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LEARNING LAW

Учебник

Под общей редакцией
Ступниковой Л.В

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Настоящий учебник предназначен для студентов и аспирантов юридических вузов, а также для специалистов-юристов, которые владеют английским языком на среднем уровне (Intermediate) и продолжают его изучение для использования в профессиональной сфере.

Данный учебник знакомит учащихся с правовыми системами стран изучаемого языка, помогает овладеть основами юридической лексики английского языка и грамматическими структурами, характерными для правовых текстов.

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

Учебник содержит 19 уроков и рассчитан на 160 часов аудиторных занятий и 60 часов домашней работы.

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

В конце пособия представлен словарь, где собраны все лексические единицы активных словарей уроков данной части в алфавитном порядке. Рекомендовано кафедрой английского языка МПФ ВАВТ протокол №11 заседания кафедры от 28 июня 2005 года.

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СОДЕРЖАНИЕ

ЧАСТЬ I

UNIT 1.	WHAT IS LAW?	
UNIT 2.	LAW SYSTEMS	14
UNIT3.	PUBLIC AND CIVIL LAW	26
UNIT 4.	LAW OF TORTS	35
UNIT 5.	LAW OF TRUSTS	47
UNIT 6.	ENGLISH COURTS	58
UNIT 7.	JURY	69
UNIT 8.	APPEALS	77
UNIT 9.	LEGAL PROFESSION	87

ЧАСТЬ II

UNIT 10.	LAW OF CONTRACTS	
UNIT 11.	CONTRACT VALIDITY	116
UNIT 12.	REMEDIES	126
UNIT 13.	FORMS OF BUSINESS ORGANIZATION	137
UNIT 14.	RAISING CAPITAL	148
UNIT 15.	MANAGEMENT OF BUSINESS	158
UNIT 16.	TERMINATION OF BUSINESS	169
UNIT 17.	CONSUMER LAW	178
UNIT 18.	INTELLECTUAL PROPERTY	190
UNIT 19.	HUMAN RIGHTS	200
VOCABULARY		210

UNIT 1.

WHAT IS LAW?

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

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

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

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

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

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

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

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

VOCABULARY NOTES

1.	law	право, закон
2.	a body of rules	свод правил, совокупность норм
3.	to support	поддерживать
4.	to govern	управлять
5.	government	государство, правительство, государственная власть
6.	to behave behaviour	вести себя поведение
7.	society modern society	общество современное общество

8.	to make laws	создавать законы
9.	to enforce laws against smb.	применять законы к к-л
10.	citizen	гражданин
11.	social control	общественный контроль
12.	justice just implementation of justice	справедливость справедливый осуществление справедливости
13.	to establish	устанавливать
14.	public law	публичное право
15.	civil law	частное право
16.	to ensure the authority	обеспечивать власть
17.	to provide to provide framework for	предусматривать, обеспечивать обеспечивать рамки для
18.	to define definition	определить определение
19.	interaction among people	общение между людьми
20.	fair	справедливый

21.	to appear	появляться
22.	to produce a law	создать закон
23.	satisfactory	удовлетворительный
24.	(in)formal	(не)официальный
25.	to settle disputes	урегулировать споры
26.	legal legal obligations legal means legal implications legal standards legal principles	юридический, правовой правовые обязательства правовые средства правовая подоплека правовые нормы правовые принципы
27.	to discuss	обсуждать
28.	to consult the police	обращаться за помощью в полицию
29.	lawyer	юрист
30.	court	суд
31.	to be injured	получить телесные повреждения, пострадать
32.	to refuse to do smth	отказываться делать ч-л
33.	reasonable	разумный
34.	everyday activities	повседневная жизнь

35.	transaction	сделка
36.	complex	сложный
37.	to seek legal advice (sought)	обращаться за помощью к юристу

38.	to set up a business	организовать предприятие
39.	property	имущество
40.	on the whole	в целом
41.	to become accustomed to doing smth.	привыкнуть делать ч-л
42.	to regulate	регулировать
43.	to increase an increasing number of	увеличивать увеличивающееся количество ч-л
44.	common	общий
45.	to cooperate	сотрудничать
46.	to solve problems	решать проблемы
47.	attempt	попытка
48.	to apply to smth	применять к ч-л
49.	to reach just agreements	достигать справедливых соглашений
50.	to internationalize	сделать международными
51.	to involve	вовлекать
52.	to regard as	относиться
53.	(inability	(не)способность
54.	evil	зло
55.	basic knowledge	элементарные знания

Pronounce the following words correctly.

to support	[sə'pɔ:t]
to govern	[gə'veɪn]
to behave	[bɪ'heɪv]
behaviour	[bɪ'heɪvɪə]
social	[səʊʃəl]
justice	[dʒʌstɪs]
implementation	[,ɪmpɪ'mentɪ'seɪʃn]
to ensure	[ɪn'ʃʊə]
authority	[ə'θɔ:ri'ti]
to refuse	[rɪ'fuz]
transaction	[træn'zækʃn]
accustomed	[ə'kʌstəməd]
to cooperate	[kəʊ'ɒpəreɪt]
to involve	[ɪn'vɒlv]
knowledge	[nɒlɪdʒ]
satisfactory	[,sætɪs'fæktəri]
dispute	[dɪ'spu:t]
legal	[li:ɡəl]
society	[sə'saɪətɪ]
control	[kən'trəʊl]
interaction	[,ɪntər'ækʃn]
lawyer	[lɔ:jə]
reasonable	[ri:zənəbl]
court	[kɔ:t]
injured	[ɪndʒɪd]
to consult	[kən'sʌlt]
to apply	[ə'plɪ]
to internationalize	[,ɪntə'næʃənə'lɑɪz]
evil	[i:vəl]
to provide	[prə'vaɪd]

EXERCISES

Exercise 1. Answer the following questions.

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

Exercise 2. Supply Russian equivalents.

to settle disputes	legal implications
legal obligations	modern society
to seek legal advice	social control
to become accustomed to doing smth	implementation of justice
to solve problems	satisfactory
basic knowledge	to set up a business
to cooperate informally	body of rules
to define justice	to consult the lawyer
to enforce laws	a fair decision
to refuse to do smth	common problems
complex transactions	to support

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

1. Билет на поезд представляет контракт с правовыми обязательствами.
2. Государства создают законы и применяют их к своим гражданам.
3. Право помогает людям достичь справедливых соглашений.
4. Новые законы появляются потому, что наша жизнь быстро меняется.
5. Невозможно иметь общество без законов.
6. Для установления общественного контроля государства используют публичное право и частное право.
7. Публичные законы обеспечивают власть самого правительства.
8. Некоторые сделки в современном обществе очень сложные.
9. Страны сотрудничают все больше и больше.
10. Существуют попытки сделать нормы права международными.
11. Одни и те же правовые принципы могли бы применяться ко всем странам и людям.

12. Справедливое решение - это то решение, которое большинство людей считают справедливым.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

- | | |
|---------------------------|-------------------------|
| 1. duty | a. involve time |
| 2. a set of rules | b. to make laws |
| 3. authority | c just |
| 4. to create laws | d. to set up a business |
| 5. fair | e. to control |
| 6. question | f. a body of rales |
| 7. to organize a business | g. power |
| 8. to take time | h. obligation i. |
| 9. to govern | matter |

Exercise 6. Give antonyms and translate them.

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

- (im) _ -
(un) _ -
(un) _
-(il) _ -
(in) _
-(dis)
-fun)
-(un).

Exercise 7. Supply English equivalent.

- | | |
|------------------------------------|---------------------------------|
| обращаться за помощью к юристу | достичь справедливых соглашений |
| основать предприятие | |
| правовые нормы | |
| сделать нормы права международными | |
| решать проблему | |
| имущество | |
| обеспечивать власть | |
| обсуждать вопрос с к-л | |

регулировать отношения друг с другом
попытка
публичное право
сложные сделки
вести себя разумно
сотрудничать
правовые средства
неофициальные пути
справедливый

Exercise 8. Translate the following word combinations into English and make sentences with them.

правовые пути

средства
нормы
советы
принципы
обязательства

устанавливать социальный контроль отношения с
другими странами власть

урегулировать споры
конфликты
разногласия

управлять поведением членов общества
отношениями между странами
страной

обращаться в полицию в суд к
юристу

Exercise 9. Insert prepositions consulting the text.

1. If our neighbour plays loud music late ... night, we probably try to discuss the matter ... him.
2. We start thinking ... law when everyday informal ways ... settling disputes break
3. Governments make laws and enforce them ... all citizens ... their power.
4. A train ticket represents a contract... legal obligations.
5. We seek legal advice when we set... a business.
6. ... the whole, people all ... the world are becoming more and more accustomed ... using legal means to regulate their relations ... each other.
7. The same legal principles should be applied ... all countries and people.
8. It is not possible to have a society ... laws.

Exercise 10. Fill in the gaps with missing words consulting the text.

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

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|---|------------------------|
| 1. a person who is a member of a particular country | a. court |
| 2. a large group of people | b. legal advice |
| 3. a body of rules supported by the power of government | c. law |
| 4. things that people own | d. a government |
| 5. advice from a lawyer | e. justice |
| 6. to work or act together | f. to cooperate |
| 7. the people who rule | g. a society |
| 8. the quality of being just | h. property |
| 9. what we do every day | i. to ensure |
| 10. a room or building in which law cases are heard | j. a citizen |
| 11. to make certain | k. everyday activities |

Exercise 12. Use passive sentences in the Past and in the Future as shown in the example.

Example. The problem is solved.
 The problem was solved.
 The problem will be solved.

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

Exercise 13. Change sentences using the Passive Voice.

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

Exercise 14. Translate the following sentences into Russian using the structures given.

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

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

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

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

Exercise 15. Translate the following sentences into English using "without doing".

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

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

Exercise 16. Read and translate.

Sometimes laws are simply an attempt to implement common sense. It is obvious to most people that dangerous driving should be punished; that fathers should provide financial support for their children if they desert their families; that a person should be compensated for losses when someone else breaks an agreement with him or her. But, in order to be enforced, common sense needs to be defined by law, and when definitions are being written, it becomes clear that common sense is not such a simple matter. Instead, it is a complex skill based upon long observation of many different

people in different situations. Laws based upon common sense don't necessarily look much like common sense when they have been put into words.

Exercise 17. Translate using the active vocabulary.

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

Exercise 18. Discuss the following statements.

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

Exercise 19. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Право - это совокупность норм, установленная и поддерживаемая государством.	Law is a body of rules supported by the power of government.
2.	Оно определяет поведение всех членов общества.	It governs the behaviour of members of society.
3.	Невозможно иметь общество без законов, т.к. в этом случае в обществе была бы анархия.	It is not possible to have a society, without laws, as there would be anarchy in society then.
4.	Правительства создают и применяют законы к своим гражданам.	Governments make laws and enforce them against all citizens within their power.
5.	У них есть две причины в создании и применении законов.	They have two motives in making and enforcing laws.
6.	Первая - общественный контроль, вторая - осуществление справедливости.	One is social control; the other is the implementation of justice.
7.	Для осуществления общественного контроля правительства создают публичные и гражданские	To establish social control governments use public laws

	законы.	and civil laws.
8.	Публичные законы обеспечивают власть самого правительства, а гражданские законы создают рамки для общения людей между собой.	Public laws ensure the authority of the government itself and civil laws provide framework for interaction among people.
9.	Справедливость - это понятие, которое большинство людей считает важным, но мало кто может дать ему определение.	Justice is a concept that most people feel is very important but few are able to define.
10.	Иногда справедливое решение - это просто решение, которое большинство людей признает справедливым.	Sometimes a just decision is simply a decision that most people feel is fair.
11.	Новые законы появляются постоянно, т.к. наша жизнь меняется очень быстро.	New laws appear all the time as our life is changing very fast.
12.	Но ни одна страна еще не создала законы, которые полностью подходили всем.	But no country has been successful in producing laws, which are entirely satisfactory.
13.	Люди начинают задумываться о праве, когда невозможно урегулировать споры неофициальными путями.	Ordinary people start thinking about law only when everyday informal ways of settling disputes break down.
14.	Когда мы покупаем билет на поезд, юрист может сказать нам, что он представляет собой контракт с правовыми обязательствами, но для большинства из нас это просто билет на поезд.	When we buy a train ticket a lawyer may tell us it represents a contract with legal obligations, but to most of us it is just a ticket that gets us on the train.
15.	Если наш сосед громко включает музыку по ночам, мы, наверное, попытаемся решить это дело с ним, а не с полицией, юристами и судами.	If our neighbour plays loud music late at night, we probably try to discuss the matter with him rather than consulting the police, lawyers or courts.
16.	Только когда мы пострадали в аварии на железной дороге или когда сосед отказывается вести себя разумно, мы начинаем задумываться о правовой стороне нашей повседневной жизни.	Only when we are injured in a train accident or when a neighbour refuses to behave reasonably, we start thinking about the legal implications of our everyday activities.
17.	Некоторые сделки в современном обществе настолько сложные, что мало кто из нас рискнет совершить их, не посоветовавшись с юристом.	Some transactions in modern society are so complex that few of us would risk making them without first seeking legal advice.
18.	Мы используем совет юриста, когда покупаем или продаем дом, открываем дело, решаем, кому оставить нашу собственность в случае нашей смерти.	We use it when we buy or sell a house, set up a business, or decide whom to give our property to when we die.
19.	Кажется, что люди во всем мире постепенно привыкают использовать правовые средства для регулирования отношений друг с другом.	On the whole, it seems that people all over the world are becoming more and more accustomed to using legal

		means to regulate their relations with each other.
20.	Так как страны сотрудничают все больше и больше, и у них увеличивается количество глобальных проблем, которые они должны решать совместно, существуют попытки сделать нормы права международными, чтобы одни и те же правовые принципы могли бы быть применены ко всем странам и людям.	As countries cooperate more and more and have an increasing number of common global problems to solve there are increasing attempts to internationalize legal standards, so that the same legal principles could be applied to all countries and people.
21.	Когда право помогает людям достичь справедливых соглашений, к нему относятся как к хорошей вещи.	When law helps people to reach just agreements, it is regarded as a good thing.
22.	Однако, когда оно требует временных и денежных затрат и показывает неспособность людей общаться неофициально, право кажется злом, но необходимым злом, о котором каждый человек должен иметь элементарные знания.	However, when it involves time and money and shows people's inability to cooperate informally, law seems to be an evil- but a necessary one that everyone should have a basic knowledge of.

UNIT 2.

LAW SYSTEMS

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

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

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

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

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

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

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

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

The **legislators** wanted to show that the legal rights of the citizens **originated** in the state, not in local customs and **to separate legislature** and **judiciary**. It was the state that was to make new laws, not the courts. The courts could only apply the law that the governments had made. Making new codes the **lawmakers** were **influenced** by the codes produced in the 7-th century under the direction of Roman Emperor Justinian. Thus appeared the name-Roman law.

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

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

VOCABULARY NOTES.

1.	to develop to develop gradually	развиваться развиваться постепенно
2.	Common law / Case law	общее право / прецедентное право
3.	Continental law / Roman law	континентальное право / римское право
4.	to adopt a law, a system	принимать закон, систему
5.	Commonwealth countries	страны Содружества
6.	former socialist countries	бывшие социалистические государства

7.	custom	обычай
8.	to be based on	основываться
9.	court ruling	постановление суда
10.	statute code	статут, закон, выраженный в законодательном акте, норма
11.	doctrine of precedent	доктрина прецедента
12.	essential elements	основные элементы, составляющие
13.	thus	таким образом
14.	judge	судья
15.	to apply existing precedents to new cases	применять существующие прецеденты к новым делам
16.	previous	предыдущий
17.	to make a decision	принимать решение

18.	to modify a law	изменять закон
19.	to clarify a law	разъяснять смысл закона
20.	to exist existing	существовать существующий
21.	to interpret a law interpretation	толковать закон толкование
22.	therefore	по этой причине вследствие этого, поэтому

23.	equity / justice / fairness equitable / just / fair	справедливость справедливый
24.	to be satisfied with ant. to be dissatisfied with	быть удовлетворенным ч-л быть неудовлетворенным ч-л
25.	(in)flexibility	(не)гибкость
26.	to recognize the rights	признавать права
27.	to enforce rights	применять права
28.	to force smb to do smth	заставить к-л сделать ч-л
29.	to carry out a contract	выполнить контракт
30.	to result from	следовать, происходить в результате
31.	specific performance	реальное исполнение
32.	beneficiary of a trust	бенефициарий доверительной собственности

33.	alongside	бок о бок
34.	to exist alongside	сосуществовать
35.	to prevail	преобладать, превалировать
36.	to start an action in court	начать дело в суде
37..	satisfactory solution	удовлетворяющее решение
38.	to seek (sought)	добиваться требовать

39.	damages	убытки
40.	monetary compensation	денежная компенсация
41.	to unify	объединять
42.	codified law system	кодифицированная правовая система
43.	to produce a set of codes	создать свод законов
44.	legislator lawmaker	законодатель
45.	to originate in	происходить, брать начало
46.	to separate	отделить
47.	legislature	законодательная власть
48.	judiciary	судебная власть
49.	emperor	император
50.	to influence	влиять

51.	to pass a law	принимать закон
52.	legislative body	законодательный орган
53.	to exaggerate	преувеличивать
54.	clear distinction	четкое различие, разделение
55.	to weaken	ослабевать

Pronounce the following words correctly.

Commonwealth	[ˈkɒmənweɪlθ]
ruling	[ˈruːlɪŋ]
apply	[əˈplaɪ]
essential	[ɪˈsenʃəl]
previous	[ˈpriːviəs]
existing	[ɪgˈzɪstɪŋ]
equitable	[ˈekwɪtəbəl]
flexibility	[ˌfleksəˈbɪlɪtɪ]
recognize	[ˈrekɒɡnaɪz]
century	[ˈsentʃəri]
emperor	[ˈempərə]
exaggerate	[ɪgˈzædʒəreɪt]
specific	[spɪˈsɪfɪk]
beneficiary	[ˌbenɪˈfɪʃəri]
prevail	[prɪˈveɪl]
satisfactory	[ˌsætɪsˈfæktəri]
monetary	[ˈmɒnɪtəri]
unify	[ˈjuːnɪfaɪ]
legislator	[ˈledʒɪsleɪtə]
legislative	[ˈledʒɪsleɪtɪv]
legislature	[ˈledʒɪsleɪtʃə]
influence	[ˈɪnfluəns]
appear	[əˈpɪə]
judiciary	[dʒuːˈdɪʃəri]

EXERCISES.*Exercise 1. Answer the following questions.*

1. Why are systems of law different in different countries?
2. What are the two main traditions of law in the world?
3. What is common law based on?
4. What is the most important concept of common law?
5. What is precedent?
6. What are the judges guided by when they make a decision?
7. Do governments make new laws? Why?
8. What do judges do with new laws?
9. Do judges make laws? In what cases?
10. Why did the tradition of equity appear?
11. What types of courts existed in England until 1873?
12. Why were the two systems of courts unified?
13. What are continental systems often called?
14. What have continental systems resulted from?
15. What did the lawmakers want to show?
16. Could judges make law in continental systems?
17. Why is continental law often called Roman law?
18. What is a statute?
19. What is the difference between common law and continental law?

Exercise 2. Supply Russian equivalents.

court ruling	previous cases
Case law	doctrine of precedent
to clarify the law	to develop gradually
to interpret statutes	to apply existing precedents
specific performance	monetary compensation
to carry out a contract	to originate in the state
codified legal systems	to recognize the rights
legislature	to unify
judiciary	legislator
principle of equity	a satisfactory solution

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

1. equitable	a. to use
2. legislator	b. to change
3. tradition	c. lawmaker
4. statute	d. to make smth clear
5. distinction	e. fair
6. common law	f. a code
7. to modify	g. case law
8. to clarify	h. monetary compensation
9. continental law	i. a difference
10. court ruling	j. precedent
11. damages	k. Roman law
12. to apply	l. custom
13. to adopt a law	m. to pass a law

Exercise 6. Give antonyms and translate them.

- a. satisfied - dis
flexible - in
to interpret - mis
willing - un _____
essential - un _____
equitable - in _____

- b. legal, just, fair, formal, important, possible, agreement, necessary.

Exercise 7. Supply English equivalents.

законодатель	предыдущие дела
признавать права	быть удовлетворенным ч-л
создавать свод законов	справедливый
римское право обычай	изменять закон
законодательный орган	кодифицированная правовая система
начать дело в суде	постановление суда
выполнять контракт	бывшие социалистические государства
толковать закон	денежная компенсация
убытки	разъяснять смысл закона
	принимать закон

Exercise 8. Translate the following word combinations into English and make sentences with them.

быть удовлетворенным	решением договором правительством
признавать права	обязанности законы
выполнять контракт	обязанность по договору (under the contract) условия инструкции
предыдущие	дела собрания решения
бывший	социалистические государства президент министр
применять	прецеденты к каждому новому делу законы к гражданам

Exercise 9. Insert prepositions consulting the text.

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

Exercise 10. Fill in the gaps with missing words consulting the text.

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

9. Continental systems are often called.....
10. Courts of equity .. .the rights which were not... as common law.
11. Common law is by Commonwealth countries.

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|---|-----------------------|
| 1. previous court ruling | a. lawmaker |
| 2. codified law system | b. judge |
| 3. former British colonies | c Commonwealth |
| 4. public officer with authority | d. precedent |
| 5. to hear and decide cases in a law court | e. judiciary |
| 6. sum of money awarded by a court as compensation | f. damages |
| 7. law passed by a legislative body person who makes laws | g. statute |
| 8. the system of law courts in a country | h. continental system |

Exercise 12. Use passive sentences in the Present Perfect as shown in the example.

Example: The problem is solved.

The problem has **just** been solved
 The problem has **already** been solved.
 The problem has been solved **lately**.
 The problem has been solved **recently**.
 The problem hasn't been solved **yet**.
 The problem has been solved **today**.
 The problem has been solved **this week**.

1. A new law is adopted.
2. A set of codes is produced.
3. A new company is set up.
4. The statutes are interpreted.
5. The tickets are bought.
6. The law is written in a formal document.
7. The obligations under the contract are carried out.
8. The dispute is settled.
9. The law is modified.
10. Their rights are recognized.

Exercise 13. Change the sentences using the Passive Voice.

1. They have passed a new law lately.
2. They didn't reach a satisfactory solution.
3. They will pay damages.
4. They haven't adopted a new law yet.
5. They didn't recognize the women's rights for a long time.
6. They have already started an action in court.
7. Courts apply precedents.
8. Judges interpret statutes.
9. They have just made a decision.
10. They sought legal advice.

Exercise 14. Translate the sentences into Russian using the structures given.

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

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

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

It is necessary for judges to apply existing precedents. - Судьям необходимо использовать существующие прецеденты.

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

III. *Example*. If the elements of the case are the same as those of previous recorded cases they have to make the same decision. Если составляющие дела такие же, как в предыдущих делах, они должны вынести такое же решение по делу.

1. The price of tin (олово) is higher than **that of** copper (медь).
2. At our factory there are a few machines similar to those described in this magazine.
3. Ordinary Americans are much more interested in local politics than **those** at the federal level.
4. Most legal systems in Europe, including **that of** Scotland, are strongly influenced by Roman Law.
5. According to specialists the two central banks most independent of the government are **those** of Switzerland and Germany.
6. Many companies invest their profits in such spheres as sophisticated technologies and those giving fast returns.
7. The political power of the US Secretary of State is second only to **that of** the President.
8. The House of Lords is considered the upper house of the British Parliament, but its political powers are much more limited than those of the lower house, the House of Commons.
9. International law regulates relations between governments and also between private citizens of one country and those of another.

Exercise 15. Combine two sentences into one using "as".

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

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

Exercise 16. Change the following word combinations using adverbs.

Example, a gradual development - to develop gradually.

1. reasonable behaviour
2. a fair decision
3. a different development
4. a quick adoption
5. a clear interpretation
6. an equitable agreement
7. a legal government
8. a formal refusal
9. an entire support
10. a global solution

Exercise 17. Translate.

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

Exercise 18. Translate.

1. Каждый год много новых законов принимаются Британским парламентом.
2. Если контракт не выполнен, вы можете начать дело в суде.

3. Судьи должны толковать существующие законы.
4. Он не был удовлетворен решением суда.
5. Если вы пострадали в аварии на железной дороге, вам выплатят убытки.
6. В странах континентального права судьи могут только применять законы.
7. Конгресс - является законодательным органом в США.
8. Законы записаны в Конституции.
9. Иногда трудно принять решение.
10. Этот вопрос обсуждался на предыдущем собрании.

Exercise 19. Discuss the following statements.

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

Exercise 20. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Каждая страна имеет свою собственную правовую систему, т.к. каждая страна развивалась по-разному.	Every country has its own system of law as each country has developed differently.
2.	Однако, существует две основные традиции права в мире - общее право Англии и континентальное или римское право.	However, there are two main traditions of law in the world - English Common law, or Case law, and Continental, or Roman law.
3.	Английское общее право принято многими странами Содружества и на большей части территории США.	English Common law is adopted by many Commonwealth countries and most of the USA.
4.	Континентальное право принято в континентальной Европе, во многих странах Азии и Африки и в бывших социалистических странах.	Continental law is adopted in continental Europe, many countries in Asia and Africa and in former socialist states.
5.	Английское общее право развивалось постепенно на протяжении истории и основывается на обычаях, решениях суда (прецедентах) и статутах.	English Common law has developed gradually throughout the history and is based on customs, court rulings (precedents) and statutes.
6.	Самым важным понятием английского общего права является доктрина прецедента.	The most important concept of English Common law is the doctrine of precedent.
7.	Прецедент - это решение, принятое судом по какому-то делу, которое служит примером для других судов, если основные элементы дела совпадают.	Precedent is a decision made by a court on some case that serves example for other courts to follow if the essential elements of the case are the same.
8.	Таким образом, судьи должны применять существующие прецеденты к каждому новому делу.	Thus, judges have to apply existing precedents to each new case.
9.	Если элементы дела такие же, как в предыдущих делах, они должны вынести такое же решение по делу.	If the elements of the case are the same, as those of previous recorded cases they have to make the same decision.
10.	Иногда правительства создают новые	Sometimes governments make new laws

	законы, чтобы изменить или разъяснить общее право, или создать правила, которые не существовали прежде.	(statutes) to modify or clarify common law, or to make rules, which have not existed before.
11.	Судьи толкуют эти статуты, и их толкования становятся новыми прецедентами.	Judges interpret those statutes and their interpretations become new precedents.
12.	Следовательно, судьи не только применяют право.	Therefore, judges do not only apply law.
13.	Они создают право, т.к. их толкования - это прецеденты для других судов.	They make law as their interpretations are precedents for other courts to follow.
14.	Другим важным понятием английского общего права является принцип справедливости.	Another important concept of the common law is the principle of equity.
15.	К концу 14 века народ Англии был не удовлетворен негибкостью общего права.	By the 14-th century people of England had become dissatisfied with the inflexibility of common law.
16.	Суды хотели изменить существующее общее право, и развилась новая система, которая признавала права, которые не применялись в общем праве, но считались справедливыми (право заставить кого-либо исполнить контракт или право бенефициария доверительной собственности).	The courts became willing to modify the existing common law and a new system developed which recognized the rights that were not enforced as common law but were equitable or just (the right to force someone to carry out a contract, called specific performance or the right of the beneficiary of the trust).
17.	Суды общего права и суды справедливости сосуществовали веками.	The courts of common law and of equity existed alongside for centuries.
18.	Решение суда справедливости по одному и тому же делу всегда превалировало.	An equitable ruling on the same case prevailed.
19.	Проблема была в том, что человек был вынужден начинать дело в двух различных судах для того, чтобы получить удовлетворяющее его решение.	The problem was that a person had to start an action in two different courts in order to get a satisfactory solution.
20.	Например, человек должен был требовать реального исполнения в суде справедливости и возмещения убытков в суде общего права.	For example, a person had to seek specific performance in a court of equity and damages (monetary compensation) in a common law court.
21.	Вот почему в 1873 году эти две системы были объединены.	That is why in 1873 the two systems were unified.
22.	Континентальные системы часто называют кодифицированными правовыми системами, т.к. они явились результатом попыток государств создать свод законов для управления всех сторон жизни.	Continental systems are often called codified law systems as they have resulted from government attempts to produce a set of codes to govern every legal aspect of life.
23.	Законодатели хотели показать, что права граждан исходят от государства, а не от местных обычаев, и хотели разделить законодательную и судебную ветви власти.	The legislators wanted to show that the legal rights of the citizens originated in the state, not in local customs and to separate legislature and judiciary.
24.	Государство, а не судьи должно было	It was the state that v/as to make new laws, not

	принимать новые законы.	the courts.
25.	Суды могли только применять нормы права, которые создало государство.	The Courts could only apply the law that the governments had made.
26.	Создавая новые законы, законодатели находились под влиянием законов, созданных в 7 веке руководством римского императора Юстиниана.	Making new codes the lawmakers were influenced by the codes produced in the 7-th century under the direction of Roman Emperor Justinian.
27.	Таким образом, появилось название - римское право.	Thus appeared the name — Roman law.
28.	Основным понятием римского права является статут.	The main concept of Continental Law is a government code (statute).
29.	Статут — это закон, принятый законодательным органом и записанным в официальном документе.	Statute is a law passed by a legislative body and written in a formal document.
30.	Важно не преувеличивать разницу между двумя традициями в праве, т.к. многие страны используют обе (США).	It is important not to exaggerate the differences between these two traditions of law as many countries use both (the USA).
31.	Четкое разделение между законодательной и судебной властью также ослабло (Германия, Франция и Италия)	The clear distinction between legislature and judiciary has also weakened (Germany, France and Italy).

UNIT3

CIVIL AND PUBLIC LAW

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

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

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

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

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

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

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

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

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

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

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

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

VOCABULARY NOTES

1.	public law	публичное право
2.	civil (private) law	частное право (гражданское) право
3.	to concern	затрагивать, касаться
4.	law of contracts	договорное право
5.	law of torts	деликтное право
6.	law of trusts	доверительное право
7.	probate law	наследственное право
8.	land law	земельное право
9.	family law	семейное право
10.	to deal with (dealt)	иметь дело
11.	binding agreement	обязательное, обязывающее соглашение
12.	to commit a wrong	совершить правонарушение
13.	arrangement	соглашение, договоренность
14.	to administer property	управлять собственностью
15.	for smb's benefit	во благо, на пользу к-л
16.	criminal law	уголовное право
17.	constitutional law	конституционное право
18.	international law	международное право
19.	to harm	наносить вред
20.	well-being of society	благополучие общества
21.	criminal procedure	уголовный процесс
22.	civil procedure	гражданский процесс
23.	criminal action	уголовное дело
24.	civil action	гражданское дело
25.	on the one hand on the other hand	с одной стороны с другой стороны
26.	to bring a criminal action	возбуждать уголовное дело
27.	prosecution	обвинение
28.	plaintiff	истец
29.	defendant	ответчик; обвиняемый; подсудимый

Pronounce the following words correctly.

benefit	[ˈbenɪfɪt]
private	[ˈpraɪvət]
concern	[kənˈsɜːn]
civil	[ˈsɪvəl]
probate	[ˈprəʊbeɪt]
binding	[ˈbaɪndɪŋ]
arrangement	[əˈreɪndʒmənt]
administer	[ədˈmɪnɪstə]
constitutional	[ˌkɒnstɪˈtjuːʃənəl]
procedure	[prəˈsiːdʒə]
plaintiff	[ˈpleɪntɪf]
prosecution	[ˌprɒsiˈkjuːʃn]
company	[ˈkʌmpəni]
society	[səˈsaɪəti]

EXERCISES.**Exercise 1. Answer the following questions.**

- What is the main distinction between public and private law?
 What are the main categories of private law? What do they deal with?
 What are the main categories of public law? What do they deal with?
 How do criminal and civil procedures differ?
 What are the parties in a civil action?
 What are the parties in a criminal action?

Exercise 2. Supply Russian equivalents.

to bring a criminal action	plaintiff
defendant	to accuse smb of smth
well-being of society	to deal with
to commit a wrong	law of torts
probate	criminal procedure
law civil action	prosecution
binding agreement	to harm
to administer	for smb's benefit
property	

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

- Публичное право касается споров между гражданами и государством и споров между государствами.
 2. Сторона, начинающая уголовное дело, называется обвинением.
 3. Уголовные дела почти всегда начинаются государством.

4. Договорное право имеет дело с обязательными соглашениями между людьми и компаниями.
5. Гражданское право имеет дело со спорами, возникающими между гражданами внутри страны.
6. Деликтное право касается правонарушений, совершенных против частного лица, его собственности или репутации.
7. Сторону, которую обвиняют в преступлении или правонарушении, называют ответчиком.
8. Гражданские дела начинаются частными лицами.
9. Уголовное право имеет дело с правонарушениями, которые вредят благополучию общества.
10. Сторона, начинающая гражданское дело, называется истцом.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

offence	a. to accuse smb of
to bring an action	b. distinction
dispute	c to begin
private person	d. private law
difference	e. wrong
civil law	f. an individual
to start	g. disagreement
to charge smb with	h. to start an action

Exercise 6. Supply antonyms and translate them.

- A. constitutional - (un) _
 binding - (un) _
 agreement - (dis) _
 arrange - (mis) _

B. Match words with their antonyms.

public	a. defendant
plaintiff	b. to accuse
similarity	c never
to do good	d. distinction
similar to	e. to do harm
acquit	f. civil
usually	g. different
often	h. seldom

Exercise 7. Supply English equivalents.

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

Exercise 8. Translate the following word combinations into English and make sentences with them.

быть обвиненным в преступлении
 в правонарушении

начинать уголовное преследование гражданское
 преследование

иметь дело с правонарушениями
 с собственностью после смерти владельца
 со спорами между гражданами одной страны

совершать преступление правонарушение

касаться споров договоренностей

Exercise 9. Insert prepositions consulting the text.

1. He is accused a crime.
2. A trustee administers property ... the beneficiary's benefit.
3. Law of torts deals ... wrongs committed ... one individual ... another individual's person,
 property or reputation.
4. Probate law concerns arrangements ... dealing ... property ... the owner's death.
5. Civil actions are started ... individuals.
6. Public law concerns disputes ... citizens and the state, or ... one state and another.

Exercise 10. Fill in the gaps with missing words.

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

Exercise 17. Find a suitable definition for each word in the right column.

- | | |
|---|-----------------------|
| 1. it regulates relations between governments | a. civil actions |
| 2. a binding agreement | b. constitutional law |
| 3. he starts a civil action | c defendant |
| 4. actions which harm the well-being of society | d. international law |
| 5. things that people own | e. contract |
| 6. against him actions in court are started | f. civil law |
| 7. it regulates relations between private citizens and the government | g. state |
| 8. it settles disputes among citizens within a country | h. plaintiff |
| 9. these actions are started by individuals | i. property |
| 10. this party usually brings a criminal action | g. crimes |

Exercise 12. Use the passive sentences in the Continuous as shown in the example.

Example. The problem is solved.

- a. now
- b. when we entered the room

The problem is being solved now.

The problem was being solved when we entered the room.

1. The matter is discussed.
 - a. at the moment
 - b. when we joined the meeting
2. A wrong is committed.
 - a. now
 - b. when we went out
3. The contract is made.
 - a. at the moment
 - b. when the phone rang
4. A new company is set up.
 - a. at present
 - b. they informed us

Exercise 13. Change the following sentences using the Passive Voice.

1. They started a civil action.
2. It harms the well-being of society.
3. He has committed a wrong.
4. They deal with contracts.
5. The state usually brings a criminal action.
6. They are discussing the contract now.
7. They will reach an agreement soon.
8. They have settled the dispute.
9. They were solving the problem when the phone rang.
10. Constitutional law regulates relations between private citizens and the government.
11. They are accusing him of this crime.

Exercise 14.**I. Translate the following word combinations using participles.**

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

1. a criminal action brought by the state the party bringing a criminal action
2. a contract made in 1990
the parties making a contract
3. an action started by an individual an individual starting an action.
4. a company set up in 2000
private person setting up a company
5. a precedent applied by the judge
judges applying precedents.

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

1. to adopt a new law
2. to interpret a statute
3. to carry out a contract
4. to produce a set of codes
5. to recognize the rights
6. to seek legal advice
7. to solve a problem

Exercise 15. Translate the sentences into Russian using the structures given.

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

1. It is the state that usually starts criminal actions.
2. It is the doctrine of precedent that is the most important concept of English common law.
3. It was the court of equity that recognized the right to specific performance.
4. It is the plaintiff that brings a civil action.
5. It is public law that deals with disputes between citizens and the state.

Exercise 16. Read and translate.

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

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

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

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

Exercise 17. Translate.

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

Exercise 18. Discuss the following statement.

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

Exercise 19. Translate the Russian part of the text. Consult the English part if necessary.

1.	Важная разница, которая признается во многих странах, проводится между правом публичным и частным.	One important distinction made in many countries is between civil (or private)
2.	Гражданское право имеет дело со спорами, возникающими между гражданами внутри страны.	Civil law concerns disputes among citizens within a country.
3.	Публичное право касается споров между гражданами и государством или споров между государствами.	Public law concerns disputes between citizens and the state, or between one state and another.
4.	Основными категориями частного права являются: договорное право, деликтное	The main categories of English civil law are: law of contracts, law of torts, law of trusts, probate law, land

	право, доверительное право, земельное и семейное право.	law, family law.
5.	Договорное право имеет дело с обязывающими соглашениями между людьми или компаниями.	Law of contracts deals with binding agreements between people or companies.
6.	Деликтное право касается правонарушений, совершенных против частного лица, его собственности или репутации.	Law of torts deals with wrongs committed by one individual against another individual's person, property or reputation.
7.	Доверительное право касается соглашений, когда одно лицо управляет собственностью другого лица для его блага.	Law of trusts concerns arrangements when a person administers property for another person's benefit.
8.	Наследственное право касается соглашений в отношении собственности после смерти владельца.	Probate law concerns arrangements for dealing with property after the owner's death.
9.	Основными категориями публичного права являются уголовное право, конституционное право и международное право.	The main categories of public law are criminal law, constitutional law and international law.
10.	Уголовное право имеет дело с правонарушениями, которые вредят благополучию общества, даже если они совершены против частного лица.	Criminal law deals with wrongs, which harm the well being of society, even when they are committed against an individual.
11.	Конституционное право регулирует действие законов в государстве и отношения между частными гражданами и государством.	Constitutional law shows how the law operates in the state and regulates relations between private citizens and the government.
12.	Международное право регулирует отношения между государствами, а также между гражданами одной страны и гражданами другой страны.	International law regulates relations between governments and also between private citizens of one country and those of another.
13.	Уголовное судопроизводство отличается от гражданского.	Criminal and civil procedures are different!
14.	Уголовные дела почти всегда начинаются государством.	Criminal actions are nearly always started by the state.
15.	Гражданские дела всегда начинаются частными лицами.	Civil actions are usually started by the individuals.
16.	Сторона, начинающая уголовное дело (в большинстве случаев это государство), называется обвинением.	The party bringing a criminal action (that is in most cases the state) is called the prosecution.
17.	Сторона, начинающая гражданское дело, называется истцом.	The party bringing a civil action is called the plaintiff.
18.	Сторона, обвиняемая в суде за преступление или правонарушение, называется ответчиком в обоих случаях.	The party accused in court of a crime or a civil offence is called the defendant in both kinds of actions.

