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Law at First Sight





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Підручник призначено для студентів-юристів, які почали вивчати курс професійно-орієнтованої англійської мови та мають відповідний базовий рівень (не нижче середнього – Intermediate Level).

Текстовий матеріал та система вправ надають можливість майбутнім фахівцям-правознавцям засвоїти загальну юридичну термінологію, розвинути навички та вміння читання, говоріння та письма за фаховою тематикою.

Підручник побудовано за модульною системою, що відповідає сучасним вимогам організації навчального процесу.

Автори висловлюють вдячність **Полу Бредбієру**
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Module 1

LAW STUDIES

Unit 1. LAW STUDIES IN UKRAINE

PRE-READING SECTION

Before reading discuss these questions:

1. What types of establishments for education in law do you know about?
2. What educational opportunities are there in your country for young people who have left school?
3. Do you think law students should have courses they can choose themselves?

READING SECTION

Read the text carefully. Try to find answers for the questions above and compare your answers with the information given in the text. Try to explain the words in bold

Law Studies in Ukraine

Present-day Ukraine has got a great number of higher **educational establishments**, which provide opportunities to study law and **related disciplines** in an energetic and creative **learning environment**. Ukrainian law schools prepare students for success in law practice, business, public service and teaching. They offer a **varied and challenging curriculum** of legal studies.

Very often law students gain practical experience by working directly with clients throughout the community. Numerous classes, such as administrative law, family law and civil rights law have **clinical components**, which allow students to make practical use of what they learn in the classroom in a wide variety of legal settings and organizations. The cooperation of Law Faculties with **Legal Aid Bureaus** and **Criminal Justice Institutions** give the students oppor-

tunities to provide legal services in both the civil and criminal legal systems.

Law educational establishments prepare their graduates to **serve as lawyers** and in law-related roles. Their goal is to provide **comprehensive and enlightened training** for legal practice, public service, for work on the local, state and international levels, as well as for teaching law and **legal scholarship**.

Law students study such courses as Law History, Roman Law, Constitutional Law of Ukraine, Criminal Law, Law of Torts, Administrative Law, Contract Law, International Law, Commercial Law and many others. The courses give the students a survey of the achievements of the World Law System as well as introducing them to the latest principles of **law making and law-enforcement**.

The university students who have completed their **undergraduate studies** get a **Bachelor's Degree**, which is the first university degree. A person who has a Bachelor's Degree is called a bachelor. A second more specialized degree is called a **Master's Degree**.

Law faculties enhance the opportunities for their students both to further their professional development and to provide a valuable service to **people in critical need of legal assistance**. They want to help every student to realize his or her potential. They encourage all law students to develop a **keen sense of obligation** to work for justice, both under the law and in society.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|------------------|-------------------|
| 1. sense | a. assistance |
| 2. enlightened | b. critical need |
| 3. to serve as | c. of obligation |
| 4. undergraduate | d. establishments |
| 5. legal | e. curriculum |
| 6. Bachelor's | f. Centers |
| 7. educational | g. training |
| 8. Legal Service | h. lawyers |
| 9. varied | i. studies |
| 10. people in | j. Degree |

2. Choose the best words to complete the sentences:

- | | |
|----------------|-------------------|
| a. challenging | d. educational |
| b. cooperation | e. experience |
| c. Master's | f. Constitutional |

1. Ukraine has got a lot of higher establishments.
2. Ukrainian law schools offer varied and curriculum of legal studies.
3. A second more specialized law degree is called Degree.
4. Law students study such courses as Roman Law, Law of Ukraine and many others.
5. Law faculties have close with Legal Aid Bureaus .
6. Law students gain practical by working directly with clients.

3. Fill in the correct preposition, then make sentences using the completed phrases.

1. success law practice.
2. curriculum legal studies.
3. to gain experience working with clients.
4. to work justice.
5. people critical need.
6. principles law-marking.

READING COMPREHENSION SECTION

1. Check whether you were attentive while reading.

1. What opportunities do higher legal educational establishments provide?
2. What curriculum do law faculties offer?
3. Where do law students gain practical experience?
4. What is the goal of law higher educational establishments?
5. What law courses do students study?
6. Who is awarded a Bachelor's Degree?
7. What is the second more specialized degree?
8. What qualities must law students develop?

2. Match the words to their meanings, then use them to describe law studies in Ukraine.

- | | |
|---------------|------------------|
| 1. curriculum | a. help, support |
|---------------|------------------|

- | | |
|------------------|---|
| 2. legal | b. one whose work is to know about laws and advise and help others concerning the law |
| 3. client | c. allowed by law, lawful |
| 4. obligation | d. the successful accomplishment of a task |
| 5. graduate | e. to supply smth. needed or useful |
| 6. lawyer | f. a university student who has not taken his first degree yet |
| 7. achievement | g. a duty, necessity |
| 8. undergraduate | h. a person who has received an academic degree or diploma |
| 9. provide | i. a person using the services of a lawyer or other professional person |
| 10. assistance | j. course of study offered in a school or one of its divisions |

1. Read the text again and take notes under these headings, then, look at your notes and talk about law studies at your higher educational establishment.

- | | |
|-----------------|---------------|
| • Establishment | • Cooperation |
| • Opportunities | • Degrees |
| • Disciplines | • Assistance |
| • Experience | |

DISCUSSION SECTION

Think and answer these questions

1. Do you think your university teachers try to find new ways of teaching law subjects?
2. Which law degree is the most common in Ukraine?
3. In which year of university study does a student usually begin to focus on his or her major subject?
4. Are secondary-school grades important for university admission?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-word essay:

1. Do you agree that your higher educational establishment is the best in your city? Use specific reasons and details to support your answer.

2. Imagine that you are to take part in an international law students' conference and you are asked to send an e-mail about your university and the faculty you are studying at.

USEFUL VOCABULARY

Bachelor's Degree	ступінь бакалавра	степень бакалавра
challenging	той, що кидає виклик (важкий, але цікавий)	бросающий вызов (трудный, но интересный)
clinical components	важливі складові	важные составляющие
comprehensive	всебічний	всесторонний
criminal justice institution	орган кримінального судочинства	орган уголовного судопроизводства
critical need	гостра потреба	острая необходимость
curriculum	навчальний план	учебный план
educational	освітній	образовательный
enlightened	<i>тут</i> прогресивний	прогрессивный, просвещенный
establishment	заклад	заведение
keen	гострий	острый
law-enforcement	правоохоронний	правоохранительный
law-making	законодавство	законодательство
lawyer	юрист	юрист
learning environment	навчальне середовище	учебная среда
legal assistance	юридична допомога	юридическая помощь
legal aid bureau	юридична консультація	юридическая консультация
related discipline	пов'язані дисципліни	связанные дисциплины
scholarship	вченість	ученость
sense of obligation	почуття обов'язку	чувство долга
to serve	працювати, служити	работать, служить
undergraduate	студент	студент
varied	різноманітний	разнообразный

Unit 2. LAW STUDIES IN THE USA

PRE-READING SECTION

Before reading the text discuss these questions.

1. Would you choose to be educated at Harvard Law School? Why?
2. What is your opinion of the system of required and elective courses? Would you like to study by such a system?
3. What are the advantages and disadvantages of learning two professions at the same time?
4. If you had an appointment with a Harvard Law School counselor, what questions would you ask?

READING SECTION

Harvard Law School

1. You are going to read an article about Harvard Law School. Choose the most suitable heading from the list A-K for each part (1-9) of the article. There is one extra heading which you do not need to use. There is an example at the beginning (0).

- A. Multiple use of papers
- B. Curriculum
- C. Areas of law
- D. Opportunities
- E. Internationally oriented activities
- F. Library
- G. Preparation and other work. Plagiarism.
- H. Practical use
- I. Scholarships
- J. Violation of examination rules. Dishonesty in examination.
- K. Dormitories.

0	D
---	---

The world's premier center for legal education and research, Harvard Law School, provides unmatched opportunities to study law and related disciplines. A Harvard Law education prepares students for success in law practice, business, public service, and teaching. Through its faculties, students, and alumni, Harvard Law

School is able to contribute solutions to the world's most complex legal and social problems.

1	
---	--

Harvard is home to the world's largest academic law library.

Its collections, numbering nearly two million volumes, support the teaching and research activities of the School and serve as a resource for legal scholars throughout the world.

2	
---	--

Harvard Law School offers a legal curriculum whose breadth and depth is unmatched in legal education. Rather than emphasizing any single area of law, the School provides both introductory and advanced courses in every major area of legal studies. This varied and challenging educational program prepares students for leadership within legal practice, the judiciary, government and other public services, academia, and business.

Because of the range and diversity of the HLS faculty, students benefit from a curriculum that can adjust quickly to changes in the legal profession and the world. In recent years, for example, HLS has enhanced its courses in terrorism, corporate responsibility, and Islamic Law.

3	
---	--

Harvard Law School students also learn by working directly with clients throughout the community. Numerous classes, such as Administrative Law, Family Law, and Civil Rights Law, have crucial components, which allow students to make practical use of what they learn in the classroom in a wide variety of legal settings and organizations. The Law School's own Hale and Dorr Legal Services Centre and Criminal Justice Institute give students hands-on opportunities to provide legal services in both the civil and criminal legal systems.

4	
---	--

Harvard Law School offers degree programs designed to meet the needs of students at various stages of their academic and professional careers

Courses are offered in such diverse areas of law as Constitutional Law, Criminal Law, Corporate Finance, Environmental Law, Negotiation, International and Comparative Law.

5	
---	--

Beyond the boundaries of the formal curriculum, students have access to an enormous range of internationally oriented activities. These include the School's internationally oriented research programs, many of which bring to campus a number of figures, who deal in international affairs and provide opportunities for students to take part in important international projects. Students also can participate in more than a dozen internationally oriented student organizations, including the International Law Society and the Harvard International Law Journal, and take advantage of numerous summer and post-graduation work opportunities at firms, NGOs and multilateral organizations outside the U.S.

6	
---	--

Harvard Law School has eight dormitories providing accommodations for 690 of its 1,800 students. All dormitory spaces are either suites or single, furnished rooms, and all are in close proximity to classrooms and the library. Admission to the dormitories is determined by a lottery system.

7	
---	--

No communication is permitted between students during examinations. No student is permitted to keep any books, notes, or papers during an examination except with the express permission of the instructor or proctor. For violation of the examination rules or dishonesty in an examination, a student is subject to disciplinary action.

8	
---	--

All work submitted by a student for any academic or non-academic exercise is expected to be the student's own work. In the preparation of their work, students should always take great care to distinguish their own ideas and knowledge from information derived from sources. The term 'sources' includes not only published or computer-accessed material, but also information and opinions gained directly from other people.

Students who are in any doubt about the preparation of their work should consult the appropriate instructor, supervisor, or administrator before it is prepared or submitted. Students who submit work that is not their own without a clear list of all sources, even if not on purpose, will be subject to disciplinary action.

Occasionally students seek to submit one paper for two or more courses or seminars. In such cases, the paper must be of sufficiently greater scope or depth to warrant such multiple credits. The instructors involved should discuss appropriate ways to make sure that the submitted work meets the requirements of both courses.

In order to assure compliance with this requirement, students submitting the same or similar written work in more than one academic course must first submit the Multiple Paper Form available in the Registrar's office. The form must be signed by the instructors in question. A student, who submits the same, or substantially the same work to more than one course without such prior permission, will be subject to disciplinary action.

2. Listen to the dialogue between a freshman and the counselor of Harvard Law School. Reproduce the dialogue between them. Here is a part of their conversation. You may improve it if you like.

Freshman (F): Good morning, Sir.

Counselor (C): Good morning. You must be ...

F: That's right, Sir. We have an appointment today.

C: Welcome to Harvard Law School. Please be seated. So, do you have any questions to discuss with me?

F: Yes, Sir. I would really like to know what courses I am to take as freshman. Are there any required courses?

C: Well, sure. This year you will have six required courses: Civil Procedure, Contracts, Torts, Criminal Law, Property and First-Year Law.

F: First-Year Law? What is that supposed to mean?

C: Oh, it just helps you to develop some legal skills. You are going to love it!

F: Well, what about the Second and Third years? Are there any required courses?

