

WORKBOOK FOR LAW STUDENTS

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Visos knygos leidybos teisės saugomos. Ši knyga arba kuri nors jos dalis negali būti dauginama, taisoma arba kitu būdu platinama be leidėjo sutikimo.

Pratarmė

Šiuolaikiniame pasaulyje teisininkų bendravimas tampa vis profesionalesnis ir labiau specializuotas. Jau nepakanka mokėti tik bendrąją anglų kalbą. Menkas teisinių terminų netikslumas gali baigtis didele klaida. Pavyzdžiui, nepakanka mokėti žodį „lawyer“ (teisininkas), nes tai per daug bendras žodis, kuris gali reikšti *Barrister, Solicitor, Prosecutor, Public Defender, Corporate (inhouse) Counsel, Attorney-at-law* arba *Jurist*. Teisininkams net paprasčiausias žodis „work“ (dirbti) gali reikšti *litigate, plead, mediate, practice, advocate, advise, counsel, transact, draft legal documents, convey deeds*.

Teisinė anglų kalba nėra lengva. Mokomasis leidinys „Workbook for Law Students“ – pratybų knygelė, skirta teisės bei teisės ir valdymo studentams, teisininkams bei visiems, kurie nori pramokti teisinės anglų kalbos.

Mokomasis leidinys sudarytas iš 12 skyrių, kurie apima įvairias sritis, su kuriomis dažniausiai susiduria teisininkai. Kiekvienas skyrius sudarytas iš teisinių terminų sąrašo bei įvairiausių užduočių: daugybinio pasirinkimo pratimų, žodžių įrašymo, sujungimo, kryžiažodžių ir pan. Užduotys padės išmokyti daugiau sinonimų, žodžių junginių, tam tikrų prielinksnių ar jungtukų, būdingų tik teisinei anglų kalbai. Kai kuriose užduotyse besimokantieji ras ir įdomios bei naudingos informacijos apie anglosaksiškąją teisės bei teisinę sistemas.

Tikimės, kad pratybų knygelė „Workbook for Law Students“ bus naudinga mokantis subtilios teisinės anglų kalbos. Linkime sėkmės!

Autorės

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1. What Is Law?

⇒ Wordlist

access (n, v), accessible (to)	define (v), definition (n)
adjudication (n)	disagreement (n)
administer (v), administration (n), ~ <i>of justice</i>	dismiss (v)
adultery (n)	employment (n), ~ <i>law</i>
agreement (n)	employer (n), employee (n)
alter (v), ~ <i>law</i>	enforce (v), ~ <i>rights</i>
appeal (n, v), <i>dismiss the ~</i>	enforceable (adj)
approve (v) / disapprove	enforcement (n)
assault (n)	entitle (v), <i>to be legally ~ d</i>
blame smb for smth	euthanasia (n)
breach (n), ~ <i>of morality</i>	find smb. guilty / not guilty (of)
burglar (n)	guilt (n)
case (n), <i>to decide a ~, to hear a ~,</i> <i>a civil ~, a criminal ~</i>	hold (v), <i>the judge held that ...</i>
civilization (n)	householder (n)
claim compensation	impose (v), ~ <i>sanctions</i> , ~ a duty on smb
code (v), codify, codified	inevitable (adj), inevitably (adv)
coextensive (adj)	inferior (adj)
commit (v), ~ <i>a crime</i> , ~ <i>a criminal</i> <i>offence</i>	issue (n, v)
community (n)	judicial review
comply (v)	justice (n) / injustice
concept (of) (n), ~ <i>morality</i> , ~ <i>justice</i>	law, <i>regulatory ~, enforce the ~, apply</i> <i>the ~</i>
consequence (n)	lawful (adj) / unlawful
contract (n), <i>law of ~, under the ~</i>	legal (adj), ~ <i>system</i> , ~ <i>sanction</i>
court (n)	legalize (v), legalization (n)
criminal law	legislation (n)
criminalized (adj) / de-criminalized	moral (adj), ~ <i>values</i> , ~ <i>code</i> , ~ <i>standards</i>
Crown Court	morality (n)
damages (n), <i>to award ~</i>	murder (n)

norm (n), *the ~ for behaviour*;
 normative (adj), *~ value*
 notably (adv)
 obey (v), *~the law*
 obligatory (adj)
 outlaw (n, v)
 prevent (v)
 prosecute (v)
 punish (v)
 punishment (n), *face ~*
 regard (n, v)
 robbery (n)
 rule (n), *a set of ~s, unwritten ~s*

rule (v), *it was ruled that ...*
 set down (v), *~ the rules*
 social control
 society, *the needs of ~*
 sue (v)
 superior (adj)
 theft (n)
 tort (n), *the ~ of nuisance*
 ultimate (adj), *~ goal*
 uphold (v)
 vandalism (n)
 violence (n)
 voluntary (adj)

TASKS

- **Task 1. Complete the sentences below, put *a, the* in each space or leave the space blank.**

1. The government has proposed new law to regulate the sale of alcohol to minors.
2. Civil law deals with those areas of law in which both parties are private citizens or companies.
3. Continental Law is a system in which legal decisions are usually made by applying written laws to the case in question.
4. Continental Law is sometimes known as Roman Law because it was influenced by laws developed in ancient Rome.
5. In some modern societies precise written contracts, lawyers and courts of law have become a part of daily life.
6. Lawyers and politicians have a joint responsibility to keep law relevant to the needs of a changing society.
7. Studying law in the United Kingdom means a three year undergraduate degree programme which results in an LLB.
8. Majority of the voters from Senator Jones' state want law requiring seatbelts on school buses.

9. The annoyed neighbour threatened us if we did not stop making the noise he would have law on us.
10. Although the country had strong democratic traditions there was a breakdown of law and order after following the assassination of the president.

► **Task 2. Match the words with their definitions. One definition is extra.**

1. law	a) a session of an official body that has authority to try criminals, resolve disputes, or make other legal decisions
2. legal	b) a failure to obey, keep, or preserve something, for example, a law, a trust or a promise
3. to enforce	c) to attack somebody physically or verbally in a violent way
4. court	d) to lay down something compulsory, such as a tax or a punishment
5. to punish	e) a system of accepted laws and regulations that govern procedure or behaviour in particular circumstances
6. code	f) a structured community of people bound together by similar traditions, institutions, or nationality
7. breach	g) a rule of conduct or procedure recognized by a community as binding or enforceable by authority
8. ruling	h) required by law or by a moral rule
9. to impose	i) to compel obedience to a law, regulation, or command
10. obligatory	j) to take legal action against somebody in order to obtain something, usually compensation for a wrong
11. to sue	k) relating to the law or to courts of law
12. to assault	l) an official or binding decision made, for example, by a court or judge
	m) to subject somebody to a penalty for doing something wrong

► **Task 3. Match the words with their antonyms.**

1. legal	a) innocence
2. lawful	b) optional
3. obligatory	c) to criminalize
4. superior	d) inferior
5. guilt	e) illegal
6. to decriminalize	f) unlawful

► **Task 4. Match the words with their synonyms.**

1. legal	a) higher
2. ruling	b) mercy-killing
3. superior	c) court decision
4. inferior	d) violation
5. breach	e) lawful
6. fair	f) just
7. euthanasia	g) lower

► **Task 5. Write the missing prepositions where necessary.**

1. to impose sanctions the person
2. to define law
3. to administer justice
4. to set the rules
5. to enforce the law
6. to disapprove the behaviour
7. accessible everyone
8. to prevent crimes
9. to be the criminal law
10. to have influence the development of law
11. according the law
12. to claim compensation the injuries

13. to give rights individuals
 14. to have a duty to pay wages the employee
 15. to sue the employer
 16. to enjoy the property

- **Task 6. Match the words and phrases from box A with words and phrases from box B to form the collocations.**

A	B
1 legal	a) law
2 regulatory	b) of social control
3 judicial	c) of communities
4 breaches	d) theorists
5 a formal mechanism	e) for the injuries
6 unwritten	f) duties on people
7 a fully codified	g) of a moral code
8 moral values	h) system
9 the law imposes	i) rules
10 claim damages	j) review

- **Task 7. Match the beginning of the sentence from box A with the ending of the sentence in box B. There is one extra ending.**

A	B
1. One of the legal theorists of the nineteenth century defined law as a command	a) ... local custom or practice, or they may be connected to religious beliefs.
2. Law could also be described as a formal mechanism of social control because	b) ... the two develop and the sanctions imposed.
3. Unwritten rules within communities come from	c) ... the law also imposes duties on people.

4. Codification makes the law more accessible so that everyone knows their rights and duties	d) ... it is unlikely that law will ever produce justice in every case.
5. The law of the country reflects the moral values accepted by the majority of the country	e) ... however, a fully codified system would prevent change and development of the law with the needs of society.
6. There are differences between the law and morality in the way	f) ... issued from a superior to an inferior and enforced by sanctions.
7. Justice is the ultimate goal towards which the law should strive, but	g) ... visibly illustrated by the employment law.
8. In order to keep the balance trying to ensure that one's person's rights do not effect another person's rights	h) ... maintains the rights of people not to be assaulted or to have their property stolen.
9. The idea of rights and duties can be	i) ... the rules set down in the law can be enforced through the courts and legal systems.
10. In the criminal law the duty imposed on people to obey the law or to face punishment	j) ... involves issues of morality, justice and violates rights of the employees.
	k) ... but the law is unlikely to be exactly the same as the common religious moral code.

► **Task 8. Complete the sentences with the most suitable words.**

1. Law is the body of principles recognized and applied by the state in the _____ of justice.

A violation

C codification

B administration

D obligation

2. The rules set down in the law are _____ through the courts and legal system.

A prosecuted

C enforced

B sued

D applied

3. Most cultures _____ extreme behaviour such as murder.
A outlaw C impose
B comply D alter
4. Morality _____ slowly and changes according to the will of the people.
A outlaws C adjudicates
B approves D evolves
5. Law can be _____ deliberately by legislation.
A altered C prosecuted
B committed D assaulted
6. Laws are _____ in the same way to all people within their jurisdiction.
A held C claimed
B awarded D applied
7. Mr. Revill was prosecuted for various criminal offences he had _____ that night.
A made C committed
B rendered D done
8. Mr. Revill _____ a civil case against Mr. Newbery.
A brought C made
B carried D complied
9. The law not only gives rights to people, but also _____ duties on them.
A dismisses C imposes
B disseminates D exceeds
10. People who do not _____ the law, may face punishment.
A violate C administer
B obey D enact

► **Task 9. Match the words with their definitions:**

1. legality	a) person who makes laws or passes laws
2. legalization	b) language used by lawyers
3. to legalize	c) relating to laws
4. legislator	d) against the law
5. to legislate	e) the state of being allowed by the law
6. legislative	f) to make smth. legal
7. legal	g) to make a law
8. legislation	h) making smth legal
9. illegal	i) according to the law, allowed by law
10. legalese	j) laws, written rules which are passed by Parliament and implemented by the courts

WHAT IS LAW? SELF-CHECK TEST**1. What's the legal term?**

1. A system of social rules usually enforced through a set of structured institutions; a body of rules of conduct of binding legal force and effect, prescribed, recognized, and enforced by controlling authority

2. To compel observance of or obedience to _____
3. A state of affairs in which conduct or action is both fair and right, given the circumstances. In law, it more specifically refers to the obligation to ensure that all persons are treated fairly _____
4. A document passed by Parliament _____
5. A collection of written laws gathered together, usually covering specific subject matter _____
6. The persons who are directly involved or interested in any act, affair, contract, transaction, or legal proceeding _____
7. The practice of imposing something unpleasant on a person in response to an unwanted, disobedient or morally wrong behaviour

8. The practice of ending the life of a human or animal who is incurably ill in a painless or minimally painful way, for the purpose of limiting suffering _____
9. A body of persons convened to render a verdict in a court of law _____
10. Voluntary sexual relations between an individual who is married and someone who is not the individual's spouse _____
11. In criminal law, to charge a person with a crime and thereafter pursue the case through trial on behalf of the government _____
12. The legal process of resolving a dispute _____
13. This term describes techniques used for reducing victimization as well as deterring crime and criminals. It is applied specifically to efforts made by governments to reduce crime, enforce the law, and maintain criminal justice _____
14. A legal action to obtain money, property or the enforcement of a right protected by law against another party _____
15. A grouping of individuals which is characterized by common interests and may have distinctive culture and institutions; its members may be from different ethnic groups _____

► 2. Make the derivatives where possible.

VERB	NOUN CONCEPT	NOUN PERSON	ADJECTIVE/ PARTICIPLE
1. rule			
2.			sued
3. appeal			
4.	code		
5.	enforcement		
6.	claim		
7. prosecute			
8.	robbery		
9.		(law) breaker	
10.	vandalism		

3. Write the legal synonyms to the legal terms/phrases in the box.

1. restrict	
2. forbid	
3. change (a law)	
4. support, maintain against	
5. mandatory	
6. lower	
7. higher	
8. optional	
9. make a decision (about a judge)	
10. a civil wrong	

4. Insert the missing prepositions.**The Rule of Law**

This term can mean different things in different contexts. In one context it means rule according to law, that is, no individual can be ordered (1)_____ the government to pay civil damages or suffer criminal punishment except in strict accordance (2)_____ well-established and clearly defined laws and procedures. In a second context the term means rule under law, which means no branch of government is (3)_____ the law, and no public official may act arbitrarily or unilaterally outside the law. In a third context the term means rule according to a higher law. No written law may be enforced by the government unless it conforms (4)_____ certain unwritten, universal principles (5)_____ fairness, morality, and justice that transcend human legal systems.

5. Make the negative forms of the legal terms below.

1. voluntary	
2. legal	
3. lawful	

4. fair	
5. justice	
6. responsible	
7. criminalize	
8. moral	
9. approve	
10. curable	

6. Translate the following legal terms/phrases into English.

1. bendruomenė _____
2. prisipažinti kaltu _____
3. priteisti nuostolius, žalos atlyginimą _____
4. sutarčių teisė _____
5. laikytis (sąlygų, įstatymo ir pan.) _____
6. vykdyti teisingumą _____
7. precedentu grindžiama teisė _____
8. atmesti apeliaciją _____
9. teismo teisė peržiūrėti žemesnio teismo sprendimus _____
10. skirti tam tikras poveikio priemones _____

2. Law Systems

⇒ Wordlist

absorb (v), *customs have been ~ed into*

abuse (v), *~ed partner*

action (n), *prevent industrial ~s*

actionable (adj), *~ nuisance*

act (n), *~s of Parliament*

appeal (n), *the case goes on ~ to a higher court*

appeal (v), *~ directly to the king*

base (on) (v), *~ decisions on customs*

benefit (n), *for the ~ of smb*

binding (adj), *legally ~ documents*

case-law (n)

charge (n), *criminal ~*

circuit (n), *~ judges*

common (adj), *~law, ~ law crime, ~ law court,*

Commonwealth (n), *~ countries*

court (n), *~ of first instance, appeal ~, ~ hierarchy, Chancery ~*

custom (n), *general ~, local ~*

damages (n), *claim ~*

decision (n), *come to a ~*

defence (n), *~ of duress*

disclose (v), *~ trade secrets*

dispute (n), *local courts decided ~s*

enforceable (adj), *~ at law*

entitle (v), *be ~ed to a local right*

equitable (adj), *~ principles, ~ remedies*

equity (n)

excessive (adj), *~ noise*

exercise (v), *a custom is ~ed peaceably*

hear (v), *~ a case*

imprisonment (n)

injunction (n), *grant an ~ against smb*

judgment (n), *dissenting ~*

judicial (adj), *~ decisions*

law (n), *European ~, unwritten ~*

legal (adj), *~ system*

legislation (n)

mortgage (n)

murder (n), *attempted ~*

nuisance (n)

obey (v), *~ the order, refuse to ~ the order*

obiter dicta

operate (v), *a custom ~s in a particular area*

order (n), *~ to attend court*

points of law

precedent (n), *original / declaratory / binding / persuasive ~*

ratio decidendi

reasonable (adj)

reasoning (n), *legal ~, ~ by analogy*

recognise (v), *~ as a valid custom*

rectification (n)

rely (on) (v), *~ on customs*

remedy (n)

remoteness (n), *~ of damages*

rescission (n), *rescind (v)*

review (v), *~ the arguments*

rule (v), *the king ~ed that*
 settle (on) (v), *~ the property on smb*
 source (n), *~ of law*
 specific performance
 stare decisis
 statutory (adj), *~ crime*
 subpoena (n)

tort (n), *law of ~*
 trade union
 treat (v), *~ with respect*
 trespass (n), *~ to land*
 trust (n)
 violence (n), *domestic ~*

TASKS

► **Task 1.** Match the words with their definitions. One definition is extra.

1. binding precedent	a) Rules of behaviour which develop in a community without being deliberately invented.
2. common law	b) A system of law in which legal decisions are based upon decisions in previous cases and on custom.
3. customs	c) A system of law developed in England and Wales to supplement the existing law where it seems inadequate and unfair.
4. equity	d) An order to a person to appear in court on a certain day to give evidence; witness summons.
5. obiter dicta	e) The part of the judgment which is binding as a precedent.
6. original precedent	f) The part of a judgement which is not binding as a precedent.
7. persuasive precedent	g) The main principle of the doctrine of precedent: 'stand by what has been decided'.
8. ratio decidendi	h) A judicial decision which future courts must follow when deciding similar cases.
9. stare decisis	i) A judicial decision which future courts may follow, but do not have to.
	j) A judicial decision in a case where there is no previous law to follow.

► Task 2. Match civil law terms with their definitions. One definition is extra.

1. damages	a) Means by which a civil court redresses a wrong and enforces a right.
2. injunction	b) A sum of money awarded by a court as compensation for a tort or a breach of contract.
3. mortgage	c) A court order to a person to fulfill his obligations under a contract.
4. remedy	d) A court order to a person that either prohibits him from doing a certain act or orders him to carry out a certain act.
5. rectification	e) A method of using property (real or personal) as security for the payment of a debt.
6. rescission	f) An agreement whereby property is held and controlled by someone on behalf of someone else.
7. specific performance	g) Civil wrong, other than a breach of contract, for which the wronged person may get redress in a law court.
8. tort	h) An activity or state of affairs that interferes with the use or enjoyment of land or rights over land or with the health, safety or comfort of the public at large.
9. trust	i) Cancellation or annulment of a contract by mutual consent or by law.
	j) Correction of a document if it does not correctly express the common intention of the parties to it.

► Task 3. Match the words and phrases with their synonyms.

1. judgment	a) to settle disputes
2. legislation	b) claimant
3. rigorous	c) monetary compensation
4. to decide disputes	d) laws
5. plaintiff	e) fairness
6. to obtain justice	f) annulment

7. damages	g) decision
8. equity	h) to find justice
9. rescission	i) correction
10. rectification	j) strict

► **Task 4. Match the connectors with their synonyms.**

1. however	a) so, hence
2. thus	b) because
3. therefore	c) also, in addition
4. for	d) in spite of this, nevertheless
5. further	e) so, as a result

Fill in the gaps with the most appropriate connectors.

however	moreover	thus	consequently	therefore
	for	and	further	

Judicial Precedent

Judicial precedent is of fundamental importance in the English legal system,(1) the principles of the common law, which have developed gradually through case-law over the centuries, are the main source of English law.

The English courts are bound to follow decisions of higher courts in the judicial hierarchy;(2) in many cases they must also follow their own decisions. Decisions of inferior courts,(3) , do not have binding power. Decisions concerning the interpretation of statutes are also binding,(4), English lawyers must always refer to case-law even if the facts of the case they are preparing are covered by statute-law and not common-law rules. The law reports are (5) basic works of reference for members of the English legal profession.

► **Task 5. Match the beginnings of sentences in A with their endings in B.**

Basic principles of Common Law

A

1. Statutes which reflect English common law are understood always to be interpreted in light of the common law tradition, and so may leave a number of things unsaid.
2. By contrast to the statutory codifications of common law, some laws are purely statutory.
3. An example is the tort of wrongful death, which allows certain persons, usually a spouse, child or estate, to sue.
4. Where a tort is rooted in common law, then all damages traditionally recognized historically for that tort may be sued for.
5. For instance, a person who sustains bodily injury through the negligence of another may sue for medical costs.

B

- a) for damages on behalf of the deceased.
- b) because they are already understood from the point of view of pre-existing case law and custom.
- c) for pain, suffering, loss of earnings or earning capacity, mental and/or emotional distress, loss of quality of life, disfigurement, and more.
- d) and may create a new cause of action beyond the common law.
- e) whether or not there is mention of those damages in the current statutory law.

► **Task 6. Choose the word which best completes the sentence.**

1. law is „judge made law“ which derives from the application of previous Court decisions through the doctrine of precedent.

A litigation

B case

C civil

D continental

2. The operation of case law and involves applying legal principles, decided in past cases, to new cases with similar facts.
 - A decision
 - B judgment
 - C precedent
 - D remedies

3. Case law functions through a hierarchical Court system whereby Court decisions generated from a superior Court will be on a lower Court.
 - A binding
 - B passed
 - C heard
 - D entrenched

4. The development of case law through statutory is a very important part of New Zealand's legal process, particularly when considering the number of statutes within the legal system.
 - A authority
 - B interpretation
 - C dispute
 - D ruling

5. Case law may be created simply where, looking solely at the facts of a case, develop a particular area of the law by consideration of analogous past decisions and by applying the principles articulated in those decisions.
 - A litigants
 - B lawyers
 - C legislators
 - D judges

6. In courts where more than one judge sits on the bench a decision may be delivered where each judge gives an individual
 A interpretation
 B statute
 C judgment
 D law

7. of the law started in Sweden during the 18th century, preceding the codifications of most other European countries.
 A codification
 B judgment
 C deliberation
 D rule

8. In England unwritten law is predominant, for more of English law derives from precedent than from legislative enactment.
 A flexible
 B rigid
 C codified
 D judicial

► **Task 7. Insert the missing prepositions where necessary.**

1. decisions based the common customs
2. general customs have been absorbed legislation
3. is entitled some local right
4. exceptions the general common law
5. could not rely only customs
6. appointed his own judges
7. to apply the king
8. were the control of the king
9. to discuss the laws and customs
10. the best customs were used all the judges
11. to distinguish common law rules and the rules of Equity

- 12. to give money compensation
- 13. to obtain justice in common law court
- 14. to obey the Chancellor's order
- 15. to make an order favour of one party

► **Task 8. Decide where you think some of the following pieces of information belong to: common law or civil law (continental law).**

- 1. reasoning in individual cases leads to general rules
- 2. in time fixed principles may not correspond to changing circumstances
- 3. central importance of the law passed by the government
- 4. general enacted principles are applied to individual cases
- 5. decisions reached by reasoning from general rules to particular cases
- 6. deductive
- 7. the state is to make the law, not the courts
- 8. principles are flexible
- 9. in some cases judges make law
- 10. principles are based on real facts
- 11. principles develop in individual cases
- 12. inductive
- 13. central importance of precedent

► **Task 9. Complete the words and find them in the word search.**

- 1. __ E _ A _ _ Y
- 2. __ E _ _ DENT
- 3. BI _ _ NG
- 4. _ _ _ G _ ENT
- 5. R _ _ _ O D _ _ _ _ ENDI
- 6. O _ _ _ ER DI _ _ A
- 7. S _ _ _ E DE _ _ _ IS
- 8. _ _ UR _

A Z L K V I K P G H F J R R F
 C T C S I S I C E D E R A T S
 O C C P E B V X Y G I T W N G
 U U A I C B I H Y B I H K E T
 R B U W D U C M J O E Y Z D F
 T U I T X R K L D L Y B L E V
 A K Z N A S E E B R E N X C O
 S M H R D S C T N Q L P Y E I
 Q O E T Y I Z F I Z W S Y R I
 P I N S D O N I E B H J P P M
 H J J E E I I G H J O E Y O K
 N N N C F B F J U D G M E N T
 G D H Q P C X P N Z P R C G Y
 I N E H I F V T I I B C C X G
 K Z Y A I Q Z F I D B L I K T

- **Task 10.** Fill in the gaps with the words or phrases from the box.
There are 5 extra words in the box.

Ratio decidendi	precedent	obiter dicta	unwritten law	remedies
equitable rights	statute law	equity	remoteness of damages	
common law	the doctrine of precedent	delegated legislation		
specific performance	recognized as a valid custom			
dissenting judgement	trade union			

- Historically, in the English system of law judicial decisions are still important as they interpret the Parliamentary law and fill in gaps where there is no (1)
- The major sources of Common law are statute law, judicial decisions, (2), customs and European law.
- It is very unusual for a new custom to be considered by the courts today and even rarer for the courts to decide that it will be (3), but there have been some such cases.

4. The phrase (4) is still used to distinguish laws that have been developed by judicial decisions, from laws that have been created by statute or other legislation.
5. The Court of Chancery developed new (5) which were able to compensate plaintiffs more fully than the common law way of repairing harm or damage suffered. The Judicature Act provided that in cases in which there was a conflict between the rules of law and equity, the rules of (6) should prevail.
6. Concepts such as mortgages and trusts which are founded on the idea that one person owns the legal interest in property but has to use that property for the benefit of another are based on (7)
7. (8) is a general principle based on the practice of making legal decisions by following the decisions made in a previous similar case.
8. If there is no previous similar case the court will decide by applying existing laws to a new set of facts and its decision will become a new (9) for courts to follow in the future.
9. The part of a judgement which is not essential to the decision of the judge and does not create a precedent is called (10)
10. Sometimes it is possible that the House of Lords may prefer the (11) and decide the case in the same way as the judge who disagreed with other judges in a case which has been heard by several judges decided.

- **Task 11. Read the text about the Civil Law system and fill in the gaps with the words or phrases from the box. There are 2 extra words in the box.**

legislation legislative codification civil law cases subpoena
 whereas common law codes of law statutes equity

Civil law or Continental law or Romano-Germanic law is the predominant system of law in the world. Civil law as a legal system is often compared with (1) The main difference that is usually drawn between the two systems is that common law draws abstract rules from specific cases, (2)

civil law starts with abstract rules, which judges must then apply to the various cases before them.

Civil law has its roots in Roman law, Canon law and the Enlightenment. The legal systems in many civil law countries are based around one or several (3), which set out the main principles that guide the law. The civil law system is based on Roman law, especially the Corpus Juris Civilis of Emperor Justinian, as later developed by medieval legal scholars.

The acceptance of Roman law had different characteristics in different countries. In some of them its effect resulted from (4) act, i.e. it became positive law, whereas in other ones it became accepted by way of its processing by legal theorists. A second characteristic, beyond Roman law foundations, is the extended codification of the adopted Roman law, i.e. its inclusion into civil codes.

The concept of (5) developed especially during the 17th and 18th century, as an expression of both Natural Law and the ideas of the Enlightenment. The political ideal of that era was expressed by the concepts of democracy, protection of property and the rule of law. That ideal required the creation of certainty of law, through the recording of law and through its uniformity.

The difference between (6) and common law lies not just in the mere fact of codification, but in the methodological approach to codes and statutes. In civil law countries, (7) is seen as the primary source of law. By default, courts thus base their judgments on the provisions of codes and statutes, from which solutions in particular (8) are to be derived. Courts thus have to reason extensively on the basis of general rules and principles of the code. By contrast, in the common law system, cases are the primary source of law, while (9) are only seen as incursions into the common law and thus interpreted narrowly.

► **Task 12. Complete the following table.**

	NOUN	VERB	ADJECTIVE
1.	decision		
2.	judgement		

3.		legislate	
4.		recognize	
5.			preventive
6.		enforce	
7.	definition		
8.			distinguishable
9.	compensation		
10.	remedy		

LAW SYSTEMS: SELF-CHECK TEST

1. What's the legal term?

1. A command to appear at a certain time and place to give testimony upon a certain matter; used to compel the testimony of witnesses in a trial or other adversarial proceeding _____
2. A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience _____
3. The act or process of lawmaking _____
4. A legal order of preventing or redressing a wrong or enforcing a right _____
5. A system of using principles of natural justice and fair conduct to reach a judgment when common law is inadequate or inappropriate _____
6. The term means 'imposing an obligation or duty' _____
7. Unlawful pressure exerted upon a person to coerce that person to perform an act that he or she ordinarily would not perform _____
8. A document in which the owner pledges his/her/its title (right) to real property to a lender as security for a loan described in a promissory note _____

9. The traditional unwritten law, based on custom and usage which developed over a thousand years _____
10. In a criminal case, the specific statement of what crime the party is accused of _____

2. Complete the sentences with the most appropriate legal term/phrase.

1. A legal system of law in which judges are impartial in ensuring the fair play of due process, or fundamental justice is called
A adversarial B inquisitorial C equitable D unreliable
2. A legal system where the court or a part of the court is actively involved in determining the facts of the case is called
A adversarial B inquisitorial C equitable D unreliable
3. The remedy of _____ is generally intended to compensate the injured party for any harm he or she has suffered by providing a sum of money.
A damages B rescission C specific performance D rectification
4. The remedy of _____ commands the defendant to perform his or her part of a contract after a breach thereof has been established. It is issued only in cases where the subject matter of a contract is unique.
A damages B rescission C specific performance D rectification
5. In the USA The Freedom of Information Act _____ a person _____ request his/her FBI file.
A entitles ... for B entitles ... by C entitles ... to D entitles ... in
6. Common law draws abstract rules from specific cases, whereas civil law starts with abstract rules, which judges must then _____ the various cases before them.
A apply for B apply to C apply by D apply in

7. The term 'unwritten law' means law:

- A not put in writing B passed by Parliament C of equity
D based on customary behaviour

8. In the common law system, cases are the _____ source of law, while statutes are only seen as incursions into the common law and thus interpreted narrowly.

