuss which matters should be presented to the jury, to review proposed evidence and witnesses, and to set a trial schedule. Typically, the judge and the parties also discuss the possibility of settlement of the case.

Pretrial services

A function of the federal courts that takes place at the very start of the criminal justice process – after a person has been arrested and charged with a federal crime and before he or she goes to trial. Pretrial services officers focus on investigating the backgrounds of these persons to help the court determine whether to release or detain them while they await trial. The decision is based on whether these individuals are likely to flee or pose a threat to the community. If the court orders release, a pretrial services officer supervises the person in the community until he or she returns to court.

Priority

The Bankruptcy Code's statutory ranking of unsecured claims that determines the order in which unsecured claims will be paid if there is not enough money to pay all unsecured claims in full.

Priority claim

An unsecured claim that is entitled to be paid ahead of other unsecured claims that are not entitled to priority status. Priority refers to the order in which these unsecured claims are to be paid.

Pro per

A slang expression sometimes used to refer to a pro se litigant. It is a corruption of the Latin phrase "in propria persona."

Pro se

Representing oneself. Serving as one's own lawyer.

Pro tem

Temporary.

Probation

Sentencing option in the federal courts. With probation, instead of sending an individual to prison, the court releases the person to the community and orders him or her to complete a period of supervision monitored by a U.S. probation officer and to abide by certain conditions.

Probation officer

Officers of the probation office of a court. Probation officer duties include conducting presentence investigations, preparing presentence reports on convicted defendants, and supervising released defendants.

Procedure

The rules for conducting a lawsuit; there are rules of civil procedure, criminal procedure, evidence, bankruptcy, and appellate procedure.

Proof of claim

A written statement describing the reason a debtor owes a creditor money, which typically sets forth the amount of money owed. (There is an official form for this purpose.)

Property of the estate

All legal or equitable interests of the debtor in property as of the commencement of the case.

Prosecute

To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government

R***Reaffirmation agreement***

An agreement by a debtor to continue paying a dischargeable debt after the bankruptcy, usually for the purpose of keeping collateral or mortgaged property that would otherwise be subject to repossession.

Record

A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.

Redemption

A procedure in a Chapter 7 case whereby a debtor removes a secured creditor's lien on collateral by paying the creditor the value of the property. The debtor may then retain the property.

Remand

Send back.

Reverse

The act of a court setting aside the decision of a lower court. A reversal is often accompanied by a remand to the lower court for further proceedings.

S

Sanction

A penalty or other type of enforcement used to bring about compliance with the law or with rules and regulations.

Schedules

Lists submitted by the debtor along with the petition (or shortly thereafter) showing the debtor's assets, liabilities, and other financial information. (There are official forms a debtor must use.)

Secured creditor

A secured creditor is an individual or business that holds a claim against the debtor that is secured by a lien on property of the estate. The property subject to the lien is the secured creditor's collateral.

Secured debt

Debt backed by a mortgage, pledge of collateral, or other lien; debt for which the creditor has the right to pursue specific pledged property upon default. Examples include home mortgages, auto loans and tax liens.

Senior judge

A federal judge who, after attaining the requisite age and length of judicial experience, takes senior status, thus creating a vacancy among a court's active judges. A senior judge retains the judicial office and may cut back his or her workload by as much as 75 percent, but many opt to keep a larger caseload.

Sentence

The punishment ordered by a court for a defendant convicted of a crime.

Sentencing guidelines

A set of rules and principles established by the United States Sentencing Commission that trial judges use to determine the sentence for a convicted defendant.

Sequester

To separate. Sometimes juries are sequestered from outside influences during their deliberations.

Service of process

The delivery of writs or summonses to the appropriate party.

Settlement

Parties to a lawsuit resolve their dispute without having a trial. Settlements often involve the payment of compensation by one party in at least partial satisfaction of the other party's claims, but usually do not include the admission of fault.

Small business case

A special type of chapter 11 case in which there is no creditors' committee (or the creditors' committee is deemed inactive by the court) and in which the debtor is subject to more oversight by the U.S. trustee than other chapter 11 debtors. The Bankruptcy Code contains certain provisions designed to reduce the time a small business debtor is in bankruptcy.

Standard of proof

Degree of proof required. In criminal cases, prosecutors must prove a defendant's guilt "beyond a reasonable doubt." The majority of civil lawsuits require proof "by a preponderance of the evidence" (50 percent plus), but in some the standard is higher and requires "clear and convincing" proof.

Statement of financial affairs

A series of questions the debtor must answer in writing concerning sources of income, transfers of property, lawsuits by creditors, etc. (There is an official form a debtor must use.)

Statement of intention

A declaration made by a chapter 7 debtor concerning plans for dealing with consumer debts that are secured by property of the estate.

Statute

A law passed by a legislature.

Statute of limitations

The time within which a lawsuit must be filed or a criminal prosecution begun. The deadline can vary, depending on the type of civil case or the crime charged.

Sua sponte

Latin, meaning "of its own will." Often refers to a court taking an action in a case without being asked to do so by either side.

Subordination

The act or process by which a person's rights or claims are ranked below those of others.

Subpoena

A command, issued under a court's authority, to a witness to appear and give testimony.

Subpoena duces tecum

A command to a witness to appear and produce documents.