- C:** No, it's all going to be your own choice. In your Sophomore and Junior years you'll have to complete 52 elective courses.
- F:** 52 courses! Sounds like awfully a lot!
- C:** Don't worry about that. If you get things done on time, you'll be fine. Besides, you'll have a whole two years for them. Look, you'll have to complete at least 24 courses a year. That means you'll have to get from 10 to 15 credits in the fall and spring terms and 2 or 3 credits during the winter term. Some workaholics manage to complete up to 28 courses a year, but that's the highest limit we allow.
- F:** Excuse me, Sir, I am told I will be able to cross-register for courses in the other parts of the University. Is that true?
- C:** That's true, but at least 8 credits each term must be for Law School work.
- F:** So, Second and Third year courses are fully elective, right?
- C:** Right, but we strongly recommend students to take Accounting, Constitutional Law, Corporations, and Taxation in the second year. That's going to do you a world of good, so start thinking about it now. And get ready to do a lot of research and writing – your credits may depend on it.
- F:** Well, what if I feel like getting an extra credit for some course or do some independent research? What am I supposed to do then?
- C:** That's easy. You'll just talk the extra credit over with your instructor and agree on the amount of points you'll get for the optional paper. A lot of students who want to do an independent research prefer to find a member of faculty to guide and supervise them. You know, that's pretty useful, good counsel can change a lot.
- F:** What if I happen to miss a class?
- C:** Oh, you don't want to do that. All students are expected to attend and participate. Besides, if you do not attend for a long time, you'll be treated as having withdrawn from the course or seminar in question. Then you'll get no credit!
- F:** I see. They say that examinations here are anonymous and I will fail if I put my name on the paper.
- C:** That's what you should be careful about. No names, classes or any personal comments that might identify you. Besides, make sure you turn in the papers on time on the day of the examination. If you turn in late, the case will be referred to the Administrative Board.

- F: And what will that result in?
- C: There can be notations to your transcript and adjustment to the grade noted there.
- F: Oh, I'll try not to miss my classes. Sir, I've heard there's a medical center here on campus and I am supposed to pay some fee to get the services.
- C: That's right, you pay a fee and you get a comprehensive package of ambulatory services right here at the University. There are four healthcare clinics on campus. The main one is in the Holyoke Center. It is open 7 days a week to make sure that all of our students are fine and healthy.
- F: That's great Thank you for answering all my questions, Sir.
- C: That's what I am here for. If you need another visit to my office, sign up with my secretary.

VOCABULARY SECTION

1. Choose the best words and word combinations to complete the sentences that follow.

- | | |
|--------------|------------------------------|
| a. doubt | f. volumes |
| b. dormitory | g. participate |
| c. violation | h. access |
| d. lottery | i. introductory and advanced |
| e. permitted | curriculum |
| | j. curriculum |

1. Harvard library numbers nearly two million that support the teaching and research activities of the School.

2. Harvard Law School offers a legal whose breadth and depth is unmatched in legal education.

3. The School provides both and courses of every major area of legal studies.

4. Students have to an enormous range of internationally oriented activities.

5. Students can in more than a dozen internationally oriented student organizations.

6. All spaces are either suites or single, furnished rooms.

7. Admission to the dormitories is determined by a system.

8. No communication is between students during the examinations.

9. For of the examination rules a student is subject to disciplinary action.

10. Students, who are in any about the preparation of their work should consult the appropriate instructor, supervisor, or administrator before it is prepared or submitted.

2. Match the words to their meanings, then use them to describe Harvard education.

- | | |
|-----------------|--|
| 1. alumni (pl.) | a. allowing or being allowed to enter or enroll in a college or university |
| 2. academic | b. ahead in development |
| 3. scholar | c. any advantage, profit or helpful effect |
| 4. advanced | d. building where university students live, sleep and study |
| 5. benefit | e. talk with another person or group in order to reach an agreement |
| 6. negotiation | f. former students of a school or college |
| 7. access | g. person with deep knowledge of an academic subject: a learned person |
| 8. campus | h. the grounds of a college or university |
| 9. dormitory | i. concerning studying, especially in a college or university |
| 10. admission | j. the right to use |

DISCUSSION SECTION

Think and answer these questions

1. Explain how Harvard Law School can influence the present world.

2. What is so remarkable about the curriculum of Harvard Law School? Is it flexible and fast enough to react to the changing situation in the world? Explain why.

3. How can the students of Harvard Law School apply their knowledge while they are studying? Does the University provide any opportunities?

4. Compare the hands-on opportunities provided by Harvard Law School to those you have at your own university. What would you do to improve them?

5. What are the peculiarities of the Harvard dormitory system?
6. What is your opinion of the Harvard Law School honesty rules? Do you think they are fair? Explain why or why not.
7. Are the honesty rules more or less strict at your own university? What do the faculty members do to prevent cheating?
8. Do you often have to prepare research papers at your university? Do the faculty members check your works for plagiarism?
9. Is the multiple use of papers possible at your university? What do you think of the Harvard Law School policy as to multiple use of papers?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-word essay:

1. What ideas about university and your faculty did you have before you began your first term? How has your attitude changed, or has it remained the same? Write a paper that compares and contrasts what you expected university to be like with what you actually found.
2. What steps do you take to prepare for an examination? Write a list of these steps, and then develop the list into an essay.

USEFUL VOCABULARY

academia	наукова спілка, товариство	научное общество
accommodation	житло	жилье
accounting	бухгалтерська справа	бухгалтерское дело
administrative law	адміністративне право	административное право
admission	вступ	прием
advanced	ускладнений	усложненный
alumna, alumni	випускник	выпускник
appropriate	відповідний	соответствующий
available	доступний	доступный
beyond the boundaries	за межами	за пределами
breadth	ширина	ширина
campus	університетське містечко	университетский городок

civil and criminal legal systems	цивільна та кримінальна правові системи	гражданская и криминальная правовые системы
civil procedure	цивільний процес, цивільне судочинство, цивільно-процесуальне право	гражданский процесс, гражданское судопроизводство, гражданско-процессуальное право
civil rights law	право щодо захисту цивільних прав	право по защите гражданских прав
community comparative law	суспільство порівняльне правознавство	общество сравнительное правоведение
comprehensive constitutional law	всебічний конституційне право	всесторонний конституционное право
contract corporate finance	контракт фінансування корпорацій	контракт финансирование корпораций
corporation	корпорація	корпорация
creative credit	творчий залік	творческий зачет
criminal law	кримінальне право	уголовное право
crucial components	важливі компоненти	важные компоненты
curriculum	навчальний план	учебный план
degree programs	програми на отримання наукового ступеня	программы на получение научной степени
depth	височина, висота	высота
discipline	дисципліна	дисциплина
distinguish	розрізняти	различать
diverse areas of law	різноманітні галузі права	различные области права
diversity	різноманітність	разнообразие
dormitory	гуртожиток	общежитие
dozen	дюжина	дюжина

elective	вибірковий	выборочный
enormous range of	величезна різноманітність, вибір	огромный выбор
environmental law	правові норми щодо захисту оточуючого середовища	правовые нормы по защите окружающей среды
express	особливий	особенный
extra	додатковий	дополнительный
faculty	викладацький склад	преподавательский состав
family law	сімейне право	семейное право
fee	плата	плата
frequently	часто	часто
freshman	студент першого курсу	студент первого курса
furnished	мебльований	меблированный
government	уряд	правительство
hands-on	практичний	практический
inquiry	дослідження, запит	исследование, запрос
international affairs	міжнародні справи	международные отношения
international law	міжнародне право	международное право
internationally oriented activities	міжнародно спрямована діяльність	деятельность международной направленности
introductory	вступний, початковий	вступительный, начальный
judiciary	судовий	судебный
junior	студент третього курсу	студент третьего курса
legal education	правова освіта	правовое образование
legal services	юридичні послуги	юридические услуги
legal settings and organizations	юридичні організації	юридические организации
multilateral	багатобічний	многосторонний
multiple	багаторазовий	многократный

negotiation	переговори	переговоры
NGO	неурядова організація	негосударственная организация
not on purpose	ненавмисно	неспециально
occasionally	час від часу	время от времени
opportunity	можливість	возможность
optional	додатковий, необов'язковий	дополнительный, необязательный
permission	дозвіл	разрешение
plagiarism	плагіат	плагиат
post-graduate studies	аспірантура	аспирантура
prior	попередній, той, що передує	предшествующий
proctor	інспектор	инспектор
public service	громадська робота	общественная работа
range	діапазон	диапазон
scholar	вчений	ученый
scope	діапазон	диапазон
single	одномісний	одноместный
sophomore	студент другого курсу	студент второго курса
student body	студенти	студенты
submit	подати	подать, сдать
substantially	великою частиною	большей частью
sufficiently	достатньо	достаточно
suite	номер люкс у готелі	номер люкс в гостинице
supervisor	інструктор, керівник	инструктор, руководитель
taxation	оподаткування	налогообложение
to adjust	коригувати	корректировать
to assure	забезпечувати	обеспечивать
to be involved	мати стосунок до	иметь отношение к
to be in close proximity to	бути розміщеним близько до	находиться близко от
to be in doubt	мати сумніви	сомневаться

to be subject to	підлягати	подлежать
to complete	завершити	завершать
to comply with a requirement	відповідати вимозі	соответствовать требованию
to conduct	проводити	проводить
to consult	консультуватися	консультироваться
to cross-register for a course	паралельно зарахуватися на інший курс	быть параллельно зачисленным на другой курс
to derive from sources	брати з джерела	получать из источника
to emphasize	підкреслювати	подчеркивать
to enhance	посилювати	усиливать
to gain from	отримувати, брати від	получать
to have access to	мати доступ	иметь доступ
to make practical use of	застосовувати на практиці	использовать на практике
to meet requirements	відповідати вимогам	отвечать требованиям
to permit	дозволяти	позволять
to refer	спрямовувати, відносити	направлять, относить
to require	вимагати	требовать
to seek	прагнути	стремиться к
to take advantage of	використовувати	использовать
to warrant	гарантувати	гарантировать
to withdraw from a course	кинути курс, припинити вивчення/ відвідування курсу	бросить курс, прекратить изучение/ посещение курса
Tort	делікт	деликт
transcript	табель	табель
unmatched violation	неперевершені порушення	непревзойденные нарушения
wide variety	широкий вибір	широкий выбор

Unit 3. MISCELLANEOUS

PART 1

PRE-READING SECTION

Before reading the text discuss these questions

1. What exactly does self-education mean for you?
2. What are the advantages and disadvantages of self-education?
3. Why do people need self-education?

READING SECTION

Read the text and state any new facts you have learnt.

Self-Education

You have no doubt already discovered that the only effective learning is the learning you do yourself. What we make part of us is the material we learn through discovering and build into our frameworks of knowledge by our own active, relational thinking. University work is, much more than schoolwork, a process of self-education. At school you had teachers at your elbow to plan your work for you, to dole out assignments of work to be completed in a certain time, perhaps even to spoon-feed you with material to reproduce in GCSE, examination papers or spot the questions most likely to turn up in these papers. At university you will not have someone at your elbow all the time. You will have to plan your work for weeks even months ahead. You will have an examination at the end of your term. You will have essays or laboratory work, translation or to prepare for seminars in the interim, but the major test by which your academic progress is assessed may seem to you remote. You have therefore to plan work for some time ahead.

Now it is the time, then, to consider the most effective ways of studying, and whether the habits and methods of study you have so far acquired at school are likely to measure up to the heavy demands which university work is going to make upon you.

What study involves. Many students mistakenly think that study is simply the memorization of subject-matter and its reproduction in the examination papers. Of course, there are in every subject elements to be memorized, but study involves a great deal more

than that. It involves the mastery and practice of the methods of thinking, of experiment and appreciation, the understanding of theories, the solution of problems, the analysis and criticism of lectures, books and articles, the making of summaries and extracts, the writing of essays, reports and theses. In short, you have to digest knowledge from a wide variety of sources and make it part of you- a living and ever growing part of you.

VOCABULARY SECTION

1. Give Ukrainian equivalents to the following word-combinations.

1. the solution of a problem;
2. to consider the most effective methods;
3. active, relational thinking;
4. heavy demands;
5. likely to turn up;
6. to digest knowledge;
7. the analysis and criticism of a lecture,
8. developing good habits,
9. not to have someone at your elbow
10. frameworks of knowledge

2. Find English equivalents in the right-hand column to the following expressions.

- | | |
|-----------------------|------------------------------|
| 1. тренування навичок | a. methods of thinking |
| 2. серйозні вимоги | b. effective ways |
| 3. способи мислення | c. frameworks of knowledge |
| 4. опанувати знання | d. heavy demands |
| 5. ефективні способи | e. to dole out assignments |
| 6. система знань | f. developing good habits |
| 7. виділяти завдання | g. process of self-education |
| 8. вирішення проблеми | h. to plan the work |
| 9. процес самоосвіти | i. to digest knowledge |
| 10. планувати роботу | j. solution of a problem |

3. Find English equivalents to the following word-combinations

1. ефективний спосіб навчання;
2. процес самоосвіти;
3. планувати роботу на місяць наперед;

4. оцінка, аналіз та критика;
5. опанування та застосування методів мислення;
6. розвиток добрих навичок навчання;
7. активне мислення;
8. серйозні вимоги.