UNIT 4.

LAW OF TORTS

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

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

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

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

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

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

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

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

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

The tort of defamation covers attacks against someone's

reputation **through the written or spoken word.**

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

Not every wrong committed in the society **is remediable in tort.** The plaintiff has to show that he has suffered an action recognized as a tortious one and he has to show that his relation to the **tortfeasor** (committer of a tort) gives him the **legal capacity** to sue.

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

VOCABULARY NOTES

1.	tort	деликт
2.	wrongful act	противоправное действие
3.	contractual relationship	контрактные отношения
4.	liability	ответственность
5.	to owe the duty to smb	быть должным к-л, обязанным
6.	to impose smth on smb.	налагать ч-л на к-л
7.	regardless of	несмотря на
8.	burden of proof	бремя доказывания
9.	tortious action	деликтное действие
10.	injured party	потерпевшая сторона
11.	to charge smb with smth	обвинять к-л в ч-л
12.	to commit a tort	совершить деликт
13.	to prove smth	доказывать ч-л
14.	to be entitled to smth	иметь право на ч-л
15.	to compensate smb. for smth	компенсировать к-л ч-л
16.	injury	1. вред, ущерб 2. телесное повреждение
17.	public law and order	общественный правопорядок
18.	complaining witness	свидетель, принесший жалобу
19.	convicted defendant	осужденный ответчик
20.	to pay a fine	платить штраф
21.	to go to prison	сесть в тюрьму
22.	the tort of conversion	деликт присвоения движимого имущества
23.	the tort of trespass	деликт нарушения владения
24.	the tort of nuisance	деликт нарушения покоя
25.	the tort of negligence	деликт небрежности
26.	the tort of defamation	деликт диффамации, дискредитации
27.	to cover	охватывать

28.	to resemble	походить
29.	crime of theft	преступление кражи
30.	to enter smb's land	входить на территорию владения
31.	without smb's permission	без разрешения к-л
32.	unreasonable interference	незаконное вмешательство
33.	enjoyment of land	пользование землей
34.	to sue in the tort of	начинать иск по деликту
35.	breach of a legal duty of care	нарушение правовой обязанности соблюдать осторожность
36.	through the written or spoken word	в устной или письменной форме
37.	vicarious liability	ответственность за действия третьих лиц
38.	on behalf of smb	от имени к-л
39.	in the normal course of one's employment	в рабочее время

40.	to be remediable in tort	иметь средства судебной защиты по деликту
41.	tortfeasor	правонарушитель, делинквент
42.	legal capacity	правоспособность
43.	statutory tort	деликт, определенный статутом
44.	defective equipment	неисправное оборудование
45.	Employers Liability Act	акт об ответственности нанимателей

Pronounce the following words correctly.

contractual	[kən'træktʃuəl]
liability	[ˌlɪə'bɪlɪtɪ]
owe	[oʊ]
tortious	[ˈtɔːʃəs]
prove	[pruːv]
conversion	[kən'veɪʃən]
trespass	[ˈtrespəs]
nuisance	[ˈnjuːəsəns]
negligence	[ˈneglɪdʒəns]
defamation	[ˌdefə'meɪʃən]
resemble	[rɪ'zembəl]
interference	[ˌɪntə'fɪərəns]
vicarious	[vɪ'keəriəs]
behalf	[bɪ'hɑːf]
tortfeasor	[ˌtɔːt'fiːzə]
remediable	[rɪ'mɪ:djəbəl]
statutory	[ˈstætjʊtəri]
equipment	[ɪ'kwɪpmənt]

EXERCISES.

Exercise h Answer the following questions.

1. What is a tort?
2. What law system uses the concept of tort?
3. What kind of wrongs are torts?

4. Who does the law of torts help?
What is the difference between a tort and a crime?
5. What are the parties called in a tortious action?
6. What are the parties called in a criminal action?
7. What is the plaintiff entitled to if he wins a tortious action?
What does the injured party do in a criminal action?
Can the injured party get damages in a criminal action?
10. Where may the injured party try to get damages?
11. What are the most common torts? What do they deal with?
12. In what case can an individual sue in the tort of nuisance?
13. In what case can an individual sue in the tort of negligence?
14. What does the term "vicarious liability" mean?
15. Why is the concept of vicarious liability useful?
16. What does the plaintiff have to show to win a tortious action?
17. What is a statutory tort?
- 18.

Exercise 2. Supply Russian equivalents.

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

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

- | | |
|------------------------|--|
| 1. liability | a. custom |
| 2. wrong | b. responsibility |
| 3. damages | c. to have the right |
| 4. to charge | d. committer of a tort |
| 5. vicarious liability | e. monetary compensation |
| 6. tradition | f. liability on behalf of someone else |
| 7. tortfeaser | g. offence |
| 8. to be entitled | h. to accuse |

Exercise 6. Give antonyms and translate them.

- | | | |
|-------------|---------|------|
| A. pleasant | - un_ - | |
| reasonable | un | |
| useful to | | less |
| use safe | - mis | |
| written | - un_ | |
| | - un | |

B. formal, important, flexible, to satisfy, to interpret, just, equitable, essential, possible, agreement

Exercise 7. Supply English equivalents.

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

Exercise 8. Translate the following word combinations into English and make sentences with them.

- | | |
|-----------------|----------------|
| быть обвиненным | в преступлении |
| | в деликте в |
| | убийстве |

иметь право	на возмещение убытков подать иск обратиться к юристу
совершить	правонарушение преступление деликт
подать иск	по деликту небрежности по деликту нарушения покоя по деликту противоправного нарушения владения
основываться	на соглашении между сторонами на обязанности на фактах
незаконный	поведение вмешательство арест

Exercise 9. Insert prepositions consulting the text.

1. An individual can sue ... the tort... nuisance when his neighbour creates too much noise.
2. Vicarious liability is liability ... behalf... someone else.
3. He is charged ... committing a tort.
4. The tort of nuisance covers an unreasonable interference ... a person's use or enjoyment of land.
5. Tort liability is imposed ... law.
6. The plaintiff is entitled ... damages.
7. Tort liability is based ... the duty one person owes ... another.
8. The tort of defamation covers attacks ... someone's reputation ... written or spoken word.
9. He committed a tort of negligence ... the normal course ... his employment.
10. Injury suffered because ... defective equipment may lead ... a negligence action regulated ... the 1969 Employers Liability Act.

Exercise 10. Fill in the gaps with missing words consulting the text.

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

16. Vicarious liability is useful whenare sought.
17. A wrongful act committed by an individual against another individual's person, property or reputation is called a
18. Torts help those who are not in.....
19. If you enter someone's land without the owner's permission you may be sued in the tort of...

Exercise 7 7. Find a suitable definition for each word in the right column.

liability on behalf of someone else	a. contractual relationship
wrongful act	b. reputation
breach of a legal duty of care	c defendant
opinion about someone held by others	d. the tort of trespass
person who tells in court what he saw happen	e. burden of proof
the duty to prove the facts of the case	f. vicarious liability
committer of a tort	g. tortfeasor
person against whom an action is started	h. the tort of negligence
relations based on a contract	i. witness
entering someone's land without the owner's permission	j. tort

Exercise 72. Use passive sentences with model verbs as shown in the example.

Example: The problem is solved.

The problem can be solved. The
 problem may be solved. The
 problem might be solved. The
 problem must be solved. The
 problem has to be solved. The
 problem is to be solved.

1. These matters are discussed.
2. A fine is paid.
3. The elements of the case are proved.
4. High damages are sought.
5. The action is recognized as a tortious one.

Exercise. 73. Change sentences using the Passive Voice.

1. They charged Mr.Green with committing a tort.
2. The prosecutor represents the state.
3. We can sue our neighbour in the tort of nuisance.
4. The plaintiff is seeking high damages.
5. The robbers stole expensive equipment yesterday.
6. He has committed a tort.
7. They recognize this action as a tortious one.
8. We must prove a breach of duty.
9. They have sued him in the tort of trespass.
10. The company compensated Mr. Brown for his injury.
11. The injured party must receive damages.
12. Law imposes contractual liability.
13. His neighbour created much noise.

14. Law gives the plaintiff the right to sue the employer.
15. Mr. Smith has to pay a fine.

Exercise 14. Use "that", "which", "who" only if you cannot do without them.

Example: Tort liability is based on the duty (that) one person owes to another.
The breach of duty that must be proved is defined in a statute.

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

Exercise 15. Translate the following sentences into Russian.

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

Кажется, что деликт и преступление похожи.

1. People all over the world seem to be becoming more and more accustomed to using legal means to regulate their relations with one another.
2. When law shows people's inability to cooperate informally, law seems to be an evil.
3. Lawyers try to explain exactly why a judicial decision has been made, even when the decision appears to be obvious common sense.
4. Most people appear to be confident that the political views they hold at any particular moment are absolutely right.
5. The concept of vicarious liability appears to be very useful when high damages are sought and the defendant doesn't have the money to pay them.

II. <i>Remember</i>	both ... and	- и ... и как ... так и
	either ... or	- или ... или
	neither ... nor	- ни ... ни
	not only ... but also	- не только ... но и
	as well as	- так же, как и

1. The convicted defendant either pays a fine or goes to prison.
2. We either settle this dispute now or I go to court.
3. We object not only to the terms of payment, but also to the terms of delivery.
4. Both the wheat and the barley will be shipped tomorrow.
5. We have received your telegram as well as your letter of the 20 May.

6. Neither weapons nor drugs have been intercepted.

Exercise 76. Read and Translate.

Trespass. A person may be sued for damages if he commits a trespass to someone else's land, or his goods or his person (body).

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

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

Nuisance. We all have the right to enjoy our property. The legal meaning of this word is that we have the right to keep it without its value to us being disturbed or spoiled. A person who does spoil another's enjoyment of his or her property can be ordered to pay damages. He can also be ordered to stop committing the nuisance - by an *injunction*.

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

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

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

Exercise 17. Translate.

1. Он громко включал музыку по ночам, и соседи возбудили против него дело по деликту нарушения покоя.
2. Они имеют право на возмещение убытков.
Компания отвечает за своего работника, если он совершает деликт в рабочее время и не может заплатить убытки по нему. Компания должна заплатить за него.
3. Пострадавшая сторона не может получить убытки в уголовном преследовании. Для получения убытков она должна возбудить гражданское дело.
4. Статутные деликты определены в статутах.

5. Он имеет право подать иск по деликту небрежности.
6. Каждый год тысячи людей становятся жертвами автодорожных происшествий.
7. Если стороны не могут достичь соглашения, они обращаются в суд.
8. Деликты помогают людям, которые не находятся в контрактных отношениях.
9. Не всякое совершенное правонарушение имеет средства судебной защиты по деликту.

Exercise 18 Define the torts committed.

1. Mrs. Brown was trapped in the ladies' lavatory because of a faulty lock on the door. She fell and was injured while trying to climb out by standing on the toilet-roll holder.
2. An elderly woman throws large amounts of bread around her house. Birds flock to her home, which is a semi-detached house in a suburban area. It causes serious inconvenience and concern to her neighbours, because they think it is dangerous for health.
3. Mrs. Steel and Mrs. Norris published a factsheet entitled. "What's wrong with McDonald's?" It accused the food chain of serving unhealthy food posing a real risk of cancer, heart disease and food poisoning, of exploiting children with their advertising and marketing, of cruelty to animals and of treating its employees badly.
4. Cynamon Product is a limited company. They produce collapsible furniture. They send their employee Christopher to collect five pounds of nails from the local ironmonger. On the way back Christopher falls off the bike and drops the bag of nails on the road. A petrol tank goes along the same road. Its tyres burst. The tank swings, bumps over the pavement and finishes with its nose in someone's front garden.

Exercise 79. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Деликт ~ это противоправное действие, совершенное одним лицом против другого лица, его собственности или репутации.	A tort is a wrongful act committed by an individual against another individual's person, property or reputation.
2.	Понятие деликта используется в большинстве англоговорящих стран, которые используют общее право.	The concept of tort is used in most English-speaking common law traditions.
3.	Это гражданское правонарушение.	It is a civil wrong.
4.	Деликты часто помогают тем, кто не находится в контрактных отношениях.	Torts often help those who are not in contractual relationships.
5.	Ответственность по контракту основана на соглашении между сторонами.	Contractual liability is based on the agreement between parties.
6.	Ответственность по деликту основана на обязанности одного человека перед другим.	Tort liability is based on the duty one person owes to another.
7.	Она налагается законом, независимо от того, есть ли соглашение между сторонами или нет.	It is imposed by law regardless of whether or not there is an agreement between the parties.
8.	Хотя деликт и преступление кажутся похожими во многих случаях, стороны, бремя доказывания и убытки различны.	Although a tort and a crime appear to be the same in many cases, the parties, burden of proof, and damages are different.
9.	В деликтном действии потерпевшая сторона является истцом, а сторона,	In a tortious action the injured party is the plaintiff and the person charged with

	обвиненная в совершении деликта, ответчиком.	committing the tort is the defendant.
10.	Истец должен доказать составляющие дела.	The plaintiff has to prove the elements of his case.
11.	Он имеет право на возмещение убытков, которые компенсируют его ущерб.	He is entitled to damages to compensate him for his injury.
12.	Преступления обычно затрагивают общественный правопорядок.	Crimes usually involve public law and order.
13.	Поэтому в преступном действии истцом является государство в лице прокурора.	Thus, in a criminal action the plaintiff is the state, represented by the prosecutor.
14.	Лицо, обвиненное в совершении преступления, является ответчиком.	The person charged with committing a crime is the defendant.
15.	Потерпевшая сторона является просто свидетелем, принесшим жалобу.	The injured party is merely a complaining witness.
16.	Государство должно доказать составляющие дела.	The state has to prove its case.
17.	Осужденный ответчик или платит штраф, или садится в тюрьму.	The convicted defendant either pays a fine, or goes to prison.
18.	Потерпевшая сторона не получает ничего.	The injured party receives nothing.
19.	Иногда преступление является также деликтом, и потерпевшая сторона может попытаться получить возмещение убытков в гражданском суде.	Sometimes a crime is also a tort and the injured party may try to get damages in a civil court.
20.	Наиболее распространенными деликтами являются: деликт присвоения движимого имущества, деликт нарушения владения, деликт нарушения покоя, деликт небрежности, деликт диффамации.	The most common torts are the tort of conversion, the tort of trespass, the tort of nuisance, the tort of negligence, the tort of defamation.
21.	Деликт присвоения движимого имущества охватывает присвоение, разрушение и продажу чужих вещей.	The tort of conversion covers taking, destroying or selling someone else's goods.
22.	Он похож на преступление кражи.	It resembles the crime of theft.
23.	Деликт противоправного нарушения владения - это вторжение на чью-либо территорию без разрешения владельца.	The tort of trespass covers entering someone's land without the owner's permission.
24.	Деликт нарушения покоя - это незаконное вмешательство в чье-либо право пользования землей.	The tort of nuisance covers an unreasonable interference with a person's use or enjoyment of land.
25.	Он может быть использован во многих ситуациях.	It can be used in many situations.
26.	Человек может подать иск по деликту нарушения покоя, если его сосед слишком шумит или хранит мусор, который неприятно пахнет.	An individual can sue in the tort of nuisance when his neighbour creates too much noise or keeps rubbish that causes unpleasant smells.
27.	Деликт небрежности — это нарушение	The tort of negligence covers a breach of a

	правовой обязанности соблюдать осторожность.	legal duty of care.
28.	Человек может подать иск по деликту небрежности, если он пострадал от стекла, выброшенного из окна, или если его машину повредили при парковке.	An individual may sue in the tort of negligence if he is injured by broken glass falling from a window or if someone has damaged his car while parking.
29.	Деликт диффамации имеет дело с нападками на репутацию кого-либо в устной или письменной форме.	The tort of defamation covers attacks against someone's reputation through the written or spoken word.
30.	Ответственность за действия третьих лиц является важным понятием в деликтном праве.	Vicarious liability (liability on behalf of someone else) is an important concept in the law of torts.
31.	Она дает право подать иск на работодателя лица, совершившего деликт в рабочее время.	It gives the right to sue the employer of a person who commits a tort in the normal course of his employment.
32.	Это понятие полезно, когда взыскиваются большие убытки, а у ответчика нет достаточно денег, чтобы заплатить за них.	The concept is useful when high damages are sought and the defendant does not have the money to pay them.
33.	Не каждое правонарушение, совершенное в обществе, имеет средство судебной защиты по деликту.	Not every wrong committed in the society is remediable in tort.
34.	Истец должен показать, что он пострадал от действия, признанного деликтным, и что его отношение к делинквенту дает ему право подать иск.	The plaintiff has to show that he has suffered an action recognized as a tortious one and he has to show that his relation to a tortfeasor (committer of a tort) gives him the legal capacity to sue.
35.	Некоторые деликты известны как статутные деликты.	Someone torts are known as statutory torts.
36.	Нарушение правовой обязанности, которая должна быть доказана, определена в статуте.	The breach of duty that must be proved is defined in a statute.
37.	Например, телесные повреждения, вызванные неисправным оборудованием, могут привести к делу по деликту о небрежности, регулируемому Актом об ответственности нанимателей 1969 года.	For example, injury suffered because of defective equipment may lead to a negligence action regulated by the 1969 Employers Liability Act.

UNIT 5.**LAW OF TRUSTS**

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

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

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

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

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

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

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

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

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

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

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

VOCABULARY NOTES .

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

	smb.	бенефициария
41.	common example	типичный пример
42.	proportion of the proceeds	часть дохода от имущества
43.	former	бывший
44.	regarding	относительно, касательно
45.	property under their control	собственность, находящаяся под их контролем
46.	to be typical for	быть типичным для

Pronounce the following words correctly.

trustee	[ˌtrʌs'ti:]
beneficiary	[ˌbenɪ'fɪʃəri]
movable	['mu:vəbəl]
presume	[pɹɪ'zju:m]
relief	[rɪ'li:f]
advance	[əd'vɑ:nʃ]
beneficial	[be'nɪ'fɪʃəl]
constructive	[kən'strʌktɪv]
charitable	[ˈtʃærɪtəbəl]
proceeds	['prəʊsi:dz]

EXERCISES

Exercise 1. Answer the following questions.

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

Exercise 2. Supply Russian equivalents.

trustee

to impose a trust

movable property

charitable trust

advancement of education

to consider the beneficial interest

legal owner	to create a trust intentionally
express private trust	equitable interest
relief of poverty	to have the power to invest
settlor	real estate
proportion of the proceeds	to presume
constructive trust	benefit of the community

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

- | | |
|---------------------------------|---------------------------------|
| 1. natural person | a. to make smb do smth |
| 2. to have the power to do smth | b. for smb's advantage |
| 3. for smb's benefit | c private person |
| 4. purpose | d. to prohibit |
| 5. to forbid | e. aim |
| 6. to oblige smb to do smth | f. to have the right to do smth |

Exercise 6. Give antonyms and translate them.

- A. advantage - dis
 common - un
 personal - im _
 certain - un
 interested - dis

B. To interpret, flexible, legal, public, necessary, agreement, fair, formal, possible, equitable, just, essential.

Exercise 7. Supply English equivalents.

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

Exercise 8. Translate the word combinations into English and make sentences with them.

иметь право	вкладывать деньги принимать решения относительно собственности действовать от имени кого-то
служить	распространению религии распространению образования благополучию общества
быть обязанным	действовать в интересах бенефициария отдать часть выручки бывшей жене не извлекать личной выгоды

Exercise 9. Insert prepositions consulting the text.

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

Exercise 10. Fill in the gaps with missing words consulting the text.

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

Exercise 17. Find a suitable definition for each word in the right column.

- | | |
|--|-----------------------|
| 1. person who creates a trust | a. implied a trust |
| 2. items of property other than land and goods fixed the land | b. trustee to |
| 3. person who holds legal title to the trust property | c poverty |
| 4. money gained from the sale of something | d. express trust |
| 5. person for whom the trust is created | e. constructive trust |
| 6. trust that is presumed by law | f. movable |
| 7. the state if being very poor | g. a settlor |
| 8. land and goods fixed to the land | h. a beneficiary |
| 9. a trust where one has to consider the beneficial interest of another person | i. real estate |
| 10. a trust created intentionally | j. proceeds |

Exercise 12. Change the following sentences using the Passive Voice.

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

1. The trustee holds and controls the trust property.
2. The trustee can invest money.
3. We divide express trusts into express private trusts and express public trusts.
4. The legal owner of the property must consider the beneficial interest of another person.
5. The law has imposed a trust.
6. The settlor created a trust.
7. He is going to give a proportion of proceeds to his former wife.
8. She has left money to her grandchildren.
9. He has to make some decision about the property.
10. Law forbids it.

Exercise 13. "So" or "Such".**I. Use either "so" or "such"**

Example: so interesting

Such a book

Such an interesting book

Such interesting books

Such good advice

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

II. Translate.

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

1. It doesn't seem just that many people have so little money that they find it virtually impossible to live, while others have so much that they do not know what to do with all of it.
2. The information that the client gives to his lawyers is so confidential that the latter cannot go to the police and reveal it, even though the client may be guilty of a serious crime.
3. It was such a convincing argument that everybody believed him.
4. In America claims against doctors are so common and awards of damages are so high that some doctors are afraid to stop at accidents to help the injured, for fear they may be taken to court.
5. The lawyer delayed the start of the claim for so long that the court wouldn't allow it to proceed.
6. Sometimes lawyers try so hard to win their case that they break the important rules of their profession - that they must behave honourably, and not influence the evidence which their clients give on their witnesses.
7. No one should be given so much power that he can become a dictator or a tyrant.
8. The lawyer asked for such high fees that the litigants couldn't afford to pay them.

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

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

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

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

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

Exercise 14. Translate the sentences into Russian using the structures given.

Example. The trustee is required **to act** in the interests of the beneficiary. - Требуется, чтобы доверительный собственник действовал в интересах бенефициария.

The trustee is said **to be acting** in the interests of beneficiary. - Говорят, что доверительный собственник сейчас действует в интересах бенефициария.

The trustee is believed **to have acted** in the interests of the beneficiary now. - Полагают, что доверительный собственник действовал в интересах бенефициария.

He said to work a lot.	Говорят, что он много работает.
... s supposed to ...	Предполагают, что
.. s believed to ...	Полагают, что
.. s expected to ...	Ожидают, что
.. s reported to ...	Сообщают, что
.. s considered to ...	Считают, что
.. s known to ...	Известно, что
.. is thought to ...	Думают, что

- 1 Mr. Huxely **is believed** to have studied Danish and Dutch in his childhood.
- 2 Food production **is known** to be unequally distributed between countries and within countries.
- 3 He **is believed** to have left money for his grandchildren.
- 4 The parties **are required** to carry out the contract properly.
- 5 He **is thought** to have given a proportion of the proceeds to his wife.
- 6 They **are believed** to be discussing this matter now.
- 7 Express public trusts **are known** to work for charitable purposes.
- 8 This property **is considered** to be expressly forbidden by law.
- 9 He **is supposed** to have been appointed the trustee.
10. Mr. Jones **is known** to have created a trust.
11. Judges **are expected** to get the law right.

Exercise 15. Translate the sentences into Russian paying attention to the prepositions.

Example. 1) A trust is an agreement whereby property is held and controlled by someone **on behalf of** someone else. Доверительная собственность - это соглашение, на основании которого имущество находится во владении и управлении одного лица **от имени** другого.

2) Directors of companies are often in the position of a constructive **regarding** the property under their control. Директора компаний часто являются доверительными собственниками в силу закона относительно собственности, находящейся под их контролем.

according to	согласно
apart from	помимо
because of	из-за
by means of	посредством
in addition to	в дополнение к
in spite of	несмотря на
instead of	вместо
owing to	благодаря, из-за
on behalf of	от имени
thanks to	благодаря
with (in) regard to	по отношению к
with (in) respect to	в отношении

1. He signed the contract **on behalf of** the sellers.
2. I have something to tell you **with regard to** this matter.
3. She didn't go there **because of** the rain.
4. I'm sending you this information **in addition to** my telegram.
5. He finished the work in time **in spite of** all difficulties.
6. We couldn't get there in time **owing to** a severe storm.
7. Give me the red pencil **instead of** the green one.
8. **Thanks to** his help we finished our work early.
9. In Russian ports ships are discharged by **means of** cranes.
10. **Apart from** the high price the terms of payments and delivery proposed by that firms do not suit us.
11. **According to** the information received, the steamer will arrive on the 10-th of May.

Exercise 16. Read and translate.

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

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

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

Exercise 17. Translate.

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

Exercise 18. Discuss the following statements.

1. Reasons for creating trusts.
2. Religious groups shouldn't be exempt from taxes.
3. English law permits trusts for the benefit of animals in general but not for one animal in particular? Why?

Exercise 19. Translate the Russian part of the text. Consult the English part of text if necessary.

1.	Доверительная собственность — это соглашение, на основании которого имущество находится во владении и управлении одного лица от имени другого.	A trust is an agreement whereby property is held and controlled by someone on behalf on someone else.
2.	Типичным примером траста является ситуация, когда кто-то умирает и оставляет деньги внукам, которые слишком малы, чтобы распоряжаться ими самостоятельно.	A common example of this is the situation when someone dies and leaves money for the grandchildren who are too young to deal with it themselves.
3.	Деньги будут положены на имя доверительных собственников, например, родителей ребенка.	The money will be held in the name of trustees - for example, the children's parents.
4.	В трасте могут быть три стороны: учредитель, доверительный собственник и бенефициарий.	There can be three parties in the trust: a settlor, a trustee and a beneficiary.
5.	Учредитель - это лицо, которое владеет собственностью и создает траст.	The settlor is a person who owns some property and creates a trust.
6.	Доверительный собственник — это физическое или юридическое лицо, которое имеет правовой титул на доверительную собственность.	Trustee is a natural or legal person who holds legal title to the trust property.
7.	Он контролирует деньги или собственность для блага бенефициария.	He controls money or property for the beneficiary's advantage.
8.	Доверительный собственник является юридическим владельцем собственности.	The trustee is the legal owner of the property.
9.	Он имеет право вкладывать деньги и принимать другие решения по собственности.	He has the power to invest and make other decisions about the property.
10.	Требуется, чтобы он действовал только в интересах бенефициария, и он не должен извлекать личной выгоды.	But he is required to act only on the interests of the beneficiary, and he must not make any personal profit.
11.	Бенефициарий — это лицо, для которого создана доверительная собственность и в интересах которого она управляется доверительным собственником.	The beneficiary is a person for whom the trust is created and for whose benefit the trust is held by the trustee.
12.	Таким образом, бенефициарий имеют справедливый интерес в собственности, а доверительные собственники - правовой.	Thus, the beneficiaries of the trust have an equitable interest in the property and the trustees have a legal interest.
13.	Объектом доверительной собственности может быть движимое и недвижимое имущество.	The object of a trust can be both movable property and real estate.
14.	Исключением является только собственность, прямо запрещенная законом.	The exception is only the property expressly forbidden by law.
15.	Трасты могут быть прямые и подразумеваемые.	Trusts can be express and implied.
16.	Учредитель создает прямой траст	The settlor creates an express trust intentionally.

	преднамеренно.	
17.	В некоторых случаях закон предполагает, что учредитель собирался создать траст, хотя он об этом не сказал прямо.	In some cases the law presumes that the settlor was going to create a trust even though he did not expressly say so.
18.	Такие трасты являются подразумеваемыми.	Such trusts are implied.
19.	Прямые трасты делятся на частные и публичные.	Express trusts are divided into express private trusts and express public trusts.
20.	Прямой частный траст создается для определенных бенефициариев.	Express private trusts are created for certain beneficiaries.
21.	Прямой публичный траст создается для неопределенных бенефициариев и служит следующим целям: помощь бедным, распространение религии, распространение образования и улучшение благосостояния общества.	Express public (charitable) trusts serve uncertain beneficiaries and must work for the following purposes: the relief of poverty, the advancement of religion, the advancement of education, or the benefit of the community.
22.	Некоторые трасты возникают в силу закона.	Some trusts are constructive.
23.	Закон вводит траст и обязывает юридического собственника учитывать интересы собственника- бенефициария.	The law imposes a trust and obliges the legal owner to consider the beneficial interest of another person.
24.	Типичным примером является, когда продавец дома обязан отдать часть выручки бывшей жене, которая когда-то жила с ним.	A common example of this is when the seller of a house is obliged to give a proportion of the proceeds to the former wife who once lived with him.
25.	Директора компаний часто являются доверительными собственниками в силу закона относительно собственности, находящейся под их контролем.	Directors of companies are often in the position of a constructive trustee regarding the property under their control.
26.	Понятие траста создана правом справедливости.	The concept of trust is a creation of the law of equity.
27.	Трасты типичны для стран общего права.	Trusts are typical for common law countries.
28.	Однако, в некоторых странах, которые используют континентальную систему права, трасты вводятся статутами (Япония).	However, in some countries which use the continental system of law trusts are imposed by statutes (Japan).

UNIT 6.

ENGLISH COURTS

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

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

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

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

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

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

Law

VOCABULARY NOTES .

1.	to have a variety of courts	иметь разные суды
2.	particular	отдельный, определенный, конкретный
3.	to specialize in smth	заниматься чем-либо
4.	a family court	суд по семейным делам
5.	a juvenile court	суд по делам несовершеннолетних
6.	lower court	нижестоящий суд
7.	higher court	вышестоящий суд
8.	to appeal to	подавать апелляцию
9.	to be binding upon	быть обязательным для

10.	unified judicial system	общая судебная система
11.	administration of justice	осуществление правосудия
12.	to constitute	учреждать
13.	to be subordinate to	подчиняться

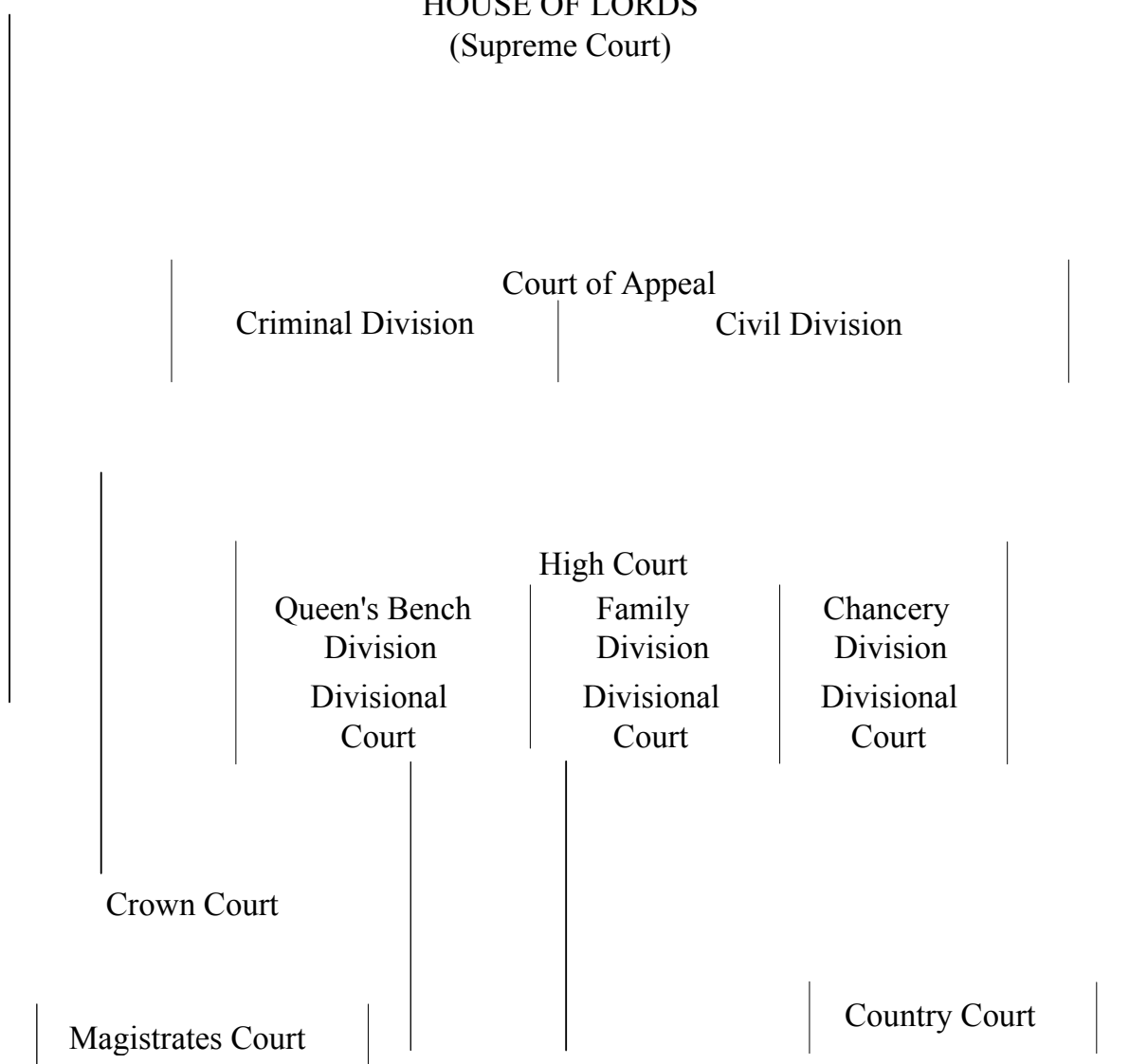
14.	minor case	дело о малозначительном правонарушении
15.	magistrates court	магистратский суд
16.	County court	суд графства
17.	to hear a case	слушать дело
18.	murder	убийство
19.	Crown Court	суд Короны
20.	offence	правонарушение
21.	to give the choice of doing smth	дать выбор сделать ч-л
22.	the facts of the case	обстоятельства дела
23.	jury	суд присяжных
24.	ordinary members of the public	обычные граждане

25.	debt	долг
26.	High Court	Высокий суд
27.	to consider appeals	рассматривать жалобы
28.	House of Lords	Палата лордов
29.	highest court	высший суд
30.	to transfer the judicial functions to	передать судебные функции
31.	Supreme Court of The United Kingdom	Верховный Суд Соединенного Королевства

32.	suspect	подозреваемый
33.	to suspect smb. of smth	подозревать к-л в ч-л
34.	to have evidence	иметь улики, доказательства
35.	to make a formal accusation (charge)	предъявить официальное обвинение
36.	to charge smb with smth	обвинить к-л в ч-л
37.	to release smb	освободить к-л
38.	on condition that / provided	при условии
39.	to appear on a certain day at a certain court	явиться в определенный день в определенный суд
40.	unconditional bail	безусловное поручительство
41.	to remain in custody	оставаться под стражей
42.	to appear before a court	предстать перед судом

43.	to hold the suspect in custody	держать подозреваемого под стражей
44.	conditional bail	условное поручительство
45.	to grant smth	предоставить ч-л
46.	to put some money as security	дать залог
47.	to surrender documents	передавать документы

HOUSE OF LORDS
(Supreme Court)



Pronounce the following words correctly.

custody	[ˈkʌstədi]
appeal	[əˈpi:l]
variety	[vəˈraɪətɪ]
specialize	[ˈspeʃəlaɪz]
minor	[ˈmaɪnə]
magistrates	[ˈmædʒɪstreɪts]
debt	[det]
to release	[rɪˈli:s]
to surrender	[səˈrendə]
suspect	[ˈsʌspekt]
to suspect	[səˈspekt]
crown	[krəʊn]
evidence	[ˈeɪdəns]
juvenile	[ˈdʒu:vənəl]
unconditional	[ˌʌnkənˈdɪʃənəl]
security	[sɪˈkjʊ:rɪtɪ]

EXERCISES.***Exercise 1. Answer the following questions.***

1. What are the reasons for having a variety of courts?
2. What decisions are binding upon lower courts?
3. Does the United Kingdom have a unified judicial system?
4. What courts are responsible for the administration of justice in England and Wales?
5. What body constitutes and governs the courts of England and Wales?
6. What body are the courts of England and Wales subordinate to?
7. Where are minor criminal cases started?
8. Where are civil cases started?
9. What court considers serious criminal cases?
10. Can the defendant choose between courts sometimes?
11. Why do some defendants choose the Crown Court to hear their cases?
12. What civil matters do magistrates courts deal with?
13. What does the High Court consider?
14. Which is the highest court in England?
15. What happened under the Constitutional Reform Act 2005?
16. When is the Supreme Court of the United Kingdom going to start working?
17. What should the police do after arresting the suspect?
18. On what condition can the police release the suspect who has been charged?
19. What can the police do with the suspect?
20. Who can grant a conditional bail?
21. What is a conditional bail?
22. What can magistrates courts do with the suspect?

Exercise 2. Supply Russian equivalents.

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

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

- | | |
|-----------------|-----------------|
| 1. to release | a. matter |
| 2. accusation | b. to deal with |
| 3. on condition | c unjust |
| 4. custody | d. obligatory |
| 5. to remain | e. to stay |

- | | |
|-----------------|--------------|
| 6. to grant | f. certain |
| 7. particular | g. provided |
| 8. unfair | h. to give |
| 9. binding | i. charge j. |
| 10. to consider | to set free |
| 11. case | k. detention |

Exercise 6. Give antonyms and translate them.

necessary -

to agree -

fair-

conditional -

formal -

certain -

to appear - dis

responsible - ir-

B. Match words with their antonyms.

lower	plaintiff
defendant	serious
criminal	civil
to release	to acquit
to charge	to arrest
minor	higher

Exercise 7. Supply English equivalents.

суд присяжных	обстоятельства дела
рассматривать апелляции	предоставить условное поручительство
освободить к-л	иметь дело с долгами
дать залог	иметь достаточно улик
условное поручительство	вышестоящий суд
предъявить официальное обвинение	оставаться под стражей
держат подозреваемого под стражей	дать залог
Палата лордов	суды по делам несовершеннолетних
слушать дело	предстать перед судом
дело о малозначительном правонарушении	Верховный Суд
подчиняться	передавать юридические функции

Exercise 8. Translate the following word combinations into English and make sentences with them.

