

МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ УНІВЕРСИТЕТ

ENGLISH FOR LAWYERS

**Методичні вказівки
з англійської мови за професійним спрямуванням
для самостійної роботи студентів
спеціальності 081 «Право»**

Обговорено і рекомендовано
на засіданні кафедри іноземних мов
професійного спрямування
Протокол № 9
від 20 квітня 2018 р.

ENGLISH FOR LAWYERS. Методичні вказівки з англійської мови за професійним спрямуванням для самостійної роботи студентів спеціальності 081 «Право» / Укл.: С. В. Литвин, Н. В. Гагіна, О. В. Лось. – Чернігів : ЧНТУ, 2018. – 50 с.

Укладачі: канд. пед. наук С. В. Литвин, канд. пед. наук Н. В. Гагіна,
канд. філол. наук О. В. Лось

Відповідальний за пiпуск: Гагіна Н.В. канд. пед. наук кафедри іноземних мов
професійного спрямування

Рецензент: канд. пед. наук В. А. Пермінова кафедри іноземних мов
професійного спрямування

ЗМІСТ

Вступ.....	4
Unit 1 CONTRACT LAW.....	5
Unit 2 EMPLOYMENT LAW.....	8
Unit 3 TORT LAW.....	16
Unit 4 COMPANY LAW.....	21
Unit 5 CRIMINAL LAW.....	24
Unit 6 COMMERCIAL LAW.....	31
Unit 7 LITIGATION AND ARBITRATION.....	39
Unit 8 INTERNATIONAL LAW.....	44
Рекомендована література.....	49

ВСТУП

Методичні вказівки з англійської мови за професійним спрямуванням призначені для самостійної роботи студентів спеціальності 081 «Право».

Навчально-методичне видання спрямоване на поетапне самостійне вивчення тем, що стосуються основних галузей права, та сприяє розвитку професійної комунікативної компетенції. Запропонований матеріал охоплює основи договірного, трудового, деліктного, кримінального, комерційного англійського права, закону про компанії, судового процесу і арбітражу, міжнародного права. Кожний розділ базується на тексті для вивчаючого читання та післятекстових вправ, що дозволяють ознайомитися з професійною термінологією, поглибити знання з різних галузей права. Тлумачення термінів у текстах та переклад активної лексики, що подається після тексту, полегшують сприйняття та розуміння інформації. У кожному уроці містяться завдання та різноманітні вправи для перевірки розуміння прочитаного, опанування лексики з фаху, вирішення проблемних питань, формування вмінь критичного мислення тощо.

Правильність виконання завдань та сформованість комунікативних умінь може оцінюватися викладачем на практичних заняттях, консультаціях або дистанційно із залученням університетської платформи Moodle.

Методичні вказівки розраховані на студентів, які оволоділи базовою граматиною англійської мови.

UNIT 1 CONTRACT LAW

1.1 Can you answer these questions?

What does contract law deal with?

What is necessary for a valid contract to be formed?

1.2 Read the text. Which two remedies following a breach of contract are mentioned? Are any other options available in your own jurisdiction?

Contract law deals with promises which create legal rights. In most legal systems, a contract is formed when one party makes an offer that is accepted by the other party. Some legal systems require more, for example that the parties give each other, or promise to give each other; something of value. In common-law systems, this promise is known as consideration. In those systems, a one-sided promise to do something (e.g. a promise to make a gift) does not lead to the formation of an enforceable contract, as it lacks consideration.

When the contract is negotiated, the offer and acceptance must match each other in order for the contract to be binding. This means that one party must accept exactly what the other party has offered. If the offer and acceptance do not match each other, then the law says that the second party has made a counter-offer (that is, a new offer to the first party which then may be accepted or rejected).

For there to be a valid contract, the parties must agree on the essential-terms. These include the price and the subject matter of the contract.

Contracts may be made in writing or by spoken words. If the parties make a contract by spoken words, it is called an oral contract. In some jurisdictions, certain special types of contract must be in writing or they are not valid (e.g. the sale of land).

Contracts give both parties rights and obligations. Rights are something positive which a party wants to get from a contract (e.g. the right to payment of money). Obligations are something which a party has to do or give up to get those rights (e.g. the obligation to do work).

When a party does not do what it is required to do under a contract, that party is said to have breached the contract. The other party may file a lawsuit against the breaching party for breach of contract. The non-breaching party (sometimes called the injured party) may try to get a court to award damages for the breach. Damages refer to money which the court orders the breaching party to pay to the non-breaching party in compensation. Other remedies include specific performance, where a court orders the breaching party to perform the contract (that is, to do what it promised to do).

A party may want to transfer its rights under a contract to another party. This is called an assignment. When a party assigns (gives) its rights under the contract to another party, the assigning party is called the assignor and the party who gets the rights is called the assignee.

VOCABULARY

contract law – договірне право
promise – обіцянка, договірне зобов'язання
legal right – юридичне право
form a contract – укладати договір
party – сторона договору
make an offer – робити пропозицію
accept an offer – приймати пропозицію
reject an offer – відхиляти пропозицію
common-law – загальне право
consideration – основа договору, зустрічне надання
enforceable contract – договір, що має позивну силу
negotiate – вести переговори, домовлятися про умови
binding contract – юридично обов'язковий договір
counter-offer – зустрічна пропозиція
valid contract – чинний договір
essential terms – основні умови
oral contract – усний договір
obligation – обов'язок
under a contract – згідно з договором
file a lawsuit – подавати позов
breach of contract – порушення умов договору
injured party – потерпіла сторона
award damages – присуджувати відшкодування збитків
remedy – засіб судового захисту
specific performance – реальне виконання договору
transfer rights – передавати права
assignment – передача права
assignor – особа, що здійснює передачу права
assignee – правонаступник

1.3 According to the text are the following statements true (T) or false (F).

Correct the false statements.

- 1 In all legal systems, parties must give something of value in order for a contract to be formed.
- 2 An offer must be met with a counter-offer before a contract is agreed.
- 3 Oral contracts are not always valid.
- 4 If in breach, the court will always force the party to perform the contract.
- 5 Assignment occurs when one party gives its contractual rights to another party.

1.4 Complete these sentences using the following words: *breach, counter-offer, damages, formation, obligations, oral contract, terms.*

1. Usually, contract ... occurs when an offer is accepted.
2. A new offer made by one party to another party is called a
3. The price and the subject matter of a contract are the essential ... of a contract.
4. A contract which is not in written form but has been expressed in spoken words is called an
5. Under a contract, a party has ... (that is, certain things it has to do).
6. When a party does not do what it has promised to do under a contract it can be sued for ... of contract.
7. A court can award ... to the non-breaching party.

1.5 Match the following verbs *accept, award, breach, enforce, file, form, make, negotiate, perform, reject* with the nouns they go with in the text.

- 1) an offer 2) a contract 3) damages 4) a lawsuit

1.6 Which other verb-noun collocations are possible with the words in Exercise 1.5?

1.7 Word formation.

Verb	Abstract noun	Personal noun	Adjective
assign			
		-	(non-) breaching
negotiate			
		offeror/offeree	-
		-	reliable

1.8 Complete the sentences about contract law using the following prepositions: *against for (x2), in, into, to (x2), under*

1. An individual or a business may enter into a contract.
2. Anyone who is not a party ... the contract is considered a third party and cannot be obligated to do anything required ... the contract.
3. If one of the parties breaches a contractual obligation, the non-breaching party may file a lawsuit ... the breaching party.
4. Furthermore, a party will not be required to perform its contractual obligations if another party is ... breach.
5. Damages are awarded ... a party ... any loss that the party has suffered as a result of a breach of contract.
6. However, a party will not always be able to recover all losses when suing ... damages.

1.9 Choose the correct verb.

1. My client has requested me to *make/ file / award* a lawsuit against you for breach of contract.

2. You *accepted / awarded / admitted* the offer my client made to you.
3. When you signed the contract, legal rights were *called / claimed / created* which are enforceable under the law.
4. Since you have not carried out your obligations under the contract, you have clearly *assigned / rejected / breached* the contract.
5. My client intends to *claim / accept / enforce* damages for all of the losses incurred as a result of the breach.

1.10 Read the text and answer the questions after the text.

Remedies for breach of contract

If a contract is broken, the injured party might be expected to demand any of the following:

- to have what they gave returned to them ('restitution')
- compensation for their loss ('damages')
- the other party to be forced to perform the contract ('specific performance')

In the common-law tradition, (damages is the usual remedy that a court awards for a broken contract. Restitution and specific performance are available only in certain circumstances.

1. What does the word remedy in the text mean?
2. What is the most common remedy for breach of contract in the legal systems of English-speaking countries?
3. What is the most common remedy in your jurisdiction?

1.11 With a partner take turns choosing and explaining one of these terms in your own words. Can you guess which word your partner is defining?

damages, assignor, the non-breaching party, specific performance, assignee, the injured party, the breaching party, remedy, restitution

1.12 With a partner summarise the text 'Contract law', talking about the most important points of contract law.

UNIT 2 EMPLOYMENT LAW

2.1 Match these key terms (1-4) with the examples (a-d).

- 1 discriminatory dismissal
- 2 redundancy dismissal
- 3 unfair dismissal
- 4 genuine occupational qualification

a An employee is laid off because his employer had insufficient work for him to do.

- b Only female applicants are hired for jobs at an all-women hostel.
- c An employee is fired when she becomes pregnant.
- d A worker's employment is terminated because he took part in lawful union activities.

2.2 Read the text quickly, then match each of these headings (a-g) with the paragraph (1-7) to which it best corresponds.

- | | |
|------------------------------------|----------------------------------|
| a Termination of employment | e Labour law |
| b Employment tribunals | f Protecting the disabled |
| c Terms of employment | g Recruitment |
| d Employment legislation | |

1 Employment law entails contracts between employers and employees which are normally controlled by specific legislation. In the UK certain laws have been enacted regulating the areas of sex discrimination, race relations, disability, health and safety, and employee rights in general. Also, certain aspects of employment contracts are covered by the Trade Union and Labour Relations Act 1992.

2 In the recruiting processes, employers must take into consideration that it is unlawful to discriminate between applicants for employment on the basis of gender, marital status, colour, race, nationality, or ethnic or national origins. It is also unlawful to publish job advertisements which might be construed as discriminatory. It is unlawful for a person to discriminate against another based on sex or marital status in the hiring process and in respect of the terms and conditions of employment. However, there are exceptions to this rule, such as where sex or marital status is a genuine occupational qualification (GOQ)*.

