

Львівський державний університет
внутрішніх справ

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English for Specific Purposes: Law in Use

Навчальний посібник

Львів
2024

УДК 81'276.6:34(075.8)

Б 81

Рекомендовано до друку та розміщення в електронних сервісах ЛьвДУВС
Вченою радою Львівського державного університету внутрішніх справ
(протокол від 29 травня 2024 р. № 12)

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Б 81 English for Specific Purposes: Law in Use : навчальний посібник.
Львів : Львівський державний університет внутрішніх справ,
2024. 132 с.

ISBN 978-617-511-401-8

Видання містить 12 уроків, опрацювання яких забезпечує цілісне послідовне засвоєння фахової лексики, розвиток навичок усного та писемного мовлення, набуття вмінь роботи з професійною термінологією.

Для здобувачів вищої освіти спеціальності «Право» та всіх, хто практикує англійську мову в сфері юриспруденції та права.

The textbook contains 12 Units, which ensure a holistic and consistent mastery of professional vocabulary, development of oral and written communication skills, and acquisition of abilities in working with professional terminology.

For higher education students majoring in Law and anyone who uses English in their practical work in jurisprudence and law.

Видано в авторській редакції

УДК 81'276.6:34(075.8)

ISBN 978-617-511-401-8

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ПЕРЕДМОВА

Під час укладання навчального посібника використано матеріали старшого викладача кафедри іноземних мов Львівського державного університету внутрішніх справ Касьяненко Наталії Михайлівни

Навчальний посібник **«English for Specific Purposes: Law in Use»** насамперед призначений для здобувачів вищої освіти спеціальності «Право» та всіх, хто використовує англійську мову у своїй практичній діяльності в сфері юриспруденції та права.

Мета видання – навчити здобувачів за допомогою вправ і завдань оволодіти навиками говоріння, читання, письма та перекладу оригінальних англomовних текстів, а також засвоїти спеціальну лексику, пов'язану з різними галузями права.

Навчальний посібник охоплює 12 уроків (Units), опрацювання яких забезпечує цілісне послідовне засвоєння фахової лексики, розвиток навиків усного та писемного мовлення, набуття вмінь роботи з професійною термінологією. Уроки об'єднані за тематикою: «The Essence of Law», «The History of Law» (2 частини), «Branches of Law», «Civil Law», «Criminal Law», «Administrative Law», «Constitutional Law», «Financial Law», «Labour Law», «International Law», «Family Law». Структура уроків навчального посібника є уніфікованою. Кожен урок містить текст із тематичним словником і різноманітні післятекстові завдання як лексичного, так і комунікативного характеру. Тексти доповнені поясненнями, спрямованими на подолання труднощів під час перекладу. Завершується урок англо-українським словником найуживаніших виразів та юридичних термінів, які потрібно запам'ятати. Ефективність володіння спеціальною лексикою забезпечується її повторенням у межах і кожного окремого заняття, і всього навчального посібника.

Структура видання дає змогу викладачеві обирати оптимальні шляхи організації як аудиторної, так і самостійної роботи здобувачів, зважаючи на рівень їх знань.

UNIT 1

ESSENCE OF LAW

Law is a set of enforced rules under which a society is governed. Law is one of the most basic social institutions and one of the most necessary. No society could exist if people did just as they pleased, without regard for the rights of others. A society could only exist if its members recognised that they also have certain obligations toward one another.

The purpose of law is to define and clarify the relations between individuals and between the individual and society. It tries to give each person as much liberty of action as fits in with the freedom of others. Recognised laws are developed from people's customs.

Thus, law establishes the rules that define a person's rights and obligations. The law also sets penalties for people who violate these rules and states how the government shall enforce them.

In most societies, various government bodies, especially police agencies and courts, ensure that the laws are obeyed. Most people agree that laws should be just because a person can be penalised for disobeying them. Justice is a moral standard that applies to all human conduct.

The laws enforced by the government usually have a strong moral element. Therefore, justice has generally been one of the law's guiding principles. However, governments can, and sometimes do, enforce laws that many believe are unjust. If this belief becomes widespread, people may lose respect for the law or even disobey it.

However, in democratic societies, law provides ways to amend or abolish these unjust laws. That is why the laws enforced by the government can be changed. Laws are frequently changed to reflect changes in a society's needs and attitudes.

GLOSSARY

law – 1) закон, право; правило; 2) законний, юридичний, правовий

set – набір, ряд, комплект, збірник

to enforce – проводити, впроваджувати (закон у життя)

enforced – введений, впроваджений

rule – правило, принцип, норма
society – суспільство, громада; громадськість
to govern – керувати; управляти
basic – основний
social – суспільний, соціальний
institution – заклад, установа
necessary – необхідний, потрібний
to exist – існувати
to please – подобатися
regard – увага; повага; відносно
without regard for – незважаючи на
right – право
to recognise – визнавати; висловлювати шану; усвідомлювати
to have certain obligations – мати певні зобов'язання
individual – особа, людина
to try – намагатися
each person – кожна людина
purpose – мета; намір
to define – визначати
to clarify – з'ясувати
relation – відношення; залежність
liberty – свобода, воля
liberty of action – свобода дії
to fit (in) – пристосовувати(ся)
custom – звичай
to develop – розвивати(ся)
to establish – установлювати; засновувати
person's rights – права особи
to set – встановлювати
penalty – покарання; штраф; стягнення
to violate – порушувати, ламати (закон, присягу, правила)
to state – встановлювати; визначати; констатувати; заявляти
government – уряд; керівництво
various – різний, різноманітний
government bodies – урядові органи (установи)
police – поліція; поліцейський
agency – агентство; орган, установа, організація
court – суд
to ensure – забезпечувати; гарантувати

to obey – слухатися; підкорятися; виконувати (наказ); дотримуватися (закону)

to penalise – карати; штрафувати

to disobey – не слухатися; не коритися; не дотримуватися (закону)

to agree – погоджуватися, згоджуватися

just – справедливий; правильний; безсторонній

justice – справедливість; правосуддя

generally – звичайно; як правило

to apply – звертатися з проханням, просити; використовувати; стосуватися

human – людський

conduct – поведінка

guiding – керівний, вказівний, провідний

to enforce the law – запроваджувати закон

to believe – вірити; думати; вважати

belief – віра, довір'я; переконання, думка

widespread – розповсюджений, поширений

to lose respect – втрачати повагу

to respect – поважати

to disobey the law – порушувати закон

to provide – забезпечувати

to amend the law – виправляти закон

to abolish the law – скасовувати закон

unjust law – несправедливий закон

to provide ways – забезпечити шляхи / запропонувати способи

to change – змінювати; change – зміна, переміна

frequently – часто

to reflect – відбивати, відображати

need – потреба; нужда

attitude – позиція, ставлення

VOCABULARY NOTES

law n. 1) rule made by the authority for the proper regulation of a community or society or the correct conduct in life: ***When a Bill is passed by Parliament and signed by the Sovereign, it becomes a law.***

2) the law, the whole body of laws considered collectively: ***If a man fails to observe the law, he can be punished. Does the law allow me to do it?***

Syn. regulation, statute, rule, act, code

Ant. felony, illegality

to define *v.* **1.** to state precisely the meaning of (e.g. words);

2. to state or show clearly: ***Please listen while I define your duties.***

The powers of a judge are defined.

Syn. to determine, to qualify, to settle

Ant. to doubt, to hesitate

penalty *n.* punishment for wrongdoing, failure to obey rules or keep an agreement; what is imposed (imprisonment, payment of a fine, etc.) as punishment: ***Smoking is forbidden: penalty \$ 5.***

Syn. fine, punishment

to penalise *v.* to make smth. penal; declare to be punishable by law:

to penalise smb. for smth.

Syn. to punish, to inflict penalty

to violate *v.* to break (an oath, a treaty, etc.): ***to violate the law;***

to violate smb's privacy.

Syn. to break, to infringe (upon), to disturb

to obey *v.* do what one is told to do; carry out (a command):

to obey an officer; to obey orders.

Syn. to fulfil, to comply

Ant. to disobey, to violate

justice *n.* **1.** conduct; the quality of being right and fair: to treat all men with justice; **2.** the law and its administration: ***a court of justice; bring smb. to justice*** (arrest, try and sentence a criminal); **3.** judge of the Supreme Courts: ***the Lord Chief Justice, the Chief Justice of England, and Justice of the Peace.***

Syn. judge, magistrate

EXERCISES

Exercise 1. Select the word or word combination best suited to the context. Use the Reference List.

Reference List

**society
recognise
justice
defined**

**law
justices
obeyed
enforced**

**violate
penalties**

1. If a man fails to observe ... he can be punished.
2. This system was a code that ... personal rights, property rights, contracts, etc.
3. Law sets ... for people who ... the rules.
4. The High Court ... and County Court judges are all barristers in England.
5. In most societies, various government bodies see that laws are

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

a set of rules	to establish the regulations
to violate the rules	guiding principle
basic social institution	to define a person's rights
to enforce the rules	to respect the law
to have certain obligations	to set penalties
to obey the law	to reflect changes

Exercise 3. Match the words and their definitions.

- | | | |
|----------|---------------|---------------|
| 1) rule | 4) society | 7) obligation |
| 2) court | 5) right | 8) to disobey |
| 3) just | 6) to enforce | |

- a) smth., which a person is bound to do or not to do; duty
- b) smth. one may do or have by law
- c) to impose; to put in force
- d) to pay no attention to orders; do not obey a person, a law, etc.
- e) the state of living in organised groups
- f) a place where law cases are heard
- g) in accordance with what is right, fair
- h) law or custom which guides or controls behaviour or action

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|-----------------------|-------------------------------|
| 1) a set of rules | 1) суд |
| 2) to enforce the law | 2) порушувати (закон) |
| 3) social institution | 3) карати; штрафувати |
| 4) to exist | 4) урядові установи |
| 5) government bodies | 5) справедливість; правосуддя |
| 6) to violate | 6) встановлювати |
| 7) justice | 7) визначати |
| 8) human conduct | 8) існувати |
| 9) attitude | 9) справедливий; правильний |
| 10) penalty | 10) ставлення; позиція |
| | 11) суспільний заклад |
| | 12) поведінка людини |
| | 13) покарання; штраф |
| | 14) збірник правил (законів) |
| | 15) впроваджувати закон |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Провідний принцип; впроваджувати закон у життя; to recognise law; визначати права і обов'язки особи; to violate the rules; just; необхідний; поліцейська установа; to set penalties; карати; суд; human conduct; to disobey the law; дотримуватись закону; to establish the rules; moral standard; збірник законів; відображати зміни; to respect the law.

Exercise 6. Pick up pairs of synonyms.

Law; society; government; just; obligation; to define; penalty; to violate; judge; institution; to establish; conduct; to exist; to apply; various; frequently; to govern; to enforce; to punish.

Rule; authority; duty; to impose; to determine; to be; fair; community; to disobey; to penalise; often; behaviour; to use; agency; to set; punishment; different; justice; to administer.

Exercise 7. Pick up pairs of antonyms.

Just; right; to obey; to agree; frequently; to violate; to define; law.

Obligation; to keep; seldom; illegality; to disobey; to doubt; unjust; to disagree.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. Law is a set of rules under which a society is governed.
2. Every society could exist if its members did not recognise laws.
3. Law establishes the rules that define a person's rights and obligations.
4. Not all people agree that laws should be just.
5. The laws enforced by government cannot be changed.

Exercise 9. Read the text. Choose the best answers.

1. One of the law's guiding principles is
 - a) equality;
 - b) justice;
 - c) impartiality.
2. No society could exist if its members ... that they have certain obligations toward one another.
 - a) did not respect;
 - b) did not think;
 - c) did not recognise.
3. Law ... for people who violate the rules.
 - a) establishes rules;
 - b) sets penalties;
 - c) fixes regulations for possible trial.
4. Various government bodies, especially police agencies and courts ...
 - a) enforce the rules and penalties;
 - b) impose sentences;
 - c) ensure that laws are obeyed.
5. A person can be penalised for
 - a) disobeying the law;
 - b) disorderly conduct;
 - c) neglecting his / her duties.
6. Laws frequently are changed
 - a) to rebuild a community;
 - b) to reflect changes in society;
 - c) to establish new standards of living.

Exercise 10. Answer the questions.

1. What is law?
2. Could a society exist if people did just as they pleased?
3. What must people recognise?
4. What does law establish?
5. For whom does the law set penalties?
6. What does the law state?
7. What are the responsibilities of various government bodies?
8. What can a person be penalised for?
9. Why do people think that laws should be just?
10. Why is justice one of the law's guiding principles?
11. Can the laws enforced by the government be changed?
12. Why are laws frequently changed?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|-----------------------------------|--------------------------------|
| 1. Lawmakers should not ... | 1. You are generous. |
| 2. Justice must not only be done, | 2. Be lawbreakers. |
| 3. Be just before ... | 3. It must be seen to be done. |

1. Законодавці не мають права порушувати закони.
2. Насамперед будь справедливим, а потім великодушним.
3. Справедливість тоді справедливість, коли її всі дотримуються.

Exercise 12. Topics for discussion.

1. Speak about the essence of law. Give your own opinion of it.
2. Speak about the purpose of law.
3. Speak about how governments enforce laws.

Legal Terms to be Memorized

essence of law	суть права
a set of rules	збірник законів
to recognise the law	визнавати закон
to define a person's rights and obligations	визначати права і обов'язки особи
to set penalties	встановлювати покарання (штрафи)

to violate the law
to enforce the law
to obey the law
to disobey the law
to apply the law
to respect the law
to lose respect for the law
to establish the rules
to amend the law
to abolish the law
just / unjust law

justice

penalty; to penalise
liberty of action
government bodies
human conduct
to provide ways
to have certain obligations
to reflect changes
to neglect duties
guiding principle
democratic society
people's customs
standard

порушувати закон
впроваджувати закон
дотримуватися закону
порушувати закон
застосовувати закон
поважати закон
втратити повагу до закону
встановлювати правила
виправляти закон
скасовувати, відмінити закон
справедливий / несправедливий
закон
справедливість; правосуддя;
суддя
покарання, штраф; карати
свобода дії
урядові органи (установи)
людська поведінка
запропонувати способи
мати певні зобов'язання
відображати зміни
нехтувати обов'язками
провідний принцип
демократичне суспільство
звичаї людей
норма

UNIT 2

HISTORY OF LAW

(part 1)

Historians say that very early forms of law and order were based on control by the family, tribe or clan. The laws were a blend of customs, morality, and magic. Within their family settings, the people prescribed laws and punishments for transgressing them.

The force of government behind customs made them into laws. Later, laws grew from court decisions and books in which lawyers wrote what had been learned. Then, laws were set down in order in statute books or codes by kings or legislatures.

The earliest known system of laws was formed by Hammurabi, King of Babylon, about 1700 B.C. This system was a code (a complete list of laws) defining personal rights, property rights, contracts, etc.

The Greeks introduced the idea that people make laws and should not be regarded as codes of behaviour coming from gods. The Greeks believed that law rather than people should rule a country. All government activities were to be regulated by law, not by whims of the rich and powerful. In 621 B.C., the statesman Draco codified and published the Athenian law (also known as the Draconian Code), which limited the judiciary power of the nobles. Each citizen was responsible for law enforcement: people arrested offenders, brought the offenders to court, acted as prosecutors, and later carried out the court's judgment.

Roman law is the most significant historical example of rule by law (not by people), influencing most of the world's legal systems. The Romans were a great lawmaking people, and the law books of Emperor Justinian (A.D. 527-565) summed up 1,000 years of their working out of laws. The Romans believed in law and order. They took many of the best laws from other civilisations. These laws were combined into a new system that people could understand. These laws were based on common sense and protected individuals and their belongings. The Romans believed that a person is innocent until proven guilty. This belief protects the citizens, especially when accused of committing a crime. These and many other ideas have been carried down to the present from the Roman law and have stood the test of time because they have good reasons behind them.

GLOSSARY

according (to) – відповідно (до)
early – ранній
order – порядок
to be based on – базуватися на
tribe – плем'я; рід
clan – рід; клан
blend – суміш
custom – звичай
morality – моральність, мораль; основи моралі
magic – магія; чарівний
within – в, у межах, всередині
setting – оточення
to prescribe – приписувати
punishment – покарання, кара
to transgress – порушувати (закон)
transgressing – порушення (закону)
force – сила; примус; зусилля
by force of – за допомогою, шляхом
government – уряд; керування; правління
to make the law – створювати закон
to grow (grew, grown) from – перетворюватись; переростати
decision – рішення
court – суд; судовий
lawyer – юрист; адвокат; правознавець
to learn (learnt, learned) – вчити, вивчати; дізнаватися
to set down – записувати
to set down in order – приводити до ладу
statute book – звід законів
code – кодекс, звід законів
legislature – законодавча влада; законодавчі установи
B.C. – before Christ – до нашої ери
Babylon – Вавилон
complete – повний; закінчений
list of laws – перелік законів
to define – визначати
personal rights – особисті права
property rights – майнові права

contract – договір; угода; контракт
 Greeks – греки
 to introduce – вводити; представляти, знайомити; впрова-
 джувати
 to regard – стосуватися; дивитися на
 god – бог, божество
 to believe – вірити; думати, вважати
 to rule – керувати, управляти
 government activity – діяльність уряду
 to be regulated by law – регулюватися законом
 whim – примха, каприз
 the rich – багаті
 powerful – сильний, могутній; владний
 statesman – державний діяч
 to codify – кодифікувати; приводити в систему (закони)
 to publish – публікувати, видавати
 the Athenian law – афінське право (закон)
 the Draconian Code – Драконівський закон; суворий закон
 (за ім'ям Дракона – легендарного римського законодавця VII ст.
 до н.е.)
 to limit – обмежувати
 judiciary – судовий; законний
 judiciary power – судова влада
 the nobles – знатні; дворяни; вельможі
 citizen – громадянин
 to be responsible for – бути відповідальним за
 law enforcement – впровадження закону; охорона закону
 to arrest – затримувати; арештовувати
 offender – правопорушник; злочинець
 to bring to court – притягувати до відповідальності перед судом
 to act – діяти; поводитися; (as) – бути за; як
 prosecutor – обвинувач; public prosecutor – прокурор
 judgement – присуд; судові рішення; кара, покарання
 to carry out the court's judgement – виносити судові рішення
 significant – важливий, значний
 rule by law – правління (керівництво) законом, на підставі
 права
 Roman law – римське право
 to influence – впливати

legal system – правова система (система права)
lawmaking – законотворчий
emperor – імператор
A.D. – anno Domini (лат.) – нашої ери
to sum up – підсумовувати
to work out – виробляти, створювати; напрацьовувати
to combine – поєднувати; сполучати
to be combined into – бути поєднаним у
to be based on – базуватися на
common sense – здоровий глузд
to protect – захищати; охороняти
individual – особа, людина
belongings – речі; пожитки
innocent – невинний; невинуватий
guilty – винний, винуватий
to accuse – обвинувачувати
to commit a crime – вчиняти злочин
belief – віра; переконання
to carry down – забирати; запозичати
to stand the test of time – вистояти випробування часом
to have good reasons (behind) – мати добрі підстави (за)

VOCABULARY NOTES

code *n.* 1. collection of laws arranged in a system. 2. system of rules and principles accepted by society or a class or group of people: ***a high moral code; a code of honour.***

Syn. principles, canon, rules, system, regulations

legislature *n.* a lawmaking body (*e.g. Parliament in Great Britain*); a body of persons empowered to change or repeal laws.

Syn. parliament, assembly, congress, law-making body, senate, house, chamber

prosecutor *n.* 1. a person who prosecutes on behalf of the state: ***Public Prosecutor.*** 2. a person who starts legal proceedings against others: ***a prosecuting attorney.***

to judge *v.* 1. to hear and try cases in a law court: ***God will judge all men.*** 2. to give a decision, to estimate, to consider: ***Don't judge a man by his looks.***

Syn. to arbitrate, to decide, to determine, to adjudicate

judge *n.* a public officer authorised to hear and decide a case in a court of law.