- A remote B remediable C equitable D primary

9. Civil codes were _____ only after the French Revolution, in jurisdictions such as France.

- A dismissed B sustained C promulgated D restricted

10. The established patterns of behaviour that can be objectively verified within a particular social setting are

- A laws B statutes C customs D rules

11. A judicial decision that serves as an authority for deciding a later case is a

- A precedent B statute C law D judicial review

12. If the point of law in a case has never been decided before, then whatever the judge decides will form a precedent for future cases to follow which is called

- A dissenting judgment B persuasive precedent C binding precedent
D original precedent

13. The precedent that is not binding on the court under common law legal system, but may be followed if considered by the judge to be the correct principle, is known as

- A dissenting judgment B persuasive precedent C binding precedent
D original precedent

14. The legal term referring to something giving cause for legal action is

- A actionable B reasonable C declaratory D equitable

15. Damages, specific performance and injunction are all types of

- A cases B remedies C rights D precedent

3. Write the synonyms to the legal terms/phrases in the box.

1. An Act of Parliament	
2. far off, distant	
3. annulment, cancellation	
4. investigative	
5. court process	
6. court decision	
7. decide, resolve	
8. respectable	
9. a rule, condition	
10. correction	

4. Insert the missing preposition where necessary.

- grant an injunction _____ smb
- trespass _____ land
- appeal _____ a higher court
- court arrives _____ a judgement
- be entitled _____ a local right
- reasoning _____ analogy
- remoteness _____ damages

5. Translate the following legal terms/phrases into English.

1. teismo uždraudimas atlikti tam tikrus veiksmus _____
2. teisiškai įpareigojantis _____
3. profesinės sąjungos _____
4. nepritariantis, skirtingas sprendimas _____
5. nagrinėti bylą _____
6. precedentų teisė _____
7. teisės šaltiniai _____
8. atsakovas civilinėje byloje _____
9. paskola, gauta įkeitus turtą (hipoteka) _____
10. teisminis bylos nagrinėjimas, teiseną _____
11. rungimosi principu grindžiamas teismo procesas _____
12. ieškinys _____
13. bylinėjimasis _____

3. The Legal Profession

⇒ Wordlist

abuse (n, v)	expertise (n)
advice (from) (n)	face (v), ~ <i>problems</i>
advise (v), ~ <i>on legal affairs</i>	fees (n), <i>reduce</i> ~
advocacy (n)	fusion (n)
advocate (n)	gain (v), ~ <i>a law degree</i>
apprenticeship (n)	graduate (n)
argue (v), ~ <i>a case</i>	grant (v), ~ <i>a certificate/ access</i>
audience (n), <i>the right of</i> ~	handle (v), ~ <i>work, a case</i>
authority (n), <i>local</i> ~	immunity (from) (n)
Bar (n), <i>call to the</i> ~, <i>be called to the</i> ~	judge (n)
barrister (n)	judicial (adj), ~ <i>post</i>
breach (n), ~ <i>of contract</i>	juris doctor (J.D.)
brief (v), ~ <i>a barrister direct, a</i> ~ (<i>from</i>)	Law Lord
chambers (n)	Law Society
claimant (n)	liable (for) (adj)
clerk (n)	litigant (n)
committal (n)	litigate (v)
company law	litigation (n)
compensation (n)	LLB
complete (v), ~ <i>the degree/the course</i>	Lord Chancellor (n)
conduct (v), ~ <i>a case</i>	lose (lost) (v), ~ <i>a case, ~financially</i>
conveyancer (v)	merge (into) (v)
conveyancing (n)	minorities (n), <i>ethnic</i> ~
court (n), <i>Magistrates'</i> ~, <i>County</i> ~, <i>the Inns of</i> ~	negligence (n)
deal (v), ~ <i>with clients</i>	negotiate (v)
debate (n, v)	negotiation (n)
draft (v), ~ <i>documents / contracts /</i> <i>leases / pleadings</i>	on behalf of (prep)
draw (up) (v), ~ <i>a will</i>	overrule (v), ~ <i>the earlier case</i>
eligible (to) (adj), <i>be</i> ~ <i>to smth</i>	paperwork (n)
entail (v)	plaintiff (n)
	plead (v), ~ <i>cases in court</i>
	practical skills
	practise (v), ~ <i>as lawyers</i>

prior (to) (prep)
 proceedings (n), *divorce ~, to start ~, ~ against smb*
 prosecution (n), *Crown ~ Service*
 provide (v), *the act ~s that*
 pupil (n)
 pupillage (n)
 qualify (v), *~ as a solicitor/barrister*
 Queen's Council (QC) (n)
 represent (v), *~ clients in court*
 sentence (n)
 Silk (n), *take ~, apply for ~*

solicitor (n)
 specialise (in) (v)
 staff (n)
 sue (for) (v)
 tax (n)
 tenancy (n), *~ in the chambers*
 tenant (n)
 trainee (n)
 training (n), *~ for lawyers*
 undergraduate (n)
 validate (v)
 vocational (adj), *~ stage*

TASKS

► Task 1. Match the words with their definitions. One definition is extra.

1. litigation	a) training period of one year after completing studies at university and passing all examinations which a person has to serve before he can practice independently as a barrister
2. the right of audience	b) lack of proper care or not doing a duty (with the result that a person or property is harmed)
3. pupillage	c) a person with authority to hear and decide disputes before a court for decision
4. to sue	d) drawing up the document which legally transfers a property from a seller to a buyer
5. negligence	e) the process of proceedings against someone in a court action
6. plaintiff	f) to take civil legal proceedings against someone
7. judge	g) sending someone to a court or to prison
8. to take silk	h) the right to prosecute or defend in court

9. conveyancing	i) offices of a group of barristers who work together and share the same staff
10. committal	j) to become a Queen's Counsel
11. chambers	k) the party (a person) that starts or carries out civil proceedings
12. to draft pleadings	l) to make a first rough plan of documents setting out the claim of the plaintiff or the defence of the defendant, or giving the arguments which the two sides will use in proceedings
	m) legal punishment given by a court to a convicted person

► **Task 2. Match the words to make word collocations.**

1. to pay	a) of audience
2. act on behalf	b) complaints of the clients
3. the right	c) ethnic minorities
4. breach of	d) a will
5. to deal with	e) of the client
6. to draw up	f) the barrister
7. to brief	g) a certificate
8. to represent	h) fees
9. to grant	i) out of court
10. to settle disputes	j) contract

► **Task 3. Which sentences refer to solicitors and which to barristers?**

1. They are called to the Bar.
2. They give advice to the members of the public.
3. They have the right of audience in lower courts.
4. They spend a year in pupillage.
5. They obtain and prepare documents, make investigation, interview witnesses and do other initial preparation of the case.

6. They have the right of audience in all courts in England and Wales.
7. They are referred to as “counsels” in court.
8. They argue a case in front of the judge in higher courts.
9. They spend two years as trainees before practising.
10. Some firms hire them to draw up contracts.
11. They are generalists who can offer initial advice in any area of the law.
12. They can provide expert advice in the particular area of the law in which they specialize.

► **Task 4. Write the missing prepositions.**

1. Solicitors must next obtain a training contract which they work in a solicitors’ firm for two years.
2. A solicitor in private practice had the right to apply a certificate of advocacy which enabled him to appear in the higher courts.
3. Solicitors with an advocacy qualification are also eligible be appointed as Queen’s Counsel.
4. If the client does not pay, the solicitor has the right to sue his fees.
5. She started divorce proceedings her husband.
6. The majority of barristers will concentrate advocacy.

► **Task 5. Fill in the gaps with the appropriate words. Choose them from the box:**

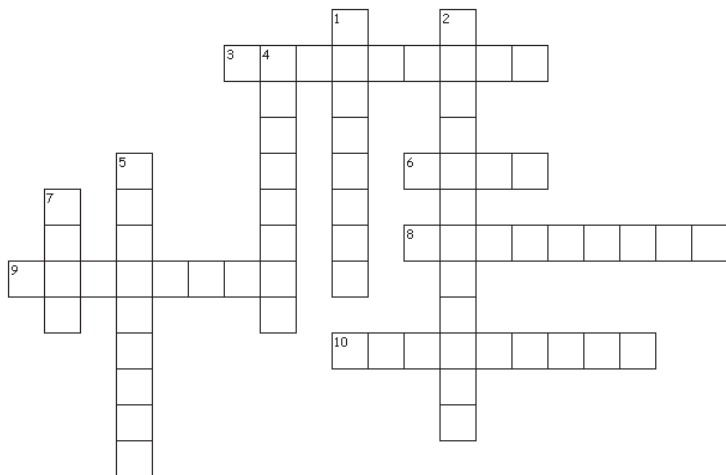
trainees	pupils	counsels	final	lower courts	initial
	apprenticeship		pupillage	argue	refer
audience					

Solicitors

- have the right of audience in(1) .
- obtain and prepare documents, make investigations, interview witnesses and do other(2) preparation of the case.
- spend two years as(3) before practicing.

Barristers

- spend a year in(4).
- have the right of(5) in all courts in England and Wales.
- are referred to as “.....” (6) in court.
-(7) a case in front of the judge in higher courts.

► **Task 6. Do the crossword.****The Legal Profession****Across**

3. Routine work that involves tasks such as filling in forms, keeping files up to date, or writing reports and letters.
6. A payment for professional services.
8. A lawyer who is qualified to represent clients in the higher law courts in England and Wales.
9. Somebody who begins a lawsuit against somebody else in a civil court.
10. The branch of a country's central administration that is concerned with dispensing justice. Also, a country's body of judges.

Down

1. The punishment imposed by a court on somebody convicted of a crime.
2. A document that legally transfers ownership, or the transfer itself.
4. Somebody such as a lawyer, who pleads another's case in a legal forum.
5. A lawyer who gives legal advice, draws up legal documents, and does preparatory work for barristers. A lawyer who holds an advocacy qualification may also represent clients in court.
7. A statement of what somebody wants to happen to his or her property after he or she dies, or a legal document containing this statement.

- **Task 7. Fill in the gaps with the words from the box in the correct form. There are 2 extra words in the box.**

admit authorize brief draw up enter instruct negotiate practice
 practise provide qualify supervise

1. Solicitors _____ in England and Wales are controlled by their own professional body, the Law Society.
2. Everyone who aims to _____ as a solicitor must complete two distinct stages of training – academic training and vocational training.
3. Academic training _____ students with basic knowledge of the law.
4. Vocational training consists of one-year Legal Practice Course at a university or college and two-year training at a solicitors' firm or other organisation _____ as a training establishment.
5. Students have to _____ into a training contract with a firm of solicitors under which they work for two years.
6. During the training contract, the trainee's work is closely _____ by an experienced solicitor.
7. At the end of the contract, the trainee is _____ as a solicitor by the Law Society and his name is added to the roll of solicitors.
8. The majority of newly-qualified solicitors work in private _____ in a solicitors' firm.

9. Solicitors interview clients and _____ on their behalf.
10. A large amount of time they deal with paperwork – write letters on behalf of their clients, draft legal documents, _____ wills etc.

- **Task 8. Fill in the gaps with the words from the box in the correct form. There are two extra words in the box.**

advocacy audience Bar brief call chamber draft eligible instruct
pleading pupillage self-employed

1. Barristers are controlled by their own professional body – the General Council of the _____.
2. After completing the academic training all student barristers have to pass the Bar Vocational Course which allow them to develop practical skills of drafting _____ for use in court, negotiation and advocacy.
3. All student barristers must join one of the four Inns of Court and dine there 12 times before being _____ to the Bar.
4. The last stage of barristers' training is _____ which usually lasts for one year.
5. Barristers practising at the Bar are _____.
6. They usually work in a set of _____ where they can share administrative expenses with other barristers.
7. Barristers have rights of _____ in all courts in England and Wales.
8. The majority of barristers concentrate on _____, although there are some who specialize in areas such as tax and company law and rarely appear in court.
9. In 2004 the Bar granted direct access to everyone who needs a lawyer for a civil case. It is no longer necessary to employ a solicitor in order to _____ a barrister for a civil case.
10. However, direct access is still not allowed for criminal cases. Solicitors do the initial preparation for criminal cases and then _____ the barristers who represent their clients in court.

► **Task 9. Give the English equivalents.**

1. Rengti dokumento projektą
2. Vietos valdžia
3. Jo pavardė bus įtraukta į advokatų sąrašą
4. Atnaujinti turimas žinias
5. Savo klientų vardu
6. Surašyti testamentą
7. Apklausti liudytojus
8. Nuosavybės teisių perdavimo dokumento sudarymas
9. Sumažinti mokesčių už paslaugas
10. Advokato teisė pasakyti kalbą teisme
11. Turi teisę būti skiriamas karališkuoju advokatu
12. Paduoti į teismą dėl aplaidumo
13. Tapti teismuose praktikuojančiu advokatu
14. Pateikti advokatui išsamų kliento bylos paaiškinimą
15. Negali būti traukiami teisminė atsakomybėn

► **Task 10. Derive appropriate adjectives from the nouns to fill the blanks.**

NOUN	ADJECTIVE	
1. Law	_____	profession
2. Advice	_____	committee
3. Practice	_____	experience
4. Matrimony	_____	cases
5. Commerce	_____	law
6. Judge	_____	posts
7. Profession	_____	body
8. Residence	_____	course
9. Administration	_____	expenses
10. Ethics	_____	code

► Task 11. Insert the appropriate categories of legalese.

- a) loan words and phrases from other languages
- b) phrasal verbs
- c) word order
- d) doublets and triplets
- e) everyday words that when used in law have different meanings
- f) **-er**, **-or**, and **-ee** name endings
- g) specialized words and phrases
- h) archaic vocabulary

English Legalese

Legalese is an English term first used in 1914 for legal writing that is difficult for nonlawyers to understand. The term has been adopted by other languages. Legalese is legal writing that is characterized by long sentences, numerous modifying clauses, complex vocabulary, high levels of abstraction, and a general lack of sensitivity to the needs of the nonlegal reader. Legal writing makes extensive use of technical terminology. This distinctive vocabulary can be classified in these categories:

1. unique or nearly unique to law, such as tort, fee simple, and novation.
2. from the everyday usage, such as action (a lawsuit, not movement), consideration (support for a promise, not kindness), execute (to sign, not to kill), and party (a principal in a lawsuit, not a social gathering).
3.: legal writing employs a fairly large number of outdated words and phrases that were formerly part of everyday language but are today rare except in law. Some date from the 1500s. Most are long-abandoned outside the law. Some English examples are herein, hereto, hereby, heretofore, whereas, whereby (as a way of avoiding the repetition of names of things in the document – very often, the document itself. For

example, the parties hereto instead of the parties to this contract); also such words as said and such as adjectives. The use of such pronouns in legal texts is interesting since very frequently they do not replace the noun – which is the whole purpose of pronouns – but are used to supplement them. For example, the said John Smith.

4.: In English, this includes terms derived from French (such as estoppel, laches, and voir dire) and Latin (both terms of art such as certiorari, habeas corpus, and prima facie; and non-terms of art such as inter alia, mens rea, and sub judice). These foreign words are not written in italics or other distinctive type as is customary when foreign words appear in other English writing.
5. Use of..... . There is a curious historical tendency in legal English to string together two or three words to convey what is usually a single legal concept. Examples of this include null and void, fit and proper, perform and discharge, dispute, controversy or claim, and promise, agree and covenant. Such constructions must be treated with caution, since sometimes the words used mean, for practical purposes, exactly the same thing (null and void); and sometimes they do not quite do so (dispute, controversy or claim).
6. Unusual At times, the word order used in legal documents appears distinctly strange. For example, the provisions for termination hereinafter appearing or will at the cost of the borrower forthwith comply with the same. There is no single clear reason explaining this phenomenon, although the influence of French grammatical structures is certainly a contributing factor.
7. Legal English contains a large number of names and titles, such as employer and employee, or lessor and lessee, in which the reciprocal and opposite nature of the relationship is indicated by the use of alternative endings. This practice derives from Latin.
8. Use of Phrasal verbs play a large role in legal English, and are often used in a quasi-technical sense. For example, parties enter into contracts, put down deposits, serve documents upon other parties, and write off debts, etc.

THE LEGAL PROFESSION: SELF-CHECK TEST

1. What's the legal term?

1. A lawyer in England and Wales who advises clients on legal matters, represents clients in certain lower courts, and prepares cases for barristers to present in the higher courts _____
2. The body regulating the legal profession of barristers _____
3. The legal side of buying and selling property and land; the act of transferring the legal title (i.e. an owner's interest) in a property from one person to another _____
4. The act of pleading or arguing in favour of something, active support _____
5. A charge for professional services _____
6. A right to be heard in a law court _____
7. Meeting the requirements or qualifications needed _____
8. To start legal proceedings; bring a lawsuit _____
9. Failure to exercise the degree of care considered reasonable under the circumstances, resulting in an unintended injury to another party _____
10. A system of training a new generation of skilled practitioners in law; most of the training is done on the job while working for an experienced lawyer _____
11. A temporary job which a future lawyer is given as part of a training course _____
12. The period during which a trainee barrister works under the supervision of an experienced barrister _____

2. Complete the sentences with the most appropriate legal term/phrase.

1. The final stage on the path to qualifying as a solicitor in England and Wales is to obtain

A a training contract B a tenancy C a job in court
 D a seat in Parliament

2. Standing up in court and putting the client's case and questioning witnesses is known as

- A negotiating B prosecuting C advocacy D testimony

3. A document containing all the facts and points of law of a case by which a solicitor instructs a barrister to represent a client is known as a

- A brief B complaint C claim D statement

4. A legal proceeding in a court to determine and enforce legal rights is called

- A evidence B litigation C advocacy D pupilage

5. A formal legal document that sets out the basic facts and legal reasons that the client believes are sufficient to sue his solicitor is known as

- A a contract B a complaint C an agreement D negligence

6. To make a decision that goes against a judgement that has already been made by a lower court is to

- A sue B appeal C overrule D draft

7. To talk to others in order to come to terms or reach an agreement means to

- A argue B negotiate C validate D interview

8. The legal term referring to the party that brings a law suit is

- A a client B a solicitor C a barrister D a claimant

3. Insert the missing preposition where necessary.

1. negotiate _____ clients' behalf
2. deal _____ paperwork
3. draw _____ wills
4. handle _____ certain types of cases
5. add a solicitor's name _____ the roll

6. advise clients _____ a whole range of topics
7. spend some of one's time _____ interviewing clients
8. a committal _____ sentence
- 9-10. enter _____ a contract _____ a client
- 11-12. sue a solicitor _____ breach _____ contract
13. pay the claimant £21,000 _____ compensation
14. be called _____ the Bar
15. immunity _____ being sued

4. Write the legal term referring to a person who

1. pays rent for the use of land or property _____
2. specializes in the business of conveying properties _____
3. works under the direct supervision of a barrister _____
4. works under the direct supervision of a solicitor _____
5. works under the supervision of an experienced specialist in the area

5. Translate the following legal terms/phrases into English.

1. kaltinamojo perdavimas aukštesniajam teismui _____
2. testamentas _____
3. piktnaudžiauti; išnaudoti _____
4. besibylinėjantis asmuo _____
5. pralaimėti bylą _____
6. turėti teisę į teisėjo pareigas _____
7. asmuo, baigęs bakalauro studijas _____
8. asmuo, dar nebaigęs bakalauro studijų _____
9. teisės mokslų bakalauras _____
10. atstovauti klientams teisme _____

4. Classification of Law

⇒ Wordlist

acquit (v); acquittal (n)	guilty/not guilty (adj)
actionable (adj)	inherit (v), ~ <i>property</i>
administrative law	injunction (n)
aggrieved party	instalment (n), <i>pay the ~s</i>
assets (n), <i>seizure of ~</i>	international law
be charged with	judicial review
be entitled, ~ <i>to vote</i>	jury (n); juror (n)
be found guilty of	law of succession
be found liable for	lawsuit (n)
beyond reasonable doubt	legal costs
bring a civil action	legal responsibility
civil case, <i>to prove a ~</i>	liability (n)
civil law	liable /not liable (adj)
claim (n, v), ~ <i>compensation</i>	magistrate (n)
claimant (n)	maintain law and order
commit a crime	marine law
company law	municipal law
constitutional law	national law
contract (n, v)	on the balance of probabilities
convict (v); conviction (n)	panel of judges
copyright (n)	plaintiff (n)
criminal law	prevent (v), ~ <i>similar actions</i>
council, <i>a local ~</i>	private law
damages (n)	proceeds (n), <i>the value of ~, handling the ~</i>
defendant (n)	prosecute (v); prosecutor,
deviant (adj)	prosecution (n)
dispute(n), ~s <i>between private individuals/businesses</i>	public (adj), ~ <i>body; ~ law</i>
employment law	punishment (n)
entity (n)	rectification (n)
family law	remedy (v, n)

rescission (n)
 rule (v), *the judge ~ed that...*
 run a company
 shareholder (n)
 specific performance
 the standard of proof
 sue (v)

tort (n), *the ~ of negligence, nuisance, defamation*
 treaty (n)
 try (v), *~ a case*
 uphold (v), *~the rights of individuals*
 will (n), *make a ~, a valid ~*

TASKS

► Task 1. Match the definitions with the branches of law.

1. Municipal law	a) law related to the legal structure of government in a State; it defines the principal organs of government and their relationship to each other and to the individual
2. Public law	b) the law of offences against the state (crimes) calling for prosecution by officials of the state
3. Private law	c) the law of a "nation state"
4. Constitutional law	d) the law of devolution of property on death, or in certain other circumstances
5. Administrative law	e) law which deals with the relationship between the citizens and the state
6. Criminal law	f) the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations
7. Law of contract	g) the area of law relating to the functions and powers of government organizations (not the supreme) and how they operate in practice to administer government policy
8. Law of succession	h) law which deals with the relationship between the citizens, one with another, or businesses
9. Company law	i) the law of civil wrongs which are actionable at the suit of the aggrieved party

10. Employment law	j) the field of law concerning business and other organizations; it includes the formation and ending of companies, their legal status and the duties of their members
11. Law of torts	k) the law of agreements which are binding on those who make them

► **Task 2. Insert the appropriate prepositions where necessary.**

1. to accuse someone theft
2. to charge someone murder
3. to be entitled compensation
4. to bring a case someone
5. to try someone a crime
6. to find someone guilty an offence
7. to sue someone for theft
8. to be liable someone
9. to be liable something
10. to prove the case
11. to claim damages something
12. to convict someone a crime

► **Task 3. Write the defined words and phrases.**

1. Part of law which involves relationships between individuals.
2. The area of law which governs the relationship between individuals and the state.
3. A civil wrong, other than a breach of contract, for which law provides a remedy.
4. Deviant behaviour that violates prevailing norms, specifically, cultural standards prescribing how humans ought to behave.
5. A tort which includes slander or libel.
6. The way of repairing harm.
7. A very high standard of proof in criminal law.
8. The standard of proof in civil law.

9. The party who initiates a lawsuit (also known as an action) before a court.
10. In criminal cases, the person accused of the crime. In civil matters, the person or organization that is being sued.
11. An official who presides over a court.

► **Task 4. Write the defined remedies.**

1. A sum of money awarded by a court as compensation for a tort or a breach of contract.
2. A court order to a person to fulfill his obligations under a contract.
3. Correction of a document if it does not correctly express the common intention of the parties to it.
4. Cancellation or annulment of a contract by mutual consent or by law.
5. A court order to a person that either prohibits him from doing a certain act or orders him to carry out a certain act.

► **Task 5. Match the words to make word collocations.**

1. concerned with disputes	a) for the offence
2. judicial	b) proceedings
3. to commit	c) a valid will
4. to take	d) guilty or not guilty
5. to prosecute the defendant	e) review
6. to punish the defendant	f) beyond reasonable doubt
7. to owe a duty	g) on behalf of the State
8. to make	h) between nations
9. to start a criminal case	i) damages or some other remedy
10. to conduct	j) for a crime
11. to find the defendant	k) of a driving offence
12. to find the defendant	l) of care
13. to award	m) on the balance of probabilities

14. to prove a criminal case	n) liable or not liable
15. to prove a civil action	o) a crime
16. to be convicted	p) cases

- Task 6. Fill in the gaps with the most appropriate words from the box.

state	private law	legislative	constitutional law
private citizens	common law	public law	society

Private law and Public law

..... (1) is that part of a legal system which is part of the *jus commune* that involves relationships between individuals, such as the law of contracts or torts, as it is called in the common law, and the law of obligations as it is called in civil legal systems. It is to be distinguished from.....
 ..(2), which deals with relationships between natural and artificial persons (i.e., individuals, business entities, non-profit organizations) and the state including regulatory statutes, penal law and other law that effects the public order.

In general terms, public law involves interrelations between the
 (3) and the general population, whereas private law involves interactions between (4).

The concept of private law in (5) countries is a little more broad, in that it also encompasses private relationships between governments and private individuals or other entities. That is, relationships between governments and individuals based on the law of contract or torts are governed by private law, and are not considered to be within the scope of public law.

Public law is the area of the law governing the relationship between individuals (citizens, companies) and the state. Constitutional law, administrative law and criminal law are thus all sub-divisions of public law.

Generally speaking, private law is the area of law in a society that effects the relationships between individuals or groups without the intervention of the state or government. In many cases the public/private law distinction is

confounded by laws that regulate private relations while having been passed by (6) enactment. In some cases these public statutes are known as laws of public order, as private individuals do not have the right to break them and any attempt to circumvent such laws are void as against public policy.

► **Task 7. Decide which pieces of information refer to private and which to public law.**

1. the defendant was found guilty
2. on the balance of probabilities
3. a family complain that their health is being affected by the noise and dust from a factory
4. the State has the right to prosecute
5. they are referred to as the prosecutors
6. prison, fine, community service, probation etc.
7. claimant
8. a defendant is found liable or not liable.
9. to claim compensation.
10. beyond reasonable doubt
11. the Crown Court
12. even though there is no contract between them, one person owes a legal responsibility of some kind to another person
13. a conviction could result in a defendant serving a long prison sentence
14. laws relating to land, to copyright and patents
15. A man complains that a newspaper has written an untrue article about him, which has affected his reputation
16. family law

► **Task 8. Find the hidden words.**

E V I T A R T S I N I M D A T
 L Z O D L P T M V C L L C J N
 M A M P U K P C W F A M O N E
 V T N B X K X R O P M X M X M

J T L O Z E H M I Y G O P L Y
 Y I V F I L D C W V N P A T O
 C Y T V Q T I X I Q A U N W L
 E C Q E H N U D V W L T Y B P
 T R O T U B L T L I M M E J M
 O Y B M E T W A I L W Y N O E
 P V E B G Y X A F T U N C I I
 H P S W W P T T J T S K T W A
 Q L Y R G X C R I M I N A L P
 U Z T J T N G V Z H T C O E B

- **Task 9. Choose the most appropriate word to complete the sentences of the text.**

- 1) parties - solicitors - people
- 2) appellant - claimant - prosecution
- 3) rescission - damages - specific performance
- 4) damages - an injunction - rectification
- 5) punishment - remedy - compensation
- 6) judgment - sentence - opinion
- 7) price - money - cost
- 8) litigants - lawyers - solicitors
- 9) right - discretion - choice
- 10) correct - fair - justice

A Judge Hearing a Civil Case

Civil judges do have the power to punish(1) if, for example, they are in contempt of court but, generally, civil cases do not involve the imposition of any punishment on anyone. The (2) - the person who has brought the case to court - will have asked for some form of relief against the defendant. This will more often than be (3) to compensate them for the losses they say have suffered as a result of the defendant's actions. Then, if the judge decides that the claimant is entitled to damages, he will have to go on to decide the amount. Or the claimant may have asked for (4) - for example, to forbid the defendant from making excessive noise by

playing the drums in the flat upstairs in the early hours of the morning, or a declaration - an order specifying the precise boundary between two properties about which the parties had never been able to agree. The task of the judge is to decide on what is the appropriate..... (5), if any, and on the precise terms of it.

And then, when the (6) in the case has been delivered and the result is known, the judge must deal with the (7) of the case - like the fees of lawyers (if they have been involved), the court fees paid out by the parties, the fees of expert witnesses, the allowances that may be allowed to (8) who have acted in person (without lawyers), and the earnings lost and travelling and other expenses incurred by the parties and their witnesses in getting to and from court and in preparing for the case. Whilst the general rule is that the unsuccessful party will have to pay the successful party's costs, the judge has a wide (9) to depart from this rule.

The judge's decision on this part of the case will be highly crucial to the parties. He may decide, for example, that the unsuccessful party should pay only a proportion of the successful party's costs or that each party should bear their own costs. Who, in reality has been successful and unsuccessful? What is the (10) order for costs to make? And precisely how much should these costs amount to? Questions for the judge to hear forceful representations about and to answer at the end of the case.

► **Task 10. Fill in the gaps with the appropriate vocabulary.**

	CIVIL CASES	CRIMINAL CASES
Purpose of the law	(1).....	To maintain law and order; to protect society
Person starting the case	The individual whose rights have been affected	Usually the State through the police and Crown Prosecution Service
Legal name for that person	(2).....	(3).....
Courts hearing cases	County Court of High Court Some cases dealt with in tribunals	(4)..... or Crown Court

Standard of proof	(5).....	(6).....
Person/s making the decision	Judge (or panel of judges) Very rarely a jury	(7)..... or jury
Decision	(8).....	(9).....
Powers of the court	Damages, injunction, (10) of a contract, (11)..... or rectification	(12)....., fine, community order, discharge, etc.

CLASSIFICATION OF LAW: SELF-CHECK TEST

1. What's the legal term?

1. The branch of law that deals with the legal rights and relationships of private individuals _____
2. The branch of law that deals with the state or government and its relationships with individuals or other governments _____
3. Disrespect for the rules of a court of law _____
4. The punishment given by a judge to a person who has been found to be guilty of a crime _____
5. The legal right granted to an author, composer, playwright, publisher, or distributor to exclusive publication, production, sale, or distribution of a literary, musical, dramatic, or artistic work _____
6. One of a number of successive payments in settlement of a debt _____
7. The costs of handling a case in a court of law _____
8. The standard of proof in civil cases in the UK _____
9. The standard of proof in criminal cases in the UK _____
10. The money paid or awarded to the party following a successful claim in a civil action _____
11. Court order, whereby a party is required to do, or to refrain from doing, certain acts _____

12. Court order which requires a party to perform a specific act, usually used to complete a previously established transaction in order to protect the expectation interest of the innocent party to a contract _____
13. A legal document expressing the desires of its author with regard to the disposition of property after the author's death _____
14. The communication of a statement that makes a false claim, expressly stated or implied to be factual, that may harm the reputation of an individual, business, product, group, government or nation _____
15. A legal concept usually used to achieve compensation for accidents and injuries that arise due to the conduct characterized by lack of a certain degree of duty of care _____
16. An agreement between two or more parties, especially one that is written and enforceable by law _____
17. The branch of law which regulates the conduct of states amongst themselves, and persons who trade or have legal relationships which involve the jurisdiction of more than one state _____
18. A body of persons summoned by law and sworn to hear and hand down a verdict upon a case presented in court _____
19. Anything of material value or usefulness that is owned by a person or company _____
20. The party against whom relief or recovery is sought in a civil case, or the accused in a criminal case _____

2. Write the legal term referring to a person who

1. brings a civil action before a court of law _____
2. is the head of the jury _____
3. in criminal cases acts in the name of the Crown or the State _____
4. commits a civil wrong _____
5. is a judicial officer with limited power whose duties may include hearing cases that involve civil controversies, conserving the peace, and hearing minor criminal complaints _____

6. becomes a prisoner after having been found guilty of a crime by the jury and sentenced by a judge _____
7. is a public officer chosen or elected to preside over and to administer the law in a court of justice; one who controls the proceedings in a courtroom and decides questions of law _____
8. appeals to a higher court to review the decision of a lower court _____
9. is the owner of one or more shares of stock in a corporation _____
10. is a party to a lawsuit _____

3. Write the synonyms to the legal terms in the box.

1. annulment	
2. alteration, change	
3. party to a contract	
4. compensate	
5. heir	

► 4. Insert the preposition where necessary.