рассматривать	апелляцию
	правонарушение
	обстоятельства дела
	серьезное преступление

подавать апелляцию	в Высокий суд в вышестоящий суд в Палату лордов
предоставить	безусловное поручительство условное поручительство разрешение
причины для	существования разных судов подачи апелляции для слушания дела в суде Короны
специализироваться	в определенных делах в определенных областях

Exercise 9. Insert prepositions consulting the text.

1. The magistrate may agree ... unconditional bail.
2. The Courts of England and Wales are the civil and criminal courts responsible ... the administration ... justice ... England and Wales.
3. It is not necessary to hold the suspect... custody.
4. The police may release the suspect ... condition that he appears ... a certain day... a certain Magistrates court.
5. The suspect can remain ... custody until he next appears ... a court.
6. The High Court considers appeals ... lower courts.
7. Serious crimes must go ... the Crown Court.
8. The decisions ... a higher court are binding ... lower courts.
9. If the person thinks that the decision of a lower court ... his case is unfair, he can appeal ... a higher court.
10. A particular court can specialize ... particular actions.
11. The defendant is given the choice ... having his case heard either ... the Magistrates Court or the Crown Court.
12. The Courts of England and Wales are constituted and governed ... the Law of England and are subordinate ... the Parliament of the United Kingdom .
13. The Constitutional Reform Act 2005 has transferred the judicial functions ... the House of Lords ... the Supreme Court... the United Kingdom .

Exercise 10. Fill in the gaps with missing words.

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

10. Some defendants prefer the Crown Court because the facts of the case are decided by a ...
11. The Magistrates Court may deal with some civil matters such as ...
12. The Magistrates can't hear
13. A person can appeal to aif he thinks that the decisions on his case is ...
14. The Courts of England and Wales are the civil and criminal courts ... for the administration of ...in England and Wales.

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|---|------------------------|
| 1. courts that deal with young defendants | a. murder |
| 2. call to a higher court to change the decision of a lower court not serious cases | b. debt |
| 4. the lowest civil courts in Great Britain | c. Crown Courts |
| 5. something owed to someone else | d. appeal |
| 6. imprisonment | e. magistrates' courts |
| 7. anything that gives a reason for believing | f. evidence |
| 8. the highest court in Great Britain | g. County courts |
| 9. the lowest criminal courts in Great Britain | h. minor cases |
| 10. killing of a human being on purpose | i. juvenile courts |
| | j. custody |

Exercise 12. Change sentences using the Passive Voice.

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

Exercise 13. Translate the sentences into Russian using the structures gives.

I. *Example.* Some civil matters **such as** debts may be dealt with in the Magistrates courts. -
Некоторые гражданские дела, такие как долги, могут рассматриваться магистратскими судами.

1. In limited circumstances, **such as** in self defense or during a time of war, even an intentional killing may be legal.
2. In many countries, **such as** Japan and the United States, the highest judicial decisions are made by a Supreme Court.
3. Consumers now have a right to be correctly informed of important information, **such as** quality, price and credit terms.
4. Of course, laws do not deal only with very obvious things, **such as** stealing and driving too fast; they affect us in very many ways.
5. Later, Magna Carta was revised, and other documents, such as the English Bill of Rights (1689), were adopted.

6. Civil laws regulate many everyday situations, **such as** marriage, divorce, real estate, contracts, insurance, consumer protection and negligence.

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

This is **known as** un conditional bail. - Это известно как безусловное поручительство.

1. For our purposes, law can be **defined as** the rules and regulations made and enforced by the government that regulate the conduct of people within society.
2. The early common law was sometimes **known as** "unwritten law".
3. The chancellor's hearings developed into what came to be **known as** a separate system of Courts of Equity.
4. The English colonies in America **recognized** the English common law **as** governing until July 4, 1776.
5. Parliament passes laws in the form of Acts of Parliament which are **known as** statutes.
6. The law created by Parliament is **known as** statute law.
7. The British legal system is generally regarded as a good and fair one.

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

1. Careful consumers try to learn as much as possible about products and services **so that** they compare their quality and prices before buying.
2. I gave him the book **so that** he might study the subject at home.
3. He recommended that Mr. Novak should make the shops a subsidiary of the Baron group **so that** the companies could be consolidated for tax purposes.
4. There are attempts to internationalize legal standards **so that** the same legal principles could be applied to all countries and people.
5. The judge must first tell the jury what the law is. This includes giving them "legal directions" that the prosecution must prove the case **so that** they are sure that the defendant is guilty.

Exercise 14. Make up sentences using "provided" and translate them.

Example. The magistrate may grant the suspect a conditional bail **provided that** he puts some money as security. - Магистратский суд может предоставить подозреваемому условное поручительство **при условии**, что он отдает какую-то сумму денег в виде залога.

1.	The police may release the suspect	the suspect (appear) on a certain day at a certain Magistrates Court.
2.	The magistrates court may grant a conditional bail	the suspect (put up) some money as security or surrenders his passport.
3.	The juvenile court may deal with the case	the suspect (be) under the age of 17.
4.	The police can make a formal accusation	they (have) enough evidence.
5.	The plaintiff can sue in the tort of nuisance	his enjoyment of land (be) interfered.
6.	The trustee can make decisions about the property under their control	he (not make) any personal profit

Exercise 15. Read and translate.

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

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

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

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

Exercise 16. Translate.

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

Exercise 17. Discuss the following statements.

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

Exercise 18. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Существует две главные причины для существования разных судов.	There are two main reasons for having a variety of courts.
2.	Первая заключается в том, что каждый суд специализируется в определенных делах - например, суд по семейным делам и суды по делам несовершеннолетних.	One is that a particular court can specialize in particular actions - for example, family courts and juvenile courts.
3.	Другая причина состоит в том, что если человек думает, что решение нижестоящего суда по его делу несправедливо, он может подать апелляцию в вышестоящий суд.	The other is that if a person thinks that the decision of a lower court on his case is unfair, he can appeal to a higher court.
4.	Решения вышестоящего суда обязательны для нижестоящих судов.	The decisions of a higher court are binding upon lower courts.
5.	Судами Англии и Уэльса являются гражданские и уголовные суды, отвечающие за осуществление правосудия на территории Англии и Уэльса	The Courts of England and Wales are the civil and criminal courts responsible for the administration of justice in England and Wales.
6.	Они учреждаются и управляются Конституцией Англии и Уэльса и подчиняются Парламенту Соединенного Королевства.	They are constituted and governed by the Law of England and Wales and are subordinate to the Parliament of The United Kingdom.
7.	Незначительные уголовные дела начинаются в магистратских судах, а гражданские - в судах графств.	Minor criminal cases are started in Magistrates Courts and civil cases - in County Courts.
8.	Серьезные преступления, такие как убийство, не могут слушаться в магистратских судах.	Some serious crimes, like murder, cannot be heard by the magistrates.
9.	Они должны направляться в суд Короны.	They must go to the Crown Courts.
10.	Существуют некоторые правонарушения, при которых ответчику дается право выбрать, где будет слушаться его дело в магистратском суде или в суде Короны.	And there are some offences where the defendant is given the choice of having his case heard either in the magistrates' court or the Crown Court.
11.	Требуется больше время для слушания дела в суде Короны, но некоторые ответчики предпочитают его, т.к. обстоятельства дела рассматриваются судом присяжных, т.е. обычными гражданами.	It takes much longer to have a case heard in the Crown Court, but some defendants prefer it because the facts of the case are decided by a jury, that is, ordinary members of the public.
12.	Некоторые гражданские дела, такие как долги, могут рассматриваться магистратскими судами.	Some civil matters such as debts may be dealt with in the Magistrates Courts.
13.	Высокий суд рассматривает апелляции из нижестоящих уголовных, а также и гражданские дела.	The High Court considers appeals from lower criminal courts as well as civil matters.
14.	Высший Суд, Палата лордов, имеет дело со всеми делами.	The highest court, the House of Lords, deals with all the matters.

15.	Акт о конституционной реформе 2005 передал юридические функции Палаты лордов Верховному Суду Соединенного Королевства.	The Constitutional Reform Act 2005 has transferred the judicial functions of the House of Lords to the Supreme Court of The United Kingdom.
16.	Он должен начать работу в 2009 году.	It is to start working in 2009.
17.	Арестовав подозреваемого, полиция должна решить, достаточно ли у нее доказательств, чтобы вынести официальное обвинение.	Having arrested the suspect, the police must decide if they have enough evidence to make a formal accusation, or charge.
18.	Если она обвинила подозреваемого, она может освободить его при условии, что он явится в определенный день в определенный магистратский суд.	If they charge the suspect, they may release him on condition that he appears on a certain day at a certain Magistrates Court.
19.	Это известно как безусловное поручительство.	This is known as unconditional bail.
20.	Однако вместо этого полиция может доставить подозреваемого в магистратский суд, чтобы он оставался под стражей до его следующего появления в суде.	However, the police may instead take a suspect to a magistrate so that he remains in custody until he next appears before a court.
21.	Магистратский суд может решить, что нет необходимости держать подозреваемого под стражей и может согласиться на безусловное поручительство или может предоставить условное поручительство, т.е. освободить подозреваемого при условии, что он отдаст какую-то сумму денег в виде залога или свой паспорт или какой-либо другой документ.	The magistrate may decide that it is not necessary to hold the suspect in custody and may agree to unconditional bail, or the magistrate may grant a conditional bail -that is, release the suspect provided that he puts some money as security or agrees to surrender his passport or some other document.

UNIT 7.

JURY

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

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

This contrast between law and fact is very important. If a man **is on a trial for murder** the judge will explain what the crime of murder means in English law and what the prosecution has to prove. He will

sum up the evidence of the prosecution and **defence** and explain how the trial will be **conducted**. These are **questions of law**. However, whether the defendant is guilty or not is a question of fact to be decided by the jurors themselves. It is necessary for at least ten out of the twelve jurors to agree.

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

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

VOCABULARY NOTES.

1.	jury	суд присяжных
2.	to select at random	выбирать произвольно/наугад
3.	facts of the case	обстоятельства дела
4.	verdict	решение присяжных
5.	juror	присяжный заседатель
6.	to give expenses	давать деньги на расходы
7.	to be on jury service jury service	выполнять обязанности присяжного заседателя выполнение функций присяжного заседателя
8.	compulsory	обязательный, принудительный
9.	to avoid smth (doing smth)	избегать ч-л
10.	without a good reason	без достаточного основания
11.	solicitor	солиситор, стряпчий, юристконсульт,
12.	to guide smb on smth	направлять к-л по ч-л
13.	question of fact	вопрос факта
14.	question of law	вопрос права
15.	to be on a trial for	предстать перед судом
16.	murder	убийство
18.	to sum up evidence	подытожить результаты судебного разбирательства
19.	defence	защита (на суде)
20.	to conduct a trial	вести судебный процесс
21.	to influence smth	влиять на ч-л
22.	to question smb	допрашивать к-л
23.	to have a say	высказывать свое мнение
24.	punishment	наказание
25.	to bribe	давать взятку
26.	rare example	редкий пример

Pronounce the following words correctly.

jury	[ˈdʒʊəri]
juror	[ˈdʒʊərə]
to guide	[ɡaɪd]
to bribe	[braɪb]
defence	[dɪˈfens]
to influence	[ˈɪnfluəns]
rare	[reə]
compulsory	[kəmˈpʌlsəri]

EXERCISES.**Exercise J. Answer the following questions.**

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

Exercise 2. Give Russian equivalents.

compulsory	to be on a trial for
jury service	to give a verdict
facts of the case	to give expenses
without a good reason	to select at random
punishment	to conduct a trial
defence	to question smb
to sum up evidence	to decide questions
juror	to have a say
questions of law	jury
to avoid jury service without a good reason	

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

1. Судья объясняет, что обозначает убийство в английском праве.
2. Служба является обязательной.
3. В Англии в суде Короны двенадцать присяжных.

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with

- | | |
|-----------------|-------------------------|
| 1. decision | a. obligatory |
| 2. evidence | b. to select |
| discussion | c. debate |
| 4. punishment | d. wrong |
| 5. offence | e. proof |
| 6. to conduct | f. penalty |
| 7. to choose | g. to hold |
| 8. question | h. solution |
| 9. to influence | i. matter |
| 1 . compulsory | j. to have an effect on |

Exercise 6. a. Give antonyms and translate them.

- | | |
|--------------|----------|
| A. necessary | un _____ |
| important | un _ |
| certain | un _ |
| to connect | dis _ |
| to guide | mis _ |
| to conduct | mis _ |
| responsible | ir _ |

B. personal, to interpret, equitable, interested, advantage, common, formal, to use, essential.

Exercise 7. Supply English equivalents.

выбирать произвольно

давать деньги на расходы

влиять на решения присяжных

обстоятельства дела

убийство

присяжные заседатели

решать вопросы факта	принудительный
вести судебный процесс	подытожить результаты судебного
в возрасте от 18 до 70 лет	расследования предстать перед судом за ч-л
уклоняться без достаточных оснований	вопрос права
решение присяжных	давать взятку
решить виновен ли ответчик или нет	наказание
люди, связанные с юриспруденцией	вопрос факта

Exercise 8. Translate the word combinations into English and make sentences with them.

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

Exercise 9. Insert prepositions consulting the text.

- In the United States juries have a say ... what punishment the defendant should receive.
- The judges guide the jury ... the questions of law.
- The defendant is ... a trial for murder.
- Jurors are given expenses while they are ... jury service.
- The judge will sum ... the evidence.
- Jury is selected ... random.
- The jury listens ... the case and decides questions ... fact.
- The judge will explain what the crime ... murder means ... English law.
- It isn't allowed to question jurors ... their discussions.

Exercise 10. Fill in the gaps with missing words.

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

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|---|----------------------|
| 1. one or more lawyers who defend someone in court | a. murder |
| 2. questions decided by the jury | b. evidence |
| 3. group of people chosen to decide questions of fact in a court of law | c. defence |
| 4. member of a jury | d. jury |
| 5. words or objects which prove something | e. verdict |
| 6. decision of the jury | f. juror |
| 7. act of killing | g. questions of fact |

Exercise 12. Change sentences using the Passive Voice.

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

Exercise 13. Translate the following sentences using the structure "whether ... or"

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

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

Exercise 14. Disagree with the following sentences using be "allowed to do smth".

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

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

Exercise 15. Read and translate.

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

JURY SERVICE – AN IMPORTANT JOB AND REWARDING EXPERIENCE

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

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

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

Exercise 16. Translate.

1. В суде Короны дела слушаются присяжными.
2. Судья объяснил, как будет проходить судебный процесс.
3. Многие считают, что решения суда присяжных не всегда справедливы, т.к. на присяжных легко влиять.
4. Ваше имя было выбрано произвольно.
5. Он уверен, что присяжные были подкуплены.
6. Когда людей выбирают присяжными, им часто показывают видеопленку, которая объясняет, в чем заключается их работа.
7. Присяжные должны решить вопрос факта, виновен ли ответчик или нет.
8. Присяжным не может быть человек моложе 18 лет.
9. Вы не можете отказаться от работы в суде присяжных без веских оснований.
10. Присяжные не получают заработной платы.

Exercise 17. Agree or Disagree.

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

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

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

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

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

Exercise 18. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Суд присяжных - это группа обычных людей, выбранная произвольно для решения вопросов факта и вынесения вердикта.	Jury is a group of ordinary people selected at random to decide the facts of the case and give a verdict.
2.	В суде Короны в Англии двенадцать присяжных.	In a Crown Court trial in England there are twelve jurors.
	Это обычные члены общества в возрасте от 18 до 70 лет.	These are ordinary members of the public between the ages of 18 and 70.
4.	Им не платят заработной платы, но дают деньги на расходы, пока они выполняют обязанности присяжных, что обычно продолжается две недели.	They are not paid but are given expenses while they are on jury service, which is usually for about two weeks.
5.	Служба обязательна, и от нее нельзя уклоняться без достаточных оснований, например, болезни.	Service is compulsory, and cannot normally be avoided without a good reason, such as illness.
6.	Присяжному не нужно знать что-либо о праве. На самом деле некоторым людям, связанным с миром права, например солиситорам, не разрешается выполнять обязанности присяжных.	It is not necessary for a juror to know anything about the law - indeed certain people connected with the world of law, such as solicitors, are not allowed to serve as jurors.
7.	Это происходит потому, что обязанностью присяжных является слушание дела и решение вопросов факта.	This is because the job of the jury is to listen to the case and decide questions of fact.
8.	Обязанностью судьи является направлять их по вопросам права.	It is the judge's responsibility to guide them on questions of law.
9.	Эта разница между правом и фактом очень важна.	This contrast between law and fact is very important.
10.	Например, если человека судят за убийство, судья объясняет, что преступление убийства означает по английскому праву и что обвинение должно доказать.	If a man is on a trial for murder, for example, the judge will explain what the crime of murder means in English law and what the prosecution has to prove.
11.	Он суммирует доказательства обвинения и защиты и объясняет, как будет проходить судебный процесс.	He will sum up the evidence of the prosecution and defence and explain how the trial will be conducted.
12.	Это вопросы права.	These are questions of law.
13.	Однако виновен ли ответчик или нет - это вопрос факта, который присяжные должны решать самостоятельно.	However, whether the defendant is guilty or not is a question of fact to be decided by the jurors themselves.

14.	Необходимо, чтобы по крайней мере десять из двенадцати присяжных пришли к согласию.	It is necessary for at least ten out of the twelve jurors to agree.
15.	Попытки влиять на решения присяжных или допрашивать их о ходе обсуждения после того, как дело закончено, является уголовным преступлением.	It is a criminal offence to try to influence a jury's decisions or to question them about their discussions when the case is over.
16.	В некоторых странах, таких как Франция, судья и присяжные решают дело вместе.	In some countries, such as France, the judges and the jurors decide the case together.
17.	В США присяжные не только решают, виновен ответчик или нет, но иногда высказывают свое мнение о том, какое наказание он должен понести.	In the United States juries not only decide if the defendant is guilty by sometimes also have a say in what punishment he should receive.
18.	Перед II Мировой войной в Японии также существовала система присяжных, но ее часто критиковали за легкость, с какой присяжные могли быть подкуплены.	Before World War II Japan also had a jury system, but it was often criticized for the ease with which jurors could be bribed.
19.	Сейчас Япония, также как и Южная Корея, редкий пример современной индустриальной страны, где присяжные не используются. Все решения принимаются профессиональными судьями.	Now Japan, like South Korea, is a rare example of a modern industrialized country where jurors are not used: all decisions are made by professional judges.

UNIT 8.

APPEALS

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

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

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

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

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

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

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

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

VOCABULARY NOTES.

1.	appeal	апелляция, апелляционная жалоба
2.	request	просьба, ходатайство, запрос
3.	to re-examine	пересмотреть
4.	to change the judgement	изменить судебное решение
5.	rehearing	повторное слушание дела
6.	appellate tribunal	апелляционный суд
7.	to be reluctant to do smth	делать ч-л с неохотой
8.	to overturn a decision	отменять вынесенное решение
9.	question of fact	вопрос факта
10.	consequently	следовательно
11.	argument	довод, доказательство, спор
12.	legal error	ошибка в вопросе права
13.	allegedly	якобы, как утверждается
14.	re-trial	повторное слушание дела
15.	improper conduct	неправомерное поведение
16.	to bribe	давать взятки
17.	to intimidate a witness	запугивать свидетеля

18.	to appeal against the finding	подавать апелляцию против решения по делу
19.	to appeal against the punishment	подавать апелляцию против наказания
20.	to make a mistake about a point of law	сделать ошибку в вопросе права
21.	occasionally	иногда
22.	cases of public importance	дела общественной важности
23.	final court of appeal	апелляционный суд последней инстанции
24.	to bind (bound)	обязывать
25.	to pass an Act of Parliament	принять акт парламента

26.	the executive	исполнительная власть
27.	the legislature	законодательная власть
28.	the judiciary	судебная власть
29.	separation of powers	разделение властей
30.	branch of power	ветвь власти
31.	Her Majesty	Ее Королевское Величество

32.	the European Court of Human Rights	Европейский Суд по правам человека
33.	breach	нарушение
34.	the European Convention on Human Rights and Fundamental Freedoms	Европейская конвенция по правам человека
35.	to violate one's rights	нарушать ч-л права
36.	litigant	тяжущийся
37.	adverse finding	противное, неблагоприятное решение

Pronounce the following words correctly.

appeal	[ə'pi:l]
request	[rɪ'kwest]
re-examine	[rɪ:ɪg'zæmɪn]
appellate	[ə'peɪlɪt]
tribunal	[tɪ'ɹɪ'bju:nəl]
reluctant	[rɪ'lʌktənt]
consequently	[kɒnsɪkwəntli]
argument	[ˈɑ:gju:mənt]
error	['erə]
allegedly	[ə'ledʒɪdli]
conduct	[kɒndʌkt]
intimidate	[ɪn'tɪmɪdeɪt]
occasionally	[ə'keɪzənəli]
debate	[dɪ'beɪt]
majority	[mə'dʒɔ:ɹɪtɪ]
supreme	[sju:'pri:m]
entirely	[ɪn'taɪəli]
legislation	[ˌledʒɪs'leɪʃn]

EXERCISES.*Exercise 1. Answer the following questions.*

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

Exercise 2. Supply Russian equivalents.

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

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

1. Новый Верховный Суд обеспечит разделение между тремя ветвями власти.
2. Иногда дело проходит всю апелляционную систему до Палаты лордов.
3. Апелляция - это ходатайство в суд высшей инстанции о пересмотре и изменении решения предыдущего суда.
4. Ответчик, признанный виновным, может подать апелляцию против решения суда или против наказания.
5. Решения Палаты лордов как по гражданским, так и по уголовным делам обязательны для всех судов.
6. Обвинение может апеллировать о повторном слушании дела.
7. Только правительство может отменить решение Палаты лордов.
8. Верховные суды занимаются только правовыми вопросами.

9. Каждая апелляция слушается пятью судебными лордами.
10. Невозможно подавать апелляцию на решение любого суда в Европейский Суд по правам человека.
11. Неудовлетворенный тяжущийся может жаловаться в Европейский Суд по правам человека, что английское правосудие нарушило его права.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

- | | |
|----------------|------------------|
| 1. to overturn | a. mistake |
| 2. Her Majesty | b. re-trial c to |
| 3. error | overrule |
| 4. rehearing | d. behaviour |
| 5. to concern | e. liberty |
| 6. conduct | f. court |
| 7. tribunal | g. to deal with |
| 8. to pass | h. to adopt i. |
| 9. freedom | the Queen |

Exercise 6. Give antonyms and translate them.

- A. proper - im _____
 to believe - dis _____
 judgement - mis _____
 appeal - counter _____
 limited - un _____
 examine - re _____
 trial - re _____
 hearing - re _____
 human - in _____

B. To arrange, essential, equitable, to interpret, safe, reasonable, possible, flexible, useful, written, satisfied.

Exercise 7. Supply English equivalents.

- | | |
|------------------------------------|-------------------------|
| ходатайство | повторное слушание дела |
| неправомерное поведение | пересмотреть |
| подавать апелляцию против решения | довод по делу |
| сделать ошибку в вопросе права | апелляционный суд |
| Европейский Суд по правам человека | тяжущийся |
| Верховный суд | прения |
| дела общественной важности | внешняя политика |

нарушать права
 давать взятки
 исполнительная власть

изменить судебное решение
 запугивать свидетеля
 верхняя палата

Exercise 8. Make sentences with the following word combinations.

to make	a decision a mistake money a good lawyer
to sit	in the House of Lords as a court of appeal on a jury in private (при закрытых дверях) as a judge
to appeal	for a re-trial to a higher court against the finding against the punishment to the House of Lords
judicial	institution body decision functions to
overturn	a conviction a decision a government

Exercise 9. Insert prepositions consulting the text.

1. A defendant found guilty may appeal ... the finding or ... the punishment.
2. An appeal is a request ... a higher court to re-examine and change the judgement ... a previous court hearing.
3. Appeals ... the Crown Court go first ... the High Court and, ... special cases, the Court of Appeal.
4. Its decisions ... both criminal and civil matters bind all other courts.
5. Only the government can overturn a decision ... the House ... Lords and then, only ... passing an Act of Parliament.
6. Most of the argument is ... legal errors allegedly committed ... the trial.
7. If a defendant has a good reason to believe the magistrates have made a mistake ... a point ... law, then he may appeal ... the Queen's Bench Division of the High Court.
8. Occasionally, the case is carried ... this system of appeal all the way ... the House of Lords.
9. It is possible ... the prosecution to appeal ... a re-trial.
10. The Crown Court judge will hear the appeal ... a jury.
11. It isthe Government of the United Kingdom to decide what action (if any) to take ... an adverse finding.
12. ... the Constitutional Reform Act of 2005 the Supreme Court ... the United Kingdom will take ... the judicial functions ... the House of Lords in 2009.

Exercise 10. Fill in the gaps with missing words consulting the text.

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

Exercise 17. Find a suitable definition for each word in the right column.

- | | |
|--|-------------------|
| 1. rights of any person | a. re-trial |
| 2. highest court in continental countries | b. legal error |
| 3. a request to a higher court to re-examine the case | c. legislation |
| 4. upper house of the British Parliament | d. House of Lords |
| 5. a person who is making or defending a claim in a court of law | e. appeal |
| 6. country's written law | f. Supreme Court |
| 7. second trial of a case | g. litigant |
| 8. mistake about a point of law | h. human rights |

Exercise 12. Translate using the Passive Voice.

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

Exercise 13. Translate the sentences paying attention to the given words and structures.

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

Example. Most of the argument is about legal errors **allegedly** committed at the trial. - Большинство споров касаются правовых ошибок, якобы совершенных на судебном процессе.

1. **Alleging** human rights violations, some countries have imposed economic sanctions against others.
2. They are **alleged** to have signed a secret treaty.
3. They have denied the **allegations** against them, and their lawyers accused the courts of bias.
4. The **allegations** against him include links to the Russian mafia and intelligence.
5. Last week the Milan prosecutors asked the judge to order three companies to stand trial for **alleged** financial crimes.
6. The police **allege** that the man was murdered but they have given no proof.
7. A teenager **allegedly** sent the message to the CIA during a computer class.
8. The claimant can claim damages for defamation of character - where he **alleges** that unpleasant and untrue things have been written or said about him that have damaged his reputation.

Exercise 14. Translate the sentences using the structure given.

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

1. Им необходимо обратиться за помощью к юристу.
2. Истцу важно показать, что он действительно понес убытки.
3. У них была возможность достичь соглашения. *
4. Ему было трудно урегулировать спор.
5. Им нужно подать апелляцию.
6. Мне нелегко принять решение.
7. Они могут требовать реального исполнения.

Exercise 15. Translate the following sentences using the Gerund.

Example: The government can overturn a decision of the House of Lords **by passing an Act of Parliament.**

Государство может отменить решение Палаты лордов путем принятия акта Парламента.

1. Мы можем решить этот спор только начав дело в суде.
2. Он может добиться удовлетворяющего его решения только путем апелляции в вышестоящий суд.
3. Он помог ответчику, дав свидетельские показания в суде.
4. Верховный Суд обеспечит разделение властей в Великобритании, забрав судебные функции у Палаты лордов.

5. Возможно изменить судебное путем повторного слушания.
6. Присяжные решают, виновен ответчик или нет, путем вынесения вердикта.
7. Мы можем заставить соседа вести себя надлежащим образом, начав против него иск по деликту нарушения покоя.

Exercise 16. Read and translate.

THE COURT OF APPEAL

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

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

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

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

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

Exercise 17. Translate.

1. Если совершена ошибка в вопросе права, ответчик может апеллировать в отделение Королевской скамьи.
2. Только профессиональные судьи имеют дело с преступлениями, за которые ответчик может быть посажен в тюрьму больше, чем на один год.
3. Каждый год Парламент принимает около сотни законов путем издания актов Парламента.
4. Ни один закон не может быть принят, если он не прошел ряд ступеней в Палате общин и Палате лордов.
5. Акт Парламента от 1949 сильно ограничил права лордов по отклонению законопроектов (bills).
6. Судебные лорды не поддерживают никакую политическую партию.
7. С 1911 членам Парламента платится зарплата.
8. Если ответчик не удовлетворен решением суда Короны, он может апеллировать в Высокий суд.
9. Верховные суды полностью занимаются правовыми вопросами.
10. Решения Палаты лордов обязательны для всех других судов.

Exercise 18. Discuss the following.

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

Exercise 19. Translate the Russian part of the text. Consult the English part if necessary.

1.	Апелляция - это ходатайство в вышестоящий суд о пересмотре и изменении решения.	An appeal is a request to a higher court to re-examine and change the judgment of a previous court hearing.
2.	В современном судопроизводстве Англии большинство апелляций рассматриваются путем повторного слушания.	In modern English practice most appeals are dealt by way of rehearing
3.	Апелляционные суды обычно не очень хотят изменить решения нижестоящих судов по вопросам факта, даже когда они имеют право сделать это.	Appellate tribunals are usually reluctant to overturn the decisions of lower tribunals on questions of fact even when they have the power to do so.
4.	Следовательно, большинство споров касается правовых ошибок, якобы совершенных на суде.	Consequently, most of the argument is about legal errors allegedly committed at the trial.
5.	Апелляционная система в основном создана на благо ответчика, но обвинение может апеллировать о пересмотре дела, если может показать, что на первом суде были совершены неправомерные действия, такие как взяточничество или запугивание свидетелей или присяжных.	The appeal system is mostly for the benefit of the defendant, but it is possible for the prosecution to appeal for a re-trial if it can be shown that there was some improper conduct, such as bribing or intimidating witnesses or jurors.
6.	Ответчик, признанный виновным, может подавать апелляцию против решения по делу или против наказания в местный суд Короны.	A defendant found guilty may appeal against the finding or against the punishment to the local Crown Court.
7.	Судья суда Короны заслушает апелляцию без суда присяжных.	The Crown Court judge will hear the appeal without a jury.
8.	Если у ответчика есть основания полагать, что магистратский суд допустил ошибку в вопросе права, тогда он может апеллировать в отделении Королевской скамьи Высокого суда.	If a defendant has a good reason to believe the magistrates have made a mistake about a point of law, then he may appeal to the Queen's Bench Division of the High Court.
9.	Апелляции из Суда Короны сначала поступают в Высокий Суд, а в особых случаях в Апелляционный суд.	Appeals from the Crown Court go first to the High Court and, in special cases, to the Court of Appeal.
10.	Иногда дело проходит всю систему апелляций и доходит до Палаты лордов.	Occasionally, a case is carried through this system of appeal all the way to the House of Lords.
11.	Палата лордов, верхняя палата британского Парламента, только рассматривает дела, имеющие общественную значимость.	The House of Lords, the upper house of the British parliament, only deals with cases of real public importance.
12.	Только правительство может отменить решение Палаты лордов и только путем издания акта Парламента.	Only the government can overturn a decision of the House of Lords and then, only by passing an Act of Parliament.
13.	По Акту о конституционной реформе 2005 года Верховный Суд Соединенного Королевства заберет юридические функции	Under the Constitutional Reform Act of 2005 the Supreme Court of the United

	Палаты лордов в 2009.	Kingdom will take over the judicial functions from the House of Lords in 2009.
14.	Новый Верховный Суд должен поставить взаимоотношения между исполнительной, законодательной и судебными властями на современную основу.	The new Supreme Court is supposed to put the relationship between the executive, the legislature and the judiciary on a modern footing.
15.	Это обеспечит разделение властей между тремя ветвями власти.	It will ensure the separation of powers between the three branches of power.
16.	Верховный Суд будет состоять из 12 судей, назначаемых Ее Королевским Величеством.	The Supreme Court will consist of 12 judges appointed by Her Majesty.
17.	Невозможно подавать апелляцию на решение любого суда в Европейский Суд по правам человека.	It is not possible to appeal the decision of any court to the European Court of Human Rights.
18.	ЕСчТНР является международным судом, который слушает жалобы, касающиеся нарушений Европейской конвенции по правам человека.	The ECtHR is an international court that hears complaints concerning breaches of the European Convention on Human Rights and Fundamental Freedoms.
22.	Неудовлетворенный тяжущийся может жаловаться в Европейский Суд по правам человека, что английское правосудие нарушило его права.	A dissatisfied litigant might complain to the ECtHR that English law has violated his rights.
23.	Решение ЕСчТНР не изменит английское право, и это в компетенции государственной власти Великобритании решать, какое действие предпринять (и предпринимать ли вообще) после противного решения.	A decision in the ECtHR will not change English law, and it is up to the Government of the United Kingdom to decide what action (if any) to take after an adverse finding.

UNIT 9.

THE LEGAL PROFESSION

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

Barristers specialize **in arguing cases** in front of a judge and

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

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

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

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

VOCABULARY NOTES

1. lawyer	юрист
2. qualification	подготовленность, квалификация
3. solicitor	солиситор
4. barrister	барристер
5. qualified lawyer	дипломированный юрист
6. to have a legal training	иметь юридическую подготовку
7. to argue a case in court	обсуждать дело в суде вести дело в суде
8. the right to be heard = the right of audience	право выступать в суде
9. senior	старший, главный зд. опытный
10. to appoint smb.	назначать к-л
11. to do the initial preparation for cases	вести первоначальную подготовку дел
12. to hand smth to smb	передавать ч-л к-л
13. to draw up wills	составлять завещания
14. to make legal arrangements for smth	юридически оформить ч-л

15. to assist smb	помогать к-л
16. allegation	заявление, утверждение
17. unfair dismissal	несправедливое увольнение
18. redundancy payments	выплаты при увольнении по сокращению штатов
19. to handle smth	иметь дело с ч-л, рассматривать
20. child care	опека над детьми
21. litigation	тяжба, судебный спор, процесс
22. to settle out of court	решать вне суда

23. courtroom	зал суда
24. to prepare one's arguments	готовить выступление по делу
25. to make investigations	проводить расследование
26. distinction	различие
27. to eliminate	устранять, уничтожать, ликвидировать
28. to consider various proposals	рассматривать различные предложения
29. to maintain	сохранить
30. to remove	устранить

Pronounce the following words correctly.

litigation	[ˌlɪtɪˈɡeɪʃn]
proposal	[prəˈpəʊzəl]
to maintain	[meɪnˈteɪn]
to eliminate	[ɪˈlɪmɪneɪt]
redundancy	[rɪˈdʌndənsɪ]
dismissal	[dɪsˈmɪʃəl]
allegation	[æliˈɡeɪʃn]
to assist	[əˈsɪst]
lawyer	[ˈlɔːjə]
audience	[ˈɔːdɪəns]
initial	[ɪˈnɪʃəl]
senior	[ˈsiːniə]
solicitor	[səˈlɪsɪtə]
barrister	[ˈbærɪstə]
qualify	[ˈkwɒlɪfaɪ]
to argue	[ˈɑːɡjuː]

EXERCISES.

Exercise 1. Answer the following questions.

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

Exercise 2. Supply Russian equivalents.

to appoint smb	to do the initial preparation for cases
to draw up wills	unfair dismissal
redundancy	to handle smth
to argue a case	the right of audience
to have a legal training	to assist smb
to remove the distinction	to eliminate
to make investigations	litigation
child care	to settle out of court
to consider various proposals	to prepare one's arguments

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words with their synonyms.

- | | |
|--------------------------|--------------------------|
| 1. different | a. to start b |
| 2. to handle | to go on c.to |
| 3. to assist | fire |
| 4. to dismiss | d. to deal with |
| 5. legal | e. to help |
| 6. the right of audience | f. to remove |
| 7. to eliminate | g. distinct |
| 8. to keep | h. the right to be heard |
| 9. to initiate | i. lawful |
| 10. to continue | j. to maintain |
| 11. in general | k. all in all |

Exercise 6. Give antonyms and translate them.

A.	belief	dis-less •
	careful -	in—
	different	- counter ■
	argument	- un-
	prepared	■mis-
	to handle	■counter
	proposal	-

B. advantage, interested, to use, necessary, equitable, certain, personal, to appear, conditional, to interpret.

Exercise 7. Supply English equivalents.

обсуждать дело	право выступать в суде рассматривать
назначить к-л	различные предложения зал суда
устранить различие	опека над детьми проводить
тяжба	расследование
решать вне суда	дипломированный юрист
составлять завещание	несправедливое увольнение
заявление	помогать к-л юридически
сокращение (штатов)	оформить ч-л
передавать ч-л к-л	

Exercise 8. Translate the following word combinations into English and make sentences with them.

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

Exercise 9. Insert prepositions consulting the text.

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

Exercise 10. Fill in the gaps with missing words.

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

Exercise 17. Find a suitable definition for each word in the right column.

- | | |
|---|------------------------|
| 1. sum of money that an employee dismissed because of redundancy is entitled to receive | a. right of audience |
| 2. right to be heard | b. qualification |
| 3. he draws up wills and contracts | c barrister |
| 4. document by which a person appoints executors to administer his estate after his death | d. solicitor |
| 5. he has the right of audience in higher courts | e. will |
| 6. proof that one has passed examinations and gained a certain degree of knowledge | f. redundancy payments |

Exercise 12. Change sentences using the Passive Voice.

1. They have settled the dispute out of court.
2. Solicitors have to do much of the initial preparation for cases.
3. Solicitors employ barristers.
4. The employers must make redundancy payments.

5. The government is considering various proposals.
6. They have made some investigations.
7. The solicitor drew up a will a few days ago.
8. Clients can't pay barristers directly.
9. The barrister is preparing arguments for the court now.
10. The British government should eliminate the distinction between barristers and solicitors.

Exercise 13. Use either "make" or "do", а.

Remember Do

to do one's best	делать все возможное
to do a lot	причинять большой ущерб
to do some exercise(s)	выполнять упражнения
to do harm/good	вредить, приносить пользу
to do homework	делать домашнюю работу
to do housework	выполнять работу по дому
to do research	проводить исследования
to do a subject at school	учить предмет в школе
to do some work	делать к-л работу
to do preparation	вести подготовку
to do one's hair	сделать прическу
to do the cleaning	убраться

Make

to make an arrangement	договориться, организовать
to make a cake, some coffee	приготовить торт, кофе
to make an attempt	сделать попытку
to make an effort	сделать усилие
to make a choice	сделать выбор
to make a decision	принять решение
to make an announcement	объявить
to make an excuse	извиниться
to make a difference	делать различие
to make a mistake	совершить ошибку
to make money	заработать деньги
to make noise	шуметь
to make notes	записывать
to make a list	составить список
to make an offer	внести предложения
to make a contribution	внести вклад
to make a discovery	сделать открытие
to make progress	делать успехи в ч-л
to make a plan	составить план
to make a promise	пообещать ч-л

Exercise 14. Translate the following sentences using the Gerund.

a. Remember

reasons	for doing smth
arrangements	
motives	
preparation	
arguments	
right	of doing smth
ways	
method	
problem	
possibility	
intention	
opportunity	
objection	to doing smth

1. Существует несколько причин для существования разных судов.
2. Наследственное право касается соглашений в отношении собственности после смерти владельца.
3. Мы обращаемся в суд, когда нет возможности урегулировать спор неофициальными путями.
4. Он не возражал против того, чтобы подать апелляцию.
5. Существует несколько путей создания предприятия.
6. Полиция не могла найти мотив совершения преступления.
7. Есть аргументы в поддержку этого предложения.
8. Есть две причины для создания и применения законов.
9. У него не было намерения идти в суд.
10. У него есть возможность обсудить этот вопрос на следующем собрании.

b. Translate.