3 The law protects disabled persons by making it unlawful to discriminate against such persons in the interviewing and hiring process and regarding the terms of the offer of employment. Employers are required to make reasonable adjustments in the place of work to accommodate disabled persons. However, cost may be taken into account when determining what is reasonable.

4 After the employee is hired, protection is provided generally under the Employment Rights Act 1996. In particular, this Act requires the employer to provide the employee with a document containing the terms and conditions of employment. The statement must include the following: identities of the parties, the date of employment, a statement of whether there has been continuation of employment, the amount and frequency of pay, hours of work, holiday entitlement, job title and work location.

5 Matters related to termination of employment, such as unfair dismissal, discriminatory dismissal or redundancy¹ dismissal, are governed by the Employment Rights Act 1996. Also, certain aspects of termination of employment are governed by the Trade Union and Labour Relations Act 1992 when the decision to terminate employment is in some way related to the activities of a trade union².

6 The protections mentioned above are largely enforced through complaints to an employment tribunal. The tribunal has the power to render decisions and issue orders in respect of the parties' rights in relation to complaints. It may also order compensation for loss of prospective earnings and injured feelings.

7 Employment law relates to the areas covered above, while labour law³ refers to the negotiation, collective bargaining and arbitration processes. Labour laws primarily deal with the relationship between employers and trade unions. These laws grant employees the right to unionise and allow employers and employees to engage in certain activities (e.g. strikes, picketing, seeking injunctions, lockouts) so as to have their demands fulfilled.

¹ (US) layoff

² (US) labor union

³ (US) labor law

* genuine occupational qualification – обґрунтована причина для дискримінації робітників однієї статі на користь іншої під час найму на роботу

VOCABULARY

employment law – трудове право, (закон про зайнятість)

employer – роботодавець

employee – працівник

enact a law – ухвалювати, надавати чинності законіві

sex discrimination – статева дискримінація

race relations – расові стосунки

disability – непрацездатність

disabled person – інвалід

trade union – професійна спілка

unlawful – протизаконний

applicant – претендент

hire – наймати

hiring process – процес найму

terms and conditions of employment – строки і умови найму

make adjustments – пристосовувати

reasonable – розважливий, прийнятний

take into account – брати до відома

holiday entitlement – право на відпустку

termination of employment – закінчення терміну (припинення) зайнятості

dismissal – звільнення

unfair – несправедливий

redundancy – скорочення

employment tribunal – суд із трудових спорів

render a decision – ухвалювати рішення

issue an order – видавати наказ

complaint – скарга, позов

collective bargaining – колективний договір
 grant the right – надавати право
 unionise – об'єднуватись у профспілки
 injunction – судова заборона

2.3 Answer the questions.

1. What does the phrase construed as discriminatory in paragraph 2 mean? What do you think would be involved in proving that a job advertisement could be construed as discriminatory?

2. What do you understand by the phrase reasonable adjustments in paragraph 3? What factors do you think might be taken into account when deciding if an adjustment is reasonable?

3. What do you think compensation for injured feelings in paragraph 6 refers to? What kinds of work-related situations do you think could result in such a claim for compensation?

2.4 Match the words to form collocations as they appear in Reading.

1 sex	a origins
2 marital	b dismissal
3 ethnic	c discrimination
4 holiday	d status
5 unfair	e entitlement

2.5 Complete the columns with the appropriate verbs.

Noun	Verb	Noun	Verb
application	apply for	resignation	
dismissal		rejection	
increase		reprimand	
interview		rise	
offer		retirement	
promotion		shortlist	

2.6 Look at the information and put the nouns from exercise 2.5 and the nouns below in the appropriate places in the stories about Angela, Ben and Sheila.

part-time job, temporary job, contract, pension, job description, job centre, redundancy, Curriculum Vitae (CV), unemployment benefit (dole)

ANGELA

A1 Angela prepared a summary of her qualifications and experience.

_____ CV _____

A2 She saw an ad (advertisement) in the newspaper and wrote a letter to the Personnel Department. _____

A3 She received a letter saying that she and a few others had been selected to meet managers on a certain day. _____

A4 With the letter there was a list of things that the job involves _____

A5 Angela attended a formal meeting at which some managers asked questions about her experience, qualifications, etc. _____

A6 She received a letter telling her that she had got the job. _____

A7 There was also a formal document, telling her about working hours, holidays, salary, etc. She had to sign this. _____

BEN

B1 Ben applied for a job. He got a letter back saying that he hadn't got the job.

B2 After trying several times, he went to an office where they help to find jobs.

B3 They took all his details. Later they phoned him and offered him a job just for a few weeks. _____

B4 After this job, he got another, but it only involved working for part of the day.

B5 Ben got to the age of 65, the age when employees stop working. _____

B6 Now he gets money monthly during his old age from the government and from his employers. _____

SHEILA

C1 Sheila got on very well in her first job, and after a while she got a higher salary. _____

C2 She did so well that after a year, she was given a new job with more responsibility. _____

C3 After a while, the quality of her work was not good enough, and she was often late. She had to see the boss, who told her she was not satisfied.

C4 Sheila's work continued to be unsatisfactory. After another warning the boss told her that she had to leave. _____

C5 Sheila got another job, but she didn't like the work and decided that she wanted to leave. _____

C6 Sheila got a third job, but after weeks the company went bankrupt and her job came to an end. _____

C7 After several weeks without a job, she registered at a government office. They paid her a small amount of money every week. _____

2.7 Write an employment history story using vocabulary from exercises 2.5 and 2.6.

2.8 Complete the text using the following words/phrases: *commencing salary, date of commencement, duties and responsibilities, grievance, holiday*

entitlement, notice, pension, position, probationary service, sickness pay, terms and conditions

Full-time Employment Contract

1. You have been appointed to the position of administrative assistant.
2. Your ... will be as detailed in the attached Job Description, but this Job Description should not be regarded as exclusive or exhaustive. There will be other occasional duties and requirements associated with your appointment.
3. The ... of your continuous service with this company is 1 January 2002.
4. Your specific ... are contained in the Employees' Handbook issued by the company, as well as in existing collective agreements negotiated by this company.
5. Confirmation of your appointment will be subject to your satisfactory completion of 3 months'
6. Your ... is J20,000 per annum, paid monthly in arrears. Overtime is not payable.
7. Your ... entitlement is 30 days in any calendar year.
8. Your annual ... is 25 days which cannot be carried over.
9. The minimum period of ... to which you are entitled is 3 months.
10. Your position with regard to ... is set out in the explanatory booklet attached.
11. If you have a ... relating to your employment, you should refer to the complaints procedure outlined in the booklet attached.

2.9 Below is a letter of redundancy. The sentences have been mixed up. Put them into order.

Letter of redundancy

1. Details of your forthcoming redundancy and severance pay are enclosed.
2. Finally I shall, of course, be only too pleased to supply any prospective employer with a reference on your behalf.
3. I am writing in connection with our discussion of earlier today.
4. Yours sincerely Anne O'Dwyer, Personnel Manager
5. It is with much regret that I must ask you to accept this letter as formal notice of the redundancy of your position as administrative assistant with effect from 30 September 2010.
6. Dear Ms Bailey
7. On behalf of the Company, I would like to thank you for the services you have given us in the past and wish you every success in the future.
8. Please do not hesitate to contact me if you need clarification.
9. The Company will gladly grant you reasonable time off with pay for the purposes of attending job interviews or undertaking any training for alternative employment.
10. The services of the Personnel Department will, of course, be freely available to assist you in obtaining suitable alternative employment.

2.10 Complete the gaps with an appropriate word derived from the words given.

Employee health and safety

Workplace (1) *safety* (safe) and (2) ... (healthy) laws establish basic standards aimed at reducing the number of (3) ... (ill), (4) ... (injure) and (5) ... (die) in workplaces. Because most workplace safety (6) ... (regulate) rely for their effectiveness on employees who are willing to report job (7) ... (dangerous), most laws also prevent employers from firing or discriminating against employees who report (8) ... (safe) conditions to proper authorities.

Workers' compensation laws are designed to ensure that employees who are (9) ... (injure) or (10) ... (disable) on the job are provided with fixed (11) ... (money) awards, eliminating the need for litigation. These laws also provide benefits for (12) ... (depend) of those (13) ... (work) who are killed because of work-related accidents or illnesses. Some laws also provide (14) ... (protect) for employers and fellow workers by limiting the amount an injured employee can (15) ... (recovery) from an employer and by eliminating the (16) ... (liable) of co-workers in most accidents.

2.11 What laws govern employment in Ukrainian jurisdiction? Do they regulate the same areas (sex discrimination, race relations, disability, health and safety and employee rights in general) that the UK laws regulate?

2.12 Complete the sentences below using the following prepositions: *against (x2), to (x2), under, via, from (x2), in, of, off, on (x2), with*

1. It is unlawful for a person to discriminate ... another based on sex or marital status in the hiring process and in respect of the terms and conditions of employment.

2. After the employee is hired, protection is generally provided ... the Employment Rights Act 1996.

3. A voluntary arbitration procedure in unfair dismissal cases is available ... employers and employees as an alternative ... the traditional way of resolving such cases ... employment tribunals.

4. Solicitors are not immune ... employment law cases being brought ... them.

5. The employees successfully claimed that they were victims ... sex discrimination and that the discriminatory culture pervading the firm prevented women ... becoming senior partners.

6. The whole discrimination industry will take ... in the next four or five years because of so much legislation ... the pipeline.

7. One directive would deal with outlawing discrimination ... the grounds of race and ethnicity.

8. Once passed, the directives would immediately become binding ... EU member states.

2.13 Choose the correct word. These sentences are part of the UK Employment Rights Act 1996. In each case, choose the correct word or phrase to complete them.

An employee who *waives / intends / submits* to return to work earlier than the end of her maternity leave period shall give to her employer not less than seven days' *information / provision / notice* of the date on which she intends to return.

If an employee attempts to return to work earlier than the end of her maternity leave period without *complying with / referring to / relying on* subsection 1, her employer shall be *entitled to / subject to / requested* to postpone her return to a date such as will secure, subject to subsection 3, that he has seven days' notice of her return.