1. be accountable ____ sb
2. be charged ____ a crime
3. a breach ____ contract
4. be found liable/not liable ____ smth
5. to claim ____ compensation
6. be convicted ____ a crime
7. sue ____ compensation
8. annul a contract ____ mutual consent
9. appeal ____ the court decision
10. be entitled ____ a compensation

5. Make the derivatives.

Noun	Adjective
1. compensation	
2. contract	
3. judge	
4. appeal	
5. administration	
6. constitution	
7. tort	
8. action	
9. law	
10. municipality	

6. Translate the legal terms into English.

1. žeminantis (garbę ir orumą) _____
2. šalių (civilinėje byloje) patirtos išlaidos _____
3. paveldėjimo teisė _____
4. paveldėti turtą _____
5. pripažinti asmens teises _____
6. palaikyti viešąją tvarką _____
7. priteisti atlyginti nuostolius _____
8. teisti, nagrinėti teisme _____
9. ieškinys _____
10. išteisinimas _____

5. The Hierarchy of the Courts

⇒ Wordlist

adopt (v); adoption (n)

affiliation (v)

appeal (v), ~ *to the Court of Appeal*

appellant (n); appellate (adj), ~ *courts*

bail (n), *conditional* ~, *grant* ~

bankrupt (adj); bankruptcy (n)

bind (v), *is bound to follow, be bound by*

burden of proof

committal (n)

court (n), ~ *of first instance*,
~ *decision*, ~ *ruling*

create precedents

Crown Court

custody (n), *hold in* ~

custodial (adj)

defendant (n)

division (n); divisional (adj), ~ *court*

empower (v)

evidence (n)

exception to the rule

executor (n)

flexible (adj)

follow decisions

hierarchy (n); hierarchical (adj)

High Court

inferior (adj), ~ *courts*

indictment (n)

investigate (v)

judicial precedent

jurisdiction (n)

Justice of the Peace

law report, *recorded in the* ~s

lay (adj), ~ *judge*

liable for (adj); liability (n)

liberty (n)

litigant (n); litigation (n)

magistrate (n), *stipendiary* ~

Magistrates' Court

maintenance (n)

offence (n)

operate (v), *courts* ~

overrule (v), ~ *someone's past decisions*

party (n)

point of law

point of fact

preside (v), ~ *over the trial*

prosecute (v); prosecution (n);
prosecutor (n)

resolve (v), ~ *a dispute*

senior (adj)

sentence (n, v)

settle (v), ~ *a dispute*

settlement (n)

superior (adj), ~ *courts*

supreme (adj), *the* ~ *court*

testify (v); testimony (n)

tort (n); tortfeasor (n); tortious (adj)

trial (n), ~ *on indictment*, *summary*
~, *original* ~, *to hold* ~s

try (v)

tribunal (n)

verdict (n), *reach a*~, *return a* ~

writ (n)

TASKS

- **Task 1. Match these terms with their definitions. One definition is extra.**

1. magistrate	a) proceedings brought to a higher court to review a lower court decision
2. habeas corpus	b) a written statement of the details of the crime with which someone is charged in the Crown Court
3. indictment	c) a trial lawyer representing the government in a criminal case
4. writ	d) an order from the High Court used to review and cancel decisions of inferior courts, tribunals
5. claim	e) a lay judge who hears prosecutions for and disposes of summary offences by making orders in regard to and placing additional requirements on offenders.
6. prosecutor	f) a conclusion, as to fact or law that forms the basis for the court's judgment
7. verdict	g) a judicial order directing a person to do something
8. judicial review	h) the assertion of an existing right to payment or an equitable remedy
9. appeal	i) the quality of being legally obligated, legally responsible
10. liability	j) this writ is an order from the High Court to bring a person who is held in custody before a court to make sure he is not held illegally
	k) the power of the High Court to make sure that acts and decisions of inferior courts, tribunals and administrative bodies are legal and valid

- **Task 2. Match the words to make word collocations.**

1. judicial	a) decisions of the European Court of Justice
2. appellate	b) one's past decisions
3. legal	c) in the law reports

4. to overrule	d) courts
5. to follow	e) of first instance
6. limited exceptions	f) precedent
7. the court	g) precedent
8. to deal	h) to the rule
9. to create	i) with appeals
10. to record rulings	j) system

► **Task 3. Complete the text below using the words from the box.**

verdict bench claim indictment committal trial defendant
 stipendiary plaintiff writ dispute verdict magistrate appeals
 try evidence sentence summary

The structure of the UK courts is arranged according to the subject-matter of cases brought before the courts and reflects the division between civil and criminal law. More serious criminal cases are heard in the Crown Court. However the initial stage, called (1)..... is usually dealt by a (2)..... on the bases of (3)..... provided by the prosecution. The (4)..... in the Crown Court is before a judge and jury whose function is to decide on the facts and to reach a (5)..... on the guilt or innocence of the (6).....

Less serious criminal cases are sent for (7)..... trial in one of over 400 magistrate's courts. There is no committal and no jury in a summary trial and the trial takes place before a (8)..... of magistrates, lay persons from the local community or qualified lawyers called (9)..... magistrates. Court decisions in each case are not final and defendants dissatisfied by the (10)..... may appeal to higher courts on matters of fact or law.

Civil cases are brought by a (11)..... before a County Court or the High Court depending on the value of a claim. The High court is organized according to case type into a Family Division, a Chancery Division and a Queens Bench Division. A civil action is started by a (12).....

and a statement of (13)..... setting out the details of the dispute. It takes up to several years to resolve a civil (14)..... and there may be an appeal to the Court of Appeal or the House of Lords. However, the latter hears (15)..... only on matters of legal importance.

► **Task 4. Read the text and decide whether the following statements are true or false.**

1. The function of the jury in a summary trial is to decide whether a defendant is guilty or innocent.
2. Disputes about settlements, bankruptcy, land law and intellectual property are usually dealt with in a Crown Court.
3. The judge in a criminal trial presides over the trial, instructs the jury on the law relevance and passes a verdict on the guilt or innocence of the defendant.
4. A criminal action is usually started by the prosecutor who brings an indictment against a defendant on behalf of the Crown.
5. Appeal from Magistrates' Courts may be brought to the High Court.
6. House of Lords hears only disputes about important legal matters arising in both criminal and civil cases.
7. In a civil action, it is enough for the plaintiff to prove defendant's liability on the balance of probability.
8. If the value of the claim is less than £2,500, the dispute may be resolved in a Small Claims Court.
9. A civil action is started by issuing a writ where the details of the dispute are set out.
10. A Family Division of the Crown Court deals with divorce and child welfare matters and the administration of wills.

► **Task 5. Decide which sentences refer to which court: the Magistrate's Court or the Crown Court.**

1. All the criminal cases start here.
2. The suspect may be released on the condition that he appears on a certain date at a court.

3. A defendant may appeal to this court.
4. The judges are not professional lawyers.
5. The facts of the case are decided by jury.
6. Barristers can be either Counsels for the Defence or Counsels for the Prosecution.
7. Special courts deal with juveniles.
8. The judge can sentence the offender sent to him from a lower court.
9. The judge may grant conditional bail.
10. The judge can impose a fine of £2000 (not more).
11. The cases are conducted in the name of the monarch.
12. It deals with criminal and civil matters.
13. There are twelve jurors.
14. The judges are professional lawyers.
15. It deals with parking violations.
16. The verdict of guilty or not guilty is reached.
17. The judges are not paid.
18. It hears cases of petty crime, adoption, affiliation, maintenance or violence in the home.
19. The judges are sometimes called Justices of the Peace.
20. It deals with serious criminal cases.
21. The judges are well-respected members of the public who are empowered to decide, with a lawyer's help, what to do about minor cases.

► **Task 6. Insert the appropriate prepositions.**

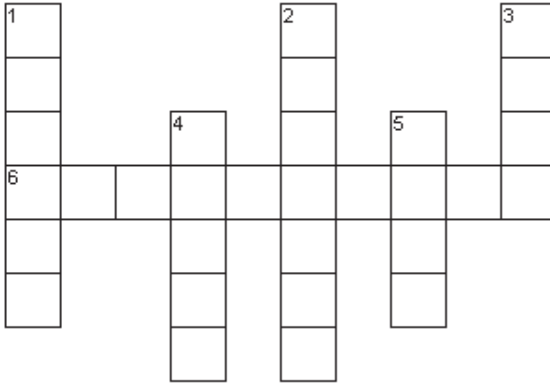
Judicial review

1. Judicial review is the power of the judiciary to annul the acts of the executive or the legislative where it finds them incompatible a higher norm.
2. The procedure and scope judicial review differs from country to country.

3. Certain legal systems, most notably France and Germany, have implemented a system of administrative courts, that are charged exclusively with deciding on disputes the members of the public and the administration.
4. In the United Kingdom and the Netherlands, judicial review is carried by regular civil courts.
5. English law does not know judicial review of primary legislation (laws passed by Parliament), except in limited circumstances where primary legislation is contrary EU law.
6. Judicial review is a procedure in English administrative law by which the courts supervise the exercise of public power the application of an individual.
7. A person who feels that an exercise of such power by a government authority is unlawful, perhaps because it has violated his or her rights, may apply the Administrative Court (a division of the High Court) for judicial review of the decision and have it set aside (quashed) and possibly obtain damages.
8. A court may also make mandatory orders or injunctions to compel the authority to do its duty or to stop it acting illegally.
9. The case of *Marbury v. Madison*, the basis the exercise of judicial review in the United States, is an interpretation of the Constitution as applying to the law and politics of government.
10. The case of *Marbury v. Madison* implies the power of federal courts to consider or overturn any congressional and state legislation or other official governmental action deemed inconsistent the Constitution, the Bill of Rights, or federal law.

► Task 7. Do the crossword.

The Magistrate Court



Across

6. Usually unpaid officer who tries cases in a police court.

Down

1. Person who does not belong to the legal profession.
2. Being kept in prison until the trial starts.
3. Money paid as a punishment because something wrong has been done.
4. Less important.
5. Releasing an arrested person from custody after payment has been made to a court as guarantee that the person will return to face trial.

THE HIERARCHY OF THE COURTS: SELF-CHECK TEST

1. What's the legal term?

1. A court's authority to judge over a dispute in a defined territory, over certain types of cases or over certain persons _____
2. An assertion of a right (as to money or property) _____

3. A written statement charging a party with the commission of a crime or other offence, drawn up by a prosecutor and presented to the jury _____
4. A public hearing in which the evidence in a case, and the law which applies, are examined _____
5. A civil wrong or injury, for which an action for damages may be brought _____
6. The court where judges are well-respected members of the public empowered to decide, with a lawyer's help, what to do about minor cases _____
7. The documentary or oral statements and the material objects admissible as testimony in a court of law _____
8. To apply to a higher court to review a case or issue decided by a lower court _____
9. The state of being legally obliged and responsible _____
10. A legal document issued by a court commanding the party to whom it is addressed to perform or cease performing a specified act _____
11. The type of property that is the result of creativity (such as patents or trademarks) _____
12. A person or group involved in a legal proceeding _____
13. The legal term referring to the highest court in the UK _____
14. The process of legally establishing the validity of a will _____
15. The courts that deal with serious criminal cases in the UK _____

2. Write the legal term referring to a person who

1. is a government official and conducts criminal prosecutions on behalf of the Crown (the State) _____
2. is a lay judge and administers the law (especially one who conducts a court dealing with minor offences) _____
3. is being sued or accused _____
4. acts on behalf of the deceased person _____
5. presides over the criminal trial and instructs the jury on issues of law _____

3. Write the synonyms to the legal terms/phrases in the box.

1. begin	
2. resolve	
3. examine, inquire in detail	
4. jury decision	
5. Justice of the Peace	

4. Write the antonyms to the legal terms/phrases in the box.

1. guilty (adj)	
2. professional (adj)	
3. inferior (court) (adj)	
4. court of first instance	
5. unpaid (about a judge)	

5. Make the derivatives where possible.

VERB	NOUN CONCEPT	NOUN PERSON	ADJECTIVE/ PARTICIPLE
1.	defamation		
2. claim			
3.	litigation		
4.	dispute		
5.	trial		
6. defend			
7.		judge	
8.			guarded
9.	contract		
10.		parent	

6. Translate the legal terms/phrases into English.

1. įrodymo kriterijai _____
2. supaprastintas bylos teisminis nagrinėjimas _____
3. kardomasis kalinimas _____
4. ieškinio pareiškimas _____
5. vaiko gerovė _____
6. vaiko apsaugos tarnyba _____
7. autorinė teisė _____
8. skyrybos _____
9. įrodinėjimo pareiga _____
10. tėvystės nustatymas _____

6. The Jury

⇒ Wordlist

accuse (of) (v), the accused	give evidence
acquit (v), acquittal (n)	go before a jury
allegation (n)	grounds (for) (n)
allege (v)	homicide (n)
bail (n), <i>be on ~</i>	imprisonment (n), <i>false ~</i>
bias (n, v), biased, unbiased	indictment (n), <i>trial on ~</i> , indict (v)
bribe (n), bribery (n)	juror (n), <i>potential ~</i>
case (n), <i>prove the ~</i> , <i>win the ~</i>	jury trial, trial by jury
charge (n), <i>withdraw the ~s</i>	legal system
claimant (n)	malicious (adj), <i>~ prosecution</i>
convict (n, v)	mentally competent
conviction (n), <i>quash the ~</i>	mentally disordered
coroner (n), <i>~'s court</i>	party (n)
counterpart (n)	plea (n), <i>not guilty ~</i>
custody (n), <i>police ~</i>	plead (v) <i>~ (not) guilty</i>
damages (n), <i>excessive ~</i> , <i>reduce the ~</i> , <i>award ~</i> , <i>seek ~</i>	points of fact, <i>decide ~</i>
defamation (n) (libel, slander)	points of law, <i>decide ~</i>
deliberately (adv)	preside (v) (over), <i>the trial is ~ed over</i> <i>by</i>
deliberation (n)	punish (v), punishment (n)
deliberate (v) (on)	release (v, n)
discharge the case	resident (n)
discretion (n)	retain (v), <i>~ the jury trial</i>
dispute (v), <i>~ over breach of contract</i>	retire (v)(to)
disqualify (v)	re-trial (n)
elect (v), elector (n)	right to trial
enquire (v), <i>~ into death</i>	sole arbiter of fact
execution (n), <i>~ of one's duty</i>	split (n), <i>~ function</i>
fine (n)	sum up the case
foreman (n), <i>~ of the jury</i>	summon (v), <i>~ a jury</i>
fraud (n)	suspect (v), <i>~ sb of smth</i>

tenant, ~ *of a dwelling*

trial by ordeal

try by jury

verdict, *unanimous* ~, *majority* ~,
(not) *guilty* ~

witness (n)

TASKS

► Task 1. Match the words about the jury with their definitions.

1. jury	a) the finding of a jury on the matter that has been submitted to it in a trial
2. juror	b) the freedom or authority to judge something or make a decision about it
3. foreman	c) a member of a jury in a court of law
4. verdict	d) question relating to the law as applied to a case
5. jury room	e) to consider something carefully and in detail
6. discretion	f) the chief juror elected by the other members of a jury who chairs the discussions of the jury and pronounces the verdict in court afterwards
7. point of fact	g) proceedings where an accused is tried by a jury and judge
8. point of law	h) a group of people, usually twelve people, chosen to give a verdict on a legal case that is presented before them in a court of law
9. trial by jury / jury trial	i) room where a jury meet to discuss the trial and reach a verdict
10. to deliberate (on)	j) question which has to be decided regarding the facts of a case

► Task 2. Match the words with their definitions.

1. trial	a) a formal accusation of a serious crime, presented to a jury
2. witness	b) to accuse somebody formally of having committed a crime
3. to convict	c) a person or a group of people acting together and forming one side in an agreement, contract, dispute, or lawsuit
4. indictment	d) detention by the police or other authorities
5. plea	e) to declare officially that somebody is not guilty of a charge
6. to charge	f) a formal examination of the facts and law in a civil or criminal action before a court of law in order to determine an issue
7. claimant	g) the act or an instance of unlawfully killing another human being
8. party	h) to declare somebody guilty of a crime in a court of law
9. coroner	i) to order somebody to appear in court by serving a summons
10. custody	j) somebody who begins a lawsuit against somebody else (the defendant) in a civil court
11. to summon	k) a sum of money deposited to secure an accused person's temporary release from custody and to guarantee that person's appearance in court at a later date.
12. homicide	l) somebody who gives evidence after seeing or hearing something
13. bail	m) a public official formerly responsible for investigating deaths that appear not to have natural causes. They are now largely replaced by medical examiners.
14. to acquit	n) the defendant's answer to a charge in a court of law, especially one stating that he or she is guilty or not guilty

► Task 3. Complete the derivation table.

Verb	Noun
convict	
	punishment
fine	
deliberate (on)	
	plea
charge	
	dispute
imprison	
	prosecution
enquire/inquire	
execute	
	summons
elect	
preside (over)	
	acquittal
	allegation
suspect	

► Task 4. Insert the missing parts of sentences into the text.

- a) the head juror is called the foreman or presiding juror
- b) are qualified for jury service
- c) both the defense and prosecution
- d) a rational, impartial verdict and a finding of fact on a legal question
- e) some alternate jurors are nominated
- f) not a convicted felon or under indictment for a felony

A jury is a sworn body of persons convened to render (1) officially submitted to them, or to set a penalty or judgment in a jury trial of a court of law. The word „jury“ originates in Latin, from „juris“-law.

In most criminal justice systems and some civil cases which need a jury, panels are initially allotted at random from the adult population of the district served by the court concerned. A person who is serving on (is a member of) a jury is known as a juror, and (2). The foreman is often chosen before the trial begins. The role of the foreman is to ask questions on behalf of the jury, facilitate jury discussions, and read the verdict of the jury.

The number of jurors must be specified, usually twelve, though there are fifteen in Scottish juries and in some legal systems smaller cases may require only six. Since there is always the possibility of jurors not completing the trial for health or other reasons, often (3), who will also follow the trial (but do not take part in deciding the verdict), as a precaution in case a new juror is needed part way through the trial (most often used when the trial will be lengthy or high-profile).

Serving on a jury is normally compulsory for those individuals who (4). Qualifications in the United States typically include U.S. citizenship, residency in the judicial district, age 18 or older, mentally competent, able to speak and understand English, and (5). Exceptions and exclusions vary among jurisdictions. Since a jury is intended to be an impartial panel capable of reaching a verdict, there are often procedures and requirements, for instance, fluent understanding of the language, or the ability to test jurors or otherwise exclude jurors who might be perceived as less than neutral or more partial to hear one side or the other.

The jurors hear the cases presented by (6), and in some jurisdictions a summing-up from the judge. They then retire as a group to consider a verdict. The majority required for a verdict varies. In some countries their decision making process is private and may not be disclosed, in others it may be discussed but only after the trial has ended.

► Task 5. Insert the missing prepositions.

Jury in the United States

In the United States every person accused of a felony has a constitutional right to a trial (1) jury, which arises (2) Article Three of the United States Constitution, which states in part, „The Trial of all Crimes...shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed.“ The right was expanded with the Sixth Amendment (3) the United States Constitution, which states in part, „In all criminal prosecutions, the accused shall enjoy the right (4) a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed.“ Both provisions were made applicable (5) the states through the Fourteenth Amendment. Most states' constitutions also grant the right of trial by jury in lesser criminal matters, though most have abrogated that right in offenses punishable (6) fine only.

In the cases *Apprendi v. New Jersey* (2000) and *Blakely v. Washington* (2004), the Supreme Court of the United States held that a criminal defendant has a right to a jury trial not only (7) the question of guilt or innocence, but any fact used to increase the defendant's sentence beyond the maximum otherwise allowed by statutes or sentencing guidelines. This invalidated the procedure in many states and the federal courts that allowed sentencing enhancement based (8) „a preponderance of evidence“, where enhancement could be based on the judge's findings alone.

Jurors in some states are selected (9) voter registration and drivers' license lists. A form is sent to prospective jurors to pre-qualify them by asking the recipient to answer questions (10) citizenship, disabilities, ability to understand the English language, and whether they have any conditions that would excuse them (11) being a juror. If they are deemed qualified, a summons is issued.

THE JURY: SELF-CHECK TEST**1. What's the legal term?**

1. The defendant's answer to a charge in a court of law, especially one stating that he or she is guilty or not guilty _____

2. Confinement without legal authority _____
3. Deliberate deception or cheating intended to gain an advantage

4. The decision made by a jury about the guilt or innocence of a defendant

5. A penalty imposed for a wrongdoing _____
6. Security, usually a sum of money, exchanged for the release of an arrested person as a guarantee of that person's appearance for trial

7. Something (e.g., documents or physical objects) presented at a judicial proceeding for the purpose of establishing the truth or falsity of an allegation of fact _____
8. A condition which prevents one from performing all usual physical or mental functions. This usually means a permanent state, like blindness, but in some cases is temporary _____
9. Being sufficiently mentally able to stand trial, understand the proceedings and rationally deal with one's lawyer _____
10. Discussion and consideration of all facts carried out by the jury (in a jury room) _____

2. Write the legal term referring to a person who

1. is responsible for the investigation of violent, sudden, or suspicious deaths _____
2. acts in a false or deceitful way _____
3. pays rent for the use of land or property _____
4. lives in a particular place permanently or for an extended period

5. has the same function or characteristics as another person

6. is called on to testify before a court _____
7. is a member of a jury _____
8. is chosen to settle a controversy _____
9. is a citizen that has a legal right to vote _____
10. is a party against whom a claim is brought _____

3. Write the synonyms to the legal terms/phrases in the box.

1. highest (court)	
2. acquit completely	
3. deliberate, purposeful	
4. mandatory	
5. objective	
6. have a right	
7. lower (court)	
8. the only one	
9. in complete agreement	
10. quash	

4. Insert the preposition where necessary.

1. accuse ____ a crime
2. charge ____ a crime
3. be qualified ____ jury service
4. serve ____ a jury
5. go ____ a jury
6. enquire ____ death
7. trial ____ indictment
8. commit ____ a crime
9. have a right ____ a speedy and public trial
10. the question ____ guilt or innocence

5. Translate the legal terms/phrases into English.

11. atšaukti, atsiimti kaltinimą _____
12. kardomasis kalinimas _____
13. pakaltinamas, veiksnus _____
14. panaikinti nutarimą _____
15. pasiūlyti alternatyvius prisiekusiųosius _____

16. teisminis nagrinėjimas dalyvaujant prisiekusiesiems _____
17. nuteistasis _____
18. fakto nustatymo klausimas _____
19. laikinas areštas _____
20. pagrindas areštuoti _____

7. Criminal Law

⇒ Wordlist

- abduct (v), abduction (n)
 abortion (n), *illegal ~ and child destruction*
 accuse (v), *~ of an offence*
 acquit (v), acquittal (n)
 action (n), *bring a criminal ~*
 adjourn (v), *~ the trial*
 affray (n)
 appeal (n, v), *~ against the judgment*
 apprehend (v), apprehension (n)
 arson (n)
 assault (n, v)
 avail (v), *~ oneself of smth*
 available (adj), *penalties ~ to the courts*
 bail (n), *be released on ~*
 blackmail (n, v)
 burgle (v), burglary (n)
 charge (v), *~ smb with a crime*
 circumstance (n), *mitigating/aggravating ~s*
 commit (v), *~ a crime, ~ a case/the defendant to a higher court*
 comply (v), *~ with smth*
 conduct (v), *~ a hearing of an offence*
 convict (v), conviction (n)
 crime (n), *petty ~*
 curfew (n), *~ order/requirement*
 deceive (v), deception (n)
 defence (n), *~ of duress/of necessity, self-~*
 detain (v), detention (n)
 deter (v), deterrent (n)
 discharge (n), *absolute/conditional ~*
 discretion (n), *have ~ to do smth*
 due (adj), *~ process*
 endangering (v), *~ traffic*
 evidence (n)
 felony (n)
 fine (n), *impose a ~*
 forfeiture (n)
 forge (v), forgery (n)
 fraud (n)
 harassment (n)
 homicide (n)
 hostage (n), *hostage-taking*
 impose (v), *~ penalty*
 imprisonment (n), *life ~*
 incest (n)
 inflict (v), *~ punishment*
 injure (v), *~d party*
 insane (adj), insanity (n)
 interrogate (v), interrogation (n)
 kidnap (v), kidnapping (n)
 liability (n), *impose ~, strict ~ crimes*
 licence (n), *be on ~*
 manslaughter (n)
 manufacture (n), *~ of dangerous weapons*
 misdemeanour (n)
 monitoring (n), *electronic ~*
 murder (n)
 obstruction (n)

offence (n), (*non-*)arrestable ~, *summary/indictable*~, ~ *triable either way*
 offender (n)
 omit (v), omission (n)
 opt (v), ~ *for smth*
 order (n), *compensation* ~, *impose an* ~
 parole (n), *Parole Board*
 plea (n), ~ *bargain*, *consider a* ~ *bargain*, ~ *of guilty*, *enter a* ~ *of guilty*
 plead (v), ~ (*not*) *guilty*
 possession (n), ~ *of offensive weapon*
 probation (n), ~ *order*
 proceedings (n), *criminal* ~, *initiate* ~
 proof (n), *standard of* ~, ~ *beyond reasonable doubt*
 rape (n, v)
 redress (n, v)
 remand (v), *be* ~*ed in custody*
 restitution (n)

riot (n)
 rob (v), robbery (n)
 sedition (n)
 sentence (n), *impose/pass/serve a* ~, *community/custodial/(in)determinate/ suspended* ~
 smuggle (v), smuggling (n)
 speeding (n)
 stirring (n), ~ *up racial hatred*
 supervision (n), *do smth under close* ~
 suspect (v), ~ *smb of a crime*
 theft (n)
 treason (n), *misprision of* ~
 trespass (n), ~ *to land*
 trial (n), *mode of* ~
 try (v), *be tried summarily/on indictment*
 warrant (n), *obtain a* ~
 wrong (n), *legal/public* ~
 wrongdoing (n)

TASKS

- Task 1. Match these terms (1-10) with their definitions (a-j).

(A) Offences against the state and the person

1. assault	a) Conduct comprising a breach of allegiance owed to the sovereign or the state.
2. battery	b) Having information that someone has committed treason and not informing the proper authorities within a reasonable time.
3. hostage-taking	c) Speaking or writing of words that are likely to incite ordinary people to public disorder or insurrection.
4. kidnapping	d) Use or threat of violence for political ends, including putting the public in fear.

5. manslaughter	e) Unlawful homicide committed with malice aforethought.
6. misprision of treason	f) Unlawful homicide committed by gross negligence.
7. murder	g) Intentional or reckless act that causes someone to be put in fear of immediate physical harm.
8. sedition	h) Intentional or reckless application of physical force to someone without his consent.
9. terrorism	i) Carrying a person away, without his consent, by means of force, threats or fraud.
10. treason	j) Holding a person as a security against his will in order to force a person, an organisation or a state to do or not to do something.

(B) Offences against the property and public peace and safety

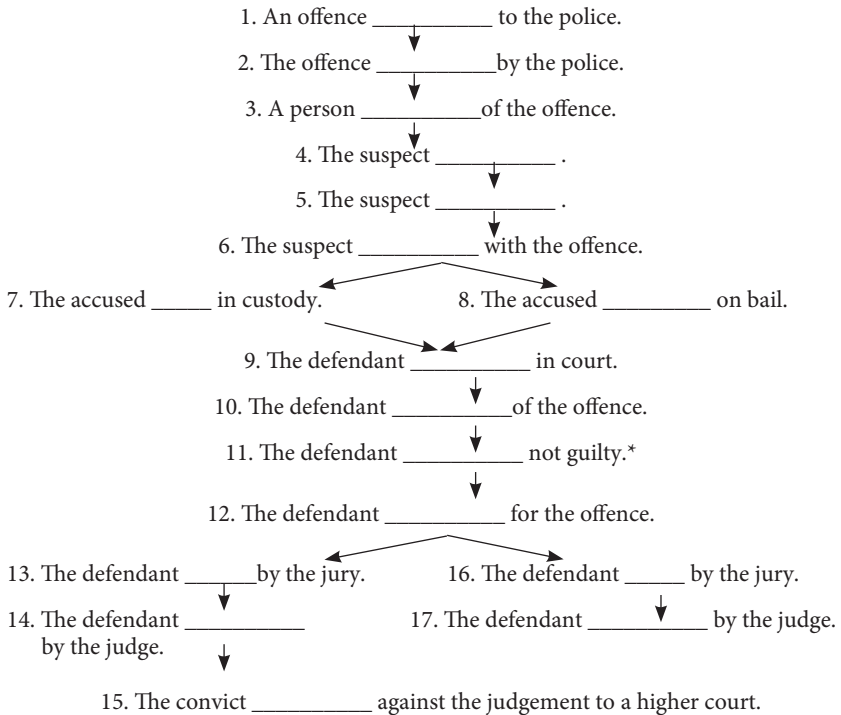
1. arson	a) Dishonest appropriation of property belonging to someone else with the intention of keeping it permanently.
2. blackmail	b) Entering someone's land without permission in order to steal or commit an act of violence.
3. burglary	c) Using force or threats in order to steal from someone.
4. forgery	d) Threatening someone to reveal his/her past immorality or misconduct in order to gain financial benefit.
5. fraud	e) Deceiving someone by means of a statement or conduct in order to gain a material advantage.
6. harassment	f) Making false banknotes, stamps, documents etc. with the intention of passing them off as genuine, thereby causing harm to others.
7. riot	g) Intentional or reckless destruction or damaging of property by fire.
8. robbery	h) Entering privately owned land and remaining on it without permission.
9. theft	i) Collective conduct of a group of persons when they intentionally use or threaten violence for a common purpose.

10. trespass to land	j) Using threatening, abusive or insulting words or behaviour directed at a specific person and thereby causing him/her substantial emotional distress.
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- **Task 2. Complete the sentences below using the verbs in the correct form.**

**to accuse to acquit to appeal to appear to apprehend to charge
to convict to discharge to interrogate to investigate to plead
to release to remand to report to sentence to suspect to try**

Criminal Procedure



(*The defendant may also plead guilty. In this case, he/she is not tried by jury, but is at once sentenced by the judge.)

► Task 3. Read the text choosing the correct word:

Criminal Procedure

When someone is arrested for *committing/doing* an offence, he is taken to the police station for interrogation. If the police decide there is a case against him, he is charged *of/with* the offence, that is to say the police formally accuse him of committing it. After this, the accused appears *before/at* a magistrate. This is a well-respected member of the public who is empowered to decide, with a lawyer's help, what to do about *minor /major* cases. If the magistrate *decides/finds* the accused guilty, he will sentence him to pay a fine, or some other minor punishment.

More serious cases are passed to the Crown Court, where the *criminal/accused* is tried *for/with* the offence by a judge and usually a jury. Very serious cases are *heard/listened* in the high courts in London. The accused may have to wait a long time to *stand/sit* trial. Sometimes he can pay *ransom/bail*, as a kind of guarantee, and await the trial in freedom. In other cases, he is *remanded/shut* in custody by the magistrate, and must wait in a cell, in a police station or a remand prison.

At the trial, he accused *contends/pleads* guilty or not guilty. If he pleads not guilty, the jury, composed of twelve ordinary citizens, has to decide if he is guilty or not. This decision is called their *judgment/verdict*. The judge directs the proceedings, and decides what punishment to give, if any. The lawyers who try to persuade the jury are called *solicitors/barristers*. In court, the one on the side of the accused is known as the Counsel for the Defence, and the one against him is called the Counsel for the Prosecution. Each barrister calls witnesses to *express/give* evidence in support of his case. The witnesses can be cross-examined by the other counsel, who tries to persuade the jury that the evidence is untrue or not important.