Syn. magistrate, justice, arbiter

judgment *n.* decision of a judge or court: ***to pass judgment on a prisoner.***

Syn. decision, opinion, verdict, sentence

guilt *n.* condition of having done wrong; responsibility for wrongdoing: ***The accused man's guilt was in doubt.***

Syn. blame, culpability

Ant. innocence

guilty *adj.* having done wrong: ***to plead guilty of a crime; to be guilty of a crime.***

Syn. criminal, faulty

Ant. innocent, faultless

to commit (a crime) *v.* to perform (a crime, foolish act, etc.): ***to commit an offence or larceny.***

Syn. to break, to violate, to disobey (the law)

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

decision
judgment
punished
code
judge
innocence
accused

legislature
punish
define
codify
punishment
court
judges

law
prosecutor
guilt
legislature
guilty
offender

1. The courts seek to ensure that people who break the law are ... justly, according to the seriousness of the offence they commit.
2. The court must protect the public and ... the criminal.
3. The ... of the Supreme Court is final and without appeal.
4. If there is doubt about ... or ..., the case should be resolved in favour of the
5. Judicial proceedings in Ukraine are administrated by a ... or a collegium of
6. In the United States, the ... says that a person ... must be found ... beyond a «reasonable doubt», or this person must be set free.
7. The ancient Romans developed the first complete ... as well as an advanced court system.
8. The problem of capital ... is regularly discussed in the Parliament.
9. The court is presided by a ..., sitting alone.
10. A ... is someone who acts in the state's name to prosecute ... criminals.

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

law and order	legal system
judiciary power	to make the law
decisions by courts	to protect individuals
to bring the offenders to court	to accuse
to define personal rights	to be guilty

Exercise 3. Match the words and their definitions.

- | | | |
|---------------|--------------|-----------------------|
| 1) lawyer | 5) lawmaker | 9) to believe |
| 2) to protect | 6) innocent | 10) to commit a crime |
| 3) property | 7) to accuse | |
| 4) to prove | 8) custom | |

- a) to accept the truth; to suppose; to think
- b) habits or usages collectively
- c) to charge with a fault, offence or crime; to blame
- d) to establish the truth
- e) to keep safe
- f) a person who has studied law

- g) things owned; possessions
- h) to break the law; to disobey the law
- i) a person who makes or enacts law; a legislator
- j) free from legal and specific wrong

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|----------------------------|-------------------------------|
| 1) property rights | 1) рішення суду |
| 2) punishment of offenders | 2) судова влада |
| 3) government activities | 3) обвинувач; прокурор |
| 4) law enforcement | 4) бути винним |
| 5) to be innocent | 5) бути відповідальним за |
| 6) to be guilty | 6) адвокат |
| 7) judiciary power | 7) діяльність уряду |
| 8) prosecutor | 8) майнові права |
| 9) court's judgment | 9) правова система |
| 10) to be responsible for | 10) покарання правопорушників |
| | 11) вчинити злочин |
| | 12) впровадження закону |
| | 13) бути невинним |
| | 14) обвинувачувати |
| | 15) захищати громадян |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Закон і порядок; punishment; рішення суду; визначати особисті права; property rights; створювати закон; government activities; кодифікувати; бути відповідальним за; to arrest offenders; притягувати правопорушників до відповідальності; to act as a prosecutor; court's judgement; правова система; lawmaking people; common sense; захищати особу; доводити; бути невинним; to be guilty; вчинити злочин; обвинувачувати; to believe.

Exercise 6. Pick up pairs of synonyms.

Law; government; code; to define; to commit; decision; to believe; offender; significant; to protect; innocent; to accuse; custom; to punish; punishment; behaviour; legislature; lawyer; to rule; to enforce; to arrest; belongings; to combine; powerful.

Things; to apprehend; strong; advocate; conduct; to penalise; to charge; not guilty; important; criminal; judgement; to determine; administration; rule; statute principles; to transgress; to consider; to defend; tradition; penalty; lawmaking body; to join; to impose; to govern.

Exercise 7. Pick up pairs of antonyms.

Right; innocent; to protect; to accuse; order; guilt; to punish; to believe; to arrest; to understand; to combine; responsible; present; to prove; to form; early; rich.

Late; to disprove; past; to divide; to free; to forgive; disorder; to attack; duty; guilty; to defend; innocence; to disbelieve; to misunderstand; irresponsible; to destroy; poor.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. In early times, laws were a blend of rules and regulations.
2. The force of governments behind customs made them into laws.
3. The earliest system of laws was formed about 1500 B.C.
4. The first codified system of law was Roman law.
5. The Romans believed that a person is innocent until proven guilty.

Exercise 9. Read the text. Choose the best answers.

1. Very early forms of law and order were based on
 - a) human relations;
 - b) the control by family, tribe or clan;
 - c) property relations.
2. Later, laws grew from
 - a) historical books;
 - b) people's opinions;
 - c) decisions of courts.
3. The Greeks introduced the idea that laws are made by
 - a) people;
 - b) gods;
 - c) customs.
4. According to the Athenian Law, each citizen
 - a) was responsible for informing the government about crime;
 - b) was responsible for law enforcement;

- c) was responsible for carrying out the court's judgement.
- 5. The Roman law influenced greatly on
 - a) the form of government in European countries;
 - b) the principles of Ukraine's social structure and policy;
 - c) the most legal systems in the world.
- 6. Laws were based on
 - a) common sense;
 - b) the rule of law;
 - c) relations in human society.

Exercise 10. Answer the following questions.

1. What were early forms of law based on?
2. The laws were a blend of customs, morality, religion or magic, weren't they?
3. What did the people prescribe within their settings?
4. Did the force of government behind customs make them into laws?
5. What did laws grow from?
6. Where were laws set down?
7. When was the earliest system of laws formed?
8. Who was the earliest system of laws formed by?
9. What did this system define?
10. What idea did the Greeks introduce?
11. Did the Greeks believe that law, customs, or gods should rule a country?
12. When did the statesman Draco codify and publish the Athenian law?
13. What was each citizen responsible for?
14. What is the most significant example of rule by law?
15. Why were the Romans a great lawmaking people?
16. The Romans believed in law and order, didn't they?
17. Where did the Romans take many of the best laws?
18. What were these laws combined into?
19. What were these laws based on?
20. Did laws protect individuals and their belongings or the state property?
21. When is a person innocent according to Roman law?
22. Whom does this belief protect?
23. Why have these ideas stood the test of time?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|------------------------------------|--|
| 1. A guilty conscience ... | 1. At first sight. |
| 2. Accusing is proving | 2. Is a self-accuser. |
| 3. Judge not of men and things ... | 3. Where malice and force sit as judges. |

1. Не суди про людей і про речі з першого погляду.
2. Нечиста совість спати не дає.
3. Обвинувачення – вже доказ там, де судять злоба та сила.
(Сила вину на слабого скотила).

Exercise 12. Topics for discussion.

1. Speak about early forms of law.
2. Speak about the Athenian law.
3. Speak about the Roman law.
4. Speak about the history of law.

Legal Terms to be Memorized

forms of law	форми права
law and order	закон і порядок
to punish; punishment	карати; покарання
decision of a court	рішення суду
court's judgment	рішення суду
code; to codify	кодекс; кодифікувати
codified system of laws	кодифікована система законів
system of laws	система законів
to make the law	створювати закон
lawmaking body	законотворчий орган
to define personal rights	визначати особисті права
property rights	майнові права
to be ruled by law	керуватися законом
legal system	правова система
judiciary power	судова влада
law enforcement	впровадження закону
offender / lawbreaker / criminal	правопорушник; злочинець

to arrest offenders	затримувати правопорушників
to bring offenders to the court	притягувати правопорушників до відповідальності
prosecutor	обвинувач, прокурор
judge; to judge; judgment	суддя; судити; рішення
to protect individuals and their belongings	захищати громадян і їхню власність
innocent; innocence	невинний; невинність
to be innocent	бути невинним
guilt; guilty	вина, провина; винний
to be guilty // not (non) guilty	бути винним // невинним
to accuse; the accused	обвинувачувати; обвинувачу- ваний
to commit a crime / to commit an offence	вчинити злочин / правопору- шення
to break the law / to violate the law / to disobey the law / to transgress the law	порушувати закон
to carry out the court's judgement	виносити судові рішення
to stand the test of time	вистояти випробування часом

UNIT 3

HISTORY OF LAW

(part 2)

In the 12th century, Roman law began to be studied in Italy and gradually spread to the rest of Europe. Thus, a body of laws based on Roman law developed into civil law.

In 1804, civil law, as it had grown up in France, was codified (reduced to one book covering the whole) under Napoleon. His code was copied widely on the continent of Europe, in Central and South America, in the Province of Quebec, and Louisiana. The civil law system is thus used as the foundation of law in Europe, except in Scandinavian countries. In Central and South America, South Africa, Quebec, Louisiana and elsewhere in places settled by French, Spanish, Portuguese or Dutch, law is also based on the civil law system, which is also called continental law and based on Roman law. This system of law is also used in Ukraine.

At the same time, a body of common laws grew from the decisions of the courts in England. Common law systems prevail in Great Britain, Ireland, and the United States, except Louisiana, Canada, Quebec, Australia, and New Zealand.

Thus, most systems can be classed as either 1) common law or 2) civil law system (or continental law).

Common law systems are mainly based on case law – that is, on court decisions. The English called their system common law because it applied throughout the land. English common law developed from the rules and principles that judges traditionally followed in deciding court cases. Judges based their decisions on legal precedents – on earlier court rulings in similar cases. Nevertheless, judges could also reject (overrule) any precedents they considered outdated or were in error. In this way, judges changed many laws over the years. Common law thus came to be a law made by judges.

Civil law systems are based mainly on statutes (legislative acts). Most civil law countries have assembled their statutes into one or more carefully organised collections called codes.

Many countries combine features of both civil law and common law. For example, Japan and most Latin American nations have assembled all their private law into a code. However, public law in these countries

has been greatly influenced by common law principles, especially those that guarantee the rights and liberties of the people.

GLOSSARY

century – століття
to study – вивчати; вчитися
gradually – поступово
to spread (spread, spread) – поширювати(ся)
a body of laws – збірник (звід) законів
to base (on) – базуватися (на); закладати основу
to develop – розвивати(ся)
civil law – цивільне право
to grow (up) (grew, grown) – виникати (про звичай)
to codify – кодифікувати
to be codified – бути кодифікованим
to reduce – зменшувати; скорочувати
to cover – охоплювати
to copy – копіювати; переписувати; брати за зразок
widely – широко; далеко
foundation – основа; базис; фундамент
except – за винятком, крім
to settle – оселяти(ся)
continental law – континентальне право
common law – загальне право
court – суд; судовий
decision of a court – рішення суду
to prevail – переважати; бути поширеним
to class – класифікувати
largely – значною мірою
case – юр. справа
case law – прецедентне право
to apply – використовувати(ся); вживати
to follow – наслідувати; дотримуватися
legal – юридичний, правовий; законний
court case – судова справа
legal precedent – правовий прецедент
to base one's decision on legal precedent – спиратися на рішення
судового прецеденту

court ruling – судовий процес
similar – схожий, подібний
to reject – відхиляти; відмовляти; відкидати
to overrule – відхиляти
to consider – вважати; розглядати
outdated – застарілий
error – помилка
to be in error – вважати помилковим
to change – змінювати
mainly – головним чином; переважно
statute – статут; закон
legislative – законодавчий
legislative act – законодавчий акт
majority – більшість
to assemble – збирати; скликати
carefully organised collection – ретельно складений збірник
code – кодекс
to combine features – поєднувати риси
to influence – впливати
to guarantee – гарантувати
to guarantee the rights and liberties – гарантувати права і свободи

VOCABULARY NOTES

court *n.* 1. a place where law cases are heard; 2. those persons (judges, magistrates, or other officers) who hear law cases: *a court of law; law court; a court of justice; county court; court-room; to bring (or take) to the court; to settle a case out of court. The prisoner was brought to court for trial. They settled the case out of court.*

Syn. bar, bench, seat of judgement, tribunal

to codify *v.* 1. to put into a form of code; 2. to make a systematic arrangement of; to reduce (laws, rules, etc.) to a code: *to codify the laws.*

codification *n.*

codifier *n.*

case *n.* question to be decided in a law court; the facts, arguments, etc., used on one side in a law court: the case for the defendant (the statement of fact, etc., in his favour). *When will the case come*

before the court? State your case (give the facts and arguments in your favour). *He has a strong case.*

Syn. matter

case law *n.* law as settled by precedent (or earlier cases); law established by precedent or judicial decision: *Common law systems are mainly based on case law.*

precedent *n.* an act, decision or case that may serve as an example; earlier happening decision, etc., taken as an example or rule for what comes later: *set (create) a precedent (for smth.); Is there a precedent for what you want me to do?*

Syn. previous example, criterion, model, standard

legislative *adj.* lawmaking; having the function of making laws: *legislative reforms; legislative acts; legislative initiative.*

Syn. law-making, judicial, law-giving, parliamentary

legislator *n.* member of a law-making body.

legislature *n.* law-making body (e.g. Parliament in Great Britain).

legal *adj.* 1. connected with, in accordance with, authorised or required by, the law: *legal affairs, my legal adviser; to take legal action; free legal aid.* 2. permitted by law; 3. of or established by law.

Syn. lawful, legitimate, licit, rightful, judicial

Ant. criminal, illegal, illicit

legally *adv.* according to the law, or obeying the law: *a legally binding agreement*

Syn. lawfully

Ant. illegally

legality *n.* the state of being legal: *the legality of an act.*

Syn. lawfulness, legitimacy, validity

to legalise *v.* to make legal: *to legalise the sale of alcoholic drinks.*

Syn. to permit, to allow, to approve, to legitimate

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

legal	reduce	legislation
precedents	case law	legislative
codified	court decision	cour
prevail	legislators	century
reject	cases	code

1. Democracies, however, have developed four main methods of changing the law: 1) by administrative action, 2) by ..., 3) by ..., and 4) by direct action of the people.

2. ... may change laws as well as make them.

3. Judges in common law countries change laws by expanding or overruling

4. In most countries with a written constitution, some form of ... action is required to amend the constitution.

5. France colonised Louisiana and Quebec rather than England, and their ... systems are patterned after the French civil law system.

6. ... is still important in common-law countries.

7. The ... sentenced the great Athenian philosopher and teacher Socrates to death in 399 B.C.

8. Under Napoleon, the civil law was

9. In common law systems, the law is found in government statutes and the historical records of

Exercise 2. *Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.*

a body of laws	to assemble the statutes
to change law	legal principles
to be codified	to guarantee the rights and liberties
law system	to reject a case
decision of the court	case law

Exercise 3. Match the words and their definitions.

- | | |
|----------------|----------------|
| 1. judge | 5. to apply |
| 2. to reject | 6. to consider |
| 3. statute | 7. liberty |
| 4. to assemble | |

- a) to gather together; to collect
- b) to think about; to take into account
- c) public officer with authority to hear and decide cases in a law court
- d) state of being free; right or power to decide what to do, how to live, etc.
- e) to put aside, throw away, as not good enough to be kept
- f) to put smth. into use or into position to serve its purpose
- g) (written) law passed by Parliament or other lawmaking body

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|----------------------|----------------------|
| 1) century | 1) прецедентне право |
| 2) a body of laws | 2) збірник законів |
| 3) to codify | 3) рішення суду |
| 4) foundation of law | 4) основа права |
| 5) to be based on | 5) кодифікувати |
| 6) civil law | 6) законодавчий акт |
| 7) common law | 7) століття |
| 8) case law | 8) вважати |
| 9) court ruling | 9) цивільне право |
| 10) legislative act | 10) помилка |
| | 11) базуватися на |
| | 12) гарантувати |
| | 13) судовий процес |
| | 14) кодекс |
| | 15) загальне право |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

A body of laws; code; правова система; кодифікувати; common law; case law; цивільне право; основа права; to apply the law;

legal principles; судовий процес; суд; вважати; рішення суду; to assemble the statutes; to be in error; змінювати закон; гарантувати права і свободи; legal precedent; to make the law; континентальне право; to reject a case; законодавчий акт.

Exercise 6. Pick up pairs of synonyms.

Law; a body of laws; case; legal; legislative; liberty; to guarantee; decision; to develop; to base; code; foundation; to class; to consider; to reject; to apply; judgement; error; statute; to assemble; country; to influence; judge.

Lawful; lawmaking; to affect; land; matter; to think; to grow; a set of rules; rule; to found; canon; basis; act; to rank; judgement; to use; magistrate; verdict; to overrule; mistake; to collect; to ensure; freedom.

Exercise 7. Pick up pairs of antonyms.

Legal; right; lawful; liberty; to change; similar; carefully; outdated; to copy; to combine.

To create; carelessly; to remain; unlawful; duty; illegal; imprisonment; dissimilar; to divide; modern.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. In the 13th century, Roman law began to spread in Europe.
2. In 1804, civil law was codified in France.
3. Common law systems are mainly based on Roman law.
4. The civil law system is used in Great Britain, Canada, the USA, Australia, and New Zealand.
5. Many countries combine features of civil law and common law.

Exercise 9. Read the text. Choose the best answers.

1. Civil law was copied widely on ...
 - a) the North American continent;
 - b) the continent of Europe, Central and South America, the province of Quebec, Louisiana, and Ukraine;
 - c) the British Isles.
2. Common law systems prevail in ...
 - a) France, Spain and the USA;

- b) Japan and most Latin American countries;
 - c) the USA, Canada, Great Britain and other English-speaking countries.
3. Civil law systems are based mainly on ...
 - a) statutes;
 - b) case law;
 - c) private law.
 4. Common law systems are based mainly on ...
 - a) legislative acts;
 - b) court decisions;
 - c) civil law principles.
 5. Japan and most Latin American countries combine features of both ...
 - a) private law and customs;
 - b) public law and continental law;
 - c) civil law and common law.

Exercise 10. Answer the following questions.

1. When did Roman law begin to be studied and spread in Europe?
2. When was civil law codified in France?
3. In what countries is the civil law system used?
4. What are common law systems primarily based on?
5. Why did the English call their system common law?
6. What is case law?
7. What does legal precedent mean?
8. What precedents could judges reject?
9. What countries have a common law system?
10. What are civil law systems mainly based on?
11. What have the majority of civil law countries done?
12. What countries combine features of both civil law and common law?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|------------------------|--------------------------|
| 1. Action of ... | 1. Half forgiven. |
| 2. The law of ... | 2. The first impression. |
| 3. Sin confessed is... | 3. The jungle. |

1. Визнання провини зменшує саму провину.
2. Закон джунглів; беззаконня.
3. Дія, яка не має прецеденту.

Exercise 12. Topics for discussion.

1. Speak about the history of the civil law system.
2. Speak about continental law.
3. Speak about the common law system.
4. Explain what the term legal precedent means.

Legal Terms to be Memorized

Roman law	римське право
civil law	цивільне право
continental law	континентальне право
common law	загальне право
case law	прецедентне право
law system / legal system	правова система
a body of laws	збірник (звід) законів
the foundation of law	основа права
court decision	рішення суду
court ruling	судовий процес
to apply the law	застосовувати закон
to make the law	створювати закон
to change the law	змінювати закон
to overrule the law	відхиляти закон
case / matter	діло; справа
to reject a case	відхиляти справу
a judge; to judge; judgment	суддя; судити; рішення
legal // illegal	правовий; законний // незаконний
legal; legally; legality; to legalise	законний; законно; законність; узаконювати
legal precedent	правовий прецедент
statute / code	статут; кодекс; закон
code; to codify; codified;	кодекс; кодифікувати;
codification	кодифікований; кодифікація
legislature; legislator; legislative	законодавство; законодавець; законодавчий

legislative / lawmaking	законодавчий
legislative act	законодавчий акт
to base one's decision on legal precedent	спиратися на рішення судового прецеденту
to guarantee the rights and liberties	гарантувати права і свободи
to combine features	поєднувати риси
to be in error	вважати помилковим
carefully organised collection	ретельно складений збірник

UNIT 4

BRANCHES OF LAW

Law is the body of rules by which men live together in society. Wherever more than one person lives, the law is necessary for settling possible conflicts.

Law can be divided into two main branches: 1) private law and 2) public law.

Private law deals with people's rights and obligations in their relations. Public law concerns people's rights and obligations as members of society and citizens. Both private law and public law can be subdivided into several branches. However, the various branches of public law are closely related and overlap in many cases.

Private law can be divided into six main branches. These branches are contract and commercial law, tort law, property law, inheritance law, family law, and corporation law. The dividing line between the various branches is only sometimes clear, however. For example, many cases of property law also involve contract law.