An employer is not entitled *to / under / in* subsection 2 to postpone an employee's return to work to a date after the end of her maternity leave period.

2.14 Complete this text, in which a lawyer explains to a client what an employment tribunal is, using the following verbs: *awarded, decide, dismissed, file, goes, heard, includes, incurred, issue, pay, resembles*.

If you think you have been unfairly 1) *dismissed* from your job, you can 2) ... a claim for your case to be 3) ... by an employment tribunal. A tribunal 4) ... a court, although it is more informal. It hears different types of complaints from employees. If your complaint 5) ... to a hearing, it will be heard by a panel of three people, which typically 6) ... the chair, who is a qualified legal practitioner, and two non-legally qualified members, who may have experience as employers or union representatives, for example. The tribunal will 7) ... whether your dismissal was unfair or not. If your case is successful, the tribunal will also decide whether compensation should be 8) ..., and if so, how much. The tribunal may 9) ... a cost order, requiring the claimant or the respondent (employer) to 10) ... the costs 11) ... by the other party.

2.15 Read the text and fill in the missing words: *courts security, law, deals with, employment, work, distinctive, disability, rights, legislation*.

Labour law, the varied body of 1... applied to such matters as 2..., remuneration, conditions of 3..., trade unions, and industrial relations. In its most comprehensive sense, the term includes social 4... and 5... insurance as well. Labour law 6... the statutory requirements and collective relationships that are increasingly important in mass-production societies, the legal relationships between organized economic interests and the state, and the various 7... and obligations related to some types of social services.

Labour law has won recognition as a 8... branch of the law within the academic legal community, but the extent to which it is recognized as a separate branch of legal practice varies widely depending partly on the extent to which there is a labour code or other distinctive body of labour 9... in the country concerned, partly on the extent to which there are separate labour 10 ... or tribunals, and partly on the

extent to which an influential group within the legal profession practice specifically as labour lawyers.

2.16 Using the phrases for agreeing and disagreeing presented below, discuss these statements with a partner.

1 Sex discrimination cases will decline as women are now enjoying more equality in the workplace.

2 Drug testing in the workplace is an infringement of an individual's right to privacy, a right which the courts should continue to protect.

3 It is an employer's responsibility to help its employees overcome problems with addiction or substance abuse.

4 Women should be able to resume their careers where they left off after taking time off to bring up a family.

Phrases for agreeing and disagreeing

Exactly!

I agree with you.

That may be true.

I couldn't agree more!

I see your point.

You're absolutely right.

That's not a bad idea

I see what you mean, but I still feel...

I suppose that could be true, however, I think ...

I agree with you to a certain extent, but ...

I totally disagree,

I'm not sure I entirely agree with you on that.

I'm afraid, that's not true.

**UNIT 3
TORT LAW**

3.1 Complete the definition below using the following words: *act, damages, harm, party*

Tort: a wrongful 1) ... that causes 2) ... to another person for which the injured 3) ... may request 4)

3.2 Read the text on tort law and answer these questions.

1 According to the text, what are the two main objectives of tort law?

2. An injured party can sue for damages or for an injunction. According to the text, what types of loss can be compensated by an award for damages?

3. What does the term injunction mean?

4 A manufacturer produces a dangerous toy train. What category of tort is this?

A tort is a civil wrong that can be remedied by awarding damages (other remedies may also be available). These civil wrongs result in harm to a person or property that forms the basis of a claim by the injured party. The harm can be physical, emotional or financial. Examples of torts include medical negligence, negligent damage to private property and negligent misstatements causing financial loss.

There are many specific torts, such as trespass, assault and negligence. Business torts include fraudulent misrepresentation, interference in contractual relations and unfair business practices.

Torts fall into three general categories: intentional torts (e.g. unfair competition), negligent torts (e.g. causing an accident by failing to obey traffic rules) and strict liability torts (e.g. liability for making and selling defective products).

Why some wrongs are dealt with by tort law (or the law of torts) and others considered criminal offences is the subject of some debate. However, there are certainly overlaps between tort law and criminal law. For example, a defendant can be liable to compensate for assault and battery in tort and also be punished for the criminal law offence of assault.

Differences between tort law and criminal law include: the parties involved (the state brings an action in crime, a private individual brings an action in tort); the standard of proof (higher in criminal law); and the outcomes (a criminal action may result in a conviction and punishment, whereas an action in tort may result in liability on the part of the defendant and damages awarded to the claimant¹).

The primary aims of tort law are to provide relief for the harm suffered and deter other potential tortfeasors from committing the same harms. The injured person may sue for both an injunction to stop the tortious conduct and for monetary damages.

Depending on the jurisdiction, the damages awarded will be either compensatory or punitive. Compensatory damages are paid to compensate the claimant for loss, injury or harm. Punitive damages are awarded to punish a wrongdoer. As well as compensation for damage to property, damages may also be awarded for: loss of earnings capacity, future expected losses, pain and suffering and reasonable medical expenses.

¹ (US) plaintiff

VOCABULARY

tort law – деліктне право

civil wrong – цивільне правопорушення

remedy – (n) засіб судового захисту, (v) відшкодовувати

award damages – відшкодовувати збитки, присуджувати відшкодування збитків

damages – збитки, компенсація за збитки

harm – шкода
 property – власність
 claim – позов
 injured party – потерпіла сторона
 medical negligence – медична недбалість
 private property – приватна власність
 misstatement – неправдива заява
 trespass – порушення володіння, зазіхання
 assault – напад, образа
 negligence – недбалість
 fraudulent misrepresentation – навмисне введення в оману
 interference in contractual relations – втручання в договірні відносини
 strict liability torts – делікти суворої відповідальності
 standard of proof – критерій доведення доказів
 conviction – засудження (визнання винним)
 punishment – покарання
 defendant – відповідач, обвинувачений
 claimant – позивач
 tortfeasor – деліквент, правопорушник
 sue (for) – подавати позов, просити про що-небудь.
 tortious conduct – деліктна поведінка
 monetary damages – грошова компенсація за збитки
 compensatory damages – компенсаційні збитки
 punitive damages – штрафні збитки
 loss of earning capacity – втрата працездатності
 pain and suffering – біль і страждання
 medical expenses – медичні витрати

3.3 Match the adjectives (1-6) with the nouns (a-f) they collocate with in the text.

1 civil	a damages
2 contractual	b wrong
3 injured	c misrepresentation
4 fraudulent	d party
5 medical	e relations
6 monetary	f expenses

3.4 Use the collocations you formed in Exercise 3.3 to complete these sentences.

1 While a crime such as murder or shoplifting is a wrong committed against society, a tort is a ... committed against an individual.

2 Torts are handled in the civil courts, where the ... brings an action against the wrongdoer.

3 In most cases, the injured party is entitled to remedies under the law, such as

4 In medical malpractice cases, the damages awarded to the injured party may include lost wages and

5 The tort of ... occurs when one of the parties to a contract makes a false statement about a fact and knows it is not true, and this fact is acted upon.

6. When a person stops parties from entering into a contract, for example, this person is said to interfere in

3.5 What do you think these types of tort mentioned in the text mean: assault, negligence, trespass? What kinds of acts do they cover? Give examples of what someone has to do to be liable for each of these torts in Ukraine.

3.6 Complete these columns by filling in the correct noun and adjective forms of the verbs listed.

verb	noun	noun	adjective
misrepresent	misrepresentation	negligence	
interfere		liability	
settle		intention	
injure		compensation	
sue		procedure	
award		reason	
rule		appeal	

3.7 Quickly read through the case note below of an important tort law case and match the headings (1-6) in the brief with these descriptions (a-f).

A case note¹ is a short summary of the most important information about a case. As such, it is a useful study tool. The format and contents of a case note can vary, but usually it includes the following sections: case, facts, procedural history, legal issue, ruling and reasoning.

- a relevant point of law
- b information about the parties and the case
- c what the court decided
- d what happened
- e why the court came to that decision
- f how the lower courts decided

1 CASE: Palsgraf v The Long Island Railroad Company. 248 N.Y. 339; 162 n.e. 99; Court of Appeals Of New York [1928]

2 FACTS: Plaintiff² was standing on a platform of defendant's railroad when a train moved off from the platform. Even though it was already moving, a passenger ran to catch the train. The man, who was carrying a package wrapped in paper,

appeared to lose his balance while trying to board the moving train. An employee of the railroad reached out to help him. This act caused the package in the man's arm to fall onto the rails. Unknown to the employee, the package contained fireworks. When it fell, the fireworks exploded, causing some large equipment on the platform to strike and injure the plaintiff. The plaintiff sued the railroad, claiming that her injury resulted from the negligence of the employee.

3 PROCEDURAL HISTORY: The trial court found for the plaintiff. Defendants appealed, and the appellate court affirmed the judgment. The railroad then appealed to this court.

4 LEGAL ISSUE: Did the railroad's negligence proximately cause plaintiff's injuries?

5 RULING: No. The Court of Appeals of New York reversed the decision.

6 REASONING: Negligence is not a tort unless it results in the commission of a wrong. If the harm was not deliberate, it must be shown that the act could have been dangerous. Since in this case the harm to the plaintiff was not wilful on the part of defendant, it had to be shown that the act of dropping a package had the apparent possibility of danger. As there was nothing on the outside of the package which would cause the reasonable person to believe it contained explosives, there was no negligence. It was the explosion that was the proximate cause of plaintiff's injuries, an act which could not have been foreseen. Therefore the railroad was neither negligent nor the proximate cause of plaintiff's injuries. The judgment of the appellate court was reversed.

¹ (US) case brief

² (UK) claimant (The word plaintiff was also used in English law until the new Civil Procedure Rules (CPR) came into force in April 1999.)

3.8 Read sections 1 and 2 of the case note and answer these questions.

What is the name of the case?

Who is the defendant?

Who is the claimant?

What is the defendant alleged to have caused?

3.9 Read the rest of the note and answer these questions.

What was the lower court ruling?

What happened when the case was appealed?

The word proximate means 'direct' or 'immediate'. What did the court determine is the proximate cause of the injury?

3.10 The procedural history section tells what happened when the case was tried in the lower courts. Other sections of a case note give information about the decision of the highest court at which the case was tried. Which sections of the case note above contain this information?