1. The only sure **way of changing** unpopular laws is for the people to vote out of office the political party **responsible for making** them.
2. He was acquitted of the **charge of stealing** the lace (кружево), but was **found guilty of failing** to give information which would lead to capture of the criminals he had paid to steal it.
3. **Keeping law and order** has always been a difficult task, and in the days before the modern police force it was a pretty hopeless one.
4. Henry II (1154-1189) was particularly **interested in** getting local people involved in the administration of justice.
5. Jurors often make a considerable sacrifice **by coming** to court to perform their important public duty.
6. So great is the **task of managing** juries throughout the country that a computerized **system of calling** them for service is now in operation.
7. A good defence may mean the difference **between** a defendant **being sent** to prison or **receiving** some other form of sentence in the community.
8. There are many good **arguments against** televising trials.
9. In the case of a man who "drinks and drives", it may be necessary to take his licence and **stop him from** driving for a long time to protect other road users.
10. The Home Secretary is **responsible for deciding** when "lifer", those serving imprisonment for life, can be released on parole. Parole means being released on licence, and under supervision.

11. People who are **convicted of** dealing in dangerous drugs may have their property confiscated.

Exercise 15. Read and translate.

The Privilege Given to Clients.

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

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

The Privilege Given to Lawyers.

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

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

Exercise 16. Translate.

1. Ему не пришлось предстать перед судом, т.к. его солиситору удалось все урегулировать вне суда.
2. Барристеры специализируются в защите клиентов в суде. Они имеют право выступать в любом суде.
3. Судьи в Англии не получают специального образования. Они получают подготовку (trained as) барристеров.
4. Солиситор может выступать в Суде графства, когда дело касается развода и возмещения (recovering) долгов.
5. Если вам нужен барритер, вы никогда не встретитесь с ним без присутствия вашего солиситора.
6. Солиситор специализируется в составлении завещаний и контрактов, в проведении сложных сделок с недвижимостью.
7. Если ваше дело слушается в Магистратском суде, вы можете попросить солиситора пойти в суд за вас и представлять ваше дело (argue).
8. Барристеры являются экспертами (expert in) в толковании права.
9. Солиситор дает советы клиентам по всем юридическим вопросам.
10. Чтобы стать солиситором, вам не надо идти в университет. Вам нужно поступить на работу (j^{om})^K солиситору в качестве клерка и работать у него, одновременно готовясь к сдаче экзаменов в Коллегии адвокатов - солиситоров (Law Society).

Exercise 17. Discuss the following.

1. The necessity of division of the legal profession.
2. The legal education in Russia.

Exercise 18. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	В большинстве стран существует всего одна юридическая специальность.	In most countries there is only one legal profession.
2.	Это означает, что все юристы получают примерно одинаковое юридическое образование, которое ведет к получению одинаковых дипломов, и они имеют право выполнять всю необходимую юридическую работу.	This means that all the lawyers have roughly the same professional education leading to the same legal qualifications, and they are allowed to do all the legal work that has to be done.
3.	В Англии система отличается.	In England the system is different.
4.	Здесь юридическая специальность делится на два типа юристов, называемых солиситоры и барристеры.	Here the profession is divided into two types of lawyers, called solicitors and barristers.
5.	Солиситоры и барристеры - дипломированные юристы, но у них разное обучение, они сдают разные экзамены, чтобы получить диплом, и, как только они получили диплом, они выполняют разную работу.	Solicitors and barristers are qualified lawyers, but they take different legal training, they take different examinations to qualify, and once they qualified they usually do different types of legal work.
6.	Барристеры специализируются в обсуждении дел в присутствии судей и имеют право выступать в самых высоких судах.	Barristers specialize in arguing cases in front of a judge and have the right to be heard, the right of audience, even in the highest courts.
7.	Они не получают денег от клиентов напрямую, их нанимают солиситоры.	They are not paid directly by clients, but are employed by solicitors.
8.	Судья обычно выбирается из самых опытных барристеров, и, получив назначение, они не могут практиковать как барристеры.	Judges are usually chosen from the most senior barristers, and once appointed they cannot continue to practice as barristers.
9.	Солиситоры в основном занимаются первоначальной подготовкой дел, которые они затем передают барристеру для обсуждения в суде, а также правовой работой, которая не проходит через суд.	Solicitors do much of the initial preparation for cases, which they then hand to barristers to argue in court as well as legal work which does not come before a court.
10.	Они составляют завещания, дают советы в области бизнеса, юридически оформляют документы при покупке и продаже недвижимости, помогают нанимателям и наемным рабочим решить споры, касающиеся несправедливого увольнения и выплатам при сокращении штатов, имеют дело с разводами и опекой	They draw up wills, give advice in the field of business, make all the legal arrangements for buying or selling land, assist employees and employers in cases involving allegations of unfair dismissal and redundancy payments, handle divorce and child care.

	над детьми.	
11.	Они также имеют дело со спорами, которые решаются вне суда.	They also deal with litigation, which is settled out of court.
12.	Солиситоры имеют право выступать в нижестоящих судах, но в вышестоящих судах, таких как Апелляционный суд, они выбирают барристера, который ведет их дело в суде.	Solicitors have the right of audience in lower courts, but in higher courts, such as the Court of Appeal, they choose a barrister who argues their case in court.
13.	В общем, можно сказать, что барристер проводит большинство своего времени или в зале суде, или готовя свои выступления в суде, а солиситоры проводят большинство своего времени советуя клиентам, проводя расследования и готовя документы.	In general, it can be said that a barrister spends most of his time either in a courtroom or preparing his arguments for the court and a solicitor spends most of his time in an office giving advice to clients, making investigations and preparing documents.
14.	Многие люди полагают, что разницу между солиситорами и барристерами следует устранить в Англии, как это уже произошло в Австралии.	Many people believe the distinction between barristers and solicitors should be eliminated in England, as it has already happened in Australia.
15.	Правительство рассматривает разные предложения, но есть доводы как для сохранения, так и для устранения этой разницы.	The government is considering various proposals, but there are arguments for maintaining, as well as removing, the division.

А	ability act in the interests of smb administer property administration of justice adopt a law adopt a system accuse smb. of smth. advancement of education advancement of religion adverse finding. allegation allege allegedly appeal appeal to appeal against the finding appeal against the punishment appellate tribunal appear appear before a court apply appoint smb. argue a case in court argument arrangement assist smb. attempt avoid smth.	способность действовать в интересах к-л. управлять собственностью осуществление правосудия принимать закон принимать систему обвинять к-л. в ч-л. распространение образования распространение религии заявление, утверждение заявлять(голословно) якобы апелляция, апелляционная жалоба подавать апелляцию подавать апелляцию против решения по делу подавать апелляцию против наказания апелляционный суд появляться предстать перед судом применять назначать к-л. вести дело в суде довод, доказательство, спор соглашение, договоренность помогать к-л. попытка избегать ч-л.
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B	barrister basic knowledge be based on become accustomed to doing smth. be dissatisfied with smth. be entitled to smth. behave behaviour beneficiary benefit of the community be on a trial for smth be on jury service be reluctant to do smth be remediable in tort be satisfied with smth. be subordinate to bind(bound) binding upon smb. body of rules branch of power breach bribe burden of proof	барристер элементарные знания основываться привыкнуть делать ч-л. быть неудовлетворенным ч-л. иметь право на ч-л. вести себя поведение бенефициарий улучшение благосостояния общества предстать перед судом за ч-л. выполнять обязанности присяжного делать ч-л. с неохотой иметь средства судебной защиты по деликту быть удовлетворенным ч-л. подчиняться обязывать обязательный, обязывающий для к-л свод правил ветвь власти нарушение взятка, давать взятку бремя доказывания
C	carry out a contract case law case of public importance certain Chancery division change the judgement charge smb. with smth. charitable child care citizen civil action civil law civil procedure clarify a law code codified law system commit a wrong, a crime common common example Common law Commonwealth consider the beneficial interest of smb compensate smb. for smth. complaining witness complex compulsory cooperate concern conditional bail conduct a trial constitute constructive trust consider appeals consider various proposals	выполнить контракт прецедентное право дело общественной важности определенный отделение лорда-канцлера изменить судебное решение обвинять к-л. в ч-л. благотворительный опека над детьми гражданин гражданское дело гражданское право разъяснять закон гражданский процесс, судопроизводство закон, норма кодифицированная правовая система совершить правонарушение, преступление общий типичный пример общее право Содружество учитывать выгоду бенефициария компенсировать к-л. ч-л. свидетель, принесший жалобу сложные обязательный, принудительный сотрудничать касаться, затрагивать условное поручительство вести судебный процесс учреждать доверительная собственность в силу закона рассматривать апелляции 1 конституционное право

	<p>constitutional law consult the police Continental law contractual relationship convicted defendant County Court court court of equity courtroom court ruling cover create a trust intentionally crime of theft criminal action criminal law criminal procedure Crown Court custom</p>	<p>рассматривать различные предложения обращаться за помощью в полицию континентальное право контрактные отношения осужденный ответчик суд графства суд суд справедливости зал суда постановление суда охватывать создавать траст преднамеренно преступление кражи уголовное дело уголовное право уголовный процесс, судопроизводство Суд Короны обычай</p>
D	<p>damages deal with smth. debate debt defence defendant define definition develop discuss dispute distinction divide into smth. doctrine of precedent do initial preparation for cases draw up a will</p>	<p>убытки иметь дело с ч-л. прения, дебаты, обсуждение долг защита ответчик, обвиняемый, подсудимый определить определение развиваться обсуждать спор, конфликт различие разделять на ч-л. доктрина прецедента вести первоначальную подготовку дел составлять завещание</p>
E	<p>eliminate emperor Employer's Liability Act enforce laws against smb. enjoyment of land ensure the authority entirely equity equitable equitable interest European Court of Human Rights everyday activities exaggerate executive exist exist alongside express trust expressly forbidden by law</p>	<p>устранить император Акт об ответственности нанимателей применять законы к к-л. пользование землей обеспечивать власть полностью справедливость справедливый интерес по праву справедливости Европейский Суд по правам человека повседневная жизнь преувеличивать исполнительная власть существовать сосуществовать прямой траст прямо запрещенный законом</p>

Learning Law

	existing Evil	существующий зло
F	facts of the case fair fairness family court family law final court of appeal flexibility force smb. to do smth. formal former for smb's advantage for smb's benefit	обстоятельства дела справедливый справедливость суд по семейным делам семейное право апелляционный суд последней инстанции гибкость заставить к-л. делать ч-л. официальный бывший во благо, на пользу к-л. во благо, на пользу к-л.
G	give expenses go to prison govern government gradually grant smth. guide smb. on smth	давать деньги на расходы сесть в тюрьму управлять правительство, государственная власть постепенно предоставить ч-л. направлять к-л. по ч-л.
H	hand smth. to smb. handle smth. harm have evidence have the power to do smth. hear a case Her Majesty High Court higher court highest court hold legal title hold the suspect in custody House of Lords	передавать ч-л. к-л. иметь дело с ч-л., рассматривать наносить вред иметь улики, доказательства иметь право делать ч-л. слушать дело Ее Королевское Величество Высокий суд вышестоящий суд высший суд обладать правовым титулом держать подозреваемого под стражей Палата лордов
I	implementation of justice impose a trust impose smth. on smb. inability increase inflexibility influence informal injured party injury implied trust improper conduct invest interaction among people internationalize international law interpret a law interpretation intimidate a witness	осуществление справедливости вводить траст налагать ч-л на к-л. неспособность увеличивать негибкость влиять, влияние неофициальный потерпевшая сторона вред, ущерб, телесное повреждение подразумеваемая доверит.собственность неправомерное поведение вкладывать деньги общение между людьми сделать международными международное право толковать закон толкование запугивать свидетеля

	involve	вовлекать
J	judge juror jury jury service just justice juvenile court	судья присяжный суд присяжных выполнение функций присяжного справедливый справедливость суд по делам несовершеннолетних
L	land law lawmaker law law of contracts law of torts law of trusts lawyer legal legal advice legal capacity legal error legal interest legal implication legal means legal obligation legal owner legal person legal principle legal standard legal training legislative body legislator legislation legislature liability litigant litigation Lord Chancellor lower court lower house	земельное право законодатель право, закон контрактное право деликтное право доверительное право юрист, адвокат юридический, правовой совет юриста правоспособность ошибка в вопросе права правовой интерес правовая подоплека правовые средства правовое обязательство законный владелец юридическое лицо правовой принцип правовая норма юридическая подготовка законодательный орган законодатель законодательная деятельность, закон законодательная власть ответственность тяжущийся тяжба, судебный спор, процесс лорд-канцлер нижестоящий суд нижняя палата
M	maintain Magistrates Court majority make a decision make a formal accusation (charge) make a mistake about a point of law make an investigation make laws make legal arrangements for smth. make personal profit minor case modern society modify a law monetary compensation	сохранить магистратский суд большинство принимать решение предъявить официальное обвинение сделать ошибку в вопросе права проводить расследование создавать законы юридически оформить ч-л. извлекать личную выгоду дело о малозначительном правонарушении современное общество изменять закон денежная компенсация

ing Law

	movable property Murder	движимое имущество Убийство
N	natural person	физическое лицо
O	occasionally on behalf of smb. on condition that object of a trust oblige on the other hand ordinary members of the public originate in overturn a decision	иногда от имени к-л. при условии предмет доверительной собственности обязывать с одной стороны обычные граждане происходить, брать начало отменить решение
P	particular party pass an act of Parliament pay a fine plaintiff presume prevail previous private law	отдельный, определенный, конкретный сторона принять акт парламента платить штраф истец предполагать, презюмировать преобладать, превалировать предыдущий частное право
	private trust probate law produce a law property property under their control proportion of the proceeds prosecution prove provide provided provide framework for public law public law and order public trust punish punishment put some money as security	частная доверительная собственность наследственное право создать закон собственность собственность под их контролем часть выручки обвинение, преследование доказывать ч-л. обеспечивать при условии обеспечивать рамки для публичное право общественный правопорядок публичная доверительная собственность наказывать наказание дать залог
Q	qualification qualified lawyer Queen's bench division question smb. question of fact question of law	подготовленность, квалификация дипломированный юрист Отделение королевской скамьи допрашивать к-л. вопрос факта вопрос права
R	rare reach just agreements real estate reasonable recognize a right redundancy payments re-examine refuse to do smth. regarding	редкий достигать справедливых соглашений недвижимое имущество разумный признавать право выплаты при сокращении штатов пересмотреть отказываться делать ч-л. относительно, касательно

	<p>regardless of regulate rehearing relate to legal matters release smb. relief of poverty remain in custody remove request require resemble result from right of audience right to be heard Roman law</p>	<p>несмотря на регулировать повторное слушание дела относиться к правовым вопросам освободить к-л. помощь бедным оставаться под стражей устранить просьба, ходатайство, запрос требовать походить следовать, происходить от ч-л. право выступать в суде право выступать в суде Римское право</p>
S	<p>solve problems satisfactory say smth expressly seek (sought) seek legal advice select at random senior separation of powers settle out of court settlor set of codes settle disputes set up business society social control solicitor solution specialize in specific performance start an action in court statute statutory tort sue in the tort of sum up evidence support Supreme Court surrender a document suspect suspect smb of smth</p>	<p>решать проблемы удовлетворительный сказать ч-л прямо добиваться, требовать обращаться за помощью к юристу выбирать наугад старший, главный, опытный разделение властей решать вне суда учредитель доверительной собственности свод законов урегулировать споры организовать предприятие общество общественный контроль солиситор, юрисконсульт, стряпчий решение заниматься ч-л. реальное исполнение начать дело в суде статут, закон деликт, определенный статутом начинать иск по деликту подытожить результаты разбирательства поддерживать Верховный Суд передать документ подозреваемый подозревать к-л. в ч-л.</p>

T	through the written or spoken word tort tortfeasor tort of conversion tort of defamation tort of negligence tort of nuisance tort of trespass tortious action transaction therefore trust trustee thus	в устной или письменной форме деликт правонарушитель, делинквент деликт присвоения движимого имущества деликт диффамации, дискредитации деликт небрежности деликт нарушения покоя деликт нарушения владения деликтное действие сделка по этой причине, вследствие этого, поэтому доверительная собственность доверительный собственник таким образом
И	uncertain unconditional bail unfair dismissal unified judicial system unify unreasonable interference upper house	неопределенный безусловное поручительство несправедливое увольнение общая судебная система объединять незаконное вмешательство верхняя палата
V	variety of courts verdict vicarious liability violate one's rights	разные суды вердикт, решение присяжных ответственность за действия других лиц нарушать ч-л права
W	well-being of society weaken without smb's permission work for some purposes wrongful act	благосостояние общества ослабевать без разрешения к-л. служить целям противоправное действие

UNIT 10.**LAW OF CONTRACTS.**

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

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

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

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

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

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

VOCABULARY NOTES.

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

9.	acceptance	принятие, акцепт
10.	valid	юридически действительный
11.	exchange of consideration	обмен встречными удовлетворениями
12.	valuable consideration	надлежащее встречное удовлетворение
13.	item	вещь

14.	advertisement	реклама, рекламное объявление
15.	invitation to treat	приглашение к сотрудничеству /сделать оферту
16.	to accept an offer	принять оферту
17.	to reject an offer	отказаться принять оферту
18.	to display for sale	выставлять на продажу

19.	written contract	контракт в письменной форме
20.	oral contract	контракт в устной форме
21.	to be enforceable in court of law	способный быть осуществленным в судебном порядке
22.	contract of insurance	контракт по страхованию
23.	hire-purchase	купля-продажа в рассрочку

Pronounce the following words correctly.

acceptance	[ək'septəns]
valuable	['væljuəbəl]
to display	[dɪ'spleɪ]
exchange	[ɪks'tʃeɪndʒ]
item	['aɪtəm]
to reject	[rɪ'dʒekt]
enforceable	[ɪn'fɔ:səbəl]
advertisement	[əd'vɜ:tɪsmənt]
advertiser	['ædvətɪzɪzə]
valid	['vælɪd]

EXERCISES.

Exercise 1. Answer the following questions.

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

9. In what forms can contracts be?
10. What contracts must be always in writing? Why do you think it is so?

Exercise 2. Supply Russian equivalents.

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

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

1. item	a. shop
2. term	b. to make a contract
3. contractor	c. valid
4. lawful	d. condition
5. to consider	f. to reject
6. to refuse	g. thing
7. to accept	h. to believe
8. store	j. to agree to
9. to conclude a contract	i. party

Exercise 6. Supply antonyms and translate them.

- a. to include - to exclude
to treat - mis-
- b. agreement, legal, certain, to interpret, possible, proper, real, responsible, written, equitable, just, to like.

Exercise 7. Supply English equivalents.

сторона в контракте	реклама
приглашение к сотрудничеству	принять оферту
заключить контракт	правовое намерение
контракт в устной форме	акцепт
контракт по страхованию	юридически действительный
надлежащее встречное удовлетворение	Оферта
быть обязанным по закону	обмен встречными удовлетворениями
отказаться	заключать контракт на опр. условиях
принять оферту	

Exercise 8. Translate word combinations into English and make sentences with them.

обмен	встречными удовлетворениями мнениями делегациями
согласиться	на определенное условие на заключение контракта на предложение сделать ч-л
имеющий юридическую силу	документ контракт завещание
отказаться	от предложения от идеи от помощи
принять	предложение помощь приглашение
правовой	намерение вопрос принцип
рассматривать	предложение вопросы возможность заключения контракта

Exercise 9. Insert prepositions consuming the text.

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

Exercise 10. Fill in the gaps with missing words consulting the text.

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

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|--|-------------------------|
| 1. done in a proper manner so that a court of | a. hire-purchase |
| 2. law would agree with it | |
| 3. binding agreement | b. legal intention |
| 4. promise by one party to a contract | c. advertisement |
| 5. invitation to treat | d. contract |
| 6. method of buying goods in which the purchaser takes possession of them as soon as he has paid a deposit | e. term |
| 7. condition | f. offer and acceptance |
| 8. essential elements of a contract | g. valid |
| 9. wish to be legally bound | h. consideration |

Exercise 12. Translate the following sentences and write them into the correct column in the table.

- A. Example.* Деньги, которые вы платите. - The money you pay.
 Деньги, которые платятся. - The money which (that) is paid.

Without <i>which, that, who</i>	<i>With</i> which, that, who
The money you pay	The money which (that) is paid
	-

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

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

1. A community punishment order gives the offender opportunity to repay society for **the wrong he or she has done**.
2. The trial by jury is perhaps the best opportunity **any citizen has** to identify with and perform his or her public duty.
3. There is still a strong body of opinion that we should replace parts of the jury system with one **which is less expensive and more efficient**.
4. Some of the cases **jurors may try** may be harrowing, or may last for many weeks, taking them away from their work.
5. There may be strong practical arguments in favour of petty cases being tried in the Magistrates Courts, but when it comes to crimes **for which substantial sentences of imprisonment may be passed**, different considerations apply, and those **who claim to understand the real value of the jury system and the protection it affords** stand firm against them.
6. Jurors **who are only 18 years old** are too inexperienced in life to try cases.
7. For many years jury trials were very unsatisfactory and bore little resemblance to the trials **we have today**.

Exercise 13. Change the following sentences using the Passive Voice.

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

Exercise 14. Change the following sentences using the Gerund.

Example. The parties must have a legal intention to be bound **before they make a contract.**
The parties must have a legal intention to be bound **before making a contract.**

1. A valuable consideration is something a person has given, or done, or agreed not to do, **when he made a contract.**
2. **After the police have arrested the suspect,** they must decide if they have enough evidence to make a formal accusation.
3. **Before we accept an offer,** we must consider it carefully.
4. **Before judges make a decision,** they consider previous precedents.
5. **After the solicitor does the initial preparation for cases,** he hands them to barrister to argue in court.
6. The government can overturn a decision of the House of Lords **after it passes an Act of Parliament.**
7. **Before he started an action in court,** he tried to settle the dispute out of court.

Exercise 15. Use either offer or suggest.

*

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

II. offer smth. - предлагать, давать ч-л.
offer smb. one's help \ a loan \ money \ a lift
offer to help smb. (with smth.) \ give smb. a lift \ show smb. around (a city \ Paris \ an exhibition)

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

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

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

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

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

B. Translate.

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

Exercise 16. Translate the following sentences paying attention to the translation of 'since'.

Example. An advertisement to sell something is not normally considered an offer, **since** it is impossible to make a contract with all the people who might read it. - Рекламное объявление о продаже чего-либо обычно не считается офертой, **так как (поскольку)** невозможно заключить контракт со всеми людьми, которые могли прочитать его.

1. Even where there is a precise statute, the case law interpreting the statute may be very important **since** the circumstances of each crime may be very different.
2. In the United States, doctors, dentists and lawyers are often sued for millions of dollars. This has in turn increased the cost of many services **since** such professionals have to pay very high insurance premiums to cover themselves in case they are successfully sued.
3. Under Anglo-American law the dead person's property passes immediately to administrators (called executors if the dead person left a will). Administrators and executors are not technically trustees **since** their powers and duties are defined in statute. However, **since** they become the legal owners of the dead person's property and hold it on trust until they have paid debts and taxes and can pass it on to those entitled to inherit, their position is very similar to that of a trustee.
4. Shareholders cannot insist on the payment of a dividend every year, **since** this is up to the directors to decide.
5. There are some restrictions on the choice of the name: for example, the registrar will not accept a name that is the same or very similar to a company already registered, **since** this could confuse consumers and clients.

Exercise 17. Read and translate.

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

Another principle mentioned above is that there is no contract if one of the parties did not intend to be legally bound. This is supported by a case decided in 1605 (Weeks vs. Tybald) when a man joked that he would pay money to any man who would marry his daughter.

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

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

Exercise 18. Translate.

1. • Существует много повседневных сделок, которые большинство людей не рассматривают как контракт.
2. Продавец не может заключить контракт со всеми людьми, которые прочитали его объявление.
3. С юридической точки зрения реальная оферта возникает тогда, когда вы связываетесь с продавцом и говорите, что вы согласны купить его товар.
4. Устные контракты имеют такую же юридическую силу, как и письменные по английскому праву.
5. Продавец имеет право принять или отвергнуть оферту.
6. Чтобы контракт был юридически действительным он должен иметь следующие элементы: оферту, акцепт и встречное удовлетворение.
7. Стороны должны обменяться встречными удовлетворениями.
8. Контракты по купле-продаже в рассрочку должны быть в письменной форме.
9. Стороны согласились заключить контракт на определенных условиях.
10. Обычно реклама о продаже чего-либо не считается офертой.

Exercise 19. Discuss the following.

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

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

Exercise 20. Translate the Russian part of the text. Consult the English part if necessary.

1.	Контракт - это соглашение, которое заключено между двумя и более сторонами и которое является обязательным по закону.	A contract is an agreement which is made between two or more parties and which is binding in law.
2.	Стороны должны иметь правовое намерение быть обязанными юридически перед заключением контракта.	The parties must have a legal intention to be legally bound before making a contract.
3.	Они должны согласиться заключить контракт на определенных условиях, т.е. они должны знать, на что они соглашаются, хотя им и необязательно знать, что их соглашение по закону является контрактом.	They must agree to contract on certain terms, that is, they must know what they are agreeing to, though they need not know that their agreement can be described in law as a contract.
4.	Чтобы иметь обязательную силу по закону, соглашение должно включать оферту и акцепт этой оферты.	In order to be binding in law the agreement must include an offer and an acceptance of that offer.
5.	Во всяком имеющем юридическую силу контракте должен также быть обмен встречными удовлетворениями.	In every valid contract there must also be an exchange of consideration.
6.	Надлежащее встречное удовлетворение - это то, что лицо дало, сделало или согласилось не делать при заключении контракта.	A valuable consideration is something a person has given, or done, or agreed not to do when making a contract.
7.	Например, когда вы покупаете какую-то вещь в магазине, ваше встречное удовлетворение — это деньги, которые вы платите, а встречное удовлетворение продавца - это товар, который вы покупаете.	For example, when you buy an item at a store, your consideration is the money you pay, and the seller's consideration is the item you buy.
8.	Одним из принципов английского договорного права является то, что в контракте должны быть оферта и акцепт.	One principle of English contract law is that there must be an offer and an acceptance in the contract.
9.	Рекламное объявление о продаже чего-либо обычно не считается офертой, т.к. невозможно заключить контракт со всеми людьми, которые могли прочитать его.	An advertisement to sell something is not normally considered an offer, since it is impossible to make a contract with all the people who might read it.
10.	С юридической точки зрения рекламное объявление - это приглашение к сотрудничеству.	From the legal point of view an advertisement is an invitation to treat.
11.	Если я вижу объявление в газете, предлагающее купить машину, и я звоню рекламодателю и соглашаюсь ее купить, продавец не обязан продать ее мне.	If I see an ad in a newspaper offering to sell a car, and I telephone the advertiser and agree to buy it, he is not obliged to sell it to me.

12.	Это происходит потому, что закон считает, что реальная оферта возникает, когда я связываюсь с продавцом и предлагаю купить машину.	This is because the law considers the real offer is when I contact the seller asking to buy the car.
13.	Продавец может тогда решить, принять или отвергнуть мое предложение.	The seller may then decide whether to accept or reject my offer.
14.	Именно по этой причине магазин не обязан продавать вам товар, который он выставляет на продажу.	That is the reason a store does not have to sell you the goods it displays for sale.
15.	Большинство контрактов могут быть или в устной или в письменной форме.	Most contracts can be either written or oral.
16.	Однако некоторые типы контрактов должны быть только в письменной форме, чтобы иметь юридическую силу в суде.	However, certain kinds of contracts must be in writing to be enforceable.
17.	Эти контракты включают контракты по продаже земли и другой недвижимости, контракты по страховке, контракты по купле-продаже в рассрочку.	These include contracts for the sale of land and real estate, contracts of insurance and hire-purchase.

UNIT 11.

THE CONTRACT VALIDITY.

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

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

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

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

In common law countries, the judge will be guided by decisions made in previous cases when deciding about contracts. If

the judge is dealing with a problem that has never **arisen** before, he must make a decision based upon general legal principles, and the decision will become a precedent for other judges in similar cases in the future.

VOCABULARY NOTES.

1.	validity	действительность, законность
2.	party to a contract	сторона в контракте
3.	to carry out smth.	выполнять ч-л.
4.	to be entitled to a remedy	иметь право на средство судебной защиты
5.	reasonable observer	благоразумный наблюдатель
6.	average citizen	среднестатистический гражданин
7.	essential elements	основные составляющие

8.	capacity of contractors	дееспособность сторон в контракте
9.	to be legally competent to do smth.	иметь право по закону сделать ч-л.
10.	insane	душевнобольной
11.	to trick smb. into making a contract	заставить к-л. заключить контракт обманным путем
12.	to pressure smb. into making a contract	заставить к-л. заключить контракт
13.	drugs	наркотики, лекарства
14.	to be enforced in court	обеспечивать исполнение в судебном порядке
15.	to arise / arose, arisen /	возникать

Pronounce the following words correctly.

validity	[və'ɪdɪtɪ]
reasonable	[ˈri:znəbəl]
pressured	[ˈpreʃəd]
insane	[ɪn'seɪn]
essential	[ɪ'senʃəl]
capacity	[kə'pæsɪtɪ]
competent	[ˈkɒmpɪtənt]
average	[ˈævərɪdʒ]

EXERCISES.

Exercise h Answer the following questions.

1. What can one party do if the other party does not carry out the contract?
2. How does the court decide whether the contract has been made?
3. What is the most important principle guiding the judge when he decides if a contract has been made?
4. Who is a reasonable observer?

5. What is the capacity of contractors?
6. For whom are there special rules when they make a contract? Why do you think those rules exist?
7. What contracts are considered to be illegal?
8. What is the judge guided by when making decisions about a contract in common law countries?
9. What must the judge do if he is dealing with a problem that has never arisen before?

Exercise 2. Supply Russian equivalents.

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

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

1. Судье важно рассмотреть правоспособность сторон, заключающих контракт.
2. Если одна из сторон не выполняет обещание, другая сторона может обратиться в суд и иметь право на средство судебной защиты.
3. В первую очередь суд должен решить, был ли заключен контракт.
4. Исполнение соглашения о продаже запрещенных законом лекарственных препаратов никогда не может быть обеспечено в суде.
5. В контракте, имеющем юридическую силу, каждая из сторон по закону должна делать то, что обещано.
6. Судья также рассмотрит, имеет ли контракт все основные элементы: оферту, акцепт, встречное удовлетворение.
7. По английскому праву существуют специальные правила, если одной из сторон в контракте является компания.
8. Если судья имеет дело с проблемой, которая не возникала прежде, он должен принять решение, основываясь на общих юридических принципах.
9. Самый важный принцип, которым руководствуется судья, решит ли благоразумный наблюдатель, среднестатистический гражданин, что это контракт.
10. Решение станет прецедентом для других судей в подобных делах в будущем.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

- | | |
|-------------------|-----------------|
| 1. illegal | a. common |
| 2. firm | b. solution |
| 3. to consider | c. basic |
| 4. general | d. to deal with |
| 5. to go to court | e. person |

- | | |
|-----------------|--------------------------------|
| 6. to interpret | f. to oblige |
| 7. essential | g. to explain |
| 8. to enforce | h. to start an action in court |
| 9. individual | i. unlawful j. company |
| 10. decision | |

Exercise 6. Supply antonyms and translate them.

- | | |
|----------------|------|
| A. competent - | m- |
| valid - | in- |
| guide- | mis- |
| valuable- | in- |
| reasonable- | un- |

B. Agreement, legally, important, to interpret, to include, essential, to treat, possible, formal, proper.

Exercise 7. Supply English equivalents.

правоспособность	средство судебной защиты
законность	сторона в
контракте	выполнять ч-л
заставить к-л.	заклЮчить контракт
контракт обманнЫм путем	среднестатистический гражданин
основные составляющие	обеспечить исполнение в
	судебном порядке
	душевнобольной

Exercise 8. Translate word combinations into English and make sentences with them.

иметь право	на возмещение убытков
	на пенсию
	на средство судебной защиты
среднестатистически	гражданин доход
	заработная плата
обоснованный	обвинение
	претензия, требование
	степень заботливости
выполнить	контракт
	обещание
	работу

Exercise 9. Insert prepositions consulting the text.

There are special rules ... interpreting contracts ... which one or more contractors made a mistake or were pressured or tricked ...making an agreement. It is important... a judge to consider the capacity of contractors.

3. If one party ... a contract does not carry ...the promise, the other party can go ... court and be entitled ...remedy.
4. The judge will be guided ... decisions made ... previous cases.
5. There are also rules ... dealing ... illegal contracts.
6. If a judge is dealing ... a problem which has never arisen before he must make a decision based ...general legal principles.
7. The decision will become a precedent... other judges to follow.

Exercise 10. Fill in the gaps with missing words consulting the text

1. If one party to a contract does not..... the promise, the other party is entitled to a
2. There are special rules if one of the contractors is a company, individual, a person under 18, or an ... person.
3. The most important principle ... a judge is whether a reasonable observer,, would decide that it was a contract.
4. In a ... contract each person is legally ... to do what was promised.
5. There special rules of interpreting contracts in which one or more contractors made a mistake or were ... or ... into making an agreement.
6. An agreement to sell ... drugs could never be ... in court.
7. The judge will ... if the contract has all the ... elements.
8. It is very important for a judge to consider the ... of contractors that is whether they are legally ... to make a contract.

Exercise! 1. Find a suitable definition for each word in the right column.

- | | |
|---|---------------------------|
| 1. having force in law | a. average citizen |
| 2. person under 18 | b. remedy |
| 3. reasonable observer | c valid |
| 4. smth. a person has given or done | d. insane |
| 5. any method available at law to protect the citizen's rights in court | e. minor |
| 6. mad | f. valuable consideration |

Exercise 12. Use and translate participles correctly.

A. Translate

Example. The most important principle **guiding** a judge is whether a reasonable observer, an average citizen, would decide that it was a contract. - Самый важный принцип, **которым руководствуется судья**, решит ли благоразумный наблюдатель, среднестатистический гражданин, что это контракт.

The judge will be guided by decisions **made** in previous cases when **deciding** about contracts. - Судья будет руководствоваться решениями, вынесенными в предыдущих делах, принимая решения по контрактам.

1. Law and order involves making laws to protect people from any form of crime or disorder, **providing** a police force to investigate and enforce those laws.
2. Laws **passed** by the British Parliament can become the laws only after the Queen signs her assent to them.
3. The rules of social institutions are more formal than customs, **carrying** precise penalties to those who break them.

4. There are duties **relating** to the registration of birth or **notifying** the authorities of certain infectious diseases.
5. Despite civil wars in the 15th and 17th centuries and enormous social changes **associated** with industrialization, England and Wales have retained many laws and legal principles that originated eight centuries ago.
6. Sri Lanka has inherited a criminal code from the Russian law **introduced** by the Dutch and uncodified civil law **introduced** by the British.
7. The House of Commons became known by this name because those elected to serve in it as Members of Parliament were not members of nobility but ordinary common people, known as 'commoners'.
8. **Following** the House of Lords Act 1999, hereditary peers lost the right to sit and vote in the House of Lords.
9. Amendments to the bill **made** at the committee stage will be passed if a majority of the committee members vote for them.
10. In September 1998, **following** the Omagh bombings in Northern Ireland, Parliament was recalled from its summer recess, and within two days passed the Criminal Justice (Terrorism and conspiracy) Act 1998 **giving** added powers to arrest and prosecute suspected terrorists.

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

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

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

1. Выполняя контракт, стороны... Контракт, выполненный сторонами...
2. Принимая законы, парламент... Законы, принятые парламентом...
3. Рассматривая дело, судья... Дело, рассмотренное судьей...
4. Толкуя контракты, судья... Контракты, толкуемые судьей
5. Заключая контракт, стороны... Контракт, заключенный между сторонами...
6. Принимая оферту, сторона... Оферта, принятая стороной...

C. Use either Participle I or Participle II.

1. The Home Secretary is responsible for the actions of the Ministers and civil servants (employ) by the Home Office.
2. He brought an action in the courts (claim) that he had been falsely imprisoned and (request) his immediate release.
3. The speed limits (impose) upon drivers are laws that prescribe how fast we should drive.
4. Some are precise laws (make) by nations and (enforce) against all citizens within their power.
5. Government-made laws are nevertheless often patterned upon informal rules of conduct already (exist) in society.
6. Laws (base) upon common sense do not necessarily look much like common sense when they have been put into words.
7. One problem (result) from the existence of two systems of justice was that a person often had to begin actions in two different courts to get a satisfactory solution.
8. Specific performance is an order (force) the other party to do something.
9. The clear distinction between legislature and judiciary has weakened in many countries (include) Germany, France and Italy, where courts are able to challenge the constitutional legality of a law (make) by a parliament.
10. The Royal Assent is given by the Queen (sign) the bill.
11. Everyday transactions (involve) private individuals are more informal.

D. Translate.

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

Exercise 13. Translate the following sentences using the Passive.

1. Этот вопрос рассматривается сейчас.
2. Контракт был выполнен вовремя.
3. Эта проблема была только что решена.
4. При заключении контракта была совершена ошибка.
5. Его заставили заключить контракт.
6. Исполнение соглашения по продаже запрещенных законом лекарственных препаратов не может быть обеспечено судом.
7. Статуты часто толкуются судьями.
8. Судья руководствуется решениями, принятыми по предыдущим делам.

Exercise 14. Translate the following sentences paying attention to the translation of 'rather than'.

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

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

Exercise 15. Fill in the gaps with either 'other' or 'another'.

Another - additional person or thing (используется только с исчисляемыми существительными в единственном числе)

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

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

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

They were glad to see **one another**.

Other - 1. one of the two

one side of the street - **the other** side of the street

one hand - **the other** hand

2. people or things in addition to the ones already known **other** judges

The others are waiting in the office. **Others** want this job if you turn it down. We were glad to see **each other**.