The law of tort. Torts include wrongs such as negligence, defamation, malicious prosecution and nuisance. If these legal rights have been infringed, a plaintiff can sue for compensation in a tort action. An example of a tort is libel. The plaintiff must prove to the court that the statement was defamatory. The court takes a decision, and damages can be awarded if the plaintiff is successful. One of the essential tort actions is negligence, when a person fails to live up to an expected standard of care, and someone is injured as a result. It can cover physical damage or financial loss.

The law of contract. A contract is an agreement between two or more parties that is enforceable in law. There are a few rules about the contract form, although some contracts have to be written – for example, the sale of land or a house. An example of a contract is the purchase of goods in a shop. If the goods purchased turned out to be shoddy, the purchaser can usually sue the seller in the civil courts for damages.

Public law can be divided into four branches: criminal law, constitutional law, administrative law and international law. In many cases, the branches of public law, like those of private law, overlap.

For example, a violation of administrative law may also be a violation of criminal law.

Law in Ukraine can also be divided into two main branches: private and public law.

Private law determines a person's rights and obligations in many kinds of activities involving other people in such principal areas as property, obligations, family law and inheritance. Private law can also be subdivided into branches according to the kinds of legal rights and obligations involved. These branches are civil law, family law, labour law, and housing law.

Public law involves the government directly. It defines a person's rights and obligations in relation to the government and also describes the various divisions of the government and their powers. Public law can be subdivided into constitutional law, criminal law, financial law, agrarian law, ecological law, administrative law, and international law.

GLOSSARY

branch of law – галузь права

a body of rules – збірник (звід) законів

society – суспільство

necessary – необхідний

to settle possible conflicts – вирішувати можливі суперечки

to divide – ділити(ся); поділяти(ся)

private law – приватне право

public law – публічне право

to deal with – мати справу (з); розглядати питання

rights and obligations – права й обов'язки

to concern – стосуватися, відноситися

members of society – члени суспільства

citizen – громадянин

to subdivide – підрозділяти(ся)

various branches – різні галузі

to be closely related – бути тісно пов'язаним

in many cases – у багатьох випадках

to overlap – частково збігатися

major – головний, основний

contract law – договірне право

commercial law – торгове право

tort law – деліктне право
 property law – майнове право
 inheritance law – спадкове право
 family law – сімейне право
 corporation law – корпоративне право
 dividing line – розділова лінія
 case – справа, діло; випадок
 to involve – втягувати; включати; залучати
 to include – включати; містити (в собі)
 tort – делікт; правопорушення, що дає основу про подання позову
 wrong – зло; шкода
 negligence – недбалість; неуважність
 defamation – наклеп; дифамація; дискредитація
 malicious prosecution – навмисне обвинувачення
 nuisance – прикрість; неприємність
 to infringe legal rights – порушувати законні права
 plaintiff – позивач
 to sue for compensation – подавати на кого-небудь позов про відшкодування
 libel – наклеп
 to prove to the court – доводити суду
 statement – заява; твердження
 defamatory – наклепницький
 to take a decision – приймати рішення
 successful – успішний
 damages can be awarded – відшкодування можуть бути присуджені за нанесені збитки
 tort action – позов про правопорушення
 to fail to live up – бути неспроможним жити відповідно до
 expected standard of care – очікувана норма обережності, уважності
 to be injured – буди пошкодженим; ображеним
 as a result of smth. – через що-небудь; в результаті, унаслідок
 physical damage – фізична шкода (пошкодження)
 financial loss – фінансова втрата
 contract – договір; угода; контракт
 agreement – угода; договір
 party – (юр.) сторона
 enforceable in law – регульований (впроваджений) законом

few rules – кілька правил
 written contract – записаний контракт
 sale – продаж
 purchase of goods – покупка товарів
 to turn out – виявляти(ся)
 shoddy – поганий; неякісний
 purchaser – покупець
 to sue for damages – подати позов у суд за нанесені збитки
 criminal law – кримінальне право
 constitutional law – конституційне право
 administrative law – адміністративне право
 international law – міжнародне право
 violation – порушення (закону)
 to determine – визначати
 person's legal rights and obligations – права й обов'язки особи
 kind of activity – вид діяльності
 principal area – основна сфера
 according to – відповідно до
 labour law – трудове право
 housing law – житлове право
 to involve the government directly – стосуватися уряду без-
 посередньо
 to define – визначати
 in relation to – щодо, стосовно
 to describe – описувати
 various divisions of government – різні підрозділи уряду
 power – повноваження
 financial law – фінансове право
 agrarian law – земельне право
 ecological law – екологічне право

VOCABULARY NOTES

public, *adj.* 1. of or affecting a population or community as a whole; 2. done, acting, etc., for the community; 3) open to all persons; maintained by or for a community: **a public library; a matter of public knowledge; public opinion; public life; public relations; public school.**

Syn. civil, general, open

Ant. personal, private, closed

private, *adj.* 1. concerning one person or group of persons, not people in general; 2. of or belonging to some particular person; personal: *a private letter; living for private means; at my private house; a private life; private information.*

Syn. individual, own, personal

Ant. public, common, official

right, *n.* something to which a person is entitled, as by just claim or legal guarantee; something one may do or have by law: *the right to education; to defend the right. He has a right to do that.*

Syn. permission, licence, power

obligation, *n.* moral or legal duty; moral responsibility; smth. which a person is bound to do or not to do as a result of an agreement or responsibility: *to be under an obligation to a friend for his help.*

Syn. duty, charge, compulsion, responsibility

to violate, *v.* to break (a law, an oath, a promise, a treaty, etc.); to act without proper respect: *to violate the law; to violate smb's property.*

Syn. to break, to disobey, to infringe

Ant. to obey, to respect

violation, *n.* the act of violating or state being violated; a breach, as of law: act in violation of treaty; violation of the rights of the citizens.

Syn. breach, infringement, abuse

violence, *n.* 1) intense force; 2) abusive or injurious physical force or action; damage; 3) violent act (conduct): *crimes of violence; robbery with violence.*

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

obligations
private law
violation
rights

public
violence
define
private

right
property law

1. There are many ... holidays in Ukraine.
2. According to the Constitution of Ukraine, chapter 2 declares the main ..., freedoms and ... of the citizens of Ukraine.
3. ... and ... legal aid and services provide free counsel to poor people in ... cases.
4. However, many poor people do not know they have a ... to legal services.
5. People who use the ... to obtain political demands have claimed responsibility for the bomb blast, which killed 20 people.
6. It would do ... to his principles to work on Sundays.

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

a body of rules	to involve
branches of law	person's rights and obligations
to settle conflicts	divisions of government
to determine	kinds of activities
to deal with	violation of law

Exercise 3. Match the words and their definitions.

- | | | |
|------------------------------------|--------------------|--------------------|
| 1) contract law and commercial law | 3) inheritance law | 6) corporation law |
| 2) tort law | 4) property law | |
| | 5) family law | |

- a) determines the legal rights and obligations of husbands and wives and parents and children
- b) deals with the rights and obligations of people who make contracts
- c) governs the formation and operation of business corporations
- d) deals with the rights and obligations of the persons involved in such cases that may cause bodily harm, damage a person's property, business, or reputation
- e) concerns the transfer of property upon the death of the owner
- f) governs the ownership and use of property

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|------------------------|--------------------------|
| 1) to settle conflicts | 1) порушення |
| 2) private law | 2) вид діяльності |
| 3) public law | 3) стосуватися |
| 4) relations | 4) визначати |
| 5) branches of law | 5) житлове право |
| 6) to involve | 6) частково збігатися |
| 7) violation | 7) вирішувати суперечки |
| 8) housing law | 8) торгове право |
| 9) to define | 9) приватне право |
| 10) kind of activity | 10) втягувати; залучати |
| | 11) деліктне право |
| | 12) публічне право |
| | 13) справа; діло |
| | 14) галузі права |
| | 15) відношення; стосунки |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

To settle possible conflicts; збірник законів; галузь права; public law; приватне право; мати справу з; members of society; to overlap; права і обов'язки; мати відношення; property law; трудове право; справа, діло; деліктне право; contract law; to describe; порушення; міжнародне право; power; principal area; кримінальне право; екологічне право; to be closely related to; спадкове право; відповідно до; to determine; дискредитація.

Exercise 6. Pick up pairs of synonyms.

Law; society; person; conflict; to divide; obligation; to concern; to define; branch; case; major; property; contract; violation; violence; administrative; tort; kind; legal; involve; various; government; inheritance; a body of rules; together; commercial; ecological; constitutional; right; to violate.

Permission; business; a set of laws; administration; include; type; governmental; breach; belongings; sphere; to deal with; to separate; individual; community; dispute; duty; to determine; matter; main; agreement; force; wrong; lawful; different; collectively; environmental; statutory; legacy (heritage); to disobey; rule.

Exercise 7. Pick up pairs of antonyms.

To divide; conflict; activity; legal; lawful; major; together; private; to violate; clear; possible; obligation; public.

Right; confused; public; secondary; illegal; peace; to combine; passivity; unlawful; alone; to obey; impossible; personal.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. Law is the body of rules by which men live together in society.
2. Law isn't necessary for settling possible conflicts.
3. Law can be divided into three main branches: private, constitutional, and public.
4. In many cases, branches of public law are closely related.
5. Private law deals with people's rights and obligations as members of society and citizens.

Exercise 9. Read the text. Choose the best answers.

1. Law can be divided into two main branches ...
 - a) private law and administrative law;
 - b) private law and public law;
 - c) private law and financial law.
2. Private law deals with ...
 - a) rights and obligations of people as members of society;
 - b) rights and obligations of people who make contracts;
 - c) rights and obligations of people in their relations.
3. Public law defines ...
 - a) the legal rights and obligations of husbands and wives;
 - b) a person's rights and obligations in relation to government;
 - c) the operations of government agencies.
4. Private law in Ukraine is divided into such branches as ...
 - a) housing law, labour law and constitutional law;
 - b) financial law, agrarian law and civil law;
 - c) civil law, family law, housing law and labour law.
5. Public law in Ukraine can be divided into such branches as ...
 - a) property law, tort law, contract law and family law;
 - b) criminal, ecological, financial, constitutional, agrarian, and international law;
 - c) international law, labour law, financial law and housing law.

Exercise 10. Answer the following questions.

1. What is law?
2. What are the main branches of law?
3. What is law necessary for?
4. What does private law deal with?
5. What does public law concern?
6. Why may a violation of administrative law also be a violation of criminal law?
7. What are the major branches of private law?
8. Why does the dividing line between the various branches sometimes need to be clarified?
9. What do torts include?
10. When can a plaintiff sue for compensation in a tort action?
11. Can you give the examples of a tort?
12. What is a contract?
13. Can you give an example of a contract?
14. What are the main branches of public law?
15. How many branches can law be divided in Ukraine?
16. What legal rights and obligations does private law determine in Ukraine?
17. What are the branches of private law in Ukraine?
18. What does public law involve?
19. What does public law define?
20. What does public law describe?
21. What are the branches of public law in Ukraine?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|----------------------|----------------------------------|
| 1. Amendment is ... | 1. The first step to repentance. |
| 2. The exception ... | 2. Repentance. |
| 3. Confession is ... | 3. That proves the rule. |

1. Немає правила без винятків.
2. Визнання провини – перший крок до розкаяння.
3. Внесення поправки є визнанням своєї неправоти.

Exercise 12. Topics for discussion.

1. Speak about private law.
2. Speak about public law.
3. Speak about two main branches of law.
4. Speak about branches of law in Ukraine.

Legal Terms to be Memorized

branch of law	галузь права
a body of rules	збірник (звід) законів
private law	приватне право
public law	публічне право
contract law	договірне право
commercial law	торгове право
tort law	деліктне право
property law	майнове право
inheritance law	спадкове право
family law	сімейне право
corporation law	корпоративне право
criminal law	кримінальне право
constitutional law	конституційне право
administrative law	адміністративне право
international law	міжнародне право
civil law	цивільне право
labour law	трудове право
housing law	житлове право
financial law	фінансове право
agrarian law	земельне право
ecological law	екологічне право
to violate; violation; violence	порушувати (закон); порушення; насильство; образа
to settle conflicts	вирішувати суперечки
to infringe legal rights	порушувати законні права
a plaintiff	позивач
a tort action	позов про правопорушення
to prove to the court	доводити суду
to sue for damages / for compensation	подавати позов про відшкодування збитків
to take a decision	приймати рішення

to involve the government directly	стосуватися уряду безпосередньо
purchase of goods	покупка товарів
enforceable in law	регульований (впроваджений) законом
physical damage	фізична шкода (пошкодження)
financial loss	фінансова втрата
expected standard of care	очікувана норма обережності
negligence	недбалість; неухважність
defamation	наклеп; дифамація; дискредитація
malicious prosecution	навмисне обвинувачення
nuisance	прикрість; неприємність
libel	наклеп

UNIT 5

CIVIL LAW

Civil law is a statutory regulation of legal relations between autonomous, legally equal persons and legal entities in such principal areas as property, obligation (contracts, torts), family law and inheritance.

The civil code defines civil law as the rules regulating property rights and related non-property relations.

Civil law should not be confused with its use as an alternate term for private law. Civil law systems include both private law and public law.

Civil law is also called private law. It determines a person's legal rights and obligations in many activities involving other people. Such activities include everything from borrowing or lending money to buying a home or signing a job contract.

The great majority of lawyers and judges spend most of their time dealing with private law matters. Lawyers handle most of the issues out of court. Nevertheless, numerous situations arise in which a judge or jury must decide if a person's private-law rights have been violated. These cases are called lawsuits or civil suits.

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

The main subdivisions of civil law are:

- family law, which includes the laws governing marriage, divorce and the welfare of children;
- the law of property, governing ownership and rights of employment, the creation and administration of trusts and the disposal of property on death;
- the law of contract, which regulates, for instance, the sale of goods, loans, partnerships, insurance and guarantees;
- the law of torts, which governs injuries suffered by one person at the hands of another, for instance, negligence, libel and malicious prosecution.

Civil cases are heard in county courts and the High Court.

GLOSSARY

- statutory – встановлений законом
regulation – правило; розпорядження; устав; обов'язкова
постанова
legal relations – правові відносини
autonomous – автономний; окремий
legally equal persons – юридично рівні особи (фізичні особи)
legal entity – юридична особа
principal area – основна сфера
tort – правопорушення, яке дає основу для подання позову;
угода
inheritance – спадщина
to define – визначати
body of rules – збірник законів
property relations – майнові відносини
related non-property relations – особисті немайнові права
to confuse – змішувати; сплутувати
alternate term – альтернативний термін (протилежний)
to include – включати; містити (в собі)
to determine – визначати
kind of activity – вид діяльності
to involve – втягувати; стосуватися; залучати
to borrow – позичати, займати; брати на певний час (from –
у кого-небудь)
to lend – давати; позичати (кому-небудь)
majority – більшість; great majority – переважна більшість
to sign a job contract – підписати трудову угоду
judge – суддя
lawyer – юрист; адвокат
to deal with – мати справу з; розглядати
matter – діло; справа
private law matter – приватна справа
to handle case (matter) – вести (розглядати) справу
court – суд
out of court – поза судом (у позасудовому порядку)
numerous – численний
to arise (arose, arisen) – підніматися; виникати, повставати
jury – суд присяжних

to decide – вирішувати
 person's private-law rights – приватні права особи
 to violate – порушувати (закон, права)
 lawsuit – судова справа
 civil suit – цивільна справа
 to cover – охоплювати; містити (в собі)
 business – справа; заняття; комерційна діяльність
 related – зв'язаний; споріднений
 property – власність
 contract – договір; угода; контракт
 non-contractual wrongful act – не обумовлена (угодою,
 договором) незаконна дія (акт, справа, вчинок)
 to suffer – страждати; зазнавати (чого-небудь)
 constitutional law – конституційне право
 administrative law – адміністративне право
 industrial law – господарське право
 maritime law – морське право
 broadly similar branches – загалом подібні галузі
 subdivision – підрозділ
 family law – сімейне право
 to govern – керувати, правити; регулювати
 marriage – шлюб; весілля
 divorce – розлучення
 welfare of children – добробут (благо) дітей
 law of property – майнове право
 ownership – власність; право власності
 rights of employment – право наймання (на роботу)
 creation – створення
 administration – керування справами
 trust – траст; довір'я; довірчі майнові відносини
 disposal of property on death – передача (вручення) власності
 після смерті
 law of contract – договірне право
 for instance – наприклад
 sale of goods – продаж товарів
 loan – позика
 partnership – товариство; участь
 insurance – страхування
 guarantee – гарантія; застава

law of tort – деліктне право
injury – пошкодження (тілесне); шкода; збиток; образа
negligence – недбалість; неуважність
libel – наклеп
prosecution – ведення; виконання; судове переслідування;
обвинувачення (сторона в судовому процесі)
malicious prosecution – навмисне обвинувачення; злочинний
намір
to hear a case in court – слухати справу в суді
county court – місцевий суд графства
the High Court – Високий суд

VOCABULARY NOTES

legal, *adj.* permitted by law; connected with, in accordance with, authorised or required by, the law: *legal affairs; my legal adviser (e.g. a solicitor); to take legal action; the legal fare; a legal offence; free legal aid.*

Syn. lawful, legitimate, licit, valid

Ant. illicit, unlawful, illicit, illegitimate, criminal

legally, *adv.* in accordance with law: legally equal persons.

Syn. lawfully

legality, *n.* the state of being legal: the legality of an act.

Syn. lawfulness, legitimacy, validity

to legalise, *v.* to make legal: to legalise the sale of alcoholic drinks.

Syn. permit, allow, legitimise, license, sanction

lawsuit, *n.* prosecution of a claim in a law court; case brought before a court.

Syn. case, suit, dispute, trial, civil suit, private-law matter, claim

prosecution, *n.* 1. the bringing of formal criminal charges against an offender in court; 2. the prosecuting party or his legal representatives; 3. (collective) person who prosecutes, together with his advisers; defence: *to start a prosecution against sm.; the case for the prosecution; to make oneself liable prosecution.*

EXERCISES

Exercise 1. Select the word or word combination best suited to the context. Use the Reference List.

Reference List

case	legal aid	define
judge	legal costs	property
civil law	legal	lawsuits
prosecution	defence	criminal cases
tort	legal entities	
legally	legal advice	

1. ... and assistance is available under the Green Form scheme in England and Wales.

2. If the ... aided person loses his or her ..., the most that he or she will normally have to pay towards ... will be the contribution due under his or her ... certificate.

3. The Crown Prosecution Service is responsible for the ... of almost all ... resulting from police investigation.

4. Criminal trials in Great Britain have two parties: the ... and the

5. A person who needs ..., assistance or representation may be able to get help with his or her ... from the ... scheme.

6. ... are brought to court by the complaining party.

7. ... – it is a statutory regulation of ... relations between ... equal persons and ... in such principal areas as property, family law and inheritance.

Exercise 2. Find in the text the sentences containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

statutory regulation	to violate the rights
to sign a job contract	to determine a person's rights
legal entity	wrongful acts
private law matter	welfare of children
civil code	to hear a case in court

- a) law connected with the sea or navigation;
- b) something is received (property, title, etc.) as heir;
- c) something that has a real existence;
- d) agreement to do work;
- e) connected with law; in accordance with law;
- f) duty;
- g) things owned; personal belongings;
- h) a set of rules and regulations.

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|--------------------------|-----------------------------|
| 1) private law | 1) правові відносини |
| 2) lawsuit | 2) визначати |
| 3) lawyer | 3) вести, розглядати справи |
| 4) jury | 4) страхування |
| 5) legal relations | 5) приватне право |
| 6) to handle matters | 6) майнові права |
| 7) to violate the rights | 7) майнові відносини |
| 8) property rights | 8) юрист, адвокат |
| 9) inheritance | 9) суддя |
| 10) insurance | 10) суд присяжних |
| | 11) цивільна справа |
| | 12) збірник законів |
| | 13) порушувати права |
| | 14) спадщина |
| | 15) судова справа |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

A statutory regulation; правові відносини; юридично рівні особи; legal entity; related non-property relations; майнові права; спадщина; to define; to involve; види діяльності; позичати гроші (у когось); to lend money; підписувати трудову угоду; адвокат; private law matter; вести справу; to violate the rights; цивільна справа; wrongful act; to suffer; морське право; шлюб; розлучення; welfare of children; ownership; права наймання на роботу; передача власності після смерті; insurance; договірне право; sale of goods; negligence; деліктне право; навмисне обвинувачення; libel; слухати справу в суді; prosecution.