4. *Compose the word-combinations from the separated words. Translate them.*

- | | |
|----------------|-----------------|
| 1. self | a. learning |
| 2. first | b. variety |
| 3. the making | c. habits |
| 4. frameworks | d. thinking |
| 5. good | e. of problems |
| 6. examination | f. of summaries |
| 7. solution | g. of knowledge |
| 8. effective | h. term |
| 9. wide | i. education |
| 10. relational | j. papers |

5. *Insert words and word-combinations missed out.*

1. University work is much more than school work a process of....

2. Many students mistakenly think that is simply the memorization of subject-matter and its reproduction in the examination papers.

3. You will have to your work for weeks even months ahead.

4. You have.....to plan work for some time ahead.

5. At university you have to digest from a wide variety of sources and make it part of you.

6. At school you had a teacher to plan your work for you, to assignments of work to be completed in a certain time.

A-study; B-knowledge; C-therefore; D-self-education;
E-at your elbow; F-plan; G-dole out.

READING COMPREHENSION SECTION

Read the following statements and put '+' when the statement corresponds to the content and "-" when it does not.

1. Study is simply the memorization of subject-matter.

2. There are in every subject elements to be- memorized.
3. At university you have teachers at your elbow to plan your work for you.
4. The only effective learning is the learning directed by a teacher.
5. University work is, much more than school work, a process of self-education.
6. Study involves the mastery and practice of the methods of thinking, of experiment and appreciation, the understanding of theories, the solution of problems, the analysis and criticism of lectures and extracts, the writing of essays, reports and theses.
7. In short, study means digesting knowledge from a wide variety of sources and making it part of you.

DISCUSSION SECTION

Think and answer the following questions. Argue your point of view.

1. What in your opinion is the most effective method of learning?
2. Who plans your work at school? How do they do it?
3. Who plans your study at university?
4. Should any improvement be made in our education system? Which ones?
5. Do you agree with the statement that the only effective learning is the learning you do yourself?

USEFUL VOCABULARY

assignment	завдання	здание
at your elbow	поряд з вами	рядом с вами
developing good habits	вдосконалення навичок	усовершенствование навыков
effective ways	ефективні способи	эффективные способы
essays	письмові роботи	письменные работы
frameworks of knowledge	система знань	система знаний
GCSE examination papers (General Certificate of Secondary Education)	екзамен на одержання атестату після закінчення середньої школи	экзамен на получение аттестата после окончания средней школы

heavy demands	серйозні вимоги	серьезные требования
in the interim	у проміжку часу	в промежутке времени
mastery	опанування	овладение
memorization	заучування напам'ять	заучивание наизусть
methods of thinking	способи мислення	образ мыслей
self-education	самоосвіта	самообразование
solution	рішення	решение
to acquire	оволодівати	овладевать
to digest knowledge	опанувати знання	овладевать знаниями
to dole out	виділяти	выделять

PART 2

PRE-READING SECTION

Discuss these questions

1. What do you remember better: people, events or impressions? Why?
2. Do you remember good or bad things better?
3. What are your first childhood memories connected with?

READING SECTION

Read the following magazine article and explain the words in bold.

Memories

If human **memories** could be extracted from their deep and mysterious **lair** in the **brain** and then pieced together like a **jigsaw**, one day alone of this century could be recreated in minute detail. November 22, 1963 is etched into the minds of nearly every English-speaking person over 60. It was, of course, the day that President Kennedy was shot. Linked to each individual's recollection of the main event is a detailed record of what they were doing when they heard the news.

The fact that so many people can remember that moment demonstrates what a **world-shattering** one it was. But in the long run, it

may be that what it demonstrates about the workings of the human brain is more important. After all, why should we remember what we were doing when we heard of the **assassination**? We take it for granted that our memories work this way, but would it not be more logical for events of such magnitude to **obliterate** the memory of whatever we were up to at the time, rather than enhance it?

Our memories are fantastically complex, but anyone who has ever used a personal computer has a ready-made model with which to compare them. The computer model is not perfect, however. For a start, the largest mainframe in the world cannot compete with the potential brain power of human beings. Packed into even the thickest of human **skulls** are some 1,000 billion **cells**, or neurons, and each one can connect with thousands of its neighbors. Each connection represents a 'bit' of information and, in theory; we can carry more bits than there are atoms in the known universe.

There are two quite distinct types of memory – short-term and long-term. Our short-term memories are those, which we hold on to just as long as we need them. The vast majority of our everyday thoughts, sights and impressions are registered in the **short-term memory** only. They take the form of patterns, or linked pathways, created by circulating currents of electrical energy. So long as the current is buzzing around its little route, the memory that it represents stays in the mind. But once the current dies down, the memory, too, starts to fade.

While short-term memories consist of active electrical circuits, long-term memories are quite literally etched into our brains. It seems that if the pathways taken by a particular electrical current are well trodden, or if the current passing along them is strong enough, the cells along the way change, so that the route or pattern is permanently marked.

Events, which have strong meaning for us, are particularly likely to be upgraded into the **long-term memory**. Part of the reason is probably that we go over and over these memories, keeping the pathways stimulated and the electrical current high. It's also likely that certain chemicals come into play, too. When we are **excited**, very happy, or **frightened**, our glands pump out chemicals such as adrenaline. One theory has it that some of these chemicals stimulate the neurons to alter their structure and **forge** permanent connections with each other.

It follows, then, that a memory formed when we are up is more likely to stick than one registered when we are down. Several experiments seem to bear this out. In one, a group of students was first shown an exciting film, then given a list of words to memorize. Another group was shown a miserable film, and then given the same learning task. Next day the group who watched the happy film could remember 20% more words than the other group.

Some people have the **ability** to reproduce things perfectly through what is known as an eidetic memory. These are the people who can **glance** at a newspaper and retain a 'snapshot' memory of it. This sort of memory is quite different from the imprint that most of us would make. Try closing your eyes and bringing to mind a scene you know well – the pattern of the wallpaper in your bedroom, say, and then try to describe it perfectly. Almost certainly you will find it impossible – the fine details will seem to dissolve when you focus on them. But people with eidetic memories really can examine the pictures in their mind's eye as if they were the real things.

Even the most **forgetful** of us can improve our memories. Mnemonics can be learned by anyone. At their simplest they involve filing things away in a way that makes them easy to retrieve. For example, if you want to remember a list of things, you could create an imaginary street scene in your mind's eye, then 'place' the things you need to remember in various places along the street. It helps to make the objects visually striking. If one of the things you need to remember is, say, to take the car in for a service, you might 'place' the car. With its engine dismantled, in some thoroughly unlikely setting – hanging from a lamppost perhaps. When you later stroll down your 'street' looking for the things on your list, the suspended car will not escape notice!

READING COMPREHENSION SECTION

For questions 1-6, choose the answer (A, B, C or D) which you think fits best according to the text.

1. Why is it strange that so many people can remember what they were doing when President Kennedy was assassinated?
- A It is difficult to remember your actions on a day a long time ago.
 - B They weren't affected personally by the assassination.
 - C It was such an important event for the world as a whole.
 - D They probably weren't doing anything unusual that day.

2. What does the writer say about the memory in comparison with the computer?

- A Neither of them is completely reliable all the time.
- B The memory is more complicated than the computer.
- C The computer operates in a more organized way than the memory.
- D Neither of them is used to its fullest capacity all the time.

3. Events enter the long-term memory if

- A we think about them repeatedly.
- B we are determined to remember them.
- C they are repeated many times.
- D they happen unexpectedly.

4. What do experiments show about our memories?

- A Our ability to remember something depends on our feelings when it happens.
- B We are more likely to remember things we do than things we see.
- C People are more likely to remember pleasant things than unpleasant ones.
- D We tend to have better long-term memories than short-term memories.

5. The example of wallpaper is intended to illustrate that

- A most of us pay little attention to our surroundings.
- B eidetic memories are only useful for remembering visual things.
- C most of us cannot remember things with complete accuracy.
- D having an eidetic memory is a big advantage in life.

6. The writer gives an example of using mnemonics for

- A remembering what something looks like.
- B remembering where you have put something.
- C remembering something that you have done.
- D remembering that you have to do something.

DISCUSSION SECTION

Discuss these questions

1. How good is your memory?
2. Do you want to improve your memory?
3. Do you know how to improve your memory? What are your suggestions?
4. Who can memorize things better: children, teenagers, young people or elderly people? Explain your point of view.

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-word essay:

1. Describe how to become a more effective student; give rules for others to follow.

Some people think that they can learn better by themselves than with a teacher.

2. Others think that it is always better to have a teacher. Which do you prefer? Use specific reasons to develop your essay.



Module 2

THE CONCEPT OF LAW

Unit 1. WHAT IS LAW

PRE-READING SECTION

Before reading discuss these questions.

1. Can you explain the definition of the word “Law”?
2. Do we need laws?
3. Are Laws and Morals the same?

READING SECTION

Read the text carefully. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

The Concept of Law

The concept of law is so **complicated** that the exact definition is not easy to give. The question about the essence of law has interested people for a long time. And the field of study, known as Jurisprudence is devoted to researching this point. There are various interpretations of the concept of law. First of all, law is a rule or a collection of rules of **conduct** and **values** that are important to human society and allow civilization to exist and people to live peaceful lives. Some people understand law as morals. But it is a mistake. As we know, our culture is shaped by the traditional ideas of good and evil, as well as right and wrong. Thus, most people would **condemn** murder no matter what the law says. But an **immoral** act is not necessarily **illegal**. For example, telling lies to friends is not always illegal. At the same time, laws can also be unfair and excessively **harsh**.

You can also come across other definitions of the concept of law. A legal document, setting rules about a particular kind of activity and **imposed** by **authority** is also called a law. Many people under-

stand law as a learned profession that is mastered by study in a law school and that is responsible for the judicial system. Even the police or police force can be referred to as the law.

To begin with, it is necessary to understand the reasons why law exists and is so important to our lives. We all need material things and money to support our **existence**. But not all of us want to receive those material things through hard work. Some people would much rather take whatever they need from their weaker neighbors. In pre-historical times it used to be that way – only the strongest survived. But as the civilization developed and human society became more and more organized there appeared the need for some rules to protect people’s rights. Over the centuries systems of law became quite complicated in order to cover every aspect of life. To cut the long story short, we need laws to protect our rights from the bad actions of our own fellow **human beings**.

But then again, even if every person was good and **honest**, we would still need rules of conduct in definite situations. Law **foresees** all the situations that can occur in our lives and tells people how to **behave** in order to preserve their health, property and **dignity**.

Law is generally classified according to a four-dimensional scheme: **substantive, jurisdictional, governmental** and **structural**. Substantive law deals with human behavior and includes criminal law and civil law. The power of **political entities** within both geographical and institutional limits is regulated by jurisdictional law. Governmental law employs three branches – **legislative, judicial** and **executive** – to classify law. Structural law classifies law by the person, group or institution to which it is addressed.

Laws are numerous and some of them are quite unusual. There are laws that should be **obeyed** in the whole country or such that are just applied to a particular area of the country or even a single town. One thing is certain: every society that has ever existed has recognized the need for law. Even primitive human groups had a set of rules to regulate behavior. Without laws there would be **confusion, fear** and **disorder**.

VOCABULARY PRACTICE

1. Look at these definitions of the word “law”. Try to comprehend them and use them in your speech.

1. **law** – legal document (the document that sets forth rules governing a particular kind of activity; “there is a law against kidnapping”)
2. **law** – jurisprudence (the collection of rules imposed by authority; “civilization presupposes respect for the law”; “the great problem for jurisprudence is to allow freedom while enforcing order”)
3. **law** – law of nature (a generalization that describes recurring facts or events in nature; “the laws of thermodynamics”)
4. **law** – natural law (a rule or body of rules of conduct inherent in human nature and essential to or binding upon human society)
5. **law** – practice of law (the learned profession that is mastered by graduate study in a law school and that is responsible for the judicial system; “he studied law at Yale”)
6. **law** – police, police force, constabulary (the force of policemen and officers; “the law came looking for him”)
7. **law** – jurisprudence, legal philosophy (the branch of philosophy concerned with the law and the principles that lead courts to make the decisions they do)

2. *Match the words in the left box with the words in the right box to form expressions.*

- | | |
|---------------|------------------|
| 1. condemn | a. law |
| 2. imposed by | b. definition |
| 3. concept of | c. murder |
| 4. legal | d. lies |
| 5. exact | e. document |
| 6. police | f. authority |
| 7. telling | g. force |
| 8. regulate | h. our existence |
| 9. political | i. entities |
| 10. support | j. behavior |

3. *Choose the best word to complete the sentences:*

- | | |
|--------------------|------------------------|
| a. condemn, | f. human, |
| b. illegal, | g. obeyed, |
| c. pre-historical, | h. conduct and values, |
| d. protect, | i. definition, |
| e. judicial, | j. things and money. |

1. It is not easy to give the exact ...of the word "law".
2. Law is a rule of that are important for the human society.
3. Most people would ... murder no matter what the law says.
4. Telling lies to friends is not always... .. .
5. We need material ... to support our existence.
6. In the ... times only the strongest survived.
7. We need laws to ... our rights.
8. Governmental law employs three branches – legislative, ... and executive.
9. There are laws that should be ... in the whole country.
10. Even the primitive ... groups had a set of rules to regulate behaviors.

