В.В. Гур'єва, Л.В. Рибалка

Business English for Law Students

Збірник завдань для
студентів-заочників III-IV
курсів юридичних факультетів університетів.

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Навчальний посібник "Business English for Law Students" розроблений для вивчення англійської мови студентами-заочниками III-IV курсів юридичних факультетів університетів. Мета посібника - сфокусувати всю увагу на навчанні студентів власне правничої англійської та забезпеченні того мінімуму країнознавчих знань, який є необхідним для цього. Посібник розрахований на студентів, які вже засвоїли загальний курс англійської мови і потребують лише подальшого вдосконалення знань щодо її спеціального використання.

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ПЕРЕДМОВА

Навчальний посібник “Business English for Law Students” розроблений для вивчення фахової англійської мови студентами-заочниками III-IV курсів юридичних факультетів університетів.

Мета посібника - сфокусувати всю увагу на навчанні студентів власне правничої англійської та забезпеченні того мінімуму країнознавчих знань, який є необхідним для цього. Посібник розрахований на студентів, які вже засвоїли загальний курс англійської мови і потребують лише подальшого вдосконалення знань щодо її спеціального використання. Звідси, у посібнику свідомо обмежено кількість граматичних вправ, спрямованих на повторення вивченого матеріалу, і водночас висуваються високі вимоги до рівня володіння студентами англійською професійною лексикою.

Досягнення цієї мети було і залишається надзвичайно складним завданням, адже опанування мовними аспектами правничої англійської ускладнене багатьма позамовними факторами, наприклад відмінностями систем права, а отже, й правничих реалій, різними традиціями використання писемної мови, оформлення документів тощо.

Навчальний посібник для студентів юридичних факультетів складається з чотирьох частин. Перша частина – “Conversational Topics”. Лексика необхідна для усного мовлення міститься, головним чином, в цих текстах, що забезпечує той мінімум країнознавчих знань, який необхідний для вивчення власне правничої англійської. Тексти знайомлять студентів з юридичною лексикою на базі основних засад англо-американської правової традиції, призначені для вивчаючого читання і мають Vocabulary Notes та запитання.

Друга частина “Home Reading” складається з фахових текстів оригінальних англомовних видань. Теми посібника висвітлюють лише той правничий матеріал, який безпосередньо викладається на цьому етапі на юридичних факультетах, що дає можливість залучати студентів до дискусій, роздумів, висловлювання власних думок англійською мовою.

Третя частина містить тексти контрольних робіт з розробленою системою фонетичних та лексичних вправ; вправи для контролю розуміння змісту тексту; де студентам пропонується тематика, близька до змісту уроків, а також надається реальна можливість для порівняльного аналізу правових інститутів Великобританії й України; для порівняння відправлення правосуддя у вищезгаданих країнах, а також співставлення ряду правових понять цих країн.

Четверта частина – Additional Material об'єднує два розділи: "Article Rendering" з методичними рекомендаціями щодо анотування та реферування юридичних текстів та "Supplementary Reading", який може використовуватися для поза аудиторного читання з наступним обговоренням на заняттях. В цьому розділі подаються англомовні правничі тексти, які висвітлюють різні правові аспекти.

Автори посібника рекомендують студентам вести свої власні англо-українські правничі словники, в яких має бути розміщений в алфавітному порядку спершу рекомендований словник-мінімум правничих термінів з подальшим включенням до нього термінів з текстів частини "Supplementary Reading" та з будь-якої іншої правничої літератури.

Посібник побудований таким чином, що спонукає студентів до самостійної роботи з різнотипними англомовними словниками: перекладними, тлумачними, словниками синонімів, фразеологічними, а також правничими словниками.

ЗМІСТ

ЗАВДАННЯ НА МІЖСЕСІЙНИЙ ПЕРІОД

І СЕМЕСТР

1. Прочитати та перекласти подані тексти **Conversational Topics**, скласти до них словники.
2. За текстами підготувати розмовні теми:
   — **“Political System of Ukraine”**
   — **“Political System of the USA”**
   — **“Political System of the UK”**
3. Прочитати та перекласти тексти **Home reading**, скласти до текстів словник.
4. Виконати **Контрольну роботу №1**
5. Підготувати словник, читання, переклад та анотацію юридичного тексту об’ємом 5000 знаків.

ІІ СЕМЕСТР

1. Прочитати та перекласти тексти **Conversational Topics**, скласти до них словники.
2. За текстами підготувати розмовні теми:
   — **“Ukrainian Constitution”**
   — **“Constitution of the USA”**
   — **“UK Constitution”**
3. Прочитати та перекласти тексти **Home reading**, скласти до текстів словник.
4. Виконати **Контрольну роботу №2**
5. Підготувати словник, читання, переклад та анотацію юридичного тексту об’ємом 5000 знаків.

III СЕМЕСТР

1. Прочитати та перекласти тексти **Conversational Topics**, скласти до них словники.
2. За текстами підготувати розмовні теми:
   — **“The Judicial System in Great Britain”**
   — **“The Judicial System in Ukraine”**
   — **“The U.S. Court Systems”**
3. Прочитати та перекласти тексти **Home reading**, скласти до текстів словник.
4. Виконати **Контрольну роботу №3**
5. Підготувати словник, читання, переклад та анотацію юридичного тексту об’ємом 5000 знаків.

IV СЕМЕСТР

1. Прочитати та перекласти тексти **Conversational Topics**, скласти до них словники.
2. За текстами підготувати розмовні теми:
   — **“Elections in Ukraine”**
   — **“British Electoral System”**
   — **“Elections in the USA”**
3. Прочитати та перекласти тексти **Home reading**, скласти до текстів словник.
4. Виконати **Контрольну роботу №4**
5. Підготувати словник, читання, переклад та анотацію юридичного тексту об’ємом 5000 знаків.

PART I. CONVERSATIONAL TOPICS

Методичні рекомендації до усної теми.

Усну тему студент готує у вигляді монологу-розповіді відповідно до переліку теоретичних питань. Монолог-розповідь є динамічним типом монологічного висловлювання, в якому йдеться про об'єктивні факти з життя суспільства в цілому. Складаючи тему, необхідно пам'ятати, що монологічному мовленню властиві такі риси:

1. Однонаправленість. Монологічне мовлення не розраховане на відповідну реакцію у вигляді мовлення уголос.
2. Зв'язність, яка відрізняє монологічне мовлення від випадкового набору речень і розглядається у двох аспектах — психологічному та мовному.

   У першому випадку йдеться про зв'язність думки, що виражається в композиційно-смисловій єдності тексту як продукту говоріння, у другому — про зв'язність мовлення, яка передбачає володіння мовними засобами міжфразового зв'язку.
3. Тематичність як співвіднесеність висловлювання з будь-якою досить загальною темою. Монологічне висловлювання має певну комунікативно смислову організацію. Перш за все, в ньому чітко виступає наявність певної теми, яка, у свою чергу, розпадається на ряд підтем або мікротем.
4. Контекстуальність, яку, однак, не слід протиставляти ситуативності властивій рисі діалогічного мовлення.
5. Відносно безперервний спосіб мовлення. Монологічне висловлювання триває протягом певного часу, не перериваючись, завдяки чому досягається завершеність думки.
6. Послідовність і логічність. Ці якості монологічного мовлення реалізуються в розвитку ідеї основної фрази шляхом уточнення думки, доповнення до неї, пояснення, обгрунтування тощо.

Text 1. Political System of Ukraine

Ukraine is a sovereign state. It has its own territory, higher and local bodies of state power, government, national emblem, state flag and anthem.

In July, 1990, the Verkhovna Rada of Ukraine, the Ukrainian Parliament, adopted the document of great importance – the Declaration of State Sovereignty of Ukraine. This document opened a new page in Ukraine's history, which leads to the construction of a democratic state based on the rule of law.

In accordance with the Constitution of Ukraine, adopted on June 28, 1996, Ukraine has a democratic political system. The country's government consists of a legislative branch represented by the national parliament, an executive branch headed by the President with strong powers, and the judicial branch headed by the Supreme Court.

The higher body of state power is the Verkhovna Rada. It is one chamber parliament, which is presided over by the Speaker. It has 450 members, elected by the voters for a four-year term. The functions of the Verkhovna Rada as the nation's lawmaking body are legislation and scrutiny of government activities. The elections of the deputies to the parliament are held every four years. They are by secret ballot.

The President is the commander-in-chief of the military forces and can issue orders called *edicts* without the approval of the Parliament in some matters. The president is elected by popular vote for a five-year term. The President nominates the Prime Minister, who must be confirmed by parliament. The Prime-minister and cabinet are *de jure* appointed by the Parliament on submission of the President and Prime Minister respectively. The President is assisted by a Cabinet. Prime Minister heads the Cabinet. Other ministers are responsible for such areas as home and foreign affairs, economy, education, health care etc.

Ukraine – excluding the Crimea – is divided into 24 regions called *oblasts*. The Crimea has a special status as an *autonomous* (self-governing) republic. The Crimea has greater control over its internal affairs than the oblasts do.

In 1992, Ukraine began creating a legal system based on the rule of law-that is, a set of rules that are applied equally to everyone.

The judicial system of Ukraine consists of the Courts of general jurisdiction and the Constitutional Court of Ukraine.

The system of the Courts of general jurisdiction is represented by:

—Local courts;

—Courts of Appeal;

—the Higher Specialized Courts;

—the Supreme Court of Ukraine.

Ukraine has over 100 registered political parties. Ukraine has its own army, navy and air force. Ukrainian became the official language of Ukraine in 1990.

The process of creating new democratic state is complicated. But over a short period a new system of state administration, the National Armed Forces, the Security Service, law enforcement authorities were created. Independent Ukraine is not turning aside; on its way to a democracy.

Vocabulary Notes:

in accordance with – відповідно до

the rule of law – верховенство права

executive branch – виконавча гілка

legislative branch – законодавча гілка

judicial branch – судова гілка

one chamber parliament – однопалатний парламент

lawmaking body – законодавчий орган

on submission – за поданням

to be responsible for – бути відповідальним за

legal system – правова система

turning aside – не стоїть осторонь

Answer the questions

1. When was the Declaration of State Sovereignty of Ukraine proclaimed?

2. When was the Constitution of Ukraine adopted?
3. What branches does the country's government consist of?
4. What can you say about Ukraine's parliament?
5. How can you describe the executive branch of Ukraine's government?
6. When did Ukraine begin creating a new legal system?
7. Characterize the system of the Courts of general jurisdiction.

Text 2. Political System of the UK

The United Kingdom is a parliamentary democracy: government is voted into power by the people, to act in the interests of the people. Every adult has the right to vote - known as 'universal suffrage'. Alongside this system, the UK is also a constitutional monarchy. This is a situation where there is an established monarch (currently Queen Elizabeth II), who remains politically impartial and with limited powers. The power of Queen or King is not absolute; it is limited by the Parliament. The monarch reigns but doesn't rule. The monarch has a number of roles and serves formally as head of state, head of the executive, head of the judiciary, head of the legislature, commander-in-chief of the armed forces, and «supreme governor» of the Church of England.

The legislative branch, the Parliament consists of the Monarch, the House of Lords and the House of Commons. The main function of the Parliament is to make laws. It has responsibility for checking the work of government and examining, debating and approving new laws. Parliament checks the work of the government on behalf of UK citizens through investigative select committees and by asking government ministers questions. The House of Commons also has to approve proposals for government taxes and spending.

The executive branch consists of the central government – that is the Prime Minister and the Cabinet. Its main function is to put laws into effect and plan home and foreign policy. It has responsibility for developing and implementing policy and for drafting laws. 10 Downing Street is the office of the British Prime Minister. The office helps the Prime Minister to establish and deliver the

government's overall strategy and policy priorities, and to communicate the government's policies to Parliament, the public and international audiences.

The judiciary branch is independent of both the legislative and the executive ones.

The Government derives its authority from the elected House of Commons. A general election, for all seats in the House of Commons, must be held at least every five years. The Government is normally formed by the political party which is supported by the majority in the House of Commons.

The party's leader is appointed the Prime Minister by the Queen. As head of the government the Prime Minister appoints about 100 ministers of whom about 20 are in the Cabinet.

The second largest party becomes the Official Opposition with its own leader and "Shadow Cabinet".

In Great Britain there is no written constitution, only customs, traditions precedents and some written laws.

Vocabulary Notes:

to be voted into power – голосуванням вибрати у владу
universal suffrage – загальне виборче право
politically impartial – політично неупереджений
reign – правити
rule – управляти
the House of Commons – Палата громад
to put into effect – здійснювати, запроваджувати
home and foreign policy – внутрішня і зовнішня політика
to be held – проходити
derive from – здобувати, одержувати

Answer the questions:

1. Why do we say that the United Kingdom is a constitutional monarchy?
2. What the most important duties does the monarch perform?

3. What is the main function and responsibility of the Parliament?
4. How can you characterize the House of Commons?
5. Which of the British parties form the Government?
6. Who chairs the Cabinet in Great Britain?
7. What are the main branches of the system of government in the United Kingdom of Great Britain and the Northern Ireland?

Text 3. Political System of the USA

The United States of America is the fourth largest country in the world after Russia, China and Canada. The government of the United States of America represents, serves, and protects the American people home and in foreign countries. It operates on three levels: national, state and local. The USA is federal republic which consists of 50 states.

The Constitution of the USA is the central instrument of American government and the supreme law of the land. It guarantees individual freedoms to all and sets the basic form of government. The government of the USA is composed of three branches: legislative, executive and judicial.

The highest organ of legislative authority in the country is Congress. It makes laws. Congress consists of the Senate and the House of Representatives. There are 100 senators in the Senate. The House of Representatives consists of 435 members. Each house of Congress has the power to support or reject a bill offered by the other. When they both pass a bill on which they agreed it is sent to the president for his signature. Only after that a bill becomes a law. The Senators are elected by popular vote to a six-year term and the House of Representatives are elected to a two-year term. Each state of the 50 states of the USA has two senators. The House of Representatives has more members from more populated states.

The President of the USA is the Head of State and of the executive department. He is also the commander-in-chief of the armed forces (of the Army and Navy of the USA). The President of the USA is elected to a 4-year term of office. He cannot be elected for more than two terms. At present the USA is

headed by the 44th president of the USA, Barack Obama, the leader of the Democratic Party. The next presidential election will be held in 2016.

The judicial branch is represented by the Supreme Court which interprets laws if any question arises. The United States court system is actually many court systems: a federal system and 50 state systems.

Each state in the USA has its own legislative and executive bodies of power. The elected governor is the head of each state. Today the United States has two major political parties: the Democratic Party and the Republican Party.

Vocabulary

to guarantee individual freedoms – гарантувати особисті свободи
to set the basic form of government – установити базову форму правління
the highest organ of legislative authority – найвищий орган законодавчої влади
national, state and local level – національний, рівень штату і місцевий рівень
to support or reject a bill – підтримати, чи відхилити законопроект
the elected governor – обраний губернатор

Answer the questions:

1. How many levels of government operation are there in the USA?
2. What are the three branches of the United States government?
3. Which of the documents is the central instrument of American government and the supreme law of the land?
4. Is Congress the highest organ of legislative authority in the country?
5. Who represents the executive branch of the government?
6. What powers does the Supreme Court deal with?
7. What are the major political parties in the USA?

Text 4. Ukrainian Constitution

Ukraine is a sovereign slate. Ukraine's Independence was proclaimed on August the 24, 1991. Ukraine has its own territory, higher and local bodies of state power (the Verkhovna Rada and local radas), government, Constitution, national emblem, state flag and anthem. The Fundamental Law of the country is the Constitution. The political system of Ukraine, its laws, its home and foreign policy, rights and duties of its citizens are established, based and guaranteed by the Constitution.

The Constitution of Ukraine has a long and interesting history. The history of the constitutional process in Ukraine goes back to Kievan Rus. It was partly based on the ancient Ukrainian law «Ruska Pravda» and later «Lithuanian Statute», the acts of the Bohdan Khmelnytsky`s Cossack state period. The first Ukrainian Constitution is considered to be the Pylyp Orlyk Constitution, which was adopted on April 5, 1710. It was a contract between the Cossack Hetman Pylyp Orlyk and the Cossacks, which defined the rights and duties of all members of troops. According to the historians, the Constitution of Pylyp Orlyk is one of the first European constitutions and a prototype of modern constitutions.