Exercise 6. Pick up pairs of synonyms.

Case; civil suit; to define; duty; autonomous; to violate law; legal; to handle a case; contract; principal; code; a body of rules; to deal with; judge; to confuse; property; to regulate; insurance; legally; to legalise; legal entity; wrongful.

Criminal; to permit; guarantee; ownership; justice; a set of laws; main; to try a case; to break the law; obligation; private law matter; to determine; independent; lawful; agreement; statute; to concern; to mix up; to administer; lawfully; thing; matter.

Exercise 7. Pick up pairs of antonyms.

Legal; prosecution; public; obligation; to borrow; to violate law; marriage; employment; sale; wrongful.

Lawful; unemployment; to obey the law; right; defence; illegal; private; to lend; divorce; buying.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. The civil code defines civil law as the body of rules regulating property rights and related non-property relations.
2. Civil law is also called public law.
3. The great majority of lawyers and judges spend most of their time dealing with criminal matters.
4. Civil law systems include both private law and criminal law.
5. The law of torts governs injuries suffered by one person at the hands of another.

Exercise 9. Read the text. Choose the best answers.

1. Civil law is a statutory regulation of legal relations between
 - a) legal entities and the government;
 - b) legally equal persons and legal entities;
 - c) legally equal persons and police agencies.
2. Civil law determines ... in many kinds of activities that involve other people.
 - a) powers of government;
 - b) duties and freedoms;
 - c) a person's rights and obligations.

3. Lawyers handle most of the matters
 - a) out of court;
 - b) in the courtroom;
 - c) in the government institutions.
4. Civil law in England covers business related to
 - a) the family, property and administration of trusts;
 - b) the family, property, contracts and torts;
 - c) the family, inheritance and employment.
5. Family law includes the laws governing
 - a) the rights of employment and the disposal of property on death;
 - b) the sale of goods, loans and insurance;
 - c) marriage, divorce and welfare of children.

Exercise 10. Answer the following questions.

1. What is the definition of civil law?
2. What does civil law define?
3. What is also civil law called?
4. What does civil law determine?
5. What kinds of activities does civil law deal with?
6. How do the great majority of lawyers and judges spend most of their time?
7. What must a judge or a jury decide?
8. What cases are called lawsuits?
9. Why should the term civil law be distinct from its use as an alternate term for private law?
10. What principal areas does civil law of England, Wales and Northern Ireland cover?
11. What branches of law does civil law of Great Britain include?
12. What are the main subdivisions of civil law?
13. What kinds of activities does family law include?
14. What kinds of activities does the law of property govern?
15. What does the law of contracts regulate?
16. What is the law of torts?
17. Where are civil cases heard in Great Britain?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|--------------------------|----------------------|
| 1. Circumstances ... | 1. Wants no washing. |
| 2. A clean hand ... | 2. Words are leaves. |
| 3. Deeds are fruits, ... | 3. Alter cases. |

1. Чесній людині не треба виправдовуватися.
2. Не за словами судять, а за ділами.
3. Обставини визначають вчинки людини.

Exercise 12. Topics for discussion.

1. Speak about the essence of civil law.
2. Speak about the kinds of activities determined by civil law.
3. Speak about lawsuits.
4. Speak about civil law in Great Britain.
5. Speak about subdivisions of civil law in Great Britain.

Legal Terms to be Memorized

civil law	цивільне право
private law	приватне право
public law	публічне право
family law	сімейне право
property law (the law of property)	майнове право
contract law (the law of contract)	договірне право
tort law (the law of torts)	деліктне право
constitutional law	конституційне право
administrative law	адміністративне право
industrial / economic law	господарське право
maritime law	морське право
civil code	цивільний кодекс
legal; legality; legality; legalise	правовий, законний; законно; узаконовувати
legal relations	правові відносини
legal entity	юридична особа
legally equal persons	юридично рівні особи
property rights	майнові права
related non-property relations	особисті немайнові відносини

lawyer	юрист, правознавець, адвокат
judge	суддя
jury	суд присяжних
private law matter	приватна справа
lawsuit / civil suit / civil case	судова справа; цивільна справа
wrongful act	незаконна дія
to sign a job contract	підписати трудову угоду
to handle a case / matter	вести справу, діло
to hear a case in the court	слухати справу в суді
rights of employment	права наймання на роботу
insurance	страхування
guarantee; to guarantee	гарантія; гарантувати
to suffer injury	зазнавати пошкодження
negligence	недбалість
libel	наклеп
prosecution	ведення; виконання; судове переслідування; обвинува- чення
malicious prosecution	навмисне обвинувачення
county court	місцевий суд графства
the High Court	Високий суд

UNIT 6

CRIMINAL LAW

Criminal law deals with crimes – actions considered harmful to society. Crimes range in seriousness from disorderly conduct to murder. Criminal law defines these offences and sets the rules for the arrest, possible trial, and punishment of offenders. Some crimes are also classed as torts because the victim may sue for damages under private law. Because a crime is committed against all members of the community, not just the particular victim, the victim does not make the decision to prosecute the accused person. The state, acting as the people's representative, prosecutes the crime.

Under common law (judge-made law), crimes are divided into two main categories: felonies and misdemeanours. The distinction between them is based on the crime's seriousness and the length of punishment.

Felonies are crimes generally punishable by more than one year's imprisonment. A person has the right to a jury trial when charged with a felony. The common law felonies include murder, rape, burglary, kidnapping, and treason.

Misdemeanours are crimes generally punishable by less than one year's imprisonment. If the crime is serious enough, a person has the right to a jury trial when charged with a misdemeanour.

Under the new system, called the Model Penal Code, crimes are classified by degree. There are four degrees of crimes: first, second, third and fourth. First-degree crimes include the most serious crimes like murder, sexual assault, and kidnapping. Fourth-degree crimes include the least serious crimes, like mischief.

When comparing criminal law and civil law, we can say that in relation to serious offences, a criminal case will involve a judge and jury, whereas, in a civil action, the judge will normally sit alone.

There is a presumption in a criminal trial that the accused person is innocent, and it is the task of his prosecutors to produce evidence and convince the jury of his guilt. No such presumption exists in civil actions.

The Ukrainian Criminal Code applies to all persons who commit crimes on the territory of Ukraine and to Ukrainian citizens who commit crimes abroad.

GLOSSARY

- criminal law – кримінальне право
to deal with – мати справу з
crime – злочин; злочинність
action – дія; вчинок
to consider – вважати; думати
harmful to society – шкідливий для суспільства
to range in seriousness – ділитися за тяжкістю (серйозністю)
disorderly conduct – протиправна поведінка
murder – (умисне) вбивство
to define – визначати
offence – правопорушення; злочин; провина
to set the rules – встановлювати правила (закони)
arrest – арешт
possible trial – можливий судовий процес (розгляд)
punishment – покарання
offender – правопорушник; злочинець
to class – класифікувати
tort – правопорушення, яке дає основу для подання позову
victim – потерпілий; жертва
to sue for damages – порушувати судову справу про відшкодування збитків
under private law – за (передбачений) приватним правом
to commit a crime – вчиняти злочин
members of the community – члени суспільства (громади)
particular – окремий; особливий
to make a decision – приймати рішення; вирішувати
to prosecute – порушувати судову справу проти когось;
переслідувати у судовому порядку; обвинувачувати
the accused person – обвинувачена особа
to act as people's representative – діяти як представник народу
common law – загальне право
to divide – ділити(ся), поділяти(ся)
felony – фелонія; тяжкий злочин
misdemeanour – місдемінор (категорія найменш небезпечних злочинів, які є на межі з адміністративними правопорушеннями); вчинок, що підлягає судовому покаранню; провина; дрібний злочин

distinction – різниця; особливість; відмінність
 to be based on – базуватися на
 length of punishment – тривалість покарання
 generally – взагалі; звичайно
 punishable – покараний; що підлягає покаранню
 imprisonment – ув'язнення
 to have the right to a jury trial – мати право на розгляд справи
 судом присяжних
 to be charged with – бути обвинуваченим у
 rape – зґвалтування
 burglary – крадіжка із зломом
 kidnapping – викрадення дитини, людей з метою шантажу
 treason – зрада
 less (від little) – менше; менший
 to consider serious enough – вважати доволі серйозним
 the Model Penal Code – карний кодекс
 to classify – класифікувати
 degree – ступінь; міра
 to include – включати; містити (в собі)
 sexual assault – напад з насильницьким, сексуальним наміром
 mischief – шкода; пошкодження; зло; лихо
 to compare – порівнювати
 in relation to – по відношенню (до); стосовно
 to involve – втягувати; залучати; стосуватись
 judge – суддя
 jury – суд присяжних
 whereas – тоді як; беручи до уваги; оскільки
 civil action – цивільний позов; цивільна справа
 normally – звичайно; зазвичай
 to sit alone – засідати; вести засідання одному
 presumption – презумпція; припущення
 criminal trial – кримінальний суд; розгляд справи у кримі-
 нальному суді
 innocent – невинний; невинуватий
 task – завдання
 prosecutor – обвинувач; прокурор
 to produce evidence – надати докази
 to convince – переконувати
 guilt – вина; провина

to exist – існувати
criminal code – кримінальний кодекс
to apply – застосовуватись
citizen – громадянин
abroad – за кордоном

VOCABULARY NOTES

crime, *n.* offence for which there is a severe punishment by law; serious lawbreaking: *to commit a serious crime; the crimes of which he has proved guilty. It is the business of the police to prevent and detect crime and of the law courts to punish crime.*

Syn. offence, fault, felony, misdeed, unlawful act, violation, wrong

criminal, *n.* a person who commits a crime or crimes; a person who is convicted.

Syn. law-breaker, offender, felon

criminal, *adj.* 1. guilty of a crime; 2. dealing with crime and its punishment: *the criminal code; a criminal offender.*

Syn. unlawful, illegal, illicit, felonious

Ant. innocent, lawful, legal, law-abiding, right

offence, *n.* wrongdoing; crime; sin; breaking of a rule: *an offence against God and man; an offence against the law; an offence against good manners.*

Syn. crime, fault, misdeed, wrongdoing

offender, *n.* a person who breaks a law: *first offenders* (found guilty for the first time and not usually treated severely); *an old offender* (who has often been guilty).

Syn. criminal, law-breaker, wrongdoer

Ant. law-abiding person

to commit (a crime), *v.* to perform (a crime, foolish act, etc.): *to commit an offence; to commit larceny.*

Syn. to break, to violate, to disobey (the law)

to punish, *v.* 1. to cause to suffer pain or discomfort for wrong-doing; 2. to inflict a penalty for (an offence or fault): *punish a man with a fine*.

Syn. to discipline, to penalise, to sentence, to fine

Ant. to forgive, to free, to pardon

punishment, *n.* penalty inflicted for wrong-doing: *to inflict severe punishments on criminals*.

Syn. penalty, fine, correction

victim, *n.* person, animal, etc., suffering injury, pain, loss, etc., because of circumstances, an event, the ill-will of smb., etc.: He is the victim of his brother's anger (of his foolishness). *A fund was opened to help the victims of the earthquake. Thousands were victims of the plague in the Middle Ages.*

Syn. injured party, sufferer, innocent

Ant. assailant, attacker, guilty party, offender

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

criminals	imprisonment	offender
crimes	criminal	
offences	proceedings	committing a crime
criminal	punish	
criminal law	offence	a masked offender
crime	punishment	
victim	kidnapping	

1. Since ... are ... against the state, the state takes the initiative in prosecuting

2. Certain persons are treated in law, to a greater or lesser extent, as being incapable of ... responsibility: people of unsound mind, drunken persons, minors and corporations.

3. It must not be imagined that because ... differ from civil wrongs, the same set of facts never constitute a ... and a civil wrong, for ... and civil law overlap at many points.

4. The object of ... is to ... the ... or to ensure, by some means other than ..., that he does not repeat his ...: the object of civil proceedings is to satisfy the claim of the party injured.

5. The accused was sentenced to five years'

6. He is conducting his first case in the court as the counsel for the

7. Mr Clark is said to have given evidence in the case of He was a witness for the

8. When ... tried to rob the post office, an official threw a cup of hot tea in his face, and the bandit fled.

9. The man suspected of ...pleaded non-guilty.

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

harmful to society

to sue for damages

possible trial

to prosecute the accused person

punishment of offenders

to produce evidence

to commit a crime

a jury trial

a civil action

a presumption

Exercise 3. Match the words and their definitions.

1) felony

4) robbery

7) treason

2) misdemeanour

5) burglary

8) assault

3) murder

6) kidnapping

9) mischief

a) carrying away a child or somebody by force and unlawfully (esp. to obtain money for his return);

b) a violent and sudden attack;

c) betrayal of one's country or ruler;

d) injury or damage done by a person or other agent, esp. on purpose; moral harm or injury;

e) very serious crime;

- f) unlawful killing of a human being on purpose;
- g) crime of breaking into a house to steal;
- h) unlawful act of not a very serious nature;
- i) taking property from (a place) unlawfully (and often by force).

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|----------------------------|-------------------------------|
| 1) crime | 1) потерпілий; жертва |
| 2) disorderly conduct | 2) обвинувачена особа |
| 3) possible trial | 3) покарання злочинців |
| 4) felony | 4) найменш небезпечний злочин |
| 5) victim | 5) ув'язнення |
| 6) punishment of offenders | 6) крадіжка зі зломом |
| 7) to prosecute | 7) злочин |
| 8) the accused | 8) суддя |
| 9) misdemeanour | 9) вина |
| 10) imprisonment | 10) порушувати судову справу |
| | 11) доказ |
| | 12) цивільна справа |
| | 13) можливий судовий розгляд |
| | 14) протиправна поведінка |
| | 15) тяжкий злочин |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Надати докази; кримінальний кодекс; innocent; guilt; арештовувати злочинців; покарання правопорушників; to commit a crime; порушити судову справу про відшкодування збитків; tort; common law; обвинувачена особа; грабіж; treason; burglary; цивільний позов; презумпція; mischief; jury; обвинувачувати; члени суспільства; victim; to set the rules; викрадення дитини (людей); розгляд справи судом присяжних; prosecutor.

Exercise 6. Pick up pairs of synonyms.

Crime; criminal (adj.); to violate the law; assault; punishment; to deal with; trial; to consider; to set the rules; decision; to sue smb. for smth.; felony; mischief; civil action; to prosecute; seriousness; evidence; case; degree; misdemeanour; distinction; the accused; arrest; to range; to define; action; victim; to accuse; to punish; to commit a crime; criminal (n).

Importance; proof; to bring to trial; matter; lawsuit; level; harm; fault; serious offence; difference; to have the law on smb.; defendant; judgement; apprehension; to establish the rules; to classify; to think; to determine; court ruling; deed; to concern; to suffer; penalty; to charge; attack; to penalise; to obey the law; to break the law; unlawful; offender; offence.

Exercise 7. Pick up pairs of antonyms.

Offender; criminal (*adj.*); lawful; innocent; to obey; to punish; legal; licit; to accuse; harmful; to arrest; to include; guilt.

To exclude; useful; illicit; to forgive; not guilty; law-abiding; victim; unlawful; to disobey; illegal; to defend; to set free; innocence.

Exercise 8. State if the following statements are True or False. Correct them if necessary.

1. Criminal law deals with crimes.
2. Felonies are generally punishable by more than five years' imprisonment.
3. In torts, the victim may sue for damages under public law.
4. Misdemeanours are crimes generally punishable by less than one year's imprisonment.
5. There is a presumption in a criminal trial that the accused person is guilty until proven innocent.

Exercise 9. Read the text. Choose the best answers.

1. Criminal law defines ...
 - a) the person's rights and obligations and sets the penalties for offenders;
 - b) the offences and sets the rules for the arrest;
 - c) the legal powers of administrative agencies.
2. Under common law, crimes are divided into ...
 - a) two main categories: felonies and offences against the state;
 - b) two main categories: felonies and offences against the person;
 - c) two main categories: felonies and misdemeanours.
3. The common law felonies include ...
 - a) murder, rape, robbery, burglary, kidnapping, and treason;
 - b) murder, rape, assault, theft, and housebreaking;
 - c) murder, rape, mugging, drug trafficking, and blackmailing.

4. In relation to serious offences, a criminal case will involve ...
 - a) a judge who sits alone;
 - b) a judge and jury;
 - c) three judges.
5. The Ukrainian criminal code is applicable ...
 - a) to all persons who commit crimes only on the territory of Ukraine;
 - b) to all persons who commit crimes abroad;
 - c) to all persons who commit crimes in Ukraine and to Ukrainian citizens who commit crimes abroad.

Exercise 10. Answer the following questions.

1. What does criminal law deal with?
2. What are crimes?
3. What does criminal law define?
4. Under what law the victim may sue for damages?
5. Who makes the decision to prosecute the accused person?
6. What main categories are crimes divided into under common law?
7. What is the distinction between two main categories of crimes?
8. What are felonies?
9. What types of crimes do felonies include?
10. What are misdemeanours?
11. What right does a person have when charged with a misdemeanour?
12. How are crimes classified under the Model Penal Code?
13. What is a presumption?
14. What is the task of a prosecutor?
15. To whom is the Ukrainian criminal code applicable?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|--------------------------|-------------------------------------|
| 1. Act proves ... | 1. Minister, physician, and lawyer. |
| 2. A fault confessed ... | 2. The intention. |
| 3. Hide nothing from ... | 3. Is half redressed |

1. Хто кається, від вини відмивається.
2. Нічого не приховуй від священника, лікаря і адвоката.
3. Дія підтверджує намір.

Exercise 12. Topics for discussion.

1. Speak about the essence of criminal law.
2. Speak about felonies and misdemeanours.
3. What can you say when comparing criminal and civil cases?
4. Speak about criminal law in Great Britain and in Ukraine.

Legal Terms To Be Memorized

crime; criminal	злочин; злочинець; злочинний
to commit a crime	вчинити злочин
to break the law / to violate the law / to disobey the law	порушити закон
offence; offender	правопорушення; правопо- рушник
offence / crime	правопорушення; злочин
to punish; punishment	карати; покарання
punishment / penalty / fine	покарання; кара; штраф
punishment of offenders	покарання злочинців
victim	потерпілий; жертва
innocent // guilty	невинний // винний
disorderly conduct	протиправна поведінка
possible trial	можливий судовий розгляд
to set the rules for the arrest	встановлювати правила для арешту
to sue for damages	подавати позов за завдані збитки
to make a decision	приймати рішення
to prosecute; prosecutor	обвинувачувати; прокурор
to prosecute the accused person	порушувати судову справу проти обвинуваченої особи
felony	фелонія; тяжкий злочин
misdemeanour	місдемінор; дрібний злочин; провина
imprisonment	ув'язнення
to be charged with	бути обвинуваченим у (чомусь)
murder	вбивство (умисне)
rape	зґвалтування
robbery	крадіжка; грабіж
burglary	крадіжка зі зломом

kidnapping	викрадення дитини (людей) з метою шантажу
treason	зрада
sexual assault	напад із насильницьким наміром
jury trial	розгляд справи судом присяжних
mischief	шкода
civil action	цивільна справа; цивільний позов
presumption	презумпція
to produce evidence	представити / надати докази
to convince the jury	переконати суд присяжних

UNIT 7

ADMINISTRATIVE LAW

Administrative law regulates the powers, procedures, and acts of public administration. It applies to the organisation, powers, duties, and functions of public officials and public agencies of all kinds. Administrative law centres on the operations of government agencies. Administrative law ranks as one of the fastest-growing and most complicated branches of law. Administrative law concerns communications and telecommunications, consumer protection, currency, environmental protection, interstate commerce, public safety, social welfare, taxation, and worker's wages and hours. Administrative law aims to attain a synthesis of public and private interests in terms of the social and economic circumstances and ideals of the age.

Of the powers delegated to administrative authorities by modern regulatory statutes, four types may be mentioned: 1) the rulemaking power, or the power to issue general rules and regulations having the force of law; 2) the licensing power, or the power to grant or refuse, to renew and to revoke licenses or permits; 3) the investigatory power, or the power to require witnesses to testify and produce books, papers, and records to acquire the information needed for effective regulation; 4) the directing power, or the power to issue administrative orders.

