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"САМАРСКИЙ ГОСУДАРСТВЕННЫЙ ЭКОНОМИЧЕСКИЙ УНИВЕРСИТЕТ"

# RUN BUSINESS ON A LAW BASIS

Управляйте бизнесом на правовой основе

*Учебно-методическое пособие*

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## PART I

### UNIT I

*1. Read the text and get ready to discuss it.*

#### **The Law Institute**

It's a well known fact that with the transition to a market-type economy, the number of crimes, especially economic ones, goes up rapidly. In modern society economic crimes become more diverse and complicated. Nowadays different kinds of economic crimes exist in Russia among them are corruption, racket, money laundering, fraud in insurance, sham bankruptcy, theft of intellectual property and others.

For minimizing these crimes and creating a civilized law-governed state a number of law faculties were set up at many Russian universities and academies. The Economic-Law Faculty was set up at Samara State University of Economics in 1995. In 1998 it was renamed into Legal Faculty and later on, in 2001, got a new name - the Law Institute.

In 2008 the Institute of Law introduced a two level training system for lawyers with a 4 year bachelor course and a 2 year master course for students. Two magistrate programs started in 2009. They were: "Theory of state and law, History of state, History of law studies" and "Civil and arbitration process". Next year was marked by the beginning of five programs in magistrate training in "Jurisprudence": "Theory of state and law, History of state and law, history of law studies" and "Civil and arbitration process", "Judiciary, prosecutor's supervision, organization of law supervision activity, the bar, the notary", "entrepreneurial and commercial law", "Constitution law, municipal law".

In September 2011 the Institute launched the bachelor program in jurisprudence in the following profiles:

Law enforcement of economic activity;

Fight against infringements in the economy;  
Financial, tax, customs law;  
Legal, executive and notary activity.

In September 2010 the training in 6 magistrate programs was started:

Theory of state and law, History of state and law, history of law studies;  
Civil and arbitration process;

Judiciary, prosecutor's supervision, organization of law supervision activity, the bar, the notary;

Entrepreneurial and commercial law;  
Constitution law, municipal law;  
Civil law, international law, family law.

To provide the most productive and purposeful and effective training in the sphere of jurisprudence 7 departments headed by highly qualified professors were set up in the Institute of Law.

The Institute provides for professional training on "Jurisdiction" and humanitarian one according to 4 profiles. They are "Law-enforcement of economic activity", "Fight against law infringements in the economy", "Financial Tax Customs Law" and "Court Executive Notary Activity".

To provide the most productive and purposeful training in the sphere of jurisprudence 7 departments headed by highly qualified professors were set up. Almost 90% lecturers of the institute have scientific degrees.

Students apart from special subjects taught at the Law Institute, study as well socio-political sciences and foreign languages.

The annual reception plan makes up about 200 students both on the budget and contract basis. More than 960 students study at the Law Institute.

There are also post-graduate courses where graduates are studying and carrying out their scientific research.

The graduates of the Law Institute work successfully in different state and commercial structures and institutions, among them are law-enforcement bodies, prosecutor offices, bodies of preliminary investigation, Federal security service, Ministry of interior affairs as well as in investment companies and commercial banks.

*II. Give Russian equivalents of the following words and word-combinations: crimes become more diverse and complicated; money laundering; fraud in insurance; sham bankruptcy; a civilized law-governed*

state; law infringements; foreign-economic bodies; on the budget and contract basis; prosecutors offices; bodies of preliminary investigation, the theft of intellectual property.

*III. Complete the following sentences:*

1. Unfortunately there exist deferent kinds of economic crimes...
2. The Economic-Law faculty...
3. There are 3 specializations at the Institute...
4. The annual reception plan makes up...
5. The graduates of the Law Institute work successfully...

*IV. Match the parts, make up sentences:*

- |  |  |
|--|--|
| 1. It's a well known fact that with transition to a market-type economy    | a) a number of law faculties were set up at many Russian universities and academies. |
| 2. With the changing of modern society                                     | b) the number of crimes, especially economic ones, go up rapidly.                    |
| 3. For minimizing these crimes and creating a civilized law-governed state | c) study at the Law Institute.   |
| 4. More than 960 students  | d) where graduates are studying and carrying out their scientific research.          |
| 5. There are also post-graduate courses                                    | e) economic crimes become more div diverse and complicated.                          |

*V. Make up your own dialogues according to the plan using the information from the text:*

1. The necessity of setting up Law faculties in Russia.
2. Profiles in the Institute of Law.
3. Teaching staff and departments at the Law Institute.
4. Potential jobs for the graduates of the Institute.

*VI. Interview your partner on the following:*

1. What characteristics of the transition to a market-type economy period do you know?
2. What Bachelor and Megastar programs were launched at the Institute?
3. When was the Law Faculty at Samara State University of Economics set up?

4. What departments does the Law Faculty include?
5. Where can a graduate of the Institute work?

*VII. Speak on the topic "The Law Institute".*

*VIII. Role-play the situation:*

Student A: You are a student from Costa Rica who's come to study at the Law Institute of Samara State University of Economics. ASK your new friend, a student of the Law Institute, about the history of the Law Institute.

Student B: You are a student at the Law Institute of Samara University of Economics. Describe the Law Institute to your new friend from Costa Rica.

*IX. Comment on the given proverb or quotation:*

- Honesty is the best policy.
- It's never too late to learn.

## UNIT II

*I. Read the text and get ready to discuss it.*

### **My Future Profession**

I want to be a lawyer. I think that the profession of a lawyer has acquired great significance nowadays. This profession is in great demand in a law-governed state we are creating now. That is why I decided to enter the Law Institute of Samara State University of Economics. This profession is difficult but at the same time it is necessary and interesting indeed, because it deals with an intercourse with people. That is why a lawyer must be not only clever but communicative; he should be able to put up psychological contacts with people including criminals.

Lawyers have to solve many problems that still exist in our society. The criminality has sharply increased last few years. Many economic crimes appeared and they are connected with the transition of our economy to a market-type one.

The duty of lawyers is not only to punish criminals for various crimes: murder, hooliganism, stealing, traffic violation and so on but they must

do their best to prevent crimes, to fight against evil in our society. They should help those people who committed a fault to find the right road in their lives. Lawyers protect rights and legal interest of citizens, institutions and organizations.

To be a good lawyer one must learn much. At the University future lawyers study different juridical subjects such as the theory of state and law, labour law, civil, criminal, constitutional law, administrative law and many others.

The Graduates of our Institute can work in courts, prosecutor offices, bodies of preliminary investigation, state arbitration and other institutions. Each of these bodies have their individual functions. For example courts consider civil and criminal cases, the main aim of prosecutor offices and bodies of preliminary investigation is prevention and investigation of crimes. Advocates must provide the defense of the accused in the court and give protection to citizens. State arbitration deals with economic and legal disputes between enterprises. Working as judges, investigators, prosecutors, advocates the graduates of our Institute must provide justice of law in juridical institutions.

The improvement of legislation and strengthening of legitimacy will secure the consolidation of legal order and thereby the whole social order.

*II. Give Russian equivalents of the following words and word-combinations:* has acquired great significance; a law-governed state; a transition of our economy to a market-type one; to punish criminals for various crimes; to do their best to prevent crimes; a prosecutor office; a body of preliminary investigation; the defense of the accused in the court; to provide justice.

*III. Complete the following sentences:*

1. I think that the profession of a lawyer...
2. The duty of the lawyers is not only to punish criminals...
3. The lawyers protect rights...
4. The graduates of our faculty can work...
5. Working as judges, investigators, prosecutors, advocates the graduates of our faculty must...

*IV. Match the parts, make up sentences:*

- |   |  |
|---|--|
| 1. Many economic crimes appeared                                  | a) defense of accused in the court and give protection to citizens.                  |
| 2. To be a good lawyer  | b) will secure the consolidation of legal order and there by the whole social order. |
| 3. Advocate must provide  | c) economic and legal disputes between different enterprises.                        |
| 4. State arbitration deals with                                   | d) one must learn much.  |
| 5. The improvement of legislation and strengthening of legitimacy | e) and they are connected with the transition of our economy to a market-type one.   |

*V. Make up your own dialogues according to the plan using the information from the text:*

1. The importance of the profession of a lawyer nowadays.
2. The increasing of economic crimes in the transition a market- type economy period.
3. The tasks and duties of the lawyers.
4. The necessity of serious studying to become a good lawyer.
5. The job places where a graduate of the Law Institute can work.

*VI. Interview your partner on the following:*

1. Why has the profession of a lawyer acquired great significance nowadays?
2. What traits of character should a good lawyer possess (in your opinion)?
3. What should be done (by the government and society) to minimize the number of crimes?
4. Does the death penalty help to decrease the number of crimes?
5. Is it possible to create a law-governed state in Russia? Give your reasons.

*VII. Speak on the topic "My Future profession".*

*VIII. Role-play the situation:*

Student A: You've entered the Law Institute because you are convinced that advanced economy is impossible without creating a law-



governed state. Try to persuade your friend, a student of Economic Faculty, in this.

Student B: You are a student of the Industrial and Economic Faculty. You are sure it is possible to create an advanced market-type economy without serious changes in legislation. Try to persuade your friend, a student of the Law Institute to accept your point of view.

*IX. Comment on the given proverb:*

- A good name is better than riches.

### UNIT III

*I. Read the text and get ready to discuss it.*

#### **Youth Problems**

When you leave school you understand that the time of your independent life and far more serious exams of your abilities and character have come. The first problem that young people meet is to make a decision: to enter a university or try to find a job. And it's very important to make the right choice because all your future life may depend on it.

Suppose you've made a choice and entered some educational establishment. Congratulations! Still a lot of problems may exist. Today it is fashionable to speak about youth problems. A few years ago alcohol and drugs using, various kinds of violence were rather problems of adults than of teenagers. But now the Government surveys show that almost half of teenagers have an experience with drugs, alcohol and sex under age of 16. To make the things worse lots of those who have drug or alcohol addiction never believe that they are dependent.

The other problem is the problem of spending one's free time. One can do it in different ways. Some young people stay at home watching TV, reading or playing computer games, others go out visiting night clubs or joining some informal organizations, for example: skinheads, hippies, punks and so on. Now there exists the problem of misunderstanding between different youth groups.

We also can't but mention the so-called "traditional" father and sons problem, generation gap. All young people want to be independent; they

want their parents to listen to their opinion, not to interfere in their private life. To bridge the generation gap both parents and children should find a common language and shouldn't neglect or assert pressure on each other.

So it is very difficult to be a teenager to choose your own life style. On the one hand the society agrees that 15-17 year-old people are old enough to be responsible for what they do including crimes and offences. On the other hand most adults think that teenagers are too young to be taken seriously. This misunderstanding leads to many problems. A lot of teenagers say that their parents let them do anything they want and are quite indifferent to their problems. Many young people get upset or depressed when they can't solve their problems. As a result it makes them believe that there is only one way out - to stop living and commit suicide.

I think in Russia we have nearly the same youth problems as in other countries. One of the most serious youth problems is the problem of unemployment. Though it's the problem for people of almost every age it hits the youth the hardest. Many young people feel themselves outside the production structure of society because nowadays it's rather difficult to find well-paid work or get good education in Russia. Though now many young people want to be well-educated because: the majority of firms and companies employ only highly qualified people with work-experience and universities can't educate all of them free, so those who don't have enough money can't get enough knowledge.

*II. Give Russian equivalents of the following words and word-combinations: to make the right choice; to depend on; various kinds of violence; to make things worse; drug or alcohol addiction; we can't but mention; to interfere in one's private life; to bridge the generation gap; old enough to be responsible for; to commit suicide.*

*III. Complete the following sentences:*

1. When you leave school you understand...
2. A few years ago alcohol and drugs using...
3. To bridge the generation gap...
4. A lot of teenagers say that their parents...
5. Many young people feel themselves...

*IV. Match the parts, make up sentences:*

- |  |   |
|--|---|
| 1. The first problem that young people meet is                                     | a) never believe that they are dependent.                                       |
| 2. But now the Government surveys show that almost half of teenagers               | b) to be independent, they want their parents to listen to their opinions.      |
| 3. To make the things still worse lots of those who have drug or alcohol addiction | c) have an experience with drugs, alcohol or sex under 16.                      |
| 4. All young people want   | d) to make a decision: to enter a or depressed university or try to find a job. |
| 5. Many young people get upset enter a or depressed                                | e) when they can't solve their problems.  |

*V. Make up your own dialogues according to the plan using the information of the text:*

1. The problem of making a decision after finishing school.
2. The problem of drug and alcohol addiction.
3. Different ways of spending one's free time.
4. Bridging the generation gap.
5. Economic problems of the youth (the problem of getting free higher education, unemployment etc).

*VI. Interview your partner on the following:*

1. What important decision should a person make while finishing school?
2. What are advantages and disadvantages of entering a higher educational establishment?
3. What does the choice of spending one's free time depend on?
4. It's impossible to bridge the generation gap between children and their parents, isn't it?
5. It's rather problematic to get a good well-paid; job for a young specialist in Russia, isn't it?

*VII. Speak on the topic "Youth Problems".*

*VIII. Role-play the situation:*

Student A: You are a parent of a smart capable son who is finishing school and is going to serve in the army. Try to persuade him to continue his education.

Student B: You are finishing school this year and going to serve in the army. Try to persuade your parent that to defend one's Motherland is an honorable duty of a young citizen.

*IX. Comment on the given proverb:*

- Like father like son.

## UNIT IV

*I. Read the text and get ready to discuss it.*

### **The Constitution of the USA and the Bill of Rights**

The former colonies, now "the United States of America" first operated under an agreement called the Articles of Confederation (1781). It was soon clear that this loose agreement among the states was not working well. The central, federal government was too weak, with too few powers for defense, trade, and taxation. In 1787, therefore, delegates from the states met in Philadelphia. They wanted to revise the Articles, but they did much more than that. They wrote a completely new document, the Constitution, which after much agreement, debate, and compromise was finished in the same year and officially adopted by the thirteen states by 1790.

The Constitution, the oldest still in force in the world, sets the basic form of government: three separate branches, each one having powers over the others. It specifies the powers and duties of each federal branch of government, with all other powers and duties belonging to the states. The Constitution has been repeatedly amended to meet the changing needs of the nation, but it still the "supreme law of the land". All governments and governmental groups, federal, state, and local, must operate within its guidelines. The ultimate power under the Constitution is not given to the President (the executive branch), or to the Supreme Court (the judicial branch). Nor does it rest, as in many other countries, with a political group or a party. It belongs to "We the People", in fact and in spirit.

In this way, Americans first took for themselves the liberties and rights that elsewhere were the privileges of an elite few. Americans would manage their own laws. And, of course, they would make their own mistakes.

They stated in the first ten Constitutional Amendments, known together as the Bill of Rights, what they considered to be the fundamental rights of any American. Among these rights is the freedom of religion, speech, and the press, the right of peaceful assembly, and the right to petition the government to correct the wrongs. Other rights guarded the citizen against unreasonable searches, arrests, and seizures of property, and established a system of justice guaranteeing orderly legal procedures. This included the right of trial by jury that is, being judged by one's fellow citizens.

The great pride Americans have in their Constitution, their almost religious respect for it comes from the knowledge that these, ideals, freedoms, and rights were not given to them by a small ruling class. Rather, they are seen as the natural "unalienable" rights of every American, which had been fought for and won. They cannot be taken away by any government, court, official, or law.

The federal and state governments formed under the Constitution, therefore, were designed to serve the people and to carry out their majority wishes (and not the other way around). One thing they did not want their government to do is to rule them. Americans expect their government to serve them and tend to think of politicians and governmental officials as their servants. This attitude remains very strong among Americans today.

Over the past two centuries, the Constitution has also had considerable influence outside the United States. Several other nations have based their own forms of government on it. It is interesting to note that Lafayette, a hero of the American Revolution, drafted the French declaration of rights when he returned to France. And the United Nations Charter also has clear echoes of what once was considered a revolutionary document.

*II. Give Russian equivalents of the following English words and word-combinations:* the Constitution has been amended, three separate branches, "supreme law of the land", the executive branch, look for themselves liberties and rights, manage their own laws, the Bill of Rights, unreasonable arrests, seizures of property, "unalienable" rights of every American, the judicial branch.

*III. Complete the following sentences:*

1. They wrote a completely new document...
2. It specifies the powers of duties...
3. They stated in the first ten Constitutional amendments, known together as the Bill of Rights...
4. The federal and state governments formed under the Constitution...

*IV. Match the parts, make up sentences:*

- |   |  |
|---|--|
| 1. In 1787, therefore, delegates from the states                      | a) has also had considerable influence outside the United States.  |
| 2. The Constitution, the oldest still in force in the world           | b) must operate within its guidelines.   |
| 3. Over the past two centuries, the Constitution                      | c) met in Philadelphia.  |
| 4. All governments and governmental groups, federal, state, and local | d) sets the basic form of the government: three separate branches, each separate branches, each one having powers ("checks and balances") over the others. |

*V. Interview your partner on the following:*

1. How does the American Constitution separate the powers of the government?
2. Has the text of the Constitution ever been changed? How did it become possible?
3. Does any governmental organ or official in the US have their ultimate power? Why?
4. What is the Bill of Rights?

*VI. Make up your own dialogues according to the plan:*

1. A completely new document, the Constitution.
2. The Bill of Rights.
3. The influence of the American Constitution.

*VII. Comment on the following quotation:*

- "Public morals are natural complement of all laws: they are by themselves an entire code." (Napoleon Bonaparte)

VIII. *Speak on the topic "The Constitution of the USA and the Bill of Rights".*

IX. *Role-play the situation:*

Imagine that you have been arrested and put in custody. No warrant has been produced.

Your friend or a lawyer comes to the prison. Tell him about your problem and ask him to take appropriate steps. Appoint another student as a judge who will do justice.

## UNIT V

I. *Read the text and get ready to discuss it.*

### **Political Parties of the USA**

The constitution says nothing about political parties, but over time the US has in fact developed a two-party system. The two leading parties are the Democrats and the Republicans. There are other parties besides these two, and foreign observers are often surprised to learn that among these are also a Communist party and several Socialist parties. Minor parties have occasionally won offices at lower levels of government, but they do not play a role in national politics. In fact, one does not need to be a member of a political party to run in any election at any level of government. Also, people can simply declare themselves to be members of one of the two major parties when they register to vote in a district.

Sometimes the Democrats are thought of as associated with labour, and the Republicans with business and industry. Republicans also tend to oppose the greater involvement of the federal government in some areas of public life which they consider to be the responsibility of the states and the communities. Democrats, on the other hand, tend to favour a more active role of the central government in social matters.

It's often difficult to distinguish between the parties. Furthermore, the traditional European terms of "right" and "left", or "conservative" and "liberal" do not quite fit the American system. Someone from the "conservative right", for instance, would be against a strong central government. Or a Democrat from one part of the country could be very "liberal",

and one from another part, quite "conservative". Even if they have been elected as Democrats or Republicans, Representatives or Senators are not bound to a party programme, nor are they subject to any discipline when they disagree with their party.

While some voters will vote a "straight ticket", in other words, for all of the Republican or Democratic candidates in an election, many do not. They vote for one party's candidate for one office and another's for another. As a result, the political parties have much less actual power than they do in other nations.

In the US, parties cannot win seats which they are then free to fill with party members they have chosen. Rather, both Representatives and Senators are elected to serve the interests of the people and the areas they represent, that is, their "constituencies". In about 70 per cent of legislative decisions, Congressmen will vote with the specific wishes of their constituencies in mind, even if this goes against what their own parties might want as national policy. It is quite common, in fact, to find Democrats in Congress voting for a Republican President's legislation, quite a few Republicans voting against it, and so on.

*II. Give Russian equivalents of the following English words and word-combinations:* register to vote; to run in any election; responsibility; communities; to favour a more active role; social matters; to distinguish; fit American system; senators are not bound to a party programmed; a "straight ticket"; legislative decisions.

*III. Complete the following sentences:*

1. Minor parties have occasionally won...
2. Sometimes, the Democrats are thought of...
3. While some voters will vote...
4. Rather, both Representatives and Senators are elected...

*IV. Match the parts, make up sentences:*

- |                                 |   |
|---------------------------------|---|
| 1. Also people can              | a) to favour a more active role of the government in social matters.  |
| 2. Republicans also tend        | b) simply declare themselves to be members of one the two major parties when they register to vote in a district. |
| 3. Democrats, on the other hand |   |



4. In the US parties cannot

c) to oppose the greater involvement of the federal government in some areas of public life which they consider to be the responsibility of the states and communities.  
d) win seats which they are then free to fill with party members they have chosen.

*V. Interview your partner on the following:*

1. What are the two leading parties in the USA?
2. What role do minor parties play in national politics?
3. What is the difference between Democrats and Republicans?
4. What is to vote a "straight ticket"?

*VI. Make up your own dialogues according to the plan:*

1. The leading parties and the minor parties in the USA.
2. The role of Democrats and Republicans" in national politics.
3. The process of elections in the USA.

*VII. Comment on the following quotations:*

- "A man will fight harder for his interests than for his rights." (Napoleon Bonaparte)
- "It is the success which makes great man." (Napoleon Bonaparte)

*VIII. Speak on the topic "Political Parties of the USA".*

*IX. Role-play the press conference on the principles of police ethics:*

Participants: representatives of different parties.

The rest of the class is journalists who are free to ask questions. Make sure that different views are expressed.

## UNIT VI

*I. Read the text and get ready to discuss it.*

### **The System of Government in the USA**

By the Constitution of 1787 (and the amendments to it) the government of the USA is composed of three branches: the executive one, the legislative one, and the judicial one.

The highest executive power in the United States is vested in the President of the United States, who is elected for a term of 4 years by electors of each state. The Presidential election is held every four years in November. The President of the USA must be a native-born citizen, resident of the country for 14 years and at least 35 years old.

The President is to carry out the programmes of the Government, to recommend much of the legislation to the Congress. He is to appoint Federal Judges, ambassadors to other countries and heads of various government departments, called secretaries.

The legislative power belongs to the Congress of the United States consisting of two chambers: the Senate and the House of Representatives. The Senate is composed of two members from each state elected for a term of 6 years, one third being elected every two years. The number of representatives from each state to the House of Representatives depends on the number of people in each state.

In order to become a law all bills and resolutions must pass both the Houses and must be signed by the President.

An important role in the American legislation is played by so-called "lobbyists". They are more often influential than Congressmen themselves.

The Supreme Court is the highest judicial organ of the United States and the head of the judicial branch of power. The Supreme Court consists of the Chief Justice of the USA and a number of Associate Justices.

The United States is divided into 11 judicial circuits, each one being served with a Federal Court of Appeals. There are about 90 district courts in different parts of the United States. The district courts are the lowest ones in the Federal court system. Most of the criminal and civil cases are tried by these courts.

Each state has a constitution similar to the Constitution of the entire nation and all the power in each state is divided into executive, legislative and judicial. The head of each state is the governor of the state.

Each state has its own system of courts similar to that of the Federal courts.

*II. Give Russian equivalents of the following English words and word-combinations: the amendments; the executive, legislative and judicial branches of power; the Congress of the United States; the Senate and the*

House of Representatives; to pass both the Houses: the executive power in the United States is vested in the President; the presidential election; to appoint Federal Judges; Chief Justice of the USA; Associate Justices; to try criminal and civil cases.

*III. Complete the following sentences:*

1. The executive power in the USA is vested in The President of the USA who...
2. The number of representatives from each state to the House of Representatives depends on...
3. In order to become a law all bills and resolutions must...
4. The head of each state is...

*IV. Match the parts, make up sentences:*

- |                                  |   |
|----------------------------------|---|
| 1. The President is              | a) to the Congress of the United States   |
| 2. The legislative power belongs | consisting of two chambers: the Senate and House of Representatives.                                    |
| 3. The Supreme Court is          | b) the highest judicial organ of the United States and the head of the judicial branch of power.        |
| 4. Each state has                | c) each own system of courts similar to that of Federal courts.   |
|                                  | d) to carry out the programmes of the Government, to recommend much of the legislation to the Congress. |

*V. Interview your partner on the following:*

1. What branches is the government of the USA composed of?
2. What are some of the functions of the President?
3. What must all bills and resolutions pass in order to become a law?
4. What kind of government does each state in the USA have?

*VI. Make up your own dialogues according to the plan:*

1. The executive branch of power in the USA.
2. The Congress of the USA.
3. The judiciary in the USA.

*VII. Comment on the following quotations:*

- "Americans are a nation born of an idea; not the place, but the idea created the United States Government." (Theodore H. White)
- "The heart of a statesman must be in his head." (Napoleon Bonaparte)

*VIII. Speak on the topic "The Government of the USA".*

*IX. Role-play the situation:*

Imagine you are a candidate of one of the major parties: you have already been elected your party's official candidate for the presidency. Write your programme and organize your election campaign. Persuade as many people in the group as possible to vote for you.

## **UNIT VII**

*I. Read the text and get ready to discuss it.*

### **The System of Government in Great Britain**

Britain is a parliamentary democracy with a constitutional monarch - Queen Elizabeth II - as head of State.

Political stability owes much to the monarchy. Its continuity has been interrupted only once (the republic of 1649-1660) in over a thousand years. The Queen is impartial and acts on the advice of her ministers.

The Government is formed by the party with majority support in the Commons.

The Queen appoints its leader as Prime Minister. As head of the Government the Prime Minister appoints ministers, of whom about 20 are in the Cabinet - the senior group which takes major policy decisions. Ministers are collectively responsible for government decisions and individually responsible for their own departments. The second largest party forms the official Opposition, with its own leader and "shadow cabinet". The Opposition has a duty to criticize government policies and to present an alternative programme.

Policies are carried out by government departments staffed by politically neutral civil servants. They serve the government of the day regardless of its political complexion.

The system of local government is very similar to the system of national government. There are elected representatives, called councilors.

They meet in a council chamber in the Town Hall or County Hall, where they make policy which is implemented by local government officers.

Most British people have far more direct dealings with local government than they do with national government. Local councils traditionally manage nearly all public services. Elected local authorities provide housing, education, personal social services, police and fire brigades. Their expenditure is met partly by central government grants and partly by a community charge, generally payable by everyone in Great Britain over 18. This is to be replaced by a local tax, assessed on the number of adults in, and the value of, a property. Capital expenditure is financed mainly by borrowing.