When all the evidence has been heard, the judge *repeats/sums up* the case and explains legal points for the jury's benefit. He must not try to influence their decision, however. The jury *remove/retire* to another room, where they try to *reach/retain* a verdict. If they find the accused guilty as charged, we say he has been *punished/convicted* of the offence. The judge then *remands/passes* sentence. He may sentence the guilty person to pay a fine, to a number of years' imprisonment, or to some other punishment. If the verdict is "not guilty", we

say the accused has been *acquitted/acknowledged* of the offence, and he goes free. If the accused feels there was something *unfair/untrue* about the trial, he may *direct/appeal* to the Appeal Courts, where three judges decide the case.

- **Task 4. Complete the sentences below using the words from the box in the correct form. There are four extra words in the box.**

to appeal	to apprehend	to pass	to proceed
proceedings	process	plea bargain	plea for mercy
	to sentence		

1. If the prosecution have enough evidence against the suspect, they initiate criminal _____ .
 2. If the prosecution's evidence is strong, the suspect's lawyer recommends him to consider a _____ .
 3. If the defendant enters a plea of guilty, the court _____ him without trial.
 4. If the defendant rejects the plea bargain, the case _____ to trial.
 5. If the jury finds the defendant guilty, the judge _____ sentence.
- **Task 5. Choose the correct word or phrase to complete the sentences.**

1. The _____ of all criminal offences starts in magistrates' court.
 - A disputes
 - B legislation
 - C prosecution
 - D arrangements
2. Magistrates _____ the first hearings of offences and decide on their degree of seriousness.
 - A convict
 - B sentence
 - C instruct
 - D conduct

3. Most minor offences may be tried only _____, i.e. by magistrates in a magistrates court.
 - A on indictment
 - B summarily
 - C in public
 - D at large
4. Minor offences, also called _____ crimes, include common assault and battery, shoplifting, driving without insurance, parking violations etc.
 - A statutory
 - B common law
 - C petty
 - D careless
5. The defendants accused of either way offences are entitled to _____ for either trial by magistrates in a magistrates' court or by judge and jury in the Crown court.
 - A oblige
 - B remit
 - C commit
 - D opt
6. Either way offences are offences of _____ seriousness which comprise most thefts, burglaries and deceptions.
 - A least
 - B medium
 - C most
 - D greatest
7. The maximum sentence magistrates are empowered to _____ is a fine of £ 500 and/or imprisonment up to 12 months.
 - A impose
 - B report
 - C implement
 - D fulfil

8. If an offence deserves greater punishment than magistrates can _____, they commit the case to the Crown court for sentence.
- A impose
 - B inflict
 - C affect
 - D enforce
9. Very serious offences, such as murder, are only triable _____ by judge and jury in the Crown court.
- A in public
 - B on indictment
 - C at large
 - D summarily
10. Magistrates conduct a preliminary investigation into an indictable offence and _____ the defendant to the Crown court for trial.
- A commit
 - B redress
 - C obtain
 - D avail

- **Task 6. Complete the sentences below using the verbs in the correct form. There are four extra verbs in the box.**

to acquit to adjourn to admit to claim to commit
 to convict to discern to interview to kidnap to prosecute
 to resist to sentence to smuggle to sue

1. Police arrested a husband and wife accused of _____ cocaine.
2. The couple _____ being placed under arrest.
3. The suspect refused _____ and asked for his lawyer.
4. The suspect denied _____ the crime.
5. The prosecutor insisted on _____ the accused for criminal conduct.
6. The accused _____ to have been abroad on the day of the crime and named five alibi witnesses.

7. The witness _____ receiving money from the accused.
8. Due to mental illness, the accused was incapable of _____ the difference between right/wrong or legal/illegal.
9. The prosecutor demanded _____ the defendant to 6 years' imprisonment.
10. The judge decided _____ the trial for two weeks.

► **Task 7. Read the statements and decide if they are true or false.**

- 1) The lightest criminal penalty in England and Wales is a fine.
- 2) If the offender discharged conditionally commits another offence during the period specified by court, he is sentenced for the original offence as well.
- 3) Fine is a money penalty payable to the injured party.
- 4) The amount of the fine depends exclusively on the seriousness of the offence.
- 5) Community sentence comprises the sentences formerly known as community service, probation order, curfew order etc.
- 6) In England and Wales, the court may suspend any custodial sentence of up to two years.
- 7) Conditional release from prison before a sentence is finished is called release on license or parole.
- 8) In England and Wales, all offenders are released on licence after have served half of their sentence.
- 9) In England and Wales, life imprisonment is a prison sentence of indeterminate length and only in exceptionally grave cases it actually means imprisonment for life.
- 10) Seizure of property that is illegally possessed and/or used to commit a crime is called restitution.

► **Task 8. Choose the correct word.**

1. If you don't want someone to your house you should keep the doors and windows locked.
A) burgle

- B) steal
 - C) mug
2. He keeps his bicycle securely chained so that no one will it.
- A) steal
 - B) rob
 - C) burgle
3. A young couple attempted to the local bank, but the police arrived before they got away.
- A) burgle
 - B) rob
 - C) kidnap
4. Instead of fining the man, the judge sent him to prison because he was a repeat
- A) witness
 - B) offender
 - C) convict
5. That terrorist is one of the world's most wanted
- A) criminals
 - B) suspects
 - C) victims
6. The was set free because there was no evidence to prove that he was guilty.
- A) offender
 - B) criminal
 - C) suspect
7. The had been in prison for twenty years when he died.
- A) suspect
 - B) convict
 - C) claimant

► Task 9. Match the words to make opposites. One word is extra.

1. innocent	a) criminal
2. aggravating	b) claimant
3. forged	c) mitigating
4. civil	d) illegal
5. condemnation	e) reprieve
6. defendant	f) public
7. defrauding	g) honest
8. deliberate	h) prosecution
9. adopt	i) insane
10. execute	j) guilty
11. sane	k) legitimate
12. legal	l) deny
13. freedom	m) unintentional
14. confess	n) victim
15. private	o) mercy
16. defence	p) abolish
17. criminal	r) real
18. acquit	s) custody
	t) convict

► Task 10. Insert the missing words. Use them in their correct form.
Choose from:

confess assault stowaway defraud interrogate swindle bigamy
loot mitigate burgle reprieve convict perjury treason

1. He was sentenced to death but was _____ by the president.
2. The number of _____ on policemen is increasing; many police officers have been injured.
3. When the police found out he was married to two wives at the same time, he was charged with _____.

4. The prisoners were _____ for three hours.
5. At last the offender _____ to the crime.
6. He made £5000 by _____ small shopkeepers.
7. After the terrible earthquake, the _____ left the shops of the town practically empty.
8. He was _____ of manslaughter and sent to prison for ten years.
9. The counsel for the defence made an impressive speech trying to _____ the accused person's crime.
10. She _____ her employers of thousands of pounds.

► **Task 11. Match the names of crimes with their equivalents in Lithuanian:**

- | | |
|-------------------------|-------------------------------------|
| 1) Manslaughter | a) sunkus sveikatos sutrikdymas |
| 2) Battery | b) užpuolimas viešoje vietoje |
| 3) Grievous bodily harm | c) turto iššvaistymas |
| 4) Arson | d) melagingi parodymai |
| 5) Blackmail | e) neatsargus gyvybės atėmimas |
| 6) Embezzlement | f) kyšininkavimas |
| 7) Forgery | g) šmeižtas |
| 8) Fraud | h) išžaginimas |
| 9) Rape | i) tyčinis padėgimas |
| 10) Shoplifting | j) šantažas |
| 11) Theft | k) sumušimas |
| 12) Assassination | l) turto prievartavimas |
| 13) Bribery | m) prekyba narkotikais |
| 14) Drug trafficking | n) privačios teritorijos pažeidimas |
| 15) Mugging | o) įžymaus asmens nužudymas |
| 16) Perjury | p) vagystė parduotuvėse |
| 17) Smuggling | r) vagystė |
| 18) Trespassing | s) klastojimas |
| 19) Extortion | t) sukčiavimas |
| 20) Slander/libel | u) kontrabanda |

► **Task 12. Insert the necessary prepositions.**

1. The state must prove the guilt of the defendant high standards, i.e. beyond reasonable doubt.
2. This circumstance may be used as a defence the charge of murder.
3. Criminal law of most countries refers acts of violence.
4. Discrimination someone on the grounds of race was not acknowledged as a criminal act until recently.
5. The defendant was found guilty the 1968 Theft Act.

► **Task 13. Fill the gaps with the most appropriate words from the box.**

imposed award state judgment guilty criminal sentence
dispute individuals violation court remedies

In criminal matters, action is taken by the “.....1.....” (either federal, state, or local government agencies) against an individual for a2.....of the law. A criminal matter can result a3.....such as a fine, probation or time in jail. The sentence is4..... upon a defendant who pleads or is found5.....to keep him from acting in the same manner in the future and also to deter others from acting in a similar manner. Since a criminal matter can result in the “state” taking away a person’s freedom, there are additional constitutional protections built into the rules of criminal procedure.

In civil matters, the controversy is between two or more “people” (“people” can include6....., businesses or government agencies). Most often, the result is an7..... of money to be paid by one party to the other. The8..... is imposed to make the aggrieved person “whole” for the harm that has been caused by the other. A judgment in a civil matter does not include the imposition of a9.....sentence.

► Task 14. Choose the correct word or phrase to complete the sentence.

The Criminal Code of the Republic of Lithuania

1. The new Criminal Code was adopted by the Seimas in 2000 and _____ into force in 2003.
 - A entered
 - B went
 - C altered
 - D asserted
2. In the new criminal code, criminal deeds (acts and _____) are divided into crimes and criminal offences.
 - A convictions
 - B acquittals
 - C amendments
 - D omissions
3. Crime is considered to be a criminal deed covered by criminal law for the commission of which a punishment of _____ is stipulated by the law. Criminal offence is deemed to be a criminal deed covered by criminal law for the commission of which the law does not provide for a punishment of _____. (the same word)
 - A apprehension
 - B imprisonment
 - C deprivation
 - D detention on remand
4. The code prescribes that persons who attained the age of 16 before the commission of a crime or criminal offence, are held criminally _____ under criminal law.
 - A libel
 - B eligible
 - C liable
 - D impeccable

5. Only individuals who _____ or through recklessness/negligence committed a crime or criminal offence, are held responsible and punishable under criminal law.
 - A intentionally
 - B expeditiously
 - C impartially
 - D intently

6. Criminal liability _____ in cases of self-defence, necessity, apprehension of an offender, execution of an order, justifiable professional or economic risk etc.
 - A is accomplished
 - B is encroached
 - C is terminated
 - D is eliminated

7. The Code provides more possibilities for applying _____ sentence and other alternative measures to deprivation of liberty.
 - A custodial
 - B suspended
 - C arrestable
 - D determinate

8. The Code _____ new types of punishment such as deprivation of public rights, deprivation of the right to work in certain job and engage in a certain activity, community service, restriction of liberty etc.
 - A complies
 - B deters
 - C envisages
 - D avails

9. When determining the punishment, the court takes into consideration the seriousness of the crime/offence, the form of guilt, the personal characteristics of the offender, circumstances _____ or aggravating the liability etc.
 - A mitigating
 - B nominating

C terminating

D imposing

10. The most severe punishment provided by the Code is life imprisonment as death penalty _____ in 1998 when the Constitutional Court of the Republic of Lithuania ruled that this punishment was unconstitutional.

A was disclosed

B was disallowed

C was acknowledged

D was abolished

- Task 15. Complete the sentences below using the words in the box in the correct form. There are two extra words in the box.

to accelerate to apprehend to come to detain detention on remand
to eliminate to envisage to exceed to impose
remand measures to restrict pre-trial detention

The Criminal Procedure Code of the Republic of Lithuania

1. The new Criminal Procedure Code was adopted in 2000 and _____ into effect in 2003.
2. The new Criminal Procedure Code is expected _____ the criminal procedure.
3. The Criminal Procedure Code specifies two procedural coercive measures which restrict a person's freedom: temporary apprehension and _____.
4. A person may be temporarily _____ if he/she is caught during the commission of a crime or shortly after the commission of a crime.
5. The temporary apprehension cannot _____ 48 hours.
6. The following _____ may be applied to the suspect – pre-trial detention, home arrest, taking away identity documents, order to periodically register at the police office, written pledge not to leave etc.

7. Pre-trial detention is applied only subject to grounds and procedure established by law when it is necessary _____ a person's liberty for a longer period than 48 hours.
8. Pre-trial detention can _____ when other remand measures would be insufficient to ensure the defendant's appearance at the proceedings, unhindered investigation of a criminal case etc.
9. The defendant cannot _____, bar some exceptional cases, for more than 6 months before trial.
10. After the case has been transmitted to court, the defendant can be imposed _____ but for not more than 3 months.

CRIMINAL LAW: SELF-CHECK TEST

1. What's the legal term?

1. The penalty of putting someone in prison or in jail as a lawful punishment _____
2. A measure discouraging smb from doing smth _____
3. Failure to perform an act agreed to, where there is a duty to an individual or the public to act or is required by law _____
4. Circumstances that do not justify or excuse an offence but may reduce the severity of a charge _____
5. Offences lower than felonies and generally those punishable by a fine, forfeiture, or imprisonment other than in a penitentiary _____
6. A writ issued by a judicial officer or other authorized person commanding a law enforcement officer to perform some act _____
7. An offence, also known as a petty crime, that can be proceeded without the right to a jury trial and/or indictment _____
8. An offence which can only be tried by a jury _____
9. The legal party responsible for presenting the case against an individual suspected of breaking the law in a criminal trial _____
10. Offences for which liability may be imposed without proving mens rea _____

2. Write the synonyms to the legal terms/phrases in the box.

1. punishment	
2. responsibility	
3. compensate	
4. a law	
5. exception	
6. kidnapping	
7. mild	
8. charge with	
9. prisoner	
10. come into effect	
11. limit	
12. lawful	
13. danger	
14. criminal, wrongdoer	
15. serious offences	

3. Make the derivatives where possible.

VERB	NOUN CONCEPT	NOUN PERSON	ADJECTIVE/ PARTICIPLE
1. betray			
2.	felony		
3.		prisoner	
4.	conciliation		
5. prosecute			
6.	abduction		
7.	arson		
8. assault			
9.	fraud		
10.	forgery		

4. Write antonyms to the legal terms/phrases below.

1. serious (punishment) _____
2. serious (crime) _____
3. imprison _____
4. acquit _____
5. impose _____

5. Insert the missing preposition where necessary.

1. provide ____ in the law
2. stipulate ____ the law
3. measures ____ remand
4. detention ____ remand
5. deprivation ____ liberty
6. appeal ____ the judgment
7. comply ____ legal regulations
8. be ____ parole/licence
9. be tried ____ summarily
10. be tried ____ indictment
11. be charged ____ an offence
12. be arrested ____ a wrongful act
13. plead guilty ____ charges
14. accuse ____ a crime
15. arrest ____ an offence

6. Translate the following legal terms/phrases into English.

1. sunkus sveikatos sutrikdymas _____
2. sulaikymas _____
3. lygtinis nuosprendis _____
4. laisvės atėmimo nuosprendis _____
5. kardomasis kalinimas _____

6. kardomasis suėmimas _____
7. mirties nuosprendis _____
8. teistumas _____
9. sąlyginis paleidimas _____
10. konfiskavimas; teisės atėmimas _____
11. ikiteisminis sulaikymas _____
12. turto ar teisių grąžinimas teisėtam savininkui _____
13. raštiškas pasižadėjimas neišvykti _____
14. išteisinimas, išteisinamasis nuosprendis _____
15. lygtinis paleidimas iš įkalinimo vietos _____
16. priekabiavimas _____
17. riaušės _____
18. viešas raginimas, kuriuo siekiama kurstyti neapykantą _____
19. grasinimas sutrikdyti sveikatą ir sveikatos sutrikdymas

20. sunkinančios aplinkybės _____

8. Civil Law and its Areas

8.1 General Issues

⇒ Wordlist

adjudicate (v)	minor offenses
administrative law	negligence (n)
alimony (n)	non-adherence to (adj)
be bound by	party (n)
breach of contract	penal law violations
Civil law	plaintiff (n)
civil lawsuits	predicate (n)
codified legal systems	prior judgments
commercial law	Private Law
contractual law	probate of wills
defendant (n)	provide (v), provision (n)
derive from (v)	settle a dispute
double jeopardy	spousal abuse
due to	sue (v)
engage in disputes	tort (n)
impose (v)	trusts (n)
intentional torts	whereas (conj)
interactions (n)	wire and mail fraud
libel (n)	

TASKS

► Task 1. Match these items (1-12) with their definitions (a – l).

1 alimony	(a) laws related to business
2 probate	(b) laws relating to the employment of workers
3 corporation	(c) a legally binding agreement or bargain

4 commercial law	(d) a legal person which may be created by statute, by Act of Parliament or by international treaty
5 trust	(e) laws relating to family or to the rights and duties of the members of a family
6 contract	(f) laws relating to how property shall pass to others when the owner dies
7 lawsuit	(g) branch of the law dealing with the rights of ownership or anything which can be owned
8 tort	(h) legal acceptance that a document, especially a will, is valid
9 law of property	(i) civil wrong done by one person to another and entitling the victim to claim damages
10 family law	(j) case brought to a court by a private person
11 labour law	(k) maintenance or financial provision to support a separated or divorced spouse
12 succession law	(l) an arrangement whereby property is held and controlled by one person for the benefit of another

- **Task 2. Decide which word or phrase in each line of four does not belong and why.**

spouse	husband	corporation	family
contract disputes	intentional torts	domestic relations	penal violations
Public law	on behalf of the State	private citizen	in the name of the State
criminal court	injunction	plaintiff	lawsuits
Civil code	Civil law	Common law	Roman law

- **Task 3. Complete the sentences below using the words or phrases in the box.**

Civil law codified defendant a dispute a state private citizen
 provision breach domestic adjudicate convincing
 an injunction restitution standard of proof vend

1. is used to describe law involving relationships among persons and organizations.
2. In civil law there is the attempt to right a wrong, honor an agreement, or settle
3. Non-adherence to civil law is considered to be a tort or of contract, rather than a crime.
4. Contractual law enables one party (the plaintiff), who wishes to sue for breach of contract, to collect money from a
5. In some cases, civil courts may impose other conditions, such as forbidding someone to do an act, i.e.
6. The is the level of proof required in a legal action to convince the court that a given proposition is true.
7. The medium level of proof is called clear and evidence.
8. The term „Civil Law“ is also sometimes used to refer to legal systems that are based on a Civil Code derived from ancient Roman law.
9. Family law refers to family-related issues and relations including, but not limited to marriage.
10. The main distinction of civil law from criminal law is that in civil law the legal action is started by the to establish rights (in which State is not primarily concerned) against another citizen or a group of citizens.

► **Task 4. Read the passage and complete it choosing the correct word or phrase in the box below.**

A plaintiff, also known as a claimant or complainant, is the party who initiates a (1) (also known as an action) before a court. By doing so, the plaintiff seeks a (2), and if successful, the court will issue judgment in favour of the plaintiff and make the appropriate court order (eg. an order for damages).

In some jurisdictions the commencement of a lawsuit is done by filing a summons, claim form and/or a complaint — these documents are known as pleadings — that set forth the (3) wrongs committed by the defendant or defendants with a demand for relief. In other jurisdictions the action is commenced by service of legal process by delivery of these documents on the defendant by a process server; they are only filed with the court subsequently with an affidavit from the process server that they had been given to the defendant(s) according to the rules of (4)

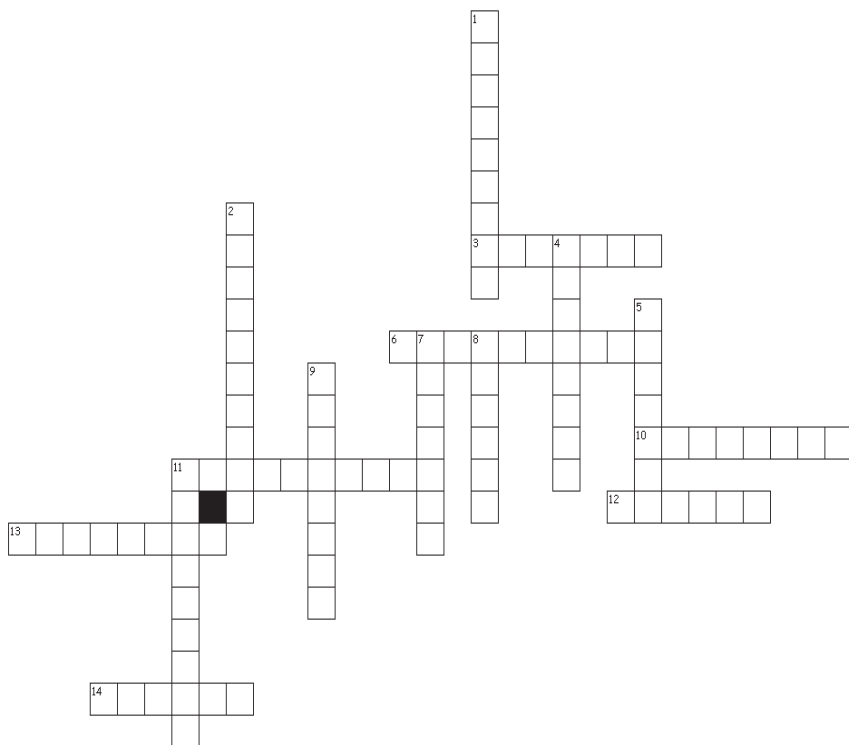
Not all lawsuits are plenary actions, involving a full trial on the merits of the case. There are also simplified procedures, often called proceedings, in which the parties are termed petitioner instead of plaintiff, and respondent instead of defendant. There are also cases that do not technically involve two sides, such as petitions for specific statutory relief that require (5) approval; in those cases there are no respondents, just a petitioner.

The party to whom the complaint is against is the defendant; or in the case of a petition, a respondent. Case names are usually given with the plaintiff first, as in Plaintiff v. Defendant.

	A	B	C	D
1.	proceedings	lawsuit	provisions	laws
2.	legal remedy	revenge	punishment	unjust enrichment
3.	maintained	waived	alleged	discharged
4.	criminal procedure	civil procedure	negotiating procedure	specific performance
5.	tortious	vicarious	criminal	judicial

► Task 5. Do the crossword.

People in Civil Law

**Across**

3. The person who makes an offer.
6. The person who enters into a contract, especially a person or company which does work according to written agreement.
10. The person who has made a will.
11. The person who owns property (syn. owner).
12. The person sells an article or product to the buyer.
13. The person or company which owns a property which is let.
14. The person represented by a lawyer in court

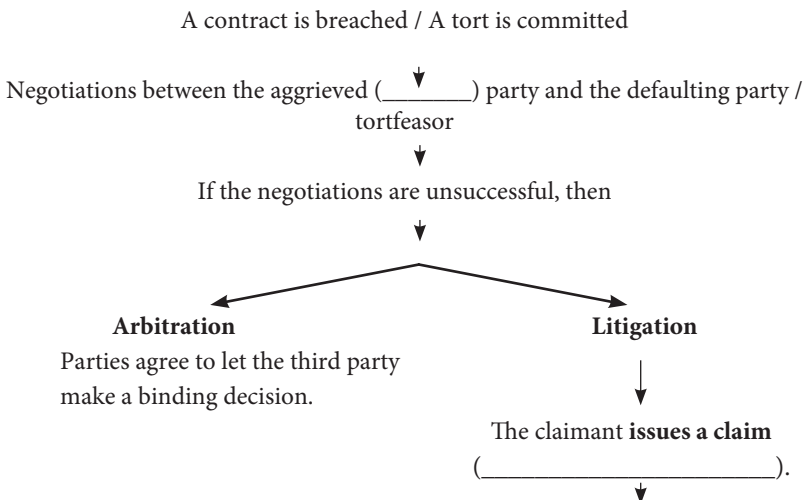
Down

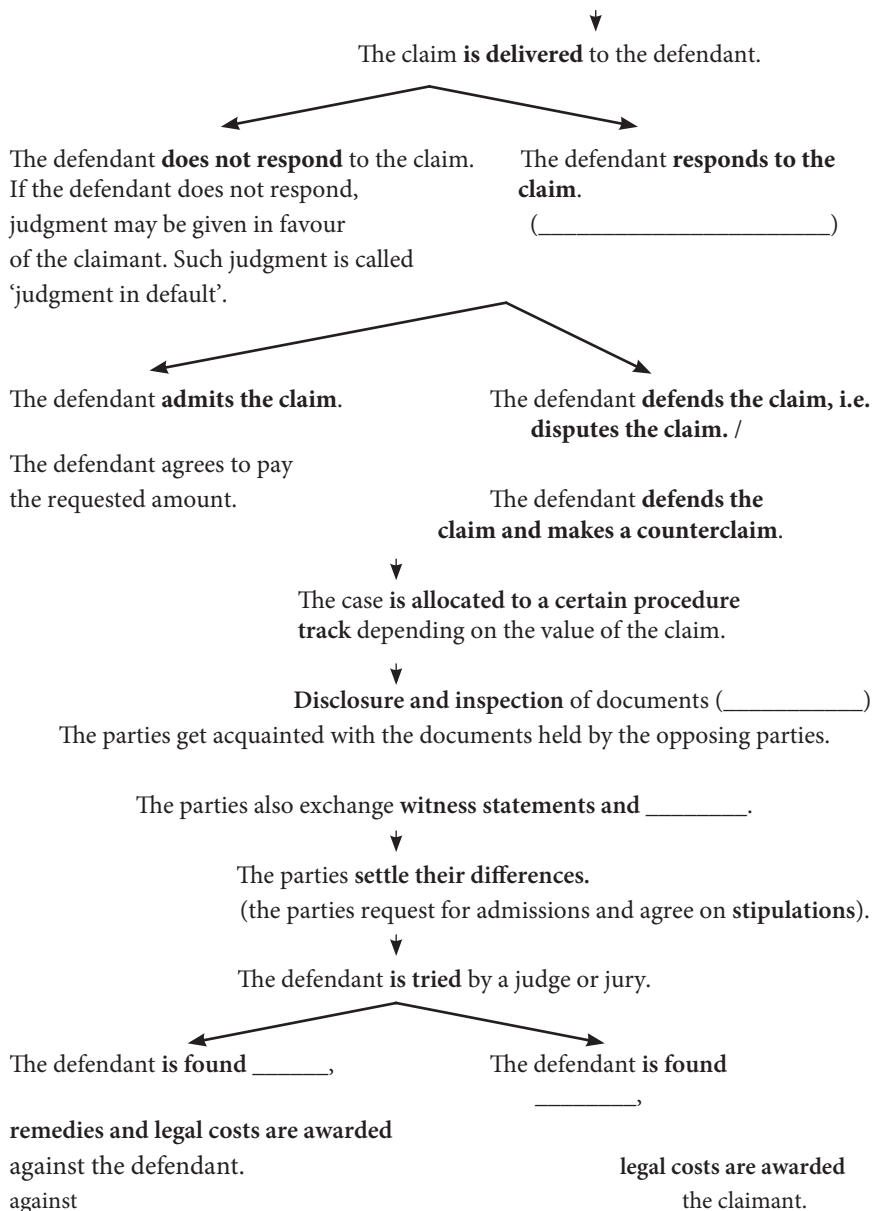
1. The lawyer who gives legal advice and sometimes may have the right of audience.
2. The person who commits a civil wrong which causes damage to the injured party.
4. The person who is appointed to see that the terms of the will are carried out.
5. The legal owner of property which he holds in trust for the benefit of the beneficiary.
7. The person who receives an offer.
8. The person or company which rents a house, a flat, an office in which to live or work.
9. The party who takes legal action against the defendant in a civil case.
11. The person or company which buys something.

► **Task 6. Complete the diagram using the words or phrases in the box.**

files an answer, injured, not liable, files a complaint and a
summons, affidavits, liable, discovery phase

Stages of Civil Procedure





► **Task 7. Analyse these terms and find their equivalents in Lithuanian.**

Civil Procedure Terms (the UK Legal System)

Statements of case – formal written statements in a civil action served by each party to the other, containing the allegations of fact that the party proposes to prove at trial (but not the evidence by which they are to be proved) and stating the remedy that the party claims in the action.:

claim (claim form, particulars of claim) – a formal written statement setting out details of the claimant, defendant and the remedy being sought. The claim form may also contain details of the claim (the particulars of claim); alternatively, these can be served separately.

defence – a response by a defendant to service of a claim. Once a claim form or particulars of claim have been served to the defendant, he is under an obligation to respond. If he does not file a defence, judgment in default may be entered against him.

counterclaim – a claim brought by a defendant in response to the claimant's claim, which is included in the same proceedings as the claimant's claim.

Disclosure and inspection of documents – disclosure by a party to civil litigation of the documents in his possession and subsequent inspection of them by the opposing party.

- 1) **disclosure** – the process by which the parties are required to inform the opposing parties of documents they hold relevant to the claim (the parties serve lists of documents relevant to the claim).
- 2) **inspection** – the process by which the parties may look at written evidence held by the opposing parties (the parties are allowed to inspect the documents referred to in the lists).

Civil Procedure Terms (the US Legal System)

Pleadings – statements filed in court that detail plaintiff's and defendant's cases:

- 1) **complaint** – statement filed by the plaintiff stating the cause of action;
- 2) **summons** – document informing the defendant that an action has been commenced against him and that he is required to answer the complaint in the action;

- 3) **answer** – response filed by the defendant listing defenses to the complaint.

Discovery – process of obtaining information about the other party's cases prior to the actual trial.

- 1) **depositions** – oral questioning of a party or witness;
- 2) **interrogatories** – series of written questions to a party;
- 3) **admissions** – requests from one party to another to agree to the truth of different matters;
- 4) **stipulations** – agreements by the parties about the truth of certain matters that are presented to the court.

Both the UK and US Legal Systems

Witness statement – a written statement signed by a person which contains the evidence which that person would be allowed to give orally.

Affidavit – a sworn written statement of evidence. The person who makes the affidavit must swear or affirm that the contents are true before a person authorized to take oaths in respect of the particular kind of affidavit.

► Task 8. What are the typical steps in a lawsuit?

- (1) Demand
- (2) Lawyer's letter
- (3) Pre-litigation settlement discussions
- (4) Formal suit
- (5) Answer
- (6) Discovery
- (7) Motions
- (8) Judge's pre-trial conference
- (9) The trial
- (10) Judgment
- (11) Post trial motions and appeals
- (12) Collecting the judgment

A. Before a trial the court will typically order a pre-trial conference to narrow issues down still further, and perhaps to get the parties to agree to a settlement.