National, state, provincial, and local governments set up many administrative agencies for government work. Some agencies regulate banking, communication, trade, and transportation activities. Others deal with matters such as education, public health, and taxation. Still, other agencies administer social welfare programs, such as old-age and unemployment insurance. In most cases, the agencies are established in the executive branch of government under powers granted by the legislature.

Administrative law consists chiefly of 1) the legal powers that are granted to administrative agencies by the legislature and 2) the rules that the agencies make to carry out their powers. Administrative law also includes court rulings between agencies and private citizens.

GLOSSARY

administrative law – адміністративне право
powers – повноваження

procedure – процедура; процес; спосіб дії
 acts of public administration – рішення (документи) державної
 адміністрації
 to apply – вживатися; стосуватися
 duties – обов'язки
 functions of public officials – функції державних службовців
 public agencies of all kinds – державні установи всіх видів
 to center (on) – зосереджуватись (на); концентрувати
 operation – дія; робота; управління (підприємством)
 government agencies – урядові установи (заклади, агентства,
 органи)
 to rank – класифікуватися
 as one of the fastest-growing branches – як одна з галузей,
 що найбільш швидко розвивається
 complicated – ускладнений; складний
 branch of law – галузь права
 to concern – стосуватися
 communications and telecommunications – засоби зв'язку
 і телекомунікації
 consumer protection – захист споживача
 currency – валюта; грошовий обіг
 environmental protection – захист навколишнього середовища
 interstate commerce – торгівля між державами (між регіонами)
 public safety – громадська безпека
 social welfare – соціальний захист (забезпечення)
 taxation – мито; державний податок
 worker's wages and hours – зарплата робітника і тривалість
 робочого дня (години зайнятості)
 aim – мета; ціль; прагнути (до чого-небудь); ставити (що-
 небудь) за свою мету
 to attain – досягати; одержувати
 a synthesis of public and private interests – синтез державних
 і приватних інтересів
 in the terms of – з точки зору
 social and economic circumstances – соціальні й економічні
 умови
 ideals of the age – ідеали епохи
 the powers delegated to administrative authorities – повноваження,
 надані адміністративним (керівним) органам
 modern regulatory statutes – сучасні регулятивні закони

type – тип; вид
 to be mentioned – бути згаданим
 the rulemaking power – законотворче повноваження
 to issue – видавати
 general rules and regulations – загальні правила й обов'язкові постанови
 having the force of law – що має силу закону
 the licensing power – ліцензійне повноваження
 to grant – давати; дозволяти
 to refuse – відмовляти
 to renew – поновлювати
 to revoke – скасовувати
 license – ліцензія; патент; офіційний дозвіл
 permit – дозвіл; перепустка
 the investigatory power – слідче повноваження
 to require – вимагати
 witness – свідок
 to testify – давати показання; свідчити
 to produce – випускати; виробляти; створювати
 papers – документи
 records – протоколи; звіти
 to acquire the information needed for effective regulation – отримати інформацію, необхідну для ефективного управління
 the directing power – директивне (вказівне) повноваження
 to issue administrative orders – видавати адміністративні накази (розпорядження)
 national – національний; державний
 state or provincial and local governments – державні або місцеві органи управління
 to set up – засновувати (підприємство)
 administrative agencies – адміністративні установи (органи)
 to do the work – виконувати роботу
 to regulate – регулювати; упорядковувати
 activity – діяльність; сфера діяльності
 banking – банківська справа
 trade – торгівля
 transportation – перевезення; транспортні засоби
 to deal with – мати справу з; стосуватись
 matter – справа; діло; питання

education – освіта
 public health – охорона здоров'я
 to administer – управляти, керувати; завідувати
 social-welfare programs – програми соціального захисту
 unemployment insurance – страхування на випадок безробіття
 old-age insurance – пенсійне страхування
 in most cases – зазвичай
 to establish – засновувати; створювати; встановлювати
 executive branch – виконавча гілка влади
 under powers granted by legislature – згідно з повноваженнями,
 наданими законодавчою владою
 to consist (of) – складатися
 chiefly – переважно; головню
 legal powers – юридичні повноваження
 to carry out – виконувати
 to include – включати, охоплювати
 court ruling – судовий розгляд; судовий процес
 private citizen – приватна особа

VOCABULARY NOTES

to administer, *v.* **1.** to control, to manage, to look after (a household, business affairs, etc.): ***to administer a country*** (to govern it); **2.** to apply, put into operation: ***to administer the law; to administer punishment to smb.; to administer justice.***

Syn. to control, to govern, to direct, to manage

administrative, *adj.* of the management of affairs; concerned with administration: ***an administrative post; lacking in administrative ability.***

Syn. executive, governmental, organisational, regulatory, supervisory

power, *n.* right possessed by, or granted to a person or group of persons: ***Does the law define the powers of the Prime Minister? The President has exceeded his powers.***

Syn. authority, right, warrant, privilege, license

legislature, *n.* lawmaking body (e.g., Parliament in Great Britain)

Syn. parliament, congress, lawmaking body, assembly, senate

to insure, *v.* to make a contract that promises to pay, secures payment of, a sum of money in case of an accident, damage, loss, injury, death, etc.: *to insure one's house against fire; to insure oneself (one's life) for \$ 5,000.*

Syn. to protect, to guarantee, to provide

insurance, *n.* 1. (an undertaking, by a company, society, or the state, to provide) safeguard against loss, provision against sickness, death, etc., in return for regular payments; 2. payment made to or by such a company, etc.: *When her husband died, she received \$ 20 000 insurance. He pays out \$ 110 in insurance every year.* 3. *An insurance policy is a contract made about insurance.*

Syn. protection, guarantee, security, safeguard

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

legislature	insured	administrative
power	court rulings	welfare
insurance policy	powers	insurance
administer	branch of law	powers

1. The High Court and the county courts have the ... to order the pre-trial exchange of witness statements.

2. The courts have ... to trace, freeze, and confiscate the proceeds of drug trafficking.

3. The ... gives the police wider powers to deal with suspected terrorists, including international terrorists.

4. Various government departments are responsible to ... the criminal and law systems.

5. All public authorities must act within the ... that the law allows.

6. The Lord Chancellor is the head of the judiciary and is responsible for several ... tribunals.

7. Mr. Black has ... his house against fire.

8. He pays out \$ 50 ... every year.

9. Going through the customs, he had to produce his

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

to centre on the operations	legal powers
old-age insurance	to regulate activities
complicated branch of law	court rulings
granted by legislature	to deal with such matters
to set up administrative agencies	to carry out powers

Exercise 3. Match the words and their definitions.

1) banking	4) currency	7) social welfare
2) communication	5) interstate commerce	8) taxation
3) consumer protection	6) safety	9) transportation
		10) insurance

- a) money that is actually in use in a country;
- b) any means of guaranteeing against loss or harm;
- c) organised efforts to improve the living conditions of needy persons;
- d) carrying of goods and persons from one place to another;
- e) system of raising money by taxes;
- f) means of sending messages, orders, etc., such as telephone or telegraph, roads, railways;
- g) freedom from harm or danger;
- h) the act of protecting a person who uses a commodity or service;
- i) business carried on by or with a bank;
- j) trade between countries; the exchange and distribution of goods.

Exercise 4. Find the Ukrainian equivalents to the following words and word combinations.

1) government agency	1) пенсійне страхування
2) branch of law	2) обкладання податком
3) banking	3) торгівля між державами
4) transportation	4) діяльність уряду
5) unemployment insurance	5) засоби зв'язку
6) legal powers	6) галузь права
7) taxation	7) законодавча влада
8) legislature	8) освіта

- 9) old-age insurance
- 10) interstate commerce

- 9) банківська справа
- 11) соціальний захист
- 10) юридичні повноваження
- 12) страхування на випадок безробіття
- 13) урядова установа
- 14) громадська безпека
- 15) перевезення

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Interstate commerce; sphere; судовий розгляд; юридичні повноваження; executive branch; приватна особа; законодавча влада; social welfare; зарплата робітника і години зайнятості; захист навколишнього середовища; taxation; the rulemaking power; грошовий обіг; communications and telecommunications; the investigatory power; громадська безпека; управляти; old-age insurance; to require witnesses to testify; адміністративне право; справа; охорона здоров'я; banking; to regulate activities; to issue administrative orders; транспортні засоби; страхування на випадок безробіття; complicated branch of law; the licensing power.

Exercise 6. Pick up pairs of synonyms.

Commerce; to administer; administrative; power; legislature; to insure; insurance; to centre; operation; complicated; national; government; agency; to regulate; activity; to deal with; education; to establish; to testify; chiefly; court ruling; wage; sphere; welfare; currency.

Wellbeing; field; mainly; teaching; work; organisation; public; action; protection; authority; to govern; trade; governmental; lawmaking body; to protect; to concentrate; difficult; administration; to control; to concern; to form; trial; payment; money; to witness.

Exercise 7. Pick up pairs of antonyms.

Complicated; employment; private; to include; fast; welfare; to regulate; safety; protection; legal.

Unemployment; to exclude; trouble; danger; illegal; insecurity; to disorganise; slow; public; easy.

Exercise 8. State if the following statements are True or False. Correct them if necessary.

1. Administrative law regulates public administration's powers, procedures, and acts.
2. Administrative law concerns communications, commerce, social welfare and ownership transfers.
3. Modern regulatory statutes may mention four types of powers delegated to administrative authorities: rulemaking, licensing, legislative, and directing powers.
4. Administrative law aims to regulate the activities of private citizens.
5. Administrative law consists of the legal powers granted to administrative agencies by the legislature.

Exercise 9. Read the text. Choose the best answers.

1. Administrative law centers on ...
 - a) the operations of trade unions;
 - b) the operations of government agencies;
 - c) the operations of public organisations.
2. Administrative agencies regulate such activities as ...
 - a) education, taxation, torts, and child support;
 - b) old-age insurance, unemployment insurance and adoption;
 - c) banking, communications, trade and transportation.
3. The directing power is ...
 - a) to issue administrative orders;
 - b) to produce books, papers and records;
 - c) to issue general rules and regulations having the force of law.
4. Administrative law also includes court rulings in cases between ...
 - a) business corporations;
 - b) the agencies and private citizens;
 - c) husbands and wives.
5. Administrative agencies are established ...
 - a) in the judicial branch of power;
 - b) in the legislative branch of power;
 - c) in the executive branch of government.

Exercise 10. Answer the following questions.

1. What does administrative law regulate?
2. What does administrative law apply to?

3. What does administrative law centre on?
4. Why does administrative law rank as one of the most complicated branches of law?
5. What does administrative law concern?
6. What purpose do national and local governments set up many administrative agencies?
7. What activities do administrative agencies regulate?
8. What programs do the agencies administer?
9. Where are administrative agencies established?
10. What powers are delegated to administrative authorities by modern regulatory statutes?
11. What is the aim of the rulemaking power?
12. What is the purpose of the licensing power?
13. What is the aim of the investigatory power?
14. What is the purpose of the directing power?
15. What does administrative law consist chiefly of?
16. What does administrative law include?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|------------------------------|---------------------|
| 1. A clear conscience is ... | 1. Excuses no man. |
| 2. Don't put ... | 2. A coat of mail. |
| 3. Ignorance of law ... | 3. A patch upon it. |

1. Не пробує шукати виправдань, це тільки погіршує справу.
2. У кого чиста совість, тому нічого не страшно. Хто чисте сумління має, спокійно спати лягає.
3. Незнання закону не може бути виправданням.

Exercise 12. Topics for discussion.

1. Speak about spheres of administrative law.
2. Speak about the aim of administrative law.
3. Speak about the powers delegated to administrative authorities.
4. Speak about the activities of administrative agencies.
5. Speak about administrative law in general.

Legal Terms to Be Memorized

to administer
administrative

керувати, управляти
адміністративний

administration	адміністрація, керівництво
administrative law	адміністративне право
administrative agency	адміністративна установа
administrative orders	адміністративний наказ (розпорядження)
public administration	державна адміністрація
power / authority / license	повноваження / влада / ліцензія
legal powers	юридичні повноваження
rulemaking power	законотворче повноваження
licensing power	ліцензійне повноваження
investigatory power	слідче повноваження
directing power	директивне повноваження
legislature / lawmaking body	законодавча влада
to insure; insurance	страхувати; забезпечувати; страхування
insurance policy	страховий поліс
old-age insurance	пенсійне страхування
unemployment insurance	страхування на випадок безробіття
branch of law	галузь права
court ruling / trial	судовий розгляд; судовий процес
social welfare program	програма соціального захисту
public official	державний службовець
witness; to witness / to testify	свідок; свідчити
to issue general rules and regulations	видавати загальні правила і обов'язкові постанови
consumer protection	захист споживача
environmental protection	захист навколишнього середовища
public safety	громадська безпека
taxation	мито, державний податок
trade / commerce	торгівля
communications	засоби зв'язку
worker's wages and hours	зарплата робітника і години зайнятості
modern regulatory statutes	сучасні регулятивні закони
to acquire the information	отримати інформацію
having the force of law	що має силу закону
social and economic circumstances	соціальні й економічні умови

UNIT 8

CONSTITUTIONAL LAW

A constitution is a set of rules and principles that define a government's powers and the people's rights. Its purpose is to set parameters of governmental power and the rights and duties of citizens. Therefore, the constitution of any country will determine the system of government in that country. The principles outlined in a constitution form the basis of constitutional law, which also includes official rulings on how the principles of a nation's constitution are to be interpreted and carried out.

Because the rules of a constitution are laws of fundamental importance, it is not surprising that they are often embodied in a single written document. For example, the Constitution of the United States was reduced to writing in 1787, and the document (that it comprises) lays down the fundamental law of America today.

Most countries have a written constitution. A major exception is Great Britain, which has an unwritten constitution. The statement that the U.K. Constitution is unwritten does not mean that the British possess no important constitutional documents. It merely means that the constitution is not embodied in any single document or series of documents containing their essential laws. It consists of all documents and traditions that have contributed to Britain's form of government.

In most democracies, the national constitution takes first place over all other laws. The federal constitution has force over all state constitutions and other national and state laws in the United States.

Constitutional law settles conflicts between a constitution and other laws. In the United States, the courts have the power of judicial review, under which they may overturn any laws that are judged unconstitutional. A law is declared unconstitutional if the court determines that it violates the United States Constitution. The United States Supreme Court is the nation's highest court of judicial review.

The Constitutional Court of Ukraine supervises the strict observance and application of the Constitution of Ukraine. It settles questions about the conformity of laws and other legal acts with the Constitution of Ukraine and gives an official interpretation of the Constitution of Ukraine and the laws of Ukraine.

GLOSSARY

constitutional law – конституційне право
constitution – конституція
rule – правило; закон
principle – принцип; закон
to define powers – визначати повноваження
rights of the people – права людей
purpose – мета; намір
to set parameters – встановлювати параметри (характеристики)
governmental power – урядові повноваження
to determine – визначати
system of government – система правління
to outline – описувати; охоплювати в загальних рисах
to form the basis – створювати основу
to include – включати
official rulings – офіційні вказівки (інструкції)
to interpret (principles, laws) – тлумачити принципи (закони)
to carry out – виконувати
(of) fundamental importance – особливої ваги (важливості)
it is not surprising – не дивно
to embody – втілювати; включати; об'єднувати
a single written document – єдиний (окремих) писаний документ
to reduce – зменшувати; скорочувати; доводити (до)
to comprise – містити (в собі); охоплювати
to lay down – встановлювати; затверджувати
fundamental law – основний закон
written constitution – писана конституція
statement – твердження; заява
to mean – означати
to possess – володіти
constitutional document – конституційний документ
series of documents – низка документів
to contain – містити (в собі)
essential – обов'язковий; необхідний; істотний
constitutional laws – конституційні закони
to consist (of) – складатися (з)
to contribute to – робити вклад (в науку); сприяти
form of government – форма правління
democracy – демократична країна; демократія

national constitution – державна (національна) конституція
 to take first place – займати перше місце
 to have force over – мати перевагу над
 federal constitution – федеральна конституція
 state constitution – конституція штату
 state law – державний закон; закон штату
 conflict – суперечка; конфлікт
 to settle conflicts – вирішувати суперечки
 to have power of judicial review – мати повноваження судового
 перегляду
 to overturn – спростовувати; відхиляти (закон)
 to be judged – бути визначеним судом
 unconstitutional – неконституційний
 to declare – проголошувати
 to violate – порушувати (закон)
 the United States Supreme Court – Верховний Суд США
 the highest court of judicial review – найвищий суд судового
 перегляду (нагляду)
 the Constitutional Court of Ukraine – Конституційний Суд
 України
 to supervise – наглядати (за)
 strict observance – суворе дотримання
 application – застосування; вживання; використання
 to settle questions – вирішувати питання (проблеми)
 conformity of laws – відповідність законів
 legal act – правовий акт
 to give official interpretation – давати офіційне тлумачення

VOCABULARY NOTES

judicial, *adj.* 1. relating to courts of law or judges. 2. proper to the character of a judge. 3. decreed, sanctioned, or enforced by a court: **the judicial bench** (the judges); judicial proceedings against smb. (bring a law against him); **a judicial separation; a judicial review.**

Syn. legal, juridical, official

constitution, *n.* system of government; laws, and principles according to which a state is governed: **Great Britain has an unwritten constitution. The USA has a written constitution.**

Syn. basic law, structure, form

constitutional, *adj.* of the constitution of a state, organisation, etc.: *constitutional government; a constitutional ruler; constitutional reform.*

Syn. statutory, charted, vested

Ant. unconstitutional

to apply, *v.* **1.** to put into use or into position to serve its purpose: *to apply a rule to a case.* **2.** to ask to be given: *to apply for a position (for information, etc.); to apply to the Consul for a visa. You may apply in person or by letter.*

Syn. to request, to appeal; to use

application, *n.* **1.** making a request: *A complete list of new books may be sent to the publishers upon application. We made an application to the court for an inquiry; application form* (form to be filled in when applying for smth.). **2.** the use to which something is put (putting on one thing to another); a substance used: *The oil for external application only. Both cold and hot applications are used to help people who are in pain.* **3.** bringing (of a rule, etc.) to bear on a case; using: *the application of the rule to this case; the application of a discovery (a new process, etc.) to industry.*

Syn. request, appeal; use

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

Constitutional Court (2)
judicial review
apply
interpretation
courts
judges
legal relations
administered

judicial decisions
judicial proceedings
legal act
applications (2)
Constitution of Ukraine
application form
jurisdiction

1. The Queen's Bench Division, concerned with contract and tort cases, deals with ... for

2. If the ... receives new ... or proposals based on decisions already rendered, those applications are not accepted.

3. The Chairman of the ... is elected by his fellow ... for a three-year term and cannot be reelected.

4. According to the ... justice in Ukraine is ... exclusively by the courts.

5. The ... of the courts extends to all ... that arise in the state.

6. ... are performed by the Constitutional Court of Ukraine and courts of general jurisdiction.

7. ... are adopted by the ... in the name of Ukraine and are mandatory for execution throughout Ukraine.

8. I would like to ... for a manager position in your company.

9. Fill in the ..., please.

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

to define the powers

written constitution

the system of government

unwritten constitution

official rulings

constitutional laws

to settle conflicts

judicial review

the conformity of laws

to overturn the law

Exercise 3. Match the words and their definitions.

1) to define

2) to violate

3) supervise

4) interpretation

5) to contribute

a) explanation or meaning

b) to join with others in giving (help, money, etc., to a common cause); to give (ideas, suggestions)

c) to explain the meaning of (e.g. words); to state or show clearly

d) to watch and direct (work, workers, an organisation)

e) to break (a law, an oath, a treaty, etc.)

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|-----------------------------|----------------------------|
| 1) fundamental law | 1) правовий акт |
| 2) a set of rules | 2) конституційний документ |
| 3) to settle conflicts | 3) застосування; вживання |
| 4) judicial review | 4) наглядати |
| 5) constitutional documents | 5) офіційні вказівки |
| 6) conformity of laws | 6) судовий перегляд |
| 7) legal act | 7) збірник законів |
| 8) application | 8) порушувати закон |
| 9) official rulings | 9) повноваження |
| 10) to be judged | 10) основний закон |
| | 11) писана конституція |
| | 12) відповідність законів |
| | 13) бути визначеним судом |
| | 14) втілювати |
| | 15) вирішувати суперечки |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Конституційне право; збірник правил; to carry out; визначати повноваження; written constitution; to interpret principles; офіційні вказівки; вирішувати суперечки; system of government; fundamental law; major exception; форма правління; твердження; state law; to declare; порушувати закон; судовий перегляд; to supervise; application of the constitution; суворе дотримання; відповідність законів; legal act; Конституційний Суд України; давати офіційне тлумачення.