It was only on June 28, 1996 that the Ukrainian government, the Verkhovna Rada on behalf of the Ukrainian people adopted the Main Law of the country – the Constitution of independent Ukraine.

The Constitution of Ukraine consists of the preamble, 15 chapters and 161 articles. June the 28th is the Constitution Day in Ukraine. The main points of the Constitution are:

- The land, air space, water, mineral and other natural resources are the property of Ukrainian people.
- The state language of Ukraine is Ukrainian.
- The stale symbols of Ukraine are the State Flag, the State Emblem and the State Anthem.
- The capital of Ukraine is Kyiv.

- All citizens have equal Constitutional rights, freedoms and are equal before the law.

On February 21, 2014, Ukraine's Rada voted in favour of a return to the Constitution of 2004, which limits the powers of the Presidency. Today, constitutional reform is one of the cornerstones of the reform agenda in Ukraine and one of the priorities of the Ukrainian state. Work with the amendments to the Constitution is based on the rule of law, openness and transparency. The process of preparing amendments to the Constitution concerns primarily the decentralization of state power and significant empowerment of local communities. Key changes to the Constitution of Ukraine concern Section IX «Administrative Division» and Section XI «Local Government». Some amendments were suggested to Chapter IV «Parliament of Ukraine», V «President of Ukraine» and VI «Cabinet of Ministers and other Executive Authorities».

On June 28 Ukraine celebrates national holiday – the Constitution Day.

Vocabulary

to proclaim an independence – проголосити незалежність
home and foreign policy – внутрішня і зовнішня політика
rights and duties – права і обов'язки
a contract – договір, контракт
on behalf – від імені, за дорученням
the preamble – преамбула, вступ
the property – власність
to be equal before the law – бути рівним перед законом
to vote in favour – голосувати на користь
to limit the powers – обмежити повноваження
a transparency – відкритість, прозорість, гласність
empowerment – повноваження

Answer the questions:

1. What provisions are established, based and guaranteed by the Fundamental Law of the country?
2. Why do we say that the constitutional process has a long and interesting history?
3. When was the Constitution of Ukraine adopted?
4. What does the Constitution of Ukraine consist of?
5. What are the main points of the Constitution?
6. When did Ukraine's Rada vote in favour of a return to the Constitution of 2004, which limits the powers of the Presidency?
7. Which of the reform is one of the cornerstones of the reform agenda in Ukraine?

Text 5. Constitution of the USA

The Constitution of the United States is the central instrument of American government and the supreme law of the land. For 200 years, it has guided the evolution of governmental institutions and has provided the basis for political stability, individual freedom, economic growth and social progress because of its flexibility and simplicity.

It guarantees individual freedoms to all and sets the basic form of government. The American Constitution is the world's oldest written constitution in force. It served as the model for a number of other constitutions around the world. The primary aim of the Constitution was to create a strong elected government, directly responsive to the will of the people. The concept of self-government did not originate with the Americans. But the degree to which the Constitution committed the United States to rule by the people was unique, and even revolutionary, in comparison with other governments around the world.

A chief goal of the Constitution was to create a government with enough power to act on a national level, but without so much power that fundamental rights would be at risk. It separated the power of government into three branches, and then included

checks and balances on those powers to assure that no one branch of government gained supremacy. The powers of each branch are enumerated in the Constitution, with powers not assigned to them reserved to the states. No product of human society is perfect. Despite its 27 amendments, the Constitution of the United States still contains flaws.

Although the Constitution has changed in many aspects since it was first adopted, its basic principles remain the same now as in 1789:

- The three main branches of government (legislative, executive, judicial) are separate and distinct from one another. The powers given to each are delicately balanced by the power of the other two.
- The Constitution stands above all other laws, executive acts and regulations.
- All persons are equal before the law and are equally entitled to its protection.

All states are equal, and none can receive special treatment from the federal government. Each state must recognize and respect the laws of the others.

The Constitution keeps pace with the growth of the nation. The most sweeping changes were the first 10 amendments, known collectively as the Bill of Rights, which guarantee the American people the fullest possible opportunity to enjoy the fundamental human rights

Vocabulary

governmental institutions – урядові інституції, структури
individual freedom – особисті свободи
flexibility and simplicity – гнучкість і простота
the concept of self-government – концепція самоуправління
national, state, local level – національний, рівень штату, місцевий рівень
to gain supremacy – набувати верховенства, домінувати
power – влада, (*pl*. powers – повноваження)
to assign powers – визначати повноваження
to reserve to the states – резервувати за штатами
an amendment - поправка

to be adopted – бути прийнятим

executive acts and regulations – виконавчі акти і постанови

human rights – громадянські права

Answer the questions:

1. When was the Constitution of the USA adopted?
2. Which of the documents has guided the evolution of governmental institutions in the USA for 200 years?
3. What was the primary aim of the US Constitution?
4. How did the US Constitution separate powers between the branches?
5. How many amendments does the US Constitution have?
6. What are the basic principles which remain the same now as in 1789?
7. What do you know about the Bill of Rights?

Text 6. The UK Constitution

The British Constitution is not one document, as are the constitutions of many other countries. The British Constitution has evolved over a long period of time, reflecting the relative stability of the British polity. What Britain has instead of the Constitution is an accumulation of various statutes, conventions, judicial decisions and treaties which collectively can be referred to as the British Constitution. It is thus more accurate to refer to Britain's constitution as an "uncodified" constitution, rather than an "unwritten" one. An uncodified constitution creates two problems. First, it makes it difficult to know what the state of the constitution actually is. Second, it suggests that it is easier to make changes to the UK Constitution than in countries with written constitutions.

The written part of the Constitution consists of several documents.

The Magna Charter which limited king's power was written in 1215.

The Petition of Right was passed by Parliament in 1628.

The Bill of Rights was adopted in 1689.

It has been suggested that the British Constitution can be summed up in eight words: What the Queen in Parliament enacts is law. Other core principles of the British Constitution are the rule of law, the separation of government into executive, legislative, and judicial branches, and the existence of a unitary state, meaning ultimate power is held by ‘the centre’ – the sovereign Westminster Parliament.

It also includes the entire body of laws enacted by Parliament, precedents established by decisions made in British courts of law, and various traditions and customs. The democratically elected House of Commons can alter these laws with a majority vote. The Constitution continually evolves as new laws are passed and judicial decisions are handed down. All laws passed by Parliament are regarded as constitutional, and changes or amendments to the Constitution occur whenever new legislation overrides existing law.

The unwritten part of the Constitution includes many important ideas and practices that the people have developed over the years. They include Cabinet system of government and the relationship between the Cabinet and the monarch.

For more than 1,000 years, the Constitution has been changing and developing, because it is so flexible. The Constitution can be changed at any time by an act of Parliament or by the people’s acceptance of a new idea or practice.

Vocabulary

to evolve – еволюціонувати, розвиватися
polity – державний устрій
statute – статут, закон; законодавчий акт парламенту
convention – угода, конвенція
judicial decisions – судове рішення
uncodified” constitution – не кодифікована конституція
written and unwritten constitution – писана і неписана конституція
precedent – прецедент
to enact law – вводити закон

to alter the law – змінювати закон

the rule of law – верховенство права

a unitary state – унітарна держава

an amendment – поправка

Answer the questions:

1. How does the British Constitution differ from the constitutions of many other countries?
2. What does the British Constitution consist of?
3. Is the British Constitution an "uncodified" constitution, rather than an "unwritten"?
4. What documents can be referred to the written part of the Constitution?
5. Which principles are the core principles of the British Constitution?
6. What is the main role of Parliament in the process of constitution formation?
7. What does the unwritten part of the Constitution include?

Text 7 The Judicial System in Great Britain

Today the UK has three distinct systems of law; English law, Northern Ireland law and Scots law. After recent constitutional changes a new Supreme Court of the United Kingdom came into being in October 2009 to replace the Appellate Committee of the House of Lords.

Both English law, which applies in England and Wales, and Northern Ireland law are based on common-law principles.

The Court System in Great Britain is divided between civil and criminal cases. The courts of England and Wales are headed by the Senior Courts of England and Wales, consisting of the Court of Appeal, the High Court of Justice. (for civil cases) and the Crown Court (for criminal cases). The Supreme Court is the highest court in the land for both criminal and civil appeal cases in England, Wales, and Northern Ireland and the highest court of appeal for civil cases under Scots law.

Scots law applies in Scotland, a hybrid system based on both common-law and civil-law principles. The chief courts are the Court of Session – for civil cases, and the High Court of Justiciary – for criminal cases.

Civil cases at first instance are heard in the County Courts (for minor claims), which are based at over 200 locations, (deals with most claims involving less than £25,000 and claims for less than £50,000 that involve injury to a person). The High Court, which is in London and is divided into three divisions: Queen's Bench, Family and Chancery hears most higher-value cases. In the County and High Courts, each case is heard by a single judge.

Minor offences, such as speeding, are heard by Magistrates' Courts. There are about 700 Magistrates' Courts in the country and about 28000 unpaid magistrates or justices of the Peace. Many towns in England and Wales have their own Magistrates' Court, where cases are heard by three magistrates. Magistrates do not need any legal qualifications, and they are advised by a Clerk, who is a qualified lawyer. Magistrates do not state reasons for their decisions.

Crown Courts or High Courts deal with serious criminal cases. They are presided over by judges but the verdict is reached by the jury which consists of 12 men and women from the local community.

Vocabulary Notes:

common-law principles – принципи звичаєвого права

civil and criminal cases – цивільні та кримінальні справи

the Supreme Court of the United Kingdom – Верховний Суд Великобританії

the Court of Appeal – апеляційний суд

High Court of Justice – Вищий суд справедливості

Senior Courts – Вищі суди (Верховний суд Англії й Уельсу)

Crown Court – Кримінальний суд присяжних у Великобританії

Court of Session – Сесійний суд (Шотланський Верховний громадянський суд)

High Court of Justiciary – Вищий кримінальний суд Шотландії

County Courts – суд графства

Magistrates' Courts – мировий суд, суд магістрата

Queen's Bench – суд королівської лави

Chancery Division – канцлерське відділення Високого суду правосуддя Великобританії

Family Division – Відділення високого суду правосуддя Великобританії у сімейних справах

Answer the questions:

1. How many distinct systems of law does the UK have?
2. What are they?
3. When did the constitutional changes take place in Britain?
4. What principles are English law, which applies in England and Wales, and Northern Ireland law based on?
5. What cases is the Court System in Great Britain divided between?
6. How do they hear the civil cases in the UK?
7. What kind of courts deal with serious criminal cases?

Text 8. The Judicial System in Ukraine

The law determines the legal principles of organization of the judiciary and administering justice in Ukraine in order to protect rights, freedoms and legal interests of persons and citizens, rights and legal interests of legal entities, interests of the state based on the rule of law principle, establishes a system of courts of general jurisdiction, status of a professional judge, people's assessor, juror, the system of and procedure for judicial self-government, as well as establishes the system and general procedure for supporting the operation of courts and regulates other aspects of the judiciary and status of judges.

The judicial system of Ukraine is defined as a complex of all judicial bodies operating in the state. Each link of judicial system represents the complex of courts with the identical jurisdiction. A court is the body of state power which

deals with civil, criminal and other cases under present law and in accordance with procedural provisions.

The judicial system of Ukraine consists of the Courts of general jurisdiction and the Constitutional Court of Ukraine.

According to the Constitution of Ukraine the system of courts of general jurisdiction is based on the principles of territorial division, specialization, and instance.

The system of courts of general jurisdiction shall be composed of:

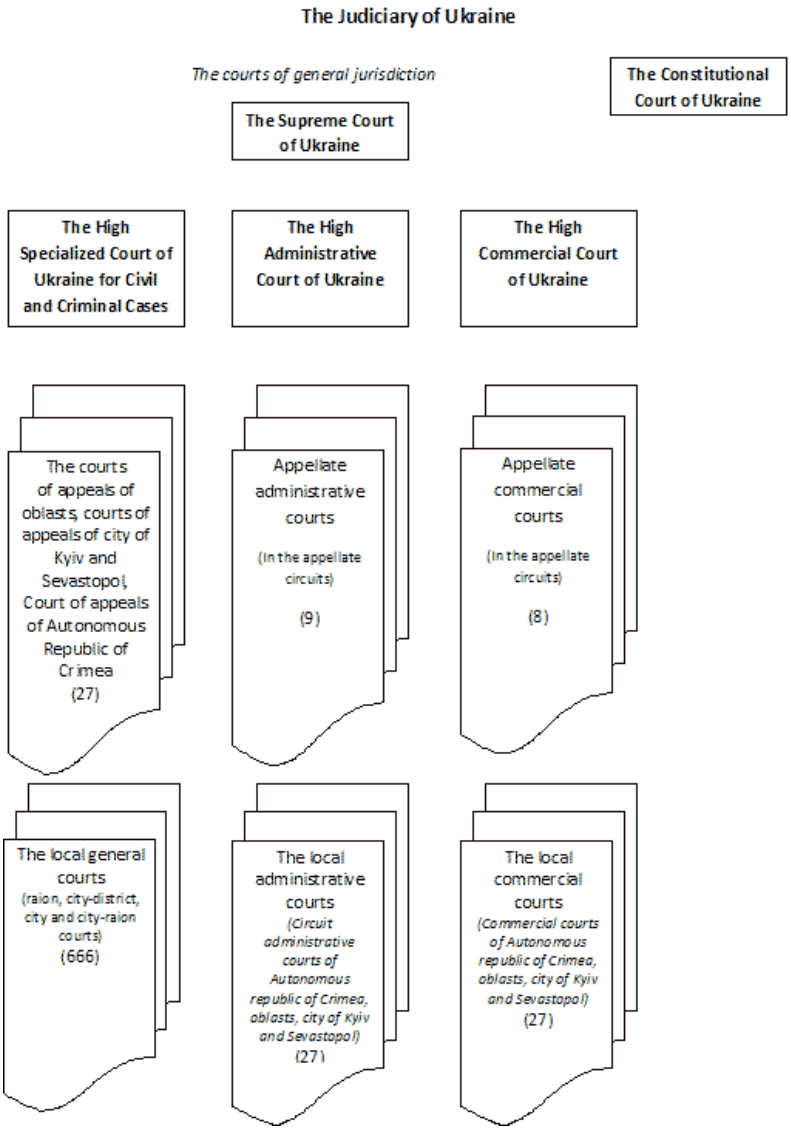
- Local courts;
- Courts of appeals;
- High specialized courts;
- The Supreme Court of Ukraine.

The formation of courts with special jurisdiction which is not foreseen by the Constitution is forbidden.

The Courts of general jurisdiction are formed and abolished by the President of Ukraine and by the representation of Justice Minister.

These terms should be settled with the Supreme Court Chief Justice and the Higher Specialized Courts Justices.

The Constitutional Court of Ukraine has exclusive constitutional jurisdiction in Ukraine. It resolves issues on constitutionality of laws and other legal acts, i.e. their correspondence to the Constitution. The Constitutional Court of Ukraine consists of 18 judgers. They are appointed for 9 years. The Chairman of the Constitutional Court is elected from its judgers for a three-year term.



Vocabulary Notes:

self-government - самоврядування

legal entity - юридична особа

people's assessor - народний засідатель

juror - присяжний

Courts of general jurisdiction - Суди загальної юрисдикції

instance - інстанція

Local court - місцевий суд

High specialized courts - Вищий спеціалізований суд

Answer the questions:

1. What determines the legal principles of organization of the judiciary and administering justice in Ukraine?
2. How is the judicial system of Ukraine defined?
3. What does the judicial system of Ukraine consists of?
4. Which principles is the system of courts of general jurisdiction based on?
5. Who forms and abolishes the Courts of general jurisdiction?
6. What powers of exclusive constitutional jurisdiction does the Constitutional Court of Ukraine resolve in Ukraine?

Text 9 The U.S. Court Systems

The United States court system is actually many court systems: a federal system and 50 state systems. Each has its own structures and procedures. All are multi-tiered. Legal cases begin in a lower court and sometimes work their way up to a higher court. Some cases initiated in a state court system ultimately end up in the federal court system.