*II. Give Russian equivalents of the following words and phrases: monarchy, to interrupt, impartial, majority, to appoint, to be responsible for, "shadow cabinet", a duty, a civil servant, to serve, complexion, a council, neutral, chamber, to manage, to provide, fire brigades, to borrow, to assess.*

*III. Complete the following sentences:*

1. Britain is ... with a constitutional monarch...
2. The Queen is impartial and acts...
3. The Queen ... its leader as Prime Minister.
4. The Cabinet is the senior group...
5. Ministers are ... for government decisions.
6. Policies ... by government departments.
7. Most British people have for more direct ... with local government than they do with...

*IV. Match the words from the text with their corresponding definitions:*

- |           |   |
|-----------|---|
| 1. Royal  | a) a way of behaving or a belief that has been established for a long time among a group of people. |
| 2. Policy |   |

- |              |   |
|--------------|---|
| 3. Law       | b) a basic truth that explains or controls how something happens or works.  |
| 4. Democracy |   |
| 5. Decision  | c) belonging or connected to a king or queen.<br>d) agreement to an idea, plan or request, esp. after serious consideration.<br>e) a set of ideas or a plan for action followed by a business, a government, a political party, or a group of people. |

*V. Interview your partner on the following:*

1. How is the Government formed?
2. Who appoints Prime Minister?
3. What is the role of the Queen?
4. Is the system of local government similar to the system of national government?
5. What are elected local authorities responsible for?
6. Do the government Bills go through the House of Commons before the House of Lords?

*VI. Role play the situation:*

An educational TV programme is devoted to the system of Government in Great Britain. One of you is an interviewer; another is a British political expert.

*VII. Tell us what you know about the British Government.*

## **UNIT VIII**

*I. Read the text and get ready to discuss it.*

### **British Parliament**

Parliament is the supreme legislative authority in Britain. Its 3 elements: the Queen, the House of Lords, the elected House of Commons is outwardly separate. They meet together only on occasions of symbolic significance as the state opening of Parliament, when the Commons are summoned by Queen to the House of Lords.

The main functions of Parliament are to pass laws, provide, by voting, taxation, the means of carrying on the work of government, to examine government policy and administration, particularly proposals for expenditure and to debate the great political issues of the day. By custom Parliament is also consulted before the conclusion of all important international treaties and agreements, but the making of treaties is a royal prerogative which is exercised on the advice the Government and subject to parliamentary approval.

A draft law takes the form of a parliamentary Bill. Most Bills are public Bills dealing with matters of individual or corporate interest.

Before a government Bill is finally drafted, there is normally considerable consultation with professional bodies, voluntary organizations and other agencies interested in subject matter, for example, such as major interests and pressure groups. Bill must be passed by each House. As a rule government Bills which are likely to raise political controversy go through the Commons before the Lords, while those of an intricate but uncontroversial nature often pass through the Lords first.

The process of passing a public Bill is similar in both Houses. The Bill receives a formal first reading when introduced, and after a while the Bill is given a second reading after a debate on its general principles. At the third reading a Bill is reviewed in its final form and may be again debated.

When a Bill has passed through all its parliamentary stages it is sent to the Queen for royal assent, after which it is part of the law of land and known as an Act of Parliament. The royal assent has not been refused since 1701.

*II. Give Russian equivalents of the following words and phrases: the supreme legislative authority, the House of Lords, the House of Commons, to be summoned by, to pass laws, taxation, to vote; expenditure, political issues, a Bill, to draft, royal assent.*

*III. Complete the following sentences:*

1. They meet together only on...
2. By custom Parliament ... before the conclusion of all important international treaties and agreements.
3. Most Bills involve ... relating to public policy.

4. The process of passing a public Bill is ... in both Houses.
5. ... a Bill is reviewed in its final form and may be again debated.

*IV. Match the words from the text with their corresponding definitions:*

- |                |   |
|----------------|---|
| 1. Law         | a) to express your choice or opinion, esp. officially marking a paper or by raising your hand or speaking in a meeting. |
| 2. Parliament  | b) money obtained from the act of taxing people.  |
| 3. Taxation    | c) a strong disagreement about something, esp. what is important, influences. or is of interest to many people.         |
| 4. To elect    | d) a general rule which states what always happens when the same conditions exist.                                      |
| 5. Controversy | e) in Britain the group of elected politicians or other people who make the laws for their country.                     |

*V. Interview your partner on the following:*

1. What are the elements of British Parliament?
2. When do they usually meet?
3. What are the main functions of the Parliament?
4. What is the process of passing a Bill? Is it similar in both houses?
5. When is the Bill sent to the Queen? What for?
6. The royal assent has not been refused since 1800, has it?

*VI. What is your idea on the point?*

Many members of Parliament in modern times are experts in various fields of government. Because of the complexity of modern government, this is something which seems to be necessary. But it could have disadvantages, too. What do you think these disadvantages are?

*VII. Tell us what you know about British Parliament.*



## UNIT IX

*1. Read the text and get ready to discuss it.*

### **The Party System of Great Britain**

Britain is normally described as having a "two-party system". This is because, since 1945, one of the two big parties has controlled the government and members of these two parties have occupied more than 90% of all the seats in the House of Commons. These parties are the Conservative party and the Labour party.

The Conservative party developed from the group of members of parliament known as the Tories in the early nineteenth century and still often known informally by that name. It stands for hierarchical authority and minimal government interference in the economy, likes to reduce income tax, and gives high priority to national defense and internal law and order. The voters of this party are the richer sections of society, plus a large minority of the working classes.

The party gets money mostly from donations from business people. The leader has relatively great degree of freedom to direct policy.

The Labor party was formed at the beginning of the XX century from an alliance of trade unionists and intellectuals. The first government was in 1923. This party stands for equality, for the weaker people in society and for more government involvement in the economy, more concerned to provide full social services than to keep income tax low. In theory, policies have to be approved by annual conference, in practice, leader has more power than this implies. The voters are working class, plus a small middle-class of money from trade unions. The Labor Party is in power nowadays.

There are numerous other small parties. The most popular of them is the Liberal Democratic Party. It was formed in the late 1980s from a union of the Liberals and the Social Democrats. It is regarded as in the centre or slightly left of centre, has always been strongly in favor of the EU. The party places more emphasis on the environment than other parties, believes in giving greater powers to local government and in reform of the electoral system. The voters are from all classes, but more from the middle class. The party gets money from private donations, but it is much poorer than the conservative and Labour parties.

There is also the Green Party, which is supported by environmentalists. There is a small party which was formerly the Communist party, and number of other left-wing parties, and also an extreme rightwing party which is fairly openly racist. It was previously called the National Front but since the 1980s has been called the British National Party (BNP). At the time of writing, none of these parties had won a single seat in Parliament in the second half of the twentieth century.

*II. Give English equivalents of the following words and word-combinations:* двухпартийная система, палата общин, правительство, вмешательство, подоходный налог, меньшинство, свобода, относительно, век, союз, интеллектual, низкий, в настоящее время (дни), многочисленный, окружающая среда, бедный.

*III. Give Russian equivalents of the following:* to occupy the seats, hierarchical authority, to reduce, high priority, internal, a voter, society, donations, to direct, involvement, concerned, annual, a trade unionist, equality, regarded, slightly, to be in favour of, to place emphasis, the electoral system, supported by, environmentalist, an extreme right-wing party.

*IV. Complete the following sentences:*

1. It stands for hierarchical authority and...
2. Britain is normally described as...
3. There numerous...
4. This is because, since 1945...
5. In theory, policies...
6. It is regarded as...
7. The party places more emphasis on...
8. There is also the Green Party...
9. It was previously called...
10. At the time of writing...

*V. Interview your partner on the following:*

1. What kind of party system does Great Britain have?
2. How many seats do the members of two main parties have in the House of Commons?
3. What party developed from the Tories? When?

4. What are the views of the Conservative Party?
5. Who vote for the Conservative party?
6. Who does the Conservative party get money from?
7. When was the Labour Party formed?
8. What are the peculiarities of this party?
9. What other parties do you know?
10. What party is in power nowadays?

*VI. Discuss with your partner in what aspects the role of political parties in Britain differs from their role in Russia.*

*VII. Speak on the topic "The party system of Great Britain".*



## PART II

### UNIT I

*1. Read the text and get ready to discuss it.*

#### **Economic Crimes**

It is generally accepted that in the last quarter of the twenties century, the number of crimes went up. As the challenges of modern society became more complex, economic crimes became more diverse and complicated too.

Bribery is one of the most prevalent forms of white-color crime. A bribe can be money, property, favors, or anything else of value. The crime of commercial bribery prohibits the payment of bribes of private persons and businesses.

This type of bribe is often referred to as kickback or payoff. Both the offer or and the offered are guilty of crime that is giving and accepting the bribe. At common Law, the crime of bribery is defined as corrupt payment for a public official. Public officials include legislators, judges, juror's administrative agency personnel and other government officials.

Organized crime has pervasive influence on many parts of economy. Government enacts different regulations against economic crimes, which can have the following classification:

1) corruption. Traders or investors say it is impossible to do business in certain countries without violating the business and political ethics of these countries. A recently formed international organization set out to work out the fundamental principles of international business ethics;

2) racket. That is an informal way of obtaining money, such as threatening people or selling them illegal goods;

3) money laundering aims at legalizing ill-gotten profits which is mostly earned through corruption, black market activity, tax evasion, arms smuggling and drug trafficking;

4) theft of art works and cultural objects;

5) theft of intellectual property which includes violation the right of authors, unlawful use of copyright and trademarks;

6) illicit arms trade. Armed conflict became the ground for an international network of arms producers and suppliers;

7) hijacking on roads. The frequency of truck hijacking rises in proportion to the growth of trade turnover;

8) fraud in insurance. Organized crime tries to bring together small businesses operating in different areas of insurance or to penetrate the insurance industry itself;

9) ecological crime. Many enterprises work in collusion with environmental regulations. The underworld has already been spoiled with the business of transporting and burying health - hazard substances;

10) trade in humans, that means to transport illegal immigrants, hiring people for slave labor, selling children for illegal adoption for enormous sums;

11) trade in human organs. Transplantation of body organs is a part of medicine that gave a rise to an industry that supplies donor organs. Now the supply of organs from the Third World is controlled by criminal groupings;

12) drug trafficking. The global turnover of this illicit trade is estimated in billions;

13) sham bankruptcy. The mafia buys a lucrative enterprise and bankrupts it for the sake of even greater gains;

14) penetrating legal business. Great amount of drug money invested in legal businesses. Dirty cash is believed to be laundered in areas of offshore banks and tax havens;

15) selling durable goods with built-in obsolescence, spending money on lobbying, profit smoothing or creative accounting.

One more serious crime of a current period is computer crimes. The explosive growth in the use of computer in the business world has brought an increase in crimes. Computer crimes fall mainly into three categories: theft of information and theft of funds; paying an accomplice to delete adverse information and insert favorable false information; inserting a virus to destroy somebody's records.

Such losses as theft of funds, losses of computer programs as computer misuse and data, losses of trade secrets and damage done to computer hardware may be very high and may cause a lot of problems.

But a large amount of computer crimes are not discovered and even reported because companies don't want publicity otherwise they may lose clients e.g. clients may withdraw their funds in the interest of safety.

*II. Give Russian equivalents of the following words and phrases:* crime; challenges of modern society; diverse and complicated; to be the most prevalent forms of white-collar crime; different regulations against economic crimes; drug trafficking; global turnover; lucrative enterprise; publicity.

*III. Give English equivalents of the following words and phrases:* количество преступлений возросло; стать более разнообразными и сложными; запрещать взятки; быть виновным в совершении преступления; законодатели; судьи; присяжные; чиновники, работающие в правительстве; организованная преступность; иметь большое влияние; коррупция; нарушать деловую и политическую этику; рэкет; отмывание денег; контрабанда оружия; хищения произведений искусства и культурных ценностей; кража интеллектуальной собственности; нарушение авторских прав; терроризм на дорогах; оборот торговли; мошенничество; экологические преступления; торговля людьми; переправка нелегальных эмигрантов; рабский труд; незаконное усыновление/удочерение за огромную сумму денег; торговля органами; трансплантация органов; поставка органов из стран третьего мира контролируется преступными группировками; перевозка наркотиков; оцениваться в миллион долларов; фиктивное банкротство; прибыльное предприятие; укрывание от налогов; компьютерные преступления; огромное количество компьютерных преступлений остается нераскрытыми; снять деньги со счета в целях безопасности.

*IV. Complete the sentences using information from the text:*

1. As the challenges of modern society became more ... economic crimes became more ... and ... too.

2. ... is one of the most prevalent forms of white collar crime.

3. Public officials include ..., ..., jurors ... .
4. One more serious crime of a current period is ... crimes.
5. A large amount of computer crimes are not ... and even ... .

*V. Match the words from the text with the corresponding definitions:*

- |                          |   |
|--------------------------|---|
| 1. Crime                 | a) is the condition of being free from danger, harm, or risk.                           |
| 2. Bribery               | b) is the process of giving the illegal means of payment the appearance of being legal. |
| 3. To prohibit something | c) is to forbid something by rule or law.   |
| 4. Money laundering      | d) is the giving or taking of something, especially money.                              |
| 5. Safety                | e) is an offence which is punishable by law; illegal activity in general.               |

*VI. Translate and comment on the given proverbs or quotations:*

1. "All in all, punishment hardens and renders people more insensible; it concentrates; it increases the feeling of estrangement; it strengthens the power of resistance." (Friederich Nietzsche)
2. "Then spare the rod and spoil the child." (Samuel Butler)
3. "I should be very willing to redress men wrongs, and rather check than punish crimes, had not Cervantes, in that all too true tale of Quixote, shown how all such efforts fail." (Lord Byron)
4. "Retaliation is related to nature and instinct, not to law. Law, by definition, cannot obey the same rules as nature." (Albert Camus)

*VII. Speak on the topic "Economic crimes".*

## UNIT II

*I. Read the text and get ready to discuss it.*

### Types of Legal Professions in Great Britain and the USA

The country system is dependent upon the legal profession to make it work. Although individuals can institute cases and defend them, normally lawyers do this job for them. (Lawyers also assist individuals in

shaping their transactions so that law cases do not arise, thus reducing the burden of case load for the courts). The legal profession is the normal source of judicial personnel for any court system.

The strongest feature of the English legal profession is its bifurcation into two separate sub - professions, barristers and solicitors. This bifurcation has a number of significant impacts upon the judicial system. It is the main reason for the separation between civil and criminal courts; it also has his significant impact upon judicial appointments.

The number of solicitors is rapidly increasing. They deal with all day-to-day work of preparing legal documents for buying and selling trading houses, making wills, etc. Solicitors also prepare cases for barristers to present in the higher courts, and may represent their clients in a magistrates' court.

Barristers defend or prosecute in the higher courts. Barristers specialize in representing clients in court. The training and career structures for the two types of lawyer are quite separate.

In court, barristers wear wigs and owns (in keeping with the extreme formality of the proceedings). The highest level of barristers has the title "QC" (Queen's Counsel) .To qualify as a solicitor, a young man or a woman joins a solicitor as a "clerk". At the same time he studies part time for the "Law Society" exams when you have passed the exams, you can practice, that is to start your own business.

Barristers are experts in the interpretation of the Law.

To qualify as a barrister you have to take the examinations of the Bar Council. There are four hundred judges, trained as barristers who preside in serious cases. There is no separate training for judges.

Magistrates judge cases in the lower courts. They are usually unpaid and have no formal legal qualifications. Coroners have medical or legal training (or both), and inquire into violent or unnatural deaths.

A jury consists of twelve people ('jurors') who are ordinary people chosen at random from the Electoral Register.

They listen to the evidence given in court in certain criminal cases and decide whether the defendant is guilty or innocent. Juries are rarely used in civil cases.

The Justice Department of the USA is responsible for faithful execution of the laws under the president's authority. The main administrators of federal law enforcement are attorneys, appointed by the president



with the advice and consent of the Senate. There is a US attorney in each federal judicial district.

US attorneys have considerable discretion, which makes them powerful political figures in the community.

There are many other legal professions. Among them the following:

- The Lord Chancellor is the speaker of the House of Lords and the head of the Judiciary so he is the chief judge in the country. His position serves to support the contention that there is no separation of judicial legislative and executive powers in the British Constitution;

- The Attorney -General and the Solicitor-General are known as the law Officers;

- The Solicitor-General is the subordinate of the Attorney-General, or he is his deputy;

- Masters. Queen's Masters are salaried officials of the High Court appointed from among the barristers. They help to prepare all documents for chancery Masters are salaried officials of the High Court appointed from among solicitors;

- District Masters perform the same functions as a master in London;

- The Director of Public Prosecution acts in those cases where the offence is punishable by death.

*II. Give Russian equivalents of the following words and phrases:* court system, institute cases, to defend somebody, judicial personnel, a barrister, bifurcation, a solicitor, to have a number of significant impacts upon something, civil and criminal courts, to present in the higher courts, to defend or prosecute in the higher courts, to wear wigs and gowns, to qualify as a solicitor, in the interpretation of the Law, to judge cases in the lower courts, to choose at random, to listen to the evidence, to be responsible for faithful execution of the laws, federal law enforcement, to be appointed from among the barristers.

*III. Complete the following sentences:*

1. The court system is dependent upon ... .. to make it work.

2. The most strong feature of the English legal profession is its ... into 2 separate sub-professions, and solicitors.

3. Barristers ... or prosecute in the higher courts.

4. To qualify as a solicitor, a young man joins a ... as a "clerk".

5. The main administrators of federal ... .. are attorneys, appointed by the president with the advice and consent of the Senate.

6. District Masters perform the same functions as a ... in ... .

*IV. Match the words from the text with their corresponding definitions:*

- |                |   |
|----------------|---|
| 1. Lawyer      | a) especially in England and Wales, a lawyer who    |
| 2. Barrister   | has the right of speaking in the higher courts of   |
| 3. Solicitor   | law.  |
| 4. Law         | b) is the process of making rules or laws obeyed or |
| 5. Enforcement | carried out effectively.                            |
|                | c) is a person whose business is to advise people   |
|                | about laws, write formal agreements, or to repre-   |
|                | sent people in court.                               |
|                | d) is a rule that is supported by the power of gov- |
|                | ernment and that controls the behavior of mem-      |
|                | bers of a society.                                  |
|                | e) is a lawyer who gives advice, does the necessary |
|                | work when property is bought and sold, and          |
|                | speaks especially in the lower courts of law.       |

*V. Make up a dialogue in which you discuss the differences between court system in the USA and the English court systems.*

*VI. Translate the following quotations and choose one to comment on it:*

1. "Let the punishment be proportionate to the offense." (Marcus Tullius Cicero)

2. "Take away the danger and remove the restraint, and wayward nature runs free." (Horace)

3. "The generality of men are naturally apt to be swayed by fear rather than reverence, and to refrain from evil rather because of the punishment that it brings than because of its own foulness." (Aristotel)

4. "Distrust everyone in whom the impulse to punish is powerful!" (Friedrich Netzsche)

5. "One is absolutely sickened, not by the crimes that the wicked have committed, but by the punishments that the good have inflicted; and a community is infinitely more brutalized by the habitual

employment of punishment than it is by the occasional occurrence of crime." (Oscar Wilde)

6. "Punishment is the last and the least effective instrument in the hands of the legislator for the prevention of crime." (John Ruskin)

7. "There is no person so severely punished, as those who subject themselves to the whip of their own remorse." (Lucius Annaeus Seneca)

8. "Every guilty person is his own hangman." (Lucius Annaeus Seneca)

9. "The first and greatest punishment of the sinner is the conscience of sin." (Lucius Annaeus Seneca)

10. "The punishment of criminals should serve a purpose. When a man is hanged he is useless." (Voltaire)

*VI. Speak on the topic "Types of legal professions".*

### UNIT III

*I. Read the text and get ready to discuss it.*

#### **Juvenile Delinquency**

Juvenile Delinquency is identified either with maladjustment forms of juvenile behavior which actually are more a reflection of poor living conditions or bad laws and regulations than delinquent inclinations.

Thus disobedience, stubbornness, lack of respect, smoking without permission, collecting cigarette butts and the like are sometimes considered as juvenile delinquency.

At present juvenile delinquency may be regarded as a social problem of serious proportions. The extent of juvenile delinquency cannot be measured exactly as a great number of adult offenders started their careers as criminals between 14 and 21 years of age. Besides one should take into consideration the repercussions and far-reaching effects of this social problem. There are a few theories about the origin of juvenile delinquency. Some scientists explain it on medico-psychological basis; some refer it to sociological or economic grounds.

Sometimes the reasons for juvenile delinquency are poor living conditions, wars and among others urbanization and industrialization can be mentioned. To be exact a lack of coordination between economic and

industrial development on the one hand, and social development, on the other hand, may be an important factor to an increase in crime and delinquency.

Supporters of medico-psychological school agree that non-satisfaction of emotional needs is the origin of delinquency in general

The disintegration of the family and the decline of moral values-two closely related phenomena.

So, it may be said that juvenile delinquency, like crime, is caused by a variety of factors among which family problems and lowering of moral values seem to play a significant role. Apart from this drug gangsters began to recruit Kids into the crack coca in trade. But in different countries the reasons for juvenile delinquency vary.

Unfortunately, there is no definite knowledge of preventive programmes to combat the many types of juvenile delinquency it is recommended first of all to define what acts should be considered as juvenile delinquency not to confuse a crime disobedience delinquency

The age limit is also very important in defining juvenile delinquency.

The measures to prevent juvenile delinquency are: leisure time programmes such as boys clubs and recreate centers, playgrounds, clubs for slum children, health clinics, child welfare programmes etc. Besides it is important to focus special attention on juveniles who show a clear tendency toward delinquent behavior. Prevention of recidivism is very important as well.

*II. Give Russian equivalents of the following words and phrases: juvenile delinquency; maladjustment; delinquent inclinations; stubbornness; offenders; repercussions; the decline of moral values; phenomena; preventive programmers; to combat something; slum children.*

*III. Complete the following sentences:*

1. Juvenile delinquency is identified with ... forms of juvenile behavior.
2. At present juvenile delinquency may be regarded as a social problem of ... ..
3. Sometimes the reasons for juvenile delinquency are ... .. conditions, wars.
4. Apart from this drug gangsters began to ... Kids into the crack ... in trade.

5. It is important to focus special attention on ... who show a clear tendency toward delinquent behaviour.

*IV. Interview your partner on the following:*

1. What are the main reasons of juvenile delinquency?
2. How to avoid juvenile delinquency, what preventive measures can be taken?
3. What sort of problem may be the juvenile delinquency regarded as?
4. Speak on the topic "The problem of increasing juvenile delinquency in Russia and the ways out of the situation".

*V. Comment on the given quotations:*

- Juvenile delinquency would disappear if kids followed their parent's advice instead of their example.
- Juvenile delinquency is a modern term for what we did when we were kids.

*VI. Speak on the topic "Juvenile delinquency".*

## **UNIT IV**

*I. Read the text and get ready to discuss it.*

### **The Court System of England and Wales**

The most common type of law court in England and Wales is the Magistrates' Court. The lowest courts, Magistrates' courts, deal with petty crimes such as shoplifting, dangerous driving, getting drunk and causing a disturbance of peace and some matrimonial matters. There are 700 Magistrates' courts and about 30,000 Magistrates (Justices of Peace or JPs) who judge cases in lower courts. They are usually unpaid and have no formal legal qualifications, but they are respectable people having "sound common sense" and are given some training. In the Magistrates' Court an accused can be sentenced to no more than six months in jail for one offence, to a maximum of one year for two or more offences or to a fine of 400 pounds.

More serious cases such as murder, kidnapping, arson are heard in the Crown Court which has 90 branches in different towns and cities. The judges here are always legal experts and are paid for their work. In the Crown Court the defendant can be given a "trial by jury". The maximum penalty in this court is life imprisonment and the amount of fine is unlimited. Civil cases (for example, divorce or bankruptcy cases) are dealt with in County courts.

Appeals are heard by higher courts. For example, appeals from Magistrates' courts are heard in the Crown Court, unless they are appeals on points of law. The highest court of appeal in England and Wales is the House of Lords. (Scotland has its own High Court in Edinburgh, which hears all appeals from Scottish courts.) Certain cases may be referred to the European Court of Justice in Luxembourg. In addition, individuals have made the British Government change its practices in a number of areas as a result of petitions to the European Court of Human Rights.

The legal system also includes Juvenile courts (which deal with offenders under seventeen) and Coroners' courts (which investigate violent, sudden or unnatural deaths). There are administrative tribunals which make quick, cheap and fair decisions with much less formality. Tribunals deal with professional standards, disputes between individuals, and disputes between individuals and government departments (for example, over taxation).

*II. Give Russian equivalents of the following words and word-combinations:* the Magistrates' court, petty crimes, to judge cases, legal qualifications, accused, to sentence to, goal, offence, fine, murder, kidnapping, arson, to hear cases, the Crown Court, defendant, trial by jury, life imprisonment, civil case, County courts, appeals, the European Court of Justice, the European Court of Human Rights, juvenile courts, Coroner's courts, to investigate, tribunals.

*III. Complete the following sentences:*

1. The most common type of law court in England and Wales is...
2. The Crown Court deals with...
3. The judges in the Crown Court are...
4. Juvenile courts and Coroner's courts are...
5. Administrative tribunals make...