Exercise 6. Pick up pairs of synonyms.

Democracy; law; constitution; to define; conflict; interpretation; to supervise; to violate; purpose; government; to carry out; to apply; application; judicial; constitutional; power; to possess; to include; importance; to reduce; to contribute; review; conformity; to declare; to overturn.

Rule; to determine; explanation; to break; administration; to use; legal; competence; to comprise; to cut down; analysis; to proclaim;

to overthrow; correspondence; to give; significance; to own; statutory; use (request); to fulfil; aim; to watch; dispute; basic law; society.

Exercise 7. Pick up pairs of antonyms.

To include; written; to reduce; legal; to violate; constitutional; observance; conflict; to contribute; importance; fundamental; to comprise; to overturn; official; right; often.

Unwritten; illegal; unconstitutional; peace; insignificance; to except; unofficial; seldom; duty; to preserve; auxiliary; to ignore; disregard; to obey; to enlarge; to exclude.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. A constitution is a set of rules and principles that define a government's powers and the people's rights.

2. The principles outlined in a constitution form the basis of administrative law.

3. Great Britain has a written constitution like other countries.

4. Constitutional law settles conflicts between private citizens and a state.

5. The Constitutional Court of Ukraine supervises the strict observance and application of the Constitution of Ukraine.

Exercise 9. Read the text. Choose the best answers.

1. The constitution of any country determines ...

- a) legal rights and obligations of different corporations;
- b) the system of government in that country;
- c) the powers of police agencies.

2. Constitutional law includes official rulings on ...

- a) how the laws of a country are to be adopted;
- b) how to ensure people's rights and obligations;
- c) how the principles of a nation's constitution are to be interpreted

and carried out.

3. The British Constitution is ...

- a) unwritten;
- b) written;
- c) embodied in a single written document.

4. In the United States, the courts have the power ...
 - a) to abolish laws;
 - b) of judicial review;
 - c) to supervise the judicial system.
5. The ... of Ukraine settles the questions about the conformity of laws and other legal acts with the Constitution of Ukraine.
 - a) Verkhovna Rada;
 - b) Supreme Court;
 - c) Constitutional Court.

Exercise 10. Answer the following questions.

1. What is a constitution?
2. What is the purpose of a constitution?
3. What is the basis of constitutional law?
4. What does the constitutional law include?
5. What can you say about the Constitution of the USA?
6. What constitutions do most nations have?
7. What can you say about the Constitution of Great Britain?
8. What does «unwritten constitution» mean?
9. What constitution takes first place over all other laws in most democracies?
10. What conflicts does constitutional law settle?
11. What power do the courts in the United States have?
12. When is the law declared unconstitutional in the USA?
13. What is the highest court of judicial review in the USA?
14. What are the functions of the Constitutional Court of Ukraine?
15. What questions does the Constitutional Court of Ukraine settle?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below.

- | | |
|----------------------|---------------------------|
| 1. Every man ... | 1. That ye be not judged. |
| 2. The more laws ... | 2. Has his faults. |
| 3. Judge not ... | 3. The more offenders. |

1. Більше законів, більше злочинців.
2. Нема чоловіка без вади.
3. Не суди, і тебе не осудять (бібл.).

Exercise 12. *Topics for discussion.*

1. Speak about the purpose of a constitution.
2. Speak about the basis of constitutional law.
3. Speak about constitutional law.
4. Speak about the Constitution of the USA.
5. Speak about the Constitution of Great Britain.
6. Speak about conflicts between a constitution and other laws.
7. Speak about the Constitutional Court of Ukraine.

Legal Terms to Be Memorized

constitution	конституція
written // unwritten constitution	писана // неписана конституція
constitutional // unconstitutional	конституційний//неконституційний
constitutional law	конституційне право
to declare the law unconstitutional	проголошувати закон неконституційним
to apply; application	застосовувати; звертатись; застосування; заява
judicial / court / legal	судовий
judicial review	судовий перегляд
to define the powers	визначати повноваження
rights and duties of the citizens	права й обов'язки громадян
official rulings	офіційні вказівки (інструкції)
to interpret (the principles, laws)	тлумачити (принципи, закони)
to give / provide an official interpretation	давати офіційне тлумачення
fundamental law	основний закон
form of government	форма правління
to settle conflicts (questions)	вирішувати суперечки (питання)
to overturn the law	відмінити закон
to be judged	бути визначеним судом
to violate the law	порушувати закон
to supervise	наглядати (за)
strict observance and application of the constitution	суворе дотримання і застосування конституції

the conformity of laws
and legal acts
to form the basis
a single written document

legal act
the Supreme Court
series of documents
to have force over
state law
to determine the system
of government

відповідність законів
і правових актів
створювати основу
єдиний (окремий) писаний
документ
правовий акт
Верховний Суд
низка документів
мати перевагу над
державний закон; закон штату
визначати систему правління

UNIT 9

LABOUR LAW

Labour law is a body of laws that governs such matters as employment, remuneration, working conditions, trade unions, and industrial relations. In its most comprehensive sense, the term also includes social security and disability insurance.

Labour law deals with statutory requirements and collective relationships that are increasingly important in mass-production societies. It also concerns legal relations between organised economic interests and the state and covers various rights and obligations related to some social services.

Legal principles and standards of labour law have two functions: 1) the protection of the worker as the weaker party in employment relations, and 2) the regulation of the relations between organised interest groups (industrial relations).

Although labour-related laws have been traced as far back as the Code of Hammurabi, labour law as it is known today originated in the 18th century. It evolved from the influences and impact of the Industrial Revolution, the 18th-century Enlightenment, the French Revolution, and the political forces. Those historical movements shaped it.

Initially, labour laws were intended to protect the working class, which, due to increasing mechanisation, was being exposed to new abuses in the workplace.

Several labour-related laws, such as employment laws, wage laws, working conditions and social security laws, regulate labour law.

Employment laws. Legislation concerning employment policy includes provisions for recruitment, vocational training, and apprenticeship. The rights to freedom from forced labour, equality of treatment, and unemployment compensation are also included under this category.

Wage laws. Laws regarding wages concern the form and methods of payment. These laws allow workers to dispose of their wages, protect them from unlawful deductions, and restrict the cases in which wages can be attached.

Working conditions and security laws. Legislation for working conditions includes provisions regulating hours, rest periods, vacations, child labour, and health and safety.

Ukraine's employment and labour laws are outlined in its Constitution and Labour Code. The Labour Code of Ukraine regulates the labour relations of all employees, contributing to the growth of labour productivity, improving the quality of work, the efficiency of social production, and raising, on this basis, workers' material and cultural standards of living. It also strengthens labour discipline and gradually transforms labour for the benefit of society into the first vital need of every able-bodied citizen. Labour legislation establishes a high level of working conditions and protection of employees' labour rights.

GLOSSARY

a body of laws – збірник законів
to govern such matters as – регулювати такі питання, як
employment – зайнятість; працевлаштування; наймання;
робота; служба
remuneration – заробітна плата; компенсація; винагорода;
оплата
working conditions – умови праці
trade union – профспілка
industrial relations – виробничі відносини
in its most comprehensive sense – у найширшому значенні
to include – включати, охоплювати
social security – соціальний захист (безпека)
disability insurance – страхування від непрацездатності
statutory requirements – законодавчі вимоги
collective relationships – колективні взаємовідносини
to increase – зростати; збільшувати; посилювати
to be increasingly important – бути надзвичайно важливим
mass-production society – суспільство поточного виробництва
to concern – стосуватися
legal relations – правові відносини
organised economic interests – інтереси організованої економіки
various – різний; різноманітний
rights and obligations – права й обов'язки
related (to) – пов'язаний з
social services – соціальні послуги
basically – зазвичай; по суті

legal principles and standards – юридичні принципи і правові норми

protection of the worker – захист робітника

a weaker party – слабша сторона

employment relations – службові відносини

regulation – регулювання

organised interest groups – групи спільного інтересу

to trace – простежувати

labour-related laws – закони, що стосуються трудового права

Code of Hammurabi – закон Хамурабі

to originate – брати початок, походити, виникати

to evolve – розвивати(ся)

influence – вплив

impact – вплив; поштовх

Industrial Revolution – промисловий переворот

century of Enlightenment – епоха просвітництва

French Revolution – французька революція

to shape – формувати; утворювати

historical movement – історичний рух

initially – спочатку; попередньо

to intend – мати намір; призначати(ся)

to protect – захищати; охороняти

to provide protection – забезпечити захист

working class – робітничий клас

increasing mechanisation – зростаюча механізація

to expose (to) – піддавати; виставляти

abuse – зловживання

work place – місце праці

employment laws – закони про зайнятість

wage laws – закони про заробітну плату

legislation – законодавство

employment policy – політика зайнятості

provision – положення

recruitment – вербування; набір

vocational training – професійна підготовка

apprenticeship – учнівство

right to freedom from forced labour – право на свободу від примусової праці

equality of treatment – рівність у ставленні (поводженні)

unemployment compensation – допомога у зв'язку
 з (тимчасовим) безробіттям
 to regard – стосуватися
 wage – заробітна плата
 payment – плата; сплата
 to allow – дозволяти; надавати
 to dispose wages – розміщувати зарплату
 unlawful deductions – незаконні утримання (вирахування)
 to restrict the cases – обмежувати випадки
 to attach – накладати арешт (на майно)
 attachment of wages – накладання арешту на заробітну плату
 provisions regulating hours – положення, що регулюють години
 праці
 rest periods – вихідні дні (періоди)
 vacations – відпустки
 child labour – дитячий труд (праця)
 health and safety – охорона здоров'я і захист (безпека)
 to outline – окреслювати
 Labour Code of Ukraine – Кодекс законів про працю України
 to contribute to the growth of labour productivity – сприяти
 зростанню продуктивності праці
 to improve the quality of work and the efficiency of social
 production – підвищити якість роботи й ефективність суспільного
 виробництва
 to raise material and cultural standards of living – піднімати
 матеріальний і культурний рівень життя
 to strengthen labour discipline – зміцнювати трудову дисципліну
 to transform labour for the benefit of society – перетворювати
 працю на благо суспільства
 the first vital need – перша життєва потреба
 able-bodied citizen – працездатний громадянин
 to establish a high level of working conditions – встановлювати
 високий рівень умов праці
 protection of employees' labour rights – охорона трудових прав
 працівників

VOCABULARY NOTES

to enforce, *v.* 1. to compel obedience to; to make effective; to impose: *to enforce a law; to enforce discipline; to enforce a course of action upon smb.* 2. to give force or strength *to enforce an agreement.*

Syn. to impose, to apply, to administer, to implement

Ant. to dismiss, to disregard, to prosecute, to compel, to give up

enforcement, *n.* enforcing or being enforced: *strict enforcement of a new law.*

Syn. administration, application, execution

to employ, *v.* 1. to give work to smb. usually for payment: *They employ five waiters.* 2. to make use of smth.: *How do you employ your spare time?*

Syn. to hire, to engage

insurance, *n.* 1. (undertaking by a company, society, or a state to provide) safeguard against loss, provision against sickness, death, etc., in return for regular payments. 2. payment made to or by such a company, etc.: *When her husband died, she received \$2,000 in insurance. He pays out \$50 in insurance every year. Insurance policy: How many insurances do you have?*

Syn. protection, safeguard, security, guarantee

relate, *v.* 1. connected in thought or meaning: *It is difficult to relate these results with (or to) any known case.* 2. have a reference (to): *She is a girl who notices nothing except what relates to herself.*

Syn. to concern, to apply, to have reference to

Ant. to have nothing to do with

relation, *n.* (usu. pl.) dealings; affairs; what one person, group, country, etc., has to do with another: *business relations with a firm; the friendly relations between any country and yours; public relations. I have broken off all relations with that fellow.*

Syn. dealings, affairs, contact, connections

legislation, *n.* making laws; the laws made

Syn. lawmaking; codification; enactment; regulation

EXERCISES

Exercise 1. Select the word or word combinations best suited to the context. Use the Reference List.

Reference List

employment	wages
legislation	unemployment
insurance policy	public relations
relations	security
employed	social security legislation
enforce	labour law

1. Labour ... in social security has increased the amount of and opportunity for compensation for job-related injury and illness.

2. International ... determines the conditions of entry and of ... in each contracting country for the nationals of the other.

3. Police do ... law and may invoke the law to carry out these functions.

4. While going through customs, a person must produce an officer declaration form, passport, ... and other papers.

5. The future of the European Union will depend on the organisation of power institutions and their influence on the

6. He is ... in a bank.

7. Laws regarding trade unions and labour-management ... include the legal status of trade unions and the rights and obligations of workers' and employers' organisations.

8. Comprehensive ... began its history in Otto von Bismarck's Germany in the late 19th century.

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

a body of laws	statutory requirements
legal principles and standards	collective relations
social security	forced labour
employment relations	social services
disability insurance	working conditions

Exercise 3. Match the words and their definitions.

1) remuneration

4) labour

2) trade union

5) service

3) security

6) disability

a) bodily or mental work;

b) an act of helpful activity;

c) payment; reward;

d) lack of ability (to do something);

e) safety, freedom from danger or anxiety;

f) organised association of workers in a union or group formed to protect their interests, improve their conditions, etc.

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

1) matter

1) правові відносини

2) employment

2) захист робітника

1) правові відносини

3) діло; справа

2) захист робітника

4) страхування від непраце-

3) remuneration

здатності

4) working conditions

5) справа честі

5) industrial relations

6) заробітна плата

6) social security

7) соціальні послуги

7) collective relations

8) правові норми

8) disability insurance

9) виробничі відносини

9) legal relations

10) колективні відносини

10) protection of a worker

11) соціальний захист

12) зайнятість

13) профспілка

14) службові відносини

15) умови праці

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

A body of laws; employment; трудове право; to strengthen labour discipline; заробітна плата; профспілка; working conditions; statutory requirements; виробничі відносини; the first vital need; службові взаємовідносини; legal relations; social security; соціальні послуги;

to improve the quality of work; захист робітника; able-bodied citizen; employment policy; юридичні принципи і правові норми; disability insurance; wage laws; допомога у зв'язку з (тимчасовим) безробіттям.

Exercise 6. Pick up pairs of synonyms.

Remuneration; insurance; to relate (to); to employ; security; labour; relation; to enforce; to apply; to increase; society; various; party; decree; to state; matter; comprehensive; duty; influence; legislation.

Common; to declare; side; community; to use; connection; lawmaking; work; to concern; payment; protection; to hire; safety; impact; to impose; to grow; different; regulation; problem; obligation.

Exercise 7. Pick up pairs of antonyms.

Employment; to relate (to); ability; security; weaker; legal; to increase; labour; to include; right; lawful.

To exclude; to decrease; stronger; disability; unemployment; unlawful; have nothing to do with; danger; illegal; rest; duty.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. Labour law concerns trade, banking, transportation and remuneration.

2. Labour law deals with various rights and obligations related to some social services.

3. Legal principles and standards of labour law have one function.

4. As it is known today, labour law originated in the 19th century.

5. Several labour-related laws regulate labour law, such as employment, wage, working conditions, and social security.

Exercise 9. Read the text. Choose the best answers.

1. Labour law is a body of laws applied to such matters as ...

- a) employment, education, and old-age insurance;
 - b) employment, remuneration, working conditions, trade unions and industrial relations;
 - c) employment, remuneration and torts.
2. Labour law deals with ...
- a) crimes;

- b) conflicts between a constitution and other laws;
- c) statutory requirements and collective relationships.
- 3. Initially, labour laws were intended ...
 - a) to protect the working class;
 - b) to protect victims;
 - c) to provide citizens with free legal advice.
- 4. Legislation concerning employment policy includes provisions ...
 - a) for the transfer of property upon the death of the owner;
 - b) for recruitment, vocational training and apprenticeship;
 - c) for making contracts.
- 5. Laws regarding wages concern ...
 - a) the operation of government agencies;
 - b) the ownership and use of property;
 - c) the form and methods of payment.

Exercise 10. Answer the following questions.

1. What legal matters does labour law govern?
2. What does the term labour law include?
3. What does labour law deal with?
4. How many functions do legal principles and standards of labour law have?
5. What is the origin of labour law?
6. Whom were labour laws intended to protect?
7. What is labour law regulated by?
8. What does legislation concerning employment policy include?
9. What do wage laws concern?
10. What does legislation for working conditions include?
11. What documents outline Ukraine's employment and labour laws?
12. What does the Labour Code of Ukraine regulate?
13. What does the Labour Code of Ukraine strengthen?
14. What does labour legislation establish?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|---------------------------------------|------------------------------|
| 1. Actions speak ... | 1. Rules the law. |
| 2. There is one law for the rich, ... | 2. Louder than words. |
| 3. Custom ... | 3. And another for the poor. |

1. Сильні та багаті – рідко винуваті.
2. Звичай керує законом.
3. Людину прикрашають вчинки. Важливі діла, а не слова.

Exercise 12. Topics for discussion.

1. Speak about labour law.
2. Speak about legal principles and standards of labour law.
3. Speak about the origin of labour law.
4. Speak about employment laws.
5. Speak about wage laws.
6. Speak about working conditions and social security laws.
7. Speak about the Labour Code of Ukraine.

Legal Terms to Be Memorized

labour / work	праця, робота
labour law	трудове право
labour discipline	трудова дисципліна
child labour	дитяча праця
a body of laws	збірник законів
to employ; employment	наймати; зайнятість
employment // unemployment	зайнятість // безробіття
employment relations	службові відносини
employment laws	закони про зайнятість
employment policy	політика зайнятості
unemployment compensation	допомога у зв'язку з (тим-часовим) безробіттям
remuneration / wage / payment	заробітна плата; оплата
wage laws	закони про заробітну плату
social security	соціальний захист (безпека)
social services	соціальні послуги
disability insurance	страхування від непрацездатності
insurance policy	страховий поліс
to abuse; abuse	зловживати; зловживання
statutory requirements	законодавчі вимоги
collective relations	колективні відносини
industrial relations	виробничі відносини
legal relations	правові відносини

legal principles and standards	юридичні принципи і правові норми
to enforce the law	впроваджувати закон
the protection of a worker	захист робітника
to provide protection (to)	забезпечити захист
vocational training	професійна підготовка
unlawful deductions	незаконні вирахування
working conditions	умови праці
to restrict the cases	обмежувати випадки
legislation / lawmaking / codification	законодавство
health and safety	охорона здоров'я і захист (безпека)
attachment of wages	накладання арешту на заробітну плату
Labour Code of Ukraine	Кодекс законів про працю України
to contribute to the growth of labour productivity	сприяти зростанню продуктивності праці
to improve the quality of work and the efficiency of social production	підвищити якість роботи й ефективність суспільного виробництва
to raise material and cultural standard of living	піднімати матеріальний і культурний рівень життя
to strengthen labour discipline	зміцнювати трудову дисципліну
to transform labour for the benefit of society	перетворювати працю на благо суспільства
the first vital need	перша життєва потреба
able-bodied citizen	працездатний громадянин
to establish a high level of working conditions	встановлювати високий рівень умов праці
protection of employees' labour rights	охорона трудових прав працівників

UNIT 10

INTERNATIONAL LAW

International law deals with the relationships among nations, both in war and peace. It concerns trade, communications, boundary disputes, methods of warfare, and many other matters. Over the centuries, customs and treaties have developed laws to regulate international relations. However, unlike other branches of law, international law is difficult to enforce. International law covers such matters as arms control, extradition, hijacking and piracy, human rights, territorial waters, use of outer space, use of oceans, and war crimes.

International law consists of rules and principles that govern the relations of nations with each other. It includes the basic, classic law concepts in national legal systems: status, property, obligation, and tort (or delict). Customary and conventional law are primary sources of international law.

The basic rules of international customary law can be summarised in the following fundamental principles: good faith, freedom of seas, international responsibility, and self-defence. Conventional international law derives from international agreements, which create law for the parties of the agreements.

General principles common to systems of national law are a secondary source of international law. In situations where neither conventional nor customary international law can be applicable, a general principle may be considered a rule of international law because it is common to the world's major legal systems (and not inappropriate for international claims).