4. Match the words and expressions on the left with their translations on the right.

- | | |
|-------------------|--|
| 1. jurisprudence; | a. суспільство (общество); |
| 2. law; | b. правова система (правовая система); |
| 3. set of rules; | c. вбивство (убийство); |
| 4. society; | d. правило; наказ; розпорядження (предписание; правило); |
| 5. regulation; | e. незаконний; (незаконный); |
| 6. legal system | f. правоведення; (правоведение); |
| 7. murder | g. аморальний; (аморальный); |
| 8. illegal; | h. набір правил; (набор правил); |
| 9. immoral; | i. засуджувати; (осуждать); |
| 10. to condemn | j. закон, (закон); |

5. Find words in the text that mean.

1. the science or study of law;
2. system of rules that citizens of a country must obey;
3. an official rule or order;
4. people in general;
5. connected with the principles of what is right and wrong behavior;
6. the crime of deliberately killing someone;
7. a situation in which things or people are very untidy or disorganized.

READING COMPREHENSION SECTION

1. Mark statements T(true) or F(false), according to the information in the text. Find the part of the text that gives correct information.

1. There are not any definitions of the word "Law".
2. Law is a set of rules or regulations by which a government regulates the conduct of people within society.
3. Laws and morals are the same.
4. Lying to a friend is considered moral and legal.
5. Without laws, there would be confusion, fear, and disorder.
6. Law is generally classified according to a three-dimensional scheme.
7. The power of political entities is regulated by substantive law.
8. Governmental law employs legislative, judicial and executive branches.
9. Law tells people how to behave in order to preserve their health, property and dignity.
10. Primitive human groups didn't have the rules to regulate behavior.

2. Answer the following questions.

1. What do you know about jurisprudence?
2. How can law be defined?
3. What is the difference between laws and morals?
4. Is everything that is considered immoral, illegal?
5. What situations does law foresee?
6. Is it necessary to have only written laws?
7. What would there be without laws?
8. In which way is law generally classified?
9. What law deals with human behavior and includes criminal and civil law?
10. What does governmental law employ?

3. Ask questions to get the following answers.

- a. as Jurisprudence;
- b. set of rules and regulations;
- c. by traditional ideas;
- d. primitive people;
- e. confusion, fear and disorder.

DISCUSSION SECTION

Think and answer these questions.

1. Do you agree with the definition that the law is the enforceable body of rules that govern any society?
2. What would people do in the absence of laws?
3. There is a statement that all laws are situational. They suit only a particular place at a particular time? What do you think about this?

WRITING ASSIGNMENTS

Write a 200-word essay:

Do you agree with the statement that law is a rule or a collection of rules of **conduct** and **values**, that are important to human society and allow civilization to exist and people to live peaceful lives? Which new rules would you like to invent? Support your answer with specific details.

USEFUL VOCABULARY

apply	мати стосунок до	иметь отношение к
condemn	засуджувати	осуждать
behavior	поведінка	поведение
conduct	поводження, поведінка	поведение
confusion	збентеження	смятение, смущение
consider	розглядати	рассматривать
deal (with)	мати справу з, мати стосунок до	иметь дело с, иметь отношение к
definition	визначення	определение
devote	присвячувати	посвящать
dignity	гідність	достоинство
dimension	вимір	измерение
disorder	безпорядок	беспорядок
executive	виконавчий	исполнительный
exist	бути, існувати	быть, существовать
fair	справедливий, чесний	справедливый, честный
fear	страх, боязнь	страх, боязнь
forsee	передбачати	предвидеть

harsh	суворий	суровый
honest	чесний	честный
illegal	незаконний	незаконный
immoral	аморальний	аморальный
impose	накладати	наложить
judicial	судовий	судебный
jurisdictional	юрисдикційний	юрисдикционный
Jurisprudence	юриспруденція	судебная практика
law	загальне право, юстиція,	право, закон,
legal	юридичний, законний,	юридический, законный
legislative	законодавчий	законодательный
murder	вбивство	убийство
obey	коритися	подчиняться
occur	відбуватися	происходить
preserve	зберігати	сохранять
recognize	визнавати	признавать
refer (to)	належати до	относиться к
set of rules	набір правил	набор правил
society	суспільство	общество
substantive	матеріально-правовий	материально- правовой
value	цінність	ценный

Unit 2. THE CONCEPT OF BRITISH LAW

PRE – READING SECTION

Discuss these questions:

1. What exactly do you know about British law?
2. Is the British legal system the same as the legal system throughout the world?
3. What does the expression “enacted law” mean?
4. Must judges be independent of the government?

READING SECTION

Read the article and explain the words in bold

England and Wales, Scotland and Northern Ireland all have their own legal systems, with considerable differences in law, organization and practice. In Scotland, for instance there is a separate system for the **prosecution** of offences and different **prison** and police services. Northern Ireland too, has its own police and prison services, although the general **criminal** law there has come more closely into line with that in England and Wales.

The British legal system is centralized through a **court** structure, which is **common** to the whole country. It is **hierarchical**, with the higher courts and judges having more **authority** than the lower ones.

The courts are the **interpreters** and **declarers** of the law, the “sources” of law are therefore the sources to which the courts turn in order to determine what it is. These **principal** sources are **Legislation** and **Judicial Precedent**; the **subsidiary** sources are Custom and Books of Authority.

Laws are traditionally divided into two main categories: written or unwritten. The expression “Written law” signifies any law that is formally **enacted** and the expression “unwritten” law signifies all **unenacted** laws.

Legislation is enacted law. The **ultimate** legislator in the UK is Parliament. It means, on the one hand, that all legislative power within the **realm** is **vested** in Parliament, or is derived from it and, on the other hand, that there is no legal limit to the power of Parliament.

There are two main traditions of law in the world. One of them, known as Continental, or Roman Law, has developed in most of

continental Europe, Latin America and many countries in Asia and Africa.

British law is based on the common law, which has **evolved** over centuries from judges' decisions rather than jurists' writings; and it forms the basis of the law.

In Britain the judges are independent of the government and the judges are expected to make **impartial** decisions.

Court procedure is **accusatorial**. This means that judges do not **investigate** the cases before them but reach a decision based only on the **evidence** presented to them by the parties to the dispute. This is called the **adversarial** system of justice.

Parts of the common law have from time to time been **abolished** by Parliament and replaced by statute law, that means a law passed by a legislative body.

VOCABULARY PRACTICE

1. Match the words in the left box with the words in the right box to form expressions

- | | |
|-----------------------|-------------------|
| 1. the prosecution of | a. declarers |
| 2. criminal | b. sources |
| 3. court | c. legislator |
| 4. interpreters and | d. law |
| 5. principal | e. limit |
| 6. ultimate | f. Europe |
| 7. legal | g. offences |
| 8. continental | h. the government |
| 9. independent of | i. Parliament |
| 10. abolished by | j. structure |

2. Use the expressions from the previous exercise to complete the sentences that follow.

1. The general ... of Northern Ireland has come more closely into line with that in England and Wales.

2. The courts are the of the law.

3. In Scotland there is a separate system for ... and different prison and police services.

4. The ... in the UK is Parliament.

5. Roman law has developed in most of, Latin America and many countries in Asia and Africa.

6. The British legal system is centralized through a ... which is common to the whole country.

7. of the British law are Legislation and judicial Precedent

8. There is no to the power of Parliament.

9. Parts of the common law have from time to time been ... and replaced by statute law.

10. In Britain the judges are ... and the people, appearing before them.

3. Fill in the correct preposition: in (2), through, to, into, from, of, by (2), on. Make sentences, using the completed phrases.

1. differences ... law
2. centralized ... a court structure
3. common ... the whole country
4. turn ... order
5. divided ... two categories
6. derived ... the authority
7. power ... Parliament
8. based ... the common law
9. abolished ... Parliament
10. passed ... a legislative body

4. Match the words to their meanings, then use them to describe British law.

- | | |
|----------------|---|
| 1. court | a. to put an end to, especially by law |
| 2. investigate | b. to make a law |
| 3. subsidiary | c. information that proves a statement, supports a belief, or makes a matter more clear |
| 4. abolish | d. a place where justice is administered |
| 5. prosecution | e. to examine carefully and systematically |
| 6. evidence | f. a kingdom |
| 7. enact | g. the act of prosecuting or being prosecuted by law |
| 8. ultimate | h. to develop or work out gradually |
| 9. realm | i. furnishing aid or support |
| 10. evolve | j. final; basic, fundamental |

READING COMPREHENSION SECTION

1. Decide whether the following facts are true or not. If not, correct them.

1. The United Kingdom – has a single legal system.
2. The British legal system is centralized through a court structure.
3. There are principal and subsidiary sources of the British law.
4. Laws are traditionally divided into four main categories.
5. The ultimate legislator in the UK is the Queen
6. There are many traditions of law in the world.
7. British law is based on the common law tradition.

2. Write questions for the answers.

1.
No, they have their own legal systems.
2.
Yes, it is centralized through a court structure.
3.
They are Legislation and Judicial Precedent
4. ...
It signifies all unenacted laws.
5. ...
No, there is no legal limit to the power of Parliament.
6.
It is based on the common law.

3. Read the text again and take notes under these headings, then look at your notes and talk about the concept of British law.

- Considerable differences
- Centralization
- “Sources” of law
- Main categories
- The ultimate legislator
- Main traditions of law
- Judges in Britain
- Court procedure

VOCABULARY PRACTICE

accusatorial	стосується обвинувачення	относится к обвинению
adversarial	суперечний	противоречивый
authority	влада, повноваження	полномочия, власть
enact	прийняти, постановляти	постановлять, принимать
evidence	доказ	улика, доказательство
hierarchical	ієрархічний	иерархический
impartial	неупереджений	беспристрастный
investigate	розслідувати	расследовать
Judicial Precedent	судовий прецедент	судебный прецедент
justice	справедливість, законний	справедливость, законный
legislation	законодавство, закон	законодательство, закон
legislator	законодавець	законодатель
realm	королівство	королевство
sovereignty	суверенітет	суверенитет
subsidiary	допоміжний	вспомогательный
vest	наділяти	наделять, облекать
considerable	значний	значительный
for instance	наприклад	например
prosecution	судове переслідування	судебное преследование
offence	порушення	нарушение
criminal	кримінальний	криминальный
court	суд	суд
common	загальний	общий
judge	суддя	судья
authority	влада	власть
interpreter	тлумач	интерпретатор
determine	визначати	определять
principal	головний, основний	главный, основной
subsidiary	допоміжний	вспомогательный
derive	отримувати, виводити	получать, выводить
power	влада	власть
evolve	розвиватися	развиваться
abolish	відмінити	отменять
legislative body	законодавчий орган	законодательный орган

Unite 3. MISCELLANEOUS

PRE-READING SECTION

Before reading the article discuss these questions

1. Have you ever heard about strange laws?
2. Why are they called unusual?

READING SECTION

You are going to read about laws, which are called strange or even dumb. Do you agree that these laws are weird?

- According to the Federal law of the USA persons may be placed in jail for up to five years for shooting a hole in a penny.
 - In Tennessee, USA, it is illegal to use a lasso to catch a fish.
 - According to the Federal law of the USA no person may appear as a contestant in more than one game show a year.
 - In Memphis, USA, it's illegal for frogs to croak after 11 PM.
 - In Alabama, USA, dominoes may not be played on Sunday.
 - In Hawaii, USA, billboards are outlawed.
 - In Hawaii, USA, all residents may be fined as a result of not owning a boat.
 - In Hawaii, USA, coins are not allowed to be placed in one's ears.
 - In Texas, USA, a recently passed anticrime law requires criminals to give their victims 24 hours notice, either orally or in writing, and to explain the nature of the crime to be committed.
 - In Texas, USA, the entire Encyclopedia Britannica is banned because it contains a formula for making beer at home
 - In Ohio, USA, it is illegal to get a fish drunk.
 - In Ohio, USA, it is illegal for more than five women to live in a house.
 - In Minnesota, USA, it is illegal to stand around any building without a good reason to be there.
 - In Vermont, USA, at one time it was illegal to tie a giraffe to a telephone pole.
 - In Vermont, USA, whistling underwater is illegal.
 - In California, USA, no vehicle without a driver may exceed 60 miles per hour.