State courts

Most legal issues are resolved in state trial courts, the courts at the lowest tier in a state's court system. Depending on the specific structure of the state's court system, trial courts may be city or municipal courts, justice of the peace or *jp courts,* county or circuit courts, or even regional trial courts. Most states have two levels of trial courts: trial courts with *limited jurisdiction* and trial courts with *specific jurisdiction.* Jurisdiction simply refers to the types of cases a court can hear. Most legal problems are resolved in this kind of trial court.

Courts of general jurisdiction include circuit courts, superior courts, district courts, or courts of common pleas, depending on the state. They hear lawsuits that involve greater amounts of money or more serious types of crimes than the cases heard in trial courts of limited jurisdiction.

Many states also have specialized trial courts that hear cases related to a very specific area of the law. These courts can include probate courts, family law courts, juvenile courts, and small claims courts.

The appellate courts don't hold trials but instead review the decisions and procedures of the trial courts. Sometimes appellate courts order retrials.

Lower court decisions are not automatically appealed. You must initiate an appeal and provide a legal basis for appealing.

Every state has a court of last resort, generally called the "supreme court." Although “supreme court” decisions are final within a state court system, sometimes they can be appealed to the U.S. Supreme Court. Like appellate courts, supreme courts review the decisions and the procedures of lower courts; they don't hold trials.

Federal courts

Most of the federal court system is divided into districts and circuits. There is at least one federal district in every state.

Generally, federal lawsuits start out at the district level in a federal court. Most are civil, not criminal, cases.

If a lawsuit deals with certain types of federal law, it is heard in a special federal court. Tax court, bankruptcy court, court of federal claims, and court of veteran appeals are all examples of special federal courts.

Each federal circuit includes more than one district and is home to a Federal Court of Appeal. This court plays a role analogous to a state appellate court.

At the very top of the federal court system is the U.S. Supreme Court. Its legal interpretations are The Final Word on the law in this country. The nine justices who sit on the Supreme Court are nominated by the President and approved by the U.S. Senate. They can remain on the court until their death or until they resign.

The U.S. Supreme Court hears only a very small number of cases. To get to that level, a case must usually work its way up through the lower tiers of a state court system and/or the federal system.

The Constitution only allows certain kinds of cases to be heard by the federal courts:

- Issues of Constitutional law
- Certain issues between residents of different states
- Issues between U.S. citizens and foreigners
- Issues that involve both federal and state law

The U.S. legal system is based on the *adversarial process*, which means that fundamental to all court procedures, regardless of the court, is the belief that all parties in a legal dispute must have an equal opportunity to state their case to a neutral jury or judge and to poke holes in what the other side says. Attorneys usually do most of the case-stating and hole-poking.

So that everyone has an equal chance to win in a lawsuit, both sides are required to play by the same set of rules. This requirement helps level the playing field, ensuring that everyone is treated fairly. Attorneys learn these rules in law school.

Vocabulary

j. p. (Justice of the Peace) – Мирова юстиція (суд мирового судді)
limited jurisdiction – обмежена юрисдикція
specific jurisdiction – спеціальна юрисдикція
circuit courts – окружний суд
superior courts – суд вищої інстанції
district courts – федеральний районний суд
courts of common pleas – суд у цивільних справах
specialized trial courts – спеціалізовані суди першої інстанції
probate courts – суд у спадкових справах
family law courts – суд у сімейних справах
juvenile courts – суд у справах неповнолітніх
small claims courts – суд у дрібних справах
the U.S. Supreme Court – Верховний Суд США

to review the decisions – переглядати рішення

federal court – федеральний суд

to hold trials – проводити судові засідання

Tax court – Податковий суд

bankruptcy court – суд у справах про банкрутство

court of federal claims – Федеральний претензійний суд

court of veteran appeals – суд у справах ветеранів війни

adversarial process – змагальний процес

Federal Court of Appeal – Федеральний апеляційний суд

Answer the questions:

1. How can we characterize the United States court system?
2. Where are the most legal issues resolved in?
3. What do the Courts of general jurisdiction include?
4. What courts hear cases related to a very specific area of the law?
5. How is the most of the federal court system divided into?
6. What kinds of cases to be heard by the federal courts does the Constitution allow?

Text 10. Elections in Ukraine

Elections in Ukraine are held to choose the Verkhovna Rada (legislature body), the President (head of state) and local governments. The president is elected for a five-year term. The Verkhovna Rada is also elected for a five-year term. The President and the People's Deputies of Ukraine are elected by citizens of Ukraine on the basis of universal, equal and direct suffrage by secret voting. Referendums may be held on special occasions. Ukraine has a multi-party system, with numerous parties in which often not a single party has a chance of gaining power alone, and parties must work with each other to form coalition governments. Ukraine's election law forbids outside financing of political parties or campaigns.

Election law includes specific issues related to legal and administrative regulations which can be seen as fundamental for any election which aspires to be undertaken in a free and fair way. A voter turnout must be higher than 50%.

Presidential candidates must have residence in Ukraine for the past ten years prior to Election Day.

In December 2011, Ukraine adopted a new parliamentary electoral law. Among other things, the law introduced a new mixed electoral system, under which half of the country's deputies would be elected in single-member districts (a majority system) and half through proportional representation under party lists in a single nationwide constituency.

The election laws were slightly modified on 20 December 2013.

The sole body of the legislative power is the Parliament – the Verkhovna Rada of Ukraine. It is presided over by the Speaker. The Verkhovna Rada of Ukraine consists of 450 the People's Deputies of Ukraine. The deputies are elected by secret ballot by the citizens of Ukraine who have reached the age of 18. The political parties or election blocks need to collect at least 5 per cent of the national vote to gain seats in the Parliament. Ukraine is divided into 225 constituencies. Each constituency is divided into a number of polling districts. Every polling district has polling stations.

The results from each constituency are announced as soon as the voted have been counted. The Central Election Commission of Ukraine produces the national returns.

Vocabulary

a multi-party system – багатопартійна система

a coalition government – коаліційний уряд

to be undertaken in a free and fair way – бути проведеним вільно і чесно, справедливо, законно

a voter turnout – явка виборців на вибори

proportional representation – пропорційна система

a single nationwide constituency – загальнодержавний багатомандатний виборчий округ

a polling districts – виборча дільниця

the national vote – загальнонаціональне голосування

the national returns – офіційно оголошені результати національних виборів

Answer the questions

1. What kinds of elections are there in Ukraine?
2. What party system does Ukraine have?
3. Which of specific issues does the Election law include?
4. How many deputies are there in the Verkhovna Rada?
5. Why do we say, that parliamentary elections are held under mixed electoral system?
6. What body produces the national returns?

Text 11. British Electoral System

Elections to the House of Commons, known as parliamentary elections, form the basis of Britain's democratic system. First universal suffrage was demanded by the British working people in 1837 in the petition known as People's Charter. Now each British citizen over eighteen, citizens of other Commonwealth countries and the Irish Republic who are residents in Britain has the right to vote (except prisoners, lords and mentally ill). The House of Commons consists of Members of Parliament (MPs) which represent an area (constituency) in England, Scotland, Wales or Northern Ireland. MPs are elected either at a general election, or at a by-election following the death or retirement of an MP. Parliamentary elections must be held every five years. The voting is taken by secret ballot.

Britain is divided into 651 parliamentary constituencies. Each constituency is a geographical area. The voters who live in the area select one person to serve as a member of the House of Commons. A relative majority system of voting is used. In a constituency where a single member is supposed to be elected, the candidate who gets more votes than each other candidate separately taken wins. A candidate, for example, might get only 11% of votes but if it is more than each of his rivals gets separately taken he is elected. An absolute majority system is more

democratic. It means that a candidate is elected if he gets 50% of votes and one vote more. The election campaign lasts about three weeks.

The British parliamentary system depends on political parties. The political parties choose candidates in elections. The party which wins the majority of seats forms the Government. Its leader usually becomes Prime Minister. There are few political parties in Britain. The main ones are: the Conservative Party, the Labour Party and the Liberal/Social Democratic Alliance. The Conservative Party mainly represents the middle and upper classes, many skilled and unskilled workers have always voted Conservative. The Labour Party has traditionally gathered its support from the Trade Unions, the working class and some middle class backing. The Liberal/ Social Democratic Alliance are dissatisfied with both the main parties and are critical of the election system.

Vocabulary

universal suffrage – загальне виборче право
a constituency – виборчий округ
a by-election – додаткові вибори
a retirement – відставка
secret ballot – таємне голосування
majority system – мажоритарна система

Answer the questions

1. What form the basis of Britain's democratic system?
2. When was the first universal suffrage demanded by the British working people?
3. Who has the right to vote in the United Kingdom?
4. How many parliamentary constituencies is Britain divided into?
5. What does it mean “relative majority system” and “absolute majority system”?
6. Why does the British parliamentary system depend on political parties?
7. What are the main political parties in the UK?

Text 12. Elections in the USA

American people have a strong voice in their government. They can exercise their democratic rights by voting in national, state, and local elections, and by working in political parties and campaigns.

The United States has two major political parties, the Democratic and the Republican. Members of these two parties hold almost all the offices in the national, state, and local governments.

Minor political parties of the United States rarely elect candidates to government offices. They serve chiefly to attract attention to problems that the major parties may have neglected. Often, one or both of the major parties may then attempt to solve such a problem. Then the third party, which brought attention to the problem, may disappear.

National elections to elect a President and vice-President are held every four years on the first Tuesday after the first Monday in November. All members of the House of Representatives and about one-third of the members of the Senate are elected at the same time. Between the Presidential elections, all of the representatives and another one-third of the senators are elected. This election is held on the same day in November in even-numbered years.

Federal and state laws regulate elections and the qualifications of voters. Most states hold primary elections in which party members nominate candidates for state and local offices. Some states use primary elections to nominate candidates for Congress. National political conventions nominate candidates for President and vice-President.

The President is not elected directly by the people. At Presidential elections, voters cast their votes for electors. The electors make up the Electoral College, which officially elects the President.

Each state has as many electors as the total of its senators and representatives in Congress. The District of Columbia has three electors. The

candidate who receives the highest number of a state's popular votes usually receives all that state's electoral votes. A candidate for President must receive a majority of the electoral votes to become President; however, a candidate may be elected President without having received a majority of the popular vote.

Vocabulary

to exercise democratic rights – здійснення демократичних прав
the minor political parties – другорядні політичні партії
to neglect – нехтувати, зневажати
an even-numbered year – високосний рік
the qualifications of voters – цензи для виборців
the primary elections – первинні вибори
to nominate candidate – висувати кандидата
National political convention – Національний партійний з'їзд
the Electoral College – Колегія виборщиків
popular vote – голоси виборців

Answer the questions

1. How can American people exercise their democratic rights?
2. How would you characterize the US party system?
3. How often are national elections held?
4. What laws regulate elections and the qualifications of voters?
5. What are the functions of the Electoral College, which officially elects the President?
6. How do they nominate candidates for President and vice-President, candidates for Congress?

PART II. HOME READING

Методичні рекомендації

Оволодіння лексичним та граматичним матеріалом, розвиток умінь розкривати структурні і семантичні зв'язки в реченнях та тексті здійснюється в процесі ознайомлювального та вивчаючого читання. Обидва види взаємопов'язані, доповнюють одне одного і забезпечують при їх комплексному використанні поступовий перехід до розвиненого, зрілого читання, яке характеризується безпосереднім, безперекладним розумінням і досить високим темпом.

Ознайомлювальне читання є найбільш розповсюдженим у всіх сферах життя і здійснюється на матеріалі автентичних текстів, які несуть інформацію наукового характеру, про побут, традиції, культуру, історію країни, мова якої вивчається. Темп ознайомлювального читання для англійської мови — 180 слів/хв.

У процесі ознайомлювального читання переслідуються такі комунікативні цілі:

- визначити тему, яка висвітлюється в тексті, які проблеми в ньому розглядаються;
- що саме говориться в тексті у зв'язку з проблемою;
- виділити основну думку;
- вибрати головні факти, випускаючи другорядні;
- виразити своє ставлення до прочитаного.

Повнота розуміння повинна бути в межах 75%. У процесі роботи над текстом потрібно виконувати такі дії:

- прогнозувати зміст за заголовком або початком тексту;
- здогадуватись про значення незнайомих слів за допомогою контексту, словотворчих елементів, за схожістю зі словами рідної мови або утворених шляхом конверсії;
- ігнорувати окремі незнайомі слова, які не перешкоджають розумінню основного змісту;

- визначати смислові частини тексту та зв’язки між ними;
- користуватися у процесі читання наявним лінгвокраїнознавчим коментарем, виносками, словником, довідниками, якщо в цьому виникає потреба, щоб зрозуміти основний зміст тексту.

Вивчаюче читання має своєю метою досягнення максимально повного і точного розуміння інформації тексту і критичного осмислення цієї інформації. Однією з цілей такого читання є формування умінь самостійно долати труднощі мовного та смислового характеру. Це вдумливе читання, яке здійснюється у повільному темпі — 50-60 слів/хв., а його об’єктом є «вивчення» не мовного матеріалу, а тієї інформації, що подається у тексті.

Читання в такому режимі вимагає цілеспрямованого аналізу змісту на основі мовних явищ та логічних зв'язків. Тому має місце велика кількість регресій, зумовлених необхідністю перечитування окремих частин тексту для досягнення якомога точнішого розуміння змісту. Матеріалом для вивчаючого читання служать пізнавальні тексти, що містять значущу для студентів інформацію та мовні і смислові труднощі.
Для того щоб досягти повного і точного розуміння інформації, викладеної у тексті, студент повинен володіти значним запасом лексичних одиниць, мати глибокі знання з граматики (на морфологічному та синтаксичному рівнях) і достатню практику в читанні текстів різних жанрів з великою концентрацією мовних та смислових труднощів. Цей режим читання потребує багато часу та зусиль з боку студентів для оволодіння ним у повному обсязі. У зв’язку з цим ставиться мета навчити студентів основних прийомів вивчаючого читання необхідних і достатніх для подальшого професійно орієнтованого доучування.

У процесі роботи з текстом в режимі вивчаючого читання необхідно досягти таких комунікативних цілей**:**

- зрозуміти зміст прочитаного тексту з достатньою повнотою та глибиною;

- зіставити здобуту інформацію зі своїм досвідом;
- оцінити інформацію, висловити свою думку про неї;
- передати почерпнуті з тексту відомості іншим (рідною мовою або в опорі на текст);
- прокоментувати окремі факти.

Тексти**,** на базі яких формуються вміння вивчаючого читання, за своїм змістом і тематикою повинні задовольняти пізнавально-комунікативні потреби та інтереси студентів. Це мають бути нескладні автентичні або адаптовані тексти різних жанрів: науково-популярні, публіцистичні, художні, Важливо навчити учнів користуватися різними довідниками, лінгвокраїнознавчим коментарем, поясненнями, висновками.

значення того чи іншого незнайомого слова, спираючись на контекст, словотворчі елементи, інтернаціональні слова. Складні структури аналізуються, можливий вибірковий переклад окремих словосполучень, речень, абзаців. частин тексту, до яких треба придумати заголовки, а також скласти план до всього тексту.

Task 1

COMMON LAW SYSTEMS

In order to understand why a particular country has a particular legal system, it is necessary to look at its history, political structure and social values. When there is political and social upheaval, one of the main concerns of a new government is to revise the legal system. Britain has had an unusual degree of political continuity. Despite civil wars in the fifteenth and seventeenth centuries and enormous social changes associated with industrialisation, England and Wales have retained many laws and legal principles that originated eight centuries ago. On the other hand, most of the

law of Japan, which experienced the rapid upheaval of foreign occupation after the Second World War, was developed within the last century.

Each country in the world, even each state of the United States, has its own system of law. However, it is generally true to say that there are two main traditions of law in the world. One is based on English Common law, and has been adopted by many Commonwealth countries and most of the United States. The other tradition, sometimes known as Continental, or Roman law has developed in most of continental Europe, Latin America and many countries in Asia and Africa which have been strongly influenced by Europe. Continental law has also influenced Japan and several socialist countries.

Common law, or case law systems, particularly that of England, differ from Continental law in having developed gradually throughout history, not as the result of government attempts to define or codify every legal relation. Customs and court rulings have been as important as statutes (government legislation). Judges do not merely apply the law, in some cases they make law, since their interpretations may become precedents for other courts to follow.