T

Temporary restraining order

Akin to a preliminary injunction, it is a judge's short-term order forbidding certain actions until a full hearing can be conducted. Often referred to as a TRO.

Testimony

Evidence presented orally by witnesses during trials or before grand juries.

Toll

See statute of limitations.

Tort

A civil, not criminal, wrong. A negligent or intentional injury against a person or property, with the exception of breach of contract.

Transcript

A written, word-for-word record of what was said, either in a proceeding such as a trial, or during some other formal conversation, such as a hearing or oral deposition

Transfer

Any mode or means by which a debtor disposes of or parts with his/her property.

Trustee

The representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court and the direct supervision of the U.S. trustee or bankruptcy administrator. The trustee is a private individual or corporation appointed in all chapter 7, chapter 12, and chapter 13 cases and some chapter 11 cases. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate. In chapter 7, the trustee liquidates property of the estate, and makes distributions to creditors. Trustees in chapter 12 and 13 have similar duties to a chapter 7 trustee and the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

Typing service

A business not authorized to practice law that prepares bankruptcy petitions.

U

U.S. attorney

A lawyer appointed by the President in each judicial district to prosecute and defend cases for the federal government. The U.S. Attorney employs a staff of

Assistant U.S. Attorneys who appear as the government's attorneys in individual cases.

U.S. trustee

An officer of the U.S. Department of Justice responsible for supervising the administration of bankruptcy cases, estates, and trustees; monitoring plans and disclosure statements; monitoring creditors' committees; monitoring fee applications; and performing other statutory duties.

Undersecured claim

A debt secured by property that is worth less than the amount of the debt.

Undue hardship

The most widely used test for evaluating undue hardship in the dischargeability of a student loan includes three conditions: (1) the debtor cannot maintain – based on current income and expenses – a minimal standard of living if forced to repay the loans; (2) there are indications that the state of affairs is likely to persist for a significant portion of the repayment period; and (3) the debtor made good faith efforts to repay the loans.

Unlawful detainer action

A lawsuit brought by a landlord against a tenant to evict the tenant from rental property – usually for nonpayment of rent.

Unliquidated claim

A claim for which a specific value has not been determined.

Unscheduled debt

A debt that should have been listed by the debtor in the schedules filed with the court but was not. (Depending on the circumstances, an unsecured debt may or may not be discharged.)

Unsecured claim

A claim or debt for which a creditor holds no special assurance of payment, such as a mortgage or lien; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.

Uphold

The appellate court agrees with the lower court decision and allows it to stand. See affirmed.

V

Venue

The geographic area in which a court has jurisdiction. A change of venue is a change or transfer of a case from one judicial district to another.

Verdict

The decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant, or that determines the final outcome of a civil case.

Voir dire

Jury selection process of questioning prospective jurors, to ascertain their qualifications and determine any basis for challenge.

Voluntary transfer

A transfer of a debtor's property with the debtor's consent.

W

Wage garnishment

A nonbankruptcy legal proceeding whereby a plaintiff or creditor seeks to subject to his or her claim the future wages of a debtor. In other words, the creditor seeks to have part of the debtor's future wages paid to the creditor for a debt owed to the creditor.

Warrant

Court authorization, most often for law enforcement officers, to conduct a search or make an arrest.

Witness

A person called upon by either side in a lawsuit to give testimony before the court or jury.

Writ

A written court order directing a person to take, or refrain from taking, a certain act.

Writ of certiorari

An order issued by the U.S. Supreme Court directing the lower court to transmit records for a case which it will hear on appeal.

RESOURCES

1. Афендікова Л.А. Англійська мова для юристів: Навчальний посібник. – Донецьк, 1998.
2. Гончар О.В., Лисицька О.П., Мошинська О.Ю., Сімонок В.П., Частник О.С. English for Law Students: Навчальний посібник. – Харків: «Право», 2004. – 417 ст.
3. Гусак Л.С., Яцишин Н.П. English for Law Students: Навчально-методичні матеріали. – Луцьк: редакційно-видавничий відділ «Вежа» Волинського національного університету ім.. Лесі Українки, 2009. – 71 ст.
4. Зернецький П.В., Шемелін Д.А. Англійська мова для правників: Посібник. – К.: Києво-Могилянська академія, 2004.
5. Купрієвич О. Англійська мова для юристів. Захист прав людини: Навчальний посібник. – К.: Видавничий Дім «Юридична книга», 2001.
6. Мельник М.Г. Англійська мова для юристів: Посібник. – Немішаєве, 2001.
7. Мисик Л.В. Англійська мова (для студентів юридичних факультетів): Посібник. – К.: Видавничий Дім «Ін Юре», 1999.
8. Назарова Л.М. Англійська мова (для студентів юридичних спеціальностей): Посібник. – Х.: Право, 2007.
9. Сімонок В.П. English for Lawyers: Підручник. – Харків: «Право», 2004. – 648 ст.
10. Хоменко Н.С. Англійська мова для юристів: Навчальний посібник. – Київ, 2003. – 116 ст.
11. <http://www.studfiles.ru/preview/3829417/page:10/>
12. <http://www.uscourts.gov/glossary>
13. <http://www.britannica.ru>.
14. <http://civilcodex.org.ua>.
15. <http://eur-lex.europa.eu/en/index.htm>.
16. <http://en.wikipedia.org>.
17. <http://www.libr.org.ua>.