3.11 Find words in the case note above to complete these definitions. You may need to change the verb forms.

1 The person who brings an action in a court of law is called the

2 The person against whom an action is brought in a court of law is known as the

3 When a case is decided in favour of a certain party, the court ... that party.

4 To bring a case before a higher court so that it can review the decision of a lower court is to ... a case.

5 A court which hears appeals from lower courts is called an ... or a

6 When a court states that a judgment of a lower court is true, it ... that judgment.

7 When a court changes the judgment of a lower court to its opposite, it ... that judgment.

3.12 With a partner discuss the phases in the procedural history of the *Palsgraf v. The Long Island Railroad Company* case and agree on a simple account of what happened in the courts.

3.13 Discuss what you think might have happened if this case had been brought to court in Ukrainian Jurisdiction.

3.14 Complete the excerpt below from a case brief using the following verbs: *affirmed, appealed, awarded, found for, found that, reversed, sued*.

CASE: *Ventricelli v. Kinney Systems Rent a Car, Inc.*

FACTS: Kinney rented a car that had a defective trunk. He and a friend were standing on the street, trying to get the parked car's trunk shut, when someone named Maldonado crashed his car into Ventricelli.

PROCEDURAL HISTORY: Ventricelli 1) ... Kinney for negligence. The Trial Court 2) ... Ventricelli and 3) ... him \$550 K. Kinney 4)The Appellate Court 5) ... and dismissed the case. Ventricelli appealed. The New York Supreme Court 6) ... the Appellate Court and dismissed the case. The New York Supreme Court 7) ... while Kinney's negligence was a cause of the accident, it was not the proximate cause.

3.15 Give a summary of the case brief using the verbs from Exercise 3.14.

UNIT 4 COMPANY LAW

4.1 Can you answer these questions?

What does company law deal with?

What aspects of company law have you studied?

4.2 Read the text and decide whether these statements are true (T) or false (F).

1 Under the law, a company and its members are distinct legal personalities.

2 Company members are generally not personally responsible for the money owed by the company.

3 A certificate of incorporation is issued when the proper documents for company formation have been filed.

4 The memorandum of association of a company contains regulations relating to the internal affairs of a company.

1. B. What are the main differences between a sole proprietor; a partnership and a publicly listed company?

Company law¹ is the law which deals with the creation and regulation of business entities. The most common forms of business entity are companies and partnerships.

A company² is a group of people which is treated as a legal person, with a separate identity from its shareholding members. It can own property, enter into contracts; sue others and be sued. This contrasts with a partnership, which is not considered to be a legal person and is not able to own property in its own name.

Because of the limited liability of the members of a company for its debts, as well as its separate personality and tax treatment, the company has become the most popular form of business entity in most countries in the world.

Companies have an inherent flexibility which can let them grow; there is no legal reason why a company initially formed by a sole proprietor cannot eventually grow to be a publicly listed company, but a partnership will generally have limited number of partners.

A company has shareholders (those who invest money in it and get shares in return), a board-of directors (people who manage the affairs of the company) and creditors (those to whom the company owes money). Company law deals with the relationships between companies and their shareholders, creditors, regulators and third parties.

The process of registering a company is known as company formation.³ Companies can be created by individuals, specialised agents, attorneys or accountants. Today the majority of companies formed in the UK and the USA are formed electronically. In the UK, a certificate -of incorporation is issued once the company's constitutional documents and statutory terms have been filed. 4

The constitution of a company consists of two documents. The memorandum of association⁵ states the principal object of the company. The second document, the articles of association,⁶ regulates the company's internal management and administrative affairs, including matters such as the rights and obligations of shareholders and directors, conduct of meetings and corporate contracts.

1 (US) corporation(s) law

- 2 (US) corporation
- 3 also company registration (UK) and incorporation (US)
- 4 (US) generally no official certificate is issued
- 5 (US) articles of incorporation or certificate of incorporation (US)
- 6 (US) bylaws

VOCABULARY

business entity – суб’єкт господарювання

partnership – товариство

shareholding member – акціонер

own property – володіти майном

sue – позиватися, подавати позов

limited liability – обмежена відповідальність

debt – борг

4.3 Complete the sentences below dealing with company law using the following verbs: *enter into, has, invests, is, makes, manages, monitor, owes, own, owns, serves on, sue.*

- 1 A legal person ... rights and duties under the Law just like a natural person.
- 2 The board of directors ... the affairs of the company and ... company policy.
- 3 A company can ... property, ... contracts and ... other persons.
- 4 A shareholder ... money by buying shares in a company.
- 5 A company director ... the governing board of a corporation.
- 6 A creditor of a company is a person or entity to whom the company ... a debt.
- 7 Regulators ... the activities of companies to ensure that they comply with the law.
- 8 A sole proprietor ... a company and ... personally liable for its debts.

4.4 Word formation.

verb	noun
form	formation
	registration
	incorporation
regulate	
	enforcement
wind up	
	dissolution
	funding

4.5 All of the verbs in Exercise 4.4 collocate with the word company except one. Which one is it?

4.6 Match the adjectives (1-6) with the nouns they commonly collocate with (A-F).

1 limited	A party
2 sole	B documents
3 third	C liability
4 constitutional	D funding
5 corporate	E company
6 publicly listed	F proprietor

4.7 Use the collocations in Exercise 4.6 to complete these sentences.

1. ... is attractive to investors, as it greatly reduces their personal financial risks.
2. Once you have filed the required statutory forms as well as the ... with Companies House, a certificate of incorporation will be issued to you.
3. If you decide to form an unincorporated business yourself, you will be what is known as a
4. The ... on which many researchers depend is sometimes considered ethically problematic.
5. All motor insurance policies now automatically give ... cover throughout the EU.
6. If a business offers its shares for sale to the general public, it is known as a

UNIT 5 CRIMINAL LAW

5.1 A crime is any act, or omission of an act, in violation of a public law. There are many different crimes or offences. How many of the offences in the box do you know? Choose four and tell a partner what you think they are. Then look up any words you don't know in a dictionary.

armed robbery, arson, assault, battery, bribery, burglary domestic violence, drug trafficking, drunk driving, embezzlement, extortion, forgery, fraud, homicide, insider dealing, joyriding, kidnapping, larceny, manslaughter, money laundering, obstruction of justice, rape, shoplifting, stalking, tax evasion, theft, vandalism

5.2 Match the criminal with the definition.

1	an arsonist	a	tries to enforce his political demands by carrying out or threatening acts of violence
2	an assassin	b	marries illegally while being married already
3	a blackmailer	c	takes things which do not belong to him

4	an embezzler	d	takes things from a shop without paying
5	a forger	e	attacks and robs people especially in public places
6	a fraud or con man	f	steals government secrets
7	a hijacker	g	steals from houses or offices
8	a mugger	h	brings goods into one country from another illegally
9	a kidnapper	i	hunts illegally on somebody else's land
10	a pickpocket	j	makes false money or documents
11	a smuggler	k	damages other people's property on purpose
12	a terrorist	l	seizes aeroplanes
13	a bigamist	m	takes people hostage for a ransom
14	a shoplifter	n	pretends or claims to be what he is not
15	a poacher	o	steals from banks or trains
16	a burglar	p	kills for political reasons or reward
17	a robber	q	steals from his own company
18	a spy	r	sets fire to property
19	a thief	s	steals purses and wallets
20	a vandal	t	gets money by threatening to disclose personal information

5.3 Fill in the missing word(s).

1. The arsonist had s ... f... to six homes before he was finally caught and s... to fifteen years in prison.
2. "If you want me to keep my mouth shut, it'll cost you 5,000\$," he whispered. "Don't try to b... me?" she said.
3. Secret service agents quickly disarmed the men who had tried to a... the country's leader.
4. With dynamite strapped to his chest, he h... the plane and ordered that it fly to his country.
5. The young boy tried to p... the old man's p... but the security guard saw what he was doing.
6. The shop detective caught him s... and held him until the police arrived.
7. The museum was v... by a gang of young boys who covered the walls with graffiti.

5.4 Read the text and answer these questions.

1. How do criminal law cases and civil law cases differ in the way they are initiated?
2. Name the four most common categories of criminal offence.
3. In what way is the standard of proof different for criminal and civil cases?

4. What is the difference between a felony and a misdemeanour? Does your jurisdiction make such a distinction?

Criminal Law

Criminal law, sometimes (although rarely) called penal law, involves the prosecution by the state of a person for an act that has been classified as a crime. This contrasts with civil law, which involves private individuals and organisations seeking to resolve legal disputes. Prosecutions are initiated by the state through a prosecutor, while in a civil case the victim brings the suit. Some jurisdictions also allow private criminal prosecutions.

Depending on the offence and the jurisdiction, various punishments are available to the courts to punish an offender. A court may sentence an offender to execution, corporal punishment or loss of liberty (imprisonment or incarceration); suspend the sentence; impose a fine; put the offender under government supervision through parole or probation; or place them on a community service order.

Criminal law commonly proscribes - that is, it prohibits - several categories of offences: offences against the person (e.g. assault), offences against property (e.g. burglary), public-order crimes (e.g. prostitution) and business, or corporate, crimes (e.g. insider dealing).

Most crimes (with the exception of strict liability crimes such as statutory rape¹ and certain traffic offences) are characterised by two elements: a criminal act (*actus reus*) and criminal intent (*mens rea*). To secure a conviction, prosecutors must prove that both *actus reus* and *mens rea* were present when a particular crime was committed.

In criminal cases, the burden of proof is often on the prosecutor to persuade the trier (whether judge or jury) that the accused is guilty beyond a reasonable doubt of every element of the crime charged. If the prosecutor fails to prove this, a verdict of not guilty is rendered. This standard of proof contrasts with civil cases, where the claimant generally needs to show a defendant is liable on the balance of probabilities (more than 50% probable). In the USA, this is referred to as the preponderance of the evidence.

Some jurisdictions distinguish between felonies (more serious offences, such as rape) and misdemeanours (less serious offences, such as petty theft). It is also worth noting that the same incident may sometimes lead to both a criminal prosecution and an action in tort.