*IV. Match the parts, make up sentences:*

- |   |  |
|---|--|
| 1. Justices of Peace                                    | a) petty crimes such as shoplifting, dangerous driving etc.    |
| 2. The lowest courts, magistrates' courts, deal with    | b) are heard in the Crown Court.                               |
| 3. More serious cases such as murder, kidnapping, arson | c) are dealt with in County courts.                            |
| 4. Civil cases  | d) is life imprisonment and the amount of fine is unlimited.   |
| 5. The maximum penalty in the Crown Court               | e) are usually unpaid and have no formal legal qualifications. |

*V. Match the words from the text with their corresponding definitions:*

- |                     |   |
|---------------------|---|
| 1. Civil case       | a) is a legal proceeding by which a case is brought to a higher court for review.   |
| 2. Defendant        | b) is a court case that involves a private dispute arising from such matters as accidents, contractual obligations and divorce. |
| 3. Juvenile court   | c) is a person, a company, etc. against whom a criminal charge or civil claim is made   |
| 4. Justice of Peace | d) is a court with special jurisdiction over delinquent and dependent young people.   |
| 5. Appeal (n)       | e) is a lay magistrate empowered chiefly to administer summary justice in minor cases.  |
| 6. Arson            | f) is the criminal act of setting fire to property in order to cause destruction.   |

*VI. Make up your own dialogues using information (according to the plan):*

1. The Magistrates' Court.
2. The Crown Court.
3. The courts of appeal.
4. Juvenile courts, coroners' courts, tribunals.

*VII. Interview your partner on the following:*

1. What is the most common type of law court in England and Wales?

2. What cases are heard in the Crown Court?
3. What courts of appeal are mentioned in the text?
4. What do juvenile courts, coroners' courts and tribunals deal with?

*VIII. Speak on the topic "The Court System of England and Wales".*

*IX. Role-play the situation:*

A: You are a journalist. You need to write an article about the Court system of England and Wales. Ask your friend who is a lawyer to help you.

B: You are a lawyer. Your friend, a journalist, asks you for help as he should write an article about the Court system of England and Wales. Describe the types of courts.

*X. Comment on the given proverb:*

- Fault (sin) confessed is half forgiven.

## **UNIT V**

*I. Read the text and get ready to discuss it.*

### **The Court System of the USA**

The American court system is complex. It functions as part of the federal system of government. Each state is given separate legal systems, that mean it runs its own court system, and no two are identical. In addition, there is a system of courts for national government. These federal courts coexist with the state courts.

Individuals fall under the jurisdiction of two different court systems, their state courts and federal courts. They can sue or be sued in either system depending mostly on what their case is about. American practice is firmly committed to the idea of jury trials. The Constitution guarantees them for both criminal and civil cases. The vast majority of cases are resolved in the state courts.

The state courts are divided into the State Trial Courts (the lowest courts where the cases begin), the State Intermediate Appellate Courts (the lowest courts of appeals) and the State Courts of Last Resort (where the cases that have been decided in the lower courts are reviewed).



The federal courts are organized in three tiers, like a pyramid. At the bottom of the pyramid are the USA District Courts where litigations begin. There are ninety-four of them in different parts of the USA. In the middle are eleven US Courts of Appeals. To appeal means to take a case to a higher court. Most federal courts hear and decide a wide array of cases; the judges in these courts are known as generalists. At top of the system is the US Supreme Court.

The Supreme Court is the highest court in the country and the head of judicial branch of US government. It determines whether or not laws and acts of the legislative (Congress) and executive (President) branches are in accordance with the Constitution.

The Supreme Court consists of a chief justice and eight associate justices. They are nominated by the President but must be approved by the Senate. A decision of the Supreme Court cannot be appealed to any other court. Neither the President nor Congress can change their decisions.

The Supreme Court has direct jurisdiction in only two kinds of cases: those involving foreign diplomats and those in which a state is a party. All other cases which reach the Court are appeals from lower courts. The Supreme Court chooses which of these it will hear. Most of the cases involve the interpretation of the Constitution. The Supreme Court also has the "power of judicial review", that is, it has the right to declare laws and actions of the federal, state, and local governments unconstitutional. While not stated in the Constitution, this power was established over time.

*II. Give Russian equivalents of the following words and word-combinations: coexist, state courts, to fall under the jurisdiction, federal courts, to sue, jury trials, criminal and civil cases, to resolve a case, Appellate courts, Courts of Last Resort, litigation, the Supreme Court, judicial branch, legislative and executive branches, power of judicial review.*

*III. Complete the following sentences:*

1. Each state is given...
2. The Constitution guarantees jury trials for...
3. The federal courts are...
4. The Supreme Court is...
5. The Supreme Court has direct...

*IV. Match the parts, make up sentences:*

- |  |  |
|--|--|
| 1. Individuals fall under jurisdiction of                            | a) the State Trial Courts, the State Intermediate Appellate Courts and the State Courts of Last Resort.            |
| 2. The state courts are divided into                                 | b) whether or not laws and acts of the legislative and executive branches are in accordance with the Constitution. |
| 3. The federal courts  | c) it has the right to declare laws and actions unconstitutional.  |
| 4. The Supreme Court determines                                      | d) two different court systems, their state courts and federal courts.   |
| 5. The Supreme Court also has the "power of judicial review" that is | e) organized in three tiers, like a pyramid.   |

*V. Match the words from the text with their corresponding definitions:*

- |                       |   |
|-----------------------|---|
| 1. Jurisdiction       | a) is the presiding, most senior or principal justice of a court.                             |
| 2. Legislative branch | b) is specific number of people selected as prescribed by law to render a verdict in a trial. |
| 3. Supreme Justice    | c) is the power, right or authority to apply the law.   |
| 4. Litigation         | d) the law-making branch of government.   |
| 5. Jury               | e) contest in court, a lawsuit.   |

*VI. Make up your own dialogues using information (according to the plan):*

1. The complex character of the American court system.
2. The state courts.
3. The federal courts.
4. The Supreme Court.

*VII. Interview your partner on the following:*

1. What are the types of state courts?
2. In what way are the federal courts organized?
3. Where does litigation begin?
4. What are the functions of the Supreme Court of the USA?

5. In what kinds of cases does the Supreme Court have direct jurisdiction?

*VIII. Speak on the topic "The Court system of the USA".*

*IX. Role-play the situation:*

A: Imagine you were sentenced to a huge fine for dangerous driving. You disagree with the verdict and want to appeal. Ask your lawyer to help you.

B: You are a lawyer. Your client wants to appeal and asks you for help. Tell him about the main types of appellate courts.

*X. Comment on the given proverb:*

▪ Nothing is stolen without hands.

## UNIT VI

### **Vocabulary:**

government - regulation - правительственное регулирование;  
"red tape" - волокита, бюрократизм;  
to sue - возбуждать дело, предъявлять иск;  
counselor - советник, адвокат, барристер;  
investigator - следователь;  
drafter - составитель документов;  
negotiator - посредник, лицо, ведущее переговоры;  
legal consequences - правовые, юридические последствия;  
attorney - юрист;  
damaging information - дискредитирующая информация;  
evidence of criminal activity - доказательство, свидетельство незаконной деятельности;  
allegiance - обязательство верности;  
officer of the court - служащий суда, судебный исполнитель;  
"blow the whistle" - доносить на кого-либо;  
deed - деяние, документ за печатью;  
corporate instrument - корпоративный документ;  
regulatory agency - регулятивный орган;

suit - иск;

work stoppages - приостановка, прекращение работы;

administrative agency - административный орган.

*1. Read the text and get ready to discuss it.*

### **The Company and its Lawyer**

With the advent of increased government regulation, businesses have become more apt to call upon lawyers to assist them through the "red tape". In the past a business usually did not contact lawyers until a problem arose, for example, when it was sued or when a distributor would not pay an outstanding debt. However, more and more businesses are concerned with preventive law, in attempts to avoid the unfavorable consequences that accompany uninformed business practices. Business managers today have a more ongoing relationship with the lawyers than they had in the past and thus need to know exactly how lawyers function.

There are several types of company lawyers, for example counselors, investigators, drafters and negotiators.

The counselor practices preventive law by counseling the business client. Wise counsel can avoid a host of problems; for example, advising a corporation regarding the legal consequences of a merger might avert potential antitrust problems. As a counselor, the business lawyer must be imaginative and perceive the range of alternative courses of action and foresee the probable legal consequences that attach to each. To do this the business lawyer must be versed in the multidimensional operations and activities of the business firm.

The role of investigator is often preliminary to the role of counselor or advocate. The lawyer needs to accumulate potentially useful information and then to extract the data pertinent to the particular task. This takes cooperation with the business client who knows the intra firm operations and where to find specific documents. During the course of the investigation the attorney may uncover damaging information or, even evidence of criminal activity. The attorney owes an allegiance to the client. Although an attorney is deemed an officer of the court and cannot counsel a client to participate in illegal activities, nonetheless the canons of ethics, as constituted at present, do not require the attorney to "blow the whistle".

The business lawyer drafts documents for the firm. Contracts, deeds, corporate instruments, and securities registration statements are just a few of the documents that are commonly prepared by lawyers. Good drafting is important to avoid adverse consequences. In this respect drafting is a form of preventive law.

The lawyer possesses negotiating skills. The role of the negotiator is akin to that of the advocate. The lawyer presents the client's strongest arguments in order to achieve the best result possible. Negotiation may be necessitated by a dispute with a regulatory agency, another business, or the customer. Successful negotiation resulting in a settlement often avoids costly suits, work stoppages, and other undesirable economic consequences.

In the capacity of an advocate, the lawyer is called upon to represent the client's interest. This may occur in a court, before an administrative agency or a legislative body, or in another arena. The lawyer's duty, as an advocate, is to present the facts and the law in the light most favorable to the client. Of course, the opponent's lawyer will be doing the same. This is the adversary system which enables the judge or other hearing officers to examine the full range of arguments before arriving at a reasoned decision.

*II. Give Russian equivalents of the following words and word combinations:* to call upon, outstanding debt, preventive law, ongoing, host, merger, avert, imaginative, multidimensional, preliminary, to extract the data, pertinent, legislative body, adversary system, judge, settlement, hearing officers, arguments.

*III. Match the parts, make up sentences:*

- |  |  |
|--|--|
| 1. In the past a business usually did not contact lawyers                                      | a) and thus need to know exactly how lawyers function.   |
| 2. Business managers today have a more ongoing relationship with the lawyers                   | b) nonetheless the canons of ethics, as constituted at present, do not require the attorney to "blow the whistle". |
| 3. The lawyer needs to accumulate potentially useful information and than they had in the past | c) until a problem arose.  |
|  | d) that are commonly prepared by lawyers.  |

4. Although an attorney is deemed an officer of the court and cannot counsel a client to participate in illegal activities,

*IV. Match the words from the text with their corresponding definitions:*

- |             |   |
|-------------|---|
| 1. Judge    | a) a legally binding agreement between two or more persons or parties.          |
| 2. Contract | b) an assembly for the transaction of judicial business.                        |
| 3. Lawyer   | c) something that furnishes proof.  |
| 4. Evidence | d) a public official authorized to decide questions brought.                    |
| 5. Court    | e) one whose profession is to practice law and advise clients on legal matters. |

*V. Make up your dialogues using the information:*

You are two managers of a medium-sized corporation. Discuss what types of company lawyers you may need.

*VI. Interview your partner:*

Your partner is a brilliant lawyer. He is a specialist in negotiating. Ask him what skills and knowledge a good negotiator should possess.

*VII. Speak on the topic "Types of company lawyers".*

*VIII. Role-play the situation:*

Colin Dexter is applying for a lawyer position in a large company. The board of directors is interviewing him.

*IX. Comment on the words of Robert F. Kennedy a famous US politician (1925-1968):*

▪ "Courage is the most important attribute of a lawyer." (1962. Speech at the University of San Francisco Law School, 29 Sep.)

## UNIT VII

### **Vocabulary:**

- paralegal - средний юридический персонал;
- law clerk - секретарь, сотрудник канцелярии;
- legal costs - судебные издержки;
- legal opinion - экспертное заключение юриста;
- legal representation - юридическое представительство;
- to commit a breach of sb.'s fiduciary duty - нарушить свои должностные обязанности;
- conflict of interest - конфликт интересов;
- liable for litigation - нести ответственность за судебный процесс.

*1. Read the text and get ready to discuss it.*

### **In-House Legal Department and Outside Counsel**

Although one saves paying the overhead of an outside firm, it does cost more than just the lawyer's salary to hire in-house counsel. The lawyer or lawyers hired will need offices, staff assistance, books, equipment, and so on. For example, the lawyer will need a specialized legal secretary and probably also a paralegal or a law clerk to assist with routine functions. Such supplemental staff probably cannot be drawn from in-house resources because of the specialized nature of the work. Once the decision to hire in-house counsel is made, certain other decisions must follow. Managers making those decisions should keep in mind the goals of "going in-house": reducing legal costs, preserving the autonomy of the legal opinion, and integrating legal considerations into business strategic planning. One of the dangers of having in-house counsel is the feeling of security that seems to settle over all parts of a firm once lawyers are in place. Employees and officers begin to assume that they have legal representation under all circumstances. It is important to remember that the in-house lawyer represents the company, not the individuals employed by it. Thus, for example, if an officer commits a breach of his or her fiduciary duty and shareholders bring suit, the in-house lawyers would represent the company and therefore could not represent an officer, whose breach of duty had not been authorized by the company.

These matters can become quite complex. Take the case of a suit filed against the company because an employee injures a pedestrian

while making deliveries. The company lawyer would have a conflict of interest in representing the employee, since the company is liable for the acts of employees committed within the scope of employment. It would therefore be in the company's best interest to establish that the act was not committed within the scope of employment and thus that the employee, not the company, is liable for the injuries.

Even the best business lawyers cannot be experts in all areas of law that might affect the firm. Good in-house counsel has a broad background that enables them to deal with most legal problems encountered by businesses. Still there may be times when the company will need outside counsel, especially when special expertise is required or when the firm will be involved in lengthy litigation. Having in-house lawyers do all the work in these circumstances would take too much time away from their basic preventive tasks.

Whether the firm has in-house counsel or not, it may need to hire outside counsel at times. When hiring outside law firms, managers should be aware that different types of law firms have different types of organization, different market niches, different price structures, and lawyers with different skills. It is important therefore, to define the businesses needs precisely and then look for firms that promise to meet those needs.

*II. Give Russian equivalents of the following words and word combinations: salary, to hire, staff assistance, equipment, supplemental, keep in mind, goals, reducing, preserving, security, employee, shareholder, injury, scope of employment.*

*III. Match the parts, make up sentences:*

- |   |  |
|---|--|
| 1. Once the decision to hire in-house counsel is made,                          | a) that seems to settle over all parts of a firm once lawyers are in place.  |
| 2. One of the dangers of having in-house counsel is the feeling of security     | b) since the company is liable for the acts of employees committed within the scope of employment.   |
| 3. It is important to remember that the in-house lawyer represents the company, | c) that different types of law firms have different types of organization, different market niches, different price structures, and lawyers with different skills. |



4. The company lawyer would have a conflict of interest in representing the employee,  
5. When hiring outside law firms, managers should be aware

d) certain other decisions must follow.  
e) not the individuals employed by it.

*IV. Match the words from the text with their corresponding definitions:*

- |              |  |
|--------------|--|
| 1. Employee  | a) a lawyer who gives advice in law or manages cases for clients in court. |
| 2. Breach    | b) expert opinion or commentary.   |
| 3. Expertise | c) violation of law.   |
| 4. Counsel   | d) one employed by another usually for wages.                              |

*V. Make up your dialogues using the information:*

You're a CEO of a medium-sized company. Discuss the possibility of organizing in-house legal department with a lawyer.

*VI. Interview your partner:*

Your firm needs a special legal expertise. Find an appropriate outside counsel and interview him about the future litigation.

*VII. Speak on the topic "Positives and negatives of having an in-house legal department".*

*VIII. Role-play the situation:*

You are in-house lawyers. One of the managers committed a breach of his fiduciary duties. Discuss your actions.

*IX. Comment on the words of Mario Puzo a US novelist (1920-1999):*

▪ "A lawyer with a briefcase can steal more than a hundred men with guns." (1969. The Godfather.bk1,Ch.1)

## UNIT VIII

### **Vocabulary:**

bar - коллегия адвокатов;

legal aid offices - служба бесплатной юридической помощи;

legal assistance - юридическая помощь;

to counsel - консультировать;

to draft - составлять проект/документ;

plaintiff - истец;

defendant - ответчик;

civil litigation - гражданский процесс;

defense - защита;

criminal proceedings - уголовное судопроизводство.

*1. Read the text and get ready to discuss it.*

### **Types of Legal Professions in Russia**

Lawyers in private practice in Russia work mostly within bars - self-managed cooperative-type organizations. There are about nineteen thousand advocates in more than one hundred bars. The highest body of advocates' self-management is the general meeting of a bar. The presidium headed by the chairperson is the executive board of each bar. The presidium is elected by the general meeting for a term of three years.

Bars of advocates are formed in accordance with territorial subdivisions - in the cities, regions (oblasts), republics or autonomous entities. In its territory any bar is represented by law firms or legal aid offices, which render all regular legal assistance to citizens: advocates counsel people, draft legal documents, represent plaintiffs or defendants in civil litigation, and provide defense in criminal proceedings.

There are now more and more American-type law firms in Russia functioning separately from bars of advocates and especially involved in representing private businesses.

Many lawyers are employed by the law offices of enterprises, ministries and agencies as in-house counsel (jurisconsult). These lawyers have all powers of an attorney, but they represent their single and permanent "client" - their respective organization. There are about twenty thousand of them in Russia, and in view of the economic reform this body is growing.

Of course, many in the legal profession teach or do academic research work. In Russia there are forty institutions of higher law education (either a law school attached to a university or a separate entity called a "juridical institute"). New private law schools are popping up. There are also separate research centers in law, the most prominent of which is the Institute of State and Law under the Academy of Sciences of Russia.

*II. Give Russian equivalents of the following words and word combinations:* highest body, self-management, chairperson, executive board, to elect, term, subdivisions, entity, to render, private, respective, to do academic research, prominent.

*III. Match the parts, make up sentences:*

- |   |   |
|---|---|
| 1. The highest body of advocates' self-management is                          | a) which render all regular legal assistance to citizens: advocates counsel people, draft legal documents, represent plaintiffs or defendants in civil litigation, and provide defense in criminal proceedings. |
| 2. The presidium headed by the chairperson is                                 | b) the executive board of each bar.   |
| 3. In its territory any bar is represented by law firms or legal aid offices, | c) but they represent their single and permanent "client" -their respective organization.   |
| 4. In-house counsels have all powers of an attorney,                          | d) .the general meeting of a bar.   |

*IV. Match the words from the text with their corresponding definitions:*

- |              |   |
|--------------|---|
| 1. Bar       | a) a defending party or group.                                  |
| 2. Plaintiff | b) a person called on to answer an accusation in a legal.       |
| 3. Defense   | c) the body of lawyers qualified to practice in a jurisdiction. |
| 4. Defendant | d) a person who begins a lawsuit to enforce a claim.            |

*V. Make up your dialogues using the information:*

You've just graduated from the Law faculty. There is a choice of being an in-house counsel or working in the prosecutor office of your city. Your

father recommends you the first option but you'd like to be a prosecutor. Try to find the best solution.

*VI. Interview your partner:*

Your friend works at the legal aid office. Ask him about his duties.

*VII. Speak on the topic "The system of legal professions".*

*VIII. Role-play the situation:*

You are members of a bar. Today you have your annual meeting. Discuss the agenda.

*IX. Comment on the words of Samuel Butler an English satirist (1612-1680):*

▪ "A client is fain (*вынужден*) to hire a lawyer to keep from the injury of other lawyers - as Christians that travel in Turkey are forced to hire Janissaries (*янычары*), to protect them from the insolences (*наглость*, *дерзость*) of other Turks." (1660. Prose Observations)

## UNIT IX

### **Vocabulary:**

competitor - конкурент;

competition - конкуренция;

survival of the fittest - выживание наиболее приспособленных;

market - сбывать, продавать (на рынке);

review - пересматривать;

express warranty - явно выраженная гарантия;

disclaimer - непризнание, отказ, отрицание;

child-proof - безопасный для ребенка;

household products - хозяйственные товары;

pose - представлять собой, являться; занять позу;

causation - причинение;

exhaust fan - вытяжной вентилятор;

corrective - опубликование поправок к рекламе;

advertising - объявление, реклама;

impose - налагать;  
in terms of - в смысле, в пересчете на;  
ad claims - утверждения, содержащиеся в рекламе;  
deceptive - обманчивый;  
misleading - вводящий в заблуждение;  
ire - гнев;  
anti-acne medication - средство против угрей;  
cure - излечение, излечивать;  
accede eventually - присоединяться, соглашаться в конце концов,  
в конечном счете;  
celebrity - знаменитая личность, знаменитость;  
endorse - рекомендовать (товар), подтверждать, одобрять;  
endorsement - одобрение, поддержка;  
reveal - обнародовать;  
understanding - подразумеваемое соглашение, взаимопонимание;  
make aware - дать понять, довести до сведения;  
inaccurate - неточный;  
incorrect - неверный.

*1. Read the text and get ready to discuss it.*

### **The Laws of Competition**

While the law of competition may be sometimes hard for the individual, it is best for the race, because it ensures the survival of the fittest in every department.

*Andrew Carnegie*

The way a firm operates its sales force and markets its products or services is controlled by federal and state laws. These laws limit the types of acceptable business competition.

#### **Warnings as Part of Descriptions**

The entire product packaging may need to be reviewed for express warranties and the presence of sufficient product liability instructions and warnings. If any disclaimers about the product are to be made, they should be made on the literature or in the ads to prevent future claims. Child-proof labels and warnings are not just part of the product packaging are the means of product liability prevention. For example, many firms are beginning to put warnings on household products that may pose a

risk of long-term health threats. Artists' products such as glazes and paints now carry warning about potential damage to the nervous system and possible causation of birth defects. The purpose of packaging is no longer simply to make a product attractive. It must now also provide sufficient warnings and instructions to avoid product liability suits. It may no longer be enough to state that a product should be used with adequate ventilation. One may need to explain that "adequate ventilation" means the use of exhaust fans, open windows or both.

### **Truth in Advertising**

In addition to having liability for warranties, businesses that make advertising claims must be sure that those claims meet Federal Trade Commission standards for truth in advertising. The FTC has the authority to require corrective advertising when claims made in ads turn out to be incorrect and can apply powerful sanctions if changes are not made. Since both corrective advertising and imposed sanctions are expensive, in terms of both money and image, it is important to "get it right the first time" with ad claims. Claims that are not actually false but are held to be deceptive or misleading can also draw FTC ire. For example, the FTC came down hard on the manufacturer of the anti-acne medication Acne-Staton because ads for the product claimed that it was a "cure" for acne. The FTC felt it was more appropriate to say that the product helped significantly but, as yet, there was no cure for acne. FTC requirements are another reason why in-house or expert counsel should review all advertisements before they are run.

Some states already require warnings on products that may present chronic health hazards. Where this is not the case, private groups such as the Consumer Federation of America are seeking new regulations that would require such additional warnings. Firms would be wise to accede to these demands even before they become law, since either the regulations will eventually go into effect anyway or the industry will be forced to demonstrate that it does not need regulation.

### **Celebrity Endorsements**

If a firm chooses to have a celebrity endorse a product, it must make sure that several conditions are met. First, the celebrity must have actually used or tried the product. Second, the advertisements must reveal that the celebrity is being paid to endorse the product. The firm may also want to have the celebrity agree to use the product exclusively for a pe-

riod of time and to sign a statement of understanding regarding potential liability. The celebrity should be made aware that if he or she knowingly makes an inaccurate incorrect statement about the product, the celebrity as well as the product's manufacturer can be held liable for resulting damages to buyers. In the Acne-Stating case, celebrity Pan Boone experienced personal liability for his and his family's endorsements of the product.

*II. Read the text and find equivalents of the following Russian word combinations and sentences:*

- 1) то, как фирма организует работу своих торговых агентов;
- 2) типы приемлемой конкуренции в торговле;
- 3) чтобы предотвратить претензии в будущем;
- 4) в тех случаях, когда заявления, сделанные в рекламных объявлениях, оказываются неверными;
- 5) как в части денежных затрат, так и в смысле потери репутации;
- 6) сделать правильно с самого начала;
- 7) обманный или вводящий в заблуждение;
- 8) еще одна причина, почему штатный юристконсульт или эксперты должны просматривать все объявления, прежде чем они будут помещены;
- 9) если фирма пожелает, чтобы кто-нибудь из знаменитостей рекламировал ее товар, она должна обеспечить соблюдение нескольких условий;
- 10) из рекламы должно быть ясно, что знаменитая личность получает плату за рекламирование продукции.

*III. Complete the following sentences:*

1. The entire product packaging may need to...
2. The purpose of packaging is...
3. One may need to explain...
4. Since both corrective advertising and imposed sanctions are expensive...
5. America are seeking new regulations that would...
6. If a firm chooses to have a celebrity endorse a product...

*IV. Match the parts, make up sentences:*

- |  |  |
|--|--|
| 1. It may no longer be enough to state that              | a) a product should be used with adequate ventilation. |
| 2. Artists' products now carry warning about             | b) potential damage to the health.                     |
| 3. Some states already require warnings on products that | c) may present chronic health hazards.                 |
| 4. The advertisements must reveal that the celebrity     | d) is being paid to endorse the product.               |

*V. Match the words to their definitions:*

- |              |  |
|--------------|--|
| 1. Private   | a) is a written promise by a company to repay or replace a product that develops a fault within a fixed period of time or do again a piece of work that is not satisfactory. |
| 2. Endorse   | b) is something dangerous and likely to cause damage.  |
| 3. Warranty  | c) is for the use of or belonging to one particular person or group, not to other people.  |
| 4. Damage    | d) is someone who is famous, esp. in the entertainment business, or the state of being famous.   |
| 5. Celebrity | e) is to harm or spoil (something).  |
| 6. Liability | f) is a state of being required to do sth or accept responsibility for sth.  |
| 7. Hazard    | g) is to make a public statement of your approval or support for (something or someone).   |

*VI. Fill in the gaps with prepositions:*

- 1) may be sometimes hard ... the individual;
- 2) the survival ... the fittest;
- 3) any disclaimers ... a product;
- 4) child-proof labels and warnings are not just part ... the product packaging;
- 5) a means ... product liability prevention;
- 6) a risk ... long-term health threats;
- 7) potential damage ... the nervous system;
- 8) FTC standards ... truth ... advertising;



- 9) in terms ... both money and image;
- 10) ads ... the product fell, to accede ... these demands;
- 11) the regulations will eventually go ... effect;
- 12) use the product exclusively ... a period ... time;
- 13) a statement of understanding ... potential liability;
- 14) be held liable ... resulting damage ... buyers.