1. The trustee has the power to invest and make ... decisions about the property.
2. Tort liability is based on the duty one person owes to
3. There are two main reasons for having a variety of courts. One is that a particular court can specialize in particular actions. The ... is that if a person thinks that the decision of a lower court on his case is unfair, he can appeal to a higher court.
4. A tort is a wrongful act committed by an individual against ... individual's person, property or reputation.
5. Civil actions, on the ... hand, are usually started by individuals.
6. Governments have two motives in making and enforcing laws. One is social control; the ... is the implementation of justice.
7. Trusts are agreements whereby a person administers property for ... person's benefit.
8. International law regulates relations between governments and also between private citizens of one country and those of... .
9. If one party to a contract does not carry out the promise, the ... party can go to court and be entitled to a remedy

Exercise 16. Read and translate.

METHOD OF CREATION

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

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

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

Quasi contracts. In a quasi contract, the parties are bound as though there were a valid contract even though technically there is none. For example, a doctor may voluntarily give first aid to a person injured in an accident. There is no agreement. Yet the doctor may submit a bill and collect a charge reasonable for such a professional service. Thus, the law creates an obligation in the absence of an actual agreement between the parties. This is done to prevent unjust enrichment of one party. Strictly speaking no contract exists if some essential element is missing. Someone who is not a doctor could

give similar first aid yet not be entitled to payment since the service is not done with the expectation of payment nor by a licensed specialist.

Exercise 77. Translate.

1. Контрактное право - это раздел права, который касается соглашений. Многие по-разному понимают, что означает 'прийти к соглашению'. Одни считают, что договор - это сделка или соглашение между двумя или более людьми об определенных действиях при покупке или продаже товаров. Другие полагают, что договор - это соглашение о выполнении каких-либо обязательств, которые отдельное лицо или компания принимают на себя в обмен на обязательства другой стороны (как правило, обязательства по уплате денег).
2. Если подходить строго юридически, то договор - это соглашение, которое право защищает и проводит в жизнь. Если я обещаю доставить вагон строевого леса и покупатель обещает заплатить мне за это определенную сумму, и я не доставляю обещанного, то тем самым я нарушаю свой договор. В этом случае покупатель имеет право требовать с меня по суду возмещения ущерба.
3. Чтобы договор был действительным, необходимо иметь минимум две стороны, обладающие правоспособностью. Одна из договаривающихся сторон должна сделать некоторое предложение, а другая - принять его.
4. Реклама универмага, которая 'предлагает' швейные машины за низкую цену, с точки зрения права не несет в себе никакого юридического предложения. По крайней мере, она не обещает на самом деле какому-либо лицу эти машины. Магазин не обязан распродавать весь имеющийся запас швейных машин лишь для того, чтобы не разочаровать покупателей.

Exercise 78. Solve the following problems.

1. For a college graduation present, an aunt promised to give Eileen two tickets for a Caribbean cruise with a friend of her choice. At the graduation exercises, however, her aunt gave her a kiss instead and said, "The stock market is down. Sorry, darling!" Although not likely to do so, could Eileen successfully sue her aunt for a breach of contract?
2. The people next door plan to go abroad for two weeks. They promise to pay you \$60 if you take care of their garden and pick up their mail and newspaper while they are away. You agree. Is this a contract? Do both you and your neighbours give and receive consideration?
3. Jackson was the defendant in a legal action. Piece was a key witness for the plaintiff. Jackson told Piece that he would pay her expenses if she would take a long cruise - from New York to San Francisco and back - while the trial was in progress. Piece agreed to take the trip. Upon her return, she presented her expense account to Jackson. Can she collect?

Exercise 79. Translate the Russian part of the text. Consult the English part if necessary.

1.	В контракте, имеющем юридическую силу, каждая из сторон по закону должна делать то, что обещано.	In a valid contract each person is legally bound to do what is promised.
2.	Если одна из сторон не выполняет обещание, другая сторона может обратиться в суд и иметь право на средства судебной защиты.	If one party to a contract does not carry out the promise, the other party can go to court and be entitled to a remedy.

3.	В первую очередь суд должен решить, был ли заключен контракт.	First, the court must decide if a contract has been made.
4.	Самый важный принцип, которым руководствуется судья, решит ли благоразумный наблюдатель, среднестатистический гражданин, что это контракт.	The most important principle guiding a judge is whether a reasonable observer, an average citizen, would decide that it was a contract.
5.	Судья также рассмотрит, имеет ли контракт все основные элементы: оферту, акцепт и встречное удовлетворение.	The judge will also consider if the contract has all the essential elements: an offer, an acceptance and a valuable consideration.
6.	Судье важно рассмотреть правоспособность сторон контракта, т.е. имели ли они право по закону заключать контракт.	It is very important for a judge to consider the capacity of contractors, that is whether they are legally competent to make a contract.
7.	По английскому праву существуют специальные правила, если одна из сторон в контракте является компания, а не частное лицо, а также лицо, не достигшее 18 лет, или душевнобольной человек.	In English law there are special rules if one of the contractors is a company, rather than an individual, a person under 18, or an insane person.
8.	Существуют специальные правила толкования контрактов, в которых одна или более сторон совершили ошибку или были принуждены к заключению контракта, или контракт был заключен обманным путем.	There are special rules of interpreting contracts in which one or more contractors made a mistake or were pressured or tricked into making an agreement.
9.	Есть правила для рассмотрения незаконных контрактов.	There are also rules for dealing with illegal contracts.
10.	Например, исполнение соглашения о продаже запрещенных законом лекарственных препаратов никогда не может быть обеспечено в судебном порядке.	For example, an agreement to sell illegal drugs could never be enforced in court.
11.	В странах общего права судья руководствуется решениями, вынесенными в предыдущих делах, принимая решения по контракту.	In common law countries, the judge will be guided by decisions made in previous cases when deciding about contracts.
12.	Если судья имеет дело с проблемой, которая не возникала прежде, он должен принять решение, основываясь на общих юридических принципах, и это решение станет прецедентом для других судей в подобных делах в будущем.	If the judge is dealing with a problem that has never arisen before he must make a decision based upon general legal principles, and the decision will become a precedent for other judges in similar cases in the future.

UNIT 12.

REMEDIES

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

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

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

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

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

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

VOCABULARY NOTES.

1.	remedy	средство судебной защиты
2.	to fail to do smth.	не сделать ч-л.
3.	to perform the obligations under the contract	выполнять обязанности по контракту
4.	breach of contract	нарушение контракта
5.	parry in breach	сторона, нарушившая контракт
6.	accordingly	в соответствии, соответственно
7.	injured party	потерпевшая сторона
8.	to seek remedies for the breach in court	обращаться в суд для получения средств судебной защиты за нарушение контракта
9.	to compensate	компенсировать
10.	means	средство, средства, способ
11.	injury	ущерб, вред, повреждение

12.	damages	возмещение ущерба, компенсация
13.	monetary compensation	денежная компенсация
14.	to suffer some loss	понести убытки
15.	in addition to	дополнительно, помимо всего прочего
16.	to claim damages	требовать возмещения ущерба
17.	mental distress	моральный ущерб
18.	to cause	вызывать, причинять
19.	except for	за исключением

20.	to award damages	присуждать возмещение ущерба
21.	remote	имеющий отдаленную причинную связь
22.	remoteness	отдаленная причинная связь
23.	laundry	прачечная
24.	to deliver	поставить
25.	boiler	бойлер, котел
26.	to enable	давать возможность
27.	to take on a contract	заключить контракт
28.	dyeing contract	контракт по окрашиванию

29.	to put the plaintiff into the same financial position	поставить истца в то же самое финансовое положение
30.	to force smb. to do smth.	заставить к-л. делать ч-л.
31.	specific performance	реальное исполнение
32.	to cause hardship	причинять трудности, вызывать лишения
33.	injunction	судебный запрет
34.	inadequacy	несоответствие, недостаточность

Pronounce the following words correctly.

laundry	[ˈɔːndrɪ]
remote	[rɪˈmoʊt]
dyeing	[ˈdaɪɪŋ]
distress	[dɪsˈtres]
injury	[ˈɪndʒərɪ]
inadequacy	[ɪnˈædɪkwəsi]
injunction	[ɪnˈdʒʌŋkʃən]
cause	[kɔːz]
award	[əˈwɔːd]
remedy	[ˈremɪdi]

EXERCISES.

Exercise 1 Answer the following questions.

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

Exercise 2. Supply Russian equivalents.

to award damages
injury
remedy
party in breach
to suffer some loss
to seek remedies

mental distress
remote
to claim damages
injunction
specific performance
injured party

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

- | | |
|-----------------------------|-------------------------|
| 1. monetary compensation | a. duty |
| 2. injury | b. to carry out |
| 3. obligation | c. relief |
| 4. to perform | d. damages |
| 5. to force smb. to do smth | e. loss |
| 6. to seek | f. not to do smth |
| 7. remedy | g. to make smb. do smth |
| 8. to fail to do smth | h. to claim |

Exercise 6. Supply antonyms and translate them.

- a. adequacy - in-
 regular - ir-
 injured - un-
 to connect - dis-
 moral - im-

b. responsible, to include, to like, important, just, to arrange, to agree, to behave, necessary.

Exercise 7. Supply English equivalents.

средство судебной защиты	потерпевшая сторона
нарушение контракта сторона,	ущерб
нарушившая контракт	понести убытки
требовать возмещения ущерба	моральный ущерб
отдаленная причинная связь	присуждать возмещение ущерба
причинять трудности	судебный запрет
реальное исполнение	заставить к-л. делать ч-л

Exercise 8. Translate word combinations into English and make sentences with them.

убытки	за моральный ущерб за нарушение контракта за финансовые потери
причинять	трудности моральный ущерб финансовые потери
добиваться	реального исполнения возмещения убытков судебного запрета
дать возможность к-л	исполнить контракт заключить новые контакты требовать возмещения убытков
компенсировать	за моральный ущерб за финансовые потери за нарушение контракта

Exercise 9. Insert prepositions consulting the text.

1. In deciding how much ... damages to award, courts try to put the plaintiff ... the same financial position that he would have been ... if the defendant had carried ... the contract properly.
2. When one party refuses to perform or fails to perform the obligations ... the contract, it is called breach ... contract.
3. A court will award damages only ... the loss closely connected with the defendant's breach, i.e. ... the loss that is not too remote.
4. The defendants were five months late ... delivering a new boiler ... the laundry.
5. Sometimes the court decides to award damages specific performance, and sometimes it awards both.
6. Secondly, they claimed damages ... profits they might have made if the boiler had enabled them to take ... new dyeing contracts.
7. ... addition ... financial loss a plaintiff sometimes tries to claim damages ... mental distress caused ... the breach of contract.

8. The court must be satisfied that there was a contract, that one party is ... breach, and the other party has suffered some loss..... the breach.
9. Such claims are less successful ... Britain than ... the US,..... holiday contracts.
10. Specific performance and injunctions are remedies that were developed ... the courts ... equity inadequacies ... the common law courts.

Exercise 10. Fill in the gaps with missing words consulting the text.

1. In addition to financial ... a plaintiff sometimes tries to... damages for mental distress ... by the breach of contract.
- 2 damages, a plaintiff sometimes asks the court to ... the other contractor to carry out the contract.
3. Secondly, they claimed damages for ... they might have made if the boiler had ... them to..... new dyeing contracts.
4. A court will ... damages only for the loss closely ... with the defendant's breach, i.e. for the loss that is not too
5. A remedy is the ... to enforce a right or to compensate for an
6. In deciding how much in damages to... , courts try to put the plaintiff into the samethat he would have been in if the defendant had carried out the contract
7. The court must be ... that there was a contract, that one party is in breach, and the other party has because of the breach.
8. They will not agree to do this if it causes ... to the defendant, however, or if it is no longer possible or ... to carry out the contract.
9. Specific performance and ... are remedies that were developed by the courts of ... because of ... in the common law courts.
10. Accordingly, the injured party may ... any of several ... for the breach in court.

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|---|---|
| 1. relief granted by court | a. damages |
| 2. an order from a court to do or not to do smth | b.injury |
| 3. a failure to perform one or more terms of the contract | c.mjunction |
| 4. monetary compensation | d.remedy |
| 5. the extent to which a defendant is liable for | e.specific performance consequences of his wrongful act |
| 6. a court order to carry out the contract properly | f.breach of contract |
| 7. infringement of a right | g.remoteness of damage |

Exercise 12. Change the following sentences using 'fail to do smth'.

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

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

8. The defendant didn't carry out the contract.

Exercise 13. Change sentences using conditionals II and III.

A. Example. If the contractor delivers the boiler on time, the laundry will increase their regular customers. - If the contractor delivered the boiler on time, the laundry would increase their regular customers. If the contractor had delivered the boiler on time, the laundry would have increased their regular customers.

1. If he consults a lawyer, he will draw up this document very quickly.
2. If the defendant puts some money as security, he will be released on conditional bail.
3. If the defendant wants his case to be heard by a jury, he will go to the Crown Court.
4. If the contract is not carried out properly, they will go to court.
5. If the defendant is not satisfied with the court's decision, he will appeal.
6. If they don't settle the dispute in informal ways, they will start an action in court.
7. If the defendant is under 18, he will be tried in a juvenile court.
8. If the police make a formal accusation, they will arrest the suspect.
9. If we decide to sell our house, we will seek legal advice.
10. If the judge deals with a new problem, he will have to make a decision based upon general legal principles.

B. Translate.

1. Even the simplest sport, such as a race, must have rules. If it had none at all, everyone would set off at different times and in different directions and stop at different places.
2. If it were not against the law to steal, society would swiftly descend into chaos and violence.
3. In contract, the aim of damages is to put the plaintiff in the position that he would have been in if the contract had been performed, damages in tort are to restore the position there would have been if the tort hadn't occurred.
4. If all drivers drove within the speed limit, it would help all road users to travel in safety.
5. If a person was injured in a taxi because of the driver's careless driving, he could sue the driver for breach of an unwritten contract to take him to the airport, or could sue him in the tort of negligence. /
6. If it were not for the law, you could not go out in broad daylight without the fear of being kidnapped, robbed, or murdered.
7. If we were all as good as we ought to be, laws still would be necessary.

C. Translate.

1. Если бы не было законов, каждый бы делал то, что ему хочется.
2. Если бы контракт был исполнен надлежащим образом, им бы не пришлось идти в суд.
3. Если бы ему удалось получить возмещение убытков за моральный ущерб, он бы выплатил все свои долги.
4. Если бы он тогда обратился к юристу, он бы очень быстро урегулировал этот вопрос.
5. Если бы он подал апелляцию, его бы дело пересмотрели.
6. Если бы суд признал их соглашение контрактом, он бы был должен выплатить убытки.
7. Если бы можно было урегулировать все споры неофициальным путем, суды были бы не нужны.

Exercise 14. Translate the sentences using the Passive.

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

Exercise 15. Translate the following sentences using 'except' or 'besides'.

Example, except - кроме, исключая к-л., ч-л.

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

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

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

1. Кроме возмещения ущерба, истец потребовал наложения судебного запрета на ответчика.
2. Все оборудование, кроме бойлера, было поставлено вовремя.
3. Все судебные лорды назначаются королевой, кроме лор да-канцлера, которого назначает премьер-министр.
4. Помимо Палаты общин, законопроект обсуждается в Палате лордов.
5. Любой полноправный гражданин, кроме лиц, связанных с правом, может быть присяжным.
6. Большинство контрактов могут быть или в устной, или в письменной форме, за исключением контрактов по продаже земли и недвижимости, контрактов по страхованию и купле-продаже в рассрочку, которые должны быть только в письменной форме.

Exercise 16. Translate the following sentences paying attention to the translation of 'cause'.

1. There are numerous cases in which a nuisance can be **caused**: factory or farm premises may create nuisances by giving off terrible smells, or by polluting air or rivers; neighbours **cause** a nuisance when they make an unreasonable noise.
2. In most cases involving allegations of negligence or nuisance, the court will be concerned to judge whether the claimant has proved that the defendant has in some way behaved unreasonably and that this conduct has been of sufficient seriousness to justify a remedy in the form of compensation or some other court action. This could be by failing to take reasonable care for the safety of the others or their property (negligence), or in **causing** an unreasonable situation to exist which prevents their normal enjoyment of everyday life or property.

3. In order to prevent trespass or to get compensation for any inconvenience **caused**, the occupier will have to start a civil action in tort.
4. Recent cases of euthanasia (shortening the life of a sick person) are **causing** re-evaluations of the concept of murder.
5. The prosecution must show that the suspect did in fact **cause** the death of someone.
6. In France, the defense of crime of passion is sometimes used to lessen the sentence: that your act was directly caused by the unreasonable behaviour of your lover.
7. In English law a general principle has been developed that we owe a duty to people closely affected by our action to avoid **causing** harm that we could reasonably have foreseen.
8. Damages are now awarded for the mental distress **caused** by an accident, as well as physical suffering.

Exercise 17. Read and translate.

HOW ARE DAMAGES MEASURED?

In awarding damages for breach of contract, the court tries to place the injured party in approximately the position that party would have been in, had the breach not occurred. The amount awarded as compensatory damages is usually determined by the extent of the injury. One party is not permitted to increase the damages by continuing to perform the contract after notice of the other's breach or intention to cancel. The injured party is also required to mitigate damages if reasonably possible.

Failure to perform a duty under a contract is a legal wrong. Therefore courts will award nominal damages - token amount awarded when rights have been violated, but there is no actual injury. This could happen when, after a breach, the plaintiff finds a satisfactory product at a lower price. Nominal damages are granted in recognition of the rights that have been violated.

At the time of entering the contract, the parties may agree upon an amount of money that, in case of default, is to be paid by the person who breaches. This sum is known as liquidated damages. This arrangement is common when actual damages would be difficult to prove. It is enforceable if the amount is reasonable. If damages are not reasonable, the court will not enforce the agreement but will award reasonable damages if proved.

Under certain circumstances, such as when a tort is involved in a breach of contract, the courts will award exemplary or punitive damages. Such damages are awarded in addition to actual damages. The purpose of exemplary or punitive damages is to punish and make an example of the defendant. This could happen, for example, when a defendant seller defrauds a plaintiff buyer.

Exercise 18. Translate.

1. Когда происходит нарушение контракта, пострадавшая сторона имеет право быть поставленной в то же самое положение, и котором она была бы, если бы контракт был исполнен. Стороны часто урегулируют нарушение напрямую или с помощью своих юристов. Если им не удастся прийти к соглашению, пострадавшая сторона может обратиться в суд, чтобы получить возмещение ущерба.
2. Право стран континентальной Европы исходит из того, что требование об исполнении в натуре является основным, и должник в принципе всегда может быть принужден к исполнению в натуре, когда этого желает кредитор. Требование возмещения убытков рассматривается, если исполнение в натуре оказывается невозможным или если пострадавшая сторона потеряла интерес к получению такого исполнения.
С точки зрения англо-американского права требование возмещения убытков рассматривается как основное средство, и потерпевшая сторона всегда имеет возможность получить денежную компенсацию в случае нарушения договора.

Exercise 19. Discuss the following.

1. Wanes contracted with Holland to install some coffee machines in Holland's snack bar. When Wanes attempted to deliver the machines, Holland said he had changed his mind and cancelled the contract. What rights did Wanes have?
2. Kelly contracted to buy 160 acres of land from McCalls. She planned to develop an amusement park on the land. When the McCalls learned of her plan, they refused to deliver the deed. Can Kelly sue the McCalls?

Exercise 20. Translate the Russian part of the text. Consult the English part if necessary.

1.	Когда одна сторона отказывается выполнять или не выполняет обязанности по контракту, это называется нарушением контракта.	When one party refuses to perform or fails to perform the obligations under the contract, it is called a breach of contract.
2.	Сторона, нарушившая контракт должна компенсировать другой стороне.	The party in breach must compensate the other party.
3.	Соответственно, потерпевшая сторона может требовать любое из нескольких средств судебной защиты в суде.	Accordingly, the injured party may seek any of several remedies for the breach in court.
4.	Средство судебной защиты - это способ применить право или компенсировать за ущерб.	A remedy is the means to enforce a right or to compensate for an injury.
5.	Обычное средство судебной защиты -это возмещение убытков, т.е. денежная компенсация.	The usual remedy is damages - monetary compensation.
6.	Суд должен быть убежден, что контракт был, что одна из сторон его нарушила, а другая сторона понесла убытки из-за нарушения.	The court must be satisfied that there was a contract, that one party is in breach, and the other party has suffered some loss because of the breach.
7.	Помимо возмещения убытков за финансовые потери, истец иногда пытается получить возмещение убытков за моральный ущерб, вызванный нарушением контракта.	In addition to financial loss a plaintiff sometimes tries to claim damages for mental distress caused by the breach of contract.
8.	Суд присудит возмещение ущерба только за убытки, тесно связанные с нарушением контракта ответчиком.	A court will award damages only for the loss closely connected with the defendant's breach, i.e. for the loss that is not too remote.
9.	Прецедентом для отдаленной причинной связи является дело прачечная 'Виктория' против Ньюман Индастриз.	The precedent for remoteness is the 1949 English case of Victoria Laundry vs. Newman Industries.
10.	Ответчики задержали поставку нового бойлера для прачечной на пять месяцев.	The defendants were five months late in delivering a new boiler for the laundry.
11.	Прачечная потребовала возмещения ущерба сначала за прибыль, которую они бы получили, если бы котел был	The laundry claimed damages first for profits they would probably have made if they had had the boiler on time.

	поставлен вовремя.	
12.	Они бы увеличили число своих постоянных клиентов.	They would have increased their regular laundry customers then.
13.	Во-вторых, они потребовали возмещения убытков за прибыль, которую они могли бы получить, если бы бойлер дал им возможность заключить новые контракты по покраске.	Secondly, they claimed damages for profits they might have made if the boiler had enabled them to take on new dyeing contracts.
14.	Суд решил, что первое требование было разумно, а второе имело слишком отдаленную причинную связь.	The court decided that the first claim was reasonable, but the second was too remote.
15.	Отдаленная причинная связь — важное понятие как в контракте, так и в деликте.	Remoteness is an important concept in both contract and tort.
16.	Решая вопрос о размере убытков, суды пытаются поставить истца в то же самое финансовое положение, в котором он был бы, если бы ответчик выполнил контракт надлежащим образом.	In deciding how much in damages to award, courts try to put the plaintiff into the same financial position that he would have been in if the defendant had carried out the contract properly.
17.	Вместо убытков истец иногда просит суд заставить другую сторону выполнить контракт.	Instead of damages, a plaintiff sometimes asks the court to force the other contractor to carry out the contract.
18.	В английском праве это называется реальным исполнением.	In English law this is called specific performance.
19.	Однако, они не согласятся на это, если это причинит трудности ответчику, или выполнить контракт неразумно и нецелесообразно.	They will not agree to do this if it causes hardship to the defendant, however, or if it is no longer possible or practical to carry out the contract.
20.	Иногда суд решает присудить убытки вместо реального исполнения, а иногда присуждает и то, и другое.	Sometimes the court decides to award damages instead of specific performance, and sometimes it awards both.
21.	Другим средством судебной защиты является наложение судебного запрета против ответчика, т.е. приказать ответчику не делать того, что явилось нарушением контракта.	Another remedy is injunction against the defendant, that is, to order the defendant not to do something that would be in breach of contract.
22.	Реальное исполнение и судебный запрет - это средства судебной защиты, которые были развиты судами справедливости из-за недостаточности средств в судах общего права.	Specific performance and injunction are remedies that were developed by the courts of equity because of inadequacies in the common law courts.

UNIT 13.

FORMS OF BUSINESS ORGANIZATION.

There are three principal forms of business organization:

1. the **sole proprietorship**,
2. the **partnership**, and
3. the **corporation**, or **limited company**.

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

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

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

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

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

VOCABULARY NOTES.

1.	sole proprietorship	частное предпринимательство (предприятие)
2.	partnership	товарищество
3.	corporation	корпорация
4.	limited company	компания с ограниченной ответственностью
5.	sole proprietor sole trader	частный предприниматель
6.	to have unlimited control over the business	иметь бизнес полностью под контролем
7.	unlimited personal responsibility	неограниченная личная ответственность
8.	liabilities	денежные обязательства

9.	to carry on a business for profit	заниматься бизнесом для получения прибыли
10.	co-worker	сотрудник
11.	to share management	совместно осуществлять (разделять) руководство
12.	share	доля
13.	equal	равный
14.	partnership agreement	партнерское соглашение
15.	to reflect	отражать
16.	amount of capital	размер капитала
17.	legal position	правовое положение
18.	to find personal property at risk	рисковать личной собственностью

19.	artificial legal person	созданное правом юридическое лицо
20.	to consist of smth.	состоять из ч-л.
21.	legal identity	правовой статус
22.	limited liability	ограниченная ответственность
23.	to pay debts only up to a certain limit	платить долги только до определенного уровня
24.	to hold a share	держат акцию
25.	to be limited by shares	быть ограниченным акциями
26.	to be limited by guarantee	быть ограниченным гарантией
27.	to contribute to smth.	внести, вложить к-л.
28.	company assets	активы, капитал компании

29.	unlimited company	компания с неограниченной ответственностью
30.	in effect	на самом деле
31.	to be similar to smth.	быть похожим на ч-л.
32.	comprehensive	всеобъемлющий
33.	relevant	относящийся к делу
34.	partly	частично

Pronounce the following words correctly.

proprietorship	[prə'praɪətəʃɪp]
to contribute	[kən'trɪbjʊt]
comprehensive	[,kɒmpri'hensɪv]
relevant	[rɪ'levɪənt]
artificial	[,ɑ:tɪ'fɪʃəl]
partnership	[ˈpɑ:tənəʃɪp]
amount	[ə'maʊnt]
identity	[aɪ'dentɪtɪ]
effect	[ɪ'fekt]
assets	['æsets]
guarantee	[,gærən'ti:]
proprietor	[prə'praɪətə]
equal	['i:kwəl]
share	[ʃeə]

EXERCISES.*Exercise 1. Answer the following questions.*

- What are principal forms of business organization?
- Who is called the sole trader?
- What responsibility does the sole trader have for losses and debts?
- What is a partnership?
- What do partners share?
- Do the partners have an equal share in the business?
- What does the share depend upon?
- What does the share usually reflect?
- Is it easy to form a partnership?
- In what case can the partners find their personal property at risk?
- What is a corporation?
- Can a corporation consist of a single person?
- What kind of legal identity does the corporation have?
- What sort of liability do the members of the corporation have?
- What is limited liability?
- How is the limit determined?
- What form of business organization is similar to partnership?
- Has English law developed a comprehensive code of company law?
- Where is the relevant law found?

Exercise 2. Supply Russian equivalents.

company assets
amount of capital
comprehensive

to pay debts only up to a certain limit
to be limited by guarantee
artificial legal person

legal identity	to contribute to smth
to hold a share	to be limited by shares
to share management	limited liability
partnership agreement	to carry on a business for profit
sole proprietorship	partnership

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

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

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

corporation	a. to set up
sole trader	b. up to a certain extent
liable	c. limited company
to invest	d. person
property	e. sole proprietor
individual	f. responsible
to form	g. to contribute
up to a certain limit	h. possessions

Exercise 6. Supply antonyms and translate them.

A. relevant -	ir
responsible -	ir-
limited -	un
to organize -	dis-
personal -	im

B. Possible, legal, agreement, just, equitable, lawful, moral, adequacy, to connect, regular, competent, valid, valuable, to guide, reasonable.

Exercise 7. Supply English equivalents.

рисковать личной собственностью	ограниченная ответственность
капитал компании	правовой статус
юридическое лицо	состоять из ч-л.
размер капитала	внести, вложить ч-л
правовое положение	партнерское соглашение
иметь бизнес полностью под контролем	товарищество
совместно осуществлять руководство	доля
частное предпринимательство	денежные обязательства
заниматься бизнесом для получения прибыли	держат акции
всеобъемлющий	частный предприниматель

Exercise 8. Translate word combinations into English and make sentences with them.

разделять	руководство прибыль ответственность по долгам
зависеть от	партнерского соглашения размера капитала прибыли
вкладывать деньги	в компанию в недвижимость в акции
в соответствии	с партнерским соглашением с принципами справедливости с принципами общего права
правовой	положение принцип средство

Exercise 9. Insert prepositions consulting the text.

1. The relevant law is found partly in cases decided..... the principles of common law and equity and partly ... statutes.

This means that if the business has debts, they can be made to pay debts only a certain limit.

Since member's liability is unlimited, this is, ... effect, similar ... a partnership.

A corporation is a kind ... artificial legal person, ... the right to sue and be sued.

...many legal systems, English law has never developed a comprehensive code ...company law.

It may consist ... a single person, but in each case it has a legal identity separate ...these individuals.

A partnership is an association of two or more persons to carry ..., as co-workers, a business ... profit.

8. He has unlimited control ... the business and keeps all the profits.
9. The share depends ... the partnership agreement.
10. Partners may find their personal property ... risk if they are sued ... the creditors.
11. Normally this limit is the amount unpaid ... shares they hold (limited ... shares), or the amount they have guaranteed to contribute ... company assets (limited ... guarantee).
12. The share reflects the amount... capital each partner has invested ... the business.

Exercise 10. Fill in the gaps with missing words.

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

Exercise 17. Find a suitable definition for each word in the right column.

- | | |
|---|--------------------------|
| 1. artificial legal person | a. partnership agreement |
| 2. physical property and rights that have a monetary value | b. sole trader |
| 3. person that carries on a business for profit alone | c. personal property |
| 4. association of two or more people formed for the purpose of carrying on a business with a view to profit | d. assets |
| 5. ownership of proportion of a company | e. partnership |
| 6. sum of money owed by one person | f. limited company |
| 7. all property of a person that does not comprise land | g. share |
| 8. document that reflects the amount of capital each partner has invested in the business | h. debt |

Exercise 12. Change the following sentences using the structure 'be made to do smth'.

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

1. The court made the defendant carry out the contract.

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

Exercise 13. Use 'that' and 'those' instead of nouns.

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

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

1. Many companies invest in such spheres as sophisticated technologies and **spheres** giving fast returns.
2. The Supreme Court has direct jurisdiction in only two kinds of cases: cases involving foreign diplomats and cases in which a state is a party.
3. The most urgent question everywhere in this country today is the question of complying with the law.
4. Many people, in particular teenagers and people in their twenties, who become addicted to drugs, turn to life of crime.
5. The political power of the US Secretary of State is second only to the political power of the President.
6. International law comprises the regulation of relations between governments and also between private citizens of one country and private citizens of another.
7. Most legal systems of Europe, including the legal system of Scotland and indirectly legal systems in many other parts of the world, were strongly influenced by Roman Law.
8. Ordinary Americans are much more interested in local politics than in politics at the federal level.

Exercise 11. Use degrees of comparison.

COMPARISON OF ADJECTIVES .

Adjectives of:	Positive	Comparative	Superlative
one syllable	long	longer than	the longest of/in
two syllables ending in -y,-w,-er	happy	happier than	the happiest of/in
two or more syllables	modern	more modern than	the most modern of/in

*Some adjectives form their comparatives by adding -er/est or with more/most. Some of these are: **clever, stupid, narrow, gentle.**

clever - cleverer - the cleverest or more clever - the most clever

IRREGULAR FORMS.

Positive	Comparative	Superlative
good	better	the best
bad	worse	the worst
much	more	the most
many/a lot of	more	the most
little	less	the least
far	farther/further	the farthest/furthest

A. Fill in the blanks with the correct comparative and superlative forms.

- | | | | |
|-----------------|-------|--------------|-------|
| 1. fair | ..... | 7. simple | ..... |
| 2. satisfactory | ..... | 8. little | ..... |
| 3. far | ..... | 9. complex | ..... |
| 4. common | ..... | 10. valuable | ..... |
| 5. reasonable | ..... | 11. easy | ..... |
| 6. flexible | ..... | 12. binding | ..... |

B. Use either a comparative or superlative form.

- The plaintiffs burden of proof is ... (great) in a criminal case than in a civil one.
- If you want to make a will ... (good) man to advise you is a solicitor.
- The Queen is certainly one of... (wealthy) women in the world.
- A candidate has only to put down a deposit of 500 pounds and collect ten signatures from residents in the constituency where he wants to be elected. A candidate who gets ... (little) than 5 per cent of the total votes loses his deposit.
- One of... (important) figures in the British legal system is the solicitor.
- The rules of social institutions tend to be ... (formal) than customs, carrying precise penalties for those who break them.
- California, the state with ... (large) population, has 45 representatives.
- Democrats tend to favour a ... (active) role of the central government in social matters.
- In most countries lawyers will tell you that the time they spent studying for their finals was one of ... (bad) periods of their life.
- High Court Judges deal with ... (serious) crimes, such as those for which the criminal might be sent to prison for ... (many) than a year.
- The American constitution is ... (old) still in force in the world.
- The Magistrates' Court is ... (common) type of law court in England.

Exercise 15. Translate the following sentences using Present Perfect.

- Членам Парламента платится зарплата с 1911 года.
- Монархия не всегда была популярной.
- Парламент осуществляет эффективный контроль над финансами монарха с 17 века.
- Люди, которые получили телесные повреждения, могут начать иск против лица или компании, которые, как они считают, несут ответственность за это.
- Только один американский президент получил импичмент, (be impeached)
- б. Всегда была борьба (battle) между федеральными правами и правами штатов.

7. В Британии не осуществлялась смертная казнь с 1965.
8. Публичное право Франции никогда не кодифицировалось.
9. Иногда представители второстепенных партий получали посты (win offices) в правительстве.
10. Были сделаны попытки всесторонне кодифицировать правовую систему Китая. Однако пока результатов мало, (little progress)

Exercise 76. Read and translate.

TYPES OF CORPORATIONS.

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

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

Exercise 17. Translate.

1. Если вы основываете дело, даже очень маленькое, вы будете покупать и продавать товары и услуги, и, возможно, нанимать людей, покупать или арендовать землю, брать деньги в долг. Чтобы заниматься всем этим, вам необходимы основы правовых знаний о контракте, деликте и земельном праве.
2. Почти любая отрасль права подходит (be relevant to) к ведению бизнеса. Почти каждая страна имеет свой собственный свод законов, созданных для ведения бизнеса. В отличие от многих стран, Англия не развила всестороннего законодательства о компаниях.
3. Закон о компаниях 1985 определяет юридический статус компаний различного вида, правила распределения акций и облигаций, полномочия директоров, порядок осуществления контроля за их деятельностью и, наконец, способы ликвидации компаний.

Exercise 18. Discuss the following situations.

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

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

Exercise 79. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Существует три основных формы организации бизнеса: частное предприятие, товарищество и корпорация, или компания с ограниченной ответственностью.	There are three principal forms of business organization: the sole proprietorship, the partnership, the corporation, or limited company.
2.	Из трех, самым простым и легким является частное предприятие, которым владеет один человек, называемый частным предпринимателем.	Of the three, the simplest, most and easiest to start is the sole proprietorship, which is owned by one person called the sole proprietor, or the sole trader.
3.	Он полностью контролирует бизнес, и ему принадлежит вся прибыль.	He has unlimited control over the business and keeps all the profits.
4.	Однако частный предприниматель несет также неограниченную личную ответственность за потери, долги и денежные обязательства, которые бизнес может иметь.	However, the sole trader also has unlimited personal responsibility for the losses, debts, and liabilities that the business may have.
5.	Товарищество - это организация из двух или более лиц, которые совместно ведут дело для получения прибыли.	A partnership is an association of two or more persons to carry on, as co-workers, a business for profit.
6.	Они разделяют руководство, прибыль и обязательства по долгам.	They share management, profits, and liabilities to debts.
7.	Доли необязательно равные.	The shares are not necessarily equal ones.
8.	Доля зависит от партнерского соглашения и обычно отражает размер капитала, который партнер внес в дело.	The share depends upon the partnership agreement and usually reflects the amount of capital the partner has invested in the business.
9.	Товарищества могут формироваться очень легко, и правовое положение партнеров не очень отличается от частных предпринимателей.	Partnerships can be formed very easily and the legal position of partners is not very different from that of sole traders.
10.	Собственность партнеров может оказаться под угрозой, если их преследуют кредиторы.	Partners may find their personal property at risk if they are sued by the creditors.
11.	Корпорация является созданным правом юридическим лицом, которое имеет право начинать дела в суде, и против которого могут быть начаты дела в суде.	A corporation is a kind of artificial legal person, with the right to sue and be sued.

12.	Она может состоять из одного лица, но в любом случае она имеет правовой статус, не зависимый от ее членов.	It may consist of a single person, but in each case it has a legal identity separate from these individuals.
13.	Члены компании с ограниченной ответственностью несут ограниченную ответственность.	The members of a limited company have limited liability.
14.	Это означает, что если у компании есть долги, членов компании можно заставить выплачивать их только до определенного предела.	This means that if the business has debts, they can be made to pay debts only up to a certain limit.
15.	Обычно этот предел составляет сумма, не выплаченная по акциям, которые они держат (ограниченная акциями), или сумма, которую они гарантировали внести в активы компании (ограниченная гарантией).	Normally this limit is the amount unpaid on shares they hold (limited by shares), or the amount they have guaranteed to contribute to company assets (limited by guarantee).
16.	Также возможно организовать компанию с неограниченной ответственностью.	It is also possible to form an unlimited company.
17.	Поскольку ответственность членов не ограничена, эта форма организации бизнеса, фактически, похожа на товарищество.	Since member's liability is unlimited, this form of business organization is, in effect, similar to a partnership.
18.	В отличие от многих правовых систем, в английском праве не создано всеобъемлющий закон о компаниях.	Unlike many legal systems, English law has never developed a comprehensive code of company law.
19.	Вместо этого соответствующие законы находятся частично в делах, решенных согласно принципам общего права и справедливости, и частично в статутах.	Instead the relevant law is found partly in cases decided according to the principles of common law and equity and partly in statutes.

UNIT 14.

RAISING CAPITAL.

Certain very large companies are **registered as public limited companies** (PLC). They **raise capital** by selling shares to the general public, and these shares are listed on **the Stock Exchange**.

Selling shares is one of the ways in which companies raise capital. A share is **ownership of a proportion** of the company, and thus the right to a proportion of any profit it makes (**dividend**). **Shareholders** cannot insist on the payment of a dividend every year, since **this is up to** the directors to decide. But if they are dissatisfied with the management of the company, as members they have the right **to remove** the directors. The more shares a member holds, the more voting rights he will have at general meetings. Shares may be **acquired** when the company is set up, or at a later **share issue**. Or they may be bought or received from an existing shareholder. Sometimes a company gives existing members the right to buy shares from another member before he is allowed to sell them to a new member. Each share is **equal in value**. But the value may be greater or less than the **nominal value**. For example, a member of a successful company who bought shares at \$10 each may be able to sell them at a **premium** - perhaps \$ 12 each. But he may also find that he has to sell them for less than their nominal value - **at a discount**. Sometimes a company **issues shares** at a premium: for example, it sells \$10 shares at \$15 each.