- B. The victorious party may have received a judgment stating what he or she is entitled to recover. Then it is his or her job to collect the judgment. Collecting judgments can be difficult, especially if the defendant's assets are not easily located, or exempt from claims of creditors.
- C. If the principals can't work things out among themselves, one party usually has an attorney send a "lawyer's letter". While there may not be any legal significance to a lawyer's letter, it usually gets a serious response from the other side, which may have been ignoring you. In some states it is necessary to make a formal demand before you can file suit, and the lawyer's letter should do that for you.
- D. After the trial the court will enter judgment such as, "The plaintiff is entitled to recover \$15,420."
- E. There often is an informal pre-litigation settlement discussion involving the parties and their lawyers. Sometimes all it takes is a letter and phone call to straighten things out, particularly if the other party sees that you are serious.
- F. A lawsuit may involve pre-trial discovery in which one or both parties attempt to get evidence as to what happened, perhaps by taking the testimony of witnesses, or examining documents or physical evidence.
- G. Typically there is a dispute and one party will make a more or less informal demand of the other, who will then send a response. This may lead to informal discussions. A lawyer can help you assess whether what you are requesting or offering is realistic, and help you avoid making admissions that can hurt you if you can't agree on terms.
- H. Once the defendant is served with legal process, it must provide its formal "Answer" within a prescribed time frame. If the defendant does not answer on time it is said to "default" and generally will automatically lose its case.
- I. There may be post-trial motions in which the losing party tries to convince the original judge that something else is appropriate, perhaps more money, or added relief. After that, there may be an appeal by the losing party to a higher court.
- J. If the informal attempts at resolution fail, formal action may be started by filing suit. The formal litigation is underway. There are strict "statutes of limitations" which impose time limits requiring that actions to be initiated be within a set time frame or the right to sue is barred.

- K. In a lawsuit either side may make motions to try to narrow the issues, or compel the other side to do something, or even to have the court decide the matter without the need for a trial, as if all the facts are agreed to and only the application of the law to the facts is at issue.
- L. Then comes the trial, either by a judge alone, or with a jury to decide the facts and the judge to decide the law. By the way, despite the OJ Simpson trials, most trials are relatively dull, and only the parties, their attorneys, the witnesses and the judge and jury (and perhaps some people trying to get out of the cold or heat or rain) are present – no TV cameras, no newsmen, no “fans” and few friends or relatives.

1	2	3	4	5	6	7	8	9	10	11	12

► **Task 8. Read the text and do the tasks given below.**

Litigation in China: Home Buyers and Others Turn to the Justice System for Protection

When Wang Jianhua agreed to buy an apartment in Shanghai's elegant Xuhui district in 1997, the contract stipulated he could move in a year later. But construction dragged, and the 50-year-old business development exec wound up waiting nearly two years to occupy the \$85,000, three-bedroom flat. When the builder, Fuye Property Development Co., refused even to discuss compensation for the delay, Wang hired a lawyer. He went on to win an \$8,390 judgment. Says Wang: „I know how to protect my rights.“

He's not alone. While China's justice system has long been arbitrary, and consumer rights virtually nonexistent, more and more Chinese are successfully using the courts to resolve commercial disputes. Complaints range from securities fraud, to an arbitrary ticket price hike by the Railways Ministry, to a phone card that failed to meet its billing.

Unscrupulous developers are especially likely to find themselves in court, as increasing numbers of urban Chinese buy homes. Nationwide, the number of housing-related cases has jumped 66% since 1997, to about 167,000 in 2000, according to statistics from the official China Law Yearbook. „In the past,“ says Li Jialing, a partner in Shanghai's Shen Hui law firm, „consumers didn't realize when their rights had been violated. Now they are more aware.“

The burst of legal activity suggests China is taking the first tentative steps toward rule of law. Beijing increasingly understands that if it is to boost domestic consumption it must provide consumer protection. As a result, contracts are becoming more specific, while government departments now hold public hearings when writing the administrative regulations used to implement laws. Of course, local bureaucrats still don't enforce some rulings, and judges are poorly trained. Still, much has changed from a decade ago, when self-interested officials mediated most commercial wrangles.

Another sign of progress is the growing sophistication of plaintiffs' complaints. A few years ago, most property disputes centered on issues of land-use rights. Now, complaints tend to focus on problems with the home itself, ranging from poor wiring to failure by a developer to provide promised green space. One irate homeowner used the threat of legal action to force a developer to dig up a tennis court and replace it with a promised lawn, says Luo Jianrong, a partner at Shanghai law firm Allbright Law Offices Co. As a result of such actions, developers are less likely to make promises they don't plan to keep.

Savvy buyers also are starting to have lawyers vet contracts before signing on the dotted line, a new practice in China. „It frees me from worry,“ says Tsao Chen Ping, 61, general manager of Shanghai Xinxing Investment Management Co. Tsao had lawyers review the contract for his new \$240,000 apartment to make sure the management's responsibilities were clearly spelled out.

While developers may find lawsuits an affront, the consumer backlash is actually helping them prepare for foreign competition. Companies such as Hong Kong's Concorde Property Development Co., which is building more than 1,000 apartments in Shanghai, are used to doing things by the book. In fact, Concorde has hired Allbright to ensure that contracts are sufficiently clearly worded to prevent disputes later. If foreign developers are seen as more trustworthy, they could have a big edge over domestic players. „Chinese consumers will have more choices,“ says Hu Honggao, law dean at Shanghai's Fudan University. „They'll vote with their feet.“

Despite an improving legal system, many consumers still prefer to ask the government to help resolve disputes. In one case, a group of Shanghai residents wrote the city's mayor asking him to pressure their developer to fix holes in walls and repair warped floors. The holes have since been fixed; negotiations to fix the floors are ongoing. For his part, however, Wang prefers the courts. „All the government can do is mediate,“ he says. „It doesn't have the right to make someone pay.“

That's long been the problem with China's legal system: lack of enforcement. As the nation's courts become increasingly credible, consumers—and foreign investors—will be more likely to take a risk.

► **Task 8-A. Form nouns from the following verbs:**

1. stipulate -
2. complain -
3. resolve -
4. occupy -
5. hear -
6. consume -
7. govern -
8. press -
9. negotiate -

► **Task 8-B. Find synonyms or words similar in their meaning from the text.**

1. state as a necessary condition-
2. outbreak-
3. having knowledge-
4. hesitant-
5. increase-
6. put into practice-
7. court decision-
8. concentrate (on) -
9. varying (from) -
10. express in words-
11. solve-
12. act as a peacemaker-
13. very angry-
14. continuing-
15. examine carefully for correctness-
16. a long argument-

8.2 Contracts

⇒ Wordlist

award (n), ~of <i>damages</i>	intention to create legal relation
breach of contract	issue an order
central concept	law of obligations
civil law systems	legally binding exchange / agreement
common law jurisdictions	make an offer
concurrence (n), ~ of <i>wills</i>	manifest the assent
consideration (n)	offer and acceptance
constitute (v), ~ a <i>contract</i>	offer for a bargain
contractual promise	purchase (v), purchaser (n)
defaulting party	refrain from doing something
detriment (n)	remedy (n, v), ~ a <i>breached contract</i>
discretionary remedies	restitution (n)
contract (n), <i>implied / written / oral</i>	specialized statutes
~s	specific performance
injunction (n)	unjust enrichment
injured party	vend (v), vendor (n)
intention to be legally bound	waive (v)

TASKS

► Task 1. Match these items (1-12) with their definitions (a – l).

1 specific performance	(a) established written law, especially an Act of Parliament
2 consideration	(b) failure to carry out the terms of an agreement
3 statute	(c) a method which the law gives to prevent, put right or compensate a wrong

4 injunction	(d) the price (but not necessarily money) paid by one party in exchange for the other party promising to do something
5 breach of contract	(e) agreement to something
6 assent	(f) giving back, the return (of property) which has been illegally obtained
7 detriment	(g) court order compelling someone to stop doing something or not to do something
8 remedy	(h) damage or harm
9 restitution	(i) a person who sells
10 defaulting party	(j) a court order to a party to carry out his obligations in a contract
11 refrain	(k) contractor which fails to carry out the terms of a contract, especially to fail to pay back a debt
12 vendor	(l) to agree not to do something which has been done previously

► Task 2. Complete the following table.

VERB	NOUN	ADJECTIVE
	remedy	
	consideration	
	offer	
	adjudication	_____
accept		
waive		_____
	intention	
	concurrence	
		implied
constitute		

- **Task 3. Match the first part of these items (1-10) with their second part (a – j) as they were used in the text. Mind the prepositions.**

1 a legally binding exchange	A) to the creation of a contract
2 the rules by which many contracts	B) legal relations
3 there are three key elements	C) of promises
4 an intention to create	D) by each party when making an agreement
5 the parties had each engaged in conduct	E) are governed
6 consideration is a central concept	F) when the contract prohibits a certain action
7 consideration is what must be given up	G) however every contract is an agreement
8 there are many ways	H) manifesting their assent
9 specific performance and an injunction	I) does not constitute a contract
10 an injunction may be requested	J) to remedy a breached contract
11 an agreement to agree	K) in the common law of contracts
12 not every agreement is a contract	L) are discretionary remedies

- **Task 4. Choose the correct word or phrase to complete the sentences.**

1. A contract is a legally exchange of promises or agreement between parties that the law will enforce.
 - A) promising
 - B) binding
 - C) offering
 - D) charging

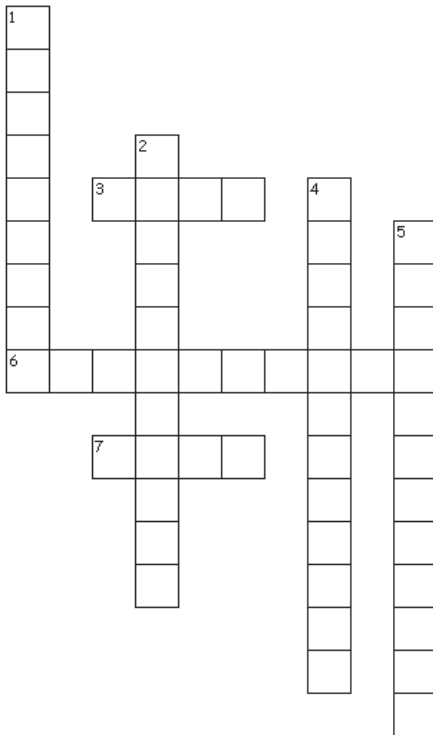
2. Breach of a contract is recognized by the law and can be provided.
 - A) detriments
 - B) alimony
 - C) punishment
 - D) remedies
3. In common law jurisdictions there are three key elements to the creation of a contract: they are offer and acceptance, and an intention to create legal relations.
 - A) consideration
 - B) motivation
 - C) terms
 - D) waiver
4. A contract which is in fact is one in which the circumstances indicate that parties have reached an agreement even though they have not done so expressly.
 - A) refrained
 - B) terminated
 - C) waived
 - D) implied
5. In some circumstances a court will order a party to perform his or her promise (an order of “specific performance”) or issue an order, known as an “injunction,” that a party from doing something that would breach the contract.
 - A) remedy
 - B) resolve
 - C) refrain
 - D) restrain
6. If the of the contract are uncertain or incomplete, the parties cannot have reached an agreement in the eyes of the law.
 - A) interactions
 - B) terms
 - C) awards
 - D) statutes

► **Task 5. Choose the more appropriate variant.**

A contract is a legally binding exchange of promises or agreement between parties that the law will (1) **compel/enforce**. Breach of a contract is recognised by the law and (2) **remedies/punishments** can be provided.

Almost everyone makes contracts every day. Sometimes (3) **oral/written** contracts are required, e.g., when buying a house. However, the vast majority of contracts can be and are made (4) **orally/in written form**, like buying a law text book, or a coffee at a shop. Contract law can be classified, as is habitual in civil law systems, as part of a general law of (5) **obligations/duties** (along with tort, unjust enrichment or restitution).

Task 6. Do the crossword.



Types of Contracts

Across

3. This agreement is used to ensure the repayment of money borrowed, usually in monthly instalments.
6. This contract comes into existence as soon as a job offer is accepted whether that offer is oral or in writing
7. This agreement sets out the terms and conditions on which a business supplies goods.

Down

1. This agreement is used where one party grants to another the right to run a business in the name of the first party.
2. This agreement is used where one party is providing services as an independent advisor to a company

4. This is intended to govern the relationship between a number of shareholders in a company.
5. This agreement is used where one party buys goods from the manufacturer and re-sells them on his own account

► Task 7. Read the text and

a) answer the following questions.

1. What are the main elements of a contract?
2. What is a “concurrence of wills”?
3. What example is given as a “unilateral contract”? What is that?
4. What types of contracts are mentioned in the article?
5. What is another term used for an “implied contract”? Why?
6. What is the essence of “consideration” in contract law?
7. What are the three rules that govern consideration?
8. Why is the intention to create legal relations so important to contract law?
9. In which cases the contract is considered void or voidable?

b) explain the meaning of underlined legal terms or phrases.

ELEMENTS OF CONTRACTS

Offer and acceptance

Perhaps the most important feature of a contract is that one party makes an offer for a bargain that another accepts. This can be called a ‘concurrence of wills’ or a ‘meeting of the minds’ of two or more parties. There must be evidence that the parties had each from an objective perspective engaged in conduct manifesting their assent, and a contract will be formed when the parties have met such a requirement. An objective perspective means that it is only necessary that somebody gives the impression of offering or accepting contractual terms in the eyes of a reasonable person, not that they actually did want to contract.

The case of *Carlill v. Carbolic Smoke Ball Co.* is an example of a ‘unilateral contract’, where an offer is made to the whole world and acceptance comes

from particular people upon their fulfillment of the contractual terms or the condition precedent. In the U.S., the general rule is that in „case of doubt, an offer is interpreted as inviting the offeree to accept either by promising to perform what the offer requests or by rendering the performance, as the offeree chooses.“

Offer and acceptance does not always need to be expressed *orally* or *in writing*. An *implied* contract is one in which some of the terms are not expressed in words. This can take two forms. A contract which is implied in fact is one in which the circumstances imply that parties have reached an agreement even though they have not done so expressly. For example, by going to a doctor for a checkup, a patient agrees that he will pay a fair price for the service. If he refuses to pay after being examined, he has breached a contract implied in fact. A contract which is implied in law is also called a *quasi-contract*, because it is not in fact a contract; rather, it is a means for the courts to remedy situations in which one party would be unjustly enriched were he or she not required to compensate the other. For example, say a plumber who accidentally installs a sprinkler system in the lawn of the wrong house. The owner of the house had learned the previous day that his neighbor was getting new sprinklers. That morning, he sees the plumber installing them in his own lawn. Pleased at the mistake, he says nothing, and then refuses to pay when the plumber hands him the bill. Will the man be held liable for payment? Yes, if it could be proven that the man knew that the sprinklers were being installed mistakenly, the court would make him pay because of a quasi-contract. If that knowledge could not be proven, he would not be liable.

Consideration

Consideration is a controversial requirement for contracts under common law. It is not necessary in civil law systems, and for that reason has come under increasing criticism. The idea is that both parties to a contract must bring something to the bargain. This can be either conferring an advantage on the other party, or incurring some kind of detriment or inconvenience. Three rules govern consideration.

- consideration must be sufficient, but need not be adequate. For instance, agreeing to buy a car for a few pence may constitute a binding contract. In some situations, a collateral contract may exist, whereby the existence of one contract provides consideration

for another. Critics say consideration can be so small as to make the requirement of any consideration meaningless.

- consideration must not be from the past. For instance, in *Eastwood v. Kenyon*, the guardian of a young girl raised a loan to educate the girl and to improve her marriage prospects. After her marriage, her husband promised to pay off the loan. It was held that the guardian could not enforce the promise as taking out the loan to raise and educate the girl was past consideration, because it was completed before the husband promised to repay it.
- consideration must move from the promisee. For instance, it is good consideration for person A to pay person C in return for services rendered by person B. If there are joint promisees, then consideration need only to move from one of the promisees.

Intention to be legally bound

The intention to create legal relations is a major principle of Contract Law. The doctrine's focus is on whether the parties intended to be legally bound to the contract, the 'subjective element of the contract'. Recognition of the existence of domestic and social agreements to which parties do not mean to be legally bound has resulted in a presumption that, correspondingly, no contract is recognized. Commercial transactions, on the other hand, are treated with a presumption that legal relations were intended. One early example is found in *Balfour v. Balfour*. Using contract-like terms *Balfour v. Balfour* [1919] is a famous English contract law case that held that there is a rebuttable presumption against an intention to create a legally enforceable agreement when the agreement is domestic in nature.

Using contract-like terms, Mr. Balfour had agreed to give his wife £30 a month as maintenance for while he was off living in Ceylon. Once he had left, they separated and Mr. Balfour stopped payments. Mrs. Balfour brought an action to enforce the payments.

At the Court of Appeal, the Court held that there was no enforceable agreement as there was not enough evidence to suggest that they were intending to be legally bound by the promise.

The case is often cited in conjunction with *Merritt v. Merritt* [1970] CA. Here the court distinguished the case from *Balfour v. Balfour* on the fact that Mr and Mrs Merritt, although still married, **were estranged** at the time the agreement was made and therefore any agreement between them was made with the intention to create legal relations. Both cases are often quoted examples of the principle of precedent.

Capacity

Both parties must have the **capacity** to understand the terms of the contract they are entering into, and the consequences of the promises they make. For example, animals, minor children, and mentally disabled individuals do not have the capacity to form a contract, and any contracts with them will be considered **void or voidable**.

Although **corporations** are technically **legal fictions**, they are considered **persons under the law**, and thus fit to engage in contracts. For adults, most jurisdictions have statutes declaring that the capacity of parties to a contract is presumed, so that one resisting enforcement of a contract on grounds that a party lacked the capacity to be bound bears the burden of persuasion on the issue of capacity.

8.3 Torts

⇒ Wordlist

allegation (n)	factual assertion
assault (n)	factual causal connection
battery (n)	false imprisonment
breach a duty	infliction of emotional distress
claimant (n)	intentional incursion
confined (adj)	lawsuit (n)
conversion (n)	legal causation
culpable (adj), ~ <i>conduct</i>	liability for defective products
defame (v), defamation (n)	malicious prosecution
delict (n)	mandatory (adj)
duty imposed under	nuisance (n)

product liability	tortious (adj), ~ <i>loss</i>
reasonably foreseeable	tortiously (adv)
scope of tort law's application	tortfeasor (n)
statutory law	trespass (n), ~ <i>to chattels</i>
strict liability	vicarious (adj)
tangible / non tangible (adj)	wherein (adv)
tort (n), <i>dignitary</i> ~, <i>economic</i> ~,	willful detention
<i>intentional</i> ~, <i>statutory</i> ~, ~ <i>of</i> <i>defamation</i>	

TASKS

► **Task 1. Match these items (1-12) with their definitions (A – L).**

1. tort	A) a failure to follow a law or rule
2. mandatory	B) the tort of entering a place without the owner's permission
3. breach	C) a statement that someone has done something wrong or illegal even though this has not been proved
4. nuisance	D) all the laws created by government
5. trespass	E) an action that harms someone and for which a person can be judged legally responsible although it is not a crime
6. defamation	F) the tort of preventing someone from leaving a place when there is no legal right to do this
7. allegation	G) the tort of dealing with a person's property in a way which is not consistent with person's rights over it
8. culpable	H) ordered by a law or rule
9. statutory law	I) something that is annoying and causes harm or inconvenience to someone or to property

10. conversion	J) the offence of writing or saying something bad about someone that is not true and makes people have a bad opinion of them
11. tortfeasor	K) a person who committed a tort
12. false imprisonment	L) responsible for doing something bad or illegal

- **Task 2. Read the statements and decide if these statements are true or false.**

1	As well as obligations created through a contract, the duties imposed under tort law are mandatory for all citizens in that jurisdiction.
2	The dominant action in tort is negligence, which is used to protect people's bodies and property, including non tangible economic interests.
3	Vicarious means conduct that is culpable because it misses the legal standard protecting individuals against foreseeably risky, harmful acts of other members of society.
4	Property torts involve any intentional interference with the property rights of the claimant, such as trespass to land, trespass to chattels, and false imprisonment.
5	Liability for defective products is strict in most jurisdictions because it ensures the fulfilment of international trade agreements.
6	The area of economic tort includes the doctrine of restraint of trade and has largely been submerged in the twentieth century by statutory interventions on collective labour law and modern antitrust or competition law.
7	The term vicarious liability means that the employer bears responsibility only for his own tortious acts.
8	The main remedies against tortious loss are compensation in 'damages' or a fine, specific performance or injunction.
9	Some countries jurisdictions can make an order for specific performance to ensure that the defendant carries out their legal obligations, especially in relation to nuisance matters.

► Task 3. Match the beginnings of sentences in A with their endings in B.

Standard of Care: The “Reasonable Man”

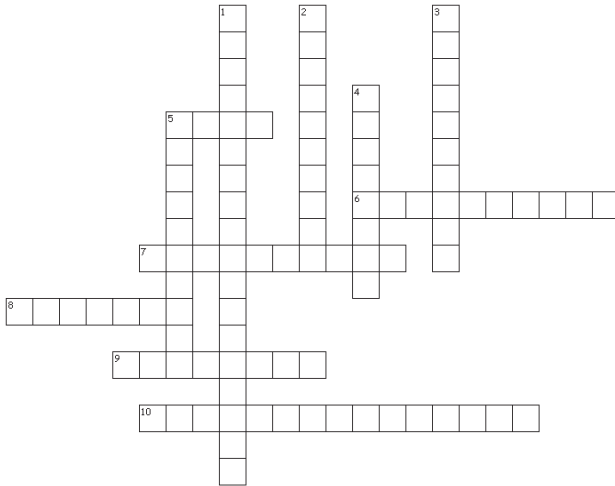
A

1. Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate
2. The defendants might have been liable for negligence, if, unintentionally, they omitted to do that which a reasonable person
3. So the law judges all persons
4. The judge is not allowed to superimpose his or her standards upon a given situation, complete with the judge’s weaknesses and biases;
5. Thus, in negligence cases which go before a jury, the judge cannot tell the jury to ask themselves

B

- a) would have done, or did that which a person taking reasonable precautions would not have done.
- b) according to one standard.
- c) the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do.
- d) if “they would have acted differently,” but “how would the reasonable person have acted.”
- e) instead, the judge must superimpose the standard of the “reasonable man.”

► Task 4. Do the crossword.

Torts**Across**

5. C i v i l wrong done by one person to another and entitling the victim to claim damages

6. W h i c h could provide grounds for bringing an action against someone

7. T o r t of acting carelessly

towards others so as to cause harm entitling the injured party to claim damages

8. Money claimed by a plaintiff as compensation for harm done
9. Referring to a tort
10. Total liability for an offence which has been committed (whether you are at fault or not)

Down

1. Liability of one person for torts committed by someone else, especially the liability of an employer for acts committed by an employee in the course of his work
2. Duty which every citizen has not to act negligently
3. Tort dealing with a person's property in a way which is not consistent with that person's rights over it
4. Something that causes harm or inconvenience to someone or to property
5. Person who has committed a tort

► Task 5. Find the hidden types of torts.

B	A	O	C	U	W	I	I	S	N	N	T
J	I	F	Y	M	T	W	N	O	N	O	R
T	Q	Z	A	V	Z	M	I	X	F	I	E
W	X	W	Z	B	H	S	Z	V	C	T	S
R	R	Q	G	U	R	U	X	S	P	A	P
A	S	G	L	E	M	Q	U	Y	R	M	A
F	R	V	V	R	K	R	G	K	O	A	S
E	C	N	E	G	I	L	G	E	N	F	S
R	O	E	G	K	I	B	D	H	F	E	X
C	M	Z	Y	G	S	J	V	Z	W	D	L
N	U	I	S	A	N	C	E	M	Q	J	V
Y	Q	J	E	Z	I	Z	E	M	P	C	L

► Task 6. Write the appropriate prepositions where necessary.

1. duties imposed tort law
2. to breach a duty
3. to sue intentional incursions by people on their land.
4. to damage the reputation of another
5. to be compensated the harm to their body or property.
6. tort(s) the person,
7. statutory torts created the legislature, not the courts
8. liability defective products
9. to seek damages
10. liable to Mr A for the harm
11. "since your employee harmed the claimant in the course of his employment, you bear responsibility it"
12. injunctions will not impose positive obligations tortfeasors
13. trespass land
14. intangible harm the reputation
15. to owe a duty care

► **Task 7. Fill in the gaps with the most appropriate words. Choose from:**

presumed	legislation	common	compensation	clarify	tort
accident	negligence	nuisance	liable	duress	precedents
	remedy	civil action	damages		

All the people are expected to conduct themselves without injuring others. When they do cause injury to others, either intentionally or by _____ (1), they can be required by court to pay money to the injured party _____ (2) so that, ultimately, they will suffer the pain they caused by their action. _____ (3) is probably the most important social role of tort law.

In the finest tradition of English common law (where _____ (4) law comes from), it was originally pure judge-made law. But more and more states are writing laws which limit, _____ (5) or strengthen tort law. E. g., one Canadian province has said that every time a motor vehicle hits a pedestrian, the motor vehicle driver is _____ (6) at fault and _____ (7) for damages. Some states even have _____ (8) which protects Good Samaritans such as American law which says that doctors cannot be held liable under tort for help provided at the scene of an _____ (9) except for 'gross negligence'. But even for those areas where the principles of tort are nowhere to be found in statutes but only in _____ (10), states have adapted parts of tort law to suit themselves.

► **Task 8. Fill in the gaps with the necessary words in their correct form. Choose from:**

prosecute	damages	compensation	action	negligence	sue
punishable	conviction	tortfeasor	tort	crime	wrongful
	tortious	victim	injunction		

_____ (1) law is not the same as criminal law. A _____ (2) often leads to two very different branches of the law, one being tort law, the other criminal law. Say, I punched you in the nose. This would be a crime and _____ (3) in court. The state would _____ (4) me on behalf of society and not on behalf of the victim. Any fine handed out against me as a sentence would not

go to the _____ (5) but would go to the government. That same punch would also give rise to an _____ (6) under tort law, where you would _____ (7) me for causing you an injury and your suit would ask the court to order me to compensate you, asking for an amount which, as best as can be done, the pain and inconvenience a broken nose is worth. Any _____ (8) the court would order me to pay would go to you.

But crime and tort also have very different legal process. Criminal proceedings require proof beyond reasonable doubt whereas the tort action only requires proof based on evidence. A criminal _____ (9) is by no means an automatic entitlement to compensate under tort law. In fact, some judges do not want to accept a criminal court's finding that there has been a _____ (10) act, an injury and a direct link between this act and the injury while considering a tort lawsuit based on the same incident.

CIVIL LAW AND ITS AREAS

GENERAL ISSUES. CONTRACTS. TORTS: SELF-CHECK TEST

1. Match the legal terms in the box with their definitions below.

tort	labour law	affidavit	trust	allegation	lawsuit	assault
	restitution		injunction		nuisance	
custody	remedy	vendor	culpable		provision	

- 1) Laws relating to the employment of workers _____
- 2) An arrangement whereby property is held and controlled by one person for the benefit of another _____
- 3) Civil wrong done by one person to another and entitling the victim to claim damages _____
- 4) Case brought to a court by a private person _____
- 5) Giving back, the return (of property) which has been illegally obtained _____
- 6) Court order compelling someone to stop doing something or not to do something _____
- 7) A method which the law gives to prevent, put right or compensate a wrong _____

- 8) A statement that someone has done something wrong or illegal even though this has not been proved _____
- 9) Responsible for doing something bad or illegal _____
- 10) Something that is annoying and causes harm or inconvenience to someone or to property _____

2. Complete the sentences below using the most suitable legal term from the box. Make changes if necessary.

derive	Private Law	constitute	dispute	Case Law	detriment	sue
	remedy	jurisdiction	mandatory	pleadings		
	Common Law	impose	delict	lawsuit		

1. Civil law is sometimes referred to as _____ as distinct from Public Law.
2. The term "Civil Law" is also sometimes used to refer to codified legal systems that are based on a Civil Code _____ from ancient Roman law, as opposed to "Common Law" systems.
3. In civil law there is the attempt to right a wrong, honor an agreement, or settle _____.
4. Civil _____ sometimes occur as a result of criminal action, and such a case can be successful even when the defendant was found not guilty under criminal law.
5. Breach of a contract is recognized by the law and _____ can be provided.
6. In common law _____ there are three key elements to the creation of a contract.
7. Consideration can be defined as being a benefit to one party while being _____ to the other one at the same time.
8. An agreement to agree does not _____ a contract, and an inability to agree on key issues, which may include such things as price or safety, may cause the entire contract to fail.
9. Unlike obligations created through a contract, the duties imposed under tort law are _____ for all citizens in that jurisdiction.

10. In some jurisdictions the commencement of a lawsuit is done by filing a summons, claim form and/or a complaint — these documents are known as _____.