*VII. Interview your partner on the following:*

1. What is business competition limited by?
2. Where should disclaimers about the product be made?
3. What are the purposes of packaging?
4. How can truth in advertising be secured?
5. Who has the authority to require corrective advertising?
6. How does the Federal Trade Commission carry out its functions concerning corrective advertising?
7. What conditions must be met if a firm has a celebrity endorse a product?
8. In what cases can the celebrity be held liable for resulting damage to buyers through a product the celebrity endorses?

*VIII. Make up a dialogue:*

One of you is a celebrity invited to advertise a product, another person is responsible for an advertising campaign. Choose the product you are going to advertise and discuss the liabilities of the celebrity.

*IX. Role-play the situation:*

You need to elaborate warnings on food products that are imported from abroad and develop sanctions which must be imposed on unconsciously businessmen.

Participants: lawyers, Duma deputies, representatives of food companies.

*X. Comment on the following quotations:*

- "While the law of competition may be sometimes hard for the individual, it is best for the race, because it ensures the survival of the fittest in every department." (Andrew Carnegie)

*XI. Speak on the topic "The Laws of Competition".*

## UNIT X

### Vocabulary:

- benefit - выгода, польза;
- adequacy - достаточность, соответствие;
- capitalize - капитализировать, превращать в капитал;
- capitalization - общая сумма акционерного капитала, капитализация, превращение в капитал;
- extend credit - предоставлять кредит;
- board - совет директоров;
- be subject to - подвергаться;
- judicial - рассудительный;
- scrutiny - тщательное рассмотрение, критическое изучение;
- honor - чтить, уважать, оплачивать (чек);
- affect - воздействовать;
- on arrangement - по договоренности;
- sole proprietorship - единоличное владение;
- collection of debts - взыскание долгов, инкассирование долгов;
- sole proprietor - единоличный собственник;
- loose - свободный;
- compliance - соблюдение, выполнение, согласие;
- statute - закон;
- halt - остановка, останавливать(ся);
- credit extension - предоставление кредита;
- credit rating - оценка кредитоспособности;
- raise capital - собрать (сколотить) капитал;
- partnership - товарищество;
- assets - имущество;
- attachment - наложение ареста на имущество, изъятие (имущества);
- bind - связывать, обязывать;
- attach - наложить арест на имущество, описывать (имущество);
- office supplies - канцелярские принадлежности;
- make somebody aware - дать кому-либо понять, довести до сведения.

*1. Read the text and get ready to discuss it.*

### **Forms of Business Organization**

Every business must have a business structure. Each of the available options carries with it certain benefits, risks, and rules of operation that must be followed. The nature and condition of a business's structure is a significant part of the information that other businesses consider in making credit and contract decisions. The stability of the structure, the adequacy of capitalization, and the amount of liability of the owners are all critical factors in the decision to buy, sell, or extend credit. The way even boards conduct business is subject to judicial scrutiny, and board members can experience personal liability for failure to honor business structure rules.

When a business first begins, its owner or owners must decide what structure or form it will take. This structure will determine many things about the business, including the liability of its owners under various circumstances. It also will affect those who do business with the firm, controlling how much sellers and customers will be paid or will receive on arrangement. It thus becomes important to understand the structure not only of one's own business but also of the other firms with which one deals.

#### **The Sole Proprietorship**

This structure marks the truly informal business. There are no requirements for its formation. One person owns and generally operates the business. That person receives all income and also bears all losses and liabilities. There is no one to turn to for the collection of debts except the sole proprietor.

Many sole proprietorships operate under a "doing business as" (d/b/a) name, and that name sometimes hides the fact that the business is a sole proprietorship. It is important for creditors and sellers to verify the nature of the business and find out who is liable for the firm's contracts and agreements. Indeed, the signature of the sole proprietor, not the name of the business, is necessary in order to have a valid contract because the business as such has no legal existence and cannot contract - only the owner can.

The operation of a sole proprietorship is a loose affair. Except for the compliance with statutes and regulations, the owner is free to deal as he or she sees fit. Because of the ease of formation and the ability to

declare personal bankruptcy as a halt to the business, these types of firms present greater risks in credit extension. The credit rating of the firm is the credit rating of the proprietor. Sole proprietorships usually do not last long in this form. They either go on to different forms of existence in order to raise capital or become part of the statistics on failed businesses.

### **The Partnership**

While a partnership has the benefit of having at least two people on the line instead of one, it does carry the same types of liability risks and income benefits for the owners as a sole proprietorship. Partners receive all the profits but also share the losses, and their personal assets are subject to attachment for collection of the partnership's debts. Again, the credit rating of the partnership is the credit rating of the individual partners.

### **Signatures and Authority**

In dealing with partnerships, the businesses should verify the authority of the signing partner (certain types of agreements require the signatures of all partners.) It is also important to distinguish between contracts that partners enter into for the partnership and those that they enter into for personal use or benefit. Partners acting without authority or for personal reasons do not bind the partnership and the assets of the partnership cannot be attached for collection of the contract amount.

The partners themselves need to understand clearly what roles and authority they have in operating the partnership. If there are limitations on what or how much one partner can contract for, those limitations should be made clear both to the partners and to those who do business with the partnership. For example, if a partner can sign for office supplies but not for new equipment, suppliers must be made aware of those limitations.

*II. Read the text and find equivalents of the following Russian word combinations and sentences:*

- 1) любой из имеющихся вариантов несет с собой определенные выгоды, риск и правила работы;
- 2) решения о выдаче кредитов и заключении контрактов;
- 3) личная ответственность за невыполнение правил структуры фирмы;
- 4) как создавать деловые структуры, как их сохранять и какие проблемы могут возникнуть, когда ими управляют неправильно;

- 5) когда какая-либо фирма зарождается, ее владелец или владельцы должны решить, какую структуру или форму она примет;
- 6) к единоличному владению не предъявляется никаких требований касательно его создания;
- 7) ведет дело под именем;
- 8) необходима подпись единоличного собственника, а не название фирмы;
- 9) фирма как таковая не существует с юридической точки зрения и не может заключать договоры;
- 10) с целью занять деньги;
- 11) личное имущество членов товарищества подлежит аресту при взыскании долгов товарищества;
- 12) следует проверить полномочия партнера, подписывающего соглашение;
- 13) партнеры, действующие без полномочий или из личных соображений;
- 14) ограничения касательно того, на что и на какую сумму один партнер может заключить контракт.

*III. Complete the following sentences:*

1. When a business first begins, its owner or owners must decide...
2. The structure of business, including...
3. It is important for creditors and sellers...
4. Sole in this form, they either go on to...
5. The partnership has the benefit of having...
6. In dealing with partnership, the businesses should verify the...

*IV. Match the parts, make up sentences:*

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Each of the available options carries with it</li> <li>2. There are no requirements for</li> <li>3. Except for the compliance with statutes and regulations,</li> <li>4. It is also important to distinguish between</li> </ol> | <ol style="list-style-type: none"> <li>a) certain benefits, risks and rules of operation that must be followed.</li> <li>b) the Sole Proprietorship.</li> <li>c) the owner is free to deal as he or she sees fit.</li> <li>d) contracts that partners enter in to for the partnership and those that they enter into for personal use or benefit.</li> </ol> |
|---|--|

*V. Match the words to their definitions:*

- |                |   |
|----------------|---|
| 1. Credit      | a) is a contractual right, good for a specified length of time.   |
| 2. Partnership | b) is a firm organized to carry out activities for profit.  |
| 3. Option      | c) is trust in the ability and intention of a person or entity to repay a loan.                           |
| 4. Business    | d) is an association of two or more people or entities to carry on a business for profit.                 |
| 5. Authority   | e) is a person or entity with a right to control and dispose of an interest in real or personal property. |
| 6. Owner       | f) is the legal power of a public official or body to act in an official capacity.                        |
| 7. Signature   | g) is the name or mark of a person or entity placed on document to authenticate it.                       |

*VI. Fill in the gaps with prepositions:*

- 1) each ... the available options;
- 2) consider ... making credit and contract decisions;
- 3) the amount ... liability ... the owners;
- 4) will determine many things ... the business;
- 5) the other firms ... which one deals;
- 6) the structure not only ... one's own business;
- 7) there is no one to turn ... for the collection of debts;
- 8) It is important ... creditors and sellers to verify the nature of the business;
- 9) who is liable ... the firm's contracts and agreements;
- 10) present greater risk ... credit extension;
- 11) the credit rating ... the firm;
- 12) do not last long ... this form;
- 13) part of the statistics ... failed businesses;
- 14) the benefit ... having at least two people;
- 15) their personal assets are attachment for collection ... the partnership's debts;
- 16) in dealing ... partnerships;
- 17) contracts that partners enter ... for the partnership;

18) if there are limitations ... what and how much one partner can contract for;

19) if a partner can sign ... office supplies, but not for new equipment.

*VII. Interview your partner on the following:*

1. What do businesses consider in making credit and contract decisions concerning other businesses?

2. What things about a business can be determined by its structure?

3. Why is it correct to say that the sole proprietorship is truly informal business?

4. How do many sole proprietorships operate?

5. Does the owner of a sole proprietorship comply with statutes and regulations?

6. Why do sole proprietorships present greater risks in credit extension?

7. What do partners in a partnership receive and what do they share?

8. In case of collection of the partnership's debts, are personal assets of the partners subject to attachment for collection?

*VIII. Make up a dialogue:*

You are going to set up a business. Discuss the best form of business organization for your firm.

*IX. Role-play the situation:*

Work in a group of 5 or 6. You are going to set up a new business. Your task is to distribute duties and to make up a contract in which all your responsibilities are reflected.

*X. Speak on the topic "Forms of Business Organization".*

*XI. Comment on the following quotation:*

▪ "Benjamin Franklin said the two things that are inevitable are death and taxes. For the personnel manager, a third can be added - the EEO complaint." (Jeffrey C. Pingpank, attorney)

## UNIT XI

### Vocabulary:

inevitable - неизбежный;

EEO complaint - жалоба в связи с законом о равных возможностях при приеме на работу;

damages - возмещение убытков;

plaintiff - истец;

complacent - самодовольный;

complacency - самодовольство;

lick - преодолеть с легкостью, побить;

showy - эффектный, броский, показной, хвастливый;

affirmative - положительный, позитивный, конструктивный;

affirmative action program - программа позитивных действий;

poster - плакат;

promotional statement - рекламное заявление;

window dressing - оформление/украшение витрины;

predict - предсказывать;

discharge - увольнять, увольнение;

fire - увольнять;

at will - по своему желанию, в любой мере и в любое время;

legislation - законодательство;

case law - прецедентное право;

abridge - урезать;

prevailing - преобладающий;

locale - местность;

wrongful - противозаконный, неправомерный;

federal district court - федеральный районный суд (федеральный суд первой инстанции в США);

unjust - несправедливый;

surface - всплыть на поверхность; поверхность.

*1. Read the text and get ready to discuss it.*

### Equal Employment Opportunity

When many managers are asked to think of legal problems in the area of employee relations, they think almost exclusively of Equal Employment Opportunity (EEO) suits of one kind or another. Although other



forms of employee relations suits exist, EEO suits will continue to be the biggest growth area for legal actions unless managers begin to handle personnel practices more effectively. In 1982, the last year for which data are available, employers paid \$132 million in damages to plaintiffs in discrimination suits.

Discrimination suits come in many forms. The best known kinds involve women and minorities. Many complacent employers think they now have these licked, but they are usually wrong. Certainly, these companies now have female managers - usually in personnel and public relations, well known as the business world's "velvet" or "pink collar" ghettos. The firms no doubt also have affirmative action officers, naturally members of some minority or protected class. They lay even have a showy affirmative action program, complete with posters on the walls and promotional statements in bold print in advertisements for employment. Unfortunately, none of these forms of window dressing really protects a company from BEO suits.

Less "traditional" EEO suits are likely to make increasing trouble in the lure. In 1981, the number of suits filed under provisions of the Age Discrimination in Employment Act went up 89 percent over the previous year, and as the postwar "baby boomers", with their higher level of educational expectations, move past forty, the number of age discrimination suits is predicted to rise.

Nor are EEO suits the only growth area of employee relations litigation. The courts in the last few years have greatly changed their views of an employer's right to discharge employees. In the past, a manager could fire an employee "at will" for any reason - a good reason, a bad reason, or no reason at all. The right to fire at will, however, has now almost completely metamorphosed into its opposite number, the employee's right to a job. California in 1980 became the first state to pass legislation protecting the "right to employment. Since then, the number of states that have used either legislation or case law to partly or completely abridge an organization's right to fire at will has changed on a yearly, if not a monthly basis. The prevailing view at this time is clearly that all individuals have a right to either seek a job or, in most locales, hold a job currently occupied.

In 1984, 9,784 wrongful discharge suits were filed in federal district courts alone. This represented a 27 percent increase over 1982. Many other suits of this type are filed in state courts. Jack Stieber, director of Michigan

State University's School of Labor and Industrial Relations, estimates that more than a million unjust discharges occur each year. Thus, only the tip of the potential litigation iceberg has currently surfaced in the justice system.

*II. Read the text and find equivalents of the following Russian word combinations and sentences:*

- 1) если менеджеры не начнут заниматься кадровыми делами более эффективно;
- 2) ответственные за программу позитивных действий;
- 3) думают, что они преодолели эти проблемы;
- 4) ни один из этих видов оформления витрины;
- 5) люди из поколения послевоенного;
- 6) предсказывают, что число исков в связи с дискриминацией по возрасту увеличится;
- 7) иски в связи с законом "О равных возможностях при найме на работу" не являются к тому же единственным растущим сектором судебных споров по трудовым отношениям;
- 8) право увольнять по произволу;
- 9) число штатов, которые использовали или законодательство, или прецедентное право;
- 10) право на сохранение занимаемой должности;
- 11) в системе юстиции.

*III. Complete the following sentences:*

1. Although other forms of employee relations suits exist...
2. Many complacent employers think...
3. The firms have ... members of some minority of protected class.
4. The right to fire has now almost completely...
5. The prevailing view at this time is clearly...

*IV. Match the parts, make up sentences:*

- |  |  |
|--|--|
| 1. Discrimination suits                | a) come in many forms.                             |
| 2. The best Known suits                | b) involve women and minorities.                   |
| 3. The courts have changed their views | c) of an employer 's right to discharge employers. |
| 4. In the past, a manager could        | d) is fire an employee "at will".                  |
| 5. The right to fire at will           | e) has now almost completely metamorphosed.        |

*V. Match the words to their definitions:*

- |                |  |
|----------------|--|
| 1. Court       | a) is to harm or spoil (something).  |
| 2. District    | b) is someone who makes a legal complaint against someone else in court.   |
| 3. Complacent  | c) is disapproving.  |
| 4. Damage      | d) is (a large room in) a building where trials and other legal cases happen, or the people present in such a room, esp. the officials and those deciding whether someone is guilty. |
| 5. Discharge   | e) is to perform (a duty, esp. an official one) or dismiss smb.  |
| 6. Plaintiff   | f) is an area of a country or town which has fixed borders that are used for official purposes, or which has a particular feature that makes it different from surrounding areas.    |
| 7. Predict     | g) is a law or set of laws suggested by a government and made official by a parliament.  |
| 8. Legislation | h) is to say that (an event or action) will happen in the future, esp. as a result of knowledge or experience.   |

*VI. Fill in the gaps with prepositions:*

- 1) although other forms ... employee relations suits exist;
- 2) the last year ... which data are available;
- 3) paid \$132 million ... damages to plaintiffs;
- 4) usually ... personnel and public relations;
- 5) members ... some minorities or protected class;
- 6) complete ... posters on the walls;
- 7) promotional statements ... bold print ... advertisements for employment;
- 8) are likely to make increasing trouble ... the future;
- 9) suits filed ... provisions of the Age Discrimination in Employment Act;
- 10) went up 89 percent ... the previous year;
- 11) their view ... an employer's right to discharge employees;
- 12) the employee's right ... a job;
- 13) a 27 percent increase ... 1982.

*VII. Interview your partner on the following:*

1. Why are Equal Employment Opportunity suits very frequent?
2. What categories of people do EEO suits usually involve?
3. In what departments can female managers be found?
4. Can you find anything in the former Soviet Union practices similar to an affirmative action program?
5. Can you give any examples of age discrimination in employment in Russia now?
6. What has changed in the sphere of an employer's right to discharge employees?
7. How could a manager fire an employee in the past?
8. What right does the employee have now?
9. Which state was the first to pass legislation protecting the right to employment?
10. How many unjust discharges occur each year?

*VIII. Work in pairs:*

Take turns to describe various instances of discrimination a person can encounter while he/she is trying to find a job in our country.

*IX. Role-play the situation:*

A meeting is going to be conversed on the matter of an employment agreement development. You need to negotiate the agreement and consider the points which must be included.

Participants: managers of a big trading company, representatives of a Trade Union.

*X. Speak on the topic "Equal employment opportunity".*

## **UNIT XII**

*1. Read the text and get ready to discuss it.*

### **Customs and Functions of Customs Offices**

Customs is an authority or agency in a country responsible for collecting and safeguarding customs duties and for controlling the flow of goods including animals, personal effects and hazardous items in and out

of a country. Depending on local legislation and regulations, the import or export of some goods may be restricted or forbidden, and the customs agency enforces these rules. The customs agency may be different from the immigration authority, which monitors persons who leave or enter the country, checking for appropriate documentation, apprehending people wanted by international search warrants, and impeding the entry of others deemed dangerous to the country.

In Russian Federation the customs authorities' structure includes:

- 1) the Federal Customs Authority;
- 2) regional customs departments;
- 3) customs offices;
- 4) customs checkpoints.

The activities of the regional customs departments, customs offices and customs checkpoints shall be regulated by statutes approved by the Federal Customs Authority. The customs checkpoints do not necessarily have the status of a legal entity.

The organization of the customs authorities also incorporates various institutions other than law-enforcement bodies which are established by the Federal Customs Authority for rendering support to customs offices in discharge of their duties.

The customs offices are assigned to:

1) effect the customs registration and customs control measures, create favorable conditions for expediting goods conveyance across the customs border;

2) **levy** customs **duties, taxes, antidumping**, special and **compensating fees**, customs fees, **verify** the correctness of calculation and **timeliness** of payment of said duties, fees and taxes, and take measures for their **compulsory** collection;

3) ensure the **observance** of the **requirements** regulating the conveyance across the customs border of goods and **means of** transport;

4) ensure the observance of the restrictions and prohibitions **pursuant to** the Federal Law of the Russian Federation on the State Regulation of Foreign Trade Activities and the international **treaties**, to which the Russian Federation is party, **with regard to** the goods conveyed across the customs border;

5) ensure **protection** of the intellectual **property** rights provide within the **scope** of their competence;

6) prevent **smuggling** and other crimes and administrative **offences** in the sphere of customs system, **obstruct** illegal conveyance across the customs border of **drugs, weapons, items of cultural value, radioactive agents, plants and animals under the threat of extinction, their components and derivatives**, intellectual property objects and other goods, as well as **render** assistance in the **struggle** against international terrorism and prevent unlawful **interference** in the operations of international civil aviation at the **premises** of the airports of the Russian Federation;

7) within the sphere of their competence pursuant to the provisions of the Law of the Russian Federation on Currency Regulation and Currency Control, customs offices **exercise currency** control over the operations involving conveyance of goods and means of transport across the customs border;

8) **keep** customs statistics pertaining to foreign trade operations;

9) ensure the **fulfillment** by the Russian Federation of its international **obligations** with regard to customs procedures, cooperate with the customs authorities and other competent **bodies** of foreign countries, as well as with the international organizations involved in customs activities;

10) **provide** information and **legal advice** with regard to the customs system; **in accordance with** the **established order**, provide information to state bodies, various organizations and **citizens**;

11) **carry out science research applicable to** needs of customs procedures.

*II. Read the following sentences and then decide if they are true or false:*

1. Customs is responsible only for collecting customs duties.
2. Immigration authority controls the flow of goods in and out of a country.
3. There are four levels of customs in Russia.
4. The Federal Customs Authority approves the statutes regulating the activities of customs departments.

*III. A) Match English verbs with their Russian equivalents:*

- |            |   |
|------------|---|
| 1) enforce | a) следить, контролировать              |
| 2) monitor | b) выезжать, покидать                   |
| 3) enter   | c) осуществлять, приводить в исполнение |

4) incorporate

d) въезжать

5) leave

e) включать в (состав чего-л.); заключать в себе

*B) Change the words in bold with their synonyms from the table above:*

1. Depending on local legislation and regulations, the import or export of some goods may be restricted or forbidden, and the customs agency *ensures observance of* these rules.

2. The customs agency may be different from the immigration authority, which *observes and records* persons who *depart* or *go into* the country, checking for appropriate documentation, apprehending people wanted by international search warrants, and impeding the entry of others deemed dangerous to the country.

3. The organization of the customs authorities also *includes* various institutions other than law-enforcement bodies which are established by the Federal Customs Authority for rendering support to customs offices in discharge of their duties.

*IV. In the sentences given below find the equivalents to the following expressions:* in discharge of duties; personal effects; to be responsible for; hazardous items; law-enforcement bodies; the Federal Customs Authority; search warrant; regional customs departments; legal entity; customs offices; customs duties; customs checkpoints.

1. Он несет непосредственную ответственность за эффективную работу фирмы.

2. Таможенными органами являются:

- федеральный орган исполнительной власти, уполномоченный в области таможенного дела;

- региональные таможенные управления;

- таможни;

- таможенные посты.

3. Товарный поток можно определить как перемещение товаров между экономическими субъектами, подразделениями компании, районами, странами.

4. У меня с собой только личные вещи.

5. Присутствуют ли в вашем багаже какие-либо предметы, представляющие собой опасность?

6. У нас есть ордер на обыск вашего багажа.

7. Представители таможи напрямую сотрудничают с правоохранительными органами.

8. Когда произошел этот инцидент, офицер таможи находился при исполнении обязанностей.

9. Ваша компания как юридическое лицо должна платить таможенные пошлины.

*V. Match two parts of the sentences below:*

- |  |   |
|--|---|
| 1. Customs is an authority or agency in a country responsible for  | a) statutes approved by the Federal Customs Authority.  |
| 2. The customs agency may be different from the immigration authority, which monitors persons who leave or enter the country,  | b) rendering support to customs offices in discharge of their duties.   |
| 3. The activities of the regional customs departments, customs offices and customs checkpoints shall be regulated by   | c) checking for appropriate documentation, apprehending people wanted by international search warrants, and impeding the entry of others deemed dangerous to the country. |
| 4. The organization of the customs authorities also incorporates various institutions other than law-enforcement bodies which are established by the Federal Customs Authority for | d) collecting and safeguarding customs duties and for controlling the flow of goods including animals, personal effects and hazardous items in and out of a country.      |

*VI. Transform the words in bold:*

1. A nation's customs service has many ... **RESPONSIBLE**.
2. At its most basic level, its purpose is to ... **REGULATION** what comes into and goes out of a country.
3. The foremost element of this regulation is ... **CONTROLLABLE** international trade.
4. To tilt the balance in favor of domestic businesses, governments impose tariffs, also called ... **DUTIABLE**, on foreign goods coming into the country.
5. In addition to encouraging domestic trade, duty also gives the nation a "piece of the action" when somebody buys something produced overseas.



6. Customs agencies are often major sources of revenue for the ...  
**GOVERN.**

7. Customs agencies also ... **MONITORING** what is being exported from a country.

*VII. Retell the text using the hints below:*

Customs; authority; responsible for; collecting; controlling; including; in and out of a country; legislation; import or export; restricted or forbidden; immigration authority; monitors; leave or enter; checking for; apprehending.

Structure; Russian Federation; includes; activities; statutes; approved by; organization; incorporates; law-enforcement bodies; established by; for rendering; in discharge of.

*VIII. Role-play the situation:*

One of you is a journalist. Interview your partner (a Head of Customs) on the functions of customs offices in Russia.

*IX. Comment on the words of John Steinbeck (American Novelist and Writer, Nobel Prize for Literature for 1962, 1902-1968):*

▪ "I have never smuggled anything in my life. Why, then, do I feel an uneasy sense of guilt on approaching a customs barrier?"



## PART III

### UNIT I

#### **Vocabulary:**

assize - выездная сессия суда присяжных;

daunting proposition - сложная система;

to prosecute smb. - преследовать в судебном порядке;

to gain recompense - добиваться (получать) вознаграждение, компенсацию;

breaches of contract - нарушения контракта;

to convict of an offence - обвинять в правонарушении;

to change the sentence - изменить наказание;

to abolish - отменять;

to preside over - осуществлять контроль, руководство.

*1. Read and translate the text.*

#### **The Court Service**

##### **What's the history?**

The origins of the legal systems in England and Wales date to pre-Norman Britain when common law was exercised at local courts or "as-sizes". After 1066 and the invasion of the Normans, a more complicated system was introduced which was based upon institutions that existed right up until 1972 when the Crown Court was introduced and many of these outdated bodies were abolished.

Both the Welsh and Scottish legal systems developed under their own jurisdiction despite English invasion, until 1535 when English common law was substituted within Welsh borders. Despite merging parliaments in 1707, the Scottish legal system remains a separate entity from

English and Welsh government, which governs all matters involving crime and justice in their respective countries.

### **What is the Court Service?**

To most people, the legal system in the UK may seem a very large, very frightening organization that you only come into contact with under less than happy circumstances. And to complicate things further, Scotland even has a totally different legal system to the one working in England and Wales. Because of this confusion, it's been the task of recent governments to make the legal system in England and Wales a less daunting proposition, and as part of this reorganization, the Court Service was created in 1995.

The Court Service is an executive agency of the Lord Chancellor's Department, which is responsible for all policy decisions regarding criminal courts and the justice system. The Court Service was established to provide support to all the various parts of the legal system in England and Wales, including: the Court of Appeal, the Crown Court, and the High Court, all of which comprise the Supreme Court; and a number of county courts and tribunals (the Magistrates' Courts are supported by locally administered staff).

The Court Service is dedicated to making the legal system as efficient and accurate as possible, and making it easy and problem-free for all individuals participating in the legal process in England and Wales. If you have any concerns or questions about the legal system, it will probably be a member of the Court Service you will speak to for an answer.