¹ *In many jurisdictions, it is illegal for anyone to have sexual intercourse with a minor. This is a strict liability crime: the offender will still be guilty of a crime even if he or she believed the partner was of legal, consenting age.*

VOCABULARY

prosecution – обвинувачення, судове переслідування
seek to resolve disputes – намагатися вирішити спори

prosecutor – прокурор, обвинувач
 victim – потерпілий
 bring a suit – порушувати позов
 offence – правопорушення, злочин
 punishment – покарання
 sentence – засуджувати, виносити вирок
 execution – смертна кара
 corporal punishment – тілесне покарання
 imprisonment – ув'язнення
 suspend – тимчасово призупиняти
 impose a fine – встановлювати штраф
 parole дострокове або умовне звільнення
 probation – умовне засудження
 proscribe – оголошувати поза законом
 prohibit – забороняти
 criminal act – злочинна дія
 criminal intent – злочинний умисел
 conviction – засудження, визнання вини
 prove - доводити
 burden of proof – тягар доведення
 render a verdict – виносити вердикт
 preponderance of evidence – перевага доказів
 felony – фелонія (тяжкий кримінальний злочин)
 misdemeanour – місдімінор (правопорушення)

5.5 Match the verbs (1-6) with the nouns they collocate with in the text (a-f).

1 commit	A suit
2 resolve	B an offender
3 bring	C a verdict
4 render	D a crime
5 sentence	E a sentence
6 suspend	F a dispute

5.6 Look at each of the verb-noun pairs in Exercise 4 and, with a partner, take turns to discuss who typically carries out each of the actions: an offender, a victim, a lawyer, the court or a judge. For each collocation there is more than one possible answer.

5.7 What is the difference between a crime and a tort? Complete the extract below from a law textbook by using the following verbs: *are tried, is*

brought, is committed, is committed, is fined, is punished, is put, is resolved, was caused

A crime is a wrong which 1) ... against society. The wrongdoer 2) ...: he or she 3) ... in prison or 4) ... a sum of money. A tort, on the other hand, is a wrong which 5) ... against an individual. The injured party can sue the wrongdoer and receive damages from the court. Criminal sanctions exist to make society safer and to keep people from committing certain acts. Tort remedies exist to make the injured party whole again for the harm which 6) ... by the wrongdoer.

A key difference between the two is that a crime requires a criminal intent (mens rea), whereas a tort can result without intent to cause harm on the wrongdoer's part.

Crimes 7) ... in the criminal courts. An action 8) ... by a governmental body against the wrongdoer. A tort, conversely, 9) ... in the civil courts; the injured party brings an action against the wrongdoer.

5.8 Match the following sentence halves to form explanations of punishments which are available to the courts. Why do you think the passive is used in these examples?

1	When someone is sentenced to execution	a	they are put in prison for a crime.
2	When someone is placed on a community service order	b	they are given a period of time when they must behave well and not commit any more crimes in order to avoid being sent to prison.
3	When someone is sentenced to imprisonment,	c	they have to pay an amount of money as a punishment for breaking a law.
4	When someone is put on parole,	d	they are killed as a legal punishment for a crime.
5	When someone is put on probation,	e	they are released before their prison sentence is finished, with the agreement that they will behave well.
6	When someone is fined,	f	the court requires an offender to perform unpaid work in their spare time and to contribute to their community.

5.9 Give a short presentation on the main differences between a crime and a tort. Include these points: the parties, the outcomes, the terminology and procedure and the standard of proof. Refer to your own jurisdiction in your presentation.

5.10 Match the halves of the sentences.

WHO	WHAT
The police interrogate	arrests, searches and seizures.
The police carry out	on the sentence to be imposed.
The magistrate sometimes conducts	over the court.
The prosecutor conducts	suspects and witnesses.
The suspect has the right	the case in court on behalf of the police
The suspect is innocent	the investigation in cases of serious criminal offence.
The defence counsel assists	the suspect from violations of his rights at the hands of law-enforcement personnel.
The defence counsel protects	the suspect in gathering exonerating evidence.
The judge presides	to remain silent.
The judge decides	until proved guilty.
The jury decides	whether the accused is guilty or not.

5.11 Go through the list of offences and decide which are major and which are minor. Then look at the forms of punishment and decide which is appropriate for each offence. Write sentences as in the example.

Offences

1. murder
2. hijacking an aircraft
3. kidnapping
4. littering
5. writing graffiti on a public building
6. stealing a car
7. pickpocketing
8. stealing sweets
9. making noise late at night
10. being on a bus without a ticket
11. violent behaviour in a football stadium
12. toxic waste pollution

Punishment

to be sentenced to life imprisonment, to be sent to prison, to be fined a large/small amount of money, to be given a suspended sentence, to do community service, to be given a warning

e.g. Murder is a **major** offence. I think that someone who murders somebody **should be sentenced to life imprisonment.**

5.12 Put the following stages into the correct sequence.

acquittal of accused	conviction of accused
appeal against judgement	interrogation of witnesses
appearance in court	<i>investigation by police</i>
apprehension of suspect	release on bail
charge of suspect	sentence by judge

1. *investigation by police*
investigation of suspect
2. _____
3. _____
remand in custody
4. _____
interrogation of accused and
5. _____
6. _____
decision of jury
judgement of judge
7. _____
8. _____
9. _____
10. _____

5.13 Discuss the punishments listed in Exercise 5.11 with a partner. Which are the most effective? Which are the least effective? Give reasons for your answers.

5.14 Fill in the missing words: *penalty, sentence, defendant, violence, prosecutor, conspiracy, to accuse, judge, the evidence.*

1. The ... tried to claim that it was self-defence.
2. The offence carries a life
3. He ... of murdering his wife's lover.
4. She has been charged with ... to murder.
5. The sale of alcohol to minors is unlawful.
6. ... may not necessarily result in injury or death.
7. He served as ... at the baking contest.
8. The tape recordings provided ... with
9. The maximum ... provided for this offence is five years in prison.

5.15 Read the text and answer the following questions:

Family violence: good behavior bond without conviction

This is a case of family violence resulting in a good behavior bond without conviction.

Our client was a 28-year old male who appeared before the court for the very first time in his life. He pleaded guilty to recklessly causing injury to his partner and criminal damage in relation to a window which he broke.

The allegation was that he shook his girlfriend and then threw her back onto the bed with such force that she landed on the window sill and had significant bruising to her eye. Images of the bruising were tendered to the court. The incident was considered family violence.

Our client had been in a relationship with his partner for a period of 8 months and they had moved in together. There were significant trust issues between the pair. The argument began as a verbal dispute on the day of the incident however as emotions heightened, the dispute escalated into a physical altercation.

Dee Giannopoulos represented the client at the Melbourne Magistrates' Court. The charges were:

- Recklessly Cause Injury
- Unlawful Assault
- Wilful Damage

We advised our client to obtain a significant amount of character references that spoke to his good character. These references, including at least 5 from females who knew him well, were tendered to the Court.

The magistrate accepted that our client was of good character. He commented that if there were women willing to put their names to references to be used in a plea on family violence, this speaks volumes about our client in the community.

His Honour ultimately proceeded to sentence our client to a six-month good behaviour bond without conviction. This is an extremely good penalty for a matter categorised as family violence where injuries were sustained.

1. What is this case about?
2. What did he plead guilty?
3. What was a presumable reason of his aggression?
4. What did an attorney of defense recommend?
5. Was he sent to prison? What was the verdict?

UNIT 6 COMMERCIAL LAW

6.1 Commercial law is the body of law that governs trade and commerce. Discuss these questions in small groups.

1. What bodies of law govern commerce in your jurisdiction?
2. How would a contract dispute between two companies from different jurisdictions be settled?

3. Which international bodies do you know that set guidelines for commercial transactions?

6.2 Read the text below and decide whether these statements are; true (T) or false (F).

1. Commercial law is a general term for a number of diverse areas of the law which regulate trade and commerce.
2. Contentious work includes the drafting of contracts and advising clients.
3. The Uniform Commercial Code applies to commercial transactions in all of the member nations of the European Union.
4. The World Trade Organisation checks to see if countries follow the trade agreements they have signed.

Commercial Law

Commercial law deals with issues of both private law and public law. It developed as a distinct body of jurisprudence with the beginning of large-scale trade, and many of its rules are derived from the practices of traders. Specific law has developed in a number of commercial fields, including agency, banking, bankruptcy, carriage of goods, commercial dispute resolution, company law, competition law, contract, debtor and creditor, sale of goods and services, intellectual property, landlord and tenant, mercantile agency, mortgages, negotiable instruments, secured transactions, real-property and tax law.

The work of a commercial lawyer may involve any aspect of the law as it relates to a firm's business clients, and the role of the lawyer is to facilitate business clients' commercial transactions. It is essential for a commercial lawyer to have not only a good knowledge of a lot of substantive law, but also a thorough understanding of both contemporary business practices and the particular business needs of each client.

A commercial lawyer may be asked to advise a client on matters relating to both non-contentious and contentious work. Non-contentious work largely involves advising clients on the drafting of contracts, whereas contentious work commonly involves the consequences of breach of contract.

Many jurisdictions have adopted civil codes that contain comprehensive statements of their commercial law, e.g. the Uniform Commercial Code (UCC), which has been generally adopted throughout the USA. Within the European Union, the European Parliament and the legislatures of member nations are working to unify their various commercial codes.

A substantial amount of commercial law is governed by international treaties and conventions. The United Nations Commission on International Trade Law (UNCITRAL) regulates international trade in cooperation with the World Trade Organisation (WTO). The WTO is responsible for negotiating and implementing new trade agreements, and is in charge of policing member countries' adherence to these agreements, which are signed by the majority of the world's trading nations and

ratified by their legislatures (for example, Parliament in the UK or Congress in the USA).

VOCABULARY

agency – представництво

banking – банківська справа

bankruptcy – банкрутство

carriage of goods – перевезення товарів

commercial dispute resolution – вирішення торгового спору

competition law – закон про конкуренцію

intellectual property – інтелектуальна власність

landlord – орендодавець

tenant – орендатор

mercantile agency – торгова агенція

mortgage – іпотека. закладна

negotiable instruments – оборотні документи

secured transaction – забезпечена іпотека

real property – нерухомість

tax law – податкове право

facilitate – сприяти, здійснювати допомогу

commercial transaction – комерційна угода, операція

substantive law – матеріальне право

(non)-contentious – (не)спірний

draft a contract – скласти контракт

breach of contract – порушення контракту

comprehensive statement – всеосяжне положення

the Uniform Commercial Code – Єдиний торговий кодекс

unify – уніфікувати, об'єднувати

international treaty – міжнародна угода

the World Trade Organisation – Всесвітня торгова організація

negotiate – вести переговори

implement – виконувати, впроваджувати

adherence – суворе дотримання

6.3 Look at the areas of activity in commercial law mentioned in the first paragraph of the text above and answer these questions.