Another way for a company to raise capital is by issuing **debentures**, or **bonds**, in return of **loans**. **Debenture holders** are entitled to an **annual payment of interest**, and this is not **linked to** the company's profits or losses. In general, they have the right to sell their debentures back to the company (that is, **call in the loan**), or sell them on to someone else. If possible, the lender will make sure his loan **is secured by a charge over a company asset**, so that he will have the right to take the company property if there is no money to repay him. Directors and employers of companies are often in a position to know if a company's shares are likely to rise or to fall long before ordinary shareholders. As a result, they can make profits by buying or selling shares before everybody else, or by selling their special information. The crime of **insider trading** (using inside knowledge to gain private profit when buying and selling the company shares) had not even been recognized in English law until 1967. The 1985 **Company Securities (Insider Dealing) Act** lays down a maximum **penalty** of two year imprisonment, but the recent **discovery** of how **widespread** this practice is means the penalty is likely to be increased as a **deterrent**.

VOCABULARY NOTES.

1.	to be registered as	быть зарегистрированной как
2.	public limited company (PLC)	открытая компания с ограниченной ответственностью
3.	to raise capital	добывать, накапливать капитал
4.	Stock Exchange	фондовая биржа

5.	ownership of a proportion of the company	владение частью компании
6.	dividend	дивиденд
7.	shareholder	акционер
8.	to be up to smb.	быть в компетенции к-л. решать ч-л.
9.	to remove a director	снять директора
10.	to acquire shares	приобретать акции
11.	share issue	выпуск акций
12.	to be equal in value	быть одинаковым по стоимости
13.	nominal value	номинал, номинальная стоимость
14.	to sell shares at a premium	продавать акции выше номинала
15.	to sell shares at a discount	продавать акции ниже номинала
16.	to issue shares	выпускать акции

17.	debenture bond	облигация акционерной компании
18.	loan	заем, ссуда, кредит
19.	debenture holder	держатель облигации
20.	annual	ежегодный
21.	payment of interest	выплата процентов
22.	to be linked to smth.	быть связанным с ч-л.
23.	to call in the loan	требовать погашения ссуды
24.	lender	ссудодатель, кредитор
25.	to be secured by a charge over accompany asset	обеспечивать ссуду активами компании

26.	insider trading	продажа акций лицами, располагающими конфиденциальной информацией
27.	security	ценная бумага
28.	Company Securities (Insider Dealing) Act	Акт о ценных бумагах компании (деловых отношениях инсайдеров)
29.	penalty	наказание
30.	discovery	открытие, обнаружение
31.	to be widespread	быть распространенным
32.	deterrent	сдерживающее средство

Pronounce the following word correctly.

debenture	[di'benʃə]
premium	[ˈpri:mɪəm]
annual	[ˈænjuəl]
ownership	[ˈoʊnəʃɪp]
widespread	[waɪdspred]
deterrent	[di'terənt]
loan	[ləʊn]
discount	[ˈdɪskaʊnt]
secure	[sɪ'kjʊə]
issue	[ˈɪʃu:]
insider	[ɪn'saɪdə]
security	[sɪ'kjʊərɪti]

EXERCISES.

Exercise 7. Answer the following questions.

1. How can a public limited company raise its capital?
2. Where are shares listed?
3. What is a share?
4. What is a dividend? When is it paid out?
5. What are the rights of shareholders?
6. Do the shareholder's rights depend on the number of shares he has?
7. How can shares be acquired?
8. Do members of the company have any priority when buying shares?
9. What is the nominal value of the share?
10. Is each share equal in value?
11. Can the value of the share be different from the nominal value?
12. What is a debenture?
13. What are debenture holders entitled to?
14. Is the debenture holder's interest linked to the company's profits and losses?
15. How can a loan be secured?
16. What is the difference in rights between debenture holders and shareholders?
17. What is insider trading?
18. Who can use inside knowledge to make personal profit?
19. Why is the penalty for insider trading likely to increase?

Exercise 2. Supply Russian equivalents.

insider trading
nominal value
to issue shares
Stock Exchange
shareholder

to sell shares at a discount
to remove a director
debenture holder to be
equal in value to acquire
shares

to raise capital
to call in the loan

payment of interest
deterrent

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

1. Каждая акция равна по стоимости, но цена за акцию может быть выше или ниже номинальной стоимости.
2. Директора и владельцы компаний часто знают, поднимутся ли или упадут акции компании, раньше обычных акционеров.
3. Акции могут быть приобретены, когда компания создается или при последующем выпуске акций.
4. Держатели облигаций имеют право на ежегодную выплату процентов.
5. Акционеры не могут настаивать на выплате дивидендов каждый год, т.к. это решают директора.
6. Ссудодатель старается сделать так, чтобы заем был обеспечен активами компании.
7. Чем больше акций имеет акционер, тем большими правами он обладает при голосовании на общем собрании.
8. Продажа акций является одним из способов, с помощью которых компания наращивает свой капитал.
9. Если акционеры не удовлетворены управлением компании, как члены, они имеют право снять директоров.
10. По всей видимости, наказание будет увеличено, чтобы служить сдерживающим средством.

Exercise 4. Give other words with the same root.

Inside, to secure, to pay, to own, success, removal, to lose, to know, to discover, to employ, prison, to exist.

Exercise 5. Match words and word combinations with their synonyms.

penalty	a.	every year
bond	b.	debenture
to buy	c to go down	
annually	d.	assets
physical property	e.	to organize
to rise	f.	to acquire
to set up	g.	to go up
to fall	h. punishment	

Exercise 6. Supply antonyms and translate them.

a. management — mis-equal - un-secure - info, possible, satisfied, to include, responsible, interested, moral, regular, adequacy.

Exercise 7. Supply English equivalents.

выше номинала	ежегодная выплата процентов
ценные бумаги	сдерживающее средство
держатель облигаций	быть одинаковым по стоимости
выпуск акций	приобретать акции
требовать погашения ссуды	акционер
владение частью компании	накапливать капитал

Exercise 8. Translate word combinations into English and make sentences with them.

продавать акции	по номиналу
	выше номинала
	ниже номинала
иметь право на	ежегодное получение процентов
	получение дивидендов
	получение информации

выпускать	акции
	облигации
	газету
приобретать	облигации
	акции
	компании
настаивать на	снятии директора
	выплате дивидендов
	погашении ссуды

Exercise 9. Insert prepositions consulting the text.

1. A share is ownership ... a proportion of the company, and thus the right ... a proportion ... any profit it makes (dividend).
2. The 1985 Company Securities (Insider Dealing) Act lays ... a maximum penalty ... two year imprisonment.
3. If possible, the lender will make sure his loan is secured ... a charge ... a company asset.
4. They raise capital ... selling shares ... the general public, and these shares are listed ... the Stock Exchange.
5. As a result, they could make profits ... buying or selling shares before everybody else, or ... selling their special information.
6. Shareholders cannot insist ... the payment ... a dividend every year, since this is.....the directors to decide.
7. Debenture holders are entitled ... an annual payment ... interest, and this is not linked ... the company's profits or losses.
8. Sometimes a company issues shares ... a premium: ... example, it sells \$10 shares ... \$15 each.
9. Shares may be acquired when the company is set... , or ... a later share issue.
10. Another way ... a company to raise capital is ... issuing debentures, or bonds, ... return ... loans.

Exercise 10. Fill in the gaps with missing words consulting the text.

1. Another way for a company to ... capital is by issuing... , or bonds, in return of....
2. Shareholders cannot ... on the payment of a ... every year, since this is up to the directors to decide.
3. The 1985 Company Securities (Insider Dealing) Act a maximum penalty of two year ... , but the recent... of how ... this practice is means the penalty is likely to be increased as a....
4. If possible, the lender will make sure his loan is .. .by a charge over a company..., so that he will have the right to take the company ... if there is no money to ... him.
5. Sometimes a company gives ... members the right to buy shares from another member before he is ... to sell them to a new member.
6. The crime of(using inside knowledge to ... private profit when buying and selling the company shares) had not even been ... in English law until 1967.
7. For example, a member of a ... company who bought shares at \$10 each may be able to sell them at a ...- perhaps \$ 12 each.
8. Directors and ... of companies are often in a position to know if a company's shares are likely to ... or to ...long before ... shareholders.
9. Debenture holders are ... to an ... payment of..., and this is not linked to the company's ... or....
10. A share is ... of a ... of the company, and thus the right to a ... of any profit it makes (dividend).

Exercise 1 h Find a suitable definition for each word in the right column.

- | | |
|---|--------------------|
| 1. taking advantage of specific unpublished price-sensitive information to deal in securities | a. interest |
| 2. to make a profit or to avoid a loss | b. loan |
| 3. payment declared by the directors of the company | c. debenture |
| 4. unit that measures the holder's interest in and liability to a company | |
| 5. amount of money lent | d. insider dealing |
| 6. money paid for the use of money | e. share |
| 7. document that acknowledges and contains the terms of a loan to company | f. dividend a |

Exercise 12. Make up sentences using repeating comparatives.

Example. The member holds a lot of shares, (voting rights).

The more shares the member holds, the more voting rights he will have in general meetings.

1. The general election will be later, (good for the government).
2. The European Union gets bigger. (The differences will be inevitable between the member countries).
3. You are lazy, (difficult to study).
4. The company is successful. (Its shares cost more).
5. You occupy a high position. (You have got a lot of inside knowledge).
6. The company makes a lot of profit, (pay a lot of dividends).
7. The crime is serious, (harsh penalty).

Exercise 13. Translate the following sentences paying attention to the use of 'by + gerund'.

A. Translate.

Example. A company may raise capital by **issuing** debentures. - Компания может увеличить капитал, выпуская облигации.

1. Jurors often make a considerable sacrifice by coming to court to perform their important public duty.
2. We will not create a just society by simply observing public opinion.
3. Justinian's aim was to eliminate the confusion of centuries of inconsistent lawmaking by formulating a comprehensive system that would entirely replace existing law.
4. A lawyer can defend his client simply by trying to point out weaknesses in the prosecution case.
5. The words must try to cover every eventuality, because people are always looking for a legal loophole, a way of avoiding a legal duty by making use of an ambiguity or an omission in law.
6. By looking at some of the elements of a contract, we can see how important cases have helped to develop English law.
7. The company tried to avoid paying by arguing that their advertisement was not an offer, since it is impossible to make a contract with all the people who might read the advertisement.

B. Translate.

1. Директора компаний могут получать прибыль, продавая информацию об акциях компаний.
2. Возможно снизить количество преступлений путем увеличения наказаний за них.
3. Мы можем получить ответ на этот вопрос, проконсультировавшись с юристом.
4. Держатели облигаций могут вернуть свои деньги, потребовав у компании погашения ссуды.
5. Сняв директора, акционеры показали, что они не довольны управлением компании.
6. Заключая контракт, мы демонстрируем наше намерение быть обязанными по закону.
7. Связываясь с рекламодателем и говоря, что мы хотим купить его товар, мы делаем реальное предложение.
8. Только правительство может отменить решение Палаты лордов путем издания акта Парламента.

Exercise 14. Translate the following sentences paying attention to the use of 'to be likely to do'.

likely - вероятно

unlikely - маловероятно

Example. Directors of companies often know if a company's shares **are likely to rise or to fall**. - Директора компаний часто знают о вероятности подъема или падения акций.

The penalty **is likely to be increased**. - По всей вероятности, наказание будет увеличено.

A. Translate.

1. At this stage the committee may agree to receive suggestions for or against the proposed new law from anyone who is likely to be affected by it.
2. The police perform many duties which are fundamental to the well-being of society, but which are unlikely to make them popular.
3. The party in power is likely to have the most members on the committee.

4. The lawyer must use all his knowledge and skill to present his client's case in the best possible light. This is so if the lawyer feels that his defense is not a good one and that is unlikely to succeed.
5. Good advocates must be a great deal more than 'good talkers'. They must be sensitive to what is and is not likely to result in effective presentation.
6. The most important criminal appeals are likely to be heard by the Lord Chief Justice, sitting with two judges of the High Court.

B. Use either the active or the passive form of the infinitive.

1. The defendant is likely to (release) on unconditional bail.
2. He is unlikely to (sue) his neighbours in the tort of nuisance.
3. The shareholders are likely to (discuss) this matter at the next general meeting.
4. The case is likely to (hear) in the nearest future.
5. The trust is unlikely to (create).
6. The police are likely to (make) a formal accusation soon.

C. Translate.

1. Вероятно, компания выпустит дополнительные акции.
2. Маловероятно, что эта проблема будет урегулирована в скором времени.
3. По всей видимости, этот закон будет принят.
4. Маловероятно, что он создаст благотворительный траст
5. По всей видимости, контракт будет заключен.
6. Вероятно, он начнет дело в суде.
7. Маловероятно, что он потребует погашения ссуды.

Exercise 15. Use either 'raise' or 'rise'.

Raise- поднимать	one's hand, hat, eyes, glass, voice
	prices, capital, the standard of living, a problem

Rise - подниматься (about prices, the sun, temperature, the standard of living, etc.) (rose, risen)

1. He is ... money for a new undertaking.
2. Prices continue to
3. Prices were
4. The directors know whether the shares are likely to ... or to fall.
5. Nobody saw him ... and leave the room.
6. You shouldn't... your voice.
7. Selling shares is one of the ways in which companies ... capital.
8. The prices ... as a result of inflation.
9. No important questions were
10. The moon has

Exercise 16. Read and translate.

SHARES OF STOCK.

Corporations issue small units of ownership known as shares of stock. A person who owns one or more shares is a shareholder (also called stockholder).

The corporation uses the money received from the initial sale of stock to buy equipment, supplies, and inventory; to hire labor; and to pay other expenses. As goods and services are produced and sold, more income flows into the business. Often earnings are reinvested. Money is borrowed to provide for further expansion, and sometimes more shares of stock are sold.

A shareholder is issued a stock certificate, which is written evidence of ownership and rights in the business. Stock ownership does not transfer title to specific corporate property to the holder. The corporation, as a legal person, remains the owner of all corporate property.

Stock may have par value, which is the face value printed on the certificate. If it does not have a par value, it is no-par stock and is originally sold at a price set by the board of directors of the corporation. When either par or no-par stock changes hands in later transfers, the price may be much higher or lower. This market price will be determined by many factors, including economic conditions of the country, the industry, and the company - especially its past profits and future prospects.

Exercise 17. Translate.

1. Обычно кредиторы не могут взыскивать долги компании с лиц, владеющих ее акциями. Конечно, компания несет неограниченную ответственность за свои долги. Вся ее собственность может быть изъята (to seize) по постановлению суда для уплаты исков о невыполнении своих обязательств (delinquent claims). Но акционеры имеют ограниченную ответственность и могут потерять только то количество денег, которое вложили.
2. Хотя корпорация является юридическим лицом в глазах закона, она должна осуществлять свою работу через людей, выбранных акционерами, назначенных или нанятых директорами. Ни один акционер, даже владеющий основной частью или всеми акциями не может действовать от лица компании
3. Только акционеры имеют право увеличивать основной капитал компании (capital stock). Это обычно делается большинством голосов по рекомендации совета директоров компании. В некоторых компаниях, когда увеличивается капитал, каждый акционер имеет право купить дополнительные акции. Это называется преимущественное право на покупку акций, (preemptive right).

Exercise 18. Discuss the following.

Hull organized a corporation to manufacture antibiotics for cattle. She owned most of the capital stock. All went well before a faulty batch of drugs caused the serious illness or death of more than 3000 cows. After a series of lawsuits, the corporation was forced into bankruptcy with some \$200000 in debts unpaid. Could Hull be held personally liable for these debts? Penny was the majority shareholder of the Hoarse Lion. Inc. Recording studios. Penny was neither an agent nor an employee of the company. Supposedly on behalf of Hoarse Lion. Inc., Penny contracted with Bryant for the installation of a new intercom system in the company headquarters. Did Penny have authority to do this as the majority shareholder?

Exercise 79. Translate the Russian part of the text. Consult the English part of the text if necessary

1.	Некоторые большие компании зарегистрированы как открытые компании с ограниченной ответственностью.	Certain very large companies are registered as public limited companies (PLC).
2.	Компания может увеличить свой капитал путем продажи акций населению, и эти акции	They raise capital by selling shares to the general public, and these shares are listed on the Stock

	регистрируются на фондовой бирже.	Exchange.
1.	Продажа акций является одним из способов, с помощью которых компания наращивает свой капитал.	Selling shares is one of the ways in which companies raise capital.
4.	Акция — это право на владение частью компании и, таким образом, право на часть прибыли, которую она имеет (дивиденд).	A share is ownership of a proportion of the company, and thus the right to a proportion of any profit it makes (dividend).
5.	Акционеры не могут настаивать на выплате дивидендов каждый год, т.к. это решают директора.	Shareholders cannot insist on the payment of a dividend every year, since this is up to the directors to decide.
6.	Но если они не удовлетворены управлением компании, как члены, они имеют право снять директоров.	But if they are dissatisfied with the management of the company, as members they have the right to remove the directors.
7.	Чем больше акций имеет акционер, тем большими правами он обладает при голосовании на общем собрании.	The more shares a member holds, the more voting rights he will have at general meetings.
8.	Акции могут быть приобретены, когда компания создается или при последующем выпуске акций.	Shares may be acquired when the company is set up, or at a later share issue.
9.	Или их можно купить или получить от акционера компании.	Or they may be bought or received from an existing shareholder.
10.	Иногда компания дает право членам компании покупать акции у другого члена до того, как ему будет позволено продать их новому акционеру.	Sometimes a company gives existing members the right to buy shares from another member before he is allowed to sell them to a new member.
11.	Каждая акция равна по стоимости.	Each share is equal in value.
12.	Но цена за акцию может быть выше или ниже номинальной стоимости.	But the value may be greater or less than the nominal value.
13.	Например, член преуспевающей компании, который купил акции по цене \$10 за акцию, сможет продать их выше номинала — возможно, \$12 за акцию.	For example, a member of a successful company who bought shares at \$10 each may be able to sell them at a premium - perhaps \$ 12 each.
14.	Но он также может оказаться в положении, когда он вынужден продать их ниже номинала.	But he may also find that he has to sell them for less than their nominal value - at a discount.
15.	Иногда компания выпускает акции и продает их выше номинала: например, продает акции с номинальной стоимостью \$10 по цене \$15 за каждую.	Sometimes a company issues shares at a premium: for example, it sells \$10 shares at \$15 each.
16.	Другим способом, с помощью которого компания может увеличить капитал, - это выпуск облигаций, которые обмениваются на ссуду.	Another way for a company to raise capital is by issuing debentures, or bonds, in return of loans.
17.	Держатели облигаций имеют право на ежегодную выплату процентов, и это не связано с прибылями или убытками компании.	Debenture holders are entitled to an annual payment of interest, and this is not linked to the company's profits or losses.

18.	В основном, они имеют право продавать облигации обратно в компанию (т.е. требовать погашения ссуды), или продавать их кому-то еще.	In general, they have the right to sell their debentures back to the company (that is, call in the loan), or sell them on to someone else.
19.	Если возможно, ссудодатель старается сделать так, чтобы заем был обеспечен активами компании, чтобы он имел право на собственность компании, если нет денег, чтобы заплатить ему.	If possible, the lender will make sure his loan is secured by a charge over a company asset, so that he will have the right to take the company property if there is no money to repay him.
20.	Директора и владельцы компаний часто знают, поднимутся ли или упадут акции компании, намного раньше обычных акционеров.	Directors and employers of companies are often in a position to know if a company's shares are likely to rise or to fall long before ordinary shareholders.
21.	В результате, они могут извлечь прибыль покупая или продавая акции, или продавая специальную информацию.	As a result, they can make profits by buying or selling shares before everybody else, or by selling their special information.
22.	Преступление инсайдер трейдинг (продажа внутренней информации для получения личной выгоды при покупке и продаже акций компании) даже не признавалось в английском праве до 1967.	The crime of insider trading (using inside knowledge to gain private profit when buying and selling the company shares) had not even been recognized in English law until 1967.
23.	Акт о ценных бумагах компании 1985 года предусматривает максимальное наказание два года лишения свободы за инсайдер трейдинг, но, поскольку последние исследования показали, насколько распространено это преступление, по всей видимости, наказание будет увеличено, чтобы служить сдерживающим средством.	The 1985 Company Securities (Insider Dealing) Act lays down a maximum penalty of two year imprisonment, but the recent discovery of how widespread this practice is means the penalty is likely to be increased as a deterrent.

UNIT 15.

MANAGEMENT OF BUSINESS.

If the **advantage** of forming a company is that it offers its members some protection in case of bankruptcy, the disadvantage is that there are many regulations to **observe** in setting it up and **running** it. Under English law, there must be a minimum of two people, and they must **sign** a document called a **memorandum of association**, which must **be filed with the national registrar of companies**. The memorandum **contains** the name of the company, its **objects**, whether it is limited by shares or guarantee, and the amount of share capital.

The **objects clause** of the memorandum is very important because a company may not **engage in activity beyond its registered objects**. Such activity is said to be **ultra vires - outside its capacity**. The company and its clients used to lose the right to remedies for breach of contract over an ultra vires transaction. The purpose of the

doctrine was to stop company assets from being used for **unauthorized activities**. However, partly because of pressure to **conform to** European Community law, it is now possible for someone contracting with the company on ultra vires matters to be protected, provided the matter was **authorized** by the company's directors. In any case, companies usually **draft very wide objects clauses** to include any activities that the business is likely to be engaged.

As well as memorandum, there are several other documents a new company has to register. When this has been done it receives a number and a **certificate of incorporation** and is ready to do business (unless it is a public limited company, in this case it must first **obtain a trading certificate**).

The **internal management** of the company is regulated by a document called the **articles of association**. Although they need not be registered (except for companies limited by guarantee), they must conform to **an authorized pattern**. The **articles of association detail rules** about share issue; the appointment, powers and **removal** of directors; when and **at what notice** meetings must be held; member's voting rights, and determine the **size of majority** required to pass resolutions.

Under the Companies Act every public company must have at least two directors, and every private company, at least one. A director need not be a member (that is, a shareholder), but details of any shares he holds must be registered. He may not be an employee of the company, but may be paid for his work as long as the members of the company agree to this. He has a duty to **exercise a reasonable standard of care** and not to make secret profits from the company business. If he holds an interest in another firm with which the company is doing business, the law requires him to declare that interest at a **board meeting**.

VOCABULARY NOTES.

1.	advantage	преимущество
2.	to observe regulations	соблюдать правила
3.	to run a company	управлять компанией
4.	to sign a document	подписывать документ
5.	memorandum of association	заявка на регистрацию акционерного общества
6.	to file with smth.	подавать, представлять к-л.
7.	national registrar of companies	национальное регистрационное бюро компаний
8.	to contain	содержать
9.	object	цель

10.	clause	статья
11.	to engage in smth.	заниматься ч-л.
12.	beyond one's registered objects	за рамками зарегистрированных целей
13.	ultra vires outside capacity	вне компетенции
14.	unauthorized activities	незарегистрированная деятельность
15.	to conform to smth.	соответствовать ч-л.
16.	to authorize smth.	давать полномочия на ч-л.

17.	to draft wide objects clauses	формулировать очень широкие цели учреждаемого общества
18.	certificate of incorporation	сертификат юридического лица
19.	to obtain smth.	получить ч-л.

20.	trading certificate	сертификат о регистрации в торговом реестре
21.	internal management	внутреннее управление компании
22.	articles of association	устав компании
23.	to conform to an authorized pattern	соответствовать установленному образцу
24.	to detail rules	разъяснять правила
25.	notice	предупреждение, повод
26.	size of majority	размер большинства
27.	removal	снятие
28.	to exercise a reasonable standard of care	проявлять разумную заботливость, осторожность
29.	board meeting	совет директоров

Pronounce the following words correctly.

registrar	[ˌredʒɪ'strɑ:]
certificate	[sə'tɪfɪkeɪt]
association	[ə'soʊsɪ'eɪʃn]
clause	[klaʊz]
to detail	['di:teɪl]
authorized	['ɔ:θəraɪzɪd]
to conform	[kən'fɔ:m]
board	[bɔ:d]
memorandum	[ˌmemə'rændəm]
removal	[rɪ'mu:vəl]

EXERCISES.*Exercise 7. Answer the following questions.*

1. What are advantages and disadvantages of forming a company?
2. How many people may form a company?
3. What document must be filed with the national registrar of companies?
4. What information does the memorandum contain?
5. What clause is very important in the memorandum?
6. Why is the objects clause important?
7. What activity is called ultra vires?
8. What used to happen if companies engaged in ultra vires matters?
9. Can companies contract on ultra vires matters now? In what case?
10. How do companies draft objects clauses?
11. How is the internal management of the company regulated?
12. Must the Articles of Association be registered?
13. What information does the Articles of Association contain?
14. How many directors must a company have?
15. What are the rights and duties of a director?
16. What must the director declare?

Exercise 2. Supply Russian equivalents.

board meeting	to exercise a reasonable standard of care
clause	to draft wide objects clauses
ultra vires	to conform to an authorized pattern
size of majority	articles of association
to sign a document	national registrar of companies
to run a company	memorandum of association
internal management	unauthorized activity

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

1. Наряду с заявкой на регистрацию акционерного общества, есть другие документы, которые новая компания должна зарегистрировать.
2. Статья о целях компании в заявке очень важна, т.к. компания не может заниматься деятельностью, выходящей за рамки зарегистрированных целей.
3. Если преимуществом создания компании является то, что она предоставляет своим членам защиту в случае банкротства, ее недостаток в том, что необходимо соблюдать много правил при ее создании и управлении ей.
4. Внутреннее управление компании регулируется документом, который называется устав компании.
5. В любом случае, компании пытаются формулировать очень широкие цели, чтобы включить любую деятельность, которой компания, возможно, будет заниматься.
6. Устав разъясняет правила выпуска акций; назначения, полномочий и снятия директоров; когда и по какому поводу должны проводиться собрания; права акционеров при голосовании и определяет размер большинства, необходимый при принятии резолюций.
7. По закону о компаниях, каждая публичная компания должна иметь минимум двух директоров, а частная компания - одного.

8. Когда-то компания и клиенты теряли права на средства судебной защиты при нарушении контракта по сделке, которая была вне компетенции компании.
9. Говорят, что такая деятельность является вне компетенции компании.
10. Директор должен проявлять разумную заботливость и не извлекать тайной прибыли от деятельности компании.

Exercise 4. Give other words with the same root.

Observer, to act, to associate, authority, signature, to remove, to protect, contract, reason, to appoint, to employ, bankrupt, requirement, power, care.

Exercise 5. Match words and word combinations with their synonyms.

- | | |
|-----------------|---------------------|
| 1. to form | a. to consent |
| 2. regulation | b. to take part in |
| 3. to run | c. to set up |
| 4. ultra vires | d. official rule |
| 5. to engage in | e. to give power to |
| 6. client | f. outside capacity |
| 7. to draft | g. to control |
| 8. to agree | h. customer |
| 9. to authorize | i. to draw up |

Exercise 6. Supply antonyms and translate them.

- A. authorized - un-
powerful - -less
careful - -less
advantage - dis-
regular - ir-
- B. Justice, responsible, to organize, relevant, valid, reasonable, limited, to include, personal.

Exercise 7. Supply English equivalents.

управлять компанией	формулировать широкие цели
устав компании	размер большинства
сертификат юридического лица	получить ч-л
вне компетенции	внутреннее управление компании
установленный образец	за рамками зарегистрированных целей
заявка на регистрацию	подписывать документ
совет директоров	снятие директора

Exercise 8. Translate word combinations into English and make sentences with them.

управлять	компанией
	заводом
	страной

составить	широкие цели компании законопроект исковое заявление
преимущество	создания компании консультации с юристом составления завещания
соответствовать	установленному образцу патентному описанию (specification) закону
разумный	наблюдатель заботливость возмещение ущерба

Exercise 9. Insert prepositions consulting the text.

- The company and its clients used to lose the right ... remedies ... breach of contract ... an ultra vires transaction. I. ... the Companies Act every public company must have ... least two directors, and every private company, ... least one.
- However, partly pressure to conform ... European Community law, it is now possible ... someone contracting the company ... ultra vires matters to be protected, provided the matter was authorized ... the company's directors.
- The objects clause ... the memorandum is very important because a company may not engage ... activity ... its registered objects.
- If the advantage ... forming a company is that it offers its members some protection bankruptcy, the disadvantage is that there are many regulations to observe ... setting it ... and running it.
- The purpose ... the doctrine was to stop company assets ... being used ... unauthorized activities.
- ... English law, there must be a minimum ... two people, and they must sign a document called a memorandum ... association, which must be filed ... the national registrar ... companies.
- He may not be an employee ... the company, but may be paid ... his work as long as the members of the company agree ... this.
- They detail rules about share issue; the appointment, powers and removal ... directors; when and ... what notice meetings must be held; member's voting rights, and determine the size ... majority required to pass resolutions.

Exercise 10. Fill in the gaps with missing words consulting the text.

- The director has a duty to ...a reasonableand not to make secret ...from the company business.
- The.....of the company is regulated by a document called the ... of association.
- If the director ...an interest in another firm with which the company is doing business, the law requires him to .. that interest at a
- Although the articles of association need not be ... (except for companies limited by...), they must conform to an

5. They ...rules about share issue; the appointment, ... and ...of directors when and at what ... meetings must be held; member's voting rights, and determine the size of majority ...to pass resolutions.
6. If the ...of forming a company is that it offers its members some ...in case of bankruptcy, the ...is that there are many regulations to ...in setting it up and ...it.
7. A director need not be a .. (that is, a shareholder), but.. .of any shares he .. .must be registered.
8. In any case, companies usually ...very wide..... to include any activities that the business is likely to be
9. The objects ... of the memorandum is very important because a company may not engage in activity
10. When this has been done it receives a number and aand is ready to.....

Exercise 77. Find a suitable definition for each word in the right column.

activity beyond one's registered objects	a. certificate of incorporation
subdivision of a document	b. memorandum
document that must be filed with the national registrar	c. objects clause
document which regulates the internal management of the company	d. articles of association
document issued by the registrar of companies after the registration of a company	e. clause
clause containing information about the purpose for which the company has been formed	f. ultra vires activity

Exercise 72. Use 'unless' instead of 'if'.

Example. The company is ready to do business if it is **not** a public limited company. - The company is ready to do business **unless** it is a public limited company.

1. I will probably not be able to make him keep the promise if I have not already paid the \$ 10.
2. The police cannot take any action if the trespasser does not commit certain crimes.
3. There is no contract between me and the other party if the intention is not shown.
4. Even if a person suffers directly from someone else's breach of contract, he does not have the capacity to sue in contract if he was not a party to the contract.
5. The landholder owns the land throughout his life if he does not sell or give it to someone else.
6. The company cannot contract on an ultra vires matter if the matter was not authorized by the company's directors.
7. He will not get anything if he does not take the case to court.
8. All contracts in restraint of trade are void if they are not proved to be reasonable.
9. Children under 18 are presumed to be incapable of committing a crime if it cannot be proved by clear evidence that they knew that what they were doing was seriously wrong.

Exercise 13. Use either the active or passive form of the Infinitive.

1. Companies usually draft very wide objects clauses to include any activity that the business is likely (to engage / to be engaged) in.
2. The tortfeasor is likely (to punish / to be punished).
3. The defendant is expected (to appeal /to be appealed).
4. The company is sure (to liquidate / to be liquidated).
5. The injured party is believed (to be sued / to sue).

6. The contract is considered (to conclude / to be concluded).
7. The shares are unlikely (to rise / to be risen).

Exercise 14. Use either active or passive form of the Gerund.

1. The purpose of the doctrine was to stop company assets from (to use) for unauthorized purposes.
2. To prevent other companies from (to use) their trademark, companies often register them.
3. Poor countries are more interested in the benefits of (to copy) than the problems of (to copy).
4. The main emphasis of recent laws is not to prevent people from (to copy), but to ensure they pay for (to do) so.
5. The Unfair Contract Terms Act specifies circumstances in which a contractor may avoid (to oblige) by some parts of a contract.
6. The company avoided (to pay) by arguing that their advertisement was not an offer.
7. In the United States people are accustomed to (to sign) contracts connected with daily life.
8. The defendant held a girl in front of him to prevent the police from (to fire) at him.
9. The laws prevent companies from (to transfer) funds to third parties.
10. There are many regulations to observe in (to set up) a business and (to run) it.
11. It is essential that anyone who is charged with a crime and who denies (to involve) in it should have a fair trial.

Exercise 15. Fill in the gaps with either 'needn't' or 'mustn't'.

Example. The Articles of Association **needn't** be registered. (You may register it, but it is not necessary). - The director **mustn't** make any personal profit from the company's business. (It is prohibited).

1. The director ... be a shareholder. He can be any member of the public.
2. The company ... engage in ultra vires matters. Otherwise, it will lose the right to remedies for breach of contract.
3. A private limited company ... obtain a trading certificate. It can start doing business getting a certificate of incorporation.
4. The director ... conceal information about the shares he has in another company. He must declare this interest at a board meeting.
5. The court... agree to specific performance if it causes hardship to the defendant.
6. The defendant... pay damages for the loss which is too remote.
7. The injured party ... increase the damages by continuing to perform the contract after notice of the other party's breach.
8. The parties to the contract... be pressured or tricked into making an agreement.
9. You ... always sign a contract. Oral contracts are valid too.
10. The store ... sell the goods it displays for sale.

Exercise 16. Translate the following sentences paying attention to the perfect infinitive with modal verbs.

1. The court can never know exactly what was in the head of the killer at the time of the killing, so it has the difficult task of deciding what his intentions must have been.
2. In murder, however, it is interesting that the defendant need not have intended to kill. He need not even have had a direct intention. In some cases, a defendant has been found guilty if he killed someone because of recklessness - not caring about the dangers.

3. Punishments may have been harsh, but discipline in the army and navy was very strict.
4. The court said that the judge ought to have allowed the jury to consider the defense of duress (защита ссылкой на принуждение к действию).
5. He should not have delayed in bringing his case before the court.
6. Her husband's grieving relatives may say that she should have been kept in prison for life, or even executed for his murder.

Exercise 17. Read and translate.

Shareholders indirectly control the affairs of a corporation by electing the directors. They also have the power to vote on major issues such as changing the corporate articles, merging with another company, or selling out in a firm take over. Antitrust laws do not forbid acquisitions or mergers of dissimilar companies. Large size in itself is not illegal.

The directors, elected by the shareholders, form a corporation's board of directors. The directors oversee the corporation and formulate general policies. They must not act fraudulently or illegally.

The board of directors may enter into any contract to promote the business for which the corporation was formed. While the board's powers are very broad, they may be limited by statute, by the articles of corporation, or by its own corporate rules.

The number of directors varies among corporations. Most states (штаты) allow the shareholders to determine the number. Some states require at least three. Other states require only one, who can also be the sole officer and sole shareholder. This gives the corporation the attributes of a sole proprietorship plus the advantage of limited liability for its owners. Statutes sometimes require that directors be shareholders. A few states require that directors be adult. Some states require that the president of the company serve as a director, while in many corporations all the directors are officers. This is called inside board, and this is not considered ideal because directors naturally tend to approve their conduct as officers. Better results are sometimes obtained from an outside board which has no officers in its membership, and which scrutinizes corporate performance more objectively and critically. Probably the best form is a mixed board, with some officers to provide information and detailed understanding, and some outsiders 'to ask the embarrassing questions'.

Exercise 18. Translate.

1. Акционер имеет право получить сертификат как свидетельство владения акциями в корпорации. Один сертификат может представлять одну и более акций.
2. Акционер обычно имеет право продать или отдать акции, которыми он владеет. Однако это право может быть ограничено в частных компаниях, где владельцы хотят ограничить владение компании (to limit ownership to) работниками или членами определенной семьи. Поэтому устав компании может предусматривать, что акционер, который хочет продать акции, должен сначала предложить их корпорации или другим акционерам.
3. Акционер, который не хочет посещать собрания и голосовать лично, имеет право голосовать по доверенности (by proxy). Миллионы людей, которые владеют сравнительно небольшим количеством акций в различных компаниях, голосуют таким способом. Руководство компании посылает по почте бланки доверенности всем акционерам и запрашиваемо solicit) их голос. Акционеры заполняют их и возвращают в компанию.

Exercise 19. Discuss the following situations.

1. A is an incorporator of the newly formed Galaxy Space Research Corporation. B is a director. C is the president. D, E, and F are shareholders who own most of the stock. If the corporation buys an electronic microscope, who owns it?
2. In a discussion with friends, John insisted that a director of a corporation could not also serve as an officer because this would be 'a conflict of interest'. 'Directors select officers,' she argued, and could keep themselves on the payroll as officers this way.' Was he right?

Exercise 20. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Если преимуществом создания компании является то, что она предоставляет своим членам защиту в случае банкротства, ее недостаток в том, что надо соблюдать много правил при ее создании и управлении ей.	If the advantage of forming a company is that it offers its members some protection in case of bankruptcy, the disadvantage is that there are many regulations to observe in setting it up and running it.
2.	По английскому праву должно быть минимум два человека, и они должны подписать документ, называемый заявкой на регистрацию акционерного общества, который должен быть подан в национальное бюро регистрации компаний.	Under English law, there must be a minimum of two people, and they must sign a document called a memorandum of association, which must be filed with the national registrar of companies.
	Заявка содержит название компании, ее цели, ограничена она акциями или гарантией и размер уставного капитала.	The memorandum contains the name of the company, its objects, whether it is limited by shares or guarantee, and the amount of share capital.
4.	Статья о целях компании в заявке очень важна, т.к. компания не может заниматься деятельностью, выходящей за рамки зарегистрированных целей.	The objects clause of the memorandum is very important because a company may not engage in activity beyond its registered objects.
5.	Говорят, что такая деятельность является вне компетенции компании.	Such activity is said to be ultra vires - outside its capacity.
6.	Когда-то компания и клиенты теряли права на средства судебной защиты при нарушении контракта по сделке, которая была вне компетенции компании.	The company and its clients used to lose the right to remedies for breach of contract over an ultra vires transaction.
7.	Целью доктрины было остановить использование капитала компании для незаконных целей.	The purpose of the doctrine was to stop company assets from being used for unauthorized activities.