3. Choose the correct legal term/phrase to complete the sentences.

1. In general terms, public law involves interrelations between the state and the general population, private law involves interactions between private citizens.
 - A) wherein
 - B) therefore
 - C) hereby
 - D) whereas

2. A plaintiff, also known as is the party who initiates a lawsuit (also known as an action) before a court.
 - A) a claimant
 - B) a defendant
 - C) clamant
 - D) a clansman

3. The rules by which many contracts are governed are provided in specialized that deal with particular subjects.
 - A) statements
 - B) pleadings
 - C) lawsuits
 - D) statutes

4. There are three key elements to the creation of a contract: offer and acceptance, consideration and to create legal relations.
 - A) an intention
 - B) an assertion
 - C) obligation
 - D) provision

5. In some circumstances a court will order a party to perform his or her promise or issue an order, known as an “injunction,” that a party from doing something that would breach the contract.
- A) retain
 - B) remain
 - C) repay
 - D) refrain
6. A contract which is in fact is one in which the circumstances indicate that parties have reached an agreement even though they have not done so expressly.
- A) refrained
 - B) terminated
 - C) waived
 - D) implied
7. If the of the contract are uncertain or incomplete, the parties cannot have reached an agreement in the eyes of the law.
- A) interactions
 - B) terms
 - C) awards
 - D) statutes
8. Tort is a legal term that means civil wrong, as opposed to a criminal wrong, that is recognized by law as grounds for
- A) prosecution
 - B) persecution
 - C) a lawsuit
 - D) an appeal
- 9 The dominant action in tort is negligence, which is used to protect people’s bodies and property, including economic interests.
- A) non tangible
 - B) complicated
 - C) substantial
 - D) growing

10. There are statutory torts, creating product and sanctions against anti-competitive companies.

- A) liberty
- B) liability
- C) variety
- D) labeling

4. Insert the missing preposition where necessary.

- 1. liable ____ the actions ____ another
- 2. key elements ____ a contract
- 3. be bound ____ prior judgements
- 4. engage ____ a legal dispute
- 5. liability ____ defective products
- 6. concurrence ____ wills
- 7-8. ____ the name ____ the State
- 9. to remedy ____ a breached contract
- 10. infliction ____ emotional distress

5. Write the synonyms to the legal terms/phrases in the box.

1 harm, loss, damage	
2. cause (suffering)	
3. person who commits a civil wrong	
4. plaintiff	
5. a sworn statement	
6. not expressed in words	
7. legally committed	
8. the party in breach of contract	
9. punishable	
10. tarnish sb's reputation	

6. Translate the following legal terms below into English.

1. nusikalstamas aplaidumas _____
2. nusikalstamas/piktavališkas kliudymas _____
3. nesilaikymas civilinės teisės _____
4. pasitikėjimas, patika _____
5. neteisėtas praturtėjimas _____
6. pardavėjas _____
7. sutarties sąlygų nesilaikanti šalis _____
8. absoliuti atsakomybė _____
9. netiesioginė atsakomybė _____
10. daiktinis, materialus _____

9. Constitutional Law

⇒ Wordlist

abolish (v)	entrench (v); entrenchment (n)
abuse (v)	execution (n); execute (v); executive (adj)
accede to (v)	govern (v); government (n)
afford (v)	hierarchy (n); hierarchical (adj)
amend (v); amendment (n)	impeccable (adj)
appeal (n, v)	incompatible (adj)
backlash (n)	inconsistent (adj)
bill (n)	incorporate (v)
bind (v); binding (in)	ingrain (v)
body (n)	instrument (n)
breach (n); ~ <i>of the oath</i>	invalidate (v)
check (n); ~ <i>s and balances</i>	judge (v, n); judicial (adj)
circumvent (v)	jurisdiction (n)
code (n); codified (adj)	law (n); <i>common</i> ~
compatible (adj); compatibility (n)	legislate (v); legislative (adj)
concurrence (n)	nation-state (n)
conducive (adj)	nominate (v)
consensual (adj); consensus (n)	plead (v); ~ <i>guilty/not guilty</i>
consolidate (v); consolidation (n)	prominent (adj)
constitution (n); constitutional (adj); ~ <i>convention</i>	refer (v); reference (n)
custom (n); customary (adj); ~ <i>law</i>	provision (n)
delegate (v); delegation (n); ~ <i>of power</i>	resort (n); <i>last</i> ~
electorate (n)	restraint (n, v)
eligible to (adj)	rule (n); <i>the</i> ~ <i>of law</i>
enact (v); enactment (n)	rule (v), ruling (n)
enforce (v); enforcement (n)	share (v); shared (adj); ~ <i>responsibility</i>
	violation (n)

TASKS

- **Task 1. Match the terms/phrases (1-5) with their definitions/ explanations (a-d).**

1. Constitutional Law	a) a document b) a law c) a branch of Public Law d) a bill
2. unwritten Constitution	a) Constitution that is not written b) Constitution that has not been put in a single document, but is based on different documents c) Constitution that does not exist d) Constitution that is old and is no longer used
3. constitutional convention	a) a clause in a contract b) a chapter in a constitution c) an informal and uncoded procedural agreement that is followed by the institutions of a state d) the basic law of the country
4. Acts of Parliament	a) activities carried out by Parliament b) behaviour of Members of Parliament c) bills prepared by Parliament d) enacted legislation
5. sovereignty	a) the exclusive right to exercise supreme political authority b) a king or queen c) freedom of speech d) dependency

- **Task 2. Make word partnerships.**

1. the rule	a) of nation-states
2. common	b) of sovereignty
3. law	c) of powers
4. consensual	d) laws
5. written	e) of law
6. scope	f) sources
7. concept	g) rules

8. consolidated	h) of the land
9. foundational	i) law
10. customs	j) into document

► **Task 3. Match the words (1-10) with their synonyms (a-d).**

1. abolish (v)	a) allow b) permit c) disagree d) prohibit
2. consensual (adj)	a) agreed b) discriminatory c) traditional d) constitutional
3. afford(v)	a) give b) exclude c) include d) embody
4. conducive (adj)	a) conducive b) conclusive c) contributory d) concurrent
5. doctrine (n)	a) a regulation b) a rule c) a principle, maxim d) a law
6. circumvent (v)	a) draft b) violate c) follow d) obey
7. ingrained (adj)	a) superficial b) deep-rooted c) existing d) usual

8. electorate (n)	a) vote b) suffrage c) electors d) Members of Parliament
9. highlight (v)	a) criticize b) emphasize c) generalize d) summarize
10. prominent (adj)	a) main b) subsidiary c) secondary d) respectful

- Task 4. Match the legal adjectives or adjectival phrases (1-5) with their synonyms (a-d).

1. compatible (with)	a) in conformity with b) in relation with c) in disagreement with d) in respect to
2. supreme	a) lowest b) low c) highest d) high
3. last resort (about a court)	a) final b) high c) appeal d) first instance
4. subject (to)	a) free from b) bound (by) c) presented d) represented
5. exclusive	a) numerous b) sole c) infinite d) endless

- Task 5. Read the text below. Complete the sentences using the legal adjectives in the box. There are five extra adjectives.

The Constitutional Court of the Republic of Lithuania

regular	judicial	final	ineffective	elected	lower	executive	eligible
legislative	notable	impeccable	established	supreme	formal		
exclusive	unconstitutional	voting	non-renewable				
	constitutional	valid					

It is a special court (1) _____ by the Constitution of the Republic of Lithuania of 1992; it began the activities after the adoption of the Law on Constitutional Court of the Republic of Lithuania on February 3, 1993. Since its inception, the Court has been located in the city of Vilnius, Gediminas Avenue.

The main task of the court is (2) _____ review. It may therefore declare the acts of the Seimas (3) _____ and thus render them (4) _____. As such, it is somewhat similar to the Supreme Court of the United States. However, it differs from it and other (5) _____ courts in that it is not part of the regular judicial system, but more a unique judicial branch. Most importantly, it does not serve as a (6) _____ court of appeals from (7) _____ courts or as a sort of “super appellate court” on any violation of national laws.

Its jurisdiction is focused on (8) _____ issues, the integrity of the Constitution. Moreover, it attests the conformity of the acts of the Government of the Republic of Lithuania to the laws and takes a (9) _____ decision on (10) _____ infringements.

The Court is comprised of nine justices, (11) _____ by the Seimas, for a nine-year (12) _____ term of office. Only Lithuanian citizens of an (13) _____ reputation, who are trained in law, and who have served for at least 10 years in the legal profession, or in an area of legal education are (14) _____ for appointment. Usually, (15) _____ legal scholars and highly experienced judges qualify for the position. The candidates are nominated by the Chairman of the Seimas, the President of Lithuania and the

President of the Supreme Court of the Republic of Lithuania, 3 persons each. The Seimas appoints the President of the Court from among the justices upon the nomination by the President of the state.

- Task 6. Fill in the gaps with the appropriate words from the box and then try to find them in the word search.

unitary assent historic tender flexible apply originate
 rigid constitution dissolution initiative substantive
 convention paramount

1. The Monarch always gives the royal to a bill.
2. Most countries have a written document known as “the”.
3. A is a non-legal rule of constitutional behaviour which is considered to be binding on those who operate the constitution but which is not enforced by the courts.
4. A general election was called after the of Parliament.
5. The British Constitution can be described as because it does not have the rigidity of most written constitutions as Parliament can reject any law by simple majority.
6. All money bills have to in the House of Commons.
7. The convention is that the Monarch must act on the advice given by her ministers, in particular the Prime Minister.
8. Much of the practical working of the constitution does not depend much on law but rather on conventions.
9. If the ministry loses confidence of the House of Commons, the Prime Minister must the resignation of himself or the ministry.
10. The British have a constitution as opposed to a federal constitution.

B K I X V A T N Q S E P H E A I
 M V R Y J N M O B V Z A C Y X Y
 V B S I E R Z I I R C R X S M V
 I U P S U T W T O E I A X G Z V
 M O S C O M N U K D M M T Z Y A
 C A X H W A Z T K N D O O H H E
 S O L K T S W I B E Q U U I O J
 O N N S Q I J T K T R N L R P G
 Q M B V D I S S O L U T I O N Y
 C U V V E J P N Y Z R G I L O V
 S O D Q K N O O A R I S G B O Z
 B B V U C Q T C I N A F K T N V
 E V J K Q F E I A B M T P P L T
 P F Y M C Z Y T O J S R I S Z O
 L E L B I X E L F N Y A H N V G
 Z I C F W N N J H Q E W Y P U U

► **Task 7. Write the defined legal terms.**

1. The place of Parliament where a legislative assembly meets.
2. The official report of what is said and done in the House of Commons and the House of Lords.
3. To end the life of a parliament by public announcement of the Monarch, leading to a general election.
4. To discontinue the meetings of a parliament without formally ending the session.
5. To call together a formal or official body (e.g. Parliament).
6. One of the areas into which a country is divided for election purposes, from which a representative is elected to serve in Parliament.
7. An election held between official general or local elections to fill a vacant seat, for example, to replace a member of parliament or local councilor who has died or resigned.
8. A political party that is not in power.
9. To be the chairperson or hold a similar position of authority at a formal gathering of people.

10. In a parliamentary system, the head of the cabinet and, usually, chief executive.
11. The presiding officer of a legislative body such as the U.S. House of Representatives or the British House of Commons.
12. Not to vote for or against a proposal when a vote is held.
13. The cabinet minister in the British government who is responsible for the administration of justice in England and Wales and is also the Speaker in the House of Lords.
14. A member of the House of Lords.
15. Holding a right, function, or property by right of inheritance.

► **Task 8. Choose the most appropriate word.**

1. Parliament can be for certain period of time at the end of a session, e.g. for summer.
A summoned B prorogued C dissolved D postponed
2. The Government is the institution that runs the country. It is also known as the.....
A executing B executives C exacting D executive
3. When a vote of no confidence is passed in Parliament, every minister and government official drawn from Parliament is expected from the executive.
A to resolve B to resign C to prorogue D to retreat
4. The Government formulates policy and introduces in Parliament.
A legislation B legislature C legislators D legislative
5. 6. A proposal for a new law is called a(n)
A bill B enactment C legislation D reading
6. MPs vote by walking through one of the two division
A whips B woollsacks C lobbies D Ayes/Noes

7. During Question Time, after the minister has answered the original question, the MP may ask a question relating to the minister's answer.

A supplementary B adding C motional D embarrassing

8. The UK legislature consists of

A Parliament B Parliament and the Cabinet
C The House of Commons and the House of Lords
D Parliament and the Monarch

► **Task 9. Match the words with their definitions. Two definitions are extra.**

1. constituency	a) to refuse to accept, agree to, believe in, or make use of something, e.g. because it is not good enough or not the right thing
2. to reject	b) to combine separate items or scattered material into a single whole or mass
3. whip	c) a written proposal for a new law, discussed and voted upon by the members of a legislative body
4. to consolidate	d) to call together a formal or official body
5. motion	e) to bring something such as a meeting or a political assembly (e.g. Parliament) to a formal close
	f) one of the areas into which a country is divided for election purposes, from which a representative is elected to serve in a legislative body
	g) an elected representative in a legislative body such as Congress or the U.K. Parliament who has special responsibility for ensuring discipline, attendance and voting among his or her party's representatives

► **Task 10. Fill the gaps with the most appropriate words from the box.**

electoral electors proportional representation majority
 enforced Lords Commons by-election general entitled

Britain's system is often called a 'First Past the Post System' or a 'simple(1) system - this means that a candidate needs to win more votes than any other candidate.

All British Citizens are(2) to vote (and they each have only the one vote with which to elect a candidate). They must be over the age of 18 and registered on the(3) roll.

The following are not eligible to vote:

- Members of the House of(4),
- Patients detained under the mental health act,
- Sentenced prisoners (over one year),
- People convicted within the last 5 years of corrupt or illegal electoral practises.

The general elections must occur within 5 years of the last election, although the government can call an election at any time. Prime Ministers usually therefore try to call an election at a time advantageous to them and their party (i.e. an economic up-turn).

A(5) is called when the queen dissolves parliament on the advice of the Prime Minister.

► **Task 11. Complete the text with the most appropriate words and phrases.**

judiciary organic entrenchment constitutional conventions
 uncodedified litigation flexibility the European Union
 Parliamentary sovereignty
 senior judges separation of powers unwritten looseness rigid

The Constitution of the United Kingdom

The Constitution of the United Kingdom is the(1) body of law and convention under which the United Kingdom is governed.

Because the UK has no single codified documentary, constitution along the lines of the Constitution of the United States, it is often said that the country has an „.....(2) constitution“. However, the majority of the British constitution does exist in the written form of statutes, court judgments and European treaties. The constitution does have some unwritten sources, including parliamentary(3) (more than most countries except New Zealand and Israel) and the royal prerogatives.

The bedrock of the British constitution is the doctrine of(4), according to which the statutes passed by Parliament are the UK's supreme and final source of law. It follows that Parliament can change the constitution simply by passing new Acts of Parliament. However UK membership of (5), the European Communities Act 1972, means the UK applies all EU law that it passes in common with other member states. Changing attitudes may also be seen among the.....(6): for example, the judgments of the Court of Appeal and the House of Lords in the *Jackson*(7) arising out of the Hunting Act 2004 indicate that(8) may no longer necessarily be prepared to view Acts of Parliament as sacrosanct.

The fact that the modern British constitution has emerged from an „..... (9) „process of evolution dating back to the Middle Ages, rather than through revolution and by design, has given it either a valuable(10) or a dangerous.....(11). On the one hand, its loose texture arguably makes it responsive to political and social change, especially since many of its principles are simply conventions. On the other hand, the absence of mechanisms for (12) means that far-reaching changes could in theory be made without popular support.

- **Task 12.** Unscramble each of the clue words. Copy the letters in the numbered cells to other cells with the same number.

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- **Task 13.** Read the text and match these terms from the text with their definitions.

- | | |
|---------------|---------------|
| 1. Purport | 9. Elicit |
| 2. Inevitable | 10. Expound |
| 3. Canon | 11. Impose |
| 4. Venerate | 12. Provision |
| 5. Recur | |
| 6. Deduce | |
| 7. Eulogist | |
| 8. Endow | |

- a) regard with deep respect
- b) a person who praises highly in speech or writing
- c) possess naturally
- d) lay, burden
- e) explain, make clear, by giving details
- f) legal condition
- g) draw out, cause to come out
- h) arrive at by reasoning, reach a conclusion
- i) general standard or principle by which something is judged
- j) seem to mean
- k) something that cannot be avoided
- l) come, happen again, be repeated

Written and Unwritten Constitutions

At the present day students of the constitution wish neither to criticise, nor to venerate, but to understand; and a professor whose duty it is to lecture on constitutional law, must feel that he is called upon to perform the part neither of a critic nor of an apologist, nor of an eulogist, but simply of an expounder; his duty is neither to attack nor to defend the constitution, but simply to explain its laws. He must also feel that, however attractive be the mysteries of the constitution, he has good reason to envy professors who belong to countries, such as France, Belgium, or the United States, endowed with constitutions of which the terms are to be found in printed documents, known to all citizens and accessible to every man who is able to read. Whatever may be the advantages of a so-called 'unwritten' constitution, its existence imposes special difficulties on teachers bound to expound its provisions. Any one will see that this is so who compares for a moment the position of writers, such as Kent or Story, who commented on the Constitution of America, with the situation of any person who undertakes to give instruction in the constitutional law of England ...

The American lawyer has to ascertain the meaning of the Articles of the Constitution in the same way in which he tries to elicit the meaning of any other enactment. He must be guided by the rules of grammar, by his knowledge of the common law, by the light (occasionally) thrown on American legislation

by American history, and by the conclusions to be deduced from a careful study of judicial decisions. The task, in short, which lay before the great American commentators was the explanation of a definite legal document in accordance with the received canons of legal interpretation. Their work, difficult as it might prove, was work of the kind to which lawyers are accustomed, and could be achieved by the use of ordinary legal methods.

The position of the English commentator or lecturer is entirely different from that of his American rivals. He may search the statute-book from beginning to end, but he will find no enactment which purports to contain the articles of the constitution; he will not possess any test by which to discriminate laws which are constitutional or fundamental from ordinary enactments; he will discover that the very term 'constitutional law' is of comparatively modern origin; and in short, that before commenting on the law of the constitution he must make up his mind what is the nature and the extent of English constitutional law.

His natural, his inevitable resource is to recur to writers of authority on the law, the history, or the practice of the constitution.

A. V. Dicey

► **Task 14. Read the text and find a word or phrase in the text which has a similar meaning.**

1. Use the highest authority
e..... the s..... p.....
2. For this reason
h.....
3. Settle the way in which something is done
d..... the m.....
4. Of that
t.....
5. Having the highest position on the death of a king or a queen
s..... to the
6. Considered to be nationals
d..... s..... or c.....
7. Short phrases which formulate the principle
m.....

8. Form

c.....

9. A code of practice for government

c..... of the c.....

The Conventions of the Constitution

Constitutional law, as the term is used in England, appears to include all rules which directly or indirectly affect the distribution or the exercise of the sovereign power in the state. Hence it includes (among other things) all rules which define the members of the sovereign power, all rules which regulate the relation of such members to each other, or which determine the mode in which the sovereign power, or the members thereof, exercise their authority. Its rules prescribe the order of succession to the throne, regulate the prerogatives of the chief magistrate, determine the form of the legislature and its mode of election. These rules also deal with Ministers, with their responsibility, with their spheres of action, define the territory over which the sovereignty of the state extends and settle who are to be deemed subjects or citizens. Observe the use of the word 'rules', not 'laws'. This employment in terms is intentional. Its object is to call attention to the fact that the rules which make up constitutional law, as the term is used in England, include two sets of principles or maxims of a totally distinct character.

The one set of rules are in the strictest sense 'laws', since they are rules which (whether written or unwritten, whether enacted by statute or derived from the mass of custom, tradition, or judge-made maxims known as the Common Law) are enforced by the Courts; these rules constitute 'constitutional law' in the proper sense of that term, and may for the sake of distinction be called collectively 'the law of the constitution'.

The other set of rules consist of conventions, understandings, habits, or practices which, though they may regulate the conduct of the several members of the sovereign power, of the Ministry, or of other officials, are not in reality laws at all since they are not enforced by the Courts. This portion of constitutional law may, for the sake of distinction, be termed the 'conventions of the constitution' or constitutional morality.

A.V. Dicey

- **Task 15. Read the text and match these terms from the text in A with their definitions in B.**

A

1. Counter
2. Sheriff
3. Supporter
4. Pandemonium
5. Duly
6. Editor
7. Scrutineer
8. Outcome
9. Lord Advocate
10. Relevant
11. Returning officer
12. Frenzy
13. By lot
14. Constitute
15. Tail

B

- a) wild and noisy disorder
- b) person who agrees with and encourages someone
- c) properly
- d) making of a selection or decision by methods depending upon chance
- e) side of a coin opposite to that in which there is the head of somebody
- f) person in charge of a newspaper or a section of a newspaper
- g) to give legal authority to
- h) violent excitement
- i) person who is officially appointed to count votes at the election
- j) official (usually a High Sheriff or mayor) who superintends a parliamentary election in a constituency, receives the nominations of candidates and announces the result of the vote

- k) (i) official appointed as the government's representative in a county;(ii) (in Scotland) chief judge in a district
- l) official who examines ballot paper to see that they are not filled in irregularly
- m) which has to do with what is being discussed
- n) member of the government who is one of the two Law Officers in Scotland
- o) result

First Among Equals

Once the counters and scrutineers had finished they sat in front of their piles and waited for the slips to be collected and taken to the Sheriff. When Sheriff had added up his little columns of figures for the final time he found that no votes had changed hands.

He explained to Andrew and Frank Boyle the procedure he intended to adopt in view of the outcome. He told both candidates that he had spoken to Lord Wylie at nine that morning and the Lord Advocate had read out the relevant statute in election law that was to be followed in such circumstances. Both candidates agreed on which of the two choices they preferred.

The Sheriff walked upon to the stage with Andrew Fraser and Frank Boyle in his wake, both looking anxious.

Everyone in the room stood to be sure of a better view of the proceedings. When the pushing back of chairs, the coughing and the nervous chattering had stopped, the Sheriff began. First he tapped the microphone that stood in front of him to be sure it was working. The metallic scratch was audible through the silent room. Satisfied, he began to speak.

"I, the returning officer for the district of Edinburgh Carlton, hereby declare the total number of votes cast each candidate to be as follows:

Frank Boyle 18,437

Jamie Lomax 5,714

Andrew Fraser 18,437

The supporters of both the leading candidates erupted into a noisy frenzy. It was several minutes before the Sheriff's voice could be heard above the babble of Scottish burrs.

„In accordance with section sixteen of the Representation of the People Act 1949 and rule fifty of the Parliamentary Election Rules in the second schedule to that Act, I am obliged to decide between tied candidates by lot,“ he announced. „I have spoken with the Lord Advocate of Scotland, and have confirmed that the drawing of straws or the toss of a coin may constitute decision by lot for this purpose. Both candidates have agreed to the latter course of action.“

Pandemonium broke out again as Andrew and Boyle stood motionless on each side of the Sheriff waiting for their fate to be determined.

„I have borrowed from the Royal Bank of Scotland,“ continued the Sheriff, aware that twenty million people were watching him on television for the first and probably the last time in his life, „a golden sovereign. On one side is the head of King George III, on the other Britannia. I shall invite the sitting member, Mr Fraser, to call his preference.“ Boyle curtly nodded his agreement. Both men inspected the coin.

The Sheriff rested the golden sovereign on his thumb, Andrew and Boyle still standing on either side of him. He turned to Andrew and said, „You will call, Mr Fraser, while the coin is in the air.“

The silence was such that they might have been the only three people in the room. Andrew could feel his heart thumping in his chest as the Sheriff spun the coin high above him.

„Tails,“ he said clearly when the coin was at its zenith. The sovereign hit the floor and bounced, turning over several times before settling at the feet of the Sheriff.

Andrew stared down at the lady and sighed audibly. The Sheriff cleared his throat before declaring, „Following the decision by lot, I declare the aforementioned Mr Andrew Fraser to be duly elected Member of Parliament for Edinburgh Carlton.“

Andrew’s supporters charged forward and on to the stage and carried him on their shoulders out of the city hall and through the streets of Edinburgh. Andrew searched for Louise and Clarissa, but they were lost in the crush.

The Royal Bank of Scotland presented the golden sovereign to the member the next day, and the editor of the and the editor of the *Scotsman* rang to ask if there had been any particular reason why he had selected tails.

“Naturally,” Andrew replied. “George III lost America for us. I wasn’t going to let him lose Edinburgh for me.”

CONSTITUTIONAL LAW: SELF-CHECK TEST

1. Read the text below. Choose the correct legal term/phrase in the box to complete the sentences. There are five extra legal terms/phrases.

Constitution of the UK

dictatorship	Prime Minister	written	vote
		separation of powers	sovereignty
parliamentary system		rule of law	unwritten law
state sovereign	governmental	political whip	legislative

The informal nature of the constitution has been conducive to a lack of the concept of “constitution government” or “constitutionalism” in the United Kingdom. The “government” (i.e. the executive) is drawn from the legislature, Parliament, since the UK has a (1) _____ of government. The doctrine of “limited government”, central in all (2) _____ constitutions, is not prominent in the UK constitution, nor is (3) _____ or formal “checks and balances.” Since the government is said to be “fused” with Parliament, and virtually every government has a majority, governments have no formal restraint on their (4) _____ power.

This is broken only if government Members of Parliament (5) _____ against a government bill, which due to a strong (6) _____ system had, until 2005, not occurred since 1986. The phrase elective (7) _____ was introduced in 1976 to highlight the enormous potential power of government afforded by the constitution. In practice, some principles and elements of the constitution, such as the (8) _____ are so ancient and ingrained in the UK’s (9) _____ culture that they would be extremely difficult to abolish. Parliamentary (10) _____ and the rule of law have been widely considered the most important principles of the constitution since the nineteenth century, and attempts to substantially circumvent them would likely be met with backlash by the electorate or monarch.

2. Make the derivatives where possible.

NOUN (PERSON)	NOUN (CONCEPT)	VERB	ADJECTIVE/ PARTICIPLE
1.		appeal	
2.	government		
3. sovereign			
4.			violation
5.	parliament		
6.		abolish	
7. ruler			
8.		legislate	
9.		inherit	
10.			judicial

3. Complete the sentences with the most appropriate legal term/phrase.

1. The term *substantially* means:

A considerably B unimportantly C quickly D respectfully

2. The court ruled that the new law was _____ the Constitution.

A incompatible by B incompatible to C incompatible with
D incompatible for

3. In Lithuania all laws enacted by the Parliament are _____ judicial review by the Constitutional Court.

A subject to B subject of C subject by D subject for

4. In accordance with the Constitution of the Republic of Lithuania any law or other statute which contradicts the Constitution is _____.

A optional B invalid C valid D compulsory

5. Only a person whose reputation is _____ can be appointed as a justice of the Constitutional Court in Lithuania.
 A doubtful B a subject of discussion C an issue of debate
 D impeccable
6. The results of the _____ will be announced tonight.
 A ballot B electorate C take first the post D general elections
7. The term *instrument* means
 A a mechanism B a tool C a document D a doctrine
8. The powers of the legislature, executive and judiciary are _____ in written constitutions.
 A presented B interpreted C found D entrenched
9. The monarch in the UK has some powers that are by convention _____ only on the advice of the Prime Minister and Cabinet.
 A acted B practiced C exercised D done
10. Most constitutional courts have the power to declare laws _____.
 A illegal B ineligible C unconstitutional D unjustified

4. Insert the missing preposition where necessary.

1. contradict _____ the constitution
- 2-3. _____ compatibility _____ legislation _____ the constitution
4. adopt a constitution _____ a solid majority
5. the court _____ last resort
6. a vote _____ no confidence
7. draw a minister/government official _____ Parliament
8. accede _____ a treaty, convention, etc
9. elect _____ a nine-year term of office
10. qualify _____ the position of Constitutional Court Justices

5. Translate the legal terms into English.

1. valdžių atskyrimas _____
2. neliečiamas _____
3. įgimta, prigimtinė teisė _____
4. apkalta _____
5. konstitucijos šaltiniai _____
6. turintis teisę būti išrinktam _____
7. nutraukti parlamento sesiją, pratęsiant, nukeliant darbą vėliau

8. paleisti parlamentą _____
9. papildomieji rinkimai (parlamentarui atsistatydinus ar mirus)

10. siūlyti kandidatų _____

10. State Organs of the UK

10.1. The Legislature

⇒ Wordlist

accountable (adj), ~ to *smb/smith*
 act (n), *Act of Parliament, Parliament Act*
 affiliate (v), affiliation (n)
 assent (n), *the Royal ~, grant/give the Royal ~ to a Bill*
 assert (v), ~ *the supremacy of smth*
 authority (n), *legislative/supreme ~*
 award (v), ~ *peerages*
 bicameral (adj), ~ *Parliament*
 bill (n), *Money/Public Bill, block/veto ~s*
 civil service, civil servant
 concurrence (n), concurrent (adj)
 confer (n), ~ *power, be conferred with the power*
 consensus (n)
 consent (n)
 constituency (n), *single member ~*
 constitutional (adj), ~ *convention, ~ check/safeguard*
 disclaim (v), ~ *peerages*
 disqualify (v), *be disqualified from becoming an MP*
 dissolve (v), ~ *Parliament*
 dissolution (n), ~ *of Parliament*
 draft (v), ~ *a law*
 draw (v), *be ~n from Parliament*

election (n), *general ~, by-~*
 enact (v), enactment (n)
 ensue (v)
 ex-officio (a), ~ *members of the House*
 expenditure (n), *scrutinising ~*
 first past the post voting system
 inherit (v), ~ *a seat*
 initiate (v), ~ *a law/a legislative proposal*
 interim (adj), *on an ~ basis*
 Justice (n), ~ *of the Supreme Court*
 legislate (v), legislature (n)
 legislation (n), *primary/secondary ~*
 lord (n), *law lords, Lords Temporal, Lords Spiritual*
 Member of Parliament (MP)
 notwithstanding (prep)
 oath (n), *swear an ~*
 office (n), *take/hold/stay in/retire from ~*
 override (v), ~ *the domestic law*
 parliamentary (adj), ~ *session*
 passage (n), ~ *of Money/Public Bills*
 peer (n), *life/hereditary ~s*
 plurality voting system
 predominately (adv)
 preside (v), ~ *over meetings*

Prime Minister
 prior to (prep), ~ *the enactment*
 prorogue (v), ~ *Parliament*
 prorogation (n), ~ *of Parliament*
 public service, *recognition of* ~
 redress (v), ~ *grievances*
 renounce (v), ~ *affiliation with a*
 party
 retain (v), ~ *support*
 scrutinise (v), ~ *legislative proposals*
 scrutiny (n)
 seat (n)
 sit (v), sitting (n)

Sovereign (n)
 sovereignty (n), *parliamentary* ~
 Speaker, Lord Speaker
 spending (n), *authorise* ~
 subordinate, ~ *chamber*
 suffrage (n), *universal adult* ~
 summon (v), ~ *Parliament*
 summons (n), ~ *of Parliament*
 tax (n), taxation (n)
 thereby (adv)
 undermine (v), ~ *the basic rights*
 vacant (adj), vacancy (n)

TASKS

► Task 1. Match the words with their definitions.

1. Sovereign	a) a position as a member of an official body or group, especially in an elected legislature
2. consensus	b) unwritten old, established practices whose very existence over the years has invariably lead to the smooth operation of government
3. the Prime Minister	c) an election held between official general or local elections to fill a vacant seat, for example, to replace a member of parliament or local councilor who has died or resigned
4. constituency	d) as a result of the official position somebody holds
5. by-election	e) to be the chairperson or hold a similar position of authority at a formal gathering of people
6. MP	f) having two separate and distinct lawmaking assemblies
7. scrutiny	g) lower than somebody in rank or status

8. hereditary	h) general or widespread agreement among all the members of a group
9. to preside (over)	i) a formal expression of agreement or acceptance
10. the Supreme Court	j) a member of the nobility in Great Britain and Northern Ireland; a member of the House of Lords
11. affiliation	k) to bring something such as a meeting or a political assembly to a formal close
12. subordinate	l) one of the areas into which a country is divided for election purposes, from which a representative is elected to serve in a legislative body
13. to dissolve	m) close, careful, and thorough examination or inspection
14. assent	n) in a parliamentary system, the head of the cabinet and, usually, chief executive
15. ex-officio	o) a written proposal for a new law, discussed and voted upon by the members of a legislative body
16. bicameral	p) king or queen, monarch
17. bill	q) being in close connection as a member
18. constitutional convention	r) holding a right, function, or property by right of inheritance
19. seat	s) the highest court
20. peer	t) Member of Parliament

► Task 2. Make word partnerships.

1. parliamentary	a) legislation
2. bicameral	b) check

3. primary	c) convention
4. general	d) Parliament
5. civil	e) party
6. political	f) business
7. geographically-defined	g) sovereignty
8. constitutional	h) peers and peeresses
9. hereditary	i) court
10. legislative	j) servants
11. constitutional	k) committees
12. select	l) election
13. highest domestic	m) chamber
14. parliamentary	n) proposals
15. subordinate	o) constituency

► **Task 3. Match the verbs to make word collocations.**

1. to pass	a) laws
2. to be responsible to	b) an oath
3. to draw government ministers from	c) Parliament
4. to hold	d) constituents' grievances
5. to dissolve	e) becoming an MP
6. to be presided over	f) taxation
7. to be disqualified from	g) the House of Commons
8. to be convicted of	h) legislation
9. to belong to	i) crimes
10. to swear	j) the seat
11. to award	k) the basic rights of the individual
12. to draft and initiate	l) primary legislation
13. to scrutinize	m) issues/policies
14. to vote for	n) legislative proposals

15. to spend/raise	o) by the Speaker
16. to redress	p) the domestic law of the UK
17. to undermine	q) a recognized political party
18. to override	r) the House of Commons
19. the domestic law of the UK	s) money
20. to reconsider	t) life peerages

► **Task 4. Insert the appropriate prepositions.**

1. The House of Commons is a democratically elected body consisting 646 members.
2. The Government is primarily responsible the House of Commons.
3. Almost all government ministers and Prime Ministers are drawn the House of Commons.
4. The House of Commons is presided by the Speaker.
5. Individuals convicted crimes are disqualified from becoming an MP.
6. The vast majority of MPs belong a recognized political party.
7. The UK uses a single member constituency and plurality voting system which is commonly referred as the 'first past the post' system.
8. the Life Peerages Act 1958 the Crown (for practical purposes, the Prime Minister) is conferred with the power to award life peerages to individuals so that they can sit in the House of Lords.
9. The Supreme Court will start its work in October 2009. By that time, the law lords will be removed the House of Lords and will become Justices of the Supreme Court.
10. The position of hereditary peers is also change.
11. By voting taxation, Parliament enables the administration of government to be carried out.
12. It is the House of Commons which has control financial matters, e.g. scrutinising expenditure and authorising spending as well as taxation.