- In Oregon, USA, ice cream may not be eaten on Sundays.
- In Oklahoma, USA, dogs must have a permit signed by the mayor in order to congregate in groups of three or more on private property.
 - Oklahoma will not tolerate anyone taking a bite out of another's hamburger.
 - In Idaho, USA, it is illegal for a man to give his sweetheart a box of candy weighing less than fifty pounds.
 - In Idaho, USA, you may not fish on a camel's back.
 - In Lancashire, it is against the law to hang male and female underwear on the same line.
 - In Saskatchewan, Canada, you must not drink water in a beer house.
 - A transportation law in Texas, USA. When two trains approach each other at a crossing, they should both stop, and neither shall start up until the other has gone
 - In Waterloo, Nebraska, USA, it is illegal for a barber to eat onions between 7 a.m. and 7 p.m.
 - The town council of Widnes, Lancashire, England introduced a fine of £5 for those who made a habit of falling asleep in the reading rooms of libraries
 - Duelling in Paraguay is legal as long as both participants are registered blood donors.
 - In New York City there is still a law which makes it illegal for women to smoke in public
 - The citizens of Kentucky, USA, are required by law to take a bath once a year.
 - In 1659 it became illegal to celebrate Christmas in Massachusetts.
 - In New York State you are not allowed to shoot at a rabbit from a moving trolley car. You have to get off the car, or wait for it to come to a complete stop, then fire away.
 - In Malaysia it is against the law to dance on the backs of turtles
 - In Madagascar it is illegal for pregnant women to wear hats or eat eels.
 - In Alaska, USA, it is illegal to look at a moose from the window of an airplane or any other flying vehicle
 - It is illegal to hunt camels in the state of Arizona, USA.

- In Indiana, USA, it is against the law to travel on a bus within four hours of eating garlic.
- During the reign of Elizabeth 1, the wearing of hats was made compulsory in England.
- In 1937 in Hungary spring-cleaning became compulsory. All lofts and cellars had to be cleaned

DISCUSSION SECTION

Think and answer these questions:

1. Why do you think these laws appeared?
2. Have they ever been put into practice?
3. Which laws do you find the most amusing or strange?
4. Are there any laws you would like to introduce in our country?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-word essay:

1. Does your educational establishment have any rules about clothing, use of mobile phones, smoking in public places? Would you like to change them? Why? Give your reasons.
2. In some countries people are not longer allowed to smoke in many public places and office buildings. Do you think this is a good law or a bad law? Use specific reasons and examples to support your position.



Module 3

ANCIENT LAWS (I)

Unit 1. ANCIENT BABYLONIAN LAWS. **HAMMURABI'S CODE**

PRE-READING SECTION

Before reading discuss these questions:

1. How much do you know about ancient laws?
2. Where do you think the first laws appeared?
3. What problems did the ancient laws deal with?
4. Why did the people try to solve them?

READING SECTION

1. Read the text and explain the words in bold. Where do the following parts of the sentences fit in the text? Put a number 1-5 in the boxes.

- a. settled in Mesopotamia in about 2000 B.C.
- b. the rights of slave owners and slaves
- c. proclaimed that the penalty could not be crueler
- d. helped to make Babylon one of the greatest cities
- e. "an eye for an eye"(law 196) and " a tooth for a tooth" (law 200)

Hammurabi's Code

One of the most detailed ancient legal codes was **drawn up** in about 1758 B.C. by Hammurabi, a king of Babylonia. It was the **foundation** of all **law-making** in the country.

Hammurabi was a member of a Semitic group of people who (1...). It is the area between the Tigris and Euphrates as those rivers flow out to the Persian Gulf. When Hammurabi became ruler of Babylon, the people of Mesopotamia were not **unified** under one

government. The Tigris-Euphrates cities governed themselves independently.

Hammurabi was an **efficient** organizer. When he became king in 1792 BC, he unified the city-states of Mesopotamia and (2...) of the ancient world.

Hammurabi drove away **invaders** from his **dominions**, **cemented** the union of north and south Babylonia, made Babylon the capital, and so created an empire, which existed for almost twenty centuries. At the peak of his power, Hammurabi wrote 282 laws on an **eight-foot-high column** made of black basalt. Although the Code of Hammurabi is not the first legal code (the first records were made four centuries earlier), it is the best-preserved ancient law the world has today. It is one of the most important historical documents in **existence**.

Hammurabi's Laws represent the main Sumerian traditions. The Code is famous for **enlightened** laws that exist side by side with **barbarous punishments**. The well-known principle (3...) was **observed** – it meant that criminals had to receive as punishment the same **injuries** and **damages** they had **inflicted** upon their **victims**. The Code also **covers crime, divorce and marriage**, (4...), the **settlement of debts, inheritance and property** contracts; there were even regulations about **taxes and prices of goods**. What is more important, the Code **considered** the **circumstances** of both the **offender** and the victim. At the same time, Hammurabi includes judicial procedures where a man's **oath** is everything (even when it is **proven** to be false).

Two hundred eighty-two laws, concerning a wide variety of **abuses**, **justify** Hammurabi's **claim** of having acted "like a real father to his people . . . [who] has established **prosperity** . . . and [has given] good government to the land." The Code of Hammurabi is very important to modern law practice and studies as it represented progress on the earlier **tribal** traditions and (5...) than the crime.

VOCABULARY PRACTICE

1. Match the words in the left box with the words in the right box to form expressions.

- | | |
|------------------|--------------|
| 1. a king of | a. an empire |
| 2. independently | b. contracts |

- | | |
|---------------|----------------------|
| 3. created | c. of goods |
| 4. property | d. the circumstances |
| 5. prices | e. oath |
| 6. considered | f. Babylonia |
| 7. A man's | g. governed |

2. Use the expressions from the previous practice to complete the sentences. The text *Hammurabi's Code* will help you.

1. The Code **covers crime, divorce and marriage**, the **settlement of debts, inheritance** and ; there were even regulations about **taxes and prices of goods**.

2. The Code of both the **offender** and the victim.

3. Hammurabi drew **invaders** away from his **dominions, cemented** the union of north and south Babylonia, made Babylon the capital, and so which existed for almost twenty centuries.

4. The Tigris-Euphrates cities themselves.

5. One of the most detailed ancient legal codes was **drawn up** in about 1758 B.C. by Hammurabi,

6. Hammurabi includes judicial procedures where is everything (even when it is **proven** to be false).

3. Fill in the correct preposition from the list: **under, of (2), away, by, about, to**. Make sentences using the completed phrases.

1. at the peak ...his power

2. drew invaders...from his dominions

3. side...side

4. regulations...taxes

5. a real father...his people

6. unified...one government

7. the settlement ...debts

4. Match the words to their meanings, then use them to talk about *Hammurabi's Code*.

1. invade a. physical harm to a living thing.

2. punish b. receiving money, property, a title, etc. left by someone who has died

3. criminal c. to enter by force into a country or island to take control of it

- | | |
|----------------|---|
| 4. injury | d. to cause smb. to suffer for his/her misdeeds |
| 5. prosperity | e. land, building or possession of any kind |
| 6. victim | f. smth. that is owed to smb. |
| 7. slave | g. a person owned by another and forced to work for him |
| 8. inheritance | h. someone who suffers as a result of other people's actions, or of an accident |
| 9. property | i. success, especially in money matters |
| 10. debt | j. one who has committed a crime |

READING COMPREHENSION SECTION

1. Mark statements T (true) or F (false) according to the information in the text. Find the parts of the text that give correct information.

1. Hammurabi's Code was drawn up in the eighteenth century B.C.
2. Mesopotamia is the area between the Tigris and the Persian Gulf.
3. Hammurabi became king in 1758 B.C.
4. Hammurabi cemented the union of north and east Babylonia.
5. Hammurabi wrote more than two hundred laws.
6. The Code covers crime, divorce and marriage, but there aren't any regulations about taxes there.
7. The Code considered the circumstances of both the offender and the victim.
8. The Code of Hammurabi is very important to modern law practice.
9. The Code proclaimed that the penalty could be crueller than the crime.

2. Read the text again and write the questions for these answers.

1. When ...

It was drawn up in about 1758 B.C.

2. What ...

He was the king of Babylonia.

3. Were ...

No, they were not unified under one government.

4. Did ...

Yes, he drew invaders away from his dominions.

5. Where ...

On an eight-foot-high column

6. Is ...

No, it is not the first legal code.

7. What ...

They meant that criminals had to receive as punishment the same injuries and damages they had inflicted upon their victims.

8. Did ...

No, the Code considered the circumstances of both the offender and the victim.

9. Is ...

Yes, it is very important to modern law practice and studies.

10. Why ...

Because it represented progress on the earlier tribal traditions and proclaimed that the penalty could not be crueller than the crime.

3. Translate the following passage into English paying special attention to the words and expressions in bold type.

Кодекс Хамурапі був однією з найбільш детальних стародавніх збірників законів. Він складався з 282 статей. Виставлений у храмі вавілонського бога Мардука “стовп законів” мав **служувати правосуддю** і одночасно нагадувати: **закони повинен знати кожний**.

Кодекс **охоплював усі сфери життя**. Він проголошував **кровну помсту, вбивство та викрадення нареченої** поза законом. Покарання за ці провини були суворими.

В основу кодексу покладено ідею, що покарання повинно бути “рівним” злочину – “**око за око, зуб за зуб**”. Згідно з **кодексом**, людині, що **звинуватила** іншу в крадіжці і не змогла **привести свідків**, погрожувала **смертна кара** як наклепникові.

Кодекс також охоплював питання **майна** та **спадщини**. Хамурапі встановив **грошовий штраф**, при призначенні якого **враховувалося** як правопорушення, так і соціальний статус громадянина.

Протягом багатьох сторіч **місцезнаходження** стовпа з Кодексом Хамурапі було невідоме, і тільки на початку двадцятого сторіччя французькі археологи знайшли цю історичну пам’ятку посеред руїн персидського міста Суза.

DISCUSSION SECTION

Think and answer these questions:

1. What do you think about the principle “an eye for an eye and a tooth for a tooth”?
2. Have you heard about applying such kind of punishment nowadays?

WRITING ASSIGNMENT

Write a 200-word essay:

Do you agree with the statement that our laws and punishments aren't always fair. Use specific reasons and examples to support your answer.

USEFUL VOCABULARY

| | | |
|--------------|-------------------------|-------------------|
| draw up | складати | составлять |
| law-making | законодавство | законодательство |
| B.C. | до Різдва Христового | до нашей эры |
| A.D | після Різдва Христового | нашей эры |
| settle | осідати | оседать |
| flow | текти | течь |
| Babylon | Вавилон | Вавилон |
| unify | об'єднувати | объединять |
| government | уряд | правительство |
| govern | управляти | управлять |
| independent | незалежний | независимый |
| efficient | вмілий, обдарований | умелый, одаренный |
| draw away | звільнити від | освободить от |
| invaders | загарбників | захватчиков |
| dominion | володіння | владения |
| cement | закріпити | закрепить |
| power | влада | власть |
| column | колона, стовп | колонна, столб |
| preserve | зберігати | сохранять |
| existence | існування | существование |
| enlighten | просвіщати | просвещать |
| side by side | пліч о пліч | бок о бок |
| barbarous | варварський | варварский |

| | | |
|---------------|-----------------------------|---------------------------------|
| punishment | покарання | наказание |
| observe | дотримуватись | придерживаться |
| injure | поранити | ранить |
| damage | зашкодити | повредить |
| inflict | заподіяти | причинить |
| victim | жертва | жертва |
| cover | охоплювати | охватывать |
| crime | злочин | преступление |
| divorce | розлучення | развод |
| marriage | шлюб | брак |
| slave | раб | раб |
| owner | власник | владелец |
| settlement | <i>тут</i> : сплата | <i>здесь</i> : оплата |
| debt | борг | долг |
| inheritance | спадщина | наследство |
| property | власність | собственность |
| regulation | правило | правило |
| tax | податок | налог |
| goods | товари | товары |
| consider | роздивлятися,
розглядати | рассматривать |
| circumstances | обставини | обстоятельства |
| include | включати | включать |
| offender | правопорушник | правонарушитель |
| judicial | судовий | судебный |
| oath | клятва | клятва |
| prove | доказувати, доводити | доказывать |
| abuse | образа, зловживання | оскорбление,
злоупотребление |
| justify | виправдовувати | оправдывать |
| claim | твердження | утверждение |
| prosperity | процвітання | процветание |
| tribal | племінний | племенной |
| penalty | штраф, покарання | штраф, наказание |

Unit 2. EARLY GREEK LAWS

PRE-READING SECTION

Discuss these questions:

1. Have you ever heard about the Athenian lawgiver Draco?
2. What does the term “draconian” mean?

READING SECTION

Early Greek Laws

1. Read the text about early Greek laws and explain the words in bold.

2. Choose the most suitable heading from the list A-K for each part of the article. There is one extra heading which you do not need to use and there is an example at the beginning (0).