<p>8. Однако частично из-за необходимости соответствовать праву Европейского Союза, сейчас возможно при заключении контракта по вопросу, находящемуся вне компетенции компании, быть защищенным, при условии, что сделка была санкционирована директорами компании.</p>	<p>However, partly because of pressure to conform to European Community law, it is now possible for someone contracting with the company on ultra vires matters to be protected, provided the matter was authorized by the company's directors.</p>
<p>9. В любом случае, компании пытаются формулировать очень широкие цели, чтобы включить любую деятельность, которой компания, возможно, будет заниматься.</p>	<p>In any case, companies usually draft very wide objects clauses to include any activities that the business is likely to be engaged.</p>
<p>10. Наряду с заявкой на регистрацию акционерного общества, есть другие документы, которые новая компания должна зарегистрировать.</p>	<p>As well as memorandum, there are several other documents a new company has to register.</p>
<p>11. Когда это сделано, она получает номер и сертификат и готова вести дела (если это не публичная компания с ограниченной ответственностью, в этом случае она сначала должна получить сертификат о регистрации в торговом реестре).</p>	<p>When this has been done it receives a number and a certificate of incorporation and is ready to do business (unless it is a public limited company, in this case it must first obtain a trading certificate).</p>
<p>12. Внутреннее управление компании регулируется документом, который называется устав компании.</p>	<p>The internal management of the company is regulated by a document called the articles of association.</p>
<p>13. Хотя его не надо регистрировать (за исключением компаний ограниченных гарантией), он должен соответствовать установленному образцу.</p>	<p>Although these need not be registered (except for companies limited by guarantee), they must conform to an authorized pattern.</p>
<p>14. Он разъясняет правила выпуска акций; назначения, полномочий и снятия директоров; когда и по какому поводу должны проводиться собрания; права акционеров при голосовании и определяет размер большинства, необходимый при принятии резолюций.</p>	<p>They detail rules share issue; the appointment, powers and removal of directors; about when and at what notice meetings must be held; member's voting rights, and determine the size of majority required to pass resolutions.</p>
<p>15. По закону о компаниях, каждая публичная компания должна иметь минимум двух директоров, а частная компания - одного.</p>	<p>Under the Companies Act every public company must have at least two directors, and every private company, at least one.</p>
<p>16. Директору необязательно быть членом компании (т.е. акционером), но информация об имеющихся у него акциях должна быть зарегистрирована.</p>	<p>A director need not be a member (that is, a shareholder), but details of any shares he holds must be registered.</p>
<p>17. Он может не являться работником</p>	<p>He may not be an employee of the company, but</p>

	компания, но получать оплату за свою работу до тех пор, пока члены компании согласны на это.	may be paid for his work as long as the members of the company agree to this.
18.	Он должен проявлять разумную заботливость и не извлекать тайной прибыли от деятельности компании.	He has a duty to exercise a reasonable standard of care and not to make secret profits from the company business.
19.	Если у него есть интерес в фирме, с которой компания осуществляет бизнес, закон требует, чтобы он сообщил о нем на совете директоров.	If he holds an interest in another firm with which the company is doing business, the law requires him to declare that interest at a board meeting.

UNIT 16.

TERMINATION OF BUSINESS.

There are several ways in which a company may be **terminated (dissolved)**. Its **registration** may be **cancelled**, because its objects turned out to be illegal (prostitution, selling illegal drugs); or it may be removed from the register if it simply **ceased** to function as a company; or it may be **liquidated**, or **wound up**.

The company is liquidated when it cannot pay its debts. The process is **equivalent to the bankruptcy** of an individual. There are two main types of 'winding up': **compulsory** and **voluntary**. In a compulsory winding up the court makes an order putting an end to the business of the company and appointing a liquidator. The duties of the liquidator are to **collect** any **money owed** to the company and then distribute all its assets, justly and equitably, between the creditors and shareholders. The Companies Acts **lay down the order** in which creditors are to be paid and at the top of the list is **the Inland Revenue**. Other creditors who have priority include employees who are owed wages and debenture holders.

In a voluntary winding-up the liquidator has the same duties but he is appointed by the members of the company or the creditors, and not by the court.

Liquidation, like bankruptcy, may be a bit hard on some of the creditors, who will not be paid if the liabilities of the company **exceed its assets**, but it does enable an **inefficient** business to **cut down its losses** and close down instead of being forced to continue without any hope of ever making a profit.

Setting up, running, and winding up a company are not the only legal matters businessmen have to deal with. Nearly every general area of the law is **relevant to** running a business. Company directors, partners and sole traders have to consider the legal **implications** of making contracts, and the torts they may **face** if a product injures a

consumer. At some stages most businessmen employ services of lawyers for advice on how to **minimize their tax liabilities** and to make sure their business does not exceed noise or pollution regulations.

VOCABULARY NOTES.

1.	to terminate to dissolve to liquidate to wind up (wound)	ликвидировать, аннулировать
2.	to cancel the registration	отменить регистрацию

3.	to be equivalent to smth.	быть равносильным ч-л.
4.	bankruptcy	банкротство
5.	compulsory	принудительный, обязательный
6.	voluntary	добровольный
7.	to collect money	собирать деньги
8.	to owe money	быть должным
9.	to lay down the order	устанавливать порядок
10.	Inland Revenue	Комитет по налогам и сборам

11.	to exceed one's assets	превышать капитал
12.	inefficient	неэффективный
13.	to cut down losses	снизить потери

14.	to be relevant to smth.	относиться к ч-л.
15.	legal implications	правовая подоплека
16.	to face a tort	столкнуться с деликтом
17.	to minimize tax liabilities	снизить налогообложение

Pronounce the following words correctly.

inefficient	[,ɪnɪ'fɪʃnt]
to exceed	[ɪk'si:d]
voluntary	[vɒl'ɒntərɪ]
bankruptcy	[ˈbæŋkrʌptsi]
to minimize	[ˈmɪnɪmaɪz]
revenue	[ˈrevɪnju:]
compulsory	[kəm'pʌlsərɪ]
to liquidate	[ˈlɪkwɪdeɪt]

EXERCISES.*Exercise 1. Answer the following questions.*

- Why can a company be terminated?
- What is the process of liquidation equivalent to?
- What are the two main types of liquidation?
- What is the difference between the two main types of liquidation?
- What are the liquidator's duties?
- Why can the liquidation be hard on creditors?
- What does the liquidation enable the inefficient business to do?
- What legal matters do businessmen have to deal with when they run a business?
- Why do businessmen employ services of lawyers?

Exercise 2. Supply Russian equivalents.

voluntary	to be relevant to smth
to cut down losses	compulsory
to face a tort	to minimize tax liabilities
inland revenue	to exceed one's assets
to wind up	to lay down the order

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

1. Ликвидация, как и банкротство, может неблагоприятно сказаться на кредиторах, которым не будет заплачено, если долги превышают активы компании.
2. В добровольной ликвидации ликвидатор имеет те же обязанности, но его назначают члены компании или кредиторы, а не суд.
3. Компания ликвидируется, когда она не может заплатить свои долги.
4. Регистрация компании может быть отменена, потому что ее деятельность оказалась незаконной.
5. Почти любая область права подходит к ведению бизнеса.
6. Законы о компаниях устанавливают порядок, в котором кредиторам должно быть выплачено.
7. Обязанностями ликвидатора является собрать все деньги, которые должны компании, и затем справедливо распределить весь ее капитал между кредиторами и акционерами.
8. Есть два типа ликвидации: принудительная и добровольная.
9. Создание, управление и ликвидация компании не единственные правовые вопросы, с которыми компания должна иметь дело.
10. Другие кредиторы, которые имеют право на первоочередную выплату, включают работников, которым не выплачена зарплата и держателей облигаций.

Exercise 4. Give other words with the same root.

Bankrupt, termination, to imply, minimum, liable, excess, volunteer, cancellation, efficiency, to liquidate, inclusion, to employ, injury, to pollute.

Exercise 5. Match words and word combinations with their synonyms.

- | | |
|-----------------|-----------------------|
| 1. to terminate | a. salary |
| 2. revenue | b. issue |
| 3. to cease | c to give a right |
| 4. wages | d. to reduce |
| 5. matter | e. connected with |
| 6. to enable | f. to be greater than |
| 7. to cut down | g. to stop |
| 8. to exceed | h. tax |
| 9. relevant | i. to wind up |

Exercise 6. Supply antonyms and translate them.

A. efficient - in-
relevant - ir-
voluntary - in-

B. To exclude, equitable, just, employed, regular, to interpret, legal, responsible, to agree, proper, valuable, competent.

Exercise 7. Supply English equivalents.

аннулировать	снизить потери
добровольный	неэффективный
налогообложение	обязательный
устанавливать порядок	превышать капитал
отменить регистрацию	столкнуться с деликтом

Exercise 8. Translate word combinations into English and make sentences with them.

отменить	встречу регистрацию рейс
назначить	директора ликвидатора заместителя директора
превышать	капитал доходы Расходы
снизить	потери денежную компенсацию Расходы
иметь отношение	к ведению бизнеса к этой проблеме к деликтному праву
собирать	деньги, которые должны компании налоги долги

Exercise 9. Insert prepositions consulting the text.

1. Nearly every general area ... the law is relevant... running a business.
2. Liquidation, ... bankruptcy, may be a bit hard ... some of the creditors, who will not be paid if the liabilities of the company exceed its assets, but it does enable an inefficient business to cut ... its losses and close down.....being forced to continue ... any hope of ever making a profit.
3. The duties of the liquidator are to collect any money owed ... the company and then distribute all its assets, justly and equitably, ... the creditors and shareholders.
4. Setting up, running, and winding up a company are not the only legal matters businessmen have to deal
5. The process is equivalent... the bankruptcy of an individual.
6. The Companies Acts lay ... the order ... which creditors are to be paid and ... the top of the list is the Inland Revenue.
7. ... some stages most businessmen employ services of lawyers ... advice ... how to minimize their tax liabilities and to make sure their business does not exceed noise or pollution regulations.
8. Its registration may be cancelled, because its objects turned ... to be illegal; or it may be removed ... the register if it simply ceased to function ... a company; or it may be liquidated, or wound

Exercise 10. Fill in the gaps with missing words.

1. Setting up, running, and..... a company are not the only legal matters businessmen have to...
2. In a ...winding-up the liquidator has the same ...but he is appointed by the members of the company or the creditors, and not by the....
3. There are several ways in which a company may be ... (...).
4. Liquidation, like..., may be a bit hard on some of the creditors, who will not be paid if the liabilities of the company, but it does enable an inefficient business to..... and close down instead of being forced to continue without any hope of ever.....
5. Its registration may be ..., because its objects turned out to be ...(prostitution, selling illegal drugs); or it may be ...from the register if it simply ceased to function as a company; or it may be liquidated, or
6. At some stages most businessmen employ services of lawyers for advice on how toand to make sure their business does not.. noise or pollution regulations.
7. The duties of the liquidator are to..... to the company and then ..all its assets, justly and equitably, between the creditors and....
8. The Companies Acts.....in which creditors are to be paid and at the top of the list is the
9. The process is ... to the bankruptcy of an individual.
10. In a ...winding up the court makes an order to the business of the company and ...a liquidator.

Exercise 11. Find a suitable definition for each word in the right column.

- | | |
|--|------------------|
| 1. body responsible for the care, management and collection of most taxes within the UK winding-up | a. voluntary |
| 2. procedure by which a company can be dissolved | b. liquidator |
| 3. procedure for winding-up a company by a court order | c Inland Revenue |
| 4. person who conducts a winding-up of a company | d. bankruptcy |
| 5. winding-up procedure initiated by a special or extraordinary resolution of a company winding-up | e. compulsory |
| 6. state of a person who has been adjudged by a court to be insolvent | f. winding-up |

Exercise 12. Translate the following sentences paying attention to the verb 'to face'.

Example. Company directors have to consider **the torts they may face** if their a product injures a consumer. - Директора компаний должны учитывать деликты, с которыми они могут столкнуться, если их товар причинит вред потребителю.

1. If found guilty of taking the bribe, Leonov **faces** up to 12 years in prison.
2. Many countries **face** similar social, economic and political problems and, consequently, have adopted similar legal solutions.
3. The staff of St Petersburg weekly Kosyerzh say they **are facing** strong pressure from city officials after they organized a petition of city media organizations against infill construction and sent it to the President.
4. If you commit a serious breach of contract you will certainly **face** an action for damages and, in addition, you may find that the other party will be entitled to refuse to carry out any of his remaining obligations under the contract.
5. The difficulty that **faces** us today is one of supplying food to those in need.
6. A number of Japanese companies **faced** fines or suspension of activities for making illegal payments to certain clients.
7. Throughout the world, most businesses **face** similar problems: they must determine their organizational form; duties to clients, investors and employees; tax liabilities and ability to minimize losses if the business fails.

Exercise 13. Use either an adjective or an adverb.

Adjective	Adverb
just	justly
equitable	equitably
equal	equally
friendly	in a friendly way
silly	in a silly manner
good	well
hard	hard
fast	fast
still	still
late	late
early	early

Example. ... decision to decide ... /just/
a just decision to decide justly

- | | | | |
|------|-------------------------|------------------|-----------------|
| 1.. | . advice | to advise ... | /legal/ |
| 2. . | . conversation | to speak ... | /friendly/ |
| 3. . | . approach | to approach ... | /comprehensive/ |
| 4. . | . legal person | to create ... | /artificial/ |
| 5. . | . work | to work ... | /hard/ |
| 6. . | . train | to leave ... | /early/ |
| 7. . | . observer | to foresee ... | /reasonable/ |
| 8. . | . driver | to drive ... | /fast/ |
| 9. . | . liability | to be liable ... | /vicarious/ |
| 10. | ... payment of interest | to pay ... | /annual/ |
| 11. | ... property | to own ... | /personal/ |

12. .. business	to do business ..	/good/
13. .. behaviour	to behave ...	/negligent/
14. .. damage	to damage ...	/serious/
15. .. punishment	to punish ...	/harsh/
16. .. decision	to speak ...	/silly/
17. .. arrival	to arrive ...	/late/

B. Fill in the gaps with either adjectives or adverbs.

1. (un)reasonable

- You must take ... care to avoid acts or omissions which you can ... foresee would be likely to injure your neighbour.
- To succeed in an action for nuisance the plaintiff must prove an ... interference with his use or enjoyment of property.
- There is an implied condition in the contract that the goods shall be ... fit for the buyer's purpose.
- The court holds that the restraint of trade is ... if it covers too wide an area or it lasts for too long.
- The duty of an employer at common law is to prove *a* ... safe system of work.
- If one person makes a clear and definite offer and another person (unconditional / unconditionally) accepts that offer, then it is ... to say that the two of them are in agreement

2. (il)legal

- Partners have to consider the ... implications of making contracts.
- The principle of judicial review enables a court to overturn a decision made by a government ministry that acted ... or beyond its authorized powers.
- Despite the development of ... binding national and international conventions, millions of people in the world do not enjoy human rights.
- The company turned out to sell ... drugs.
- Recognition de facto means that the government is in control of the state though ... so.
- The parties to the contract must have *a* ... intention to be ... bound.
- Britain cannot ... disobey a European ruling, or even to leave the EC, without the consent of other member nations.

3. vicarious

- The concept of... liability is very important in English law.
- The employer is ... liable for his employees.
- One of the reasons for having special (constitutional / constitutionally) laws is to prevent government from becoming too (powerful / powerfully) and from interfering too much in the lives of individuals.
- Some areas of law, such as intellectual property and human rights, are (particular / particularly) concerned with developing laws which are valid (international / internationally).
- International law is developing (rapid / rapidly) in the form of (practical / practically) agreement to facilitate trade and protect the environment.

Exercise 14. Change the following sentences using the Complex Subject.

Example. Their objects are illegal, (turn out) - Their objects turn out to be illegal.

- The company closed down last year, (seem)
- They will face a lot of difficulties in future, (be likely)
- A liquidator has been appointed, (appear)
- The liquidator is collecting all the money owed, (be said)
- They will dissolve the company.(be sure)
- The company was removed from the register.(be believed)

7. The company is trying to cut down its losses, (be reported)
8. The business did not exceed noise or pollution regulations, (seem)
9. They will not make any profit, (be expected)
10. He did not run the company properly, (seem)

Exercise 15. Read and translate.

A variety of reasons may cause the dissolution or termination of a corporation.

A corporation terminates upon expiration of the agreed period of its existence. But a corporation may end before the agreed upon time if the shareholders (usually those with a majority of the voting power) voluntarily vote to do so.

Another way to terminate a business is consolidation. It can occur with the approval of the boards of directors and the majority of the shareholders in each of the corporations involved. The two corporations cease to exist and a new corporation is formed.

In a merger one corporation absorbs the other. The surviving corporation retains its charter and identity; the other disappears. Again approval must be given by the directors and by the shareholders of the merging corporations.

A combination through either consolidation or merger must not violate antitrust laws by interfering unreasonably with free competition. An illegal monopoly is where one company controls the supply of goods, excludes competitors, and sets prices.

The bankruptcy of a corporation does not in itself cause dissolution. However, the bankruptcy proceeding typically leaves the corporation without assets with which to do business. In addition, some states statutes provide that when a corporation is insolvent, its creditors may force dissolution.

In some states, if a corporation's assets are seriously threatened with irreparable harm because an internal dispute cannot be resolved by the board or the shareholders, a court can order dissolution if interested parties petition for dissolution.

Exercise 76. Translate.

1. При некоторых обстоятельствах корпорация или физическое лицо не может выполнить свои финансовые обязательства. Существует ряд законов, связанных с банкротством. Лицо или его кредиторы могут подать прошение в суд о принятии управления собственностью (estate) и ее распределении между кредиторами. Должны соблюдаться три принципа. Распределение собственности между кредиторами должно быть честным и равным. Должник должен быть освобожден от долгов. Необходимо выяснить причины неплатежеспособности (insolvency).
2. Государство может начать судебные процедуры против корпорации с целью конфискации устава (forfeiture of the charter), если она виновна в определенных действиях. Конфискация редко имеет место, т.к. в основном государство не контролирует деятельность компании.
3. Существует два типа компаний: закрытые и открытые. Акции закрытых компаний могут переходить от собственника к собственнику только с согласия других акционеров и в порядке, предусмотренным уставом компании. Акции открытых компаний могут свободно продаваться и покупаться.

Exercise 77. Discuss the following situations.

1. According to its articles of association, Fun Foods was created to operate restaurants and food stands at the fair for the duration of the event. When the fair ended, how was the corporate existence terminated?

2. Plush Play Products, Ltd., produced toy animals and dolls. A new doll 'tootsie twins' proved to be so popular that the factory could not meet the demand. The dolls were commanding premium prices in toy stores. Shortly before Christmas, the board of directors of Plush Play Products voted a dividend which was to include one pair of the 'twins' - valued at the low \$ 10 cost of production - for each stockholder. All shareholders with more than one share would receive the balance of their dividends in cash. Lane, a stockholder, sued the directors to prohibit the doll distribution. He claimed that the corporation could earn more by selling the dolls. Should the injunction be issued?

Exercise 18. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Существует несколько способов, с помощью которых компания может закончить свое существование.	There are several ways in which a company may be terminated (dissolved).
2.	Регистрация компании может быть отменена, потому что ее деятельность оказалась незаконной (проституция, продажа незаконных лекарственных препаратов), или она может просто прекратить функционировать как компания, или она может быть ликвидирована или аннулирована.	Its registration may be cancelled, because its objects turned out to be illegal (prostitution, selling illegal drugs); or it may be removed from the register if it simply ceased to function as a company; or it may be liquidated, or wound up.
3.	Компания ликвидируется, когда она не может заплатить свои долги.	The company is liquidated when it cannot pay its debts.
4.	Процесс похож на банкротство частного лица.	The process is equivalent to the bankruptcy of an individual.
5.	Есть два типа ликвидации: принудительная и добровольная.	There are two main types of 'winding up': compulsory and voluntary.
6.	При принудительной ликвидации суд издает постановление, которое прекращает деятельность компании, и назначает ликвидатора.	In a compulsory winding up the court makes an order putting an end to the business of the company and appointing a liquidator.
7.	Обязанностями ликвидатора является собрать все деньги, которые должны компании, и затем справедливо распределить весь ее капитал между кредиторами и акционерами.	The duties of the liquidator are to collect any money owed to the company and then distribute all its assets, justly and equitably, between the creditors and shareholders.
8.	Законы о компаниях устанавливают порядок, в котором кредиторам должно быть выплачено, и первой в списке стоит Комиссия по налогам и сборам.	The Companies Acts lay down the order in which creditors are to be paid and at the top of the list is the Inland Revenue.
9.	Другие кредиторы, которые имеют приоритет, включают работников, которым не выплачена заработная плата и держателей облигаций.	Other creditors who have priority include employees who are owed wages and debenture holders.
10.	В добровольной ликвидации ликвидатор имеет те же обязанности, но его назначают члены компании или кредиторы, а не суд.	In a voluntary winding-up the liquidator has the same duties but he is appointed by the members of the

		company or the creditors, and not by the court.
11.	Ликвидация, как и банкротство, может неблагоприятно сказаться на кредиторах, которым не будет заплачено, если долги превышают активы компании, но все же она позволяет неэффективному бизнесу и закрыться вместо того, чтобы быть вынужденному продолжать без всякой надежды получить когда-нибудь прибыль.	Liquidation, like bankruptcy, may be a bit hard on some of the creditors, who will not be paid if the liabilities of the company exceed its assets, but it does enable an inefficient business to cut down its losses and close down instead of being forced to continue without any hope of ever making a profit.
12.	Создание, управление и ликвидация компании не единственные правовые вопросы, с которыми компания должна иметь дело.	Setting up, running, and winding up a company are not the only legal matters businessmen have to deal with.
13.	Почти любая область права подходит к ведению бизнеса.	Nearly every general area of the law is relevant to running a business.
14.	Директора компаний, партнеры и частные предприниматели должны учитывать правовые вопросы при заключении контрактов и деликты, с которыми они могут столкнуться, если их товар принесет вред потребителю.	Company directors, partners and sole traders have to consider the legal implications of making contracts, and the torts they may face if a product injures a consumer.
15.	На некоторых этапах большинство бизнесменов пользуются услугами юристов, чтобы получить совет, как минимизировать налоги и сделать так, чтобы их предприятие не превышало установленный уровень шума и загрязнения окружающей среды.	At some stages most businessmen employ services of lawyers for advice on how to minimize their tax liabilities and to make sure their business does not exceed noise or pollution regulations.

UNIT 17.

CONSUMER LAW.

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

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

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

For many years, consumer law was characterized by the **legal**

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

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

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

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

VOCABULARY NOTES.

1.	Consumer law	закон о защите прав потребителей
2.	consumer	потребитель
3.	household	хозяйство
4.	poor-quality goods	товары низкого качества
5.	to fall victim to a deceptive practice	стать жертвой обмана
6.	to provide a remedy	давать / обеспечивать средство судебной защиты
7.	to be relevant to smth.	относиться к ч-л.
8.	legal expression	правовой термин
9.	caveat emptor	'пусть покупатель будет бдителен', качество на риске покупателя
10.	misleading sales practices	методы продажи, вводящие покупателя в заблуждение

11.	to suffer the consequences	страдать от последствий
12.	to bargain for smth.	заключить сделку о ч-л.

13.	to avoid smth./doing smth.	избегать ч-л./ делать ч-л.
14.	to mislead smb.	вводить к-л. в заблуждение
15.	to deceive smb	обманывать к-л.
16.	Otherwise	другим способом, иначе
17.	concern for smb.	забота о к-л.
18.	product liability	ответственность производителя перед потребителем за качество товара

19.	wealthy	богатый, состоятельный
20.	variety of goods	разнообразие товаров
21.	to be used to doing smth.	привыкать делать ч-л.
22.	to assert one's rights	отстаивать свои права
23.	wide range of information	широкий спектр информации
24.	to be available to smb.	быть доступным для к-л.
25.	independently researched information	независимо исследуемая информация
26.	consumer complaints	жалобы потребителей
27.	discontented consumer	недовольный потребитель
28.	to enforce one's rights	применять права

Pronounce the following words correctly.

complaint	[kəm'pleɪnt]
consumer	[kən'sju:mə]
consequence	['kɒnsɪkwəns]
deceptive	[dɪ'septɪv]
wealthy	['weɪlθɪ]
to deceive	[dɪ'si:v]
caveat emptor	['keɪvət 'emptɔ:]
variety	[və'raɪəti]

EXERCISES.

Exercise 1. Answer the following questions.

1. Who is a consumer?
2. What do you do when you buy poor-quality goods?
3. What areas of law are relevant to consumer law?
4. What characterized consumer law for many years?
5. What did consumers have to do before buying goods?
6. What happened if they bought goods of poor quality?
7. What rights do consumers have now?

8. What is product liability? Why do you think it is one of fastest growing areas of consumer law?
9. Why has consumer law grown most quickly in wealthier countries?
10. How are consumers informed there?
11. Is it difficult for a discontented consumer to take a legal action?
12. What is still the best protection for the consumer?

Exercise 2. Supply Russian equivalents.

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

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

1. Когда вы получаете товар плохого качества или становитесь жертвой обмана, вы можете попытаться решить проблему самостоятельно.
2. Продавцы должны избегать продажи и рекламы, которые вводят в заблуждение, обманывают или каким-то другим образом являются несправедливыми к потребителю.
3. Закон о защите прав потребителей развился быстрее в более богатых индустриально-развитых странах, где существует большой выбор товаров и где люди привыкли отстаивать свои права и имеют широкий спектр информации, доступной им.
4. Потребители имеют право быть точно информированными о качестве, цене и условиях кредитования.
5. Популярные телевизионные программы обсуждают жалобы потребителей.
6. Многие годы право потребителей характеризовалось юридическим термином: «качество на риске покупателя».
7. Принципы контракта и деликта имеют особое отношение к делам потребителей.
8. Если недовольный потребитель вынужден подать дело в суд, есть правовые институты, которые позволят ему сделать это без больших денежных затрат.
9. Ответственность производителя - это ответственность за убытки или телесные повреждения, вызванные некачественными товарами.
10. Изучение спектра товаров и услуг, внимательная покупка и знание своих прав и как их применять есть лучшие способы избежать проблем.
11. Потребитель - это человек, который покупает товары и услуги для личных или бытовых нужд у продавца.
12. Есть журналы, которые публикуют независимо полученную информацию о товарах, услугах и правах потребителей.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms

- | | |
|----------------------------------|------------------------|
| 1. deceptive | a. be used to doing |
| 2. to declare forcefully
rich | b. consumer |
| 4. to deceive | c to select |
| 5. to clarify | d. to adopt |
| 6. to purchase | e. misleading |
| 7. to choose | f. to give information |
| 8. customer | g. wealthy |
| 9. to pass | h. to buy |
| 1 to take a legal action | i. to make smth. clear |
| 1 be accustomed to doing | j. to mislead |
| 1 to inform | k. to assert |
| | l. to go to court |

Exercise 6. Supply antonyms and translate them.

- | | |
|--------------------|-------|
| A. poor- quality - | high. |
| to lead - | mis- |
| contented - | dis- |
| dependent - | in- |
| wealthy - | un- |
| available - | un- |

B. personal, relevant, fair, to increase, safe, popular, legal, industrialized, to inform, careful, responsible.

Exercise 7. Supply English equivalents.

- | | |
|-----------------------------------|---------------------------------|
| обманывать к-л правовой термин | товары низкого качества |
| отстаивать свои права быть | ответственность производителя |
| доступным для к-л применять права | давать средство судебной защиты |
| | широкий спектр информации |
| | жалобы потребителей |

Exercise 8. Translate word into English and make sentences with them.**combinations**

- | | |
|------------------------|---|
| широкий спектр | информации
услуг
возможностей |
| вводящий в заблуждение | методы продажи
реклама
информация |
| низкокачественный | товары
услуги
образование |

привыкнуть отстаивать свои права консультироваться с юристом
формулировать широкие цели компании

обманывать покупателей
клиентов
акционеров

отстаивать права
идеи
теории

стать жертвой обмана преступления несчастного
случая

Exercise 9. Insert prepositions consulting the text.

1. When you receive poor-quality goods or fall victim ... a deceptive practice you can try to solve the problem yourself.
2. Consumer law has grown most quickly ... wealthier industrialized countries where there is a great variety ... goods to choose ..., and where people are used ... asserting their rights and have a wide range ... information available ... them.
3. The principles of contract and tort are particularly relevant ... consumer matters, but ... addition ... these, new legislation is passed every year to clarify the law and deal ... specific problems.
4. This increased concern ... consumers is based ... the fact that sellers are usually better informed ... the products or services being offered and are usually ... control ... the sales protection.
5. Once consumers bought something, they were stuck ... the purchase, even if they got less than they bargained ..., such as unsafe or poor-quality products.
6. A consumer is a person who buys goods and services ... personal or household purposes ... a seller.
7. ... other words, consumers had to look unfair and misleading sales practices ... buying or else be prepared to suffer the consequences.
8. That is why product liability (the seller's responsibility ... damage or injury caused ... faulty goods) is one ... the fastest growing areas ... consumer law.
9. Have you ever bought a meal ... a restaurant or a pair ... sneakers ... a sporting goods store?
10. Sellers must avoid sales and advertising practices that mislead, deceive, or are otherwise unfair ... consumers.

Exercise 10. Fill in the gaps with missing words.

1. Sellers must ... sales and advertising practices that mislead, ..., or are otherwise ... to consumers.
2. But even though the law has ..., the best protection is still a careful
3. There are magazines which publish information about products, services and consumer rights.
4. For many years, consumer law was characterized by the legal expression
5. Consumers now have the right to be correctly ... about quality, price and credit....
6. Popular television programs discuss
7. Learning about products and services, shopping..., and knowing your legal rights and how to ... them are the best ways to ... problems.

8. If a discontented consumer is forced to ... a legal action, there are judicial institutions which ... him to do this without spending a lot of money.
9. When you receive goods or fall victim to a ...practice you can try to solve the problem yourself.
10. Consumer law has grown most quickly in ... industrialized countries where there is a great ...of goods to choose from, and where people are ... to asserting their rights and have a wide ...of information ... to them.

Exercise 11. Find a suitable definition for each word in the right column.

civil wrong	a. caveat emptor
the seller's responsibility for damage or injury caused by faulty goods	b. consumer
agreement binding in law	c tort
person who buys goods and services	d. product liability
relief granted by a court to a successful plaintiff	e. dissatisfied
'let the buyer beware'	f. contract
discontented	g. remedy

Exercise 12. Make up definitions.

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

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

1. A plaintiff/ a person / to start a civil action.
2. Law / a body of rules / to support by the power of government.
3. A statute / a law / to pass by a legislative body / to write in a formal document.
4. A liquidator / a person / to collect money owed to the company / to distribute its assets justly among the creditors.
5. A shareholder / a person / to own shares / to have a right to vote at general meetings / to be entitled to dividend.
6. A tort / a wrongful act / to commit by an individual against another individual's person, property or reputation.
7. A tortfeasor / a person / to commit a tort.
8. A statutory tort / a tort / to define in a statute.
9. A loan / an amount of money / to lend.
10. A memorandum of association / a document / to file with the national registrar of companies.
11. A settlor / a person / to own some property / to create a trust.
12. A remedy / a relief / to grant by a court / to a successful plaintiff.

Exercise 13. Translate the following sentences paying attention to 'once' and 'otherwise'.

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

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

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

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

Exercise 14. Fill in the gaps with either 'used to do' or 'be used to doing'.

Used to do - бывало, когда-то

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

To be used to doing - привыкать, иметь в привычке

People are used to asserting their rights.

1. Companies (to draft) very wide objects clauses.
2. Consumer law (to be characterized) by the legal expression caveat emptor.
3. The Japanese still (to rely) on informal ways of solving disagreements.
4. Before World War II, Japan had a jury system, but it (to be criticised) for the ease with which jurors were bribed.
5. People (to appeal) if they are not satisfied with the decision of a lower court.
6. Before the tradition of equity was introduced people in England (to get) damages when the contract was breached.
7. In the United States people (to consult) lawyers.
8. Bakers in England (to add) an extra roll free to the batch of twelve because the laws against selling underweight bread were very strict.
9. Barristers (to argue) cases in court.
10. Before court of common law and equity were unified, people (to start) an action in two different courts to get a satisfactory solution.
11. People in developed countries (to have) a wide range of information available.

Exercise 15. Translate the following sentences using 'available'.

Available - наличный, имеющийся в распоряжении, доступный

To make smth. available - предоставлять, делать доступным

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

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

2. Скоро мы сделаем эти факты достоянием общественности.
3. Есть много книг по этому вопросу, которые можно взять в нашей библиотеке.
4. В нашем институте есть много возможностей, которые студенты могут использовать.
5. Есть несколько средств судебной защиты, доступных истцу.
6. С доктором сейчас нельзя поговорить.
7. Эти данные (data) сейчас нельзя получить.

Exercise 76. Read and translate.

FEDERAL LAWS .

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

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

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

Fourth, Congress passes laws and agencies issues rules to improve the operation of the marketplace. In many instances, these rules are designed to give consumers better information about products. For example, in 1992 Congress passed the Nutrition Labelling and Education Act. This law requires that all food product labels list ingredients and nutritional information in a form that most people will be able to understand. With this information, consumers will be able to make smarter choices.

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

Exercise 17. Translate.

1. Много рекламных объявлений содержат полезную информацию о товарах, но реклама может также повлиять на покупателя и заставить его купить товар, который ему не нужен или тот, который он не может себе позволить.
2. Самым лучшим средством защиты от покупки некачественного товара является бдительность самого покупателя. Если вы все-таки приобрели товар плохого качества, вы можете разрешить проблему самостоятельно или обратиться в суд.
3. Потребители, которые ограничены физически (have disability), должны иметь равные возможности при покупке товаров и услуг.
4. Законы запрещают нечестную торговлю или вводящую в заблуждение рекламу, продажу вредных для здоровья товаров. Если продавец не соблюдает установленных стандартов качества, безопасности и надежности товаров и услуг, против него может быть начато дело в суде.

Exercise 18. Discuss the following situation.

THE BABY MILK BOYCOTT.

A company had been advertising the sale and use of its baby formula in underdeveloped countries in Asia, Africa, and Latin America. To encourage new mothers to feed their babies formula instead of breast milk, the company had been giving free supplies of its formula to hospitals.

Critics of the company's practices said that breast-feeding at home was difficult once babies had been bottle-fed with formula in the hospital. The critics pointed out that many mothers, after leaving the hospital, discovered that bottled formula was too expensive; as a result, their babies were often underfed. When mothers did use the formula, they often mixed it with polluted water. The critics stated that many of the 3,500 infant deaths occurring daily around the world resulted from inadequate nourishment. The company denied that its practices caused the deaths of babies. It asserted that its formula was beneficial to babies and that other factors, such as poor health, caused infant deaths. The company believed it was unfair to criticize the promotion of a safe and useful product, noting that mothers who could not breast-feed needed bottled formula.

Beginning in 1977, citizens of various countries began to organize a boycott of the company's formula and of its other products, which included different types of baby food and chocolate. The boycott attracted attention from the media and other groups. UNICEF (United Nation's International Children's Emergency Fund) and the World Health Organization issued regulations declaring that the company's marketing practices would in the future be considered illegal. In 1988, however, it was discovered that the company was still offering free formula to new mothers in many countries. Because the company was based in Europe, the European community (EC) was asked to take action. In 1992, the EC set up complaint procedures in 100 countries.

ROLE-PLAY.

Role-play a meeting between "Boycotters to End Infant Formula Deaths" and representatives of the formula manufacturer. After each side presents its point of view, both should try to reach an agreement to address the problem.

Exercise 19. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Вы когда-нибудь покупали еду в ресторане или пару кроссовок в спортивном магазине?	Have you ever bought a meal in a restaurant or a pair of sneakers at a sporting goods store?
2.	Вы когда-нибудь ездили на автобусе на работу или чинили машину на станции техобслуживания?	Have you ever ridden a bus to work or had your car repaired at a service station?
3.	Если вы делали хотя бы одно, то вы были потребителем.	If you did any of these things you were a consumer.
4.	Потребитель - это человек, который покупает товары и услуги для личных или бытовых нужд у продавца.	A consumer is a person who buys goods and services for personal or household purposes from a seller.
5.	Когда вы получаете товар плохого качества или становитесь жертвой обмана, вы можете попытаться решить проблему самостоятельно.	When you receive poor-quality goods or fall victim to a deceptive practice you can try to solve the problem yourself.
6.	А когда вы не можете это сделать, закон о правах потребителей может предоставить вам средство судебной защиты.	And when you can't, consumer law may provide a remedy.

7.	Принципы контракта и деликта имеют особое отношение к проблемам потребителей, но в добавлении к ним новые законы принимаются каждый год, чтобы разъяснить существующие нормы права и решать конкретные проблемы.	The principles of contract and tort are particularly relevant to consumer matters, but in addition to these, new legislation is passed every year to clarify the law and deal with specific problems.
8.	Многие годы право потребителей характеризовалось юридическим термином: «качество на риске покупателя».	For many years, consumer law was characterized by the legal expression caveat emptor.
9.	Другими словами, потребители должны были остерегаться несправедливых и обманных продаж до покупки товара, а в противном случае, быть готовыми мириться с последствиями.	In other words, consumers had to look out for unfair and misleading sales practices before buying or else be prepared to suffer the consequences.
10.	Как только потребитель покупал что-либо, товар считался его, даже если он получал меньше того, на что рассчитывал, например, ненадежные товары и товары плохого качества.	Once consumers bought something, they were stuck with the purchase, even if they got less than they bargained for, such as unsafe or poor-quality products.
11.	В наши дни закон более сбалансирован.	Today the law is more balanced.
12.	Сейчас потребители имеют право быть точно информированными о качестве, цене и условиях кредитования.	Consumers now have the right to be correctly informed about quality, price and credit terms.
13.	Продавцы должны избегать продажи и рекламы, которые вводят в заблуждение, обманывают или каким-то другим образом являются несправедливыми к потребителю.	Sellers must avoid sales and advertising practices that mislead, deceive, or are otherwise unfair to consumers.
14.	Это увеличившаяся забота о потребителе основана на том факте, что продавцы обычно лучше информированы о предлагаемых товарах и услугах и обычно следят за защитой продаж.	This increased concern for consumers is based on the fact that sellers are usually better informed about the products or services being offered and are usually in control of the sales protection.
15.	Вот почему ответственность производителя (ответственность за убытки или телесные повреждения, вызванные некачественными товарами) является одной из быстрорастущих областей права.	That is why product liability (responsibility for damage or injury caused by faulty goods) is one of the fastest growing areas of consumer law.
16.	Закон о защите прав потребителей развился быстрее в более богатых индустриально-развитых странах, где существует большой выбор товаров и где люди привыкли отстаивать свои права и имеют широкий спектр	Consumer law has grown most quickly in wealthier industrialized countries where there is a great variety of goods to choose from, and where people are used to asserting their rights and have a wide range of

	информации, доступной им.	information available to them.
17.	Есть журналы, которые публикуют независимо полученную информацию о товарах, услугах и правах потребителей.	There are magazines which publish independently researched information about products, services and consumer rights.
18.	Популярные телевизионные программы обсуждают жалобы потребителей.	Popular television programs discuss consumer complaints.
19.	Если недовольный потребитель вынужден подать дело в суд, есть правовые институты, которые позволят ему сделать это без больших денежных затрат.	If a discontented consumer is forced to take a legal action, there are judicial institutions which enable him to do this without spending a lot of money.
20.	Но хотя закон и изменился, все же лучшей защитой является осторожная покупка.	But even though the law has changed, the best protection is still a careful purchase.
21.	Изучение спектра товаров и услуг, внимательная покупка и знание своих прав и как их применять есть лучшие способы избежать проблем.	Learning about products and services, shopping carefully, and knowing your legal rights and how to enforce them are the best ways to avoid a problems.