13. Both Houses of Parliament act as forums for debate matters of public importance and interest.
14. The two Houses of Parliament co-operate each other efficiently, otherwise parliamentary business would become unworkable.

- **Task 5. Complete the text with the most appropriate words from the box.**

Crown Prosecution Law individual cases Fraud expenditure
 Advocate General apply courts criminal public bodies

Select Committee of the House of Commons: The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the(1), administration and policy of the Ministry of Justice and its associated(2) (including the work of staff provided for the administrative work of (3) and tribunals, but excluding consideration of (4) and appointments, and excluding the work of the Scotland and Wales Offices and of the (5) for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the (6) Service and the Serious (7) Office (but excluding individual cases and appointments and advice given within government by (8) Officers).

- **Task 6. Choose the most appropriate word to complete the sentence.**

1. It is the Queen in Parliament which passes legislation, and so the monarch is a constituent element of Parliament.
- a) secondary
 - b) primary
 - c) essential

2. The UK Parliament is.....
 - a) bicameral
 - b) unicameral
 - c) pre-eminent

3. MPs hold their seats until Parliament is
 - a) prorogued
 - b) summoned
 - c) dissolved

4. The House of Commons is over by the Speaker of the House of Commons.
 - a) deliberated
 - b) presided
 - c) debated

5. Certain elements of the executive (civil servants, police officers, etc.) are from becoming an MP.
 - a) disqualified
 - b) excluding
 - c) exempt

6. In event of an MP dying (or being disqualified) his seat becomes vacant and a(n) will ensue.
 - a) general election
 - b) appointment
 - c) by-election

7. The United Kingdom uses a single member constituency and plurality voting system which is commonly referred to as the 'first..... the post' system.
 - a) to
 - b) past
 - c) at

8. The spiritual members of the House of Lords as 'independents' as they are independent of any political party.
- a) participate
 - b) arrive
 - c) sit
9. By October 2009, the law lords will be removed from the House of Lords and will become Justices of the Court.
- a) Highest
 - b) Supreme
 - c) Judicial
10. Some proposals are initiated by parliamentary members in the form of Private Members' Bills.
- a) legislative
 - b) legislation
 - c) legal
11. 92 peers include 2 peers holding Great Offices of State and 90 other peers are elected in accordance the Standing Orders of the House of Lords.
- a) to
 - b) with
 - c) of

► **Task 7. Decide which pieces of information refer to the House of Commons and which to the House of Lords.**

- a) the second chamber of Parliament
- b) democratically elected body
- c) award life peerages to individuals in recognition of public service
- d) MPs
- e) geographically-defined constituencies
- f) Lord Great Chamberlain and the Earl Marshal

- g) almost all government ministers and Prime Ministers
- h) inherited their seat
- i) represent the link between the church and State
- j) the 'first past the post' system
- k) has the supreme legislative authority
- l) the Lord Speaker
- m) universal adult suffrage
- n) to disclaim peerages

The House of Commons	The House of Lords
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.

► **Task 8. Decide if the statements are true or false.**

How Much do you Know about MPs?

1. MP stands for Member of Politics.

True

False

2. An MP gets to represent her/his area of the country (known as a constituency) by being elected (voted for) by the people who live in that area of the country (known as the constituents).

True

False

3. An MP will take every issue brought to her/him by the constituents to be debated by everyone in the House of Commons.

True

False

4. The House of Commons is one part of the Houses of Parliament.

True

False

5. MPs from all the different parties meet up in the House of Commons to debate issues.

True

False

6. Anyone can try to be an MP.

True

False

7. The Prime Minister is not an MP.

True

False

8. There are about 659 MPs in the House of Commons.

True

False

9. In Parliament, all MPs are on the same side as the government.

True

False

10. All MPs are able to oppose the government by voting against its proposed laws.

True

False

10.2 The Executive

⇒ Word list

account (v), ~ *directly to smb*

accountable (adj), *directly ~ to smb*

administer (v), ~ *the policies of the department*

affairs (n), *domestic/foreign ~*

allegiance, *swear an oath of ~, owe ~ to*

anonymity (n), anonymous (adj)

appoint (v), appointment (n)

arguably (adj)

bureaucracy (n), bureaucratic (adj),

Cabinet (n)

Chancellor, *Lord Chancellor,*
Chancellor of the Exchequer

civil servant, *senior/lower-ranking ~*

constrain (v), constraint (n)

convention (n), *constitutional*
 ~, ~ of *collective/ministerial*
responsibility

deliberations (n)

department (n), *government* ~

deploy (v),

deployment (n), ~ of *troops*

determine (v), ~ *public policy/*
political direction

draft (v), ~ *legislative proposals*

element (n), (*non-*)*political* ~

embody (v), ~ *policy aims*

endorse (v)

execute (v), ~ *public policy*

executive (adj, n), ~ *agency, political*
 ~

give effect, ~ *to the laws*

HM Treasury

impartial (adj), *impartiality* (n)

implement (v), ~ *legislation*

initiate (v), ~ *policy*

inter alia (adv)

invariably (adv)

lay down (v), ~ *Bills before Parliament*

merge (v), ~ *government departments*

minister (n), *senior/junior* ~s

Ministry of Justice

motion (n), ~ of *no confidence*

nominal (adj), ~ *head of the executive*

office (n), *Home Office, Foreign*
Office

operation (n), *overall* ~ of *government*
policy

permanent (adj), *permanence* (n)

pilot (v), ~ *Bills through Parliament*

purport (v)

quango (n)

reconstitute (v)

resign (v), *resignation* (v)

scrutinise (v), *scrutiny* (n)

secretary (n), *Secretary of State, Home*
Secretary, Foreign Secretary

spokesman (n), ~ *for the government*

summit (n), ~s of *the European*
Council

tenure (n)

titular (adj), ~*head of the executive*

ultimately (adv)

TASKS

► Task 1. Match the words with their definitions.

1. Civil servant	A) loyalty and support for a ruler, country, group or belief
2. Inter alia	B) someone who is chosen by a group or organization to speak officially to the public for them
3. Allegiance	C) an official public position, or the period of time during which a person possesses it

4. Resign	D) a person who works in the government departments responsible for putting central government plans into action
5. Home Secretary	E) to give up a job or position by telling about it officially
6. Spokesman	F) among other things
7. Exchequer	G) not supporting any of the sides involved in an argument
8. Tenure	H) an organization which is established by a government to consider a subject of public importance, but which is independent from the government
9. Summit	I) the British government politician who controls the internal affairs of the state
10. Invariably	J) an important formal meeting between leaders of governments from two or more countries
11. quango	K) the government department which receives and gives out public money, in Britain and some other countries
12. Impartiality	L) always

► Task 2. Fill in the table with derivatives.

VERB	NOUN	ADJECTIVE
.....	executive
reign
govern
.....	serving
.....	representative
.....	dissolution
dominate
.....	resigned
administer
.....	determination

► **Task 3. Match the words to make word collocations**

1 the ministers swear	A) to a general election
2 the Prime Minister presides	B) to their ministerial head
3 a dissolution of Parliament prior	C) remain anonymous
4 Cabinet discussions	D) legislative proposals
5 junior ministers are bound by	E) an oath to the allegiance to the Crown
6 civil servants account directly	F) by the constitutional conventions
7 the departmental ministerial head	G) and execute the law
8 the permanent civil servants	H) over Cabinet meetings
9 the government initiates	I) on the executive
10 the UK executive initiate	J) remain secret
11 the relationship between Parliament and the Government is regulated	K) represents the public face of the department
12 Parliament acts as a constitutional check	L) the convention of collective responsibility

► **Task 4. Complete the text with the most appropriate words from the box.**

Convention to resign a dissolution initiates constraining
 accountable bills collective responsibility Civil Service
 administrators

1. The executive policy and implements the resulting legislation.
2. The Prime Minister must be drawn from the House of Commons so that he can be held directly to the elected representatives of the people.
3. One of the constitutional functions of the Prime Minister is to request of Parliament prior to a general election.
4. The body, like that of the office of the Prime Minister, owes its existence to constitutional

5. When the Prime Minister loses the support of the Cabinet he or she has
6. The Cabinet meets in private and its deliberations are secret; no vote is taken, and, by the principle of 'Cabinet unanimity', is assumed for all decisions taken.
7. Governmental ministers can be elected politicians, but some are peers, who determine the political direction of the department and the policies it
8. A change in government after a general election does not result in a change in the composition of the
9. The Legislature of the UK is Parliament but it is the government which drafts and introduces most which are laid down before Parliament to approve.
10. Parliament acts as a constitutional check on the executive and this is particularly important in the absence of a codified constitution the activities of the executive.

► **Task 5. Match the beginnings of sentences in (1-10) with their endings in (A-J).**

1. Government responsibility to both Houses of Parliament is secured	A) their ministerial head and not to Parliament.
2. In case of the government losing a motion of no confidence in the House of Commons,	B) a senior government minister who is the head of the department and a number of junior ministers.
3. Civil servants account directly to	C) historically by constitutional convention.
4. Civil servants will owe allegiance to the government of the day	D) through various parliamentary mechanisms.
5. The political element of each government department is comprised of	E) are bound, publicly, to support and endorse this policy.
6. The British constitution is hall-marked by Cabinet government with collective decision-making on	F) the Prime Minister must either recommend the dissolution of Parliament or offer his resignation with that of the government.

7. The constitutional office of the Prime Minister has developed	G) irrespective of its political persuasion.
8. The Home Office is headed by the Secretary of	H) major state and policy issues being made by a number of senior government ministers.
9. Decisions are made collectively and once a decision has been reached all members of the Cabinet	I) public policy in terms of both domestic and foreign affairs.
10. The executive of the UK also determines and executes	J) State for the Home Department, commonly known as the Home Secretary.

► **Task 6. Insert the appropriate prepositions.**

1. It executes public policy terms of both domestic and foreign affairs.
2. The police enforce the law a practical basis.
3. The ministers swear an oath of allegiance the Crown.
4. The Prime Minister must be drawn the House of Commons so that he can be held directly accountable the elected representatives of the people (MPs).
5. The Prime Minister acts as the principal spokesman the government in the House of Commons
6. The Cabinet comprises the most senior ministers who discuss, debate and collectively agree government policy.
7. The Cabinet is regulated a number of constitutional conventions.
8. The political element of each government department is comprised a senior government minister who is the head of the department and a number of junior ministers .
9. Anonymity allows civil servants to give advice confidence and enables them to serve successive different governments.
10. Government ministers are individually responsible Parliament their actions and the policy.

10.3 The Monarch

⇒ Word list

act (v), *~ on smb's behalf/in the name of smb*

agenda (n), *the Government's legislative ~*

appoint (v), *~ government ministers*

appointment (n), *determine/make ~*

assent (n), *the Royal ~ Assent, grant/ give the Royal ~ to Bills*

award (v), *~ honours/dignities*

cede (v), *~ territories*

Commander-in-Chief of the armed forces

Commonwealth of Nations

confer (v), *~ honours/dignities*

consent (n)

constitutional monarchy

convention (n), *constitutional ~, regulated by ~*

Crown (n)

deploy (v)

deployment (n), *~ of armed forces/ troops*

discretion (n), *exercise a personal ~*

dissolve (v), dissolution (n)

exercise (v), *~ constitutional powers/ authority/rights*

grant (v), *~ honours/dignities*

Her Majesty, *~'s Government*

hung Parliament

imply (v), implication (n)

impose (v), *~ a penalty*

judicial (adj), judiciary (n)

monarch (n), *the current ~*

office (n), *~ of state, state ~*

officer (n), *state ~, ~ of state*

pardon (n, v), *grant ~s, ~ criminals*

prerogative (n, adj), *the Royal Prerogative, constitutional/legal ~s, the ~ of mercy, under the ~, ~ powers*

Privy Council

prorogue (v), prorogation (n)

provision (n), *~ of the Act*

rank (n), *individuals of high ~*

remit (v), *~ the penalties*

revoke (v)

revocation (n), *~ of passports*

seat (n), *the majority of ~s*

secular (adj), *~ institution*

Sovereign (n), *hereditary ~*

State Opening of Parliament

succeed (v), *~ to the throne*

succession (n)

successive (adj), *~ monarchs*

summon (v), summons (n)

Supreme Governor of the Church throne (n)

TASKS

► **Task 1. Match the words with their definitions.**

1. sovereign	a) to end a session of parliament
2. Royal Prerogative	b) formal passing of a Bill into law to become an Act of Parliament
3. successive	c) being able to decide correctly what should be done
4. to summon	d) to reduce a prison sentence
5. to prorogue	e) following in uninterrupted order; consecutive
6. to dissolve	f) the administrative service of a government or international agency
7. hung parliament	g) action of forgiving an offence (by the Sovereign or by Parliament)
8. discretion	h) to call together, to convene
9. Royal Assent	i) special right of the monarch to do something
10. consent	j) to grant, to bestow an honour
11. pardon	k) to pass possession of a territory to another country
12. to remit	l) to end a session of parliament and to force a general election
13. to confer	m) agreeing that something should happen
14. civil service	n) king or queen
15. to cede	o) parliament where no single party has enough votes to form a government

► **Task 2. Complete the sentence with the most appropriate word.**

1. Each parliamentary session begins with the monarch's of Parliament.
 - a) prorogation
 - b) dissolution
 - c) summons

2. of Parliament usually occurs about one year after a session begins and formally concludes the session.
 - a) prorogation
 - b) dissolution
 - c) summons

3. ends a parliamentary term and is followed by a general election for all seats in the House of Commons.
 - a) prorogation
 - b) dissolution
 - c) summons

4. Although under the prerogative it is the monarch who formally the Prime Minister, the practical reality is that following constitutional convention she will appoint the party leader that has secured the majority of seats in the House of Commons
 - a) exercises
 - b) appoints
 - c) remits

5. In parliamentary systems, a parliament is one in which no one political party has an outright majority.
 - a) hanged
 - b) hanging
 - c) hung

6. Although in strict law the Sovereign enjoys considerable historic constitutional and legal powers, in practice these are either regulated by constitutional convention or exercised by the Queen's ministers acting her behalf in the name of the Crown.
- a) on
 - b) in
 - c) at
7. The prerogative of mercy includes the monarch pardoning criminals or the penalties imposed on them.
- a) reminding
 - b) remitting
 - c) rectifying
8. Royal prerogative executive powers also include issuing and of passports.
- a) revocation
 - b) remission
 - c) rescission

- **Task 3. Complete the text with the most appropriate words from the box.**

grant	advisors	monarchy	held	judicial	secondary legislation
executive orders	functioning	Counsellor	exercise	chief officer	

The Privy Council

Her Majesty's Most Honourable Privy Council is a body of (1) to the British Sovereign. Its members are largely senior politicians, who were or are members of either the House of Commons of the United Kingdom or House of Lords.

The Privy Council, the successor of the Privy Council of England, was formerly a powerful institution, but its policy decisions are now controlled by one of its committees, the Cabinet of the United Kingdom. It advises the Sovereign

on the (2) of the Royal Prerogative, and issues (3) known as Orders-in-Council and Orders of Council. Orders of Council are issued under the specific authority of Acts of Parliament, which delegate such matters to the Council, and are normally used to regulate public institutions. The Council advises on the issuing of Royal Charters, which (4) special status to incorporated bodies and city and borough status to towns.

The Sovereign exercises executive authority by making Orders-in-Council upon the advice of the Privy Council. Orders-in-Council, which are drafted by the government rather than by the Sovereign, are (5) and are used to make government regulations and to make government appointments.

The members of the Council are collectively known as “The Lords of Her Majesty’s Most Honourable Privy Council”. The (6) of the body is the Lord President of the Council. The Sovereign may appoint anyone a Privy..... (7), but in practice appointments are made only on the advice of the Government, and generally consist only of senior members of the government. Meetings of the Privy Council are normally (8) once each month wherever the Sovereign may be residing at the time.

The Council also performs (9) functions, which are for the most part delegated to the Judicial Committee.

► **Task 4. Make nouns and adjectives with the given words.**

Noun	Adjective
ceremony	
	lawful
succession	
execution	
legislation	
	conventional
	discretionary
advice	
judiciary	
	ministerial

► **Task 5. Make words collocations with the given verbs.**

1. to enjoy	a) the prime minister and ministers
2. to summon	b) the session
3. to prorogue	c) a speech
4. to dissolve	d) parliament
5. to conclude	e) criminals
6. to deliver	f) war
7. to appoint	g) residual authority
8. to grant	h) parliament
9. to declare	i) honours
10. to cede	j) territories
11. to pardon	k) passports
12. to remit	l) constitutional and legal powers
13. to confer	m) royal assent to bills
14. to issue and revoke	n) the penalties
15. to exercise	o) parliament

► **Task 6. Match the beginnings of sentences in A with their endings in B.****A**

1. Some of the government's executive authority is theoretically and nominally vested in the Sovereign,
2. Many Crown prerogatives have fallen out of use
3. In practice, prerogative powers are only exercised
4. The Royal Prerogative includes the powers to appoint and dismiss ministers, regulate the civil service, issue passports,
5. It is the prerogative of the monarch
6. Before a bill passed by the legislative Houses can become law,
7. The monarchy is the most ancient
8. Queen Elisabeth II succeeded to the throne

B

- a) the Royal Assent (the monarch's approval) is required.
- b) and is known as the Royal Prerogative.
- c) on the Prime Minister's advice - the Prime Minister, and not the Sovereign, exercises control.
- d) to summon, prorogue and dissolve Parliament.
- e) or have been permanently transferred to Parliament.
- f) declare war, make peace, direct the actions of the military, and negotiate and ratify treaties, alliances, and international agreements.
- g) in 1952.
- h) secular institution in the United Kingdom.

- **Task 7. Unscramble each of the clue words. Copy the letters in the numbered cells to other cells with the same number.**

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► **Task 8. Answer the questions.**

1. What is characteristic of a constitutional monarchy?
2. What regulates the British monarch's historic constitutional and legal powers?
3. What is known as the Royal Prerogative?
4. What are the Queen's constitutional prerogatives?
5. What are the monarch's functions related to Parliament?
6. Who usually becomes the Prime Minister?
7. On whose advice does the monarch act while appointing government ministers?
8. What is the monarch's role in the legislative process?
9. What do the legal prerogatives of the Crown include?
10. Who declares war or makes peace as well as makes decisions on the disposition of troops overseas or in the UK?
11. What is the monarch's role in making appointments to important offices of state?
12. What does the prerogative of mercy include?
13. Are all the honours granted upon the advice of the Prime Minister?
14. What are the functions and the composition of the Privy Council?

**STATE ORGANS OF THE UK PARLIAMENT. THE EXECUTIVE.
THE MONARCH: SELF CHECK TEST**

1. What's the legal term?

1. A draft of a proposed new law presented to a law-making body _____
2. The branch of government that is charged with such powers as overseeing the execution of laws, diplomatic representation, appointment of officials, etc. _____
3. The name for residual constitutional powers exercised by the monarch _____
4. An institution not concerned with or devoted to religion _____
5. Observe, check out, and look over carefully or inspect _____

6. A special election held between general elections to fill a vacancy, as for a parliamentary seat _____
7. A form of government established under a constitutional system which acknowledges an elected or hereditary monarch as head of state _____
8. The district in which citizens elect a representative for their area _____
9. To express one's preference for a candidate in an election _____
10. A process whereby people choose a person or party to fill a position _____
11. A meeting of heads of governments or other high officials _____
12. A quasi nongovernmental organization; an organization that is financed by the government yet acts independently of the government _____
13. The monarch's pardoning criminals or remitting the penalties imposed on them _____
14. Parliament where no single party has enough votes to form a government _____
15. A voting system in which a single winner is chosen by having the most votes

2. Write the legal term referring to a person who is

1. appointed to a high office in the government _____
2. a member in the House of Commons _____
3. a government worker usually hired on the basis of competitive examinations _____
4. a king, queen, or other noble person who serves as chief of state; a ruler or monarch _____
5. a citizen who has a legal right to participate in an election _____
6. in a parliamentary system, the head of the cabinet and, usually, chief executive _____

7. the presiding officer of the House of Commons of the UK

8. chosen to speak on behalf of another person or group _____
9. a member of the House of Lords who has been awarded this right by the Crown _____
10. a member of the House of Lords who has inherited his/her seat

3. Write the synonyms to the legal terms/phrases below.

1. agreement, approval _____
2. call together; convene _____
3. discontinue a session of (a parliament) _____
4. temporary _____
5. Ministry of Foreign Affairs _____
6. plurality voting system _____
7. a house (about a parliament) _____
8. the highest _____
9. term, duration of office _____
10. limit, restrict _____

► **4. Write the antonyms to the legal terms given below.**

1. dissolve (a parliament) _____
2. award peerages _____
3. unicameral _____
4. receive (about territories) _____
5. primary; higher in hierarchy _____

► **5. Write the missing preposition where necessary.**

1. allegiance _____ the crown, the state
2. head _____ the executive
3. be accountable _____ the elected representatives
4. the Cabinet comprises _____ the most senior ministers

5. be constrained _____ the constitution
6. revocation _____ passports
7. grant assent _____ a document
8. disqualified _____ becoming a member of parliament
9. seats falls _____ vacant
10. authority is vested _____ the sovereign

6. Translate the legal terms/phrases into English.

1. nusistovėjusi konstitucinė tvarka; politinė praktika _____
2. paskirti ministrą _____
3. sumažinti baudmę _____
4. antriniai teisės aktai _____
5. tarptautinės sutarties patvirtinimas (parlamente) _____
6. duoti priesaiką _____
7. pasiūlymas dėl nepasitikėjimo _____
8. išlaidos _____
9. kolektyvinė atsakomybė _____
10. Vidaus reikalų ministerija (Jungtinėje Karalystėje) _____

11. International Law

⇒ Wordlist

advisory (adj), ~ <i>opinion</i>	judicial (adj), ~ <i>organ/office/system/tribunal</i>
alien (n), <i>the treatment of ~s</i>	jurisdiction (n), ~ <i>(over territory), to exercise ~</i>
apply (v), ~ <i>to the court</i>	legal (adj), ~ <i>dispute/system</i>
applicable (adj), ~ <i>law</i>	municipal (adj), ~ <i>law</i>
boundary (n), <i>state ~</i>	party (n), ~ <i>to a treaty</i>
charter (n), <i>the ~ of the United Nations</i>	peremptory (adj), ~ <i>norms</i>
clause (n), <i>jurisdictional ~</i>	procedure (n)
community (n), ~ <i>behaviour</i>	procedural (adj), ~ <i>law</i>
compulsory (adj)	provision (n)
convention (n), ~ <i>in force</i>	refugee (n), <i>the rights of ~s</i>
declaration (n), <i>to make a ~</i>	remedy (n)
derogation (n)	sit (v)
diplomatic (adj), ~ <i>law / immunity</i>	sitting (n)
dispute (n), <i>resolution of ~s</i>	sovereign (adj)
entitle (v), <i>be ~d to smth</i>	sovereignty (n)
entity (n)	state (n), <i>relationship of ~s</i>
international (adj), ~ <i>humanitarian law, ~ law, private/public ~ law, ~ treaty</i>	immunity (n)
institute (v), ~ <i>(proceedings) against someone</i>	substantive (adj), ~ <i>law</i>
judge (n, v)	under (prep) ~ <i>a statute/law</i>

TASKS

► Task 1. Match the words (1-10) with their definitions (a-j).

1. entity	a) foreigner who has not become a citizen of the country where he/she is living
2. immunity	b) written legal agreement between countries

3. diplomat	c) someone who has been forced to leave their country for political reasons or during a war
4. alien	d) line marking the edge of a piece of land
5. boundary	e) independent country
6. acquisition	f) protection against arrest or prosecution
7. treaty	g) thing which exists in law
8. refugee	h) the act of gaining or coming to possess
9. remedy	i) person who is an official representative of his country in another country
10. state	j) way of repairing harm or damage suffered

► **Task 2. Complete the sentences below using the words in the box.**

alien municipal customary jurisdiction tribunals sovereign entity
substantive judicial treaties private boundary immunity remedy

1. International humanitarian law, also known as the law of war, the laws and customs of war or the law of armed conflict, is the legal corpus comprised of the Geneva Conventions and the Hague Regulations, as well as subsequent, case law, and customary international law.
2. unwritten rules of war, many of which were explored at the Nuremberg War Trials, define both the permissive rights of these powers as well as prohibitions on their conduct when dealing with irregular forces and non-signatories.
3. A fundamental concept of diplomatic law is that of diplomatic, which derives from state immunity.
4. International criminal law is an autonomous branch of law which deals with international crimes and the courts and set up to adjudicate cases in which persons have incurred international criminal responsibility.
5. The prisoner refused to recognize the of the court, i.e. he did not believe that the court had the legal right to try him.
6. The dispute dragged through the court for years.

7. She was declared as an undesirable and was eventually deported from the state.
8. His private company is a separate
9. law includes all English common law and statute law which deal with legal principles (as opposed to procedural law).
10. International law has no established compulsory system for the settlement of disputes or coercive penal system.

► **Task 3. Read the statements and decide if they are true or false.**

1. The major legal systems of the world commonly recognize certain general principles of law.
2. International law has an established judicial system for the settlement of disputes and a coercive penal system compulsory for all the states.
3. The participation of states in its formulation, observance, and enforcement is not voluntary but compulsory.
4. The term „public international law“ is not quite the same as „private international law“. International law is the body of law that regulates the activities of sovereign states. International law is able to stop the outbreak of war and military conflicts. International environmental law is the body of international law that concerns the protection of the global environment.
5. International treaties are written legal agreement between countries.
6. Legal principles are not invoked to supplement international law when necessary.
7. A refugee is someone who has been forced to leave their country for political reasons or during a war.

► **Task 4. Choose the correct word to complete the sentence.**

1. International law consists of rules and principles which govern relations and dealings of with each other.
 A individuals
 B states
 C companies
 D sovereigns

2. Customary international law results when states follow certain principles generally and consistently out of a sense of legal
- A meaning
 - B duty
 - C obligation
 - D customs
3. When are executed in two languages, both versions are viewed as originals.
- A agreement
 - B signatures
 - C interpretations
 - D treaties
4. International law imposes upon the nations certain duties with respect to individuals, therefore, it is a violation of international law to treat a(n) in a manner which does not satisfy the international standards of justice.
- A alien
 - B foreigner
 - C person
 - D woman
5. International law is horizontal, with all states being and theoretically equal.
- A disputed
 - B dependent
 - C sovereign
 - D declared
6. A is partial taking away of the effectiveness of a law, the partial revocation of a law.
- A derogation
 - B ban
 - C excuse
 - D remedy

7. A trial date may be established by the court on its own motion or at the request of a party, this date being final, absolute, not admitting of question or appeal.
 - A necessary
 - B peremptory
 - C important
 - D substantive

8. A great number of were forced to leave their own country during the war.
 - A prisoners
 - B entities
 - C refugees
 - D children

9. The terrorist attack was condemned by the entire international
 - A society
 - B people
 - C nation
 - D community

10. Borders define geographic of political entities or legal jurisdictions, such as governments, states or subnational administrative divisions.
 - A procedures
 - B conflicts
 - C margin
 - D boundaries

► **Task 5. Read the statements about the International Court of Justice and decide if they are true or false.**

1. States and individuals may apply to and appear before the Court.
2. The Members of the Court do represent their governments.
3. The Court is located at the Peace Palace in the Hague (The Netherlands).

4. The principal sources of the applicable law of the Court are international treaties and conventions in force, international custom and the general principles of law.
5. The Court is composed of 15 judges elected to six-year terms of office by the United Nations General Assembly and Security Council sitting independently of each other.
6. International organizations are also entitled to institute proceedings before the Court.
7. The Member States of the United Nations are entitled to apply to the Court.
8. The Court settles in accordance with international law the legal disputes submitted to it by States.
9. The judges must possess the qualifications required in their respective countries for a lawyer.
10. International organizations are entitled to institute proceedings before the Court.

► **Task 6. Match these terms (1-10) with their synonyms (a-j).**

1. legal	a) meeting of a court
2. dispute	b) mandatory
3. to apply to the court	c) to start proceedings
4. sitting	d) lawful
5. to be entitled	e) to go to the court
6. compulsory	f) according to a statute
7. to institute proceedings	g) official statement
8. clause	h) disagreement, argument
9. declaration	i) section
10. under a statute	j) to have the right

► Task 7. Complete the sentences below using the words in the box.

provision	advisory	organ	opinion	judge	party
international	sitting	under	bodies	legal	clauses
	apply	entitled	judicial	compulsory	

1. The composition of the International Court of Justice has also to reflect the main forms of civilization and the principal systems of the world.
2. The main official who presides over a court and in civil cases decides which party is in the right is the
3. He is of legal age and already to vote.
4. The company is not a to the agreement.
5. No has been made for car parking in the plans for the office block.
6. No one can enter the room when the committee is
7. Only States may to and appear before the International Court of Justice.
8. The International Court of Justice can give opinions on legal questions referred to it by duly authorized international organs and agencies.
9. There are many in the contract.
10. the terms of the commercial treaty, the states trade with each other.
11. In principle the Court's advisory opinions are consultative in character and are therefore not binding as such on the requesting
12. The court ordered a liquidation of the company.

► Task 8. Choose the word which best completes the sentence.

1. The procedure followed by the Court in contentious cases is defined in its
 A Legal
 B Statute

C agreement

D disputes

2. After the oral proceedings the Court deliberates in camera and then delivers its judgment at a public

A sitting

B meeting

C consideration

D discussion

3. In principle the Court's opinions are consultative in character and are therefore not binding as such on the requesting bodies but certain instruments or regulations can, however, provide in advance that such an opinion shall be binding.

A important

B advice

C legal

D advisory

4. Other States which are not Members of the United Nations, nor parties to the Statute of the Court may be in cases before the Court under certain conditions.

A sides

B representatives

C parties

D bodies

5. The subsidiary sources of applicable law of the Court are decisions and the teachings of the most highly qualified publicists.