The basic structure of the legal system within England and Wales consists of the Magistrates' court, that deal with the majority of minor and petty offences; the Crown Court, which deals with all criminal cases that go to trial; the County Court, which presides over civil or family disputes that require legal judgment; and the High Court, which is the most senior civil court in England and Wales. The Crown Court, High Court and County Courts can all present cases for appeal at the Court of Appeal, and if the case involves some important change in the actual law, then it may go to the House of Lords, the highest court in England and Wales.

Civil cases can be broadly defined as cases where one or more individuals wish to prosecute another individual or company to gain recompense for some harm they have suffered, whereas a Criminal case consists of the state (Crown) prosecuting an individual for allegedly committing a crime against society as a whole.

## **How does it fight crime?**

The majority of criminal cases (97%) are dealt with at Magistrates' Court, where two or three lay magistrates (unpaid, unqualified members of the public who are appointed to the position) deal with minor offences that require fines, civil proceedings that can be dealt without trial, or they will refer complicated cases to the Crown or County Courts. The Magistrates' Courts are not part of the Court Service, but are managed by independent Magistrates' Courts Committees that are directly accountable to the Lord Chancellor. Some Magistrates' Courts are specifically designated to deal with cases related to children and young people under the age of 18. These Youth Courts consist of specially trained justices, and unlike other Magistrates' Courts, they are closed to the public.

The County Courts process the majority of civil cases throughout England and Wales, which can include anything from divorce or adoption issues, bankruptcy, personal injury cases, and breaches of contract. More complicated civil law cases, or those that involve large sums of money, are usually referred to the High Court, with most cases being heard at the Royal Courts of Justice in London. Court Service staff deal with all the paperwork relating to civil cases in both courts, preparing cases for hearing, dealing with all correspondence and acting as Bailiffs to enforce court orders and collect any due moneys.

Although most criminal proceedings begin within Magistrates' Courts, the Crown Court presides over more serious cases such as robbery, murder or rape. There are 93 Crown Court Centers in England and Wales that deal with these cases and any appeals that come directly from the Magistrates; the most famous Crown Court is the Central Criminal Court, or "Old Bailey" in London. The Court Service is also responsible for the paperwork within the Crown Court, and some of their staff are employed as court clerks who prepare papers for the judge and look after the jurors.

If someone is convicted of an offence and feels they have been unjustly accused or wish to change their sentence, they can make an appeal depending on which court they were convicted by. An individual convicted at magistrates' court can appeal at Crown Court; someone convicted at Crown Court, County Court or High Court can then appeal to the Court of Appeal, and finally an individual could take their case to the House of Lords where they can make their final appeal.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: to come into contact, to complicate things further, regarding criminal courts, to provide support to, to make smth. as efficient and accurate as possible, the majority of minor and petty offences, to preside over civil and family disputes, to include anything from ... to , to be unjustly accused.*

*III. Translate the following sentences from Russian into English:*

1. Судебная служба была создана, чтобы облегчить и сделать бесппроблемным участие граждан в судебных процессах Англии и Уэльса.

2. Люди, несправедливо обвиненные в совершении преступления, должны требовать изменения приговора.

3. Большинство уголовных дел, рассматриваемых в судах, представляют собой незначительные правонарушения.

4. В гражданских делах одно физическое лицо выставляет обвинения другому физическому лицу или организации.

5. Судебная служба отвечает также и за оформление документов в суде Короны.

*VI. Agree or disagree with the following statements:*

1. The legal system in the UK is a very complicated daunting proposition.

2. The Court Service was established to complicate things further.

3. The County Court deals with criminal cases.

4. The Youth Courts consist of specially trained justices and are closed to the public.

5. Most criminal proceedings begin within Crown Court.

*V. Summarize the text according to the plan given below:*

1. The Court Service was established in 1995.

2. It's the executive agency of the Lord Chancellor.

3. 97% of cases go through the Magistrates' Court.

4. Scotland has it's own legal system in place.

5. The House of Lords is the uppermost court.

## UNIT II

### **Vocabulary:**

indictable cases / syn. friable - дела ,подлежащие рассмотрению в суде;

rape - изнасилование;

assault - словесное оскорбление и угроза физическим насилием;

kidnapping - похищение;

conspirasy - заговор;

fraud - мошенничество;

to lure - соблазнять, заманивать;

judicature - юрисдикция, судоустройство;

recorder - мировой судья по уголовным и гражданским делам;

conviction - признание виновным, осуждение;

magistrate - судья полицейского суда, мировой судья;

to accuse of - обвинять в чем-либо;

custody - 1) заключение; 2) опека;

plead (not) guilty - (не) признать виновным;

barrister - адвокат, барристер;

jeopardy - подсудность.

*1. Read and translate the text.*

### **The Crown Court**

#### **What's the history?**

Crown Courts have existed since 1972. Before then, serious criminal cases were heard by High Court judges who toured the country holding Assize courts, and by Quarter sessions which were held four times a year. This system was unable to cope with the growing number of criminal cases, and the Courts Act 1971 set up the Crown Court.

Trial by jury has its origins in the 12th century when the Assize of Clarendon provided for a "jury of presentment", which consisted of a group of local people who swore on oath to tell the truth about local crimes. However, they did not decide the outcome of the case but simply made the accusation. The accused then had to face the ordeal of water and would be bound and lowered into a deep pool. If he sank to the level of a knot tied in the rope at the distance of his hair then he was innocent, but if he floated then he was guilty.

The present rule, that jurors are disqualified from a case if they have previous knowledge of it, did not come into place until the 17th century.

### **What is the Crown Court?**

The Crown Court deals with all indictable cases, which are serious offences triable before a judge and jury, and these include murder, rape, serious assault, kidnapping, conspiracy, fraud, armed robbery, and Official Secrets Act offences. These offences cannot be tried at the Magistrates' court.

The most famous Crown Court is 'The Old Bailey', otherwise known as the Central Criminal Court, which will be familiar to fans of John Mortimer QC's series of books about Rumpole of the Old Bailey. It has played host to some of the UK's most notorious criminals such as John Christie, who lured women back to his home at 10 Rillington Place, the Yorkshire Ripper, the Kray twins and Ruth Ellis, the last woman to be hanged in England.

However, the Old Bailey is just one of more than 90 Crown Court centres throughout England and Wales. These centres are divided into six "circuits".

The Crown Court is part of the Supreme Court of Judicature. It is presided over by a professional judge. If the case is serious, the judge is likely to be a High Court judge, who would normally be attached to the Queen's Bench Division. Otherwise the judge will be a circuit judge or a recorder - a part-time circuit judge.

The Crown Court is also the appeal court against convictions and sentences by magistrates. When appealing against conviction, the Crown Court judge re-hears all the evidence that witnesses have already given in the lower court, but there is no jury. For all appeals, the judge sits with between two and four lay magistrates.

### **How does it fight crime?**

Defendants are usually represented by lawyers, but can elect to represent themselves. This can sometimes have distressing consequences, particularly where the accused cross-examines the victim. The law was changed in 2000 to prevent this happening in rape and sexual offence cases. Children are also protected from having to answer to anyone accused of kidnapping, false imprisonment or child abduction.

When there is a jury, the judge's role is limited to deciding matters of law and summing up for the jury. A jury consists of 12 people aged between 18 and 70 taken from the electoral list. What goes on in the jury room is secret, and can never be discussed. The jury decides whether the accused is guilty or not, by looking at the facts that have been established.

On average defendants will have to wait about three months for their case to come to trial, and this wait will sometimes be in custody. The Crown Court is a hive of activity when it sits. The average time taken to conduct a trial is seven hours, which translates to about one and a half court days. There are, on average, about 120,000 defendants annually, and about one quarter of these will plead not guilty.

It is not unusual for defendants to meet their barrister for the first time on the morning of their case, for a conference of just 15 minutes. Barristers often only receive their instructions for a case on the day before trial. This has caused speculation that miscarriages of justice may be taking place.

The Government has promised a shake-up of the criminal court system. Prime Minister Tony Blair announced in June 2002 that he wanted to give greater emphasis to the rights of the victims of crime, and proposed changing the law to allow previous convictions to be disclosed to juries, and scrapping the "double jeopardy" rule, which stops people being tried for the same crime twice regardless of the discovery of new evidence.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: offences triable before a judge and a jury, to play host to some notorious criminals, the last woman to be hanged, defendants ...can elect to represent themselves, the judge's role is limited to deciding matters of law, a shake-up of the criminal court system, to give greater emphasis to the rights of the victims, to swear on oath to tell the truth.*

*III. Translate the following sentences from Russian into English:*

1. Существуют различные виды преступлений: мошенничество, похищение людей, сексуальное домогательство и другие.

2. Суд присяжных не решает исход дела, а просто выносит приговор о виновности или невиновности подсудимого.



3. Суд Короны в Англии является частью Верховного суда.
4. Мировой судья по уголовным и гражданским делам признает подсудимого виновным или невиновным.
5. Подсудимые имеют право встречаться со своими адвокатами в любой день до слушания своего дела в суде.

*VI. Agree or disagree with the following statements:*

1. Serious offences cannot be tried at the Magistrates' court.
2. If the case is serious the judge will be a circuit judge or a recorder.
3. There is a jury in the Crown Court.
4. It is not unusual for defendants to meet their barrister for the first morning of their case.
5. The Crown Courts were established in 1972 to cope with the growing number of criminal cases.

*V. Summarize the text according to the plan given below:*

1. Crown Courts were officially set-up in 1972.
2. It sits at 90 centers across England and Wales.
3. About 25% of defendants plead not guilty.
4. Crown Court hears appeals from magistrates.
5. It holds trial by jury for the most serious crimes.

## UNIT III

### **Vocabulary:**

- to be wrongfully convicted - быть обвиненным по ошибке;  
 an unfair sentence - несправедливый приговор;  
 to take the case to - передать дело в;  
 to be suitable for reconsideration - подходить для пересмотра;  
 to leave the conviction unaltered - оставить обвинение без пересмотра;  
 to appeal against an acquittal - апеллировать против обвинения;  
 to hear cases - слушать дела;  
 too lenient sentence - слишком мягкий приговор;  
 to refer a case - отсылать дело.

*1. Read and translate the text.*

## **The Court of Appeal**

### **What's the history?**

In the early days of English law, there were no appeal courts. If a person wanted to appeal against a judicial decision then they could, in some cases, appeal to the Court of King's Bench, and from there to the House of Lords. From the late medieval period until the 17th century, important civil and criminal cases were informally discussed by barristers and judges at Sergeants' Inn in London or a room at Westminster called the Exchequer Chamber, and their decision was respected by the courts.

In 1848, a Court for Crown Cases Reserved was set up, with the power to hear cases that the trial judge wanted to refer. This was replaced by the Court of Criminal Appeal, which was created by the Judicature Act 1873. It took over powers previously exercised by the Court of Exchequer Chamber, the Lord Chancellor, the Court of Appeal in Chancery, and the Privy Council in admiralty and lunacy cases.

The present Court of Appeal, which sits as a Civil Division or a Criminal Division, replaced the Court of Criminal Appeal in 1966.

### **What is the Court of Appeal?**

If a convicted person feels he or she has not had a fair trial in the Crown Court and has been wrongfully convicted, or that the sentence imposed by the judges is unfair, then he or she can take their case to the Court of Appeal (Criminal Division), where more senior judges will consider the merits of their case.

In order to avoid a logjam scenario where the court would be inundated with appeals, it is necessary to filter out any obviously unlikely to succeed. Therefore the defendant must first get permission (or leave) to appeal from the Court of Appeal, or a certificate that states the case is fit for appeal, from the judge who has heard it.

A Court of Appeal judge (there are 35 Lords Justices of Appeal) will decide whether the case is suitable for reconsideration. Only about a quarter of cases put forward for appeal will actually be allowed to go ahead. However, this is no guarantee that the case will ultimately be successful. The Court hears about 6,000 criminal appeals and applications per year.

### **How does it fight crime?**

The test for the court is whether it is satisfied that the only verdict which a reasonable jury could have returned after a proper summing up

would have been one of guilty. Sometimes the court decides to "apply the proviso". This means it agrees with the arguments of the party bringing the appeal, but considers there to have been no miscarriage of justice. This means the conviction is left unaltered.

If the convicted person is claiming that their sentence is too severe then the judges can reduce it. However, they have no power to increase it.

Criminal proceedings are tipped in favour of the defendant at all times. It is a basic principle of English law that the accused is innocent until proven guilty. Consequently, when the prosecution wants to appeal against an acquittal, their powers are more limited. They cannot appeal against the findings of a jury unless the jury or witnesses have been bribed or threatened. If there has been a conviction for "jury nobbling" then the prosecution can apply to the High Court for an order quashing the acquittal.

However, provided the accused has been convicted, the prosecution can challenge a sentence that they think is too lenient. The prosecution does this by Appeal for re-sentencing. It is not just the prosecution who can ask the attorney-general to do this. Members of the public, such as distressed relatives of the victim, can also request this.

The Court of Appeal also sits as the Civil Division to hear civil cases. This part of the court is headed by the Master of the Rolls. Cases are heard by at least three judges, except in certain limited circumstances, such as applications for leave to appeal, appeal against an interlocutory order (a provisional court order or one that is incidental to the final decision) or where the parties have consented to the case being heard by two judges.

The Court of Appeal (Civil Division) is a busy court, hearing about 1,000 cases each year. In some cases the Lords Justices of Appeal may be joined by the Lord Chancellor, the President of the Family Division, the Vice Chancellor of the Chancery Division, and High Court judges.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: to appeal against a judicial decision; were informally discussed by barristers and judges; the trial judge wanted to refer; the Privy Council in admiralty and lunacy cases; to avoid a logjam scenario; no miscarriage of justice; a conviction for "jury nobbling".*

*III. Translate the following sentences from Russian into English:*

1. Если осужденный считает, что приговор слишком суровый, то судья может сократить (уменьшить) его.
2. Сторона обвинения может опротестовать приговор, если сочтет его слишком мягким.
3. Судопроизводство всегда склоняется в пользу подсудимого.
4. Основной принцип судопроизводства в Англии - обвиняемый не виновен до тех пор, пока не доказана его вина.
5. Если осужденный считает, что ему вынесли несправедливый приговор, тогда он может передать дело в апелляционный суд.

*IV. Agree or disagree with the following statements:*

1. Appeal courts appeared in England in 1848.
2. If a convicted person feels he or she has not had a fair trial, he or she can take their case to the Court of Appeal.
3. A local court judge will decide whether the case is suitable for re-consideration.
4. If the convicted person is claiming that the sentence is too severe then the judges can increase it.
5. The prosecution cannot appeal against the findings of a jury unless the jury or witnesses have been bribed or threatened.

*V. Summarize the text according to the plan given below:*

1. The Court of Appeal was established in 1966.
2. It's divided into the Civil and Criminal Divisions.
3. Cases are heard by Lords Justices of Appeal.
4. Only ¼ of cases on appeal will go ahead writing to the attorney-general and asking him to refer a case to the Court of.
5. It can reduce a sentence, but not increase it.

## UNIT IV

**Vocabulary:**

- libel - клевета (в печати);  
litigation - тяжба, судебный процесс;  
divorce - развод;

bench - место судьи, скамья;  
claimant - истец;  
to seek damages of smb. - требовать возмещения убытков с кого-л.;  
slander - клевета, злословие;  
malicious prosecution - жестокое обвинение;  
false imprisonment - тюремное заключение в результате судебной ошибки;  
to encompass - заключать в себе;  
salvage - спасенное имущество;  
To resolve one's grievances - разрешить жалобу.

*1. Read and translate the text.*

## **The High Court**

### **What's the history?**

In 1999, the biggest change to the civil justice system this century came into place, when the "Access to Justice" reforms took force. These rules, created by Lord Woolf, Master of the Rolls, aimed to speed up the court system by allowing judges to penalize lawyers if they deliberately caused delay, and encouraging people to resolve their grievances by alternative methods, such as mediation.

The High Court has a complex history, because the form it takes today is the result of many amalgamations and reincarnations. It was created in 1875 and effectively combined the previously separate courts of the High Court of Chancery, Court of Queen's Bench, Court of Common Pleas, Court of Exchequer, High Court of Admiralty, Court of Probate, Court for Divorce and Matrimonial Causes, and the London Court of Bankruptcy. An extensive list which reflects the broad role the High Court has.

### **What is the High Court?**

The High Court is a civil court and has the authority to hear any civil case in England and Wales. It handles everything from libel and litigation to shipping cases and divorce. Along with the Court of Appeal, it is based at the gothic buildings of the Royal Courts of Justice on the Strand, London, but also sits at 26 towns around the country.

It forms the Supreme Court of Judicature, with the Court of Appeal and the Crown Court. And it is divided into three divisions. These are: the Queen's Bench Division, the Chancery Division, and the Family Division.

## **How does it fight crime?**

The Queen's Bench Division (QBD) is headed by the Lord Chief Justice, and has nearly 70 judges. It hears contract and tort cases where the claimant is seeking damages above a certain amount. A judge usually sits alone, but a jury of 12 may be employed to hear cases involving fraud, libel, slander, malicious prosecution and false imprisonment.

The QBD also encompasses a Commercial Court, which has specialist judges dealing with insurance, banking and commercial matters; and an Admiralty Court, which deals with shipping matters such as claims for damage caused by collision at sea and salvage rights following the sinking of a vessel. There is a Technology and Construction Court, which was specially created in 1998 to hear any High Court cases involving technically complex matters, for example, those involving computers and engineering disputes.

If your local council illegally makes a wrong decision, the QBD courtroom is the place where this will be put to rights. The QBD hears challenges against the power of local authorities to make certain decisions, a type of case known as a judicial review. On average, more than 110,000 claims are started in the QBD each year but only about 3,500 of these will be set down for trial, and a mere 700 or so trials will be completed. The reason is that the vast majority of cases are settled by the parties prior to the court hearing.

The Chancery Division is headed by the Lord Chancellor and has about 17 judges. Disputes concerning insolvency, mortgages, copyright and patents, trust property, probate and intellectual property matters, are referred to this court. Cases are heard by a single judge and juries are never used. It hears a small amount of appeals on tax and bankruptcy matters.

The Family Division is headed by the President of the Family Division, and has about 17 judges. It hears cases concerning access and custody of children, nullity of marriage and other matters concerning the family. It consists of a single judge and never uses a jury. It hears appeals from magistrates, when these concern family matters.

The QBD, alone, fights crime. It does this in two ways. First, it hears appeal by way of case stated from criminal cases in the Magistrates' court. This is a procedure whereby a court refers a statement of the facts and a question of law to a superior court for advice.

Second, it hears applications for the ancient legal right of "*habeas corpus*". This is a law that demands the liberty of anyone who is being unlawfully detained, whether that be by the police, a hospital, a prison, or another person.

In 1971, the Family Division was created from the former Probate, Divorce and Admiralty Divisions. Originally, probate and divorce matters were handled by the various courts of the Church of England, such as the bishop's courts. Seafarers took their disputes to the High Court of Admiralty, which was set up under King Edward III in the 14th century.

*II. Give Russian equivalents to the following words and word combinations using a dictionary:* the authority to hear any civil case; it hears contract and tort cases; dealing with insurance, banking and commercial matters; claims for damage caused by collision at sea; disputes concerning intellectual property matters; access and custody of children; "Access to Justice" reforms took force; to speed up court system by allowing judges to penalize lawyers; the result of many amalgamations and reincarnations; probate and divorce matters.

*III. Translate the following sentences from Russian into English:*

1. Истец имеет право требовать возмещения убытков по суду.
2. Если местный суд принимает неверное решение, то дело могут пересмотреть в апелляционном суде.
3. В 1998 году был создан специальный суд, который слушал дела, относящиеся к технически сложным, например, связанные с компьютерами и техникой.
4. Суд присяжных участвует в слушании дел, связанных с клеветой, злословием, тюремным заключением в результате судебной ошибки и др.
5. Споры, касающиеся неплатежеспособности, залладных, авторских прав, патентов и других вопросов, относящихся к интеллектуальной собственности, рассматриваются в суде.

*IV. Agree or disagree with the following statements:*

1. The High Court forms the Supreme Court of Judicature with the Court of Appeal and the Crown Court.

2. The Queen's Bench Division is headed by the Lord Chancellor.
3. A Technology and Construction Court deals with shipping matters involving computers and engineering business.
4. The Chancery Division is headed by the Lord Chief Justice and has about 17 judges.
5. "Access to Justice" reforms were created to penalize lawyers if they deliberately caused delay and encourage people to resolve their grievances.

*V. Summarize the text according to the plan given below:*

1. The High Court was created in 1875.
2. It is composed of three separate divisions.
3. The largest part is the Queen's Bench Division.
4. It is a civil court, but has some criminal powers.
5. Juries may be asked to sit in on some cases.

## **UNIT V**

### **Vocabulary:**

overwhelming majority - подавляющее большинство;  
to grab attention - привлекать внимание;  
to hit the headlines - быть в центре внимания прессы;  
a vital cog - необходимое звено;  
manslaughter - непредумышленное убийство;  
arson - поджог;  
indictable - подлежащий рассмотрению в суде;  
to take care of - заботиться;  
trial hearing - судебное слушание;  
appropriate penalty - соответствующее наказание;  
to impose a sentence - вынести приговор;  
acquittal - оправдание;  
solicitor - адвокат; юрисконсульт, выступающий в судах низшей инстанции; солиситор.



*1. Read and translate the text.*

## **The Magistrates' Court**

### **What's the history?**

The office of magistrate dates back to the 12th century when Richard 1 appointed "keepers of the peace". They have performed judicial functions since the 13th century, and the term, justice of the peace, was being used as far back as 1361. They began to meet quarterly for the more serious offences and less frequently for the less serious cases, and these meetings came to be known as the "Courts of Quarter Sessions and Petty Sessions".

From the 14th century, magistrates took on administrative duties for their communities, such as the regulation of the highways and poor relief. In the 19th century, local authorities took over most of these duties. However, the magistrate's responsibility for liquor licensing is a remnant of their former administrative functions.

Magistrates were in charge of the police up until 1839. Paid magistrates have existed since the late 18th century and they have had to be legally qualified since the mid 19th century, when it was decided they must be barristers. Solicitors became eligible to apply for the role in 1949.

### **What is the Magistrates' Court?**

The overwhelming majority of the public who come into contact with the court system will do so with the magistrates' court, and there are more than 700 magistrates' courts in England and Wales. It is rare for the sort of cases dealt with in these courts to grab the nation's attention, or hit the headlines. However, these courts are a vital cog in the wheel of justice, and nearly all of the UK's criminals will pass through their doors.

In our massively complex society, which is governed by a myriad of rules, the magistrate's courts perform a fast and relatively cheap public service, handling everything from common assault to driving while disqualified.

### **How does it fight crime?**

Magistrates may be legally qualified and salaried (stipendiary magistrates) or unqualified and unpaid lay justices, and there is also a legally qualified clerk attached to each court to assist the magistrates. There are about 29,000 lay justices and more than 60 stipendiary magistrates. A magistrates' court is normally composed of at least two, and not more than seven, magistrates, when trying a case.

Magistrates' courts handle all the less serious crimes, such as parking offences, which cannot be tried by a jury. These are known as "summary" offences. Certain more serious crimes such as manslaughter and arson can only be tried at the Crown Court, where a jury may be present. These are known as solemn or indictable offences.

Some crimes fall into the category of being "triable either way", and these can be heard in either court. An example would be if a potentially serious offence such as theft was committed in a small way, such as theft of a packet of crisps. For certain offences, the magistrate will take an initial look at the evidence to make sure there is enough there for the case to proceed to the Crown Court.

As well as trying cases, magistrates take care of such matters as issuing warrants and deciding bail applications that are separate from the trial hearing.

The majority of defendants plead guilty and the court then decides what sentence to impose. If the plea is not guilty then the court tries the case and the burden of proof is on the prosecution who must prove the accused is guilty according to a standard known as "beyond reasonable doubt". Just like the referee at a football match, the magistrate is there to make sure both sides to the proceedings act in accordance with the rules. The lawyers argue the case, and the magistrate makes sure the argument is fair.

The magistrate also decides the appropriate penalty. Summary offences are divided into five levels of seriousness, with maximum fines for each level. Some offences triable in the magistrate's court attract prison sentences of up to six months.

Since 1997, the defendant who pleads not guilty can elect to go to the Crown Court for trial, if the offence falls into the category of being triable either way. According to statistics, less than one in 20 elect to do so. The advantage of going to the Crown Court is that you get a trial by jury and this means you stand a higher chance of acquittal. Not guilty defendants stand a 20% chance of acquittal in the Magistrate's Court but a 60% chance in the Crown Court. The disadvantages are that the process takes longer, is more expensive, and carries the risk that the defendant will end up receiving a much higher sentence!

The magistrates also deal with civil matters, but to a much lesser degree. These include non-payment of council tax and the granting of licenses to taxis and bars.

*II. Give Russian equivalents to the following words and word combinations using a dictionary:* the regulation of highways and poor relief; local authorities took over most of these duties; a remnant of their former administrative functions; eligible to apply for the role in 1949; these courts are a vital cog in the wheel of justice; handle all the less serious crimes; " triable either way"; " beyond reasonable doubt"; the defendant who pleads not guilty; a higher chance of acquittal; to a much lesser degree ; the granting of licenses to taxis and bars.

*III. Translate the following sentences from Russian into English:*

1. Подавляющее большинство преступлений находятся в центре внимания прессы.

2. После судебного слушания преступнику вынесли приговор.

3. Этот случай непредумышленного убийства привлек внимание общественности.

4. Адвокаты заботятся о том, чтобы подсудимый получил оправдание за преступление.

5. Среди дел, подлежащих сегодня рассмотрению в суде, есть дело о поджоге.