- A. Law givers
- B. Tort laws
- C. Family law
- D. Early official laws
- E. Procedural laws
- F. Draco’s code
- G. Before the Greeks
- H. Solon
- I. Public laws
- J. Victims
- K. Courts and Judicial system

| | |
|---|---|
| 0 | D |
|---|---|

After the Dark Ages and during the early centuries of Greek civilization, the Ancient Greeks had no official laws or punishments.

Murders were settled by members of the **victim’s** family, who would then go and kill the murderer.

This often began endless **blood feuds**.

Only in the middle of the seventh century BC the Greeks first began to **establish official laws**.

| | |
|---|--|
| 1 | |
|---|--|

Before the Greeks, people believed that their laws were given to them by gods, represented by their kings. The Ancient Greeks were

among the first who developed a concept of law that separated everyday law from religious beliefs. The Greeks stated, that law was made by man, for man, and could be changed by man.

| | |
|---|--|
| 2 | |
|---|--|

Around 620 BC Draco, **the lawgiver** set down the first known written law of Ancient Greece. These laws were very **harsh** because under Draco’s Code death was the punishment for most **offences**. His name gave rise to an English word “Draconian” meaning an unreasonably harsh law. The word “Draconian” is still used to describe repressive legal **measures**.

| | |
|---|--|
| 3 | |
|---|--|

Solon (b. 630 – d. 560 BC), an Athenian statesman and lawmaker, repealed Draco’s Code and published his new code of laws. He revised every statute except that on **homicide** and made Athenian law more humane. He also **retained** an ancient Greek tradition – **trial by jury**. Solon is credited with “democratizing” justice by making the courts more **accessible** to citizens. Solon created many new laws that fit into the four basic categories of Ancient Greek law. The only one of Draco’s laws that Solon kept when he was appointed as a law giver in about 594 BC was the law that established death as the penalty for homicide.

| | |
|---|--|
| 4 | |
|---|--|

A tort occurs when someone does **harm** to you or to your **property**. Under Solon’s laws, the fine for **rape** was 100 drachmas, and the penalty for **theft** depended on the amount stolen. Other offences and penalties were things like the offence of a dog bite, the penalty for which was to surrender the dog wearing a three-cubit-long wooden collar. Solon even made laws to serve as **guidelines** for the spacing and placement of houses, walls, ditches, wells, beehives, and certain types of trees.

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Solon also created many family laws, which were laws that regulated the behaviour of men and women. He wrote laws on **allowances** in marriage and **adoption**, as well as laws concerning **inheritances** and supporting roles of parents.

Penalties for these laws were not set, but were enforced by the head of the particular family.

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Public laws dictated how public services were to be provided and how public functions should be conducted. Solon contributed some of these laws. He wrote laws that required that people who lived a certain distance from **public wells** needed to dig their own, laws that **forbade** the export of agricultural goods except olive oil, laws that **restricted** the amount of land a man could own, laws that allowed **venders** to charge any kind of interest rate they wanted to, and even laws that **prohibited** dealing in perfume.

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Procedural laws were guidelines that told judges how to use other laws. These laws told in step-by-step detail how law should be enforced. Procedural laws even included such minute details as how many **witnesses** must be called forward for someone to be found guilty of homicide.

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Law givers were not rulers or kings, but appointed **officials** whose only job was to write laws. Most of the lawgivers were middle-ranking members of the aristocracy. The officials in the government wanted to make sure that lawgivers would not take sides or be a part of just one group, otherwise laws might be unfair. Because of this, lawgivers were not a part of normal government, and they were considered political outsiders.

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In order to have punishments carried out, the Ancient Greeks needed some sort of system to “try,” “convict,” and “sentence” guilty persons. To do this, they created a court system. Court officials were paid little, if anything, and most trials were completed in the same day, private cases even more quickly.

There were no “professional” court officials, no lawyers, and no official judges. A normal case consisted of two “**litigants**,” one who argued that an unlawful act was committed, and the other argued

his defense. The audience, or “jurors,” would vote for one side or the other. The result was either a guilty or not guilty, after which another vote by the jury would decide the punishment.

VOCABULARY PRACTICE

1. Match the words in the left box with the words in the right box to form expressions, then make sentences using the completed phrases.

- | | |
|--------------------|-------------------|
| 1. blood | a. beliefs |
| 2. religious | b. homicide |
| 3. unreasonably | c. guidelines |
| 4. repressive | d. justice |
| 5. repealed | e. feuds |
| 6. trial | f. harsh law |
| 7. “democratizing” | g. legal measures |
| 8. accessible | h. Draco’s Code |
| 9. penalty for | i. by jury |
| 10. serve as | j. to citizens |

2. Chose the correct words in bold

1. Murders were settled by members of the **defendant’s/victim’s** family.

2. **Draco/Solon** made Athenian law more humane.

3. **Tort/homicide** occurs when someone does harm to you or to your property.

4. **Public/Procedural** laws were guidelines that told judges how to use other laws.

5. Most of the **lawgivers/victims** were middle-ranking members of the aristocracy.

6. Court officials were paid **more/less**, if most trials were completed in the same day.

1. Match the words to their meanings, then use them to speak about early Greek laws.

- | | |
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| 1. feud | a. prolonged quarrel, usually between two families, often leading to violence |
| 2. harsh | b. the act of stealing |
| 3. homicide | c. damage; wrong |

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| 4. jury | d. the killing of one person by another |
| 5. harm | e. to prove or find guilty |
| 6. theft | f. receiving money, property, a title, etc. left by someone who has died |
| 7. witness | g. a group of usually twelve people chosen to listen to the facts in a court of law and decide on the guilt or innocence of the accused |
| 8. adoption | h. a person who tells what he saw happen |
| 9. inheritance | i. punishment, etc, showing cruelty |
| 10. convict | j. the act of taking a child into one's family legally and raising it as one's own. |

READING COMPREHENSION SECTION

Read the text again and write the questions for these answers.

1. When

They began to establish official laws only in the middle of the seventh century B.C.

2. What

They stated, that law was made by man, for man, and could be changed by man.

3. Who.....

He set down the first known written law of Ancient Greece.

4. What

He repealed Draco's code and published his new code of laws

5. Which laws

Family laws regulated the behaviour of men and women

6. What ...

They dictated how public services were to be provided and how public functions should be conducted.

7. Did

Yes, public laws restricted the amount of land a man could own.

8. Were

No, lawgivers were not a part of normal government.

9. Were.....

No they were not rulers or kings, but appointed officials whose only job was to write laws.

10. Who

The Ancient Greeks created a court system.

DISCUSSION SECTION

1. Do you think Greek laws were a breakthrough in law history?
2. We know that under Draco death was the penalty for most offences. Do you think that such harsh penalties reduced the number of crimes dramatically?
3. Do you think that Solon's laws were more humane? Prove your point of view.

WRITING ASSIGNMENT

Write a 200-word essay:

You have just come from a seminar devoted to ancient Babylonian and Greek law. What new information about ancient laws have you learnt?

Unit 3. MISCELLANEOUS

PRE-READING SECTION

1. Discuss these questions:

1. How many man-made wonders of the ancient world do you know about?
2. Why were they called wonders?
3. Where were they?
4. How many of them can we still see today?

READING SECTION

Wonders of the Ancient World

1. You are going to read an article about ancient wonders. Choose the most suitable heading from the list A-L for each part (1-11) of the article. There is one extra heading which you do not need to use.

- A. Carefully oriented sides
- B. The legendary Sun Boat
- C. An amazing sight
- D. Robert Koldewey's excavations
- E. A sacred number
- F. "Seven wonders" list
- G. An inexact translation
- H. A fantastic present
- I. The only surviving wonder
- J. Napoleon's words
- K. Watering the plants
- L. A statue of the God at Olympia

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Speaking about ancient laws, it is necessary to mention the seven wonders of the ancient world.

Many ancient people believed that the number seven was sacred and lucky. Egyptian and Babylonian philosophers and astronomers revered this number as the sum of the main numbers "three" and "four".

A father, a mother and a child were the three persons, who meant the foundation of everything. The number "four" was the number of the parts of the world.

The 7 days of creation, 7 days in a week, 7 ages in the life of a man. Ancient Greeks chose the 7 best tragic and 7 best comic actors every year. Ancient Romans worshiped 7 wise men. There are 7 virtues, 7 sins in Christianity. The list of examples is numerous.

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Anyway, since ancient times, people have put together many “seven wonders” lists. The content of these lists tends to vary, and none is definitive. The seven wonders that are most widely agreed upon as being in the original list are the Seven Wonders of the Ancient World.

The Pyramids of Egypt

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The Pyramids of Egypt are three pyramids at Giza, outside modern Cairo. The largest pyramid, built by Khufu (Cheops), a king of the fourth dynasty, had an original estimated height of 482 ft. The base has sides 755 ft long. It contains 2,300,000 blocks; the average weight of each is 2.5 tons. Estimated date of completion is 2,680 B.C.

It is the one and only Wonder which does not require a description by early historians and poets. It is the one and only Wonder that does not need speculations concerning its appearance, size, and shape. It is the oldest, yet it is the only surviving of the Seven Ancient Wonders.

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Throughout their history, the pyramids of Giza have stimulated human imagination. When Napoleon invaded Egypt in 1798, his pride was expressed through his famous exhortation: “Soldiers! From the top of these Pyramids, 40 centuries are looking down at us».

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It ranked as the tallest structure on Earth for more than 43 centuries, only to be surpassed in height in the nineteenth century AD. It was covered with a casing of stones to smooth its surface. Each side is carefully oriented with one of the cardinal points of the compass, that is, north, south, east, and west. On the north face, is the pyra-

mid's entrance. A number of corridors, galleries, and escape shafts either lead to the King's burial chamber, or were intended to serve other functions.

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The legendary Sun Boat was discovered near the southern side of the pyramid in 1954. The boat is believed to have been used to carry the body of Khufu in his last journey on earth before being buried inside the pyramid. It may also have been intended to serve him as a means of transportation in his journey to the afterlife

The Hanging Gardens of Babylon

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The Hanging Gardens of Babylon were built by King Nebuchadnezzar, who ruled the city for 43 years starting in 605 BC. This was the height of the city's power and influence and King Nebuchadnezzar constructed an astonishing array of temples, streets, palaces and walls.

The gardens were built to cheer up Nebuchadnezzar's homesick wife, Amyitis. Amyitis, daughter of the king of the Medes, was married to Nebuchadnezzar to create an alliance between the nations. The land she came from, though, was green and mountainous, and she found the flat, sun-baked terrain of Mesopotamia depressing. The king decided to recreate her homeland by building an artificial mountain with rooftop gardens.

We can only wonder if queen Amyitis was happy with her fantastic present, or if she continued to pine for the green mountains of her homeland.

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The Hanging Gardens probably did not really "hang" in the sense of being suspended from cables or ropes. The name comes from an inexact translation of the Greek word "kremastos" or the Latin word "pensilis", which means not just "hanging", but "overhanging" as in the case of a terrace or balcony.

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The Greek geographer Strabo, who described the gardens in first century BC, wrote, "It consists of vaulted terraces raised one above

another, and resting upon cube-shaped pillars. These are hollow and filled with earth to allow trees of the largest size to be planted. The pillars, the vaults, and terraces are constructed of baked brick and asphalt.”

Babylon rarely received rain and for the garden to survive it would have had to be irrigated by using water from the nearby Euphrates River. That meant lifting the water far into the air so it could flow down through the terraces, watering the plants at each level. This was probably done by means of special pumps.

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How big were the gardens? They were about 400 feet wide by 400 feet long and more than 80 feet high. Other accounts indicate the height was equal to the outer city walls. Walls that Herodotus said were 320 feet high.

In any case the gardens were an amazing sight: A green, leafy, artificial mountain rising off the plain.

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But did it actually exist? This was one of the questions that occurred to German archaeologist Robert Koldewey in 1899. For centuries before that the ancient city of Babel was nothing but a mound of muddy debris. Though unlike many ancient locations, the city’s position was well known, nothing visible remained of its architecture. Koldewey dug on the Babel site for some fourteen years and unearthed many of its features including the outer walls, inner walls, foundation of the Tower of Babel, Nebuchadnezzar’s palaces and the wide processional roadway, which passed through the heart of the city.