International law imposes specific duties on nations regarding individuals. Treating an alien in a manner that does not satisfy the international standard of justice is a violation of international law. However, if there is no specific agreement, an individual cannot bring a complaint. Only the state of which he is a national can complain of such a violation before an international tribunal.

The sphere of freedom of action for international law subjects is primarily governed by the rules of sovereignty. The interaction of these rules has brought about secondary rules and legally determined situations. Five are of particular significance: territory, diplomatic law,

and immunity; the protection of nationals abroad; freedom of commerce and navigation; extradition and asylum; and succession to international rights and obligations.

International organisations play a vital role in relations between nations and have an essential impact on international law. The United Nations Organization (UN) is the most influential among international organisations, created on June 26, 1945. Ukraine is one of the founding members of this organisation. The declared purposes of the United Nations are to maintain peace and security, to develop friendly relations among nations, and to achieve international cooperation in solving international problems. The UN Charter establishes the International Court of Justice as its principal judicial organ.

GLOSSARY

international law – міжнародне право
to deal with – мати справу з; стосуватися
relationships among nations – взаємовідносини між державами
(народами)
both in war and in peace – як під час війни, так і в мирний період
to concern – стосуватися, відноситися
trade – торгівля
communications – зв'язок (комунікації)
boundary disputes – суперечки щодо кордону
methods of warfare – методи ведення війни
matter – діло, справа; питання
international relations – міжнародні відносини
to develop – розвивати(ся)
over centuries – протягом століть
treaty – договір; угода
by customs and treaties – шляхом звичаїв і угод
unlike other branches of law – на відміну від інших галузей права
difficult to enforce – складно впроваджувати в життя
to cover – розглядати; охоплювати
arms control – контроль за озброєнням
extradition – екстрадиція (видача злочинця іншій державі
або організації)
hijacking and piracy – бандитизм і піратство
human rights – права людини

territorial waters – територіальні води
 use of outer space – використання космічного простору
 use of the ocean – використання надр океану
 war crimes – воєнні злочини
 to consist – складатися
 to govern – керувати, правити; регулювати
 relations of nations – відносини держав
 with each other – між собою; один з одним
 to include – включати; охоплювати
 basic, classic concepts – основні, класичні концепції
 national legal system – правова система країни
 status – статус; суспільне становище
 property – власність; майно
 obligation – обов'язок; зобов'язання
 tort (delict) – правопорушення, яке дає основу для подання позову (делікт)
 international customary law – міжнародне звичаєве право
 conventional international law – міжнародне договірне право
 primary sources – основні (первинні) джерела
 to summarise – підсумовувати
 fundamental principles – основні принципи
 sovereignty – суверенітет; верховна влада
 recognition – визнання
 consent – згода
 good faith – довір'я; добросовісність; чесність
 freedom of seas – свобода морів
 international responsibility – міжнародна відповідальність
 self-defence – самооборона
 to derive – походити
 international agreement – міжнародна угода
 to create – утворювати
 party – юридична сторона
 general principles – загальні принципи
 common – спільний
 secondary source – додаткове (вторинне) джерело
 to be applicable – бути застосованим (придатним)
 to consider – вважати; розглядати
 major legal systems – більшість правових систем
 to impose (on, upon) – накладати; зобов'язувати

regarding an individual – щодо; стосовно людини (особи)
 violation – правопорушення
 to treat – ставитися (до); поводитися (з)
 alien – іноземець
 in a manner – таким чином; до певної міри
 to satisfy – задовольняти
 international standard of justice – міжнародна норма правосуддя
 specific agreement – особлива угода
 to bring a complaint – подавати скаргу
 to complain – скаржитися; подавати скаргу
 national – підданий (або громадянин) якої-небудь країни
 international tribunal – міжнародний суд (орган правосуддя,
 трибунал)
 sphere of freedom of action – сфера свободи дії
 subject of international law – суб'єкт міжнародного права
 primarily – першочергово; насамперед
 rules of sovereignty – правила суверенітету
 interaction – взаємодія
 to bring about – здійснювати; викликати
 legally determined situations – юридично визначені ситуації
 of particular significance – особливого значення (важливості)
 diplomatic law and immunity – дипломатичне право та імунітет
 protection of nationals abroad – захист громадян за кордоном
 freedom of commerce and navigation – свобода торгівлі і навігації
 extradition and asylum – екстрадиція і надання політичного
 притулку
 succession to international rights and obligations – спадкоємність
 міжнародних прав і обов'язків
 international organization – міжнародна організація
 to play an important role – відігравати важливу роль
 essential – істотний
 impact – вплив
 the most influential – найбільш впливовий
 the United Nations Organization – Організація Об'єднаних
 Націй (ООН)
 founding member – засновник
 the declared purposes – проголошені цілі
 to maintain peace and security – підтримувати мир і безпеку
 to develop friendly relations – розвивати дружні відносини

to achieve international cooperation – досягати міжнародного співробітництва

to solve a problem – вирішувати проблему

International Court of Justice – Міжнародний суд

to be established – бути заснованим

the UN Charter – хартія ООН

principal judicial organ – основний судовий орган

VOCABULARY NOTES

international, *adj.* 1. existing between nations: *international trade; international agreement; international conferences*. 2. unions of nations or their representatives: *international working-class movements; international trade union meetings; international talks between African foreign ministers*.

Syn. universal, global; worldwide, intercontinental

to complain, *v.* (to smb.; about / of smth.), to say that one is not satisfied, that smth. is wrong, that one is suffering: *She complained to me of his rudeness. We have nothing to complain of (about). He never complains about the pain*.

Syn. to find fault, to bewail, to grumble, to charge

complaint, *n.* complaining; statements of, grounds for, dissatisfaction: *You have no cause (grounds) of (for) complaint. Have you any complaints to make? to bring (to lodge) a complaint against smb.: Why don't you lodge (bring) a complaint against your noisy neighbours?*

Syn. criticism, accusation, charge

to violate, *v.* 1. to break (an oath, a treaty, etc.); to act contrary to (what one's conscience tells one to do, etc.) 2. to act towards (a sacred place, smb's seclusion, etc.) without proper respect: *to violate smb's privacy*.

Syn. to break, to disobey, to infringe, to transgress

Ant. to obey, to respect, to protect

violation, *n.* an action that breaks a law, agreement, principle etc.:
act in violation of a treaty; violations of the rights of the citizens; violation of the right of free speech, etc.

Syn. infringement, abuse, breach

Ant. respect, protection

party, *n.* (law) one of the persons or sides in a legal agreement or dispute: *the parties in a dispute; the injured party; he was a party to the conspiracy.*

Syn. side, defendant, plaintiff, participant

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

international disputes

arms control

parties (2)

international law

violation

international customary law

boundary disputes

Charter

International Court (2)

violating

international relations

International Tribunal

1. ... and law made by international agreement have equal authority as international law.

2. ... may assign higher priority to one of the sources of international law by agreement.

3. In the early days of ..., it sufficed to have lawyers trained in canon and civil law.

4. The ... of the United Nations provided equality for states of different socio-political systems.

5. In its resolution of November 21, 1947, the UN General Assembly again qualified the principles of the Charter of ... and its verdict as being universally recognised norms of international law.

6. The decision of the ... has no binding force except between the ... and in the particular case.

7. The working languages of the ... are English and French.

8. All member states are to settle their ... by peaceful means.
9. A ... of the public rights and duties due to the whole community considered a crime.
10. Many famous jurists define a «crime» as an act ... the law of the state.

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Make up sentences with these word combinations.

the subject of international law	sphere of freedom of action
to bring a complaint	fundamental principles
methods of warfare	international organisation
international standard of justice	international agreement
national legal systems	principal judicial organ

Exercise 3. Match the words and their definitions.

- | | |
|----------------|-------------|
| 1) extradition | 4) commerce |
| 2) piracy | 5) immunity |
| 3) asylum | |

- a) trade (esp. between countries); the exchange and distribution of goods
- b) safety, security (from disease, etc.)
- c) handing over a person from the state where he is a fugitive to the state where he is alleged to have committed or has been convicted of a crime
- d) refuge; safety; protection from persecution
- e) robbery by pirates; using, reproducing (a book, a recording, one's works, etc.) without authority and for one's profit

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|----------------------------|--------------------------------|
| 1) arms control | 1) міжнародна відповідальність |
| 2) uses of outer space | 2) мир і безпека |
| 3) international relations | 3) правова система |
| 4) human rights | 4) права людини |
| 5) self-defence | 5) взаємодія |
| 6) recognition | 6) згода |

- | | |
|---------------------------------|-------------------------------------|
| 7) international responsibility | 7) використання космічного простору |
| 8) legal system | 8) подавати скаргу |
| 9) consent | 9) самооборона |
| 10) treaty | 10) міжнародні відносини |
| | 11) вирішувати проблему |
| | 12) визнання |
| | 13) контроль за озброєнням |
| | 14) договір |
| | 15) міжнародний суд |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Міжнародний суд; freedom of commerce and navigation; подавати скаргу; hijacking and piracy; міжнародна норма правосуддя; territorial waters; захист громадян за кордоном; uses of oceans; вирішувати проблему; war crimes; суб'єкт міжнародного права; founding member; підтримувати мир і безпеку; to develop friendly relations; досягати міжнародного співробітництва; extradition and asylum; міжнародне звичаєве право; succession to international rights and obligations; сфера свободи дії; conventional international law.

Exercise 6. Match the pairs of synonyms.

International; to complain; complaint; to violate; violation; party; to deal with; trade; dispute; treaty; property; to develop; relations; to enforce; custom; to govern; to consider; alien; to create; tribunal; significance; to bring a complaint; sovereignty; impact; purpose; to establish; protection.

Safety; aim; supreme power; importance; to form; to think; tradition; interaction; ownership; conflict; to concern; infringement; accusation; universal; charge; to break (law); side; commerce; agreement; to progress; to impose; to rule; foreigner; court; to lodge a complaint; influence; to punish.

Exercise 7. Match the pairs of antonyms.

To include; legal; war; to violate; essential; freedom; to create; consent; agreement; difficult; faith; to satisfy.

Illegal; to obey; dependence; refusal; easy; to dissatisfy; distrust; disagreement; to destroy; minor (secondary); peace; to exclude.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. International law consists of rules and principles that govern the formation and operation of business corporations.

2. Customary law and conventional law are primary sources of international law.

3. International law covers arms control, human rights, use of oceans and intellectual property.

4. The sphere of freedom of action for subjects of international law is governed primarily by the rules of sovereignty.

5. The declared purposes of the UNO are to maintain peace and security and to develop friendly relations among nations.

Exercise 9. Read the text. Choose the best answers.

1. International law deals with ...

- a) the rights and obligations of people who make contracts;
- b) the rights and obligations people have in their relations;
- c) the relationships among nations both in war and in peace.

2. International law covers such matters as ...

a) arms control, extradition and asylum, environmental protection;

b) arms control, extradition, hijacking and piracy, and war crimes;

c) arms control, extradition and asylum, and consumer protection.

3. Conventional international law derives from ...

a) international agreements;

b) business contracts;

c) employment contracts.

4. The United Nations Organization was created ...

a) on June 26, 1946;

b) on June 26, 1945;

c) on July 26, 1945.

5. The International Court of Justice is the principal judicial organ ...

a) of the European Economic Council;

b) of the United Nations Organization;

c) of the North Atlantic Treaty Organization.

Exercise 10. Answer the following questions.

1. What does international law deal with?
2. What matters is international law concerned with?
3. How have the laws regulating international relations been developed?
4. Why is it difficult to enforce international law?
5. What does international law consist of?
6. What does international law include?
7. What are the primary sources of international law?
8. What are the fundamental principles of international law?
9. What does conventional international law derive from?
10. What is the secondary source of international law?
11. When and why may a general principle be considered a rule of international law?
12. What does international law impose upon the nations?
13. Is it a violation of international law to treat an alien in a manner that does not satisfy the international standard of justice?
14. In what case can an individual bring a complaint?
15. Is the sphere of action for subjects of international law governed by the rules of sovereignty or security?
16. What are the secondary rules of special significance?
17. What role do international organisations play in the relations between nations?
18. When was the UN created?
19. What are the purposes of the UN?
20. What is the principal judicial organ of the UN?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|--------------------------|-------------------------|
| 1. Every land has ... | 1. So many customs. |
| 2. Much is expected ... | 2. Its own law. |
| 3. So many countries ... | 3. Where is much given. |

1. Що край – то звичай.
2. У всякім подвір'ї своє повір'я.
3. Кому багато дано, з того багато й питають.

Exercise 12. Topics for discussion.

1. Speak about matters covered by international law.
2. Speak about primary sources of international law.
3. Speak about a secondary source of international law.
4. Speak about cases of violation of international law.
5. Speak about secondary rules and legally determined situations.
6. Speak about the United Nations Organization.

Legal Terms to Be Memorized

international law	міжнародне право
international agreement	міжнародна угода
international relations	міжнародні відносини
International Tribunal	міжнародний трибунал
international organisation	міжнародна організація
international standard of justice	міжнародна норма правосуддя
conventional international law	міжнародне договірне право
international customary law	міжнародне звичаєве право
international responsibility	міжнародна відповідальність
International Court of Justice	міжнародний суд
succession to international rights and obligations	спадкоємність міжнародних прав і обов'язків
to achieve international cooperation	досягати міжнародного співробітництва
relations among nations	відносини між державами
to develop friendly relations	розвивати дружні відносини
to maintain peace and security	підтримувати мир і безпеку
to solve a problem	вирішувати проблему
to complain; to bring a complaint	скаржитися; подавати скаргу
to concern / to cover / to deal with	стосуватися / охоплювати / мати справу з
treaty / agreement	договір; угода
trade / commerce	торгівля
to violate; violation	порушувати; порушення
violation / infringement	порушення
boundary disputes	суперечки щодо кордону
arms control	контроль за озброєнням
extradition and asylum	екстрадиція і надання політичного притулку

human rights	права людини
hijacking and piracy	бандитизм і піратство
war crimes	воєнні злочини
diplomatic law and immunity	дипломатичне право та імунітет
protection of nationals abroad	захист громадян за кордоном
rules of sovereignty	правила суверенітету
founding member	засновник
declared purposes	проголошені цілі
principal judicial organ	основний судовий орган
good faith	довір'я; добросовісність; чес- ність
methods of warfare	методи ведення війни
primary sources	основні (первинні) джерела

UNIT 11

FINANCIAL LAW

Finance is an economic category that has been formed historically. The term «finance» is international and derives from the Latin word «finantia», which means payment or income. Finance is a system of money relations that appeared with the appearance of a state and is indissolubly connected with its existence and functioning. It is one of the economic categories that covers money, income (profit), price (prime cost), and others.

Accomplishing a state's financial activity requires regulating legal entities' legal rights, obligations, and responsibilities. This is the purpose of financial law: thanks to its norms, the state brings the economic system into action and uses it.

Financial law covers social relations that arise in financial activity and relations concerning the formation and consumption of centralised and decentralised funds costs necessary for the state to fulfil its functions. Financial law also regulates relations that arise under the formation of a budgetary system, the distribution of profits and expenses, and the planning, approval, and fulfilment of budgets.

Like other branches of law in Ukraine, financial law is divided into a general and a special part. The general part includes norms fixing general principles and methods of financial activity, while the special part includes legal norms regulating similar financial relations.

Financial law and its development depend on financial legislation (a system of all statutory organised normative acts that regulate financial relations in the state). Financial legislation is an external form of financial law that reflects its internal structure. For the violation of financial legislation, the sanctions of criminal law norms are applied; that is, criminal liability takes place.

Financial law is an autonomous branch of the state's unified legal system. It is closely connected with Ukraine's legal system branches, especially constitutional, civil, labour, and pension law.

GLOSSARY

finance(s) – фінанси; гроші; доходи; фінансувати
economic category – економічна категорія
to form – формувати(ся); утворювати(ся)
term – термін
to derive (from) – походити (від)
to mean – означати
payment – платіж
income – прибуток, дохід
system of money relations – система грошових відносин
to appear – з’являтися; виникати
appearance – поява
to be indissolubly connected – бути нерозривно пов’язаним
existence – існування; життя
functioning – функціонування
to cover – охоплювати
money – гроші
income / profit – прибуток, дохід
cost price / prime cost – собівартість
accomplishment – здійснення
financial activity – фінансова діяльність
to require – потребувати; вимагати
regulation of legal rights and obligations – регулювання
юридичних прав і обов’язків
responsibility of legal entities – відповідальність юридичних
суб’єктів
purpose – мета; ціль
thanks to – завдяки
norm / standard – норма (права)
to bring to action – приводити(ся) в дію
to use – використовувати(ся)
subject – предмет
social relations – суспільні відносини
to arise – виникати, з’являтися
to concern – стосуватися
formation – формування; утворення
consumption – витрачання
centralized and decentralized fond costs – централізовані та
децентралізовані фонди коштів

necessary – необхідний
 to fulfil – виконувати
 budgetary system – бюджетна система
 distribution of profits and expenses – розподіл доходів і видатків
 approval and fulfillment of budgets – затвердження і виконання
 бюджету
 like all branches of law – як і всі галузі права
 to divide – ділити, поділяти
 general part – загальна частина
 special part – особлива частина
 to fix – закріплювати
 general principles and methods – загальні принципи і методи
 legal norms – правові норми
 similar financial relations – однорідні фінансові відносини
 development – розвиток
 to depend on – залежати від
 financial legislation – фінансове законодавство
 statutory organised normative acts – упорядковані нормативні
 акти
 external form – зовнішня форма
 to reflect – відображати
 internal structure – внутрішня структура
 violation – порушення (закону)
 to apply sanctions of criminal law norms – застосовувати санкції
 кримінально-правових норм
 criminal liability – кримінальна відповідальність
 autonomous branch – самостійна галузь
 unified legal system – єдина правова система
 pension law – пенсійне право

VOCABULARY NOTES

finance, *n.* 1. (science of) the management of (esp. public) money: *a finance expert; the Minister of Finance* (in GB called the Chancellor of the Exchequer); finance house / company, one that provides finance for hire-purchase sales. 2. (pl.) money (esp. of a government or a business company): *Are the country's finances sound?*

Syn. 1. economics, accounts; banking; 2. money; fund

to finance, *v.* to provide money for

Syn. to guarantee, to pay for

financial, *adj.* of finance: ***in financial difficulties*** (short of money); ***a financial centre*** (e.g. London or New York); the financial year (the annual period for which accounts are made up).

Syn. economic, budgeting, fiscal, monetary, money

entity, *n.* (pl. -ties) **1.** smth. that has real existence; a thing's existence (contrasted with its qualities, relations, etc.): ***legal entity***. **2.** being, existence.

Syn. thing, being, existence, individual, object

liability, *n.* the state of being liable: ***liability to pay taxes; liability for military service; liability to disease; criminal liability; united liability company***.

Syn. responsibility, accountability; duty, obligation

EXERCISES

Exercise 1. Select the word or word combination best suited to the context. Use the Reference List.

Reference List

financial

financial centres

money

legislation

violation

payment

legal entities

liability

financial law

1. ... appeared on the verge of state and administrative law.
2. Financial law uses an authoritative method of the state's influence on ... of legal and ... relations.
3. Don't admit ... for the accident.
4. Civil law is the statutory regulation of legal relations between legally equal persons and ... in principal areas such as property, obligation, family law, and inheritance.
5. London, New York and Tokyo are the greatest world

Exercise 2. Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.

economic category	budgetary system
financial system	income
money relations	legal norms
financial activity	social relations
financial legislation	unified legal system

Exercise 3. Match the words and their definitions.

- | | |
|------------|---------------|
| 1) payment | 4) cost price |
| 2) income | 5) budget |
| 3) money | |

a) coins stamped from metal, printed notes, given accepted when buying and selling;

b) estimate of probable future income and expenditure, esp. that made by a government;

c) sum of money to be paid;

d) money received during a given period (as salary, receipts from trade, interest from investments, etc.);

e) estimate of the price to be charged for an article based on the expense of producing it.