*IV. Agree or disagree with the following statements:*

1. The office of magistrate dates back to the 13 century.

2. Magistrates met quarterly the more serious offences and less frequently for the less serious cases.

3. Paid magistrates have existed since the late 18 century and they have had to be legally qualified since that time.

4. A Magistrates' Court is normally composed of at least three, and not more than seven.

5. Crimes of the category " triable either way " can be heard in either court.

*V. Summarize the text according to the plan given below:*

1. The Magistrate's Courts hear criminal trials.

2. A magistrate is also called a justice of the peace.

3. They deal with almost 97% of all criminal cases.

4. Six months is the maximum sentence given.

5. Magistrates are often not legally qualified.

## UNIT VI

### **Vocabulary:**

circuit (district) judge - окружной судья;  
to resolve the matter - решать дела в судебном порядке;  
informal arbitration - неформальный арбитраж;  
to scatter - разбрасываться;  
bankruptcy matters - дела, связанные с банкротством;  
to carry out - вести, рассматривать;  
facility - зд. инструмент;  
county boundaries - границы графства;  
divorce - развод;  
civil law - гражданское право;  
to preside (over) - председательствовать.

*1. Read and translate the text.*

### **The County Court**

#### **What's the history?**

The county court was established in 1846 and has been the main facility practicing civil law right up until the restructuring of the legal system in England and Wales in 1971. It's reputation as the place where minor working class disputes could be resolved earned it the name 'Poor Man's Court'. But in addition to its role as a small claims court, the range of civil processes that are carried out by this minor court has increased over the years.

#### **What is the County Court?**

The County Courts are the first contact most people have with the civil law process in England and Wales. Similarly to the magistrates' courts that deal with the majority of criminal cases, the County Courts deal with most of the civil cases - those relating to family or property law - such as divorce or disputes over land.

#### **How does it fight crime?**

The County Court primarily deals with civil law, so it doesn't fight crime in the same way as the criminal courts in England and Wales. However, the County Court does hear more formal cases before a district or circuit judge, and deals with over 95 per cent of all divorce cases. The judge will be advised by a court clerk on all matters, and will preside over most common law matters.

Despite their name the county courts do not fit within county boundaries in England and Wales, in fact, the 230 county courts are scattered around the towns and cities that require their services. All property cases up to £30,000, all personal injury claims less than £50,000, and bankruptcy matters are all carried out by the District Judge at the county court. In addition, the County Court hosts the small claims court, where most minor civil matters can be resolved with an informal arbitration.

*II. Give Russian equivalents to the following words and word combinations using a dictionary:* the County Court does hear more formal cases; despite their names the county courts do not fit within county boundaries; the County Court hosts the small claims court; personal injury claims; the judge will be advised by a clerk on all matters; where most minor civil matters can be resolved; the County Court has been the main facility practicing civil law; earned the name "Poor Man's Court"; in addition to its role; to preside over most common law matters.

*III. Translate the following sentences from Russian into English:*

1. Суд графства имеет дело с большинством гражданских дел.
2. Дела, связанные с банкротством, также рассматриваются в суде графства.
3. 3.230 судов графств разбросаны по большим и малым городам Великобритании.
4. Каждому гражданину следует помнить о необходимости решать многие дела в судебном порядке.
5. Окружной судья председательствует в большинстве гражданских дел.

*IV. Agree or disagree with the following statements:*

1. The County Court has been the main facility practicing civil law until the restructuring of the legal system in England and Wales in 1971.
2. County Courts earned the name "Poor Man's Court".
3. The range of civil processes carried out by county courts has decreased over the years.
4. County Courts deal with over 95 per cent of all divorce cases.
5. In a County Court most minor civil matters can be resolved with an informal arbitration.

*V. Summarize the text according to the plan given below:*

1. The Court was established in 1846.
2. It processes most minor civil law matters.
3. There are over 230 County Courts in the UK.
4. It deals with property cases up to £30,000.
5. And personal injury claims less than £50,000.

## UNIT VII

### **Vocabulary:**

to recover legitimate compensation - получить законную компенсацию;

litigant - сторона в судебном процессе;

to recover a court fee - возместить судебные издержки;

threshold - порог;

circumstances - обстоятельства;

to owe - быть должным;

tenant - арендатор, съемщик, жилец;

deterioration - ухудшение;

protracted - длительный, затяжной;

independent witness - независимый свидетель;

negligence - небрежность, халатность;

insurance company - страховая компания;

to fill out (a form) - заполнить форму;

to appeal - подавать апелляционную жалобу.

*1. Read and translate the text.*

### **Going to Small Claims Court**

#### **What is the Small Claims court?**

Going to court in a civil case can be very expensive when the sums involved are small. It can cost much more to mount the case that you would ever get in return. The solution is to use the Small Claims Procedure, which was originally set up to make it easy for people to recover legitimate compensation without using expensive legal advisors.

The idea was that a claim would be heard by a judge in chambers, with the parties presenting their cases in person. The process would be

administered by the Court Service at local County Courts but everything would be streamlined. The litigants wouldn't have to worry too much about the cost because Court fees can be recovered.

In practice, the system has changed since it was first created. The monetary threshold has risen steadily through the years. Today, it deals with an increasing proportion of legal claims, especially those not requiring substantial compensation for personal injuries. It allows people to make claims of up to £5,000 for in such circumstances.

### **What is covered by the procedure?**

Claimants can use the procedure to recover unpaid bills, rents or refunds of rental deposits for property, overpayments of bills to power companies and other utilities. As a general rule, a person has a legitimate claim if someone owes them money and is refusing to pay-up. All you need is proof that the debt exists - a document or reliable witnesses.

One of the most important areas concerns disputes between landlords and tenants. The most common subjects of disagreements concern rent, the state or deterioration of the property and the return of deposits. The important thing is for there to be full and proper documentation. The most protracted and expensive disputes generally result from inadequate paperwork and a lack of attention to detail.

So at the start of the contract, the two sides should sign a contract. The tenant(s) should have a rent book to show what they have paid. The two sides should agree an inventory of furniture and other property in the house or flat, preferably in the presence of an independent witness.

People can also make a claim for other reasons, such as accident and personal injury claims. These are likely to succeed if the injured party can prove that injuries were caused by someone's negligence, along with evidence that the negligent party can pay the compensation, probably through their insurance company.

The most common types of claim are for accidents at work, tripping and slipping in the street, injuries through sports activities, injuries by animals (being bitten by a dog for instance), accidents in the home and negligence by a doctor or dentist. However, the small claims procedure can only be used for relatively minor injuries, where the level of compensation would be less than £1,000.

Before a claim can proceed however, the court expects the parties to have explored all other avenues of settlement. This means that the

claimant should allow the other side a reasonable period of time to make a payment before resorting to law. The respondents may request extra time to investigate the claim. But after, for example, seven to 14 days, proceedings can start.

### **How does it work?**

The procedure starts with the claimant filling out a standard form, which sets out details about the claim and the various parties. This is returned to the Court office with the appropriate fee. A summons is then sent out to the Defendant who may choose to pay up in full. However, they also have the option to admit part of the claim and pay that part or request to pay by instalments, or may also dispute the claim in its entirety.

If any part of the claim is disputed, the matter goes to a Court hearing where the evidence is heard in informal surroundings, usually around the table in the judge's chambers. Judges tend to be very patient with lay claimants, who will be nervous and unaccustomed to court procedures. However, interruptions, verbal abuse and unreasonable behavior will not be tolerated.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: to make it easy for people to recover legitimate compensation; the litigants wouldn't have to worry about the cost; the monetary threshold has risen steadily through the years; especially those not requiring substantial compensation for personal injuries; inadequate paperwork and a lack of attention to detail; the two sides should agree on inventory of furniture and other property in the house or flat; to make a payment before resorting the law; to pay up in full; judges tend to be very patient with lay claimants; however verbal abuse and unreasonable behavior will not to be tolerated; the parties get a full and final result on the day; they can apply for the judgment to be set aside.*

### *III. Translate the following sentences from Russian into English:*

1. Сторонам в судебном процессе не нужно беспокоиться о судебных издержках.
2. Обращение в гражданский суд может повлечь за собой большие издержки, даже когда взимаемые суммы незначительны.
3. Виновная в халатности сторона может выплатить компенсацию и через страховую компанию.



4. Истец может потребовать выплаты денежных компенсаций через суд.

5. Судьи, как правило, очень терпеливы к словесным оскорблениям и неадекватному поведению.

*IV. Agree or disagree with the following statements:*

1. It can cost much more to mount the case that you would ever get in return.

2. The litigants wouldn't have to worry much about the cost.

3. The most protracted and expensive disputes generally result from inadequate paperwork and a lack of attention.

4. The small claims procedure can only be used for relatively minor injuries.

5. There's no formal appeal procedure.

## UNIT VIII

### **Vocabulary:**

to find guilty - признать виновным;

to sentence to death - приговорить к смертной казни;

paramount - первостепенный;

to commit a crime - совершить преступление;

to commit a serious offence - совершить серьезное правонарушение;

to handle a case - вести дело;

to justify - оправдать;

to be immune from prosecution - не подвергаться судебным преследованиям;

to transfer the case - передать дело.

*1. Read and translate the text.*

### **The Youth Courts**

#### **What's the history?**

Young offenders received cruel treatment in the past. In the 18th and 19th century, children were treated exactly the same as adults by the justice system and would be thrown in prison, sentenced to death and

hanged, or transported. Parkhurst prison, on the Isle of Wight, opened in 1838 as a prison for boys aged between 10 and 18 years, and meted out punishments such as leg irons and whipping before its closure a quarter of a century later.

Things changed with the advent of the welfare state as the Liberals came to power in 1908, abolishing prison for children and setting up special juvenile courts. By 1933, things had progressed so far that it was the job of the courts to look after the welfare of children and not punish them. In 1948, remand centres and detention centres were introduced for juveniles.

The Criminal Justice Act 1991 replaced the juvenile courts with the youth courts, and these now deal with offenders under the age of 18 years, whereas the juvenile courts handled cases involving children up to the age of 14 years. Juvenile courts handled care proceedings as well as criminal cases. However, the Children Act 1989 transferred care proceedings to the family courts.

### **What is the Youth Court?**

Where the accused is under 18, the case will be heard in a youth court. These are special Magistrates' courts which either sit apart from the other courts or are held at a different time. By law, a youth court cannot sit in a room that has been or will be used within the hour by another court. The underlying philosophy of the youth court is that the welfare of the young person is paramount. However, young offenders must still have their circumstances assessed in a room resembling a court.

Public access is restricted, as is media coverage. Newspapers, radio, internet and television news services are all banned from revealing the identity of a criminal under the age of 16, although this ban can be lifted by the express order of a magistrate or judge if he or she thinks the crime is serious enough to justify it. This happened, for example, in the case of Robert Thompson and Jon Venables, who were both aged 10 years old when they killed toddler James Bulger in Merseyside in 1993.

If a person under 18 is accused of committing a crime alongside another person aged over 18, then the case is usually heard in an ordinary Magistrates' court or the Crown Court. If the young person is found guilty then the court has discretion on whether or not to transfer the case to the youth court.

Similarly, if the child is believed to have committed a crime of murder, rape, manslaughter, or causing death by dangerous driving, then he or she can be tried in the Crown Court. If the child is more than 14 years of age and is believed to have committed a serious offence then he or she can be tried in the Crown Court.

### **How does it fight crime?**

The age of criminal responsibility is 10 years, and children under this age are immune from prosecution. This varies in Scotland, where the age of criminal responsibility is 8. If the young person is aged over 14 years then they are considered to be responsible for their acts.

Juries are not involved in youth courts. The terminology is also different where young persons are concerned. There is a "finding of guilt" instead of a "conviction", and there is an "order made upon a finding of guilt" instead of a "sentence". The youth court is presided over by a magistrate, and there must be at least one male and one female magistrate on the bench.

The magistrates are drawn from a youth court panel, which is appointed by the justices in the surrounding area each year. Each of these panels elects a chairperson and deputy chairperson, and one of these must preside over each youth court.

All magistrates sitting in the youth court are specially trained to deal with youth cases. They would also generally have experience of working with children, as a youth worker or teacher, and should have some level of understanding of the way of life of the children who are appearing before the court. As would be expected, the proceedings are a lot less formal than in other courts, and the parents or guardian are required to attend.

*II. Give Russian equivalents to the following words and word combinations using a dictionary:* children were treated exactly the same as adults; came to power; to look after the welfare of children; handle care proceedings; public access is restricted; banned from revealing the identity of a criminal under 16; a crime of murder, rape, manslaughter; are immune from prosecution; magistrates are drawn from a youth court panel.

### *III. Translate the following sentences from Russian into English:*

1. Возраст судебной ответственности в Англии - 10 лет, в Шотландии - 8 лет.

2. Суды присяжных не участвуют в судебных заседаниях по вопросам молодежи.

3. Судебные дела несовершеннолетних рассматриваются под руководством судей, среди которых должны быть по крайней мере один мужчина и одна женщина.

4. Судьи, рассматривающие дела несовершеннолетних, имеют специальную подготовку.

5. Таким образом, суды несовершеннолетних имеют дело с подсудимыми от 10 до 18 лет.

*IV. Agree or disagree with the following statements:*

1. The age of criminal responsibility in England is 14.

2. Juries are involved in youth courts.

3. The philosophy of the youth court is that justice is paramount.

4. If a child is believed to have committed a serious crime, he or she can be tried in the Crown Court.

5. The proceedings in juvenile are more formal than in other courts.

*V. Summarize the text according to the plan given below:*

1. Set-up after the Criminal Justice Act 1991.

2. The age of criminal responsibility is 10 years.

3. Serious cases are referred to the Crown Court.

4. The offender's identity is hidden from the public.

5. They deal with offenders aged 10 to 18 years.

## UNIT IX

### **Vocabulary:**

to perform a judicial function - выполнять юридическую функцию;

relevant experience - зд. подходящий жизненный опыт;

to deliver the judgment - выносить судебное решение;

intimidating magnificence - пугающее величие;

wig and gown - парик и мантия;

a legal representative - законный представитель;

a majority verdict - вердикт, принятый большинством голосов;

controversial - противоречивый;

to retire - уходить в отставку (на пенсию);  
significance - значение.

*1. Read and translate the text.*

## **The House of Lords**

### **What's the history?**

The House of Lords is the UK's oldest common law court and it has performed a judicial function in one form or another since the 15th century. As late as the 19th century, any peer could sit in judgment on a case, even if they had no legal training whatsoever. Fortunately, that all changed in 1876, when parliament decreed that life peers with relevant experience should be appointed to the Lords, to act in a judicial capacity.

The Law Lords sat in the chamber of the House of Lords to consider appeals, until a bomb damaged the chamber during the Second World War, when they temporarily moved to a committee room. The Law Lords considered this move preferable and they decided to stay there after the chamber was repaired. They still hear cases there today. However, the Lords sit in the chamber to deliver their judgment.

### **What is the House of Lords?**

The austere grandeur of Westminster seats not only the most powerful politicians in the land, but also the most powerful judges. The House of Lords is the highest law court in England, Wales and Northern Ireland for criminal and civil cases, and the highest court in Scotland for civil cases. But from within their impressive surrounds, the Law Lords (Lords of Appeal in Ordinary) conduct a fairly relaxed court.

Unlike other judges who appear before the public attired in all the intimidating magnificence of their wig and gown, the Law Lords dress like businessmen to hear cases, in black or darkly coloured suits. In contrast to the High Court judge who sits behind his bench, on a platform raised above the members of the public and legal representatives, the Law Lord sits at eye level, behind a horseshoe-shaped table.

Nor will you find any charismatic barristers performing to a jury, exhibits produced, witnesses cross-examined or evidence provided. By the time a case reaches the House of Lords, all factual details of the case will have been determined, and the Law Lords will hear argument only on the way the law ought to be interpreted as it applies to a particular situation.

There are between nine and 11 law lords, of whom two will have come from the Scottish judiciary and sometimes one from Northern Ireland. The Lord Chancellor, and former Lord Chancellors are also entitled to sit. A case will be heard by at least three, but sometimes up to seven, Law Lords, and the outcome is decided by a majority verdict. The correct title for the House of Lords sitting in its judicial capacity is the Appellate committee of the House of Lords.

Law Lords are made life peers and are entitled to attend political debates. However, they almost always adhere to the political convention of separation of powers, a constitutional principle that states that those who make the law should not also interpret the law. Consequently, they rarely attend debates except those directly concerned with the administration of justice.

### **How does it fight crime?**

On average, the Lords hear 50 cases each year, mainly on civil matters such as taxation and planning, with only about five being criminal cases. The role of the Law Lords in fighting crime is a controversial one. While they are drawn from what are considered to be the most intellectually agile of barristers, few of them will have had experience of arguing criminal cases.

Many critics feel this does little to inspire confidence in the Lords as the final appellate court in criminal law. The Lords have on a few occasions even admitted to making mistakes in criminal cases. Also controversial is the fact that English Lords will often hear cases on points of Scottish law, an entirely different system.

Five Law Lords sit at any one time. They are appointed by HM the Queen, on the advice of the Lord Chancellor, and must retire at the age of 75 years. They must be a barrister of 15 years' standing, or have been a judge for at least 10 years. They hear cases that have been referred to them from the Criminal Division of the Court of Appeal. But there is no right to take an appeal to the House of Lords. Permission to do so must be granted either by the Court of Appeal or by the House of Lords itself. Usually, cases brought before the Lords must have a public significance going beyond its relevance to the individuals themselves.

On rare occasions, the Lords can hear civil appeals directly from the High Court, and this is known as "leapfrogging" the Court of Appeal.

*II. Give Russian equivalents to the following words and word combinations using a dictionary:* temporarily moved to a committee room; the austere grandeur of Westminster; impressive surrounds; dress like businessmen; behind a horse shoe-shaped table; the outcome is decided by a majority verdict; they almost always adhere to the political convention; to be the most intellectually agile of barristers; to inspire confidence; "leapfrogging" the Court of Appeal; must have a public significance.

*III. Translate the following sentences from Russian into English:*

1. Нужно иметь определенный жизненный опыт, чтобы выносить справедливые судебные решения.
2. Палата Лордов является высшим судом Англии.
3. Решения в Палате Лордов принимаются большинством голосов.
4. Лорды назначаются Королевой по совету Лорда-Канцлера и должны уходить в отставку в возрасте 75 лет.
5. В основном, в Палате Лордов слушают гражданские дела, относящиеся к налогообложению и планированию.

*IV. Agree or disagree with the following statements:*

1. The House of Lords is the UK's oldest common law court and it has performed a judicial function since 15th century.
2. The Law Lords appear before public attired in their wig and gown.
3. There are between seven and eleven Lords in the House of Lords.
4. On average the Lords hear 50 cases each year.
5. The Lords are appointed by the Parliament.

*V. Summarize the text according to the plan given below:*

1. It is situated at the Houses of Parliament.
2. It is the highest court throughout the UK.
3. The judges are called Law Lords.
4. The Lord Chancellor is the head of the House.
5. The Lords only hear arguments on points of law.

A decorative banner with the text "PART IV" in the center.

## UNIT I

### **Vocabulary:**

ballot box - избирательная урна;

elections - выборы;

early release - досрочное освобождение;

prisoner - заключенный;

legal system - 1) правовая система; 2) судебная система;

law and criminal matters - вопросы гражданского и уголовного права;

criminal justice - уголовное судопроизводство;

civil law - гражданское право;

courts administration - управление судами;

matrimonial and family law - брачное и семейное законодательство;

procurator fiscal - местный прокурор;

minor matters - незначительные правонарушения;

parking fines - штраф за неправильную парковку;

evasion of television licence payments - уклонение от оплаты ТВ-лицензии.

*1. Read and translate the text.*

### **Scottish Executive Justice Department**

#### **What's the history?**

The Scottish Executive came into being as a result of several changes in the make-up of UK government. After the referendum on Scottish Parliament in 1997, and the Scotland Act in 1998, the legislation for a devolved Scottish Parliament, separate from Westminster, was finally decided.



On May 6th 1999, Scotland went to the ballot box to carry out the first elections to a Scottish Parliament. The SEJD are part and parcel of the newly devolved Scottish power and since the official opening of Parliament in July 1999, they have been responsible for the law and criminal matters in Scotland.

### **What is the SEJD?**

The Scottish Executive Justice Department (SEJD) is a creation of the Scottish Parliament. For the first time, Scotland has a Justice Minister responsible for all aspects of the law in Scotland, including the police, criminal justice and civil law, and for the courts administration.

The new SEJD brought together the Scottish Home Department and the Scottish Court Administration. It is responsible for criminal justice policy and procedure in Scotland, including early release of prisoners. It also deals with the civil law, such as matrimonial and family law, policy on victims of crime, and the regulation of charities.

It is responsible for the legal aid system in Scotland and the work of District Courts. These are run by local authorities, not the Scottish Court Service, and deal with minor matters, such as parking fines, evasion of television licence payments and some small claims.

### **How does it fight crime?**

The SEJD has already made an impact on many aspects of the Scottish legal system. Ministers have been determined to make it more open and transparent, with the appointment of judges and sheriffs a particular target.

Earlier this year, the Judicial Appointments Board took over responsibility for this. The old appointments process had been shrouded in mystery, the prerogative of the Secretary of State for Scotland. If a lawyer wanted to become a judge, he or she was not allowed simply to apply for the job. It was replaced by a modernised recruitment process. Posts for sheriffs and judges are now advertised in the press. Applicants are interviewed by the Board. Members have to look not just at the academic qualifications of prospective judges, but their gender and social background as well. At present, only two of the 31 Supreme Court judges are women and only six attended state rather than private schools.

The SEJD has also made changes to the Procurator Fiscal Service. It has been through a number of reviews in recent times. Everything pointed to something being seriously wrong with the prosecution system.

For years, it has been under growing pressure, with even some serious cases dropped because it did not have the resources to bring cases to court in time.

Earlier this year, the Justice Department accepted a series of proposals designed to make the system work more effectively. Extra money was made available. New area procurators fiscal were appointed, matching the service geographically with police force areas.

Another target was dealing with the drugs crisis - the Deputy Justice Minister has personal charge of this. He has already announced two major reforms, the creation of special courts and powers to seize the assets of drug dealers.

The first new Drugs Court was set up in Glasgow in November of last year.

The second was founded in Fife in August. Both have the objective of helping drug dependent offenders break the cycle of crime committed to feed their habit.

The Proceeds of Crime Act provides new powers for the police and courts to seize and confiscate the profits made by criminals from drug dealing and other criminal activities. The Executive will use the money to fund drug-related projects.

*II. Give the Russian equivalents to the following words and word combinations using a dictionary: to be part and parcel, charities, recruitment, applicant, to be interviewed by, to have charge of, to fund, power, transparent, drugs, to confiscate the profits.*

*III. Translate the following sentences from Russian into English:*

1. Претендент на должность шерифа проходит собеседование в комиссии по распределению выпускников юридических вузов.

2. В окружных судах рассматриваются мелкие правонарушения.

3. Заместитель министра юстиции курирует вопросы, связанные с наркотиками.

4. Впервые в Шотландии появился министр юстиции, полномочия которого распространяются как на гражданское, так и на уголовное право.

5. Претенденты на должность судьи проходят жесткий отбор, прежде чем их принимают на работу.

*IV. Agree or disagree with the following statements:*

1. The Scottish Executive Justice Department (SEJD) is a creation of the British Parliament.
2. The new SEJD is responsible for criminal justice policy and civil law in Scotland.
3. The old appointments process was the prerogative of the Secretary of State for Scotland.
4. The Executive will use the money confiscated from drug dealing and other criminal activities to fund drug-related projects.

*V. Summarize the text according to the plan given below:*

1. The Justice Department originated in 1997.
2. It is part of the larger Scottish Executive.
3. It is run by Scotland's first Justice Minister.
4. The SEJD is responsible for the District Courts.
5. The SEJD has set-up two specialist drugs courts.

## UNIT II

### **Vocabulary:**

fine - штраф;

case - дело;

to try - рассматривать (дело);

witness - свидетель;

victim - жертва , пострадавший;

trial - процесс, слушание ( дела);

juror - присяжный заседатель;

judiciary - судьи;

minor offence - мелкое правонарушение, проступок;

prosecution - обвинение;

guilt - вина;

innocence - невиновность;

to release - освобождать;

to commit a crime - совершить преступление.

*1. Read and translate the text.*

## **The Scottish Court Service**

### **What's the history?**

The Scottish Court Service was established as an Executive Agency in April 1995. It is now part of the Scottish Executive Justice Department and is accountable to the Parliament in Edinburgh. Many of the buildings it uses are very ancient. The ones where the High Court and the Court of Session now meet were where the original Scottish Parliament sat before the Union in 1707.

### **What is the Scottish Court Service?**

The Scottish Court Service (SCS) is responsible for running the Supreme Courts and the Sheriff Courts around the whole of Scotland. It owns many of the court buildings and employs the staff who make sure that the system of justice works reasonably smoothly. In Edinburgh, its main operations are centred on a series of imposing buildings in the High Street in which are housed the High Court of Justiciary, the Appeal Court and the Court of Session. These are where the most serious of cases are tried.

SCS staff is responsible for scheduling the cases to be heard in the courts around the country. They operate according to a series of principles laid down in the Justice Charter. These were designed to improve access to justice and to make it easier for people, including witness and victims of crime, to understand what was happening in the courts during the course of a trial. In recent years, they have gone out of their way to listen to the public, providing much more information for jurors, for example, about what they are expected to do.

There are however two kinds of court for which the SCS is not responsible. The District Courts, which deal with minor offences such as parking fines, TV license evasion, etc, are run by the local authorities. As in the Sheriff Courts, the case for the prosecution is put by the Procurator Fiscal, but the Justices of the Peace and Magistrates who hear the cases have very limited powers.

They also do not run the system for juvenile justice. Unlike England and Wales, Scotland has no network of Juvenile Courts. Instead, the country has adopted a social work approach to children who commit crimes, even very serious ones. They appear before a series of Children's Hearings in which a Panel of three lay people look not just at the facts of the case but also the family's circumstances. Their job is not to decide on

guilt or innocence but how to support the family unit so that the offending behaviour is dealt with and not repeated. Again, these are the responsibility of the local authorities.

### **How does it fight crime?**

The SCS helps in the fight against crime by ensuring the people arrested by the police and charged with criminal offences appear quickly before a Sheriff, who then decides where and when their trial will take place. So it works closely with the Crown Office and Procurator Fiscal Service, the Police and the Scottish Prison Service.