Before William of Normandy invaded England in 1066, law was administered by a series of local courts and no law was common to the whole kingdom. The Norman Kings sent travelling judges around the country and gradually a "common law" developed, under the authority of three common law courts in London. Judges dealt with both criminal cases and civil disputes between individuals. Although local and ancient customs played their part, uniform application of the law throughout the country was promoted by the gradual development of the doctrine of precedent.

By this principle, judges attempted to apply existing customs and laws to each new case, rather than looking to the government to write new laws. If the essential elements of a case were the same as those of previous recorded cases, then the judge was bound to reach the same decision regarding guilt or innocent if no precedent could be found, then the judge made a decision based upon existing legal principles, and his decision would become a precedent for other

courts to follow when a similar case arose. The doctrine of precedent is still a central feature of modern common law systems. Courts are bound by the decisions of previous courts unless it can be shown that the facts differ from previous cases. Sometimes governments make new laws -statutes - to modify or clarify the common law. But even statutes often need to be interpreted by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems, the law is, thus, found not only in government statutes, but also in the historical records of cases.

Another important feature of the common law tradition is equity. By the fourteenth century many people in England were dissatisfied with the inflexibility of the common law, and a practice developed of appealing directly to the king or to his chief legal administrator, the Lord Chancellor. As the Lord Chancellor's court became more willing to modify existing common law in order to solve disputes, a new system of law developed alongside the common law. This system recognized rights that were not enforced as common law but which were considered "equitable", or just, such as the right to force someone to fulfil a contract rather than simply pay damages for breaking it or the rights of a beneficiary of trust .The courts of common law and of equity existed alongside each other for centuries. If an equitable principle would bring a different result from a common law ruling on the same case, then the general rule was that equity should prevail.

One problem resulting from the existence of two systems of justice was that a person often had to begin actions in different courts in order to get a satisfactory solution. For example, in a breach (breaking) of contract claim, a person had to seek specific performance (an order forcing the other party to do something) in court of equity, and damages (monetary compensation for his loss) in a common law court. In 1873, the two systems were unified, and nowadays a lawyer can pursue common law and equitable claims in the same court.

The spread of common law in the world is due both to the once widespread influence of Britain in the world and the growth of its former colony, the United States. Although judges in one common law country cannot directly support their decisions by cases from another, it is permissible for a judge to note such evidence in giving an explanation. Nevertheless, political divergence has produced legal divergence from England. Unified federal law is only a small part of American law. Most of it is produced by individual states and reflects various traditions. The state of Louisiana, for example, has a Roman civil form of law which derives from its days as a French colony. California has a case law tradition, but its laws are codified as extensively as many Continental systems. Quebec is an island of French law in the Canadian sea of case law. In India, English common law has been codified and adopted alongside a Hindu tradition of law. Sri Lanka has inherited a criminal code from the Russian law introduced by the Dutch, and an uncodified civil law introduced by the British.

Task 2

CONTINENTAL SYSTEMS

Continental systems are sometimes known as codified legal systems. They have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life. Thus it was necessary for the legislators to speculate quite comprehensively about human behaviour rather than simply looking at previous cases. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France, whose legislators wanted to break with previous case law, which had often produced corrupt and biased judgements, and to apply new egalitarian social theories to the law. Nineteenth century Europe also saw the decline of several multi-ethnic empires and the rise of nationalism. The lawmakers of new nations sometimes wanted to show that the legal rights of their citizens originated in the state, not in local customs, and thus it was the state that was to make law, not the courts. In

order to separate the roles of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive. The lawmakers were often influenced by the model of the canon law of the Roman Catholic Church, but the most important models were the codes produced in the seventh century under the direction of the Roman Emperor Justinian. His aim had been to eliminate the confusion of centuries of inconsistent lawmaking by formulating a comprehensive system that would entirely replace existing law. Versions of Roman law had long influenced many parts of Europe, including the case law traditions of Scotland, but had little impact on English law.

It is important not to exaggerate the differences between these two traditions of law. For one thing, many case law systems, such as California's, have areas of law that have been comprehensively codified. For another, many countries can be said to have belonged to the Roman tradition long before codifying their laws, and large uncodified - perhaps uncodifiable - areas of the law still remain. French public law has never been codified, and French courts have produced a great deal of case law in interpreting codes that become out of date because of social changes. The clear distinction between legislature and judiciary has weakened in many countries, where courts are able to challenge the constitutional legality of a law made by parliament.

Despite this, it is also important not to exaggerate similarities among systems within the Continental tradition. For example, while adopting some French ideas, such as separation of the legislature and judiciary, the late nineteenth century codifiers of German law aimed at conserving customs and traditions peculiar to German history. Canon law had a stronger influence in countries with a less secular ideology than France, such as Spain.

Task 3

THREE LEGAL SYSTEMS

The United Kingdom has three legal systems. English law, which applies in England and Wales, and Northern Ireland law, which applies in Northern Ireland, are based on common-law principles. Scots law, which applies in Scotland, is a pluralistic system based on civil-law principles, with common law elements dating back to the High Middle Ages. The Treaty of Union, put into effect by the Acts of Union in 1707, guaranteed the continued existence of a separate law system for Scotland. The Acts of Union between Great Britain and Ireland in 1800 contained no equivalent provision but preserved the principle of separate courts to be held in Ireland, now Northern Ireland.

Recent constitutional changes transferred the powers of the House of Lords to a new Supreme Court of the United Kingdom. In England and Wales, the court system is headed by the Supreme Court of England and Wales, consisting of the Court of Appeal, the High Court of Justice (for civil cases) and the Crown Court (for criminal cases). The Courts of Northern Ireland follow the same pattern. In Scotland the chief courts are the Court of Session, for civil cases, and the High Court of Justiciary, for criminal cases, while the sheriff court is the Scottish equivalent of the county court. The Judicial Committee of the Privy Council is the highest court of appeal for several independent Commonwealth countries, the British overseas territories, and the British Crown dependencies. There are also immigration courts with UK-wide jurisdiction — the Asylum and Immigration Tribunal and Special Immigration Appeals Commission. The Employment tribunals and the Employment Appeal Tribunal have jurisdiction throughout Great Britain, but not Northern Ireland. There are three distinct legal jurisdictions in the United Kingdom: England and Wales, Northern Ireland and Scotland. Each has its own legal system.

ENGLISH LAW

"English law" is a term of art. It refers to the legal system administered by the courts in England and Wales. The ultimate body of appeal is the Law lords in the House of Lords. They rule on both civil and criminal matters. English law is renowned as being the mother of the common law. English law can be described as having its own distinct legal doctrine, distinct from civil law legal systems since 1189. There has been no major codification of the law, and judicial precedents are binding as opposed to persuasive. In the early centuries, the justices and judges were responsible for adapting the Writ system to meet everyday needs, applying a mixture of precedent and common sense to build up a body of internally consistent law. As Parliament developed in strength, and subject to the doctrine of separation of powers, legislation gradually overtook judicial law making so that, today, judges are only able to innovate in certain very narrowly defined areas. Time before 1189 was defined in 1276 as being time immemorial. After the Acts of Union, in 1707, English law has been one of two legal systems in the same kingdom and has been influenced by Scots law, most notably in the development and integration of the law merchant by Lord Mansfield and in time the development of the law of negligence. Scottish influence may have influenced the abolition of the forms of action in the nineteenth century and extensive procedural reforms in the twentieth.

English law in its strictest sense applies within the jurisdiction of England and Wales. Whilst Wales now has a devolved Assembly, any legislation which that Assembly enacts is enacted in particular circumscribed policy areas defined by the Government of Wales Act 2006, other legislation of the U.K. Parliament, or by orders in council given under the authority of the 2006 Act. Furthermore that legislation is, as with any by-law made by any other body within England and Wales, interpreted by the undivided judiciary of England and Wales. The essence of English common law is that it is made by judges sitting in courts, applying their common sense and knowledge of legal precedent (*stare decisis*) to the facts before

them. A decision of the highest appeal court in England and Wales, the House of Lords, is binding on every other court in the hierarchy, and they will follow its directions. For example, there is no statute making murder illegal. It is a common law crime - so although there is no written Act of Parliament making murder illegal, it is illegal by virtue of the constitutional authority of the courts and their previous decisions. Common law can be amended or repealed by Parliament; murder, by way of example, carries a mandatory life sentence today, but had previously allowed the death penalty. England and Wales are constituent countries of the United Kingdom, which is a member of the European Union. Hence, EU law is a part of English law. The European Union consists mainly of countries which use civil law and so the civil law system is also in England in this form. The European Court of Justice can direct English and Welsh courts on the meaning of areas of law in which the EU has passed legislation.

NOTHERN IRISH LEGAL SYSTEM AND SCOTS LAW

Parliament House in Edinburgh is the seat of the Supreme Courts of Scotland.

The law of Northern Ireland is a common law system. It is administered by the courts of Northern Ireland, with ultimate appeal to the House of Lords in both civil and criminal matters. The law of Northern Ireland is closely similar to English law, the rules of common law having been imported into the Kingdom of Ireland under English rule. However there are still important differences. The sources of the law of Northern Ireland are English common law, and statute law. Of the latter, statutes of the Parliaments of Ireland, of the United Kingdom and of Northern Ireland are in force, and latterly statutes of the devolved Assembly. Scots law is a unique legal system with an ancient basis in Roman law. Grounded in uncodified civil law dating back to the *Corpus Juris Civilis*, it also features elements of common law with medieval sources. Thus Scotland has a pluralistic, or 'mixed', legal system, comparable to that of South Africa, and, to a lesser degree, the partly codified pluralistic systems of Louisiana and Quebec. Since the Acts of Union, in 1707, it has shared a legislature with the rest of the United

Kingdom. Scotland and England & Wales each retained fundamentally different legal systems, but the Union brought English influence on Scots law and vice versa. In recent years Scots law has also been affected by both European law under the Treaty of Rome and the establishment of the Scottish Parliament which may pass legislation within its areas of legislative competence as detailed by the Scotland Act 1998.

Task 4

COURTS OF ENGLAND AND WALES

A ***court*** is a body, often a governmental institution, with the authority to adjudicate legal disputes and dispense civil, criminal, or administrative justice in accordance with rules of law. In common law and civil law states, courts are the central means for dispute resolution, and it is generally understood that all persons have an ability to bring their claims before a court. Similarly, those accused of a crime have the right to present their defense before a court. Court facilities range from a simple farmhouse for a village court in a rural community to huge buildings housing dozens of courtrooms in large cities.

A *court* is a kind of deliberative assembly with special powers, called its jurisdiction, or *jus dicere*, to decide certain kinds of questions or petitions put to it. According to William Blackstone's *Commentaries on the Laws of England*, a court is constituted by a minimum of three parties, namely, the actor, reus, and judex, though, often, courts consist of additional attorneys, bailiffs, reporters, and perhaps a jury. The term "court" is often used to refer to the *president of the court*, also known as the "judge" or the "bench", or the panel of such officials.

Jurisdiction. Jurisdiction, meaning "to speak the law," is the power of a court over a person or a claim. In English law, jurisdiction may be *inherent*, deriving from the common law origin of the particular court.

Trial and appellate courts. Courts may be classified as trial courts (sometimes termed "courts of first instance") and appellate courts. Some trial courts may function with a judge and a jury: juries make findings of fact under the

direction of the judge who reaches conclusions of law (called a jury trial) and, in combination, this represents the judgment of the court. In other trial courts, decisions of both fact and law are made by judges (called a bench trial). Juries are less common in court systems outside the Anglo-American common law tradition.

Civil law courts and common law courts. The two major models for courts are the civil law courts and the common law courts. Civil law courts are based upon the judicial system in France, while the common law courts are based on the judicial system in Britain. In most civil law jurisdictions, courts function under an inquisitorial system. In the common law system, most courts follow the adversarial system. Procedural law governs the rules by which courts operate: civil procedure for private disputes (for example); and criminal procedure for violation of the criminal law

Court of Appeal

The Court of Appeal deals only with appeals from other courts. The Court of Appeal consists of two divisions: the Civil Division hears appeals from the High Court and County Court and certain superior tribunals, while the Criminal Division may only hear appeals from the Crown Court connected with a trial on indictment (i.e. trial by judge and jury (the jury is only present if the defendant pleads "not guilty")). Its decisions are binding on all courts apart from the House of Lords.

High Court

The High Court of Justice functions both as a civil court of first instance and a criminal appellate court for cases from the subordinate courts. It consists of three divisions: the Queen's Bench, the Chancery and the Family divisions. The divisions of the High Court are not separate courts. Although particular kinds of cases will be assigned to each division depending on their subject matter, each division may exercise the jurisdiction of the High Court. However, beginning proceedings in the wrong division may result in a costs penalty.

Crown Court

The Crown Court is a criminal court of both original and appellate jurisdiction which in addition handles a limited amount of civil business both at first instance and on appeal. It was established by the Courts Act of 1971. It replaced the Assizes whereby High Court judges would periodically travel around the country hearing cases, and Quarter Sessions which were periodic county courts. The Old Bailey is the unofficial name of London's most famous Criminal Court, which is now part of the Crown Court. Its official name is the "Central Criminal Court". The Crown Court also hears appeals from Magistrates' Courts. The Crown Court is the only court in England and Wales that has the jurisdiction to try cases on indictment and when exercising such a role it is a superior court in that its judgments cannot be reviewed by the Administrative Court of the Queen's Bench Division of the High Court. The Crown Court is an inferior court in respect of the other work it undertakes, viz. inter alia, appeals from the Magistrates' court and other tribunals.

Subordinate courts

The most common subordinate courts in England and Wales are the

- Magistrates' Courts
- Family Proceedings Courts
- Youth courts
- County Courts

Magistrates', Family Proceedings and Youth Courts

Magistrates' Courts are presided over by a bench of lay magistrates (or justices of the peace), or a legally-trained district judge (formerly known as a stipendiary magistrate), sitting in each local justice area. There are no juries. They hear minor criminal cases, as well as certain licensing applications. Youth courts are run on similar lines to Adult magistrates' courts but deal with offenders aged between the ages of 10 and 17 inclusive. Youth courts are presided over by a specially trained subset of experienced Adult Magistrates or a District Judge. Youth Magistrates have a wider catalogue of disposals available to them for

dealing with young offenders and often hear more serious cases against youths (which for adults would normally be dealt with by the Crown Court). In addition some Magistrates' Courts are also a Family Proceedings Court and hear Family law cases including care cases and they have the power to make adoption orders. Family Proceedings Courts are not open to the public. The Family Proceedings Court Rules 1991 apply to cases in the Family Proceedings Court. Youth courts are not open to the public for observation, only the parties involved in a case being admitted.

County Courts

County Courts are statutory courts with a purely civil jurisdiction. They are presided over by either a District or Circuit Judge and, except in a small minority of cases such as civil actions against the Police, the judge sits alone as trier of fact and law without assistance from a jury. County courts have divorce jurisdiction and undertake private family cases, care proceedings and adoptions. County Courts are local courts in the sense that each one has an area over which certain kinds of jurisdiction -- such as actions concerning land or cases concerning children who reside in the area -- are exercised. For example, proceedings for possession of land must be started in the county court in whose district the property lies. However, in general any county court in England and Wales may hear any action and claims are frequently transferred from court to court.

Tribunals

The Court Service administers the tribunals that fall under the direct responsibility of the Lord Chancellor. Tribunals can be considered the lowest rung of the court hierarchy in England and Wales.

PART III.
Методичні вказівки і тематика контрольних робіт

Методичні вказівки мають за мету допомогти студенту заочного відділення в його самостійній роботі при набутті практичних навичок читання, перекладу юридичних текстів, та у практиці вживання основних граматичних форм.

Контрольна робота виконується на аркушах формату А4 (бажано у друкованому варіанті). Титульна сторінка повинна відповідати встановленому зразку. Виконана контрольна робота має бути здана на перевірку і рецензування у термін, встановлений навчальним закладом. Виконані граматичні завдання оформлюють таким чином:

а) студент обов'язково записує формулювання завдання;

б) вправи, залежно від їх виду, виконуються за певною формою:

- у перекладних завданнях матеріал розміщується у такій послідовності: англійський текст – український текст або український текст – англійський текст;
- у вправах на трансформацію: вихідне речення (словосполучення) – перероблене речення (словосполучення);
- у вправах на підстановку слова або словосполучення, що вставляє до тексту сам студент замість крапок, підкреслюються.