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|--------------------------|-----------------------------|
| 1) legal entity | 1) витрати |
| 2) financial legislation | 2) розподіл |
| 3) criminal liability | 3) правові норми |
| 4) violation | 4) самостійний |
| 5) expenses | 5) застосовувати санкції |
| 6) money relations | 6) юридична особа (суб'єкт) |
| 7) social relations | 7) вимагати |
| 8) financial activity | 8) суспільні відносини |
| 9) to apply sanctions | 9) кримінальна відповідаль- |
| 10) unified legal system | ність |
| | 10) фінансове законодавство |
| | 11) грошові відносини |

- 12) єдина правова система
- 13) здійснення
- 14) порушення
- 15) фінансова діяльність

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Income; existence; фінанси; платіж; cost price; грошові відносини; фінансова діяльність; фінансове право; legal entity; social relations; витрачання коштів; бюджетна система; distribution of profits and expenses; затвердження бюджету; загальна частина; special part; legal norms (standards); фінансове законодавство; регулювати фінансові відносини; external form; internal structure; порушення; застосовувати санкції; criminal liability; unified legal system.

Exercise 6. Pick up pairs of synonyms.

Finance; finances; entity; liability; to cover; purpose; payment; income; cost price; accomplishment; norm; labour; obligation; consumption; cost; distribution; expense; budget; to regulate; legislation; violation; autonomous; criminal; to apply; financial.

To use; independent; lawmaking; plan; delivery; duty; standard; prime cost; wage; to concern; individual (object); money; fiscal; economics; responsibility; aim; profit; fulfilment; work; using up; price; charge; to control; infringement; unlawful.

Exercise 7. Pick up pairs of antonyms.

Internal; legal; right; criminal; to connect; activity; to appear; income; to divide; to include; similar; autonomous; closely.

Dependent; to exclude; expense; inactivity; lawful; illegal; far; different; to combine; to disappear; to disconnect; obligation; external.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. The term «finance» derives from the Latin word «finantia», which means expense.

2. The subject of financial law is social relations, which arise from financial activity.

3. The subject of financial law is the accomplishment of the state's financial activity.

4. Finance is a system of industrial relations.

5. For the violation of financial legislation, the sanctions of criminal law norms are applied.

Exercise 9. Read the text. Choose the best answers.

1. Financial law covers such matters as ...

- a) money, payment and public safety;
- b) money, income and cost price;
- c) money, currency and social welfare.

2. Financial law regulates ...

a) relations which arise under the formation and operation of business corporations;

b) such activities as banking, communication, trade and transportation;

c) relations which arise under the formation of a budgetary system.

3. Financial law is divided into ...

- a) general part and special part;
- b) general part and final part;
- c) general part, special part and introductory part.

4. The general part includes ...

a) legal norms which regulate similar financial relations;

b) legal rights and obligations people have in their relations with one another;

c) norms which fix general principles and methods of financial activity.

5. Financial law and its development depends on ...

- a) criminal legislation;
- b) financial legislation;
- c) civil legislation.

Exercise 10. Answer the following questions.

1. What does the term «finance» derive from?

2. When did a system of money relations appear?

3. What matters does financial law cover?

4. What does accomplishment of financial activity require?
5. What is the purpose of financial law?
6. What is the subject of financial law?
7. What kind of relations does financial law regulate?
8. How many parts is financial law divided into?
9. What does the general part include?
10. What does the special part include?
11. What do financial law and its development depend on?
12. Is financial legislation an external form of financial law?
13. What sanctions are applied for the violation of financial legislation?
14. What branches of law is financial law closely connected with?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|---------------------------------------|------------------------------|
| 1. A good judge conceives quickly ... | 1. Breaks many a man's neck. |
| 2. Two blacks do not ... | 2. Judges slowly. |
| 3. An evil conscience ... | 3. Make a white. |

1. Нечиста совість занастила багато людей.
2. Добрий суддя мислить швидко, судить поволі.
3. Чужий гріх свого не спокутує.

Exercise 12. Topics for discussion.

1. Speak about finance as an economic category.
2. Speak about the purpose of financial law.
3. Speak about the subject of financial law.
4. Speak about the relations regulated by financial law.
5. Speak about the general part of financial law.
6. Speak about the special part of financial law.
7. Speak about financial legislation.
8. Speak about the connection of financial law with other branches of law.

Legal Terms to Be Memorized

finance	фінанси; фінансувати; (мн.) гроші
financial law	фінансове право
financial activity	фінансова діяльність
financial legislation	фінансове законодавство
violation of financial legislation	порушення фінансового законодавства
financial relations	фінансові відносини
money relations	грошові відносини
social relations	суспільні відносини
legal entity	юридичний суб'єкт; юр. особа
responsibility of legal entities	відповідальність суб'єктів
criminal liability	кримінальна відповідальність
payment	платіж
income / profit	прибуток, дохід
cost price / prime cost	собівартість
legal norms / standards	правові норми
normative act	нормативний акт
budget; budgetary system	бюджет; бюджетна система
consumption of costs	витрачання коштів
distribution of profits and expenses	розподіл доходів і видатків
approval and fulfilment of budget	затвердження і виконання бюджету
to apply sanctions of criminal law norms	застосовувати санкції кримінально-правових норм
unified legal system	єдина правова система
to fix general principles	закріплювати загальні принципи
statutory organised normative acts	упорядковані нормативні акти
similar financial relations	однорідні фінансові відносини
external form	зовнішня форма
internal structure	внутрішня структура
system of money relations	система грошових відносин
centralized and decentralized	централізовані і децентралізовані
fond costs	фонди коштів

UNIT 12

FAMILY LAW

Family law regulates family relationships, including marriage and divorce, the treatment of children, and economic issues.

Family law is a set of legal rules and principles that govern and protect personal non-property and property relations arising in marriage and belonging to the family. It regulates relations between spouses regarding the procedure of getting married, the procedure and conditions for termination of marriage, relationships between parents and children, other relatives, etc. In addition, it regulates and protects the relationship of adoption and legal guardianship.

The main methods of family law are imperative and allowing. In particular, family law imperatively defines the framework of marital relations, establishing that they should be based on full equality between husband and wife. It also defines parents' rights and fundamental duties for children and children for disabled parents. The allowance of family law's method manifests in empowering citizens through legal means to meet their needs and interests in critical areas such as family relationships.

The main sources of family law are the Constitution, the Family Code of Ukraine, other legislative acts of Ukraine, and international treaties ratified by the Parliament. The system of modern family law is its inherent structural organisation, the elements of which are the rules, principles, and institutions.

Family principles are the main principles carried out under family protection and family law regulations. These principles include monogamy, freedom and voluntariness at the conclusion and divorce, equality of men and women in personal and property rights, and moral and material support to family members and others. «Institution of a family» is a set of family norms and principles that govern and protect homogeneous family relationships. The most important of these institutions should include marriage, rights and responsibilities of spouses, parents and children, adoption, guardianship, and civil registration.

Each spouse must support himself or herself, the other spouse, and his or her minor children. Failure to meet any of these obligations may

result in various kinds of criminal and civil liability for the parents. The obligation to provide child support may be enforced through various court actions. Other actions may be brought in connection with divorce, dissolution of marriage, annulment, or spousal support lawsuits or brought by a welfare agency. Children are obliged to support their parents under certain circumstances. When a parent has insufficient financial resources and cannot earn because of sickness or old age, an adult child must provide adequate support to the parent.

GLOSSARY

- family relationships – сімейні відносини
- marriage – шлюб, одруження; укладання шлюбу; шлюбна церемонія
- divorce – розлучення, розірвання шлюбу
- treatment of children – поводження з дітьми; виховання дітей
- economic issues – економічні питання
- a set of legal norms – сукупність правових норм
- to protect personal non-property and property relations – захищати особисті немайнові та майнові відносини
- spouse – чоловік; дружина; spouses – подружжя
- the procedure of getting married – процедура укладання шлюбу
- termination of marriage – розірвання шлюбу
- adoption – удочеріння, усиновлення
- legal guardianship – правове опікунство
- imperative and allowing – імперативний і диспозитивний (дозвільний)
- the framework of marital relations – рамки подружніх відносин
- full equality between husband and wife – повна рівність між чоловіком і дружиною
- fundamental duties – основні обов'язки
- disabled parents – непрацездатні батьки
- allowance – дозвіл, допущення; задоволення (претензії тощо); взяти до уваги; визнання
- empowerment – (у) повноваження
- legal means to meet their needs and interests – правові засоби для задоволення своїх потреб і інтересів
- sources of family law – джерела сімейного права
- legislative acts – законодавчі акти

international treaties – міжнародні договори
 ratify – ратифікувати; скріплювати (підписом, печаткою)
 inherent structural organisation – притаманна структурна організація
 rules – правила, норми
 family protection – захист сім'ї
 monogamy – моногамія, одношлюбність
 freedom and voluntariness – свобода та вільний вибір
 conclusion and divorce – укладання та розірвання шлюбу
 personal and property rights – особисті та майнові права
 moral and material support – моральна та матеріальна підтримка
 support to family members – підтримка членів сім'ї
 supporter of family – глава родини, годувальник (сім'ї)
 Institution of a family – інститут сім'ї
 homogeneous family – однорідна сім'я
 responsibilities of spouses – обов'язки подружжя
 civil registration – реєстрація актів цивільного стану
 minor children – неповнолітні діти
 failure to meet obligations – невиконання зобов'язань
 criminal liability – кримінальна відповідальність
 civil liability – цивільна відповідальність
 child support – допомога на дитину
 child support maintenance – утримання дитини / аліменти на дитину
 to provide – забезпечувати, надавати
 to provide child support – стягувати аліменти на утримання дитини
 to enforce through court actions – здійснювати (або стягувати) примусово у судовому порядку
 court action – судовий позов; судове переслідування
 to bring in connection with – приводити у відповідність (з чимсь)
 dissolution of marriage – розірвання шлюбу; скасування шлюбного контракту
 annulment of marriage – анулювання (скасування) шлюбу, проголошення шлюбу недійсним
 spousal support lawsuits – позови про аліменти на утримання подружжя
 welfare agency – орган соціального захисту

to be obliged to support their parents – бути зобов'язаними утримувати своїх батьків

under certain circumstances – за певних обставин

insufficient financial resources – недостатній рівень фінансових ресурсів

to earn – заробляти

because of – через

sickness – хвороба

old age – похилий вік, старість

adult child – дитина, яка досягла повноліття

adequate support – належна підтримка

VOCABULARY NOTES

marriage *n.* 1. the relationship between two people who are married, or the state of being married: *She has three daughters from a previous marriage. In Denmark they have legalized marriage between gay couples; marriage to; marriage between; by marriage.* 2. the ceremony in which two people get married: *The marriage took place at St Bartholomew's Church.*

Syn. wedding, wedding ceremony, marriage ceremony, matrimony

Ant. divorce

divorce *n.* the legal dissolution of a marriage by a court or other competent body: *Why doesn't she get a divorce? file / sue / petition for divorce (=start the legal divorce process)*

Syn. dissolution, separation, annulment; termination

Ant. marriage

to support *v.* 1. to say that you agree with an idea, group, or person, and usually to help them because you want them to succeed: *The bill was supported by a large majority in the Senate; to support somebody in (doing) something.* 2. to help someone by being sympathetic and kind to them during a difficult time in their life: *My wife supported me enormously.* 3. to give assistance to, especially financially or to provide enough money for someone to pay for all the things they need: *I have a wife and two children to support.*

Syn. to provide for, to maintain, to sustain, to keep, take care of

Ant. to neglect, to abandon

EXERCISES

Exercise 1. *Select the word or word combination best suited to the context. Use the Reference List.*

Reference List

justice
support
marriage

spouse
obeyed
enforced

divorce
violate
earn

1. A third of all marriages in Britain end in ...
2. She said she loved him, they said they loved him, but somehow nobody would fix a date for a
3. My parents didn't have to ... me when I was at college because I received a grant.
4. As a husband, he fulfilled the model role of an attentive and loving
5. She was one of those people who ... the rules and was never irresponsible.
6. It's not uncommon nowadays for women to ... more than their husbands.

Exercise 2. *Find the sentences in the text containing the word combinations and phrases given below. Translate them into Ukrainian. Make up sentences with these word combinations.*

treatment of children
to protect property relations
the procedure of getting married
the framework of marital
relations
disabled parents

annulment of marriage
to meet needs and interests
support to family members
conclusion and divorce
legal guardianship

Exercise 3. *Match the words and their definitions.*

- 1) to adopt
- 2) marital
- 3) liability

- 4) minor
- 5) adult
- 6) treatment

- 7) to conclude
- 8) to enforce

- a) a person under the age of full legal responsibility;
- b) a person who has reached the age of majority;
- c) formally and finally settle or arrange (a treaty or agreement);
- d) to take someone else's child into your home and legally become its parent;
- e) to decide that something is true after considering all the information you have;
- f) how someone behaves toward or deals with someone or something;
- g) to compel observance of or compliance with (a law, rule, or obligation);
- h) relating to marriage or the relations between husband and wife.

Exercise 4. Find Ukrainian equivalents to the following words and word combinations.

- | | |
|--------------------------------|---------------------------------|
| 1) court action | 1) допомога на дитину |
| 2) old age | 2) кримінальна відповідальність |
| 3) family protection | 3) основні обов'язки |
| 4) criminal liability | 4) повнолітні діти |
| 5) disabled parents | 5) судовий позов |
| 6) legislative acts | 6) джерела сімейного права |
| 7) dissolution of marriage | 7) похилий вік, старість |
| 8) responsibilities of spouses | 8) розірвання шлюбу |
| 9) fundamental duties | 9) захист сім'ї |
| 10) minor children | 10) сімейні відносини |
| | 11) неповнолітні діти |
| | 12) законодавчі акти |
| | 13) обов'язки подружжя |
| | 14) непрацездатні батьки |
| | 15) рамки подружніх відносин |

Exercise 5. Translate the following words and word combinations into English or Ukrainian.

Insufficient financial resources; заробляти; welfare agency; анулювання (скасування) шлюбу; to provide child support; цивільна відповідальність; responsibilities of spouses; одnorідна сім'я; freedom and voluntariness; захист сім'ї; inherent structural organisation; джерела сімейного права; Institution of a family; правове опікунство;

civil registration; підтримка членів сім'ї; personal and property rights; правові засоби для задоволення своїх потреб і інтересів; adoption; процедура укладання шлюбу.

Exercise 6. Pick up pairs of synonyms.

Support; guardianship; property; personal; fundamental; obligation; lawsuit; need; to conclude; equality; relation; to protect; source; agency; rule; to protect; liability; husband or wife; to earn; to establish; divorce; to support; to enforce; treaty; supporter; to belong to; economic; order; power; to ratify.

Link; to defend; spouse; agreement; to implement; to provide; to set; to obtain; responsibility; be owned by; to approve; procedure; authority; contributor; commercial; duty; legal action; annulment; body; to defend; ownership; help; basic; custody; to settle; similarity; necessity; norm; private; origin.

Exercise 7. Pick up pairs of antonyms.

Marriage; adult; insufficient; fundamental; legal; to spend; personal; disabled; to support; equal; conclusion.

To earn; abled; public; different; beginning; to neglect; divorce; minor; secondary; illegal; sufficient.

Exercise 8. State if the following sentences are True or False. Correct them if necessary.

1. Family law is a set of legal rules and principles that govern and protect personal non-property and property relations arising in marriage and belonging to the family.

2. The main methods of family law are imperative and obligatory.

3. The system of modern family law is its inherent structural organisation, the elements of which are the rules, principles, and institutions.

4. Each spouse must not support himself or herself, the other spouse, and his or her minor children.

5. «Institution of a family» is a set of family norms and principles that govern and protect different family relationships.

Exercise 9. Read the text. Choose the best answers.

1. Family law regulates and protects the relationship of
 - a) the central authority and the local authorities;
 - b) autonomous, legally equal persons and legal entities;
 - c) adoption and legal guardianship.
2. The «Institution of a family» is a set of family norms and principles that govern and protect
 - a) personal property relations;
 - b) homogeneous family relationships;
 - c) public relations.
3. Family principles are the main principles carried out under the regulations of family protection and
 - a) labour law;
 - b) administrative law;
 - c) family law.
4. «Institution of a family» includes marriage, rights and responsibilities of spouses,
 - a) parents and minor children;
 - b) parents and children, adoption, guardianship, and civil registration;
 - c) adoption, guardianship, and civil registration.
5. When a parent has insufficient financial resources and cannot earn because of sickness or old age,
 - a) an adult child must neglect adequate support to the parent;
 - b) an adult child must disregard the facts;
 - c) an adult child must provide adequate support to the parent.
6. Family law imperatively defines the framework of marital relations, establishing that they should be based on
 - a) monogamy;
 - b) full equality between husband and wife;
 - c) civil registration.
7. The allowance of family law's method manifests in empowering citizens through legal means to meet
 - a) constitutional rights;
 - b) conditions for termination of marriage;
 - c) their needs and interests.

Exercise 10. Answer the questions.

1. What is family law?
2. What does family law regulate?

3. What are the main methods of family law?
4. What does the imperative method of family law determine?
5. What does the allowing method of family law define?
6. What are the primary sources of family law in Ukraine?
7. What are family principles?
8. What do family principles include?
9. What is the «Institution of a family»?
10. What obligations do spouses have towards each other and their children under family law?
11. What court actions may be brought in a case of obligation failure?
12. How is the obligation to provide child support enforced?
13. Under what circumstances are adult children obligated to provide support to their parents?

Exercise 11. Match the beginning and the end of the proverbs and sayings. Find the appropriate translation given below. Comment on their meaning.

- | | |
|------------------------------|------------------|
| 1. Four eyes see more ... | 1. A bad ending. |
| 2. A bad beginning makes ... | 2. Than water. |
| 3. Blood is thicker ... | 3. Than two. |

1. Що посієш, те й пожнеш.
2. Одна голова добре, а дві – краще (Більше голів – більше умів).
3. Кров людська – не водиця.

Exercise 12. Topics for discussion.

1. Speak about family law in Ukraine.
2. Speak about family rights and obligations.
3. Speak about the «Institution of a family».

Legal Terms to be Memorized

family law	сімейне право
family relationships	сімейні відносини
marriage	шлюб, одруження; укладання шлюбу; шлюбна церемонія
divorce	розлучення, розірвання шлюбу

to protect personal non-property and property relations treatment of children	захищати особисті немайнові та майнові відносини поводження з дітьми; ви- ховання дітей
spouse / spouses	чоловік; дружина / подружжя
the procedure of getting married	процедура укладання шлюбу
termination of marriage	розірвання шлюбу
adoption	удочеріння, усиновлення
legal guardianship	правове опікунство
full equality between husband and wife	повна рівність між чоловіком і дружиною
marital relations	подружні відносини
disabled parents	непрацездатні батьки
legal means to meet their needs and interests	правові засоби для задоволення своїх потреб і інтересів
legislative acts	законодавчі акти
international treaties	міжнародні договори
family protection	захист сім'ї
monogamy	моногамія, одношлюбність
conclusion and divorce	укладання та розірвання шлюбу моральна та матеріальна під- тримка
moral and material support	підтримка членів сім'ї
support to family members	глава родини, годувальник (сім'ї)
supporter of family	реєстрація актів цивільного стану
civil registration	неповнолітні діти
minor children	невиконання зобов'язань
failure to meet obligations	кримінальна / цивільна від- повідальність
criminal / civil liability	допомога на дитину
child support	утримання дитини / аліменти на дитину
child support maintenance	стягувати аліменти на утри- мання дитини
to provide child support	розірвання шлюбу; скасування шлюбного контракту
dissolution of marriage	

annulment of marriage	анулювання (скасування) шлюбу, проголошення шлюбу недійсним
spousal support lawsuits	позови про аліменти на утримання подружжя
welfare agency	орган соціального захисту
to be obliged to support their parents	бути зобов'язаними утримувати своїх батьків
old age	похилий вік, старість
adult child	дитина, яка досягла повноліття
insufficient financial resources	недостатній рівень фінансових ресурсів

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English for Specific Purposes: Law in Use

Навчальний посібник

Редагування *Галина Ялечко*
Макетування *Галина Шушняк*
Друк *Андрій Радченко*

Підписано до друку 04.07.2024.
Формат 60×84/16. Папір офсетний. Умовн. друк. арк. 7,67.
Тираж 80 прим. Зам № 43-24.

Львівський державний університет внутрішніх справ
Україна, 79007, м. Львів, вул. Городоцька, 26.

Свідоцтво про внесення суб'єкта видавничої справи до державного реєстру
видавців, виготівників і розповсюджувачів видавничої продукції
ДК № 2541 від 26 червня 2006 р.