In Scotland, anyone charged with a crime has to have their case brought to court within 110 days. If the Crown fails to do so, then they must be released. In practice, the Justice Charter sets out targets which are much tighter than this. It puts considerable pressure initially on the Procurator Fiscal to make sure that the case is properly investigated and the evidence correctly prepared either for him to present in the Sheriff Court or to instruct Crown Counsel if the case is heard in the High Court.

Increasingly, it is using technology to help speed up the process. There are now a series of websites which provides information about the courts and includes a searchable database of judgments. Within the court buildings, there are electronic notice boards to give information about progress with cases in court, providing on-screen bulletin boards for the judiciary to exchange information and access reference material. A national computer system called COP helps to administer business in the criminal courts and there is now a national network linking all the courts to e-mail, electronic reference material, other legal networks in Scotland and the Internet.

*II. Give the Russian equivalents to the following words and word combinations using a dictionary: to run, imposing, scheduling, evasion, local authorities, network, circumstances, to deal with, fight, to ensure, to be charged with, to fail, to set out targets, database, bulletin board, reference material, accountable to, ancient.*

### *III. Translate the following sentences from Russian into English:*

1. Судебная служба Шотландии, основанная в 1995 году, является частью шотландского Министерства Юстиции и подотчетна Парламенту в Эдинбурге.

2. В Шотландии любой обвиненный в преступлении человек должен предстать перед судом в течение 110 дней.

3. Самые сложные дела рассматриваются в Эдинбурге, на Хай-Стрит.

4. В здании суда размещено электронное табло с информацией о состоянии дел, слушающихся в этом суде.

5. Задача присяжных на слушаниях по делам несовершеннолетних состоит в том, чтобы решить, какую помощь можно оказать семье ребенка.

*IV. Agree or disagree with the following statements:*

1. The Scottish Court Service was established as a Legislative Agency.

2. The SCS is responsible for the District Courts and for the system of juvenile justice.

3. The Justice Charter was designed to improve access to justice and to make it easier for people, including witness and victims of crime, to understand what was happening in the courts during the course of a trial.

4. In Scotland, anyone charged with a crime has to have their case brought to court within three months.

5. A national computer system called COP helps to administer business in the civil courts.

*V. Summarize the text according to the plan given below:*

1. The SCS was established in 1995.

2. It employs over 800 staff throughout Scotland.

3. It collects over £10 million in fines each year.

4. The SCS is not responsible for District Court.

5. The House of Lords is still the highest court.

## UNIT III

### **Vocabulary:**

judiciary - уголовный суд, судебный;

to investigate - расследовать;

evidence - улики;

murder - умышленное убийство;

manslaughter / culpable homicide - непредумышленное убийство;  
armed robbery - вооруженное ограбление;  
drug trafficking - торговля наркотиками;  
rape - изнасилование;  
sexual offences involving children - преступления сексуального характера в отношении детей;  
criminal cases - уголовные дела;  
civil cases - гражданские дела;  
barrister - барристер (адвокат, имеющий право выступать в высших судах);  
solicitor-advocate - солиситор (адвокат, подготавливающий дело для барристера и выступающий только в судах низшей инстанции).

*1. Read and translate the text.*

## **The High Court of Justiciary**

### **What's the history?**

Although founded officially in 1672, it can trace its roots back through the College of Justice to the royal courts of mediaeval times. In the seventeenth century, the High Court only comprised the Justice General, Justice Clerk and five commissioners of justiciary. The court sat in Edinburgh and single judges also moved round the country on circuit, recalling the Ayres from which the court was derived.

### **What is the High Court of Justiciary?**

The High Court of Justiciary is Scotland's supreme criminal court. In Scotland, crimes are investigated by the police. However, their role is to collect evidence for the public prosecutors - the Crown Office and Procurators Fiscal, who assess that evidence, make a judgment on whether to bring a case to trial and decide on which court should hear it.

The High Court only deals with serious crimes such as murder and culpable homicide (the Scottish term for manslaughter), armed robbery, drug trafficking, rape and sexual offences involving children. Less serious crimes are heard in the Sheriff Courts (the equivalent of a County Court in England) and minor offences in the District Courts.

The High Court sits in the cities and larger towns around Scotland. Trials are heard normally by a single judge. However, in important or difficult cases, two or more can sit together.

## **How does it fight crime?**

There are 31 judges in Scotland, trying both criminal cases in the High Court and civil ones in the Court of Session. They wear different robes and have different titles depending on which court they appear in. When conducting a criminal trial, they are known as Senators of the College of Justice and the most senior of them is known as the Lord Justice-General.

A trial in the High Court is always held before a jury, which in Scotland consists of fifteen people, not the usual 12 jurors required by the legal system in England and Wales.

Cases are prosecuted by Crown Counsel, advocates employed by the Scottish Executive. They present their evidence on behalf of the Lord Advocate, an official with no English counterpart. As well as directing the system of public prosecution, he also is the legal adviser to the Scottish Executive and sits in the Scottish Parliament.

Until 1990, only members of the Faculty of Advocates could appear in the High Court. Advocates have a status and function similar to that of a barrister in England. However, their monopoly was broken with the introduction of solicitor-advocates. They are members of the Law Society of Scotland, experienced solicitors who have been specially trained in evidence and in the procedure of the High Court. A growing number of accused are turning to them to present their defence.

In Scottish criminal cases, there is no opening speech. After the jury is selected, the first witnesses are immediately called for the prosecution. An important aspect of Scots Law is that every essential fact has to be corroborated. In other words, there need to be two independent witnesses to an event.

The defense lawyers are allowed to cross-examine prosecution witnesses. But they do not have to present a case of their own, although they usually will. The point is that their client is innocent until proved guilty, and that is for the prosecution to do. After the witnesses have given their evidence, the advocates for both sides make closing statements. This is followed by a summing up by the judge, who also explains the technicalities of the law to the jury.

Uniquely, Scots Law allows three verdicts in criminal cases - guilty, not-guilty and not-proven. The reason for the last and sometimes contro-



versial verdict is that the criminal law insists that, to convict an accused person, the case has to be proved "beyond reasonable doubt".

While the defense team do not have to prove their client's innocence, not-proven means that, while the prosecution has failed to meet this strict test, there is still a suspicion in the jury's mind. Although the accused is released, in the public's mind at least, there will always be a stain on their character.

Another controversial aspect of Scots criminal law is that, should a convicted person decide to appeal, many are allowed out of prison on bail. Perhaps surprisingly, the defense is allowed to put their case before the judge who makes the decision on this, but not the prosecution. This has previously resulted in at least one violent offender being set free when they should have been detained in the public interest.

Appeal cases are only heard in Parliament House in Edinburgh. During such hearings, the court consists of at least three Judges when hearing appeals against conviction and two when hearing sentence appeals. The court can take appeals from the High Court, the Sheriff Court and the District Court. It can also hear appeals in cases referred to it by the Secretary of State.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: commissioners, circuit, assess, to make a judgment, robe, to require, on behalf of, counterpart, select, statement, to sum up, technicalities, previously, controversial, violent, to set free, to refer to.*

*III. Translate the following sentences from Russian into English:*

1. В высшем уголовном суде рассматриваются такие дела, как изнасилования, умышленные и непредумышленные убийства, вооруженные ограбления, торговля наркотиками.

2. Слушания в высшем уголовном суде всегда проходят с участием присяжных.

3. Адвокату защиты позволяет подвергать свидетелей обвинения перекрестному допросу.

4. Дела, попавшие на пересмотр, рассматриваются только в Эдинбургском парламенте.

5. При рассмотрении уголовного дела необходимо наличие двух независимых свидетелей.

*IV. Agree or disagree with the following statements:*

1. In Scotland, crimes are investigated by the judges.
2. The High Court of Justiciary is Scotland's supreme civil court.
3. Trials in the High Court are heard normally by a single judge.
4. A trial in the High Court is always held without a jury.
5. Scots Law allows two verdicts in criminal cases - guilty and not-guilty.

*V. Summarize the text according to the plan given below:*

1. The High Court of Justiciary originated in 1672.
2. It is Scotland's supreme criminal court.
3. There are 31 judges in Scotland trying all cases.
4. 15 people rather than 12 sit on a Scottish jury.
5. Appeals are only heard in Parliament House.

## UNIT IV

### **Vocabulary:**

coroner - следователь, производящий дознание в случаях насильственной или скоропостижной смерти;

legal system - законодательство;

senior judge - старший судья;

criminal - преступник;

cell - камера, зд. комната ожидания, приемная;

dock - скамья подсудимых;

charges - обвинения;

plea - иск, жалоба, возражение против обвинения;

on bail - под залог;

jury - присяжные;

summary procedure - упрощенное (суммарное) производство;

solemn procedure - формальное производство;

public defender - государственный защитник, назначаемый судом;

cross-examine - перекрестный допрос;

verdict - приговор;

criminal case - уголовное дело;

accused person - обвиняемый;

beyond reasonable doubt - при отсутствии обоснованного в том сомнения;

suspicion - подозрение;

indictment - обвинительный акт;

fatal accident inquiries - расследование несчастных случаев.

*1. Read and translate the text.*

## **The Sheriff Courts**

### **What's the history?**

The Office of Sheriff is an ancient one. It was created in the 12th century by King David the First. The original Sheriffs were the representatives of the Crown and did have a role in enforcing the feudal law of the time, but their modern role started in 1747 when the feudal Lords of Scotland lost the right to hold courts of their own. The Sheriffs filled a judicial vacuum, gradually evolving into full-time judges who finally became employees of the State in 1877.

### **What are the Sheriff Courts?**

The Sheriff Courts (roughly the equivalent of County Courts in England) are the 'workhorses' of the Scottish legal system, and the Sheriff is a full-time judge with the power to hear a wide range of both civil and criminal cases. Scotland is split into six administrative regions called Sheriffdoms, each of which is led by a Sheriff Principal, a senior judge, who has a team of individual Sheriffs hearing cases around the area. In total, there are 49 Sheriff Courts found in the larger towns and cities around the Scotland.

### **How does it fight crime?**

The Sheriff Court is where most criminals make their first appearance after being arrested by the police. Scotland does not have the equivalent of the Magistrates' Courts where this work is carried out in England. In cities like Glasgow and Edinburgh, every day of the week there is a queue of people in the holding cells beneath the court, waiting to be brought up into the dock to hear the charges against them read out and to make their plea. They will also learn the date of their trial and whether they will be allowed out on bail.

A Sheriff can hear some cases while sitting alone, without a jury. This is known as summary procedure and is used only for lesser offences. For more serious crimes (the most serious can only be tried in the High Court

of Justiciary), a jury of 15 men and women would be appointed in what is known as solemn procedure. The selection of the form of trial is made by the Procurator Fiscal, the public prosecutor. The accused has no right to trial by jury.

The procedure in a criminal trial is very similar to that in the High Court. There is no opening speech. The prosecution immediately calls its first witnesses. An important aspect of Scots Law is that every essential fact has to be corroborated. In other words, there need to be two independent witnesses to an event. The defense lawyer, who may be a public defender, is allowed to cross-examine prosecution witnesses, but does not have to present a case of his own, although he usually will. The point is that the client is innocent until proved guilty, and that is for the prosecution to do.

Uniquely, Scots Law allows three verdicts in criminal cases - guilty, not-guilty and not-proven. The reason for the last and sometimes controversial verdict is that the criminal law insists that, to convict an accused person, the case has to be proved "beyond reasonable doubt". While the defense team do not have to prove their client's innocence, not-proven means that, while the prosecution has failed to meet this strict test, there is still a suspicion in the jury's mind. Although the accused is released, in the public's mind at least, there will always be a stain on their character. Appeals in summary cases can be heard by the Sheriff Principal. Those heard on indictment in solemn procedure have to be heard by the High Court.

Sheriff Courts also handle Fatal Accident Inquiries. Scotland does not have a Coroner's Court. When someone dies in unexpected circumstances, an investigation is carried out by the police and a report prepared for the Procurator Fiscal. A Fatal Accident Inquiry is held when the examination of the facts needs to be held in public.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: roughly, full-time, to be split into, to be led by, enforcing, employee, queue, to allow, opening speech, to call, essential judicial vacuum, feudal law, defense lawyer, to corroborate.*

*III. Translate the following sentences from Russian into English:*

1. По некоторым делам шериф может вынести приговор без участия присяжных.

2. Вся Шотландия разделена административно на шесть районов, каждый из которых находится в ведении судьи-шерифа.

3. По уголовному делу может быть вынесен один из трех приговоров: виновен, не виновен и не доказано.

4. Обязанность по расследованию несчастных случаев возложена на полицию.

5. Форма проведения судебного заседания назначается прокурором.

*IV. Agree or disagree with the following statements:*

1. After being arrested by the police most criminals make their first appearance in the Sheriff Court.

2. A Sheriff can hear no cases while sitting alone, without a jury.

3. Summary procedure is used for serious crimes.

4. The defense lawyer cannot be a public defender.

5. The accused has no right to trial by jury.

*V. Summarize the text according to the plan given below:*

1. The Sheriff Courts originate in the 12th century.

2. There are 49 Sheriff Courts across Scotland.

3. They do similar work to the Magistrates' Court.

4. Judges only became state employees in 1877.

5. The courts can give 'not proven' as a verdict.

## UNIT V

### **Vocabulary:**

law of property - право собственности, вещное право;

family law - семейное право;

jurisdictions - судебный округ;

tort / delict - гражданское правонарушение;

commercial cases - финансовые споры (дела);

judicial review - судебный пересмотр;

intellectual property - интеллектуальная собственность;

fraud - мошенничество;

to overrule a previously binding authority - отвергать решение по ранее рассмотренному делу с созданием новой нормы прецедентного права.

*1. Read and translate the text.*

## **The Scottish Court of Session**

### **What's the history?**

The Court of Session was established in 1532 with 14 judges appointed by the King. Until 1808, they all sat together as an appeal court, with one of them sent out in rotation to hear individual cases.

The system has changed in more recent times. It is now a convention that two of the judges in appeals from the Court of Session are themselves Scots. However, there is no rule which says that a Scottish judge has to be present during such an appeal.

There is however reforms taking place. In particular, the Scottish Executive Justice Department has appointed an independent Judicial Appointments Board, chaired by a lay member, to approve all candidates for judicial posts. And for the first time, appointments to the Supreme Courts will be advertised.

The reason for the reform is that there has been growing criticism of the way judges and sheriffs are appointed. The old process lacked transparency. If a senior member of the legal profession was interested in becoming a judge, he or she was not even allowed to apply.

The Executive believed that this was not a process suited to a modern democracy. The judiciary serves the whole community. They must be people who understand and are in touch with that community, so that justice can be seen to be done.

### **What is the Court of Session?**

The Court of Session is Scotland's supreme civil court. It sits in Parliament House in Edinburgh and consists of 31 judges, known as Lords of Council and Session, led by the Lord President. They are in effect the guardians of the Scottish legal tradition.

The law of Scotland is unique in many ways. It is a system entirely of its own devising, drawing inspiration from the Roman-based codes of Europe and the common law of England, but distinct from both.

Many aspects of Scots Law are very different from their counterparts in England. The most obvious examples are the law of property, convey-

ancing in particular, and family law, where much of the day-to-day work is carried by lay panels in the context of social work rather than in the legal framework of lawyers in a court.

The Criminal Law too has its own distinctive characteristics. A jury has 15 members, not the 12 of other jurisdictions. And Scots Law has three possible verdicts - guilty, not-guilty and not-proven.

### **How does it fight crime?**

Cases in the Court of Session are usually presented by an advocate. Members of the Faculty of Advocates have a status and function similar to that of a barrister in England. They once had an exclusive right of audience in the Court of Session, but their monopoly was ended in 1990.

Since then, they have shared that right with solicitor-advocates. They are members of the Law Society of Scotland, experienced solicitors who have to undergo additional training in evidence and the procedure of the Court before being allowed to appear.

The Court of Session is organized in two divisions called the Outer House and the Inner House. The Outer House consists of 19 judges, Lords Ordinary, mostly sitting alone, or, in certain cases, with a civil jury of 15 people.

They hear cases on a wide range of civil matters. For example, these include delict (the Scottish term for tort) and contract, property and debt, commercial cases and judicial review. The judges cover a wide range of work, but some have developed particular expertise, such as intellectual property or fraud.

The Inner House is primarily a court of appeal. It is divided into the First and the Second Divisions, of equal authority, and presided over by the Lord President and the Lord Justice-Clerk.

Each division is made up of four Judges, but there must be three to make up a quorum. Due to pressure of work, an Extra Division of three judges often sits. They hear cases on appeal from the Outer House, the Sheriff Court and certain tribunals such as the Scottish Land Court and the Court of Lord Lyon, which deals with genealogy and coats of arms.

On occasion, if a case is particularly important or difficult, or if the Court decides that it needs to overrule a previously binding authority, the two Divisions may sit together with five or even more Judges taking part. Decisions are by majority. Each judge has a single vote. Unlike the criminal law, an appeal does go to the House of Lords.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: rotation, recent times, convention, in particular, to advertise, to lack, transparency, to serve, to be in touch, community, guardian, distinct, audience, quorum, majority, vote.*

*III. Translate the following sentences from Russian into English:*

1. Правосудие должно служить всему обществу.
2. Судебные вакансии рекламируются в прессе.
3. Решение принимается большинством голосов.
4. Внешняя Палата суда сессий обладает правом пересмотра гражданских дел.
5. По многим параметрам шотландское правосудие отличается от английского.

*IV. Agree or disagree with the following statements:*

1. There is a rule which says that a Scottish judge has to be present during an appeal.
2. All aspects of Scots Law have their counterparts in England.
3. Cases in the Court of Session are usually presented by a prosecutor.
4. The Court of Session is organised in two divisions called the House of Lords and the House of Commons.
5. Delict and contract, property and debt, commercial cases and judicial review are the terms for criminal cases.

*V. Summarize the text according to the plan given below:*

1. The Court of Session originated in 1532.
2. They hear cases on a range of civil matters.
3. It consists of 31 Lords of Council and Session.
4. They're known as guardians of legal tradition.
5. The House of Lords is the uppermost civil court.

## UNIT VI

### **Vocabulary:**

procurator - поверенный, доверенное лицо;



high profiles cases - громкое дело;  
preliminary investigations - предварительное расследование;  
statement - 1) заявление, утверждение; 2) показания;  
fixed penalty fines - установленный судебным решением штраф.

*1. Read and translate the text.*

## **The Crown Office and Procurator Fiscal Service**

### **What's the history?**

The office of Crown Office and Procurator Fiscal is a very ancient one, dating back to the Middle Ages and the earliest Lord Advocate. Although obscured by time, early Scottish kings were known to have had an advocate to represent them in proceedings both criminal and civil. This individual went under the title of 'King's Advocate', similarly to the ancient title of the modern day Lord Advocate, which is 'Her Majesty's Advocate'.

In 1476, the King appointed John Ross of Montgrenan to be commissioner at a hearing in Stirling, and as procurator for another case in Edinburgh the following year. He is said to be the first ever Lord Advocate, but the role was never officially acknowledged until 1494. Since then, many laws have changed, but the office of Lord Advocate and the role of the Crown Office and Procurator Fiscal still remain.

### **What is the Crown Office?**

The Crown Office and Procurator Fiscal Service is Scotland's independent public prosecution service (similar to the Crown Prosecution Service in England and Wales). It is a Department of the Scottish Executive, led by the Lord Advocate and the Solicitor General for Scotland, who are the legal advisers to the Executive and sit in the Scottish Parliament.

### **How does it fight crime?**

The Lord Advocate is responsible for prosecuting the most serious crimes in the country in the High Court of Justiciary and the Court of Appeal. However, with the exception of important or high profiles cases (such as the Lockerbie case held at Camp Zeist in the Netherlands), the actual prosecutions are led by Advocates Depute, known collectively as Crown Counsel.

Crown Counsel are experienced advocates who are usually appointed for a limited time, mostly for three years. They take the decisions on whether to prosecute people accused of serious crimes, such as murder,

rape, armed robbery, etc. They do so based on a report prepared by the police for the Procurator Fiscal, who will have made a recommendation on whether there is a case to answer.

The job of the Procurator Fiscal is to make preliminary investigations into criminal cases in their districts, take written statements from witnesses and conduct the prosecution in the Sheriff and District Courts. The Procurator Fiscal Service is divided into regions, with a Regional Procurator Fiscal for each of the six Sheriffdoms in Scotland: Grampian, Highland and Islands; Tayside, Central and Fife; Lothian and Borders; Glasgow and Strathkelvin; North Strathclyde; South Strathclyde, Dumfries and Galloway.

The relationship between the Procurator Fiscal and the police is a close one similar to the Crown Prosecution Service and police in England and Wales. But because the Fiscals have responsibility for the investigation and prosecution of crime, they have the power to direct the police in their investigation. Usually however, unless the crime is serious such as murder, the Fiscal will not know of it until the police have completed their enquiries.

The decision on whether to start criminal proceedings rests with the Crown Office and Procurator Fiscal Service, whether or not a person has been arrested or charged by the police. There is a long-established practice that the Crown does not have to give any reasons for their decision on whether to prosecute an individual case.

The majority of crimes in Scotland are heard in the Sheriff Courts where the Procurator Fiscal presents the case for the prosecution. The case for the defense is presented either by the accused's own solicitor or, recently, by a public defender.

There is no law in Scotland which says that a crime must be prosecuted. Prosecution of crime is expensive and makes significant demands on victims and witnesses alike. So the Fiscal has the power to use alternatives to prosecution. For example, they may issue a warning the person concerned, either personally or in writing. Once he or she has done that, the offender cannot be prosecuted for that offence. A warning is confidential between the accused and the Procurator Fiscal and will not be disclosed.

Fiscals are allowed to make conditional offers of fixed penalty fines for minor offences. The "Fiscal Fine" procedure has been in operation for

over 10 years and takes pressure off trials, mainly those heard in the District Courts. If payment is made, no prosecution is brought and no conviction recorded against the accused.

In a few cases, the Fiscal can even refer an accused person to a social worker or a psychiatrist whose task is to offer support and treatment rather than punishment. The idea is to obtain a more humane result, one which may stop the person from re-offending by treating the cause of his behavior.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: to date back to, to acknowledge, to be responsible for, limited time, based on, long-established practice, considerable discretion, warning, to be in operation, support, treatment, punishment.*

*III. Translate the following sentences from Russian into English:*

1. Раньше шотландские короли имели поверенных, которые представляли их интересы в гражданских и уголовных делах.

2. Работа прокурора заключается в проведении предварительного расследования, снятии со свидетелей письменных показаний и в выступлении в качестве обвинителя в окружных судах и судах шерифа.

3. Большинство дел рассматривается в судах шерифа, и местный прокурор выступает на стороне обвинения.

4. Местные прокуроры могут налагать условное наказание или назначать штраф за мелкие правонарушения.

5. Решение, подвергать ли человека аресту, принимает местная прокуратура.

*IV. Agree or disagree with the following statements:*

1. The role of the Lord Advocate was officially acknowledged in 1454.

2. Crown Counsel are experienced advocates who are usually appointed for a limited time, mostly for three years.

3. Crown Counsel take the decisions on whether to prosecute people accused of serious crimes based on a report prepared by the police for the Procurator Fiscal.

4. Taking written statements from witnesses is the job of the Procurator Fiscal.

5. The public prosecutor has no considerable discretion over what action to take.

*V. Summarize the text according to the plan given below:*

1. The Crown Office originated in the Middle Ages.
2. It is Scotland's independent prosecution service.
3. It is led by Her Majesty's Lord Advocate.
4. The first Lord Advocate was John Ross in 1476.
5. They work closely with the police to prosecute.

## UNIT VII

### **Vocabulary:**

offending behaviour - вызывающее поведение;

secure unit - изолятор;

shoplifting - магазинная кража;

petty theft - мелкая кража;

truancy - прогул занятий;

physical or sexual abuse - физическое или сексуальное насилие;

bullying - запугивание, преследование;

victim - жертва;

assailant - напавший.

*I. Read and translate the text.*

### **The Children's' Hearing**

#### **What's the history?**

Scotland have long had a Juvenile Court system, similar to that in England and Wales. But in the late 1950s and early 1960s, the Scottish Office became concerned about the way young people in trouble were dealt with. It set up a Committee under an eminent judge, Lord Kilbrandon, to look at possible solutions.

In its 1964 report, the committee set the framework for a radical new approach which was first enacted in the Social Work (Scotland) Act 1968, which has since been incorporated in the Children (Scotland) Act 1995. The establishment of the facts, where disputed, would remain with the Sheriff Court, but decisions on treatment would be the responsibility

of the Panels. They took over responsibility on April 15th 1971 and ever since had dealt with children and young people under 16 (from this year, under 18) who commit offences or are in need of care or protection.

### **What is the Children's' Hearing?**

Scotland has an unique way of dealing with children who commit offences. They are not treated as criminals to be punished, but as young people with problems who can be helped to overcome these. Their whole family is involved. They all have to go to a meeting with a group of three people, known as a Panel. These are specially trained lay men and women who volunteer to carry out this work. They are helped by a legally qualified official called the Reporter whose office manages the caseload and who advises Panel members where a point of law is considered.

The Panel and family discuss not just the offending behaviour, but also the circumstances of the family as a whole - are the parents have difficulties coping with their children, are there problems at school, etc. Other people can also be involved, such as teachers, social workers and the police. After hearing all of the circumstances of the case, the panel can then decide what help to put in place to support the family. In extreme cases where the child's behaviour has been violent, that can include taking the boy or girl out of the home and sending them to a secure unit run by a local authority.

### **How does it fight crime?**

The theory behind the Children's Hearings system is that criminal behaviour can be nipped in the bud if dealt with at an early enough stage. It's well recognized that all children go through a rebellious phase in their teens. Many commit minor crimes, such as shoplifting or petty theft, and there is a continuing problem in some areas with truancy. However, families can also find themselves in front of a Panel for other reasons. A parent could have a drink or drugs problem, there may be physical or sexual abuse in the home, or the child could be affected by bullying at school, either as victim or assailant.

Panel members are trained to investigate the family and confront the child with the consequences of his or her behaviour. Unlike a juvenile court where only the facts of a case are judged, where guilt or innocence are determined and punishment meted out, the Hearings will look at the case in the longer term. They will bring the family back several times to look at how their circumstances are changing and whether the behaviour

of the young person has improved. It means that the family feels that it is constantly under observation, that it's being challenged to change.