The Statue of Zeus at Olympia

This is a statue of the God in whose honor the Ancient Olympic games were held. It was located on the land that gave its very name to the Olympics. The ancient Greek calendar starts in 776 BC, for the Olympic games are believed to have started that year. At the time of the games, wars stopped, and athletes came from Asia Minor, Syria, Egypt, and Sicily to celebrate the Olympics and to worship their king of Gods: Zeus. The magnificent temple of Zeus was designed by the architect Libon and was built around 450 BC.

The Statue of Zeus (Jupiter) at Olympia was made of gold and ivory. But it was the size that made the statue so wonderful. The base of the statue was about 6.5 m (20 ft) wide and 1.0 meter (3 ft) high. The height of the statue itself was 13 m (40 ft), equivalent to a modern 4-story building.

For the years that followed, the temple and the Statue of Zeus attracted visitors and worshippers from all over the world. In the first century AD, the Roman emperor Caligula attempted to transport the statue to Rome. However, this attempt failed when the scaffolding built by his workmen collapsed.

After the Olympic games were banned as pagan practices by the emperor Theodosius I in AD 391, the temple of Zeus was ordered closed.

Olympia was further struck by earthquakes, landslides and floods, and the temple was damaged by fire in the fifth century AD. Earlier, the statue had been transported by wealthy Greeks to the city of Constantinople, where it survived until it was destroyed by a severe fire in 462 AD.

(To be continued)

VOCABULARY PRACTICE

1. Match the words in the left box with the words in the right box to form expressions, then make sentences using the completed phrases.

- | | |
|------------------------|-------------------|
| 1. seven | a. weight |
| 2. the pyramids of | b. wonders |
| 3. average | c. Gardens |
| 4. size and | d. transportation |
| 5. the cardinal points | e. sight |
| 6. inside | f. debris |
| 7. a means of | g. Egypt |
| 8. the Hanging | h. of the compass |
| 9. amazing | i. shape |
| 10. muddy | j. the pyramids |

2. Match the words to their meaning, then use them to describe the wonders of the ancient world.

- | | |
|-----------|---|
| 1. sacred | a. not real or not made of natural things but made to be like something that is real or natural |
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| 2. worship | b. relating to a god or religion |
| 3. virtue | c. how heavy something is when you measure it |
| 4. sin | d. to show respect and love for a god, especially by praying in a religious building |
| 5. height | e. formal moral goodness of character and behaviour |
| 6. weight | f. to supply land or crops with water |
| 7. temple | g. an action that is against religious rules and is considered to be an offence against God |
| 8. invade | h. a building where people go to worship |
| 9. artificial | i. to enter a country, town, or area using military force, in order to take control of it |
| 10 irrigate | j. how tall someone or something is |

3. Chose the best words to complete the sentences:

- | | |
|--------------------|---------------------|
| a. gold and ivory | f. speculations |
| b. "seven wonders" | g. honour |
| c. artificial | h. cables or ropes |
| d. banned | i. sacred and lucky |
| e. four | j. discovered |

1. Many ancient people believed that the number 7 was
2. The number ... was the number of the parts of the world.
3. Since ancient times people have put together many lists.
4. The Pyramids of Egypt is the only wonder that doesn't need ... concerning its appearance, size, and shape.
5. The legendary Sun Boat was ... near the southern side of the pyramid.
6. The king decided to recreate his wife's homeland by building an ... mountain with rooftop gardens.
7. The Hanging Gardens probably did not really "hang" in the sense of being suspended from
8. This is a statue of the God in whose ... the Ancient Olympic games were held.
9. The Statue of Zeus (Jupiter) at Olympia was made of
10. After the Olympic games were as pagan practices by the emperor Theodosius I in AD 391, the temple of Zeus was ordered closed.

READING COMPREHENSION SECTION

1. Check whether you were attentive while reading.

1. Who believed that the number seven was sacred and lucky?
2. What did the numbers three and four mean?
3. Where exactly are the Pyramids of Egypt situated?
4. What can you say about the height and weight of the Pyramid of Cheops?
5. When was it completed?
6. What did Napoleon say when he invaded Egypt in 1798?
7. Where was the legendary Sun Boat discovered?
8. Why were the Hanging Gardens of Babylon built?
9. Did they really “hang”?
10. When does the ancient Greek calendar start?

DISCUSSION SECTION

Think and answer these questions

1. Do you think we need to know about Ancient Wonders of the World? Why?
2. Do you believe that seven is a sacred and lucky number?
3. There are a lot of legends about the Pyramids of Egypt. Do you know any?
4. Do you believe that the Hanging Gardens was a fantastic gift?
5. In which way is the statue of Zeus at Olympia connected with ancient and modern Olympic games?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-word essay:

1. Do you agree or disagree with the statement that there are lucky and unlucky numbers? Support your answer with the examples taken from literature.
2. Do you have your own lucky number? Which one? Why do you think it is lucky for you? Use specific reasons and examples to explain your answer.



Module 4

ANCIENT LAWS (II)

Unit 1. ROMAN LAW

PRE-READING SECTION

Before reading the text discuss these questions:

1. What exactly do you know about Roman legal tradition?
2. In which way is Roman Law connected with modern legal systems?

READING SECTION

Read the text and explain the words in bold.

Roman Law

Roman law is one of the most original products of the Roman mind and it is of special philosophical, historical and cultural **significance**. Many **features** of general legal tradition, law institutes and **dogmatic categories** of modern law systems are **derived** from the principles and structure of Roman Law. They developed either on its basis or on the account of its critical **perception**. (It is necessary to say that the modern version of the Ukrainian legal system is based on Roman law, but **with substantial reservations**).

Roman legal tradition was based on two basic **notions** – *jus* and *fas*. The Latin word *jus* meant the general concept of law and was of purely social **application**. **In this respect** the Romans used *fas* to describe something of **divine origin** and they used *jus* to describe rules of human society. So, *fas* meant **unshakeable** sacred law, given to people in the form of general rules to follow strictly. *Jus* was formed by social agreement and based on logical need, not involving divine forces.

The concept of law used to have many different meanings in Roman legal culture. Firstly, the **meaning** of law **was assigned** to the

rules of **community**. Secondly, law could also represent a definite social or governmental state as opposed to **lawlessness**. And finally, it **denoted** the general concept of order.

Roman law was known for its division into **public law** (*jus publicum*) and **private law** (*jus privatum*). According to the basic definition, public law covered the affairs of the Roman Empire and the interests of the nation, while **private law** dealt with the interests of **private persons**.

Traditionally, public law involved the principles and institutes which the modern law system refers to as **constitutional, administrative, criminal, financial** and even **international law**.

Roman private law covered principles and institutes which we now use in **civil, procedural** and partly **criminal law**.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|------------------|----------------|
| 1. dogmatic | a. origin |
| 2. critical | b. categories |
| 3. divine | c. perception |
| 4. human | d. persons |
| 5. rules of | e. Empire |
| 6. as opposed to | f. society |
| 7. Roman | g. lawlessness |
| 8. private | h. community |

2. Chose the best words to complete the sentences, that follow:

- a. origin,
- b. private,
- c. public,
- d. features,
- e. governmental,
- f. procedural,
- g. legal

1. Roman law was known for division into ... law (*jus publicum*) and private law (*jus privatum*).

2. Many ... of general legal tradition, law institutes and dogmatic categories of modern law systems are derived from the principles and structure of Roman law.

3. The Romans used *fas* to describe something of divine
4. Roman ... tradition was based on two basic notions – *jus* and *fas*.
5. Law could represent definite a social or ... state as opposed to lawlessness.
6. Roman private law covered principles and institutes, which we now use in civil, ... and partly criminal law.
7. Private law dealt with the interests of ... persons.

3. Match the words to their meanings, then use them to describe Roman Law.

- | | |
|-----------------|--|
| 1. significance | a. exactly and completely |
| 2. perception | b. public or political events and activities |
| 3. divine | c. something that cannot be changed or destroyed |
| 4. unshakeable | d. coming from or relating to God or a god (such as Zeus) |
| 5. notion | e. having an important effect or influence |
| 6. application | f. the way we think about something and your idea of what it is like |
| 7. strictly | g. the importance of an event, action etc, especially because of the effects or influence it will have in the future |
| 8. affair | h. practical purpose for which something can be used, or a situation when this is used |
| 9. substantial | i. an idea, belief, or opinion |

READING COMPREHENSION SECTION

1. Check whether you were attentive while reading

1. Are any features of the modern law system derived from the principles and structures of Roman Law?
2. What law is the modern version of the Ukrainian legal system based on?
3. What did the notions *jus* and *fas* mean?
4. When did the Romans use them?
5. What meanings did the concept of law use to have in Roman legal culture?
6. What affairs did public law cover?
7. Which law dealt with the interests of private persons?

2. Complete the following text by translating the words and expressions in brackets.

The basis for Roman law was the idea that the exact form, not the (1. *намір*), of words or of actions produced legal (2. *наслідки*). To ignore intention may not seem fair from a modern perspective, but the Romans recognized that there were (3. *свідки*) to actions and words, but not to intentions.

Roman civil law allowed great (4. *гнучкість*) in adopting new ideas or (5. *поширення*) legal principles in the complex environment of the empire. Without (6. *заміна*) older laws, the Romans developed alternative procedures that allowed greater fairness. Instead of simply changing the law to (7. *уникнути*) confusion, the Romans preferred to (8. *гуманізувати*) а (9. *жорсткий*) system by flexible adaptation.

Early Roman law (10. *походити*) from custom and statutes, but the emperor asserted his authority as the ultimate (11. *джерело влади*). His edicts, judgments, administrative instructions, and (12. *відповіді на прохання*) were all collected with the comments of legal scholars.

It was not until much later in the 6th century AD that the emperor Justinian I began to publish a (13. *всебічний кодекс*) of laws, (14. *відомий як*) the Justinian Code.

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| a. derived | h. avoid |
| b. consequences | i. rigid |
| c. extending | j. intention |
| d. flexibility | k. source of law |
| e. witnesses | l. humanize |
| f. comprehensive code | m. replacing |
| g. responses to petitions | n. known as |

3. Read the text about Roman Law and try to render its contents in English.

Римляни називали свою державу Res Publica, тобто “загальна громадська справа”. Органами центральної влади римської держави були: народні збори, сенат, магістрат. Головну роль відігравали центуриатні народні збори, на яких обирали вищих магістратів – консулів, преторів, цензорів, приймали або відхиляли пропозиції магістратів про прийняття нових законів,

розглядали скарги на вироки про смертну кару. Народні збори скликалися за розпорядженням магістрату. Сенат складався із осіб, що призначалися обраними народними зборами спеціальними особами – цензорами. Закони спочатку затверджувались сенатом, а з IV–III ст. до н.е. стали попередньо розглядатися в сенаті. Сенат міг видавати розпорядження, що стосувалися благоустрою міста, громадської безпеки, релігійного культу. Він складав 5-річний бюджет внутрішніх витрат і щорічний бюджет військових витрат; вів переговори з іншими державами; видавав розпорядження про призначення диктатора, наділяв магістрати надзвичайною і необмеженою владою.

Магістрати – виборні посадові особи, що обиралися на народних зборах. У їх руках зосереджувалися функції управління, військова і адміністративна влада.

Консули (два) користувалися майже необмеженою владою у питаннях, що стосувалися підготовки до війни і військових походів. Вони могли карати (аж до смертної кари) всякого, хто був у їх військовому таборі. Вони ж здійснювали вищу адміністративну владу і могли скасовувати розпорядження всіх інших магістратів за винятком розпоряджень плебейського трибуна.

Плебейські трибуни мали право забороняти виконання всіх наказів будь-яких магістратів, за винятком наказів диктатора. Вони могли також накладати вето на постанови сенату і народних зборів. Трибун міг заарештувати будь-яку особу і вчинити допит.

Диктатор призначався тільки у надзвичайних випадках. Він наділявся майже необмеженою владою, і його дії не можна було оскаржити.

Колегія преторів (спочатку двоє, потім вісім осіб) була інстанцією при вирішенні судових справ, як цивільних, так і кримінальних.

Цензори, що обиралися на п'ять років, розподіляли громадян за майновим цензом, складали списки сенаторів і тим самим могли відводити небажаних для них осіб.

Кожен римський громадянин, досягнувши 17-річного віку, зобов'язаний був служити в армії. Правда, пролетаріїв до армії не брали. З I ст. до н.е. до армії почали допускати і бідняків. З II ст. до н.е. відбувається професіоналізація армії: солдати служили 16 років, одержуючи за це плату, а після закінчення служби їм надавали земельний наділ.

DISCUSSION SECTION

Think and answer these questions.

1. You have already studied the discipline Roman Law. Do you think that Roman Law is really of special historical and cultural significance. Express your point of view.