При роботі із текстом необхідно записувати тексти як англійською, так і українською мовами. Опрацьовувати матеріал тексту необхідно у такій послідовності:

- попереднє читання „про себе" усього тексту;
- читання вголос та з'ясування значення незнайомих слів за словником;
- переклад прочитаного тексту;
- виконання завдань до тексту у письмовій формі;

- повторне читання тексту вголос для розвитку навичок правильного та швидкого читання.

Щоб навчитись швидко працювати із англо-українським словником, необхідно:

- вивчити англійський алфавіт;
- знати послідовність слів в англійському реченні;
- пам’ятати, що слова у словнику подані в їх основній формі;
- перед тим, як виписати слово та шукати його у словнику, треба встановити, до якої частини мови воно належить;
- треба пам’ятати, що в кожній мові слово може мати багато значень.

Відбирайте у словнику потрібне за значенням слово, виходячи з його граматичної функції та згідно із загальним змістом тексту.

Після одержання перевіреної роботи необхідно уважно ознайомитись з рецензією і проаналізувати помилки. За допомогою методичних вказівок рецензента доопрацювати навчальний матеріал.

Незрозумілі питання щодо виконання завдань можна з’ясувати під час консультацій викладача у міжсесійний період.

Під час заліку перевіряється засвоєння матеріалу, який увійшов до контрольної роботи.

КОНТРОЛЬНА РОБОТА №1

1.1. Law Terms:

While reading the text 1 please pay attention to the following words (only to their meanings in the field of law) and write down their Ukrainian equivalents:

1. innocence
2. legislation
3. Roman law

4. precedent
5. permissible
6. to enforce
7. divergence
8. guilt
9. equity
10. innocent of crime
11. equitable
12. innocent in fact
13. equit; equity; equitable
14. court of equity
15. legal; legality; legalise
16. legalised
17. legal // illegal
18. legal system
19. legal profession
20. court ruling
21. guilt; guilty
22. guilty// non-guilty
23. not guilty/ guiltless
24. to plead guilty (not guilty)
25. to find smb. guilty
26. applied precedent
27. judicial precedent
28. to follow the precedent
29. dispute
30. disputable/ disputed
31. to begin actions of law
32. to make rules
33. to break (to violate) the law

34.to codify legal relations

35.clarify the law

36.to define a legal relation

37.to pay damages

38.beneficiary

1.2. Match the English phrases to the Ukrainian equivalents:

1. an unusual degree of political continuity;
2. to define every legal relation;
3. court ruling;
4. to make law;
5. under the authority of;
6. uniform application of the law;
7. doctrine of precedent;
8. to become a precedent for other courts to follow;
9. to modify or clarify the common law;
10. to pay damages for breaking the law;
11. an equitable principle;
12. to begin actions;
13. to pursue common law and equitable claims;
14. to codify the law extensively.

1.3. Make up 10 questions to the text.

1.4. a) Suggest your own version of translating the following:

1. England and Wales are known to have retained many laws and legal principles that originated eight centuries ago.
2. The lecturer stressed that judges did not merely apply the law, in some cases they made law.
3. It's high time you knew about the most important feature of the common

law tradition - equity.

4. The doctrine of precedent is considered to be a central feature of modern common law system.
5. I wish I knew that in common law systems the law is found not only in government statutes, but also in the historical records of cases.
6. It's necessary for the law students to know that the spread of common law in the world is due both to the widespread influence of Britain in the world and the growth of its former colony, the USA.

b) Define the underlined grammar phenomenon in each sentence.

1.5. Use the following legal terms in sentences of your own, translate them into Ukrainian:

legal system; case law system; to define or codify every legal relation; court rulings; to apply the law; civil disputes; criminal cases; an individual; recorded cases; guilt; innocence-to clarify the law; to make rules; government statutes; equity; equitable; to pay damages; to begin actions; a breach of contract; evidence; legal divergence; doctrine of precedent;

КОНТРОЛЬНА РОБОТА №2

2.1. Law Terms:

While reading the text 2 please pay attention to the following words and phrases and write down their Ukrainian equivalents:

1. biased judgment
2. similarities
3. to govern
4. legislator
5. ethnic

6. empire
7. legislature
8. judiciary
9. entirely
10. comprehensive
11. inconsistent
12. the Catholic Church
13. inconsistent lawmaking
14. to exaggerate
15. corrupt
16. a set of codes
17. the case law traditions
18. to challenge
19. the constitutional legality
20. areas of law
21. case law traditions

2.2. Translate the following:

- to result from;
- to produce a set of codes;
- to govern every legal aspect of a citizen's life;
- to separate the roles;
- to speculate about;
- to break with;
- corrupt and biased judgments;
- to apply new egalitarian social theories to the law;
- the decline of several multi-ethnic empires;
- the rise of nationalism;
- to be influenced by;

- to adopt ideas.

2.3. Suggest your own version of translating the following:

1. Codified legal systems have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life.
2. The legislators wanted to break with previous case law, which had often produced corrupt and biased judgments.
3. They wanted to apply new egalitarian social theories to the law.
4. Nineteenth century Europe saw the decline of several multi-ethnic empires.
5. The lawmakers wanted to show that the legal rights of their citizens originated in the state, not in local customs.
6. It was necessary to make laws that were clear and comprehensive.
7. His aim had been to eliminate the confusion of inconsistent lawmaking by formulating a comprehensive system that would entirely replace existing law.
8. Versions of Roman law had long influenced many parts of Europe, but had little impact on English law.
9. Some states in the USA have areas of law that have been comprehensively codified.
10. Many countries can be said to have belonged to the Roman tradition.
11. Courts have produced a great deal of case law in interpreting codes that become out of date because of social change.
12. The clear distinction between legislature and judiciary has weakened in many countries.
13. The courts are able to challenge the constitutional legality of a law made by parliament.
14. Codifiers of German law aimed at conserving customs and traditions peculiar to German history.

2.4. Use the following word combinations in sentences of your own:

to exaggerate facts; to eliminate the confusion; to formulate a comprehensive system; to have little impact on English law; peculiar to Ukrainian history.

2.5. Ask questions about the text. Answer them using: as far as I know; his aim was to; in order to; it is important (not) to; for one thing.., for another; despite this; while adopting some ideas..; they aimed at..; to conserve customs and traditions.

КОНТРОЛЬНА РОБОТА №3

3.1. Law Terms:

While reading the text 3 please pay attention to the following words and phrases and write down their Ukrainian equivalents:

1. common-law principles
2. a pluralistic system
3. civil-law principles
4. the Supreme Court
5. the Court of Appeal
6. the High Court of Justice
7. the Court of Session
8. the High Court of Justiciary
9. the county court
10. the British Crown dependencies
11. UK-wide jurisdiction
12. the Asylum and Immigration Tribunal
13. the Employment tribunals
14. legal jurisdictions
15. ultimate body
16. judicial precedent
17. persuasive precedent

18. to meet everyday needs
19. to build up
20. separation of powers
21. the law of negligence
22. statute law
23. constitutional changes
24. policy areas
25. under the authority of

3.2. Answer the following questions:

1. How many legal systems does the United Kingdom have?
2. What is the highest court in the land for all criminal and civil cases in England and Wales and Northern Ireland?
3. What is the court system in England and Wales headed by?
4. What do you know about the chief courts in Scotland ?
5. There are three distinct legal jurisdictions in the United Kingdom: England and Wales, Northern Ireland and Scotland, aren't they?
6. Are judges only able to innovate in certain very narrowly defined areas? Why?
7. What is the essence of English common law?
8. Describe the sources of the law of Northern Ireland.

3.3. Multiple Choice:

1. The United Kingdom has three legal systems:

a. English law, Scots law, Northern Ireland law;
b. Northern Ireland law, Roman law, Scots law;
c. Northern Ireland law, Roman law, Welsh law.

2. The highest court in the land for all criminal and civil cases is:

a. the Appellate Committee of the House of Lords;
b. the Royal Courts of Justice;
c. the Supreme Courts of Scotland.

3. Recent constitutional changes transferred the powers of the House of Lords to:

a. a new Supreme Court of the United Kingdom;
b. the Court of Appeal;
c. the Crown Court.

4. In England and Wales, the court system is headed by:

a. the Supreme Court of England and Wales;
b. the Court of Appeal;
c. the High Court of Justice and the Crown Court.

5. In Scotland the chief courts are:

a. the Court of Session and the High Court of Justiciary;
b. the sheriff court ;
c. the county court.

6. English law in its strictest sense applies within the jurisdiction of:

a. England and Wales;
b. Northern Ireland;
c. Scotland.

7. The law of Northern Ireland is:

a. common law system;
b. continental system;
c. mixed type.

8. The sources of the law of Northern Ireland are:

a. English common law;
b. Statute law;
c. Roman law.

3.4. Reconstruct the following using the text:

1. The United Kingdom/ legal systems./ which applies /has /three /which /in England and Wales/, and Northern Ireland/ law, /in Northern Ireland,/ applies/ are based/ on English law,/
2. The Appellate Committee of the House of Lords/ is /civil cases/ for all criminal/ civil cases/ and in England and Wales /and Northern Ireland,/ and for all/ in the land/ in Scots law./ the highest court/
3. Recent constitutional changes/ transferred to/of the House of Lords/ of the United Kingdom./ the powers/ a new Supreme Court/
4. In England and Wales,/ is headed by,/ the High Court of Justice/ the Crown Court/ consisting of/ the Court of Appeal,/ the court system/the Supreme Court of England and Wales/ and .
5. The Courts of / pattern./ follow/ Northern Ireland/ the same/
6. In Scotland are, /for civil cases,/ and, for criminal cases,/ the Court of Session/ while/ is/ of the county court./ the chief courts/ the sheriff court/ the High Court of Justiciary/ the Scottish equivalent
7. The Judicial Committee of/ British overseas/ is/ of appeal/ for Commonwealth countries,/ the territories,/ and the British Crown dependencies. /the highest court/ several independent/ the Privy Council/
8. There are/ distinct /the United Kingdom: /Northern Ireland and Scotland /has/ its own /legal system./ three /legal/ England and Wales/ each/ jurisdictions/ in/
9. English law/ be described /its own /distinct/ legal doctrine,/ legal systems/ since 1189./ can /as having/ distinct/ from /civil law/
10. English law /sense/ its strictest/ within of/ England and Wales/ in /applies/ the jurisdiction/
11. A decision of/ will follow/ appeal/ court /in England and Wales,/ is binding on/ court/ in/ the hierarchy,/ and they /its directions./ the highest /the House of Lords,/ every other/

12. The sources of /Northern Ireland /are /English /of /and statute law/ the law /common law,/

3. 5. Translate the following Ukrainian sentences into English:

1. Поведінка людини в суспільстві визначається не лише юридичними, а й моральними, релігійними та іншими соціальними нормами, народними звичаями.
2. Я б хотів(ла), щоб судовий прецедент був визнаний як офіційне джерело права в Україні. Мені здається, що процес внесення поправок до чинних нормативних актів органами законодавчої влади забирає надто багато часу.
3. Життя засвідчило необхідність розподілу влади як єдино можливу форму організації діяльності владних структур.
4. З часу прийняття нової Конституції України Президент має чітко окреслене коло прав та обов'язків.
5. Кабінет Міністрів України може створювати, реорганізовувати та ліквідовувати міністерства та інші центральні органи виконавчої влади.
6. Конституційний Суд може визнані недійсним закон, якщо він містить положення, що суперечать Конституції.
7. Визначальним принципом цивільного права є юридична рівність сторін цивільного правовідношення.

3.6. ***Please write a 500-word essay on any of the topics given below using new vocabulary:***

1) Law of the United Kingdom;

2) English law;

3) Northern Irish legal system and Scots law.

КОНТРОЛЬНА РОБОТА №4

4.1. Law Terms:

While reading the text 4 please pay attention to the following words and phrases and write down their Ukrainian equivalents:

1. governmental institution
2. to adjudicate legal disputes
3. to dispense justice
4. to bring smb's claim before
5. to be accused of smth.
6. jus dicere
7. trial courts
8. appellate courts
9. findings of fact
10. to reach conclusions of law
11. judgment of the court
12. bench trial
13. inquisitorial system
14. adversarial system
15. trial on indictment
16. costs penalty
17. original and appellate jurisdiction
18. to hear cases
19. to be reviewed by
20. Magistrates' Courts
21. justice of the peace
22. Family Proceedings Courts
23. to preside over
24. stipendiary magistrate
25. Youth courts

26. statutory court
27. to derive from
28. County Courts
29. to function with
30. to be inherent

4.2. Read and translate the following definitions:

- **legal system** - all the institutions, bodies of laws and principles, ideas, methods, procedures, traditions and practices which together form an organized system for the application of law in a state or community;
- **code** - a systematic written collection of laws on a particular subject or area of law;
- **adversarial system** - system of justice where judges do not investigate a case but reach a decision based on evidence presented by both sides;
- **inquisitorial system** - system of justice where the judge investigates the case and produces evidence;
- **jurisdiction** - the power of a court to hear and decide a case;
- **party** - each of the sides involved in a legal dispute;
- **verdict** - an official decision made by a jury in a court of law about whether someone is guilty or not guilty of a crime.

4.3. Match the words with their definitions. Use the words in the sentences of your own.

1) punishment
2) court
3) defense
4) appeal
5) prosecution
6) judge
7) layperson

8) justice

A. an application to a higher court or body to examine a case decided by a lower court or body and possibly give a different decision
B. not expert in the law, not a professional lawyer
C. the system by which people are judged in courts of law and criminals are punished
D. a penalty for a crime or offence
E. a person or group of persons with authority to hear and decide disputes by interpreting and applying rules of law
F. the lawyer(s) who represent the defendant in a civil or criminal case
G. the person or body that take criminal proceedings against someone, including the lawyers who act against the accused person
H. a person with authority to hear and decide disputes brought before a court for decision

4.4. Agree or disagree with the statements. Give your reasons.

1. The UK has a single system of justice, operating in England and Wales, in Scotland and in Northern Ireland.
2. The decisions of the House of Lords are binding on all other courts.
3. The High Court in its civil jurisdiction is divided into two Divisions.
4. Magistrates' courts are the lowest courts of first instance with unlimited civil and criminal jurisdiction.
5. As a court of trial the magistrates' court must decide whether the case is serious enough to be sent to the Crown Court.

6. A court is a body, often a governmental institution, with the authority to adjudicate legal disputes and dispense civil, criminal, or administrative justice in accordance with rules of law.
7. The High Court of Justice functions only as a criminal appellate court for cases from the subordinate courts.
8. The Old Bailey is the unofficial name of London's most famous Civil Court, which is now part of the Crown Court.
9. Magistrates' Courts are presided over by a bench of lay magistrates (or justices of the peace), or a legally-trained district judge (formerly known as a stipendiary magistrate), sitting in each local justice area. There is a jury.
10. Family Proceedings Courts are open to the public.
11. County Courts are statutory courts with a purely criminal jurisdiction.
12. Tribunals can be considered the lowest rung of the court hierarchy in England and Wales.

4.5. Answer the questions. Begin your answers with:

I think/believe that...; As far as I remember...; Well, I'd just like to say that..;. Well, let me see....

1. How many systems of justice are there in the UK? Why?
2. What divisions does the Court of Appeal consist of?
3. What functions does the High Court of Justice exercise?
4. How does the adversarial system of justice work?
5. Why are the decisions of the House of Lords binding on all other courts except the ECJ?
6. What kinds of cases does the Crown Court hear?
7. What is the lowest court in the hierarchy in England and Wales?

8. What body has the jurisdiction to try cases on indictment?
9. What are the most common subordinate courts in England and Wales?
10. Can tribunals be considered the lowest rung of the court hierarchy in England and Wales?

4.6. Translate the following sentences into English:

1. В Україні існує декілька типів судів: загальної юрисдикції, апеляційний, конституційний та верховний.
2. Апеляційні суди в Україні мають право розглядати скарги на рішення судів загальної юрисдикції.
3. Більшість справ вперше слухаються районними міськими судами.
4. Судочинство здійснюється Конституційним Судом та судами загальної юрисдикції.
5. Конституційний Суд дає офіційне тлумачення Конституції та законів України..
6. За Конституцією України від 28 червня 1996 року однією з гілок влади є судова влада.