1. Which field deals with the legal rights associated with products of the mind, such as patents, copyrights and trademarks?
2. Which field involves the laws and regulations governing market behaviour, particularly agreements and practices that restrict free enterprise?
3. Which institution deals with the supply of credit information about business organisations to other businesses and financial institutions?

4. Which field is concerned with the legal relationships between the shipper (or owner) of goods, the carrier, and the receiver/consignee of goods?
5. Which field focuses on the laws regulating money paid to the government in connection with commercial transactions?

6.4 Choose the correct word or phrase to complete these definitions.

1. 'Agency' is the term for the relationship of a person who acts *in addition to / on behalf of / on account of* another person, known as the principal.
2. Bankruptcy is when someone cannot pay what they owe / own / won, and all their property is surrendered to a court-appointed person who liquidates the property to pay the claims of *creditors / owners / debtors*.
3. A secured transaction is a loan or credit *translation / transaction / termination* in which the *lender / loaner / debtor* acquires a security interest in certain property owned by the borrower and has the right to repossess the property if the borrower cannot pay.
4. Negotiable instruments are documents which represent a right of *charge / payment / credit* for a specified sum of money on demand or at a defined time.

6.5 Below are the main areas of commercial law. Match each branch to the contents it covers.

Banking; Bankruptcy; Commercial Law; Consumer Credit; Contracts; Debtor and Creditor; Landlord and Tenant, Mortgages, Negotiable Instruments, Real Estate Transactions, Sales Secured Transactions.

1. These regulations establish which institutions may offer credit and debit facilities. Banking
2. This law provides for the development of a plan that allows a debtor, who is unable to pay his creditors, to resolve his debts through the division of his assets among his creditors.
3. This branch of law governs the broad areas of business, commerce, and consumer transactions.
4. This law regulates how consumers may finance transactions without having to pay the full cost of the merchandise at the time of the transaction.
5. This law covers promises that the law will enforce. It provides remedies if a promise is breached.
6. This law governs situations where one party is unable to pay a monetary debt to another.
7. This law governs the rental of commercial and residential property. The basis of the legal relationship between the parties is grounded in both contract and property law.
8. This transaction involves the transfer of an interest in land as a security for a loan or other obligation. It is the most common method of financing real estate transactions.

9. These are 'unconditioned writings' that promise or order the payment of a fixed amount of money. Drafts and notes are the two main categories.

10. The agreement to sell between a buyer and seller is governed by the general principles of contract law. It is normally required that these types of contract be in writing.

11. This branch of law regulates every phase of a transaction the sale of goods and provides remedies for problems that may arise. It provides for implied warranties of merchantability and fitness.

12. This interest arises when in exchange for a type of loan a borrower agrees, in a security agreement, that a lender (the secured party) may take specified collateral owned by the borrower if he should default on the loan.

6.6 Discussion

Internships are very often the first experience young lawyers have of the realities of globalisation in the workplace. Many large legal firms have offices across the globe, employing lawyers of many nationalities.

Discuss these questions with a partner.

1. What do you understand by the term globalisation?
2. What factors have contributed to the globalisation of the world's economies?
3. What are the implications of globalisation for: a) businesses or b) commercial lawyers?

6.7 Reading

Most companies engaged in international trade make use of agents to represent them abroad. The relationship between agent and principal is commonly governed by a commercial agency agreement, and the European Union has sought to harmonise¹ its member states' agency laws in order to give agents greater protection.

This text is taken from the introduction to a document written to inform lawyers about recent changes in the law concerning commercial agency agreements.

¹ *Harmonisation is the process by which different states adopt the same laws.*

Read the text and decide whether these statements are true (T) or false (F).

1. Under EU law, a commercial agent is a person who sells goods and services on behalf of a principal.
2. Agents are generally paid a flat rate; that is, a charge that is the same for everyone.
3. Principals will often abandon agency agreements once a customer base becomes established.

Role of commercial agents

The role of commercial agents is well known. They act as independent intermediaries representing their principals in the market. A commercial agent is defined by EU Directive 86/653 as a person 'who is a self-employed intermediary having continuing authority to negotiate the sale or purchase of goods (but not services) on behalf of his principal or to negotiate and conclude such transactions on

behalf of and in the name of his principal. They do not buy products from their principals, but arrange sales directly from their principals to the customer. For the provision of this service, commercial agents are typically paid a commission by their principals; calculated as a percentage of the sale price of the product to the customer.

Commercial agency is of particular importance in international trade. It provides a convenient structure enabling a foreign supplier to penetrate an overseas market. By using the services of an agent established in the targeted overseas market, the principal can benefit from the knowledge and local connection of the agent, avoid the investment and commitment of managerial resources required by the establishment of a branch or subsidiary and, by taking advantage of the agent's services on a commission basis, can effectively test the overseas market on a 'no cure, no pay' basis.

But the position of the commercial agent is vulnerable. Because of the agent's role as intermediary, the principal necessarily has perfect knowledge of the customers procured by the agent. As sales volumes build, the temptation for the principal to circumvent the agent and enter into direct relationships with customers can often become overwhelming against the background of an increasing commission bill, often fuelled by repeat orders from the same customers. It is commonplace, therefore, for the commercial agent to find his relationship with his principal brought to an end precisely at the moment where the agent's efforts have resulted in the establishment of a significant new customer base for the principal in a new market. In this way, the agent becomes the victim of his own success and the principal takes advantage of the goodwill in the principal's product, created largely as a result of the agent's efforts.

6.8 Read the text again and answer these questions.

1. Why is commercial agency important for international trade?
2. How do commercial agents sometimes become 'victims of their own success'?

6.9 Match these words and phrases from the text (1-4) with their definitions (a-d)

1 commission	a when payment is only made following a positive result
2 intermediary	b the benefit a business gets from having a good reputation
3 a 'no cure, no pay' basis	c someone who carries messages between people who are unable to meet
4 goodwill	d payment to someone who sells goods which is directly related to the amount of goods sold

6.10 Read the text and decide whether statements are true (T) or false (F).

This is a case involving the withdrawal of a charge of armed robbery. Other charges include causing injury offences and theft of motor vehicle. Our client is 16 years of age and was charged with armed robbery, causing injury offences and theft of motor vehicles. The charges related to an incident occurring in the early hours of the morning where someone's car was stolen in a manner that has been described in the media of late as a 'carjacking'. It was alleged that our client and a few other young men were driving around in two stolen cars. They allegedly planned to 'hijack' and steal a luxury car which eventually occurred.

The victim was driving home from work when his car was hit in an intersection by a car travelling behind him. The victim detailed that several people got out of the car, assaulted him, and then took his car.

Our client was arrested on the same night as these offences took place, on the other side of town having been observed in the car stolen from the victim. During his interview, our client admitted that prior to the incident, he was driving around with others and that he was present at the scene where the armed robbery occurred. He admitted that there was a plan to steal a car but denied any involvement in approaching the victim or conduct amounting to an armed robbery. The victim was not able to positively identify anyone involved. Kate Ballard represented the client at the Moorabbin Children's Court on the charge of armed robbery. She was ultimately successful in withdrawing the charge of armed robbery and the causing injury offences.

We maintained that the prosecution would not be able to prove an armed robbery and that the matter should settle on charges of theft of motor vehicle. Aside from our client's own admissions, the prosecution did not have a great deal of evidence connecting our client to the armed robbery. Armed robbery is one of the most serious offences known to the criminal law and attracts significant penalties, even in the Children's Court jurisdiction. Our client is 16 years of age and has no criminal history. As such, it was very important to keep the criminal charges that would now appear on his record to an absolute minimum. Ultimately the prosecution agreed to settle the matter, withdrawing the charge of armed robbery and injury offences and our client pleading guilty to theft of motor vehicle charges. Given the positive manner in which the charges have resolved, he is now able to receive a much lighter penalty and to move on with his schooling and family life.

1. The case is about driving away a car and a cruel murder of the car driver.
2. The client acted in the conspiracy with some other delinquents.
3. The criminal offence took place in the morning when the victim was going to work.
4. The young man was detained the same day.
5. The client confessed that he assaulted the victim with arms.
6. The victim recognized his offenders during cross-examination.
7. Proofs connecting the client with the crime were obvious.
8. Armed robbery is one of the most serious criminal misdemeanors.

9. The client had already been accused of a similar crime.
10. The client was sentenced to a long-term incarceration.

6.11 Read and understand the issues.

The crimes of theft, robbery, and burglary are commonly lumped together because most people believe they involve the unlawful taking of someone else's property. While theft and robbery are very similar crimes that involve the taking or attempted taking of personal property, burglary is slightly different. Let's take a look at each of these crimes, what they have in common, and how they differ.

Theft

Theft is sometimes known as larceny, petty theft, grand theft, or by similar names, depending on the state in which you live and the circumstances of the crime. Theft is one of the most commonly committed crimes. To commit a theft, you have to take someone else's property without the owner's consent and with the intention to permanently deprive the owner of its use or possession.

- **Property.** Theft involves the taking of personal, tangible property. You can't be convicted of theft if, for example, you try to take someone else's land, even though other criminal charges might apply. Theft usually involves money, physical goods, or any other physical object you can move or transport.
- **Wrongful.** When you commit a theft, you act against the owner's interests. Taking an object with the owner's permission is not theft, unless you use deceit or trickery to try to convince the owner to allow you to have control over the item. For example, if your friend gives you her bicycle because you asked to borrow it, this isn't theft. However, it is theft if you ask to borrow the bicycle and intend not to return it.
- **Deprive.** To commit a theft you must take property with the intent to permanently deprive the owner of it, at the time of taking.

Robbery

Theft is taking something that doesn't belong to you, but a robbery is taking something *from a person* and using force, or the threat of force, to do it. Robbery, like theft, involves taking someone's property without the owner's consent, but it has some elements that theft doesn't require.

- **Person.** You cannot commit a robbery unless you take something from someone else. This includes taking property that someone else is holding, as well as taking property that is within his or her control. Property within someone else's control includes, for example, property located in a safe that a convenience store employee can access.
- **Violence.** Robbery is a violent crime, but that doesn't mean the victim has to suffer any type of injury. It's enough to commit a robbery if you use any type of force to take property from someone. This includes taking property if you use the threat of violence. It also includes using violence or the threat of violence to take property that is under the victim's control, even though it isn't

necessarily in that person's possession. For example, forcing a bank clerk to open a bank vault to take money is robbery, even though the clerk doesn't physically possess the currency.