A court

B judicial

C judiciary

D judge

6. Two or more States in a on a specific issue can agree to submit it jointly to the Court and to conclude a special agreement to that end.
 - A argument
 - B debates
 - C dispute
 - D discussing

7. The States parties to the Statute of the Court may opt to a unilateral declaration recognizing the jurisdiction of the Court as compulsory.
 - A say
 - B declare
 - C pronouncing
 - D make

8. When the Court does not include a possessing the nationality of a State party to a case, that State may appoint a person to sit as a judge *ad hoc* for the purpose of the case.
 - A judge
 - B organ
 - C system
 - D lawyer

9. International organizations, other collectivities and private persons are not entitled to proceedings before the Court.
 - A initiate
 - B institute
 - C make
 - D allow

10. Since 1946 the Court has given 25 advisory opinions, concerning inter alia the consequences of the construction of a wall in the occupied Palestinian territory, admission to United Nations membership, reparation for injuries suffered in the service of the United Nations, etc.
 - A judiciary

- B advisory
C compulsory
D legal

► **Task 9. Match these terms (1-10) with their definitions (a-j).**

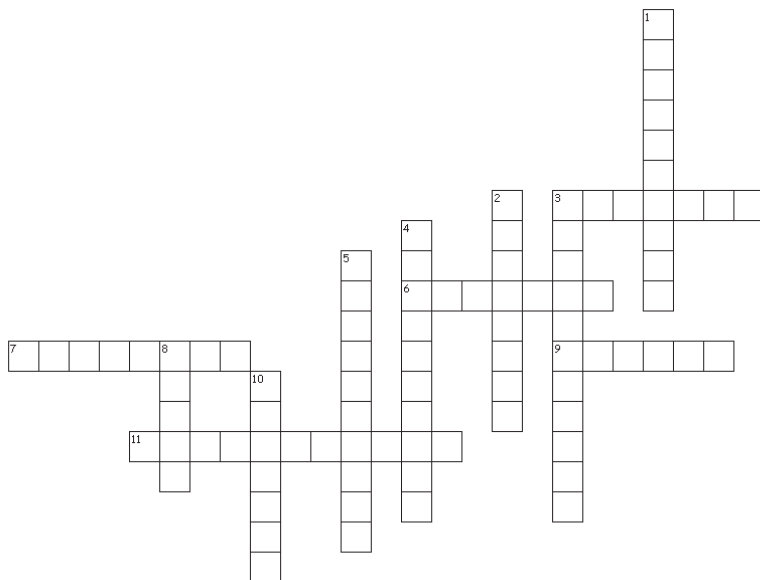
1. international	a) immunity
2. the acquisition	b) customary international law
3. state	c) norms
4. to settle	d) international crimes
5. to codify	e) treaty
6. peremptory	f) system
7. the maintenance	g) of territory
8. to deal with	h) international law
9. legal	i) of international peace and security
10. to enforce	j) disputes

► **Task 10. Match the words with their opposites.**

1. international law	a) procedural law
2. sovereign state	b) illegal
3. substantive law	c) optional
4. private	d) municipal law
5. war	e) international
6. compulsory	f) loss of territory
7. legal	g) peace
8. citizen	h) occupied state
9. national	i) alien
10. acquisition of territory	j) public

► Task 11. Do the crossword.

International law



Across

3. A meeting or session of an official body such as a legislature or court
6. Somebody who seeks or takes refuge in a foreign country, especially to avoid war or persecution
7. The official line that divides one area of land from another
9. Something that exists as or is perceived as a single separate object
11. A formal document giving explicit details such as the terms of a business agreement or plan, or information on goods or assets for tax purposes

Down

1. A deviation from a rule or law, especially one specifically provided for

2. Exemption or protection from something unpleasant, e.g. a duty or penalty, to which others are subject
3. The right to self-government without interference from outside
4. Expecting to be obeyed and unwilling to tolerate disobedience
5. An agreement between groups, especially an international agreement slightly less formal than a treaty
8. A citizen of a country other than the one he or she is currently in
10. A formal written statement describing the rights and responsibilities of a state and its citizens

► **Task 12. Complete the words and find them in the word search.**

AL - - N	C - - RTER	CO - - ENTION
CO - - T	- - STOM	DIP - - MAT
DIS - - TE	I - - UNITY	- - W
OB - - GATION	SOVE - - IGNTY	TR - - TY
TR - - UNAL		

T L P C S M T R U O C A L T C
 J R A K F O L P B L L D A C O
 T S E E X X V L B I Z I N U N
 J W I A E N I E E J Z A U S V
 M Z W K T G T N R O G S B T E
 A M R K A Y J A M E X G I O N
 O A Y T I N U M M I I R R M T
 F R I K K H A W V O E G T B I
 W O I S W X G T B T L F N J O
 N N L Z M A Z V R W B P U T N
 X G D Y R W L A Z Q B I I Y Y
 X C F S V B H E M S B M V D X
 T R O H M C M R R H C X Y S O
 D I S P U T E L T K O P C C G
 C W C Q M Q L U P T A T S O K

- Task 13. Complete the text with the most appropriate word or phrase from the box. There are three extra words or phrases.

public hearings binding a full court advisory opinions
 diplomatic an oral phase inter alia pleadings in accordance
 with the legal consequences jurisdiction in camera a written
 phase

Procedure of Contentious Cases in the International Court of Justice

The procedure followed by the Court in contentious cases is defined in its Statute, and in the Rules of Court adopted by it under the Statute. The latest version of the Rules dates from 5 December 2000. The proceedings include.....(1), in which the parties file and exchange(2), and(3) consisting of(4) (at which agents and counsel address the Court. As the Court has two official languages (English and French) everything written or said in one language is translated into the other.

After the oral proceedings the Court deliberates(5) and then delivers its judgment at a public sitting. The judgment is final and without appeal. Should one of the States involved fail to comply with it, the other party may have recourse to the Security Council of the United Nations.

The Court discharges its duties as(6) but, at the request of the parties, it may also establish a special chamber. The Court constituted such a chamber in 1982 for the first time, formed a second one in 1985, constituted two in 1987 and two more in 2002. A Chamber of Summary Procedure is elected every year by the Court(7) its Statute. In July 1993 the Court also established a seven-member Chamber to deal with any environmental cases falling within its (8).

Since 1946 the Court has delivered 92 Judgments on disputes concerning(9) land frontiers and maritime boundaries, territorial sovereignty, the non-use of force, non-interference in the internal affairs of States,(10) relations, hostage-taking, the right of asylum, nationality, guardianship, rights of passage and economic rights.

► **Task 14. Read the text and find the legal terms which are defined by the following definitions.**

To officially and legally control a country and make all the decisions about taxes, laws, public services etc;

The activity of talking to other people, working together with them etc;

Something that you are morally, legally, or officially allowed to do or have;

Something that is done by people in a particular society because it is traditional;

A formal written agreement between two or more countries or governments;

A statement of the principles, duties, and purposes of an organization;

A type of court that is given official authority to deal with a particular situation or problem;

An action or official decision that can be used to give support to later actions or decisions;

Something that exists as a single and complete unit;

To stick firmly to something;

Very different from each other;

Affecting, connected with, or relevant to a person, group of people, or situation;

Relating to the essential legal principles administered by the courts, as opposed to practice and procedure;

A legal order of preventing or redressing a wrong or enforcing a right.

International law, unlike most other areas of law, has no defined area or governing body, but instead refers to the many and varied laws, rules and customs which govern, impact and deal with the legal interactions between different nations, their governments, businesses and organizations, to include their rights and responsibilities in these dealings.

The immense body that makes up international law encompasses a piecemeal collection of international customs; agreements; treaties; accords, charters (i.e. the United Nations Charter); protocols; tribunals; memorandums; legal precedents of the International Court of Justice and more. Without a unique governing, enforcing entity, international law is a largely voluntary endeavour,

wherein the power of enforcement only exists when the parties consent to adhere to and abide by an agreement.

Due to the diverse legal systems and applicable histories of different countries, laws addressing international law include both common law (case law) and civil law (statutes created by governing bodies). Their application covers all the facets of national law, to include substantive law, procedure, and remedies.

INTERNATIONAL LAW: SELF CHECK TEST

1. What's the legal term?

1. Written legal agreement between countries _____
2. Protection against arrest or prosecution _____
3. An autonomous branch of law which deals with international crimes

4. Law which comprises the rules by which a court hears and determines what happens in civil or criminal proceedings _____
5. Independent country _____
6. Law which governs permanent diplomatic missions _____
7. Treaties which become operative without the aid of legislation are classified as _____
8. Law which is derived from the consistent practice of States accompanied by the conviction of States that the consistent practice is required by a legal obligation _____
9. The body of law that regulates the activities of sovereign states _____
10. A line determining the limits of an area _____
11. Relating to a town or city or its local government _____
12. The body of international law that concerns the protection of the global environment _____
13. Treaties that require the enactment of legislation before becoming a law are classified as _____
14. Law which is concerned with the imputation of acts to State parties in the context of international law _____
15. The statutory or written law that governs rights and obligations of those who are subject to it. This law also defines the legal relationship of people with other people or between them and the state _____

2. Write the legal term referring to a person who

1. is a foreigner who has not become a citizen of the country where he/she is living _____
2. has been forced to leave his/her country for political reasons or during a war _____
3. has been appointed to represent a government in its relations with other governments _____
4. exercises supreme, permanent authority, especially in a nation _____
5. A person who renders aid, performs a service, or assumes an obligation on the basis of his/her free choice and will _____

3. Write the synonyms to the legal terms/phrases.

1. international agreement _____
2. mandatory _____
3. the law of war _____
4. strict, ordering _____
5. give the right to _____
6. disputable, debatable _____
7. criminal _____
8. mutual (about an agreement) _____
9. having great power or force _____
10. reach, make a decision (in court) _____

4. Insert the preposition where necessary.

1. conventions _____ force
2. apply _____ the International Court of Justice
3. submit legal disputes _____ the International Court of Justice
- 4-5. settle disputes _____ accordance _____ international law
6. jurisdiction _____ territory
7. composition _____ the International Court of Justice
8. deliberate _____ camera

9. be a party _____ a convention, a treaty
10. appointment _____ the highest judicial offices

► 5. Translate the legal terms into English.

1. laikina išlyga, išimtis; nukrypimas _____
2. neliečiamumas _____
3. teisingumas _____
4. materialinė teisė _____
5. pirmtakas _____
6. lygus naudingumas _____
7. taikytinos teisės šaltiniai _____
8. asmuo, subjektas _____
9. posėdis _____
10. konflikto sprendimo technikos _____

12. The European Union

12.1 History

⇒ Wordlist

accede (to) (v)	integration (n), ~ <i>between the member states of the EU</i>
accession (n)	joint (adj), <i>take ~ decisions</i>
border (n), <i>internal/external ~</i>	lay (down) (v) ~ <i>new rules</i>
community (n) <i>the European Economic ~, the European Atomic Energy ~</i>	market (n), <i>complete the single ~</i>
competition (n)	merge (v)
consumer (n), ~ <i>affairs</i>	monetary (adj), ~ <i>union</i>
co-operation (n)	negotiate (v)
customs (n)	negotiation (n)
economic (adj), ~ <i>policy/union</i>	policy (n), <i>agricultural/economic ~</i>
economy (n)	pool (v), ~ <i>the steel and coal/nuclear resources</i>
efficient (adj)	sign (v)
environment (n)	single (adj)
hold (v), ~ <i>elections</i>	supranational (adj)
inter-governmental (adj)	trade (n)
	treaty (n)

TASKS

► Task 1. Write the defined words:

1. to combine, to bring together for the advantage of everyone in a group
2. a group of people living together and/or united by shared interests, etc.
3. an agreement made between countries and formally signed by their representatives
4. separate, considered by itself
5. to combine or cause (two or more things) to combine, esp. gradually, so as to become a single thing

6. an area or country where there is a demand for goods
7. the system by which a country's wealth is produced and used
8. a course of action for dealing with a particular matter or situation, esp. as chosen by a political party, government, business company
9. the struggle between several groups to win something or gain an advantage
10. to talk with another person or group in order to try to come to an agreement or settle an argument
11. a place where travellers' belongings are searched when leaving or entering a country
12. working well, quickly and without waste
13. to declare or state firmly or officially

► **Task 2. Make word collocations with the following words:**

1. to pool
2. supranational
3. to secure
4. to unite
5. freedom of movement of
6. to prevent
7. to integrate
8. to hold
9. elections
10. affairs
11. inter-governmental
12. intergration
13. policies
14. environmental
15. to negotiate
16. market
17. borders
18. monetary
19. currency

► **Task 3. Write the necessary prepositions.**

1. to place smth the hands of
2. to remove the trade barriers the member states
3. to be based four freedoms
4. to vote the candidate
5. co-operation the governments
6. to take decisions matters
7. the focus smth
8. to take account
9. the end of 1992
10. with support the EU
11. to go economic and monetary union
12. 1 January 2002
13. to lay new rules
14. to come force
15. to be replaced smth

► **Task 4. True or false? Correct the false statements.**

1. After the war, a number of European leaders became convinced that the only way to secure a lasting peace between their countries was to unite their weapons and armies.
2. In 1950, in a speech inspired by Jean Monnet, the French Foreign Minister Robert Schuman proposed integrating the coal, steel and atomic energy industries of Western Europe.
3. In 1951, the European Coal and Steel Community (ECSC) was set up, with six members: Belgium, West Germany, Luxembourg, France, the UK and the Netherlands
4. The purpose of the EEC was to establish a customs union among the six founding members, based on the „four freedoms“: freedom of movement of goods, capital and people.
5. In 1967 the institutions of the three European communities were merged.

6. The EU negotiates major trade and aid agreements with other countries and is developing a Common Foreign and Security Policy.
7. During the 1980s it became increasingly easy for people to move around in Europe, as passport and customs checks were abolished at most of the EU's internal borders.
8. The Single Market was finally completed at the end of 1992 which was notable for a genuine single market (in which goods, services, people and capital could move around freely) and a genuinely single market in financial services.
9. Bulgaria and Romania joined the EU during the last enlargement.

12.2 Key Institutions

⇒ Wordlist

accountable (to) (adj), ~ to
Parliament

adopt (v), ~ jointly

adversely (adv)

agenda (n), *on the* ~

allegation (n), *investigate* ~s

annul (n), ~ a law

asylum (n), ~ seekers

audit (v)

border (n), *cross-~ crime, external/*
internal ~

budget (n), ~ *in its entirety*

censure (v)

codecision (n)

common (adj), ~ goals

competition (n)

competition (n), ~ law

comply (with) (v)

conclude (v), ~ a treaty

cope (with) (v)

declare (v), ~ *the law null and void*

distort (v) ~ *competition*

draft (v), ~ *proposals*

Eurosceptic (adj)

exercise (v), ~ *democratic supervision*
(*over smth*)

fault (n), *be at* ~

handle (v), ~ *funds*

impetus (n), ~ *for new legislation*

implement (v)

judgment (n)

launch (v)

legitimacy (v)

lodge (v), ~ a complaint

monitor (v)

office (n), *take* ~

plenary (adj), ~ session

pool (v), ~ resources

pro-federalist (adj)

put (forward) (v), ~ *forward proposals*

reading (n), *in two successive ~s*
 ruling (n), *give different ~s (on)*
 settle (v), *~ legal disputes (between)*
 sit (v), *~ as the full court*

subsidiarity (n), *~ principle*
 treaty (n), *founding ~*
 validity (n)

TASKS

► Task 1. Match the words to make word collocations.

1. to guarantee	a) the work of the Committee
2. to reject	b) asylum
3. to place something	c) competition between companies
4. to consult	d) the budget in its entirety
5. to monitor	e) the law null and void
6. to come	f) the sovereignty of member states
7. to conclude	g) civil justice
8. to pool	h) for implementing decisions
9. to have access to	i) the EU law
10. to seek	j) the legitimacy of law
11. to police	k) into force
12. to be responsible	l) maximum value for money
13. to prohibit	m) Parliament in some fields
14. to distort	n) international agreements and treaties
15. to infringe	o) a complaint
16. to impose	p) legal disputes (out of court)
17. to negotiate	q) external borders
18. to give	r) on an equal footing
19. to settle	s) the obligations
20. to fulfill	t) merger of companies
21. to declare	u) penalties/fines/sanctions
22. to lodge	v) an agreement
23. to get	w) different rulings

► **Task 2. Insert the missing prepositions.**

1. to be entitledvote
2. to represent viewssmth
3. to be an equal footing
4. to vote issues
5. to be accountable Parliament
6. to set a committee
7. to come force
8. to be the agenda
9. to be based guidelines
10. to be related smth
11. to carry the task
12. to be responsible the policies
13. to be limited to carrying out certain tasks
14. to have access civil justice
15. to deal issues
16. to represent the EU the international stage
17. to be aware new situations
18. to be binding member states
19. to act behalf of someone
20. to be composed many judges
21. to be related law
22. to choose to serve a renewable term of 3 years
23. to impose a fine a country
24. to get maximum value money

► **Task 3. Write the words whose definitions are given below.**

1. the state of being allowed by law -
2. something that encourages action, stimulus -
3. to break a law or a right -
4. happening every year or once a year -
5. the act of giving up a position or a job -

6. to watch carefully over a certain period of time for a special purpose -
7. a list of subjects to be talked about or dealt with at a meeting -
8. to combine, to share, to bring together for the advantage of everyone in a group -
9. to control the place (as if) using police -
10. protection and shelter, esp. given by one country to people who have left another for political reasons -
11. concept that powers to deal with certain matters should remain with individual states and assumed by the EC Commission -
12. statement, which is not supported by proof, that someone has done something bad or criminal -

► **Task 4. Which institution(s) does each statement refer to?**

1. It is directly elected.
2. It is the guardian of the Treaties.
3. It checks that the EU money is spent according to its budgetary rules and regulations and for the purposes it is intended.
4. It is sometimes called the heart of the EU because of its functions.
5. It can adopt or reject the budget.
6. It provides the judicial safeguards necessary to ensure that the law is observed in the interpretation and application of the Treaties.
7. It expresses the political will of the EU people.
8. It is the largest multinational legislative body in the world.
9. It proposes legislation.
10. It represents various categories of social and economic activity of the EU.
11. It is also known as the Council of Ministers.
12. If asked, it can give a preliminary ruling to a member state.
13. Individuals can apply to this court.
14. It checks that revenue is received lawfully.

15. Its decisions can be adopted unanimously, by simple majority or by a qualified majority.
16. It has control over the budget.
17. It can dismiss the Commission.
18. It can be forced to resign en bloc by a vote of censure.
19. It can bring a case to ensure that Community law is enforced.
20. Its responsibilities were widened and its powers were strengthened by the Single European Act of 1987.

12.3 Legislation

⇒ Wordlist

accession (n), ~ *treaties*
 accordance (n), *in ~ with*
 acquis communautaire (n)
ad hoc (adj), ~ *procedures*
 adjustment (n), ~ *to the treaties*
 amend (v)
 applicable (adj), *directly ~*
 binding (adj), ~ */non-~ legal instruments, ~ in all its parts*
 common (adj), ~ *market*
 community (n), *the European ~*
 comparable (to) (adj)
 competence (n)
 conclude (v)
 confer (v)
 decision (n)
 directive (n)
 draft (v), ~ *a constitution*
 enter (into) (v), ~ *into force*
 framework (n), *within the ~ of*
 intergovernmental (adj)

invoke (v), ~ *the directive before the national courts*
 lay (down) (v), ~ *the terms*
 legislation (n), *primary/secondary*
 legislative (adj), ~ *procedures*
 majority (n), ~ *votes, be not subject to ~ voting*
 monetary (adj), ~ *union*
 negotiate (v)
 negotiation (n)
 pillar (n), *a three-~ structure*
 pursuant (to) (adj)
 ratify (v)
 recipient (n)
 referendum (n), *by ~*
 refrain (from) (v)
 regulation (n)
 set (up) (v)
 single (adj), ~ *European market*
 supranational (adj)
 transpose (into) (v), ~ *a directive into national legislation*

TASKS

► **Task 1. Complete the following word collocations and phrases.**

1. The Community
2. Common Security and policy
3. Justice and Affairs
4. *Aquis*
5. Codecision
6. At national/supranational
7. market
8. the four movements of goods,, people and
9. to come into
10. monetary
11. economic and union
12. Accession
13. the European Community's three treaties
14. a common market in coal and
15. binding in all its
16. to leave the choice of the form and
17. to transpose into national
18. to invoke the directive before the national

► **Task 2. Match the verbs with their definitions.**

1. to transfer	a) to approve officially (e.g. a treaty)
2. to ratify	b) to agree not to do something which you were doing previously
3. to amend	c) to pass to someone else
4. to set up	d) to transfer into national law
5. to extend	e) to make an urgent request to (something) for help
6. to align	f) to establish

7. to transpose	g) to bring into agreement with
8. to invoke	h) to change
9. to refrain	i) to make greater, esp. so as to reach a desired point

Task 3. Match the words to make word collocations.

1. three-pillar	a) procedures
2. Acquis	b) legislation
3. to enter	c) market
4. legislative	d) communautaire
5. primary	e) in all its parts
6. secondary	f) union
7. common	g) treaties
8. monetary	h) procedures
9. accession	i) structure
10. ad hoc	j) applicable
11. binding	k) into force
12. directly	l) legislation

► Task 4. Insert the prepositions where necessary.

1. is independent the EC governments
2. was directly elected the citizens
3. decisions imposed them
4. to add competencies
5. an intergovernmental, as opposed supranational, system
6. in relation the economic matters
7. the distinction the European Community law and European Union law
8. concerns the social and economic foundations
9. is comparable constitutional law at national level.
10. to establish a common market

11. to pursue two main objectives
12. to come force
13. the necessary adjustments the treaties
14. to set a common market in coal and steel
15. agreements concluded subjects of international law
16. binding all its parts
17. addressed everyone
18. in conjunction the European Parliament
19. is binding the Member States
20. to transpose national legislation
21. give a ruling a particular matter.
22. to refrain taking a particular action
23. to impose obligations a Member State or a citizen.

► **Task 5. Answer the questions.**

1. What is meant by the three pillars of the EU law?
2. What competences do the member states share?
3. What is the subsidiarity principle?
4. What is the whole EU law, which the member states accept without questioning, called?
5. What are the main legislative procedures?
6. What are the primary sources of the EU law? The secondary ones?
7. What is the difference between regulations and directives?
8. Which secondary legislation is binding in all its parts?
9. Who is the secondary legislation addressed to?
10. Which secondary legislation isn't binding on everyone?

► **Task 6. Are the statements true or false? Correct the false ones.**

1. There are four founding treaties of the EC.
2. Directives constitute the EU primary legislation.
3. Decisions are binding on every member state.
4. Regulations are addressed to the member states.

5. Regulations are equal to national law.
6. Regulations are binding in most of their parts.
7. Directives leave the freedom of choice of the form and method for member states.
8. EU primary legislation should be ratified in national parliaments.
9. The Treaty of Rome expired on July 23, 2002.
10. The third pillar ensures the cooperation of police and courts of the member states.
11. The first pillar consists of common foreign and security policy.
12. There have been four enlargements in the EU during the last century.
13. International agreements comprise agreements with third countries and agreements between member states.
14. The Accession Treaties are primary legislation.
15. Norway, Switzerland and Luxembourg are not EU member states.
16. The EC Treaty established a common market founded on the four freedoms of movement.

4. A group of people who live in the same area, or the area in which they live
6. The whole body of EU law broken into 31 chapters for purposes of accession negotiations.

► **Task 8. Read the text and insert the missing sentences.**

- A. Our policy is directed not against any country or doctrine but against hunger, poverty, desperation and chaos.
- B. The remedy lies in breaking the vicious circle and restoring the confidence of the European people ...
- C. In considering the requirements for the rehabilitation of Europe, the physical loss of life, the visible destruction of cities, factories, mines and railroads was correctly estimated,
- D. The farmer or the peasant cannot find the goods for sale which he desires to purchase.
- E. ...there must be some agreement among the countries of Europe as to the requirements of the situation ...
- F. In many countries, confidence in the local currency has been severely shaken.
- G. ... an understanding on the part of the people of America of the character of the problem and the remedies to be applied.

Marshall Plan

The address given at Harvard University by the American Secretary of State, General George Marshall, on 5 June 1947, was published in the New York Times on 6 June 1947.

I need not tell you, gentlemen, that the world situation is very serious. That must be apparent to all intelligent people. I think one difficulty is that the problem is one of such enormous complexity that the very mass of facts presented to the public by press and radio make it exceedingly difficult for the man in the street to reach a clear appraisal of the situation. Furthermore, the people of this country are distant from the troubled areas of the earth and it is hard for them to comprehend the plight and consequent reactions of the

long-suffering peoples, and the effect of those reactions on their governments in connection with our efforts to promote peace in the world.

(1)..... , but it has become obvious during recent months that this visible destruction was probably less serious than the dislocation of the entire fabric of European economy. For the past ten years conditions have been highly abnormal.

The feverish preparation for war and the more feverish maintenance of the war effort engulfed all aspects of national economies. Machinery has fallen into disrepair or is entirely obsolete. Under the arbitrary and destructive Nazi rule, virtually every possible enterprise was geared into the German war machine. Longstanding commercial ties, private institutions, banks, insurance companies and shipping companies disappeared, through loss of capital, absorption through nationalization or by simple destruction.

(2)..... . The breakdown of the business structure of Europe during the war was complete. Recovery has been seriously retarded by the fact that two years after the close of hostilities a peace settlement with Germany and Austria has not been agreed upon. But even given a more prompt solution of these difficult problems, the rehabilitation of the economic structure of Europe quite evidently will require a much longer time and greater effort than had been foreseen.

There is a phase of this matter which is both interesting and serious. The farmer has always produced the foodstuffs to exchange with the city dweller for the other necessities of life. This division of labour is the basis of modern civilization. At the present time it is threatened with breakdown. The town and city industries are not producing adequate goods to exchange with the food-producing farmer. Raw materials and fuel are in short supply. Machinery is lacking or worn out.

(3)..... . So the sale of his farm produce for money which he cannot use seems to him an unprofitable transaction. He, therefore, has withdrawn many fields from crop cultivation and is using them for grazing. He feeds more grain to stock and finds for himself and his family an ample supply of food, however short he may be on clothing and the other ordinary gadgets of civilization. Meanwhile,

people in the cities are short of food and fuel. So the governments are forced to use their foreign money and credits to procure these necessities abroad. This process exhausts funds which are urgently needed for reconstruction. Thus a very serious situation is rapidly developing which bodes no good for the world. The modern system of the division of labour upon which the exchange of products is based is in danger of breaking down.

The truth of the matter is that Europe's requirements for the next three or four years of foreign food and other essential products - principally from America - are so much greater than her present ability to pay that she must have substantial additional help, or face economic, social and political deterioration of a very grave character.

(4).....
..... in the economic future of their own countries and of Europe as a whole. The manufacturer and the farmer throughout wide areas must be able and willing to exchange their products for currencies, the continuing value of which is not open to question.

Aside from the demoralizing effect on the world at large and the possibilities of disturbances arising as a result of the desperation of the people concerned, the consequences to the economy of the United States should be apparent to all. It is logical that the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace.

(5)..... . Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist. Such assistance, I am convinced, must not be on a piecemeal basis as various crises develop. Any assistance that this Government may render in the future should provide a cure rather than a mere palliative.

Any government that is willing to assist in the task of recovery will find full cooperation, I am sure, on the part of the United States Government. Any government which manoeuvres to block the recovery of other countries cannot expect help from us. Furthermore, governments, political parties or groups which seek to perpetuate human misery in order to profit therefrom politically or otherwise will encounter the opposition of the United States.

It is already evident that, before the United States Government can proceed much further in its efforts to alleviate the situation and help start the European world on its way to recovery, (6).....
 and the part those countries themselves will take in order to give proper effect to whatever action might be undertaken by this Government. It would be neither fitting nor efficacious for this Government to undertake to draw up unilaterally a program designed to place Europe on its feet economically. This is the business of the Europeans. The initiative, I think, must come from Europe. The role of this country should consist of friendly aid in the drafting of a European program and of later support of such a program so far as it may be practical for us to do so. The program should be a joint one, agreed to by a number, if not all European nations.

An essential part of any successful action on the part of the United States is (7).....
 Political passion and prejudice should have no part. With foresight, and a willingness on the part of our people to face up to the vast responsibility which history has clearly placed upon our country, the difficulties I have outlined can and will be overcome.

THE EUROPEAN UNION HISTORY OF THE EU. INSTITUTIONS. LEGISLATION: SELF CHECK TEST

► 1. What's the legal term?

1. A give-and-take discussion or conference in an attempt to reach an agreement or settle a dispute _____
2. An agreement in written form between nation-states (or international agencies, such as the United Nations) that is intended to establish a relationship governed by International Law _____
3. A process of increasing by addition (as to a collection or group) _____
4. Legislation enacted to regulate trade and commerce by preventing unlawful restraints, price-fixing, and monopolies; to promote competition; and to encourage the production of quality goods and services at the lowest prices _____

5. The principle which states that matters ought to be handled by the smallest or the lowest competent authority _____
6. The act of giving official sanction to a formal international document (such as a treaty) or a nationally binding document (such as a constitution) by the legislature _____
7. The type of market that is a customs union with common policies on product regulation, and freedom of movement of all the three factors of production (land, capital and labour) and of enterprise. The goal is that movement of capital, labour, goods, and services between the members is as easy as within them _____
8. The political process for integrating countries into the European Union _____
9. An authority or agency in a country responsible for collecting duties and for controlling the flow of animals and goods (including personal effects and hazardous items) in and out of a country _____
10. The procedure that gives the European Parliament the power to adopt legislation jointly with the Council of the European Union, requiring the two bodies to agree on an identical text before any proposal can become law _____

2. Write the legal term referring to a person who

1. lives in fear of being tortured or killed by their government or is persecuted for his/her religious or political beliefs and asks protection in a new country _____
2. purchases and uses goods and services generated within the economy _____
3. works in the EU Commission _____
4. does not support the process of European integration _____
5. supports federalism and its ideas _____

3. Write the synonyms to the legal terms in the box.

1. to join, become one	
2. impulse	
3. become a member	
4. lawfulness	
5. behind the closed doors	
6. criticize severely	
7. (court) judgement	
8. to change (a law, constitution)	
9. modification of a law, a treaty	
10. combine, bring together	

4. Insert the preposition where necessary.

1. accountable ____
2. comply ____
3. be ____ fault
4. put ____ proposals
5. give judgements ____ some issues
6. settle legal disputes ____ member states
7. enter/come ____ force
8. be subject ____ majority voting
9. the sovereignty ____ member states
10. fulfill ____ the obligations

5. Translate the legal terms into English.

1. įstatymo projekto svarstymo parlamente pakopa _____
2. darbotvarkėje _____
3. apskūsti; paduoti skundą _____
4. paskelbti įstatymą niekiniu, negaliojančiu _____
5. teisiškai neįpareigojantys dokumentai _____

6. išspręsti teisinius ginčus neteisminiu keliu _____
7. paprasta dauguma _____
8. nustatyta dauguma _____
9. priimti sprendimą vieningai _____
10. surengti referendumą, rinkimus _____
11. stojimo sutartis _____
12. pinigų sąjunga _____
13. išorinės sienos _____
14. bendrija _____
15. balsavimas (parlamente) dėl neigiamo įvertinimo _____

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