UNIT 18.

INTELLECTUAL PROPERTY.

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

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

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

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

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

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

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

Law

VOCABULARY NOTES .

1.	intellectual property	интеллектуальная собственность
2.	to place legal limits on smth.	ставить правовые ограничения на ч-л.
3.	to copy smth.	копировать ч-л.
4.	to invent smth.	изобретать ч-л.
5.	intangible property	нематериальная собственность
6.	patent	патент
7.	copyright	авторское право
8.	trademark	торговая марка

9.	to apply for a patent	подать заявление на выдачу патента
10.	grant of an exclusive right	предоставление исключительного права
11.	to exploit an invention	пользоваться изобретением
12.	to grant smth.	предоставить ч-л.
13.	to manufacture smth.	производить ч-л.

14.	to have industrial application	иметь промышленное применение
15.	to be carefully worded	быть четко сформулированным
16.	holder of a patent	держатель патента
17.	in the course of one's work	во время работы

18.	artistic works	произведения искусства
19.	radio and television broadcasts	радио и телепередачи
20.	to be protected by copyright	быть защищенным авторским правом
21.	to record the date of creation	ставить дату создания
22.	piracy	пиратство

23.	creator of the work	создатель произведения
24.	film maker	кинорежиссер
25.	performer	исполнитель, артист

26.	to associate with smth.	ассоциироваться с ч-л.
27.	account of profits	изъятие суммы, эквивалентной сумме полученной прибыли
28.	claimant	истец
29.	to wrong smb.	причинить ущерб к-л.

Pronounce the following words correctly.

intellectual	[,ɪntɪˈlektʃuəl]
intangible	[ɪnˈtæŋdʒəbəl]
claimant	[ˈkleɪmənt]
artistic	[ɑːˈtɪstɪk]
patent	[ˈpeɪtənt]
industrial	[ɪnˈdʌstriəl]
grant	[grɑːnt]
broadcast	[ˈbrɔːdkɑːst]
piracy	[ˈpaɪrəsi]
associate	[əˈsɒʃɪət]
manufacture	[ˌmænjuˈfæktʃə]
copyright	[ˈkɒprɪraɪt]

EXERCISES.

Exercise 7. Answer the following questions.

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

Exercise 2. Supply Russian equivalents.

intangible property
holder of a patent
claimant
to be protected by copyright
to have industrial application
piracy

account of profits
to be carefully worded
the grant of an inclusive right
to wrong the claimant
to apply for a patent
trademark

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

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

4. Нарушение авторского права является пиратством.

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

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

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

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

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

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

12. Выигравший истец имеет право на сумму, равную прибыли, которую ответчик получил при причинении ущерба клиенту.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

claimant	a. to possess
to wrong smb	b. film
to employ	c to produce
performer	d. to do harm to smb
to grant	e. plaintiff
to manufacture	f. to hire
legal	g. vital
to own	h. to give
essential	i. accurate
movie	j. actor
exact	k. lawful

Exercise 6. Supply antonyms and translate them.

tangible - in-
 essential - un-
 exact - in-
 intellectual - un-
 industrial - un-

C. To use, legal, scientific equal, possible, usual, clear, valid, dependant, to lead, wealthy, poor-quality, available.

Exercise 7. Supply English equivalents.

пиратство	торговая марка
иметь промышленное применение	держатель патента
предоставление исключительного права во время работы	
подать заявление на выдачу патента	интеллектуальная собственность
ставить дату создания	авторское право истец
причинить ущерб к-л.	изобретать ч-л.
нематериальная собственность	

Exercise 8. Translate word combinations into English and make sentences with them.

иметь исключительное право	использование изобретение продавать ч-л. использовать ч-л.
создавать	произведения искусства компьютерные программы кинофильмы
предоставлять	патент авторское право исключительное право
причинить ущерб	истцу покупателю клиенту
защищать	изобретение литературные произведения от копирования произведения искусства

Exercise 9. Insert prepositions consulting the text.

1. A successful claimant is entitled ... a sum equal ... the monetary gain the defendant has made ... wronging the claimant.
2. The patent must be carefully worded since it may be possible ... someone to copy any part ... the process or invention not mentioned ... the patent.
3. In order to prevent a new discovery or scientific process ... being copied, it is necessary to apply ... a patent.
4. Most countries place legal limits ... copying the exact words someone has written, the art or music he has created, or the technology which has been invented.
5. Companies often use a certain name or description to help sell their products, or sometimes a symbol everyone associates ... that company.

6. The products of this work are known ... intellectual property
7. However, a patent will only be granted if the invention has not been yet shown ... public and if it has industrial application.
8. A copyright is usually owned ... the creator of the work - the writer, painter or musician - but it might be passed ... someone else.
9. To prevent other businesses ... using their trademark, companies often register them.

Exercise 70. Fill in the gaps with missing words.

1. The ... of a patent is often a company individual scientists inventing something in the ... of their work.
2. Companies often use a certain name or ... to help sell their products, or sometimes a symbol everyone ... with that company.
3. The usual remedies are damages, an injunction and (a successful ... is entitled to a sum equal to the monetary .. the defendant has made through ... the claimant).
4. In order to ... a new discovery or scientific process from being copied, it is necessary to ... for a patent (the grant of an ... right to exploit an invention).
5. Products of this work are known as intellectual property. It is ... property the main instruments of .. which are patents, .. and
6. A copyright is usually owned by the ... of the work - the writer, painter or musician - but it might be ... to someone else.
7. If a journalist is ... by a newspaper then the articles he writes are usually the rights of the newspaper
8. However, a patent will only be ... if the invention has not been yet shown to public and if it has
9. The patent must be carefully ... since it may be possible for someone to ... any part of the process or ... not mentioned in the patent.
10. Most countries place on copying the exact words someone has written, the art or music he has created, or the technology which has been

Exercise 77. Find a suitable definition for each word in the right column.

property which does not exist as a physical thing	a. account of profits
right given only to a particular person or group	b. copyright
sum equal to the monetary gain the defendant has made through wronging the claimant	c. patent
exclusive right to reproduce artistic, dramatic, literary work	d. piracy
exclusive right to exploit the invention	e. intangible property
infringement of copyright	f. exclusive right

Exercise 12. Translate the following sentences paying attention to the structure given.

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

1. Up to now, EC regulations have been issued only if in fact consented to by each of the executives of the member states.

2. Such institutions in the United States as the presidential cabinet and the system of political parties, though not even mentioned in the written constitution, are most certainly of constitutional significance.
3. Nationals who commit crimes in foreign countries may be extradited, but only if required or authorized by treaty with the country concerned.
4. The objects of criminal law and civil law, although closely connected, are entirely different.
5. American newsmen, journalists and television reporters are known the world over for "not showing proper respect" for Government leaders, whether their own or others.
6. Under English law an employee may not normally work for a competitor while employed by an employer.
7. Once approved Supreme Court justices hold their office for life.

Exercise 13. Use adverbs for giving additional information.

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

1. Enforcement of intellectual property law is difficult, (particular)
2. In consumer law researched information is important, (independent, extreme)
3. The powers of the central government are large, (relative)
4. The members of the Cabinet are chosen by the president and are responsible to him. (political)
5. Parties to the contract are bound to perform obligations under the contract, (legal)
6. Civil servants do not serve under a contract of employment but have a special status, (general)
7. Once enacted by the legislature, a tax cannot be restrained, (judicial)
8. The problem of insider trading has become serious, (increasing)
9. In some countries banks are entitled to refuse information to tax agents concerning their clients, (legal)
10. Procedural law is contrasted with substantive law. (common)
11. This document recites certain relevant data, (mere)

Exercise 14. Continue the following sentences by using "there is no need".

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

1. The internal management of the company is regulated by the articles of association, (to register)
2. We can settle this dispute ourselves, (to consult a lawyer)
3. Our company can raise its capital by issuing shares, (to issue debentures)
4. This director can run the company quite well, (to appoint another director)
5. We can do business by forming a partnership, (to set up a company)

Exercise 15. Use either Participle I or Participle II.

1. The patent must be carefully worded since it may be possible for someone to copy any part of the process or invention not (mention) in the patent.
2. The holder of a patent is often a company rather than individual scientists (invent) something in the course of their work.
3. If you want to set up a company, you must know about the statutes (regulate) its activities.
4. (Collect) enough evidence they opened a criminal case.

5. They expressed alarm about an amendment (allow) arbitrary arrests in any region (cover) by a state of emergency.
6. (Prolong) the state of emergency the president must ask for the Federation Council approval.
7. The bill (pass) by the Federation Council must be signed by the President.
8. (Broadcast) movies, TV stations will not be allowed to put in advertising more often than every 15 minutes.
9. The bill (advocate) by several progovernmental factions will ban 'demonstrations of beer consumption' by fairy tale characters, young people and businessmen.
10. According to the plan, if intellectual property was created (use) budget money during the Soviet period, it should be nationalized.
11. (Register) at the Patent office the patent is valid for 20 years in Great Britain.
12. The treaty (conclude) in 1980 contains several important provisions.
13. (Approve) in the State Duma the bill came into force.
14. They doubled their production (install) new equipment in their factory.

Exercise 16. Read and translate.

The law provides some help for companies that want to keep trade secrets confidential. In some countries, it is a criminal offence to pass information about an employer's production methods, business techniques and customer lists. In others, it is legal for a contract of employment to include restrictions about giving away or using such secrets, and the restrictions may continue to apply even after the employee has left the company. Some contracts enable a company to take legal action against an ex-employee who tries to work for a competitor. English law recognizes the need for businesses to protect themselves from ex-employees who start up a rival business, but it also puts limits upon the extent that the company can restrict others.

Enforcement is a major problem in intellectual property law. In some cases, infringing copyright can be a criminal offence. For example, filming or recording a live performance without permission and for commercial purposes can result under English law in imprisonment for two years and a £2000 fine. But if filming or recording is made for private purposes, the performer will have to take out a civil action in order to obtain injunction or compensation. Copyright holders usually take a practical approach: it would be a waste of time and money to sue every individual who makes a private recording of music. In Germany the price of tape recorders and video recorders includes a fee paid to the Musicians Union and other associations of people likely to suffer from unauthorized copying.

Exercise 17. Translate.

1. Подлинные (original) художественные произведения, которые имеют ценность (economic value), защищаются законом. Законы об интеллектуальной собственности вознаграждают (reward) создателей, лишая других лиц возможности копировать, исполнять или распространять эти произведения без разрешения. Они также стимулируют (provide incentives for) людей создавать научные и творческие произведения, которые приносят пользу обществу в целом.
2. Некоторые виды интеллектуальной собственности автоматически защищаются законом с момента их создания. Для защиты других требуется специальное разрешение на право (grant of rights) государственного учреждения, прежде чем они могут быть защищены законом.
3. Почти все государства имеют законы, защищающие интеллектуальную собственность. Однако некоторые государства не обеспечивают соблюдение (enforce) законов. Подделывание (counterfeiting) является серьезной проблемой в этих странах.

Exercise 18. Discussion.

Copying audio and video tapes at home is just as bad as stealing them from a store.

Exercise 79. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Большинство стран накладывают ограничения на копирование точных слов, которые кто-то написал, произведения искусства и музыки, которые кто-то создал, или технологии, которая была изобретена.	Most countries place legal limits on copying the exact words someone has written, the art or music he has created, or the technology which has been invented.
2.	Плоды такой работы известны как интеллектуальная собственность.	The products of this work are known as intellectual property.
3.	Это нематериальная собственность, главными инструментами защиты которой являются патенты, авторские права и торговые марки.	It is intangible property the main instruments of protecting which are patents, copyrights and trademarks.
4.	Для того чтобы предотвратить изобретение или научную технологию от копирования, необходимо получить патент (предоставление исключительного права использовать изобретение).	In order to prevent a new discovery or scientific process from being copied, it is necessary to apply for a patent (the grant of an exclusive right to exploit an invention).
5.	Если патент предоставлен, становится незаконным запускать изобретение в производство или использовать его без разрешения.	If granted it makes it illegal for others to manufacture or use the invention without permission.
6.	Однако патент будет предоставлен только в том случае, если изобретение не было показано широкой публике и имеет промышленное применение.	However, a patent will only be granted if the invention has not been yet shown to public and if it has industrial application.
7.	Идеи — математические и научные теории, например, - не могут быть запатентованы.	Ideas - mathematical and scientific theories, for example, - cannot be patented.
8.	Патент должен быть четко сформулирован, т.к. возможно скопировать часть процесса или изобретения, не упомянутого в патенте.	The patent must be carefully worded since it may be possible for someone to copy any part of the process or invention not mentioned in the patent.
9.	Держателем патента часто является компания, а не отдельные ученые, которые что-то изобрели в процессе своей работы.	The holder of a patent is often a company rather than individual scientists inventing something in the course of their work.
10.	Произведения литературы, искусства, компьютерные программы, фильмы, радио и телепередачи не могут быть запатентованы, но они защищены	Literature, artistic works, computer programs, movies and radio and television broadcasts cannot be patented but they can be protected by copyright.

	авторским правом.	
11.	В большинстве стран такая работа автоматически защищается при создании.	In most countries such work is automatically protected when it is created.
12.	Нет необходимости подавать заявление о предоставлении и регистрации авторского права.	There is no need to apply for or to register copyright.
13.	Обычно ставят дату создания и обозначают ее международным символом ©, но это необязательно.	It is usual to record the date of creation and to mark it with the international copyright symbol ©, but it is not essential.
14.	Нарушение авторского права является пиратством.	The breach of copyright is piracy.
15.	Авторским правом обычно владеет создатель — писатель, художник или музыкант — но оно может быть передано и другому лицу.	A copyright is usually owned by the creator of the work - the writer, painter or musician - but it might be passed to someone else.
16.	Если журналист нанят газетой, то владелец газеты обычно имеет право на статьи, которые он пишет.	If a journalist is employed by a newspaper then the articles he writes are usually the rights of the newspaper owner.
17.	Авторские права в кино принадлежат режиссеру, а не отдельным писателям и исполнителям.	The copyright in a movie is owned by the film maker, not by individual writers or performers.
18.	Еще одним видом интеллектуальной собственности является торговая марка.	Another kind of intellectual property is a trademark.
19.	Компании часто используют определенное название или описание, чтобы лучше продать свои товары, а иногда символ, который все ассоциируют с компанией.	Companies often use a certain name or description to help sell their products, or sometimes a symbol everyone associates with that company.
20.	Чтобы другие предприятия не использовали их торговую марку, компании часто их регистрируют.	To prevent other businesses from using their trademark, companies often register them.
21.	Как и другие виды собственности, интеллектуальная собственность может быть защищена только в том случае, когда понятно, кому она принадлежит.	As with other kinds of property, intellectual property can only be protected if ownership is clear.
22.	Обычными средствами судебной защиты являются возмещение ущерба, судебный запрет, изъятие суммы прибыли (выигравший истец имеет право на сумму, равную прибыли, которую ответчик получил при причинении ущерба клиенту).	The usual remedies are damages, an injunction and account of profits (a successful claimant is entitled to a sum equal to the monetary gain the defendant has made through wronging the claimant).

UNIT 19.

HUMAN RIGHTS.

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

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

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

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

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

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

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

VOCABULARY NOTES.

1.	human rights	права человека
2.	human being	человек
3.	standard	норма
4.	freedom	свобода
5.	security	Безопасность
6.	to be within its jurisdiction	подпадать под юрисдикцию

7.	whereas	в то время как
8.	to transcend political division	переступать политические границы
9.	to enjoy a right	пользоваться правом

10.	The United Nations Universal Declaration of Human Rights	Всеобщая декларация ООН о правах человека
11.	covenant	пакт, договор
12.	International Covenant on Civil and Political Rights	Международный пакт о гражданских и политических правах
13.	International Covenant on Economic, Social and Cultural Rights	Международный пакт об экономических, социальных и культурных правах

14.	to set forth a right	выдвинуть право
15.	right to self-determination	право на самоопределение
16.	political and legal status of the territory	политический и правовой статус территории
17.	inherent right to life	неотъемлемое право на жизнь
18.	right to liberty of movement	право на свободное передвижение
19.	freedom to choose one's residence	свобода выбора местожительства
20.	right to freedom of thought, conscience and religion	право на свободу мысли, совести, религии
21.	right of peaceful assembly	право на мирные собрания
22.	right to marry and found a family	право на вступление в брак и право основывать семью
23.	universal and equal suffrage	всеобщее равное избирательное право
24.	torture	пытка
25.	slavery	рабство
26.	genocide	геноцид
27.	propaganda of war	пропаганда войны

28.	right to work	право на труд
29.	right to social security	право на социальное обеспечение
30.	right to an adequate standard of living	право на достаточный жизненный уровень

31.	machinery	механизм
32.	complaint	жалоба
33.	cite as a reason for smth	приводить ч-л. в качестве причины
34.	military intervention	военное вмешательство
35.	to impose economic sanctions	вводить экономические санкции
36.	undoubtedly	без сомнения

Pronounce the following words correctly.

intervention	[,ɪntə'veɪʃn]
undoubtedly	[ʌn'daʊtɪdli]
genocide	[ˈdʒenəsaɪd]
universal	[,ju:nɪ'veɜ:səl]
conscience	[ˈkɒnʃns]
thought	[θɔ:t]
liberty	[ˈlɪbətɪ]
slavery	[ˈsleɪvəri]
machinery	[məˈʃɪnəri]
torture	[ˈtɔ:tʃə]
suffrage	[ˈsʌfrɪdʒ]
propaganda	[,prɒpəˈgændə]
assembly	[əˈsembli]
residence	[ˈrezɪdəns]
inherent	[ɪnˈhɪərənt]
to transcend	[trænˈsend]
covenant	[ˈkɒvənənt]
jurisdiction	[,dʒʉərɪzˈdʒɪkʃn]

EXERCISES.

Exercise 1. Answer the following questions.

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

Exercise 2. Supply Russian equivalents.

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

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

1. Права человека переходят политические границы, все люди в мире могут пользоваться ими.
2. Всеобщая декларация прав человека Организации объединенных наций, принятая в 1948 году, выдвигает основные права, которые должны быть защищены, но она не является обязательной по международному праву.
3. Нарушение прав человека часто приводится как причина для военной интервенции и введения экономических санкций, хотя, несомненно, есть другие причины.
4. Многие конституционные права считаются правами человека.
5. Существуют различные региональные конвенции по правам человека, некоторые из которых устанавливают механизм заслушивания индивидуальных жалоб.
6. В соответствии с международным пактом о гражданских и политических правах, государства-участники признают право на труд, право на социальное обеспечение, право на образование, право на достаточный жизненный уровень для себя и своей семьи и т.д.
7. А конституционные права - это права, которые государство гарантирует своим гражданам и иногда иностранцам, которые находятся под его юрисдикцией.
8. Права человека - это нормы, на которые каждый человек имеет право, независимо от его национальности и места жительства.
9. Они являются минимальными нормами свободы и безопасности для всех.
10. Пакт запрещает пытки, рабство, геноцид и пропаганду войны.

Exercise 4. Give other words with the same root.

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

Exercise 5. Match words and word combinations with their synonyms.

- | | |
|---------------------|-------------------|
| 1. human being | a. freedom |
| 2. to enjoy a right | b. local |
| 3. nation | c. infringement |
| 4. to set forth | d. person |
| 5. liberty | e. to select |
| 6. violation | f. state |
| 7. regional | g. to forbid |
| 8. to choose | h. to use a right |
| 9. to prohibit | i. organization |
| 1. binding | j. to admit |
| 1. to recognize | k. to put forward |
| 1. machinery | l. obligatory |

Exercise 6. Supply antonyms and translate them.

A. civil - un-
 human - in-
 security — in-
 adequate — in-

B. Available, tangible, personal, exact, intellectual, industrial, essential, equal, proper, to lead.

Exercise 7. Supply English equivalents.

право на мирные собрания	пользоваться правом
правовой статус территории	подпадать под юрисдикцию
выдвинуть право	право на самоопределение
право на свободу совести	человек
пакт	право на свободное передвижение
пропаганда войны	вводить экономические санкции
военное вмешательство	право на социальное обеспечение
право на труд	рабство

Exercise 8. Translate word combinations into English and make sentences with them.

основные	нормы права знания
запрещать	рабство геноцид пропаганду войны
право	на свободу мысли на образование на самоопределение
приводить ч-л. в качестве причины	для военной интервенции для нарушения контракта для подачи иска в суд
пользоваться	правом политическими свободами достижениями научного прогресса
вводить	экономические санкции траст налог
признавать	государство права правительство

Exercise 9. Insert prepositions consulting the text.

1. There are also various regional conventions ... human rights, some of which have established machinery ... hearing individual complaints.
2. The United Nations Universal Declaration of Human Rights adopted in 1948 spells ...the main rights that must be protected but it is not binding ... international law.

3. Human rights are rights ... which every human being is entitled, whatever his nationality and wherever he lives.
4. But constitutional rights are ones which a state guarantees ... its own citizens and, sometimes to foreigners who are ...its jurisdiction.
5. The violation of human rights is often cited ... a reason ... military intervention or ... imposing economic sanctions, although there are undoubtedly other reasons ... these.
6. They are basic minimum standards ... freedom and security ... all.
7. According ... the International Covenant ... Economic, Social and Cultural Rights, the states parties recognize the right ... work, the right ... social security, the right ... education, the right ... an adequate standard of living ... oneself and one's family, etc.

Exercise 10. Fill in the gaps with missing words.

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

Exercise 1J. Find a suitable definition for each word in the right column.

- | | |
|--|--------------------------|
| 1. right to vote in political elections | a. assembly |
| 2. rights to which every human being is entitled | b. suffrage |
| 3. meeting together of a group of people for a particular purpose | c. self- determination |
| 4. state of living in a particular place | d. residence |
| 5. right of people in a territory to decide the political and legal status of that territory | e. human rights |
| 6. conduct aimed at destroying a national, ethnic, racial, or religious group | f. constitutional rights |
| 7. measure taken to a state to compel it to obey international law punish it for a breach of international law | g. genocide or |
| 8. rights guaranteed by the Constitution | h. sanction |

Exercise 12. Use 'whatever', 'wherever', 'whenever', 'however' to connect parts of the sentences.

Example. Human rights are rights to which every human being is entitled, **whatever** his nationality and **wherever** he lives. - Права человека - это нормы, на которые каждый человек имеет право, независимо от его национальности и места проживания, **(какова бы ни была его национальность и где бы ни было его место жительства)**

A. Translate.

1. By law, the police must, whenever it is possible, obtain a warrant before entering any premises without the occupier's permission.
2. The Home Secretary is responsible for the actions of the Ministers and civil servants employed by the Home Office; and however powerful he may be, if it is thought that he or anyone in his department has acted unlawfully, he may be taken to court.
3. We are obliged to invent environmentally-friendly technologies to take into account environmental protection, whatever the nature of our activity may be.
4. Whenever gun-control bills are brought up, the National Rifle Association lays down heavy barrages on the Congress.
5. English law gives individuals and companies the maximum, freedom of choice so that they can conclude commercial agreements on whatever terms they wish, subject only to very limited exceptions.

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

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

Exercise 13. Translate the following word combinations and sentences paying special attention to the proposition 'within'.

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

B. 1. These are not ordinary statutes, even though they were adopted in the ordinary legislative way, and they are codified **within** the structure of a single orderly document. 2. The actual role and political weight of the regional governments **within** the system largely depend on the will of the central government to support or to restrict their autonomy. 3. Northern Ireland had special autonomy **within** the United Kingdom until restrictions were introduced to cope with the emergency situation in that region. 4. Administrative law is the legal framework **within** which public administration is carried out. 5. Since international law is the product of forces within international society, in order to

understand the nature of the international legal system, it is necessary to analyse the structure and processes which function **within** the global society.

С. 1. Прошение должно быть подано в шестимесячный срок. 2. Необходимо обсудить этот вопрос в комитете. 3. Этот вопрос выходит за рамки этой конференции. 4. Мы должны решить этот вопрос за два дня. 5. Товары будут поставлены в течение недели. 6. Внутри современного общества существует много проблем.

Exercise 14. Read and translate.

CAPITAL PUNISHMENT.

The ultimate punishment is death penalty. Although most countries still have a capital punishment, some (including almost every European nation) have abolished it; some retain it for exceptional crimes such as war offences; and some no longer carry out executions even when a death sentence is passed. Almost half the countries of the world have ceased to use the death penalty. The UN has declared itself in favour of abolition.

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

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

Exercise 15. Translate.

1. Всеобщая декларация прав человека, провозглашенная Генеральной Ассамблеей в 1948, выдвигает основные права и свобод, на которые все люди имеют право. Они включают: право на жизнь, право на свободу передвижения, право на свободу мысли, совести, право на труд, образование, право принимать участие в управлении государством.
2. Декларация послужила основанием (to lay the groundwork) для более 80 конвенций и деклараций по правам человека, включая конвенции по устранению расовой дискриминации и дискриминации женщин, конвенции по правам ребенка, статусу беженцев и предотвращению геноцида.
3. Комиссия ООН по правам человека назначает независимых экспертов, которые сообщают о нарушениях прав человека и проверяют соблюдение прав человека в отдельных странах.

Exercise 18. Discussion.

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

Exercise 79. Translate the Russian part of the text. Consult the English part of the text if necessary.

1.	Права человека — это нормы, на которые каждый человек имеет право, независимо от его национальности и места жительства.	Human rights are rights to which every human being is entitled, whatever his nationality and wherever he lives.
2.	Они являются минимальными нормами свободы и безопасности для всех.	They are basic minimum standards of freedom and security for all.
3.	Многие конституционные права считаются правами человека.	Many constitutional rights are considered human rights.
4.	Но конституционные права - это права, которые государство гарантирует своим гражданам и иногда иностранцам, которые находятся под его юрисдикцией.	But constitutional rights are ones which a state guarantees to its own citizens and, sometimes to foreigners who are within its jurisdiction.
5.	В то время как права человека переходят политические границы, все люди в мире могут пользоваться ими.	Whereas human rights transcend political division and all the people in the world can enjoy them.
6.	Всеобщая декларация прав человека Организации объединенных наций, принятая в 1948 году, выдвигает основные права, которые должны быть защищены, но она не является обязательной в международном праве.	The United Nations Universal Declaration of Human Rights adopted in 1948 spells out the main rights that must be protected but it is not binding in international law.
7.	Однако есть две международные конвенции, которые обязывают стороны, подписавшие их: Международный пакт о гражданских и политических правах 1966 и Международный пакт об экономических, социальных и культурных правах	There are two international covenants, however, that bind the parties who have ratified them: the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

<p>8. Международный пакт о гражданских и политических правах выдвигает право на самоопределение (право народа, проживающего на территории определять политический и правовой статус этой территории), неотъемлемое право на жизнь, право на свободное передвижение и свободу выбора места жительства, право на свободу мысли, совести и религии, право на мирные собрания право на вступление в брак и право основать семью, всеобщее и равное избирательное право.</p>	<p>The International Covenant on Civil and Political Rights sets forth the right to self-determination (the right of people in a territory to decide the political and legal status of that territory), the inherent right to life, the right to liberty of movement and freedom to choose one's residence, the right to freedom of thought, conscience and religion, the right of peaceful assembly, the right to marry and found a family, universal and equal suffrage, etc.</p>
<p>9. Пакт запрещает пытки, рабство, геноцид и пропаганду войны.</p>	<p>It prohibits torture, slavery, genocide and propaganda of war.</p>
<p>10. В соответствии с Международным пактом об экономических, социальных и культурных правах, государства-участники признают право на труд, право на социальное обеспечение, право на образование, право на достаточный жизненный уровень для себя и своей семьи и т.д.</p>	<p>According to the International Covenant on Economic, Social and Cultural Rights, the states parties recognize the right to work, the right to social security, the right to education, the right to an adequate standard of living for oneself and one's family, etc.</p>
<p>11. Существуют различные региональные конвенции по правам человека, некоторые из которых устанавливают механизм заслушивания индивидуальных жалоб.</p>	<p>There are also various regional conventions on human rights, some of which have established machinery for hearing individual complaints.</p>
<p>12. Нарушение прав человека часто приводится как причина для военной интервенции и введения экономических санкций, хотя, несомненно, на это есть другие причины.</p>	<p>The violation of human rights is often cited as a reason for military intervention or for imposing economic sanctions, although there are undoubtedly other reasons for these.</p>

VOCABULARY.

A	<p>accept an offer acceptance accordingly account of profits acquire shares advantage advertisement amount of capital annual apply for a patent arise / arose, arisen / articles of association artificial legal person artistic works assert one's rights assets associate with smth. authorize smth. avoid smth./doing smth. available to smb. average citizen award damages</p>	<p>принять оферту принятие, акцепт в соответствии изъятие суммы, эквивалентной сумме полученной прибыли приобретать акции преимущество реклама, рекламное объявление размер капитала ежегодный подать заявление на выдачу патента возникать устав компании созданное правом юридическое лицо произведения искусства отстаивать свои права активы, капитал ассоциироваться с ч-л. уполномочивать ч-л избегать ч-л./ делать ч-л. доступный для к-л. среднестатистический гражданин присуждать возмещение ущерба</p>
B	<p>bankruptcy bargain for smth. be carefully worded be enforced in court be entitled to a remedy be legally competent to do smth. be pressured into making a contract be secured by a charge over a company asset be similar to smth be tricked into making a contract be used to doing smth. beyond one's registered objects be widespread binding in law board meeting boiler bond breach of contract</p>	<p>банкротство заключить сделку о ч-л. быть четко сформулированным обеспечивать исполнение в судебном порядке иметь право на средство судебной защиты иметь право по закону сделать ч-л. заставить к-л заключить контракт обеспечивать ссуду активами компании быть похожим на ч-л заставить к-л. заключить контракт обманным путем привыкать делать ч-л за рамками зарегистрированных целей быть распространенным имеющий обязательную силу по закону совет директоров бойлер, котел облигация акционерной компании нарушение контракта</p>
C	<p>call in the loan cancel the registration carry on a business for profit carry out smth. capacity of contractors cause cause hardship caveat emptor certificate of incorporation claimant</p>	<p>требовать погашения ссуды отменить регистрацию заниматься бизнесом для получения прибыли выполнять ч-л. дееспособность сторон в контракте вызывать, причинять причинять трудности, вызывать лишения 'пусть покупатель будет бдителен', качество на риске покупателя сертификат юридического лица истец</p>

	<p>claim damages clause collect money company assets Company Securities (Insider Dealing) Act compensate complaint comprehensive compulsory concern for smb. conform to smth. conform to an authorized pattern consist of smth consumer consumer complaints Consumer law contain contract of insurance contract on certain terms contribute to smth. copyright copy smth. corporation covenant co-worker cut down losses</p>	<p>требовать возмещения ущерба статья собирать деньги активы, капитал компании Акт о ценных бумагах компании (деловых отношениях инсайдеров) компенсировать жалоба всеобъемлющий принудительный, обязательный забота о к-л. соответствовать ч-л. соответствовать установленному образцу состоять из ч-л потребитель жалобы потребителей закон о защите прав потребителей содержать контракт по страхованию заключать контракт на определенных условиях внести, вложить к-л. авторское право копировать ч-л. корпорация пакт, договор сотрудник снизить потери</p>
D	<p>damages debenture debenture holder deceive smb. deliver detail rules deterrent discovery display for sale dissolve dividend draft wide objects clauses drags dyeing contract</p>	<p>возмещение ущерба, компенсация облигация акционерной компании держатель облигации обманывать к-л. поставить разъяснять правила сдерживающее средство открытие, обнаружение выставлять на продажу ликвидировать, аннулировать дивиденд формулировать очень широкие цели учреждаемого общества наркотики, лекарства контракт по окрашиванию</p>
E	<p>enable enforce one's rights enforceable in court engage in smth. enjoy a right equal equal in value equivalent to smth. essential elements exceed one's assets except for exchange of consideration exercise a reasonable standard of care</p>	<p>давать возможность применять права способный быть осуществленным в судебном порядке заниматься ч-л. пользоваться правом равный одинаковый по стоимости быть равносильным ч-л основные составляющие превышать капитал за исключением обмен встречными удовлетворениями проявлять разумную заботливость, осторожность</p>

	exploit an invention	пользоваться изобретением
F	face a tort fail to do smth. fall victim to a deceptive practice file with smth. find personal property at risk force smb. to do smth. freedom freedom to choose one's residence	столкнуться с деликтом не сделать ч-л. стать жертвой обмана подавать, представлять куда-л. рисковать личной собственностью заставить к-л. делать ч-л. свобода свобода выбора местожительства
G	genocide grant smth. grant of an exclusive right	геноцид предоставить ч-л. предоставление исключительного права
H	have industrial application have unlimited control over the business hire-purchase hold a share holder of a patent human being human rights	иметь промышленное применение иметь бизнес полностью под контролем купля-продажа в рассрочку держатель патента человек права человека
I	impose economic sanctions in addition to inadequacy independently researched information in effect inefficient inherent right to life injunction injured party injury Inland Revenue insane insider trading intangible property intellectual property internal management International Covenant on Civil and Political rights International Covenant on Economic, Social and Cultural Rights in the course of one's work invent smth. invitation to treat issue shares item	вводить экономические санкции дополнительно, помимо всего прочего несоответствие, недостаточность независимо исследуемая информация на самом деле неэффективный неотъемлемое право на жизнь судебный запрет потерпевшая сторона ущерб, вред, повреждение Комитет по налогам и сборам душевнобольной продажа акций лицами, располагающими конфиденциальной информацией нематериальная собственность интеллектуальная собственность внутреннее управление компании Международный пакт о гражданских и политических правах Международный пакт об экономических, социальных и культурных правах во время работы изобретать ч-л. приглашение к сотрудничеству выпускать акции вещь
J	jurisdiction	юрисдикция
K		
L	lay down the order legal expression legal intention legal identity legal implications legal position legally bound lender	устанавливать порядок правовой термин правовое намерение правовой статус правовая подоплека правовое положение обязанный по закону судодатель, кредитор

	liabilities limited by guarantee limited by shares limited company limited liability liquidate loan	денежные обязательства ограниченный гарантией ограниченный акциями компания с ограниченной ответственностью ограниченная ответственность ликвидировать, аннулировать заем, ссуда, кредит
M	make a contract manufacture smth. means memorandum of association mental distress military intervention minimize tax liabilities misleading sales practices mislead smb. monetary compensation	заключать контракт производить ч-л. средство, средства, способ заявка на регистрацию акционерного общества моральный ущерб военное вмешательство снизить налогообложение методы продажи, вводящие покупателя в заблуждение вводить к-л. в заблуждение денежная компенсация
N	national registrar of companies nominal value	национальное регистрационное бюро компаний номинал, номинальная стоимость
O	object obtain smth. observe regulations offer oral contract otherwise outside capacity owe money ownership of a proportion of the company	цель получить ч-л соблюдать правила предложение, оферта контракт в устной форме другим способом, иначе вне компетенции быть должным владение частью компании
P	partly partnership partnership agreement party in breach party to a contract patent pay debts only up to a certain limit payment of interest penalty perform the obligations under the contract piracy place legal limits on smth. political and legal status of the territory poor-quality goods product liability propaganda of war protected by copyright provide a remedy put the plaintiff into the same financial position public limited company (PLC)	частично товарищество партнерское соглашение сторона, нарушившая контракт сторона в контракте патент платить долги только до определенного уровня выплата процентов наказание выполнять Обязанности по контракту пиратство ставить правовые ограничения на ч-л. политический и правовой статус территории товары низкого качества ответственность производителя перед потребителем за качество товара пропаганда войны защищенный авторским правом давать / обеспечивать средство судебной защиты поставить истца в то же самое финансовое положение открытая компания с ограниченной

		ОТВЕТСТВЕННОСТЬЮ
R	raise capital reasonable observer record the date of creation reflect registered as reject an offer relevant to smth. remedy remote remoteness removal remove a director right to freedom of thought, conscience and religion right to peaceful assembly right to an adequate standard of living right to liberty of movement right to marry and found a family right to self-determination right to social security right to work run a company	добывать, накапливать капитал благоразумный наблюдатель ставить дату создания отражать зарегистрированный как отказаться принять оферту относящийся к ч-л. средство судебной защиты имеющий отдаленную причинную связь отдаленная причинная связь снятие снять директора право на свободу мысли, совести, религии право на мирные собрания право на достаточный жизненный уровень право на свободное передвижение право на вступление в брак и право основывать семью право на самоопределение право на социальное обеспечение право на труд управлять компанией
S	security seek remedies for the breach in court sell shares at a discount sell shares at a premium set forth a right share shareholder share issue share management sign a document size of majority slavery sole proprietorship sole proprietor sole trader specific performance standard Stock Exchange suffer some loss suffer the consequences	ценная бумага, безопасность обращаться в суд для получения средств судебной защиты при нарушении контракта продавать акции ниже номинала продавать акции выше номинала выдвинуть право акция, доля акционер выпуск акций совместно осуществлять руководство подписывать документ размер большинства рабство частное предпринимательство частный предприниматель частный предприниматель реальное исполнение норма фондовая биржа понести убытки страдать от последствий
T	take on a contract terminate torture trademark transcend political division	заключить контракт ликвидировать, аннулировать пытка торговая марка переступить политические границы
U	ultra vires unauthorized activities United Nations Universal Declaration of Human Rights universal and equal suffrage unlimited company	вне компетенции незарегистрированная деятельность Всеобщая декларация ООН о правах человека всеобщее равное избирательное право компания с неограниченной ответственностью

ning Law

	unlimited personal responsibility	неограниченная личная ответственность
V	valid validity valuable consideration voluntary variety of goods	юридически действительный действительность, законность надлежащее встречное удовлетворение добровольный разнообразие товаров
W	wealthy whereas wide range of information wind up (wound) within its jurisdiction written contract wrong smb.	богатый, состоятельный в то время как широкий спектр информации ликвидировать, аннулировать под юрисдикцией контракт в письменной форме причинить ущерб к-л.

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