Burglary

Though burglary is often a crime that involves theft, you don't necessarily have to take any property to be convicted of this crime. To commit a burglary you must enter a structure or dwelling with the intent to commit a crime within it. You can be convicted without actually committing a crime within the building and the crime you intend to commit does not have to be theft or robbery.

- **Structure.** In past years, burglary crimes most often targeted breaking into someone else's home. Today, burglary laws are much broader. You can commit burglary if you enter into any structure with the intent to commit a crime inside. For purposes of burglary laws, a "structure" includes nonresidential buildings, natural formations such as caves, and even temporary structures such as tents.
- **Breaking.** Some people mistakenly believe that you have to use force or violence to enter a structure in order to commit a burglary, but that isn't the case. You can commit a burglary even if the only force you use to enter a building is pushing open a door or slightly lifting an already unlocked and open window.

Entry. You can be convicted of burglary even if you don't completely enter into a structure. For example, lifting up a window and extending your arm, or an object, to take something from inside is enough to commit a burglary.

6.12 In Ex. 6.11 find out several key words which are characteristic for each type of crime. Are they different? What punishment is conventional for each crime in your country?

UNIT 7

LITIGATION AND ARBITRATION

7.1 Legal disputes can be resolved in the courtroom, but there are other ways of resolving them, as well. What forms of dispute resolution do you know? What procedures do they involve?

7.2. Read the text and decide whether these statements are true (T) or false (F).

1. The term litigation refers only to the hearing or a trial.
2. Mediation differs from arbitration in that the disputing parties are actively involved in the decision-making process.
3. International arbitration developed in response to the need to settle disputes involving more than one jurisdiction.

4. Online dispute resolution requires that the disputing parties meet in person with the arbitrators before a final decision can be made.

Litigation and arbitration

If a dispute is not settled by agreement between the disputing parties, it will eventually be heard and decided by a judge and/or jury in a court. A lawsuit before a court is commonly referred to as litigation. In fact, litigation includes all stages before, during and after a trial.

Litigation may be used to resolve a dispute between private individuals, an individual and a business, or between two businesses. Litigation sometime involves disputes between an individual or business and a government agency, or between two governmental bodies.

In the UK, the majority of pre-trial work is carried out by a solicitor before the case is passed on to a barrister, who will represent either the claimant or the defendant during a hearing or a trial. In the USA, the same attorney may deal with the case from the time the client first makes contact through to the trial and enforcement stages. The steps in between these two stages typically include an attempt to reach a settlement before and/or after filing a lawsuit and pleadings, entering the discovery phase and then proceeding to trial. At end of a trial, the court will deliver its judgment and pass an order, which the winning party's counsel and/or the court may help the winning party to enforce.

Criminal matters are also considered litigation, and many civil litigation lawyers also deal with criminal cases, as well as some forms of alternative dispute resolution (ADR).

The term litigation is sometimes used to distinguish lawsuits from ADR methods such as negotiation, arbitration and mediation. If a case goes to arbitration, the disputing parties refer it to one or more impartial referees (the arbitrators, arbiters or arbitral tribunal); the parties agree to be bound by the referees' decision (e.g. an award for damages). Arbitration is the main form of ADR used by businesses. Mediation involves a type of structured meeting with the disputing parties and an independent third party who works to help them reach an agreement between themselves. In arbitration, a binding decision is imposed by an independent third party. With mediation, the role of the third party is to facilitate negotiation and agreement between the disputing parties.

Arbitration is often used to resolve commercial disputes, particularly those involving international commercial transactions, and it developed historically alongside international trade. The arbitral process for resolving disputes under international commercial contracts is referred to as international arbitration. Arbitration is also used in some jurisdictions to resolve other types of dispute, such as those involving employment-related issues.

Recent years have seen the development of online dispute resolution (ODR). ODR proceedings start with the filing of a claim online, followed by proceedings which take place over the Internet.

7.3 Complete the sentences below using the following words for parties involved in dispute resolution: *arbitration, tribunal, arbitrator, barrister, claimant, court, defendant, disputing parties, solicitor, third party.*

1. In litigation, the ... files a lawsuit against the... .Usually, a ... carries out pre-trial work in preparation of the case, while a ... represents the claimant or defendant in court. When the case has been heard, the ... delivers judgment.

2. In arbitration, an ... or ... decides on the outcome of the case.

3. In mediation, an independent ... helps the ... reach a settlement.

7.4. Match the phases of litigation (1-4) with the descriptions (a-d).

pre-trial phase	a One or both parties gathers evidence about the dispute by taking the testimony of witnesses, examining documents or physical evidence, or requesting evidence from the other side.
discovery phase	b The facts of the case are heard by a judge, or by a judge and a jury. The court delivers a judgment in the case.
trial phase	c The losing party may file post-trial motions to convince the judge to amend the judgment, or may decide to appeal to a higher court. The winning party has the task of collecting the judgment.
enforcement phase	d When a dispute arises, one party will usually have their lawyer send a letter to the other party in an attempt to reach a settlement. This party makes a demand of the other, who will then send a response. Informal discussions often follow. If the parties cannot reach an agreement, formal action may be started and a suit is filed.

7.5. Translate the sentences and pay special attention to the underlined words or phrases.

1. The Constitution of the USA spells out certain protections for the defendant in a criminal case, not to be violated by the governmental agencies.

2. During the arraignment the defendant is free to enter either of the following pleas: a) guilty; b) not guilty; c) insanity; d) double jeopardy; e) no contest.

3. A criminal prosecution begins when the accused is found, or there is probable case to believe that the accused committed the crime.

4. If the jury at a criminal trial is unimpressed by or does not believe the defense of the accused it turns out an unfavorable verdict.

5. The intent to commit a crime by itself and is prosecuted respectively.

7.6 Make the following complete by translating the words or phrases in brackets.

1. A crime consists of two elements (злочинна діяльність) and (вина).

2. There are various definitions of a (злочину) in English literature.

3. Some (злочини, передбачені законом) require no fault at all.
4. Involuntary (просте вбивство) is a crime requiring objective fault.
5. Statutory crimes imposing liability without fault include the sale of adulterated food and sale of alcoholic beverages to a (неповнолітньому)
6. Liability will not begin until the offender (скоює протиправну дію).
7. The actus reus must of course (вчиняється навмисно).

7.7 Complete the following sentences.

1. A crime (це дія, яку законодавство визначає як соціально згубну).
2. Classifications of crime may depend on (серйозності вчинку, який визначається тривалістю покарання або за типом соціальної шкоди) the statute intends (відвертати або стримувати).
3. (Бути винним у кримінальному злочині), it is not necessary (вчиняти навмисний злочин).
4. (Оскільки одній зі сторін може ставитись за провину змова учасників), the criminal act of an agent, (може бути представлено організатору), if the principal shares the agent's intent.
5. (До того як кримінальна відповідальність може набрати чинності), the accused must have intended in some way (кримінальні наслідки своєї дії).
6. (Захист провокування на злочин з метою його викриття) may also be used to escape (кримінальної відповідальності).
7. (Кримінальне переслідування розпочинається) when there is probable cause to believe that (обвинуваченний скоїв злочин).

7.8 Change the sentence by choosing an appropriate synonym from the list below for the underlined words: *an attempt, intended crime, mens rea, dispensed with, defendant, responsible.*

1. To be found guilty of a crime, it is not necessary to commit the intended crime
2. To be found criminal liable, a person must commit a criminal act and also intend to commit the act.
3. An endeavour to commit the crime is punishable as well.
4. This criminal intent requirement isn't in some instances administered by.
5. The accused in a criminal case is entitled to certain prosecutions spelled out in the Constitution.

7.9 Choose the correct definition of the legal terms:

1. *Crime*

- a) is an act that a legislature has defined as socially harmful;
- b) is something your Daddy tells you not to do;
- c) is the official interpretation of a socially unacceptable activity.

2. *Felonies and misdemeanors*

a) are the classification of crime by the type of social harm the statute intends to prevent;

b) are the classification of crime by the time when it was committed;

c) are the classification of crime by the seriousness of the act.

3. *to conspire*

a) is to combine with other people to carry out an unlawful purpose;

b) is to talk to other people about, the possibility of committing an unlawful purpose; c) is to egg on other students to miss the lecture.

4. *Mens rea*

a) is the wrong way of writing the plural of "men";

b) is the premeditation by (he accused, in some way, of the criminal consequences of his act;

c) is the harmful action or failure to carry out one which endangers the safety of other people.

5. *The Defense of Entrapment*

a) is the concept that police may not instigate the crime;

b) is the plea of being framed up by one's own friends (accomplices);

c) is the act of counter entrapment, used by criminals to frame up police officers.

6. *Insanity*

a) is the state of being not-particularly sane;

b) is the state when the person does not fully comprehend what he/she is doing;

c) is the one of the pleas based on the lack of mental capacity.

7.10 Complete the sentences using the following words or word combinations: *wrongdoer; misdeeds; deterrent; retribution; death penalty; corporal punishment; rehabilitate; reform; barbaric; law-abiding; humane; crime doesn't pay.*

What is the purpose of punishment? One purpose is obviously to ... the offender, to correct the offender's moral attitudes and antisocial behavior and to ... him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a ... because it warns other people of what will happen if they are tempted to break the law and prevents them from doing so. However, the third purpose of punishment lies, perhaps, in society's desire for..., which basically means revenge. In other words, don't we feel that a ... should suffer for his ...?

The form of punishment should also be considered. On the one hand, some believe that we should 'make the punishment fit the crime'. Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that For those who attack others should be used. Murderers should be subject to the principle 'An eye for an eye and a tooth for a tooth' and automatically receive the

On the other hand it is said that such views are unreasonable, cruel and ... and that we should show a more ... attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable, ... life.

7.11 Read the text and write down Ukrainian equivalents for the words in bold type. Then introduce them into your own sentences.

Punishment describes the imposition by some authority of **deprivation** – usually painful – on a person who has violated a law, a rule, or other norm. When the violation is of the criminal law of society there is a **formal process of an accusation and proof** followed by **imposition of a sentence** by a designated official, usually a judge. Informally, any organized group – most typically the family, may punish **perceived wrongdoers**.