When the Children's Hearings system was created, the aim was to clear away the legal formality and make everything as child friendly as possible. While lawyers were not barred from taking part, in practice they were seldom involved. However, a case was referred to the European Court of Human Rights which decided that, where a child is accused of committing a crime, then they have the right to legal representation. Both practice and procedure had to be changed as a result, though in reality lawyers do not regularly appear before the Panels.

*II. Give Russian equivalents to the following words and word combinations using a dictionary: eminent, set up, solution, framework, approach, enact, care, protection, to treat, to overcome, to involve, volunteer, to cope with, to nip in the bud, rebellious phase, teens.*

*III. Translate the following sentences from Russian into English:*

1. К работе в системе подросткового правосудия привлекается не только семья, но и школа, и социальные работники, и полиция.

2. До 60-х годов шотландская система судов по делам несовершеннолетних была очень похожа на систему, существующую в Англии и Уэльсе.

3. Принцип, лежащий в основе системы подросткового правосудия, заключается в том, что преступные наклонности можно пресечь в корне на ранней стадии.

4. В Шотландии существует свой особенный метод работы с малолетними правонарушителями.

5. В тех случаях, когда поведение ребенка отличается особой жестокостью, его на некоторое время изолируют.

*IV. Agree or disagree with the following statements:*

1. Scotland has a Juvenile Court system, similar to that in England and Wales.

2. Children who commit offences are treated as criminals to be punished.

3. The Panel and family discuss not just the offending behaviour, but also the circumstances of the family as a whole.

4. The theory behind the Children's Hearings system is that criminal behaviour can be nipped in the bud at all.

5. The aim of creating the Children's Hearings system was to clear away the legal formality and make everything as child friendly as possible.

*V. Summarize the text according to the plan given below:*

1. The Children's' Hearing originated in 1971.
2. They deal with child offenders who are under 18.
3. They don't treat children as criminals.
4. A Panel is set-up to resolve the child's problems.
5. The whole family and the child are involved.

## LIST OF PROPER NAMES

Court of Appeal - апелляционный суд (вторая инстанция Верховного суда).

Crown Court - Суд короны (уголовное отделение Высокого суда правосудия).

High Court - Высокий суд правосудия (входит в состав Верховного суда в Англии).

Supreme Court of Judicature - Верховный суд Англии (основан и утвержден в 1873 и 1875 гг).

Magistrates' Courts - суд магистрата, магистратский суд, мировой суд.

County Court - суд графства (в Великобритании).

Central Criminal Court, or "Old Bailey" - Центральный уголовный суд (в Лондоне).

Assize court - выездная судебная сессия.

Quarter session - суд квартальных сессий (съезды мировых судей графства, созываемые четыре раза в год для разбирательства уголовных и гражданских дел), суд четвертных сессий.

Courts Act 1971 - закон "О полномочиях уголовных судов", 1973 г. (разрешил требовать компенсацию ущерба не только за нанесенный ущерб, но и по любому другому поводу, чем спровоцировал волну потребительских исков).

Queen's Bench Division - отделение королевской скамьи (Высокого суда правосудия в Великобритании во время царствования королевы).

Court of King's Bench - суд королевской скамьи.

Court of Exchequer - суд казначейства (в Великобритании до 1873 г.).

Court for Crown Cases Reserved - уголовный суд второй инстанции (в Великобритании до 1907 г.).

Privy Council - Тайный совет (в Великобритании).



Lords Justices of Appeal - судья апелляционного суда (в Англии).

Master of the Rolls - "хозяин свитков": глава государственного архива, член Высокого суда правосудия, председатель апелляционного суда.

Family Division - отделение по семейным делам (Высокого суда правосудия в Великобритании).

Chancery Division - (в Англии до 1873 г.) Канцелярское отделение (название суда первой инстанции в Англии для рассмотрения дел о банкротствах, ликвидации компании и т.д.).

Court of Common Pleas - суд общих тяжб (в Великобритании до 1873 г.).

High Court of Admiralty - Высокий суд адмиралтейства (в Англии до 1873 г.).

Court of Probate - суд по делам о наследствах (в Великобритании до 1873 г.).

Court for Divorce and Matrimonial Causes - суд по делам о разводах и семейным делам (в Великобритании до 1873 г.).

Court of Bankruptcy - суд по делам о несостоятельности.

Commercial Court - коммерческий суд (коллегия судей для рассмотрения торговых дел в отделении королевской скамьи в Англии).

District Judge - федеральный районный судья; местный судья.

Small Claims Court - суд мелких тяжб.

Criminal Justice Act 1991 - закон "Об уголовном правосудии".

Law Lords - судебные лорды (члены палаты лордов с судебными функциями).

Crown Prosecution Service - служба уголовного преследования.

Justices in Petty Sessions - суд коллегии мировых судей.

Central Criminal Court - Центральный уголовный суд (по делам о преступлениях, совершенных за пределами Великобритании).

Supreme Court - Верховный суд.

Sheriff Court - суд шерифа.

High Court of Justiciary - высший уголовный суд.

Court of Session - высший суд по гражданским делам.

Justice Charter - Хартия правосудия.

District Court - окружной суд.

Procurator Fiscal - местный прокурор.

Justice of the Peace - мировой судья.

Magistrate - полицейский судья.

Juvenile Court - суд по делам несовершеннолетних.

Children's Hearings - слушания по делам несовершеннолетних.

Panel - жюри присяжных заседателей.

Crown Office - канцелярия прокурора.

Executive Agency - орган исполнительной власти.

Scottish Executive Justice Department - судебное министерство Шотландии / Министерство юстиции.

County Court - суд графства.

Coroner's Court - суд коронера.

Sheriffdoms - территория в ведении судьи-шерифа.

Sheriff Principal - главный судья-шериф.

Justice General - лорд верховный судья, председатель сессионного суда.

Justice Clerk - судебный секретарь.

Scottish Executive - глава исполнительной власти в Шотландии.

Court of Session - сессионный суд.

Judicial Appointments Board - комиссия по распределению выпускников юридических вузов.

The Outer House - внешняя палата.

The Inner House - внутренняя палата.

Advocates Depute / Crown Counsel - королевский адвокат (высшее адвокатское звание).

The Scottish Office - Министерство по делам Шотландии (в Великобритании).

The Reporter - судебный секретарь.

The European Court of Human Rights - Европейский суд по правам человека.

Home Department - Министерство внутренних дел.

## ADDITIONAL MATERIALS

*Read the text and check your answers:*

Rank the things above by how serious they are. How many different ways are there of getting access to these things?

### **Japan introduces piracy penalties for illegal downloads**

*<http://www.bbc.com/news/technology-19767970>*

**Japan-based internet users who download copyright infringing files face up to two years in prison or fines of up to two million yen (\$25,700; £15,900) after a change to the law.**

Such activity has been illegal since 2010, but until now had not invoked the penalties. It follows a lobbying campaign by country's music industry. But critics said that efforts should have remained focused on stopping users making such material available. In Japan illegal uploads of copyright infringing music and videos carry a maximum 10 year prison sentence and a 10 million yen fine.

Sales figures suggest the country is the world's second-largest music market after the US.

### **Piracy problem**

In theory the new download punishments can be enforced if a user is found to have copied a single pirated file.

The Recording Industry Association of Japan had pushed for the move, suggesting that illegal media downloads outnumbered legal ones by about a factor of 10.

The figure is based on a 2010 study which suggested that people in the country downloaded about 4.36 billion illegally pirated music and video files and 440 million purchased ones that year.

It added that the disparity was likely to have increased over the following months.



Image caption. People wearing Anonymous masks staged a protest against the change in law earlier this year

"This revision will reduce the spread of copyright infringement activities on the internet," said the body's chairman Naoki Kitagawa, who is also chief executive of Sony Music Entertainment Japan, earlier this year.

Politicians voted through the change in June.

Shortly afterwards the website of the government's finance ministry was defaced and the sites of the Supreme Court, the DPJ and LDP political parties, and the Japanese Society for Rights of Authors, Composers and Publishers were briefly taken offline after cyber attacks.



Image caption. Sony supports the law to prevent illegal downloads of songs by artists such as Jake Shimabukuro

The following month a group of masked activists associated with the Anonymous activist movement staged a protest in Tokyo.

About 80 participants picked up rubbish from the ground in the city's Shibuya shopping district for an hour to publicize their opposition to the plan.

The Japan Federation of Bar Associations, a group representing legal professionals, also issued a statement saying the offence should have remained a civil, rather than criminal, matter.

"Treating personal activities with criminal punishments must be done very cautiously, and the property damage caused by individual illegal downloads by efforts did not sway the politicians.

### **International efforts**

Japan's action is part of a wider international crackdown on online piracy.

Over recent months the US has taken the digital locker service Megaupload offline; Ukraine has shut down the BitTorrent site Demonoid; the UK has jailed the owner of the Surfthechannel video link provider; and several countries have restricted access to The Pirate Bay torrent service - the founder of which was recently deported from Cambodia to Sweden to face tax charges.

France also recently fined one of its citizens for the first time under its "three strikes" rule which allows it to impose a fine if a suspected pirate ignores three warnings about their activity.

However, attempts to introduce new laws have run into problems elsewhere.

The US put off votes on Sopa (Stop Online Piracy Act) and Pipa (Protect IP Act) in January after Wikipedia and thousands of other sites staged blackouts in protest.

The European Parliament also voted to reject Acta (Anti-Counterfeiting Trade Agreement) in July after opposition across the continent.

### *Discussion Questions:*

1. Is the punishment for downloading illegally in Japanese law fair? How about after only one illegal download? If not, what other punishments could there be and after how many downloads?

2. Was the government right to increase the punishments?

3. What do you think about the protests against the increased punishments? Can you think of any other ways of protesting?

4. Are the recording industry right to be worried about illegal downloads? Is there anything positive about it for them? Are there any different ways that they could react?

5. What are your own experiences of downloading music online? How do you feel about those downloads now?

6. How would you feel and what would you do if you were one of these people?

- A record company executive.

- A musician whose copyrighted music was being illegally downloaded.

- An internet user who had been warned not to do more illegal downloading by their government.

- An internet user who had been warned not to do more illegal downloading by their internet company.

- An internet user whose internet had been cut off by the internet company due to illegal downloads.

- An internet user who had been arrested for a single illegal download.

- A police officer who is in charge of catching and charging illegal downloaders.

- A businessman who wants to solve the illegal downloading problem and make money out of the solution.

*What punishments, if any, should there be for breaking copyright in these ways? (All of them are illegal in at least one country.)*

- Buying pirate DVDs.

- Creating file sharing software which could be used to share illegal copies of music etc.

- Downloading file sharing software which could be used to share illegal copies of music etc.

- Emailing a copyrighted music track to a friend.

- Illegally downloading copies of books (PDFs or e-books).

- Linking from your website or blog to illegal downloads.

- Make a CD copy of mp3s on your computer for a friend.

- Performing a copyrighted song without permission.
- Photocopying pages of books for use in class.
- Photocopying whole books.
- Playing a song in your café or restaurant without permission.
- Posting a copyrighted video on YouTube etc without permission.
- Publishing and selling fan fiction (e.g. your own novel including the characters from Harry Potter).
- Publishing photos of people without their permission.
- Putting the lyrics of a copyrighted song on your blog or website.
- Reading a whole book in a bookshop.
- Recording from the radio.
- Republishing a newspaper article on your website or blog without permission.
- Sampling from a copyrighted song in your song without permission.
- Selling pirate DVDs.
- Staging a play without permission to use the script.
- Using other people's photos in your book, website, blog or magazine article without permission.
- Videoing a movie in the cinema.

### **Vocabulary:**

- to invoke penalty - требовать наказания;
- a lobbying campaign - кампания по лоббированию;
- illegal uploads - незаконная пересылка файла (по сети);
- to enforce punishment - применить наказание;
- infringement of copyright - нарушение авторского права;
- hacktivist - человек, использующий Интернет для решения социальных проблем;
- to issue a statement - выступить (опубликовать) с заявлением;
- to crackdown - принятие жестких мер (по отношению к кому-л.);
- to jail - v. заключать в тюрьму; n. тюрьма;
- offence - правонарушение, преступление;
- criminal matter - 1) уголовное дело; 2) уголовное правоотношение;
- civil matter - 1) гражданское дело; 2) гражданское правоотношение;
- to introduce new laws - принимать новые законы;
- suspect - n. подозреваемый; v. подозревать;
- to impose a fine - облагать штрафом;

criminal suspect - подозреваемый; лицо, подозреваемое в совершении преступления;

to run into problems - столкнуться с проблемами.

Формальное согласие выражается, как правило, такими фразами:

- I completely (absolutely, totally) agree with you
- I couldn't agree more
- Exactly..., absolutely...
- There is nothing more to add to this
- This is perfectly true...

Эти фразы используются, если вы абсолютно согласны, и вам больше нечего добавить, однако в случае, если вы хотите добавить еще что-то, можно сказать:

- Well, I agree with you on the whole, but...
- I agree in principle with you that...; however...
- I can agree with you to a certain extent but...
- You definitely have the point here but I'd like to add that...
- I take your point, however it seems to me that...
- It is certainly reasonable, however...

Если же беседа носит неформальный характер, то свое согласие можно выразить следующими фразами:

- I'm with you on this point
- I couldn't agree more
- Yes, absolutely (of course)
- Sure
- There's no doubt about it
- You bet!
- I think so too
- I couldn't have put it better myself
- Great minds think alike
- You took the words right out of my mouth.

Несогласие в формальном языке, как правило, носит нейтральный характер, чтобы не обидеть собеседника и не привести беседу к конфликту:

- Do you really think so?
- I can't say I share your view on this...



- I feel I must disagree...
- I respect your opinion of course, but on the other hand...
- I wouldn't say that, really.
- Well, taking your point into consideration, I therefore must admit that...

- Taking your point I still can't help feeling that...
- I'm afraid, I disagree with you...
- I'm afraid I don't see it this way...
- To tell you the truth I have a different opinion.

В неформальном общении присутствует большая эмоциональность, поэтому, если вы абсолютно не согласны с утверждением своих друзей, можете сказать:

- Rubbish! Nonsense!
- You can't be serious! You must be joking (kidding)!
- No, no, it's not right.
- I disagree with you completely.
- Come off it!

Для более мягкого несогласия используются фразы:

- I'm not sure you're right
- I'm not sure about that....
- I agree up to a point but...
- You could be right but...
- But I thought...
- Yes, but...
- That's not how I see it....
- That's another pair of shoes...

Для того чтобы показать, что мы заинтересованы в том, о чем говорит наш собеседник, можно вставлять в разговор такие фразы и слова, как:

- Really?
- Amazing!
- How interesting!
- That's a good idea...
- Is it right?
- Unbelievable!

И менее формальные:

- Cool!
- Awesome!
- Wow! Great!
- You're kidding! (если вас удивило какое-то высказывание)

Для ведения разговора иногда просто необходимо перебить собеседника, чтобы дополнить что-то или высказать свою точку зрения. Это можно сделать следующим образом:

- Sorry to interrupt you but....
- Sorry for the interruption but...
- Pardon me / Excuse me...
- I hate to interrupt you but...
- Yes, but if I can interrupt you...

### **Разговорные выражения:**

Ask me another - спроси что полегче

Eat one's words - взять слова обратно

Enough of it - довольно об этом

Go into details - вдаваться в детали

I don't care - меня не волнует

I have no idea - понятия не имею

I mean it! - я серьезно

I wish I knew - хотел бы я знать!

It doesn't matter - это не важно

It doesn't make sense - это не имеет смысла

It doesn't prove a thing - это ничего не доказывает

It's none of your business - не твоё дело

It's a lie - это ложь

It's all the same to me - мне без разницы

It's beside the point - это не относится к вопросу

It's new to me - первый раз слышу

It's out of place - это неуместно

It's up to you - решай сам

It's waste of time - это трата времени

Let's clear it up - давай разберемся

Let's drop the subject - давай оставим эту тему

Mind one's own business - занимайся своим делом

No matter - не имеет значения

Point of view - точка зрения  
Pro and con - за и против  
Say one's say - высказать мнение  
Side against - принять противоположную сторону  
So what? - ну и что?  
Speak one's mind - высказать свое мнение  
Stand one's ground - сохранять свое мнение  
Stand to reason - иметь смысл, быть логичным следствием  
Take a side - принять сторону  
Take a stand - занять жесткую позицию  
Take into account - принимать во внимание  
That's not the point - это не относится к вопросу  
That's very well, but - это все очень хорошо, но...  
To one's face - в лицо (сказать открыто)  
Up against - противостоять  
Use your own judgement - решай сам  
What are you driving at? - к чему ты клонишь?  
What are you talking about? - о чем ты!  
What for? - зачем?  
What of it? - и что из этого?  
You can take it from me - можешь мне поверить

*Choose one of the topics below and share your ideas, using as many different kinds of support for them as you can. Your partner will ask you to support your opinions and give their own views:*

1. A more up-to-date copyright law
2. A sensible government policy on soft drugs like marihuana
3. Alternatives to prison sentences
4. Conditions in prisons
5. Cutting down on online piracy
6. Dealing with (genuine and fake) asylum seekers
7. Dealing with bullying/ cyber-bullying
8. Dealing with labour disputes such as wrongful dismissal cases
9. Dealing with offshore shell companies
10. Dealing with people who have served their time in prison (= re-released prisoners)
11. Dealing with street crime (bag snatching, mugging, pickpocketing, etc)

12. Ensuring proper data protection
13. Getting rid of tax evasion
14. How much of a problem human trafficking is
15. How to control prostitution  $\lambda$  How to deal with persistent reoffenders
16. How to deal with whistle-blowers
17. Physical punishments (= corporal punishments) at home and school
18. Punishing fraudsters/ scammers/ conmen
19. Rehabilitation of criminals
20. Solving the problem of bribery by domestic companies abroad
21. Solving the problem of politicians and public officials accepting bribes
22. Tackling discrimination
23. Tackling monopolistic practices Effective competition rules (stopping price fixing etc)
24. The correct use of capital punishment
25. The self-defense defense
26. What to do about false forced confessions

## **Crime and Punishment Vocabulary and Speaking**

### ***Crime discussion questions***

*Choose interesting questions from below to ask your partner, then agree or disagree with what they say:*

1. What crimes are increasing in your country?
2. What are the main reasons for that?
3. How does crime in this city compare to that in other cities and countries?
4. Are there any areas of the city which are much better or worse?
5. Are there any places (in this city, this country or the world) which you would avoid due to fear of crime?
6. Are there any kinds of crimes which are more prevalent in your country than in other places? Why do you think that is so?
7. Do you think the media or politicians unnecessarily increase the fear of crime?
8. What are their reasons for doing so?
9. What precautions have you taken/ do you take against crime?

10. What is usual in your country? How do people generally feel about the police?

11. Are there any groups that feel differently?

12. What are the reasons for those various people's feelings?

13. Should the police carry guns?

*Talk to your partner about a crime story that was in the news recently. What do you think about how the media deal with such cases? If minority groups turn to crime, is that generally the fault of discrimination or their own cultures? Do you think this country is generally too hard on crime or too soft on crime? Why do you feel that way? Are there any crimes which that is particularly true for? Are there any things which are crimes in this country but shouldn't be?*

### ***Not worthy of punishment?***

*Choose one of the things below which you think should not be punishable by law and explain why. Your partner will then give their opinion on what you said. Don't worry about any words which you don't know at this stage:*

1. Adultery

2. Advocating violence

3. Assisting in someone's suicide

4. Attempted suicide

5. Begging

6. Being a conscientious objector

7. Belonging to an organisation that advocates terrorism

8. Blasphemy/ Offending a religious group

9. Bribery abroad

10. Browsing a terrorist organisation's site

11. Building or farming on long-unoccupied land

12. Bullying/ Cyber-bullying

13. Crimes by diplomatic staff (= Diplomatic immunity)

14. Crimes by leaders of the country or MPs

15. Crimes by your children

16. Crimes committed on someone else's orders

17. Crimes that happened more than a certain amount of time ago (= The statute of limitations)

18. Crimes under a certain age

19. Disrespecting the national flag/ national anthem
20. Driving near but not within the speed limit (e.g. at a speed that many people do)
21. Driving without a seatbelt
22. Drunk and disorderly
23. Educational use of copyrighted materials
24. Excessive force in sports, e.g. fouls that cause major injuries
25. Failed attempt to immigrate illegally
26. Failed request for political asylum
27. Hacking that causes no damage
28. Holocaust denial
29. Illegal actions by a subordinate that you knew nothing about but should have done
30. Illegal busking/ street performance
31. Indecency in artistic works
32. Jaywalking
33. Keeping the confidentiality of a journalistic source, person confessing to a priest or patient who has committed a crime
34. Leaking of government secrets that is in the public interest
35. Libellous comment by another person on your blog or website
36. Linking to sites with illegal content
37. Not stopping other people committing crimes, e.g. seeing a mugging and just walking past
38. Offering file-sharing software
39. Persistent noise violations
40. Polygamy
41. Possession of small amounts of soft drugs for personal use
42. Prostitution
43. Public nudity
44. Publishing something about a celebrity that is true but has no public interest
45. Racist language/ Race hate/ Stirring up race hate
46. Refusing to give evidence against a friend, relative or colleague
47. Refusing to speak when questioned by police
48. Refusing to uncover your face for religious reasons
49. Shouting at, swearing at or insulting police officers
50. Slander or offensive content in an anonymous comment online

51. Something that is illegal in your country but legal in the country where you do it
52. Squatting in totally unused derelict buildings
53. Stalking a celebrity
54. Swearing on TV
55. Taking stuff from bins
56. Trespass
57. Unauthorised protest/ demonstration
58. Underage sex
59. Unlicensed selling on the street/ selling from street stalls
60. Vagrancy
61. Violence against people or property in order to save animals from suffering

### **"Punishment" Passive Voice and Tense Review**

*Rank the following crimes from the most to the least serious: mugging, slander, blackmail, accepting bribes, manslaughter, buying drugs, drug trafficking, assault, kidnapping, arson, forgery, rape, burglary, hi-jacking.*

*What are the punishments for the crimes above in your country (e.g. fine, flogging, death penalty, prison, suspended sentence, electronic tagging, community service, compensation)?*

*Discuss the following cases with a partner. What punishment would you administer to these people:*

1. Barbara May: Aged 47.

She stole a 4 month old baby from a pushchair parked outside a shop. Despite appeals from the baby's parents on national TV, the baby was only returned when Barbara's husband came back from working on an oil rig in the North Sea a month later. The baby had been well looked after. Barbara had been trying to have a baby for 10 years.

2. June Mayfield: Aged 29.

She stabbed her husband to death. Her husband had persistently beaten her for many years. Police had been called in several times by neighbours worried about her, but she refused to press charges. She says she only picked up the knife in self-defence. She has no previous convictions.

3. Robert Peel: Aged 36.

He robbed an old lady in the street. He threatened violence but didn't use any. He has a long record of previous arrests, mainly for shoplifting and pick pocketing but he hadn't been in trouble for a while before this incident. He has an ill mother and five children and says that he steals to support them.

4. Frank Gordon: Aged 31.

He was arrested for drunk driving. He was found after he had driven his car off the road, but no-one was hurt. He had nearly hit another car 10 minutes before the accident. His team had won the Champion's League and he had been celebrating in a pub with friends, but he is also a regular heavy drinker. He is a travelling salesman and so needs to drive for his job, and has a wife and two children to support.

5. Matthew Barnyard: Aged 21.

He was arrested and convicted for possession of heroin. After the conviction new evidence was discovered that supports his claim that he bought the drugs only to ease the pain of his dying mother. He is therefore appealing his sentence. In the initial case, a previous conviction for possession of cannabis was used in evidence against him.

6. David Badiell: Aged 17.

He is an animal rights activist. He was arrested for breaking a security guard's nose. The security guard tried to remove him from the shop when he was walking around verbally abusing customers in the fur department of a large department store. He claims the security guard was to blame.

7. Roger Delfry: Aged 29.

He was arrested for blackmail. He found out that his boss had recently had an affair and threatened to tell his boss's wife. He used the money his boss gave him to buy a luxury flat and a fast car for him and his young wife. He is not at all apologetic, and says that his boss is the real criminal for cheating on his wife.

8. Fred Daybrey: Aged 42.

Editor of a newspaper. After his paper printed a story about Danny 'Funny Man' Grim, which later turned out to be untrue, Danny's TV show was cancelled and he lost his home in Barcelona.

*Decide what you think the punishment should be for each case above. Prepare to give arguments for one case you feel strongly about.*



*Without looking at the completed versions on the previous page, try to fill the gaps below with the right active and passive tenses:*

1. Barbara May: Aged 47.

She stole a 4 month old baby from a pushchair parked outside a shop. Despite appeals from the baby's parents on national TV, the baby ... only ... (return) when Barbara's husband came back from working on an oil rig in the North Sea a month later. The baby ... well ... (look after). Barbara ... (try) to have a baby for 10 years.

2. June Mayfield: Aged 29.

She stabbed her husband to death. Her husband ... (persistently beat) her for many years. Police ... (call in) several times by neighbours worried about her, but she refused to press charges. She says she only ... (pick up) the knife in self-defence. She has no previous convictions.

3. Robert Peel: Aged 36.

He robbed an old lady in the street. He threatened violence but didn't use any. He has a long record of previous arrests, mainly for shoplifting and pick pocketing but he ... (not be) in trouble for a while before this incident. He ... (have) an ill mother and five children and says that he steals to support them.

4. Frank Gordon: Aged 31.

He ... (arrest) for drunk driving. He ... (find) after he ... (drive) his car off the road, but no-one was hurt. He ... nearly ... (hit) another car 10 minutes before the accident. His team ... (win) v the Champion's League and he ... (celebrate) in a pub with friends, but he is also a regular heavy drinker. He is a travelling salesman and so needs to drive for his job, and has a wife and two children to support.

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8. Fred Daybrey: Aged 42.

Editor of a newspaper. After his paper printed a story about Danny 'Funny Man' Grim, which later ... (turn out) to be untrue, Danny's TV show ... (cancel) and he lost his home in Barcelona.

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