4.7. Make a written translation of the following text, entitle it.

In some countries such as France (where there are nine jurors), the judges jurors decide the case together. In the United States juries not only decide if defendant is guilty but sometimes also have to say what punishment he should receive. Before World War II, Japan also had a jury system, but it was often criticised for the ease with which jurors could be bribed. Now Japan, like South Korea, is a rare example of modern industrialised country where jurors are not used: all decisions are made by professional judges. Most countries have special rules for young defendants. Children under ten cannot stand trial at all under English law. Juveniles (those under seventeen) are dealt with in special Magistrates Courts known as Juvenile Courts.

4.8. Compare the organization of the courts and judiciary in England and Wales and in your own country. Choose one of the following points which interest you and prepare to write about your ideas:

- Areas of jurisdiction of the courts
- Hierarchy of the courts and system of appeals
- Use of lay magistrates to decide less important civil and criminal cases.

PART IV. ADDITIONAL MATERIAL

Article Rendering

МЕТОДИЧНІ РЕКОМЕНДАЦІЇ ДО АНОТУВАННЯ СУСПІЛЬНО-ПОЛІТИЧНОГО ТЕКСТУ

У практиці одержання професійної інформації шляхом читання великого за обсягом текстового матеріалу часто використовують різні форми його узагальнення. Головною з таких форм вважають анотування. Під **анотуванням** розуміють стислу характеристику матеріалу, що має чисто інформаційне значення. Наводимо деякі рекомендації щодо послідовності дій при складанні анотації.

Роботу по складанню анотації починайте з логіко-змістового аналізу тексту.

Логіко-змістовий аналіз тексту

+

1. Після прочитання та перекладу іншомовного тексту розділіть його на абзаци і позначте кожен порядковим номером.
2. При роботі над абзацами виділіть головну думку кожного.
3. Згрупуйте і об’єднайте абзаци схожі за змістом одним формулюванням
4. Визначте абзаци, що розкривають зміст теми.
5. Знайдіть абзац, в якому виражена головна ідея тексту. Сформулюйте головну ідею.
6. Визначте абзац, в якому автор робить головні висновки.
7. Сформулюйте власне ставлення до прочитаного.

Алгоритми анотування прочитаного

Найбільш уживані вислови для анотування наукового тексту англійською мовою:

а) вступні вирази:

1. Ця стаття присвячена ... This article centres about (deals with, devotes considerable attentionto, is oriented forward to) …
2. Мені хотілося б підкреслити, що ... I would like to emphasize that …
3. Немає необхідності перераховувати всі ... There is no need to enumerate all …
4. Я вважаю за потрібне підкреслити, що ... I find it necessary to emphasize that …
5. У цьому зв'язку особливу увагуслід приділити ... In this connection particular importance should be attached to …
6. З урахуванням згаданої вище проблеми ... With regard to the problem mentioned .
7. Цей приклад чітко демонструє … This example clearly shows …
8. Викладені вище принципи повністю відповідають ... The principles stated above fully correspond to …
9. Ці спостереження мають важливе значення в ... These observations are of greatsignificance in …
10. Отже, я можу зробити висновок ... Thus I dare to conclude …
11. Нарешті мені хотілося б сказати, що ... Lastly I'd like to say that …
12. Очевидно, важливо зробити висновок ... It may be important to conclude

б) зв'язувальні та узагальнюючі фрази:

1. Взагалі ... In general …
2. Що стосується ... With regard to (as to) …
3. Це доводить, що .... It proves that …

4. Немає необхідності говорити…. Needless to say …

5. Певною мірою ... To some extent …

6. Більше того ... What is more …

7. Наскільки це стосується даної проблеми ... As far as this problem is concerned …

8. З точки зору ... From the point of view of …

9. Я вважаю, що ... I consider that …

10. Слід підкреслити ... It must be stressed …

11. Стосовно цієї проблеми ... Touching upon this problem …

12. Що стосується цього питання ... As to this question …

13. Щоб отримати найбільш глибоке уявлення про ... To gain a deeper insight into

14. Ось чому необхідно ... That is why it is imperative to …

15. Важливо відмітити, що ... It is of importance to note …

16. По-перше (по-друге, по-третє)… First (secondly, thirdly) …

17. Нарешті ... Finally …

18. Хочу зробити висновок ... I dare to conclude …

19. Перш за все ... Above all …

20. Так (таким чином) ... Thus (therefore) …

21. Крім того (до того ж) ... Furthermore …

22. Тому ... Therefore …

23. Більш того ... Moreover (over and above) …

24. Проте ... However …

25. Хоча ... Though …

26. Суттєво ... Essentially …

27. Тим не менш ... Nevertheless …

28. Звідси ... Hence …

29. Ось чому ... That is why …

30. В цілому ... On the whole …

Складіть анотацію за схемою

ВСТУП

1. I was supposed to	analyze	the following	article
	read		fragment
	render		passage
	translate		piece of news

2. The	article	is headlined	"…"
	piece of news		
	fragment		
	piece of news		
The title of the	article		is "…"
The headline of the	passage		

3. It was published in a	daily	newspaper
	weekly	magazine
	monthly	journal
	quarterly	supplement
	annual	
	evening	

4. The author of the	article	is	John Smith
	editorial		not pointed out

The	article	is written by the	special correspondent
	editorial		editor
			editor-in-chief

ВИКЛАД ЗМІСТУ

5. The	article passage editorial abstract	is about is connected with deals with refers to describes touches upon dwells on points out that discusses comments on reviews stresses emphasizes tackles the problem of draws the reader's attention to	…

6. The author		starts with notes that writes that/ about states that stresses (that) mentions (that) classifies enumerates talks about discusses (that) concludes that ends with

7. It should be	noted	that …
	stressed	
	pointed out	
	emphasized	
	mentioned	

ВИСНОВКИ

8. The key	problem	of the article is …
	question	

The main idea of the article is …

To sum up ... \ Finally...\ In the conclusion ...

ВЛАСНЕ СТАВЛЕННЯ ДО ПРОЧИТАНОГО

9. I think that …

I feel that …

I believe that …

To my mind … / In my opinion ...

It is worth reading, because ...

Thus …

I'd like to say that…

The problem is of great interest …

The problem is important \ topical because …

To tell the truth ... \ Frankly speaking ...

If I am not mistaken …

Resettlers demand that government show consideration and pass special law

"Living out of a Suitcase" rally was held near the Verkhovna Rada building on October 7

By Maria Prokopenko

9 October, 2014

The Day

People came to the parliament building with travel bags and posters reading "The Hungry Winter of 2014," "Having Fled Grads, We Are Now Facing Bureaucrats" and so on. "Since the beginning of March 2014, Ukraine has adopted no regulations addressing the status of internally displaced persons (IDPs). We want the bill on IDPs to be put on the agenda and voted upon on October 14 at least, by this parliament," protester Ruslana Panukhnyk said. The bill No. 4490-1 was on the agenda on September 16, but has failed to get a hearing so far.

Den covered the bill aiming to regulate the rights of IDPs in the article "There Are Almost 260,000 of Them Already," published in No. 163 on September 4, 2014. Importantly, the bill makes it easier for IDPs to get a temporary registration. "Currently, about 400,000 people are officially registered as IDPs. We still have no single list of refugees, just various lists in need of reconciliation. IDPs need registration to get help. On the other hand, without such a list, one can register in different places and get help several times," coordinator of the Donbas SOS NGO Oleksandr Horbatko explained. "International organizations are shocked by the fact that Ukraine has not adopted an IDP law yet. The adoption of such a law would allow international organizations to help our refugees."

Viacheslav Bondarenko is a former Luhansk resident who fled to Kyiv a few months ago, after spending some time as a prisoner of the so-called Luhansk People's Republic. The man told us: "I will register as an IDP as soon as possible.

I have not done it so far because I hoped to be back at home this fall, me and my family. I now understand that returning to Luhansk region at all would be a great success. IDPs have trouble getting shelter, job, and documents. I arrived in Kyiv without a passport myself, they first told me to go back to Luhansk and get documents reissued there, but then they did it in the capital after all. I am all right, my friends have sheltered me, I have found a job in my field of expertise, but I am a happy exception. Many of my friends have had to change a dozen apartments and been forced to return to the Donbas, where their lives are in danger." The activists stress that many refugees are now living in places unsuited for wintering, such as children's camps or unheated sanatoriums. Therefore, these people will be left cold and hungry without a law on IDPs.

According to coordinator of the Donbas SOS Maryna Liuta, so far, IDPs may register, get a voucher and try to obtain healthcare services as well as school places for their children with it. "People get free ride from the transit points to certain resettlement areas, and some local help with resettlement is available as well. Still, volunteers have to lend a hand in most situations, including provision of food, clothing, and healthcare. Most IDPs are able-bodied people who have one or two children, and they get no government assistance whatsoever," Liuta stressed. "The law on IDPs will not rectify the situation immediately, but it will launch the mechanism of employment assistance, social welfare, housing provision and so on."

The Verkhovna Rada has opened government procurement to public scrutiny

Expert: "For the system to become truly transparent, they will have to pass laws 'On Combating Corruption' and 'On the National Anti-Corruption Bureau' as well"

By Natalia Bilousova

15 April, 2014, The Day

MPs finally voted on an amended version of the government bill on public procurement, known as the bill No. 4587, on April 10. However, this truly revolutionary act barely passed the chamber, gaining the 226 votes needed only on the second try. So, now all the companies in which the state owns over 50 percent of equity fall under the law. It has eliminated the loophole allowing purchasing goods from one party, as had been the case. It is also expected to reduce by half or two thirds the time needed for holding a tender. The law has opened to public scrutiny all the information about the tender mechanism, its participants and participation terms. Prime Minister Arsenii Yatseniuk, who presented the bill to the parliament, said it would finally make public procurement "transparent, open and competitive."

Before the vote for the government-introduced tender bill, talk in the parliament's lobbies was that it might fall short of the 226 votes threshold due to an unclear position of the MPs from the Sovereign European Ukraine group and Svoboda faction.

The Day asked the informal leader of the former group MP Ihor Yeremeiev about the reasons behind their hesitation. "We will support the government-introduced bill, provided it contains an article on electronic tenders. Why is this important? It allows SMEs to participate in these tenders and supply goods to state enterprises. This gives SMEs an opportunity to be full participants in the competition for these orders," he told this newspaper. The bill's drafters have listened to this proposal, and Yeremeiev's group gave its support to it.

Svoboda MP Oleksandr Myrny, on the contrary, assured The Day that his faction put no ultimatums forward and was going to vote for the government-introduced version of the bill from the get-go. Meanwhile, an alternative bill on public procurement, authored by Svoboda's Ihor Miroshnychenko and known as the bill No. 4587-1, was just a supplement to the government bill, because, as explained by Myrny, the government's document was "somewhat narrow-focused." He

illustrated his point by complaining to The Day's reporter that the bill No. 4587 was not going far enough on fight against corruption. "Say, they hold a tender, a company wins it in a fair fight, but then sends a letter stating that the price of the product purchased has tripled as a result of several factors. Therefore, we suggest preventing such 3-fold and 15-fold increases by setting the cost of such products as supplied under the tender at no more than 110 percent of the market price," he said. Myrny explained Svoboda's second proposal by the example of medicine procurement: "Such tenders are conducted only when the State Treasury has the entire required amount of money reserved, for example 100 million. What we are saying is let us allow for the tender to be held for a certain amount without waiting for funds to be transferred in full, which, by the way, will help the patients in dire need of free medicines," he said. According to Myrny, Svoboda will now try to implement its proposals by amending the government-proposed law.

"The law creates an entirely clear and understandable public procurement system, helping to bring its standards up to the European level," chairman of the parliamentary committee on the fight against organized crime and corruption, UDAR MP Viktor Chumak told The Day as he evaluated the bill passed by the Verkhovna Rada. However, he said that all the laws depended on people to execute them, and so would largely the final result. Therefore, Chumak added that the Verkhovna Rada should pass laws 'On Combating Corruption' and 'On the National Anti-Corruption Bureau' as soon as possible, to finally make all public procurement procedures clean.

Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty (Henry M. Robert)

Old rules for new elections

“Those who will be chosen at the upcoming parliamentary election will serve as the first test of electoral maturity for Ukrainians”

Dmytro Kryvtsun
3 September, 2014
The Day

On September 2, parliament speaker Oleksandr Turchynov opened the 5th session of the 7th convocation of the Verkhovna Rada. It was expected that among other things, MPs would vote for amendments to the electoral legislation. But as head of parliamentary faction UDAR Vitalii Kovalchuk noted, new electoral rules will apply not to this year’s early election, but to all the following ones. The UDAR MP reminded that the Central Electoral Commission has already started registering candidates for simple-majority constituencies, therefore the change of legislation could lead to a large number of lawsuits and would put the legitimacy of the election under doubt.

The Verkhovna Rada also did not support the draft law which would give the Central Election Commission (CEC) the right to change borders and centers of single-seat constituencies in Donetsk and Luhansk oblasts, provide for enhanced security of electoral commissions and documentation, and stipulate the possibility of cutting the state budget for elections.

Let us remind that the president dissolved the parliament on August 25, slated an early election for October 26, and the election campaign was officially launched on August 28.

So, what will the new Verkhovna Rada elected according to the old rules be like? How did Ukrainians’ electoral behavior and preferences change? What are the

chances to carry out a quality overhaul of the parliament? The Day's experts are talking about this.

Iryna BEKESHKINA, sociologist, director of the foundation Ilko Kucheriv Democratic Initiatives:

"If we view Oleh Liashko as a kind of test for society (whether it will sift out populists and political turncoats), we can say that it will fail this test. The popularity rating of Liashko and his widely obscure Radical Party is very high. We measured voters' motivation during the presidential election, who voted for whom and why. According to this motivation, Liashko was perceived as a leader, as a protector of 'people like me.' He offers simple solutions to complex issues, he communicates with people using their language. His voters were the least educated, but on the other hand, there were a lot of youth under 30. Now 44 percent of voters come from rural areas. That is, these are the least sophisticated voters, and there are a lot of them. So, it cannot be said the entire society changed recently.

"If we talk about the changes in voters' behavior, the local election in Kyiv should be mentioned. It was held during the military conflict, but votes were sold, there is evidence of that. And the same will happen in other regions of the country.

Yevhen HOLOVAKHA, sociologist, Ph.D. in Philosophy, deputy director of the Institute of Sociology at the National Academy of Sciences of Ukraine:

"Ukrainian society has changed significantly in electoral sense. Support of parties that focus on European integration has increased as well. Now we witness the phenomenon of patriotic upsurge as a reaction to war, thanks to this internal integration of Ukraine is under way, and this applies not only to the western and central areas, but to the south of our country as well. This is proven by the latest polls that were carried out in summer. The patriotism of Ukrainians today is a temporary sentiment, and it is important these sentiments turn into views. The

opinion that voters need new faces and new policy has existed for many years, but curiously enough, old faces are still getting elected. And those who will be chosen at the upcoming parliamentary election will serve as the first test of electoral maturity for Ukrainians. We understand that the situation for voters is very complicated now, but if their likings match their views and not their fickle sentiments, perhaps, something will shift for better.

Election results: Conservatives win majority

8 May 2015

BBC NEWS

David Cameron has returned to Downing Street with the Tories having defied polls and won the general election.

The Conservatives made gains in England and Wales and are forecast by the BBC to secure 331 seats in the Commons, giving them a slender majority.

Labour leader Ed Miliband said he would stand down on Friday, saying his party must "rebuild" with a new leader.

Lib Dem leader Nick Clegg has also said he will quit, with his party set to be reduced from 57 to eight MPs.

UKIP leader Nigel Farage is also quitting after he failed to win Thanet South, losing by nearly 2,800 votes to the Conservatives.

The Conservatives have now won the 326 seats needed to form a majority administration, meaning they are able to govern without the need for a coalition or formal agreement with other parties.

Mr Cameron all but declared victory in a speech after being returned as MP for Witney, in which he set out his intention to press ahead with an in/out referendum on Britain's membership of the European Union and to complete the Conservatives' economic plan.