Because punishment is both painful and **guilt producing**, its application calls for a justification. In Western culture, four basic justifications have been given: retribution, **deterrence, rehabilitation, and incapacitation**.

Most **penal historians** note a gradual trend over the last centuries toward more **lenient sentences in** Western countries.

Capital and corporal punishment, widespread in the early 19th century, are seldom invoked by contemporary society. Indeed, in the United States corporal punishment as such appears to be contrary to the 8th Amendment's restrictions on cruel and unusual punishment. Yet the rate of imprisonment in the United States appears to be growing. Furthermore, since the middle of the 20th century, popular and professional sentiment has taken a distinctly punitive turn and now tends to see retribution and incapacitation – rather than rehabilitation – as goals of criminal punishment.

Criminal sentences ordinarily embrace four basic **modes of punishment**. In descending order of severity these are: **incarceration, community supervision, fine, and restitution**. The death penalty is now possible only for certain types of **atrocious murders** and treason.

Punishment is an ancient practice whose presence in modern cultures may appear to be out of place because it purposefully inflicts pain. In the minds of most people, however, it continues to find justification.

UNIT 8 INTERNATIONAL LAW

8.1 Discuss these questions.

1. What is the difference between public international law and private international law? Which bodies or organisations are involved?
2. How can a nation state be compelled to obey international law? Can you think of any examples of a country that has violated international agreements?

3. What are the consequences if a private individual or company breaks the laws of another jurisdiction?

8.2 Read the text and answer these questions.

1. What are the three main sources of public international law?
2. What are the two principal questions which private international law is concerned with?
3. What is meant by a supranational legal framework?

International law

In its widest sense, international law can include public international law, private international law and, more recently, supranational law. In its narrowest meaning, the term international law is used to refer to what is commonly known as public international law. Private international law is also referred to as conflict of laws. Conflict of laws can also refer to conflicts between states in a federal system, such as the USA.

Public international law is the body of rules, laws or legal principles that govern the rights and duties of nation states in relation to each other. It is derived from a number of sources, including custom, legislation and treaties. Article 2 of the Vienna Convention on the Law of Treaties (1969) defines a treaty as ‘an international agreement concluded between States in written form and governed by international law...’ These treaties may be in the form of conventions, agreements, charters, framework conventions or outline conventions. Custom, also referred to as customary international law, is another binding source of law, and originates from a pattern of state practice motivated by a sense of legal right or obligation. Laws of war were a matter of customary law before being codified in the Geneva Conventions and other treaties.

International institutions and intergovernmental organisations whose members are states have become a principal vehicle for making, applying, implementing, and enforcing public international law, especially since the end of World War II. The best-known intergovernmental organisation is the United Nations, which develops new advisory standards, e.g. the Universal Declaration of Human Rights. Other international norms and laws have been established through international agreements such as the Geneva Conventions on the conduct of war or armed conflict, as well as by other international organisations, such as the World Health Organisation, the World Intellectual Property Organisation, the World Trade Organisation and the International Monetary Fund.

Private international law refers to the body of rights and duties of private individuals and business entities of different sovereign states. It addresses two main questions: 1) the jurisdiction in which a case may be heard, and 2) which laws from which jurisdiction(s) apply. It is distinguished from public international law because it governs conflicts between private individuals or business entities, rather than conflicts between states or other international bodies.

Supranational law, or the law of supranational organisations, refers to regional agreements where the laws of a nation state are not applicable if in conflict with a supranational legal framework. At present, the only example of this is the European Union, which constitutes a new legal order in international law where sovereign nations have united their authority through a system of courts and political institutions. The East African Community, currently a customs union in East Africa, has ambitions to become a political federation with its own form of binding supranational law by 2010.

8.3 The text contains several adjectives formed with prefixes, such as international and intergovernmental. Match these common prefixes (1-6) with their meanings (a-f).

1 bi-	a many
2 inter-	b above, beyond
3 intra-	c two
4 multi-	d between, among
5 non-	e not, other than
6 supra-	f within, inside

8.4 Match these words with prefixes (1-6) with their definitions (a-f)

1 interagency	a neutral, especially towards major powers
2 non-aligned	b involving two groups or two countries
3 non-governmental	c without any participation or representation of a government
4 bilateral	d within the boundaries of a state
5 multinational	e involving several different countries
6 intrastate	f involving two or more agencies, especially government agencies

8.5 Complete the sentences below with the following prepositions: *by, in, on, to (x4), under.*

1 Parties ... a treaty are the States or the International Organisations which have consented to be bound ... the treaty and for which the treaty is ... force.

2 By becoming a signatory ... a convention with 172 other countries, Russia is taking an important step to facilitate anti-smoking legislation.

3 the Convention on the Rights of the Child, persons under the age of 18 years are entitled ... special protection.

4 International laws apply ... the citizens of all signatory nations.

5 The Council of Ministers of the East African Community is a policy organ whose decisions, directives and regulations are binding ... Partner States.

8.6 Read the text and fill in the missing words: *mistake, goods, unaware, defendant, charges, responsible, larceny, ignorance, to steal, offense.*

Ignorance and mistake

In most countries the law recognizes that a person who acts in 1... of the facts of his action should not be held criminally 2.... Thus, one who takes and carries away the 3... of another person, believing them to be his own, does not commit 4 ..., for he lacks the intent 5.... Ignorance of the law, on the other hand, is generally held not to excuse the actor; it is no defense that he was 6... that his conduct was forbidden by criminal law. This doctrine is supported by the proposition that criminal acts may be recognized as harmful and immoral by any reasonable adult.

The matter is not so clear, however, when the conduct is not obviously dangerous or immoral. A substantial body of opinion would permit mistakes of law to be asserted in defense of criminal 7... in such cases, particularly when the 8... has in good faith made reasonable efforts to discover what the law is. In West Germany the Federal Court of Justice in 1952 adopted the proposition that if a person engages in criminal conduct but is unaware of its criminality, that person cannot be fully charged with a criminal 9...; this has since been incorporated as rule in the German criminal code. Law and practice in Switzerland are quite similar. In Austria 10... of law is a legal defense. In the U.S. the Model Penal Code would allow a defense of mistake of law, but this would rarely include a mistake such as the existence or meaning of the law defining the crime itself.

8.7 Give synonyms or definitions for the following words:

charges	defendant	excuse	reasonable	larceny
attorney	crime	conduct	wrongdoer	intent

8.8 Read the text.

Child trafficking

Trafficking in children is a global problem affecting large numbers of children. Some estimates have as many as 1.2 million children being trafficked every year. There is a demand for trafficked children as cheap labour or for sexual exploitation. Children and their families are often unaware of the dangers of trafficking, believing that better employment and lives lie in other countries.

Child trafficking is lucrative and linked with criminal activity and corruption. It is often hidden and hard to address. Trafficking always violates the child's right to grow up in a family environment. In addition, children who have been trafficked face a range of dangers, including violence and sexual abuse. Trafficked children are even arrested and detained as illegal aliens.

UNICEF estimates that 1,000 to 1,500 Guatemalan babies and children are trafficked each year for adoption by couples in North America and Europe. Girls as young as 13 (mainly from Asia and Eastern Europe) are trafficked as "mail-order

brides.” In most cases these girls and women are powerless and isolated and at great risk of violence. Large numbers of children are being trafficked in West and Central Africa, mainly for domestic work but also for sexual exploitation and to work in shops or on farms. Nearly 90 per cent of these trafficked domestic workers are girls. Children from Togo, Mali, Burkina Faso and Ghana are trafficked to Nigeria, Ivory Coast, Cameroon and Gabon. Children are trafficked both in and out of Benin and Nigeria. Some children are sent as far away as the Middle East and Europe.

8.9 Say whether the following statements are True or False.

1. Families are informed about the dangers of sending children to other countries.
2. 1.2 million girls are trafficked every year.
3. Child trafficking is profitable and connected with criminality and corruption.
4. Trafficked children are often sent to prison.
5. Guatemalan children are trafficked each year for adoption by couples in South America and Asia.

8.10 Match the words (1-5) with (a-b) to make word combinations

1. lucrative	a. international
2. domestic	b. weak
3. global	c. profitable
4. powerless	d. work
5. labour	e. home

8.11 Complete the sentences with the appropriate word: *crimes, exploitation, molester, pornography, victims*

1. Child/Human Trafficking is one of the fastest growing ... in the world.
2. Child ... is a serious problem in the United States right now.
3. The global market of child trafficking at over \$12 billion a year with over 1.2 million child
4. 300,000 children in the U.S. are at risk every year for commercial sexual
5. An average serial child ... may have as many as 400 victims in his lifetime.

8.12 Complete the sentences with: *as soon as, as little as, as many as, as long as, as much as.*

1. Save the Children warns that ... 1 million children may have been displaced because of the earthquake.
2. Social services will help abandoned children ... they have sufficient funding.
3. A human trafficker can earn ... 20 times what he or she paid for a child.
4. Children in Haiti are being sold for ... 76 pence each.
5. Vulnerable children need to be given independent guardians ... possible.

8.13 Complete the sentences with the correct form of the word in brackets.

1. His ... of guilt was taken into account by the judge. (*to admit*)

2. You may make an ... by phoning the call center and speaking to an operator.
(*to appoint*)

3. The International Day for the ... of Racial Discrimination is 21st March. (*to eliminate*)

4. "No taxation without ..." was one of the slogans of the American revolution.
(*to represent*)

5. Their ... before the Board was very formal. (*to appear*)

Рекомендована література

1. Brieger N. Test your professional English Law / Nick Brieger. – Harlow : Pearson Education Limited, 2003. – 104 p.
2. Brown G. D. Professional English in Use: Law / Gillian D. Brown, Sally Rice. – Cambridge : Cambridge University Press, 2009. – 128 p.
3. Escott J. Great Crimes / John Escott. – Oxford : Oxford University Press, 2001.
Harmer Jeremy. More than words / Jeremy Harmer, Richard Rossner. – N.Y. Longman Publishing Group, 1997. – 230 p.
4. Krois-Linder A. International Legal English / Amy Krois-Linder and TransLegal. – Cambridge : Cambridge University Press, 2011. – 320 p.
5. Krois-Linder A., Firth M. Introduction to International Legal English / Amy Krois-Linder, Matt Firth and TransLegal. – Cambridge : Cambridge University Press, 2010. – 155 p.