"My aim remains simple - to govern on the basis of governing for everyone in our United Kingdom," he said.

"I want to bring our country together, our United Kingdom together, not least by implementing as fast as we can the devolution that we rightly promised and came together with other parties to agree both for Wales and for Scotland.

"In short, I want my party, and I hope a government I would like to lead, to reclaim a mantle that we should never have lost - the mantle of One Nation, One United Kingdom. That is how I will govern if I am fortunate enough to form a government in the coming days."

Mr Cameron later returned to Downing Street with his wife Samantha and is now having an audience with the Queen at Buckingham Palace.

Chancellor George Osborne said the Conservatives had been "given a mandate to get on with the work we started five years ago" and would follow the "clear instructions" of the British public.

However, Work and Pensions Secretary Iain Duncan Smith acknowledged that governing with a small majority was difficult.

"Whatever else we now do we keep it simple, we keep it focused and we absolutely stick to our manifesto commitments," he told the BBC.

He said the party would deliver an EU referendum as it was a "red line".

The 2016 U.S. Presidential Race: A Cheat Sheet

David A. Graham and Matt Ford

May 14, 2015

The Atlantic

John Bolton steps back from the race, while Martin O'Malley and George Pataki announce when they'll announce if they're stepping in.

May is shaping up to be a crucial month for former governors of Northeastern states who might run for president. Former New York Governor George Pataki will announce his decision on May 28, while former Maryland Governor Martin O'Malley will make an announcement two days later. On Thursday, former U.S. ambassador John Bolton told supporters he wouldn't seek the GOP nomination.

If Pataki enters the race, he'll be the fourth Republican candidate to announce this month. Neurosurgeon Ben Carson and tech executive Carly Fiorina both announced campaigns on May 4, followed shortly thereafter by former Arkansas Governor Mike Huckabee. O'Malley would be the second Democratic candidate to enter the race this month after Senator Bernie Sanders.

With so many candidates in the mix—some announced, some soon to announce, and some still on the fence—it's tough to keep track of it all. To help out with that, this cheat sheet on the state of the presidential field will be periodically updated throughout the campaign season. Here's how things look right now.

The Democrats

Bernie Sanders

Who is he? Sanders represented Vermont in the U.S. House from 1991 to 2007, when won a seat in the Senate.

Is he running? Yes.

Who wants him to run? Far-left Democrats; socialists; Brooklyn-accent aficionados.

Can he win the nomination? No, although his campaign seems more about getting his ideas into the mix than about winning. In particular, he's an outspoken opponent of the Trans-Pacific Partnership, the free-trade agreement President Obama is pushing. Hillary Clinton once seemed to back the deal, but she's offered far more equivocal statements since declaring her candidacy. But Sanders came out of the gate with strong fundraising numbers and has testily rebuffed reporters who suggest he can't win.

Hillary Clinton

Is she running? Yes.

Who wants her to run? Most of the Democratic Party.

Can she win the nomination? Duh.

What else do we know? Maybe a better question, after so many years with Clinton on the national scene, is what we don't know. Here are 10 central questions to ask about the Hillary Clinton campaign.

The Republicans

George Pataki

Who is he? After rising through the state legislature, Pataki ousted incumbent Mario Cuomo in 1994 to serve three terms as Governor of New York.

Is he running? Maybe.

Who wants him to run? It's not clear. Establishment Northeastern Republicans once held significant sway over the party, but those days have long since passed.

Can he win the nomination? As my colleague Russell Berman previously noted, Pataki is one of the longest of the long shot GOP candidates. He previously touted his leadership as governor of New York on 9/11, but so did former New York City Mayor Rudy Giuliani. He was also a successful conservative governor in a deep-blue Northeastern state, but so was former Massachusetts Governor Mitt Romney.

When will he announce? May 28.

What else do we know? Unusually for a GOP candidate, Pataki is fairly socially liberal: He passed a gay-rights bill as governor, supports same-sex marriage, and is pro-choice.

Mike Huckabee

Who is he? Huckabee worked as an ordained preacher before turning to politics, eventually serving as Governor of Arkansas from 1996 to 2007.

Is he running? Yes. He kicks off the campaign May 5.

Who wants him to run? Social conservatives; evangelical Christians.

Can he win the nomination? Huckabee's struggle will be to prove that he's still relevant. Since he last ran in 2008, a new breed of social conservatives has come in, and he'll have to compete with candidates like Ted Cruz. His brand of moral crusading feels a bit out of date in an era of widespread gay marriage—not least when curiously chose to attack Beyoncé. He faces fire from strict anti-tax conservative groups for tax hikes while he was governor. And fundraising has

always been his weak suit. But Huckabee's combination of affable demeanor and strong conservatism resonates with voters.

What else do we know? Here is Huckabee's launch teaser video, with plenty of contrast with the Clintons.

Texts for Supplementary Reading

Text 1

HER MAJESTY'S PRISON SERVICE

His/Her Majesty's Prison Service is the United Kingdom Executive Agency tasked with managing most of the prisons within England and Wales. (Scotland and Northern Ireland have their own prison services: the Scottish Prison Service and the Northern Ireland Prison Service, respectively). The Director-General is the administrator of the prison service. The Director-General reports to the Home Secretary and also works closely with the Prisons Minister, a junior ministerial post within the Ministry of Justice. As of 2004, the Prison Service is responsible for 138 prisons and employs around 44,000 staff.

The Service's statement of purpose states "Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release." The Ministry of Justice's objective for prisons seeks "Effective execution of the sentences of the courts so as to reduce re-offending and protect the public". Statistics available for October 2007 showed the service housed 80,997 prisoners: 76,588 males and 4,409 females. Early in 2004, it was announced that the Prison Service would be integrated into a new National Offender Management Service later in the year.

Prison officers have "all the powers, authority, protection and privileges of a constable" whilst on acting as such. Although the system is flexible in operation, most Prison Officers work in small teams, either assigned to a specific special duty, or providing one shift of staff for the supervision of a particular wing within a prison. Each such team is led by a Senior Prison Officer. Where several teams work together, such as the different staff shifts on an individual prison wing, there will be an overall supervisor with the rank of Principal Prison Officer. All uniformed prison staff were formerly under the supervision of a small number of very senior and experienced officers who held one of three Chief Officer ranks;

however, modern reorganisation of the Service has seen these Chief Officer ranks abolished, and their role taken by junior grade prison Governors.

The Prison Service does not manage all prisons within England and Wales. Currently there are seven prisons that have been designed, constructed, managed and financed privately. There are two further prisons that were built with public money but are managed privately. Private prisons are subject to scrutiny by Her Majesty's Chief Inspector of Prisons in a similar manner to prisons run by the public Prison Service.

On 6 January 2004, then Home Secretary announced that the Prison Service, together with the National Probation Service, is to be integrated into a new National Offender Management Service. The Prison Service will still have a Director General, who will report to the Chief Executive of the new agency. In January, 2008, the Home Secretary announced that the government was to introduce legislation to remove the right for Prison Officers in England and Wales to take strike action.

Every prison and immigration removal centre has an Independent Monitoring Board (IMB), formerly known as a *Board of Visitors*. Members of the IMB, who are volunteers, are appointed by the Home Secretary and act as 'watchdogs' for both the Minister of Prisons and the general public, to ensure that proper standards of care and decency are maintained.

Prison population of England and Wales. There are 139 prisons in England and Wales, with 19 built since 1995. Seven prisons are private: built under the Private Finance Initiative, they are termed DCMF prisons (privately Designed, Constructed, Managed and Financed) and revert to the government after 25 years. A further two prisons are privately managed but were built with public money. The remaining prisons are operated by Her Majesty's Prison Service, an Executive Agency reporting to the Home Office. The prison population is split between local prisons, remand centres, training prisons, young offender institutes and open prisons.

England and Wales has one of the highest rates of incarceration in Western Europe, with Scotland close behind: In 2006 an average of 148 people in every 100,000 were in prison, just ahead of Scotland with 139 per 100,000 (although these figures are far short of the 738 per 100,000 in the United States).

On 22 February 2008, prisons in England and Wales had exceeded their "operational capacity" with just over 82,000 prisoners. This is a near-doubling of the English and Welsh total from 42,000 in 1991; furthermore the Home Office predicts a population of 110,000 by 2010.

In 2004, each prisoner cost the taxpayer an average of £38,000. The rise in the prison population has been substantially driven by harsher sentencing. In 1995, 129 people were in prison for shoplifting; in 2005, it was 1,400. In 2001, 3,000 people were sent to prison for petty theft for a first time offence. One third of petty offenders lose their home while in custody; two-fifths lose contact with their families; two-thirds lose their jobs. Around half of all prisoners have a reading age less than an 11-year old. Two in five prisoners lack basic literacy skills and four in five do not have basic numeracy. All this contributes to reoffending rates of 59% within two years. The number of women in prison has risen disproportionately - from 1,800 in 1994 to 4,500 in 2004. 40% of women going to prison have previously attempted suicide. In January 2008 it emerged that over 16,000 prisoners had been released early over the previous 7 months in an attempt to free up prison places.

Answer the questions:

1. What are the most common crimes in your country?
2. Do you think crime has increased in the last years? If you do, what do you think are the reasons?
3. What do you think is the best way to fight crimes?
4. What powers do prison officers have?
5. Who is the administrator of the prison service?
6. Does the Prison Service manage all prisons within England and Wales?
7. Can volunteers be members of the IMB?
8. Do Scotland and Northern Ireland have their own prison services?

Text 2

JUDGES

Contrary to the practice in some continental countries, there is no separate judicial profession in England and all judgeships are filled by the appointment of practicing barristers. The impartial approach to cases required of a judge means that not all barristers would be suitable for appointment.

Successful barristers may suffer a substantial fall in income, though this is counterbalanced by the prestige attaching to the office, the certain salary to a comparatively advanced age, and pension upon retirement. Training for holders of judicial office is provided by the Judicial Studies Board appointed by the Lord Chancellor.

Another feature of the judiciary in this country is that there is no established system of promotion. Judgeship at any level, including the offices of Lord Chancellor and Lord Chief Justice, may be filled by practicing with no previous experience as judges. It is still relatively uncommon for a Circuit judge to be appointed to the high Court. Appointments to the Court of Appeal are invariably

made from the High Court but this involves little change of status, function or salary.

Although judicial appointments are political, in the sense that they are made by the Government, every attempt is made, to maintain the independence of judges after appointment. Their salaries are charged upon the Consolidated Fund, which means that the statute authorizing payment does not require annual Parliamentary discussion and approval, as does the statute providing for the payment of the salaries of civil servants and members of the armed forces.

Judges appointed after 1959 must now retire at 75. Apart from this, a judge of the Supreme Court can only be removed from the office in very exceptional circumstances. Removal requires misconduct on the part of the judge and the petition to the Crown from both Houses of Parliament. Since this provision was made in the Act of Settlement 1701, no judge of superior court in England has been removed from office and the exact procedure for dismissal is a little uncertain.

Unless such a petition is being considered, it is a convention that the conduct of judge may not be criticized in Parliament. Further protection is given by the fact that superior court judges are immune from any proceedings arising out of acts done within their jurisdiction; since their jurisdiction is virtually without restriction, they have in affect completely immunity. No action may thus be brought for defamation for any statement they may make, or for false imprisonment for any sentence they may award. Judges of inferior courts such as Circuit judges are similarly protected but their limited jurisdiction means that the protection is not so wide.

Circuit judges are appointed by the Crown on the advice of the Lord Chancellor from barristers of at least 10 years' standing Recorders who have held office for at least 5 years; they may be removed from office by the Lord Chancellor on the grounds of incapacity or misbehavior.

The Courts Act 1971 provides for additional judicial assistance in the Crown Court by the appointment of part-time judges known as Recorders who must be

practicing barristers or solicitors of at least 10 years' standing. Higher judicial appointments are made by the Crown on the advice of the Prime Minister. The 27 Judges of the Court of Appeal are referred to, for example, as Lord Justice Wisdom or in writing as Wisdom, LJ. The 10 Lords of Appeal in Ordinary or Law Lords who are given life peerages to enable them to sit in the House of Lords are referred to, for example, as Lord Wisdom, or by any other title that has been taken on the creation of the peerages.

Answer the questions:

1. What is necessary to become a judge?
2. What board is training for holders of judicial office provided by?
3. Is there an established system of promotion in England?
4. Can a judge of the Supreme Court be removed from the office?
5. May the conduct of a judge be criticized in Parliament?
6. Is the protection of Circuit judges wide or not?
7. What are Circuit judges?
8. What you can say about Recorders?
9. Whom are Circuit judges appointed by?
10. Whom are higher judicial appointments made by?

Text 3

THE DIVION OF THE LEGAL PROFESSION

Unlike in most other countries the legal profession in England and Wales is divided into two branches and the expression «lawyer» may be used to refer to either a solicitor or a barrister. This distinction may be explained by drawing an analogy from the medical profession.

A person suffering from pain in the head, the back or the foot will consult his local general practitioner; similarly, a person who wishes to sell his house, make a will or divorce his wife will consult a solicitor. In the more difficult or serious cases the medical practitioner will seek the opinion of a specialist; likewise the solicitor may

ask for the written advice of a barrister who specializes in the field of law under consideration. This advice is known as counsel's opinion.

Let us carry the analogy a stage further and liken Surgery to litigation. Many complaints about which a doctor is consulted do not require an operation and every consultation with a solicitor does not result in a court appearance. Minor surgery such as lancing a boil may be done by the local practitioner but more serious matters such as the removal of appendix will be done by a surgeon. A solicitor may appear for his client in the County Court or in the Magistrates' Court but, except in a very limited number of instances, he must brief a barrister if the case goes to a higher court. Advocacy is the second and more important aspect of a barrister's work.

A solicitor tends, therefore, to be the general practitioner of the law while the barrister is the specialist and «surgeon».

This division of the legal profession has been criticized as being more costly, harmful to the confidence of clients, and leading to the inefficiency and delay; a «fused» profession would allow one lawyer to take a case through from start to finish. However, the Royal Commission on Legal Services in 1979 recommended against fusion on the grounds that would lead to a decline in the overall quality of service. Barristers would join large firms of lawyers and their specialism and experience would not be so widely available.

Answer the questions:

1. How is the legal profession divided into?
2. What is the difference between a solicitor and a barrister?
3. What you can say about advocacy?
4. In what cases does a solicitor consult?
5. In what Court may a solicitor appear for his client?
6. What is the sphere of work of a barrister?
7. Why the division of the legal profession has been criticized?
8. What does a «fused» profession mean?

9. May the solicitor ask for the written advice of a barrister?

10. Are the solicitors and barristers connected in their work?

Text 4

CIVIL AND CRIMINAL LAW

The word «law» suggests the idea of rules; rules affecting the lives and activities of people. Legal rules aim at making provision for a large number of cases of a particular kind.

As legal systems develop, the different rules tend to fall into two main categories, criminal law and civil law, and the objectives of each, although closely connected, are different. Criminal law is concerned with conduct of which the state disapproves so strongly that it will punish the wrongdoer. It is felt that society cannot work if people are allowed to take the property of others at will; therefore, theft is forbidden and thieves are punished to deter them, and others of a like mind, from repeating this conduct. There are other aims of punishment but it is not the objective of criminal law to compensate the victim, except perhaps incidentally.

Civil law has a complementary function. If a dispute arises between two individuals, each believing himself to be in the right, a quarrel may ensure and violence or other criminal conduct may result. To prevent this, rules of civil law were developed in order to determine which of the two parties was in the right. The party in the wrong was then obliged to make redress by compensating the other for any loss he may have caused. The object of the civil law therefore is to resolve disputes and give a remedy to the persons wronged, not to punish wrongdoers.

Most countries, including England, find it convenient to set up separate systems of criminal courts and civil courts. In England, a criminal prosecution is usually begun in the name of the Crown through the machinery of the police and the Crown Prosecution Service, and the decision as to whether or not to press the prosecution is not the concern of the victim. In a civil case, the law is set in motion by a private individual, or a firm, who has the right to determine how far the action shall continue.

Differences also exist in the rules of evidence and procedure, reflecting the fact that a criminal conviction is likely to be far more damaging to a person's character than failure in a civil action. The rules of evidence are much stricter in criminal cases; for example, a confession will be carefully examined to see if any pressure was brought to bear upon the accused, but an admission in a civil case will be fully accepted. The standard of proof required in criminal cases is greater, for the accused must be proved guilty beyond all reasonable doubt. A plaintiff in a civil action will succeed on the balance of probabilities, which is if he can convince the court that he has only a marginally stronger case than the defendant.

Finally, it is important to note that the same series of events may sometimes give rise both to criminal and civil proceedings. For instance, if A is alleged to have driven carelessly and injured B, two types of issue arise. Careless driving is conduct which has been made a criminal offence and A may be prosecuted by the Crown in a criminal court and, if found guilty of the offence, punished. The issue of whether A has caused loss to B through negligence and should therefore pay B compensation will be determined in a separate civil action brought by B in a civil court, although in this type of situation the loss will normally be met by A's insurance company. There are many other instances, such as the failure to guard dangerous factory machinery and the sale of misdescribed goods, where the same incident may give rise to both criminal and civil actions.

Answer the questions:

1. What groups are rules divided into?
2. What offences does criminal law deal with?
3. What duties does civil law perform in England?
4. What rules exist in rising civil and criminal proceedings?
5. What type of cases requires burden of proof?
6. What events can start both criminal and civil actions?
7. Yow does criminal procedure differ from civil action?
8. What penalties can be imposed by civil law?

9. What are both civil and criminal law aimed at?

10. What agencies are engaged in the process of criminal prosecution in England?

Text 5

CLASSIFICATION OF LAW

In order to understand many different aspects of law, it is helpful to look at various areas or classifications of law. Law is sometimes classified as substantive or procedural. The law that is used to actually decide disputes may be classified as substantive law. On the other hand, the legal procedures that provide how a lawsuit is begun, how the trial is conducted, how appeals are taken, and how a judgment is enforced are called procedural law. Substantive law is the part of the law that defines rights, and procedural law establishes the procedures whereby rights are enforced and protected. For example, A and B have entered into an agreement, and A claims that B has breached the agreement. The rules that provide for bringing B to court and for the conduct of the trial are rather mechanical and they constitute procedural law. Whether the agreement was enforceable and whether A is entitled to damages are matters of substance and would be determined on the basis of the substantive law of contracts. Law is also frequently classified into areas of public and private law. Public law includes those bodies of law that affect the public generally; private law includes the areas of the law that are concerned with the relationships between individuals. Public law may be divided into 3 general categories:

(1) constitutional law which concerns itself with the rights, powers and duties of federal and state governments under the US Constitution and the constitutions of various states

(2) administrative law, which is concerned with the multitude of administrative agencies, such as the Interstate Commerce Commission, the Federal Trade Commission, and the National Labor Relations Board; and (3) criminal law, which consists of statutes that forbid certain conduct as being detrimental to the welfare

of the state or the people generally and provides punishment for their violation. Private law is that body of law that pertains to the relationships between individuals in an organized society. Private law encompasses the subject of contracts, torts and property. Each of these subjects includes several bodies of law. For example, the law of contracts may be subdivided into the subjects of sales, commercial paper, agency and business organizations. The law of torts if the primary source of litigation in their country and is also a part of the total body of law in such areas, as agency and sales. A tort is a wrong committed by one person against another or his property. The law of torts is predicated upon the premise that in a civilized society people who injure other persons or their property should compensate them for their loss. The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property contains much more than the contract characteristics. Property is the basic ingredient in our economic system, and the subject matter may be subdivided into several areas, such as wills, trusts, estates in land, personal property, bailment and many more.

Answer the questions:

1. What is substantive law?
2. What do we call procedural law?
3. What is the difference between public and private law?
4. What does constitutional law concern itself with?
5. What is administrative law concerned with?
6. What does criminal law consist of?
7. What does private law encompass?
8. What is a tort?

Text 6

THE POLICE

Americans have developed great expectations of the police, and regardless of the time of day, the weather, or the inconvenience citizens expect them to

respond to calls for assistance. A detailed listing of the expectations placed on the police is not possible here, but in general people want them to function in the following ways:

To prevent and control «serious crime», that is, any conduct widely recognized as threatening our lives or property.

To assist and protect victims of crime, especially those in danger of physical harm.

To protect constitutional guarantees, including those of free speech and assembly

To facilitate the movement of people and vehicles.

To assist addicts mentally ill, physically disabled old, young, and others who cannot care for themselves.

To resolve conflict between individuals, groups, and anyone in conflict with the government.

To identify problems before they become more serious for individuals, police, or the government.

To create and maintain a feeling of security in the community

If police did not exist to take complaints on a continual basis, 24 hours a day and 7 days a week, to whom would citizens turn? What techniques do police traditionally employ to handle citizens' complaints? How did the police come to be, and what is the legacy of American policing? Can police departments be better organized so as to better serve the public and solve crime related problems? We attempt to answer these questions. We describe the history of the American police, examine the most common function of policing (patrols), discuss police detectives, and examine the way police respond to incidents in the community, and so on.

Many of our perceptions of how police functioned in the past have been created by novels, television, and the movies. Yet what the police actually do and what they are properly expected to accomplish in American society differ significantly from the popular representations. Most of us have had dealings with the police. We have called on them for assistance, or perhaps we have been arrested. And depending on the nature of our personal experiences with them, each of us has formed opinions about the police.

Answer the questions:

1. To whom would citizens turn in time of need?
2. How do Americans expect police to respond to calls for assistance?
3. What are the main functions of the police?
4. What are the most important functions of the police to your mind?
5. What questions would we discuss in the texts?
6. How have our perceptions of police functioning been created?
7. In what cases do most of us deal with the police?
8. How are our opinions about the police formed?

Text 7

THE LEGACY OF AMERICAN POLICE

The history of police in the United States is incoherent. Every town, village, and hamlet has police, counties are policed by sheriffs and deputies, highways are patrolled by state troopers, and the Federal Bureau of Investigation (FBI) investigates federal crimes. Each level of policing has a different history, and in the various sections of the country the history varies greatly. Our Founding Fathers evidently feared a strong, centralized police apparatus more than they feared crime, for by leaving policing to local governments they guaranteed that police would be dispersed, unorganized and ineffective. With thousands of police agencies developing simultaneously in every sector of the country, with several layers of jurisdictions, and with different political contexts in different parts of the country, it perhaps should come as no surprise that no consensus exists as to how police have evolved in the United States.

To a great extent, colonial America's policing followed the British model. The county sheriff was the most important law enforcement agent as long as the colonies remained small and primarily rural. The sheriff had many duties other than apprehending criminals. In fact, at first he had no patrol function, but acted only upon complaints of citizens. Sheriffs were paid by a fee system, that is, they

were given a fixed amount for every arrest made or subpoena served and for each court appearance. The primary function of sheriffs was tax collecting, rather than law enforcement, and since the sheriffs received higher fees based on the taxes they collected, law enforcement was not one of their primary concerns.

In the early American towns, the British style constable was eventually replaced by a town marshal, who often called on vigilante groups to assist him in his law enforcement duties. But as cities grew, it became increasingly difficult for the marshal to enforce the law effectively. We can trace the history of American policing though three stages: the political era, the reform era and the community problem - solving era.

Answer the questions:

1. Why is the history of police in the United States incoherent?
2. Why does no consensus exist as how police have evolved in the United States?
3. What were the functions of the sheriff?
4. Why was the tax collecting the primary function of the sheriff?
5. What stages do historians trace the history of American policing through?

Text 8

PROBLEM-ORIENTED POLICING

This approach centers on removing the police from the isolation of patrol cars and placing them among the people in the community in intimate continuous way.

Professor Herman Goldstein is identified as the developer of the problem-oriented approach to policing. Problem-oriented policing involved a process of (1) identifying the problem, (2) analyzing the problem, and (3) developing an effective response to the problem. The first step, identifying the problem, requires the police to develop a series of questions regarding the actors involved in the problem. The actors include victims, offenders, witnesses and other «third parties». Then, a

series of inquiries about the incidents that make up the problem must be developed, for example, inquiries into the sequence of events, the physical context of the events, and the effects of the events. Finally, the police examine the responses to the problem by the police themselves and by other community institutions.

After the problem has been identified and the appropriate questions have been developed, an in depth analysis is carried out. The sources of information for this step include relevant literature, official police reports and other data, even the problem makers themselves, the suspected offenders. Also, the analysis can include inquiries outside the local region or state to see how other communities have dealt with similar problems. Analysis is a difficult and time-consuming process, and requires the best investigative efforts the officer or department can put into it to ensure that it is sufficiently thorough. Then, after the problem has been identified and analyzed, the final step is developing alternative strategies to cope with the problem.

In some cases proposed solutions may eliminate or significantly reduce the problem, or perhaps may minimize the harm it causes. In others they may lead to better police techniques for dealing with the problem, or maybe even to a decision to remove it from police consideration.

In the modern era, the police must be flexible. They must be able to respond effectively to sudden crises and emergencies of a non-criminal nature while carrying out their routine crime control duties.

Police must be able to assist other government agencies as well as keep public order during tornadoes, earthquakes, floods and other natural disasters. Moreover, in many crisis situations like street riots, bombings, and acts of terrorism, the police are expected to do more than assist other agencies. They often have sole responsibility of dealing with the problem.

Crises may involve some changes in routine and a reduction in the numbers and sizes of regular patrols as officers are assigned to the crisis site, as that would leave the rest of the city unprotected. Police are commonly called on to conduct intelligence operations focused on organized crime and vice in the community.

Such routine problems are unending, and many, like family disputes and public intoxication, are chronic concerns that cannot be resolved by the usual process of arrest, fine, and release.

The range of special responses demanded of the police is almost infinite. And the ingenuity shown by many police agencies in developing special strategies and tactics is admirable. The development of responses, though, is sometimes slow and painful, since responses effective in one situation do not necessarily apply to others.

Police, we have seen, do much more than merely enforce the law. In many ways, we can conclude, the police task is too large, too difficult, too complex for any single agency. Perhaps the emergence of private police with very narrow responsibilities - guarding a warehouse, delivering a valuable package, monitoring conversations, watching for shoplifters - has occurred for this very reason.

But whatever the techniques employed, the police can expect to continue facing a variety of situations, for it is certain they will continue to be involved in handling whatever crises occur.

Answer the questions:

1. What does problem-oriented policing center on?
2. Who is the developer of the problem-oriented approach to policing?
3. What steps does problem-oriented policing involve?
4. What is the first step? What does it involve?
5. What is the second step?
6. What are the sources of information for this step?
7. What can the analysis also include?
8. What is the final step?
9. What may proposed solutions do?
10. Why must the police be flexible in the modern era?
11. What agency often has sole responsibility of dealing with sudden crises and emergencies of a non-criminal nature?

12. What crises situations and emergencies do you know?

13. What are police commonly called on?

Text 9

JUVENILE CRIME AND JUVENILE JUCTICE SYSTEM

Then in the early industrial years of American society, primarily the decades immediately after the Civil War, there started a movement to set up a separate juvenile justice system aimed more at rehabilitating young offenders than punishing them. This was part of a larger series of efforts collectively known as the child - savers' movement, in which prominent American citizens - often women - set about improving the general living conditions of poor urban youngsters.

Among other issues such as child labor and the treatment of orphans, these «child savers» felt that trying young offenders in adult criminal courts and imprisoning them in adult jails, workhouses, and penitentiaries was unnecessary and even counterproductive. Young offenders, they felt, were not yet hardened in their criminality F there was some hope that, if treated with a helping hand rather than a brutalizing one, they might reform and escape a life of crime.

The result of these efforts was the creation and establishment of the juvenile criminal justice system as we know it today, which began with the first juvenile court in Illinois in 1899 and spread from there to all the states.

No system of state intervention ever built had higher hope or more noble purposes. In contrast to the adult criminal justice system, which is punitive in its intent and stern and somber in its operations, the juvenile justice system was intended from the start to be «beneficent» to help youthful offenders, not punish them. Treatment, education, rehabilitation were its battle cries.

But the creation of a new system of justice is fraught with such problems as defining what crimes and what individuals are to be covered by it, what procedures to be used, and what outcomes from it are to be hoped for versus the outcomes actually realized. Moreover, in our society it involves the creation of a set of laws

and procedures that ultimately must meet the various tests of Constitutionality under our system of government.

It is necessary also to examine issues such as the cutoff point between juvenile and adult, to note an important evolution of the system into two processes: one for dealing with children who commit acts that would be criminal if performed by adults, and one for dealing with children simply in need of state supervision or intervention. Whether the high hopes of the early child savers have been realized is still being debated. Today, we preserve the philosophy of separate norms for juvenile justice but we must deal realistically with serious violent crimes committed by young people where juvenile processing seems too lenient on the one hand and too little able to protect the rest of us on the other. There are conflicting views as to whether juvenile delinquency should be dealt with separately from adult criminality, and if so, to what extent juvenile criminals should be handled more or less harshly than adult criminals.

Answer the questions:

1. When was a movement to set up a separate juvenile justice system started?
2. What was the aim of this movement?
3. What do you know about the child-savers‘movement?
4. What were the main purposes of this movement?
5. Under what conditions might young offenders reform?
6. What was the result of these efforts?
7. Which in its intent is the adult criminal justice system?
8. What was the juvenile justice system intended to be?
9. What were the battle cries of the juvenile justice system?
10. What problems did the new justice system face?
11. What does the new system of justice involve in our society?

Text 10

JAILS, PRISONS AND LOCKUPS

The jail may be the most misunderstood institution in the criminal justice system. Jail and prison are often thought of as synonymous terms by citizens who use them interchangeably (e.g. He was sentenced to 5 years in jail).

Even those who should know better - newspaper columnists and politicians - confuse these terms.

Prisons - are state or federal institutions for the confinement of sentenced felons who have at least 1 year to serve; jails are local county or city institutions for the temporary detention of persons awaiting indictment, arraignment, trial or sentencing and for person, serving short-time misdemeanant sentences (less than a year). In some cases jails also hold material witnesses - that is, witnesses to a crime who might flee or move away before the trial if they are not detained – as well as parole violators awaiting return to prison.

Virtually, every city, county and town in the United States has a facility for the confinement of arrested persons and the incarceration of misdemeanants. Village or town jails often consist of now more than a few cells for locking up six to eight persons. On the other hand, major citing jails have hundreds of large group cells as well as individual cells.

Police stations have lockups, small holding cells, for the temporary detention of persons under investigation or being processed for their initial appearance. Persons placed in lockup cells must be screened for medical or psychological problems which may threaten their own safety.

Jails, in the pure sense, are not correctional facilities; typically jails have little if any correctional capability in terms of recreation - libraries, educational programs, and the like. Because most jail inmates are awaiting trial, and therefore presumed «innocent», correctional programs are inappropriate.

The average length of stay in jail is 11 days, but many persons will be confined not much more than 24 hours, or until friends or relatives raise bail or make other release arrangements. This is especially true of police lockups, where release is often arranged prior to arraignment or transfer to jail.

Most veteran prisoners agree that jail time is much more difficult to serve than a prison sentence. Jail terms are usually shorter; typically the jails themselves are not equipped with outside recreation facilities. They are often crowded, dirty, unsafe and populated by an unstable mixture of felons, drunks, misdemeanants - those considered the «dregs of society».

In comparison to jails, most prison facilities provide a great deal of stimulation in the form of hobby activities, vocational training, educational opportunities, movies, religious programs. Holding a person in custody implies a responsibility to provide care for that person who, by virtue of being incarcerated, is no longer able to fully provide for his or her own needs. When the police agency arrests someone, even for the individual own protection, the responsibility for that person's safety and health lies with the police. Therefore in properly managed jails and lockups, medical screening is provided. Guards are trained to recognize threatening behavioral characteristics, policies require routine standards of care, and officers are trained and equipped to render aid quickly and expertly in any emergency.

Answer the questions:

1. What is a prison?
2. What is a jail?
3. What are material witnesses?
4. What do police stations have for a temporary detention of persons?
5. Can we regard a jail a kind of a correctional facility?
6. What is an average length of stay in jail?
7. Why do most veteran prisoners agree that a jail time is more difficult to serve than a prison sentence?
8. How do prison facilities differ from those in jails?
9. What responsibility does holding a person in custody imply?

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