2. Do you agree that Roman public law involved the principles which in modern legal systems are still applied in constitutional, administrative, criminal, financial and international law? Prove your opinion.

WRITING ASSIGNMENT

Write a 200-word essay:

Do you know that the Romans called their state *Res publica*? What did it mean? Use additional information to describe Roman Law.

USEFUL VOCABULARY

| | | |
|---------------------|------------------------|----------------------------|
| administrative law | адміністративне право | административное право |
| application | застосування | применение |
| civil law | цивільне право | гражданское право |
| community | суспільство | общество |
| constitutional law | державне право | государственное право |
| criminal law | кримінальне право | уголовное право |
| denote | означати | означать |
| derive | походити | происходить |
| divine origin | божественне походження | божественное происхождение |
| dogmatic categories | догматичні категорії | догматические категории |
| feature | особливість | особенность |
| financial law | фінансове право | финансовое право |
| in this respect | в цьому відношенні | в этом отношении |
| international law | міжнародне право | международное право |
| lawlessness | безправ'я | бесправие |

| | | |
|---------------------|--------------------|----------------------|
| notion | поняття | понятие |
| perception | сприйняття | восприятие |
| private law | приватне право | частное право |
| private person | приватна особа | частное лицо |
| procedural law | процесуальне право | процессуальное право |
| public law | публічне право | публичное право |
| significance | значення | значение |
| substantial | істотний | существенный |
| to assign a meaning | надавати значення | придавать значение |
| unshakeable | непохитний | непоколебимый |
| with reservations | із застереженнями | с оговорками |

Unit 2. MAGNA CARTA

PRE-READING SECTION

Before reading the text discuss these questions:

1. What have you heard about the first English legal documents?
2. Do you know what the word "Carta" means?

READING SECTION

Read the text, then explain the words in bold

...here is a law which is above the King and which even he must not break. This reaffirmation of a supreme law and its expression in a general charter is the great work of Magna Carta; and this alone justifies the respect in which men have held it.

Winston Churchill, 1956

Magna Carta

Magna Carta (Latin for the "Great Charter") has played a very important role in the history of the country and it still belongs to the constitutional acts having force in Great Britain.

King John's unsuccessful **attempts** to **defend** his **dominions** in Normandy and much of western France led to **oppressive demands** on his **subjects**. Taxes were **extortionate**; **reprisals** against **defaulters** were **ruthless**, and John's administration of justice was considered **capricious**. In January 1215 a group of barons demanded a **charter** of liberties as a **safeguard** against the King's **arbitrary** behavior. The barons **took up arms** against John and **captured** London in May 1215.

By 10 June both parties met and held **negotiations**. The result was Magna Carta, which provided for the English barons certain guarantees and protection against unreasonable acts of the king. The king **authorized** that **handwritten** copies of Magna Carta be prepared on **parchment**, **affixed** with his **seal**, and publicly read throughout the realm. Thus he **bound** not only himself but his "**heirs**, for ever" to **grant** "to all freemen of our kingdom" the rights and liberties the great charter described. With Magna Carta, King John placed himself and England's future **sovereigns** and **magistrates** within the rule of law.

So, Magna Carta established the principle of limited government, in which the power of the monarch, or government, was lim-

ited, not absolute. This document provided for protection against unjust punishment and the loss of life, liberty, and property except according to law. It stipulated that no citizen could be punished or kept in prison without a fair trial.

Although tradition and interpretation would one day make Magna Carta a document of great importance to England and the American Colonies, the Charter was a **feudal** document, which originally granted **concessions** to few but the powerful baronial families. It did include concessions to the Church, **merchants**, townsmen, and the lower aristocracy for their **aid** in the **rebellion**, but the **majority** of the English population would remain without an active voice in government for another 700 years.

In 1215, when King John **confirmed** Magna Carta with his **seal**, he was **acknowledging** the concept that no man, not even the king, is above the law. That was a **milestone** in constitutional thought for the 13th century and for centuries to come.

In 1779 John Adams expressed it this way: "A government of laws, and not of men." Further, the charter established important individual rights that have a direct **legacy** in the American Bill of Rights. And during the United States' history, these rights have been expanded.

It is interesting to know, that four copies of this original grant survive. Two are held at the British Library while the others can be seen in the cathedral archives at Lincoln and Salisbury.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, and then make sentences using the completed phrases.

- | | |
|---------------|-----------------------|
| 1. attempts | a. of liberties |
| 2. oppressive | b. negotiations |
| 3. reprisals | c. to defend |
| 4. a charter | d. demands |
| 5. arbitrary | e. against defaulters |
| 6. held | f. government |
| 7. sovereigns | g. punishment |
| 8. limited | h. behavior |
| 9. unjust | i. document |
| 10. feudal | j. and magistrates |

2. Choose the best words to complete the sentences that follow.

- | | |
|---------------|----------------|
| a. individual | f. established |
| b. arms | g. majority |
| c. copies | h. granted |
| d. demands | i. legacy |
| e. affixed | j. archives |

1. King John's unsuccessful attempts to defend his dominions in Normandy and much of western France led to oppressive 1)..... on his subjects.

2. The barons took up 2)..... against John and captured London in May 1215.

3. The king authorized that handwritten 3)..... of Magna Carta be prepared on parchment, 4) with his seal, and publicly read throughout the realm.

4. So, Magna Carta 5)..... the principle of limited government, in which the power of the monarch, or government, was limited, not absolute.

5. The Charter was a feudal document, which originally 6)..... concessions to few but the powerful baronial families.

6. The 7)..... of the English population would remain without an active voice in government for another 700 years.

7. The charter established important 8)..... rights that have a direct 9)..... in the American Bill of Rights.

8. Two copies are held at the British Library while the others can be seen in the cathedral 10)..... at Lincoln and Salisbury.

3. Find Ukrainian equivalents in the right-hand column to the following expressions:

- | | |
|--------------------------------------|-----------------------------------|
| 1. unsuccessful attempts | a. свавільна поведінка |
| 2. oppressive demands | b. репресивні вимоги |
| 3. arbitrary behaviour | c. підняти зброю |
| 4. to take up arms | d. обмежене правління |
| 5. to hold negotiations | e. несправедливе покарання |
| 6. to grant the rights and liberties | f. надзвичайно важливий документ |
| 7. to established the principle of | г. надавати права та свободи |
| 8. limited government | h. надавати поступки |
| 9. unjust punishment | i. втрата життя, свободи та майна |

- | | |
|--|-----------------------------|
| 10. loss of life, liberty,
and property | j. встановлювати принципи |
| 11. document of great
importance | k. вести переговори |
| 12. to grant concessions | l. більша частина населення |
| 13. the majority of population | m. активний голос |
| 14. active voice | n. невдалі спроби |

4. Match the words to their meanings, then use them to speak about Magna Carta.

- | | |
|-----------------|--|
| 1. attempt | a. decided or arranged without any reason or plan, often unfairly |
| 2. dominion | b. a very important event in the development of something |
| 3. oppressive | c. someone who buys and sells goods in large quantities |
| 4. reprisal | d. a material used in the past for writing on, made from the skin of a sheep or a goat |
| 5. arbitrary | e. an act of trying to do something, especially something difficult |
| 6. to authorize | f. something that you allow someone to have in order to end an argument or a disagreement |
| 7. parchment | g. something violent or harmful which you do to punish someone for something bad they have done to you |
| 8. concession | h. to give official permission for something |
| 9. merchant | i. powerful, cruel, and unfair |
| 10. milestone | j. the land owned or controlled by one person or a government |

READING COMPREHENSION SECTION

1. Mark statements T (true) or F (false), according to the information in the text. Find the part of the text that gives correct information.

- King John's successful attempts to defend his dominions in Normandy and much of western France led to oppressive demands on his subjects.
- John's administration of justice was considered capricious.

3. In January 1215 a group of merchants demanded a charter of liberties as a safeguard against the king's arbitrary behaviour.
4. By 10 June both parties met and held a battle.
5. Magna Carta, provided for the English barons certain guarantees and protection against unreasonable acts of the king.
6. The king authorized that handwritten copies of Magna Carta be prepared on parchment, affixed with his signature, and publicly read throughout the realm.
7. Magna Carta established the principle in which the power of the monarch, or government, was absolute.
8. The Charter was a feudal document, which originally granted concessions to few but the powerful baronial families.
9. The majority of the English population got an active voice in government for another 700 years.
10. That was a milestone in constitutional thought for the 15th century.

2. Read the text again and write questions for the answers.

1. **Has** ?
Yes, it has played a very important role in the history of the country.
2. **What** ?
They demanded a charter of liberties as a safeguard against the king's arbitrary behaviour
3. **What** ?
They met and had negotiations.
4. **Who** ?
The king authorized that handwritten copies of Magna Carta be circulated and read out.
5. **Which** ?
It established the principle of limited government
6. **When** ?
In 1215.
7. **How many** ?
Four.
8. **Where** ?
Two are held at the British Library while the others can be seen in the cathedral archives at Lincoln and Salisbury.

DISCUSSION SECTION

Think and answer these questions.

1. Should a country develop its own political institutions or borrow them from other countries? Why?

2. How did Magna Carta influence the political systems of the UK and the USA?

3. Do you think the world would be different if Magna Carta had never existed?

USEFUL VOCABULARY

| | | |
|--------------|----------------------------|-----------------------|
| achievement | досягнення | достижение |
| aid | допомога | помощь |
| arbitrary | свабільний | своевольный |
| arm | зброя | оружие |
| attempt | спроба | попытка |
| capricious | вередливий | капризный |
| charter | статут, чартер | хартия, устав, чартер |
| colonist | колоніст | колонист |
| concession | поступка | уступка |
| defaulter | порушник | нарушитель |
| defend | захищати | защищать |
| demand | вимога | требование |
| dominion | володіння | владения |
| extortionate | грабіжницький | грабительский |
| feudal | феодалний | феодалный |
| handwritten | рукописний | рукописный |
| heir | спадкоємець | наследник |
| inspiration | натхнення | вдохновение |
| magistrate | мировий суддя | мировой судья |
| majority | більшість | большинство |
| meadow | лука | луг |
| merchant | купець | купец |
| milestone | наріжний камінь,
основа | веха, основа |
| monumental | монументальний | монументальный |
| negotiations | переговори | переговоры |
| oppressive | репресивний | репрессивный |

| | | |
|---------------------------|---------------------------|----------------------------|
| originally | початково | изначально |
| parchment | пергамент | пергамент |
| party | бік, партія | сторона, партия |
| population | населення | население |
| realm | володіння | владение |
| rebellion | повстання | восстание |
| reprisal | репресалія | репресалия |
| ruthless | безжальний | безжалостный |
| safeguard | захист | защита |
| seal | печатка | печать |
| sovereign | суверен | суверен |
| subject | підданий | подданный |
| to acknowledge | визнати | признать |
| to affix | закріпити | закрепить |
| to authorize | вповноважити,
наказати | уполномочить,
приказать |
| to bind (bound,
bound) | зв'язати, примусити | связать, заставить |
| to capture | захопити | захватить |
| to confirm | затверджувати | утверждать |
| to consider | вважати | считать |
| to establish | встановлювати | устанавливать |
| to grant | надавати | предоставлять |
| to guarantee | гарантувати | гарантировать |

Unit 3. WONDERS OF THE ANCIENT WORLD (PART II)

READING SECTION

1. *Work in four groups .Read the texts below.*

Group A Read about the Temple of Artemis

Group B Read about the Tomb of Mausolus

Group C Read about the Colossus of Rhodes

Group D Read about the Pharos, Lighthouse at Alexandria

2. *Try to guess the words in bold from the context. Then use your dictionary to check them.*

The Temple of Artemis

The earliest **temple** to the Goddess Artemis (sometimes called Diana) was built around 800 BC near the river at Ephesus and contained a **sacred** stone, probably a meteorite, that had “fallen from Jupiter.” The temple was destroyed and rebuilt several times over the next few hundred years

The temple we would like to speak about was 300 feet in length and 150 feet wide with an area four times the size of the temple before it. More than one hundred stone columns supported a massive roof.

It was the **pride** of Ephesus until 356 BC when a tragedy, by name of Herostratus, struck. Herostratus was a young Ephesian who wanted his name to go down in history. He managed this by **burning** the temple to the ground. The citizens of Ephesus were so appalled at this act that they issued a decree that anyone who spoke of Herostratus would be put to death.

Shortly after this horrible deed, a new temple was built in the same place as before. It housed many works of art including four bronze statues of Amazon women.

The construction took 120 years. When Alexander the Great came to Ephesus in 333 BC, the temple was still under construction. He offered to finance the completion of the temple if the city would credit him as the builder. The city fathers didn't want Alexander's name **carved** on the temple, but they didn't want to tell him that. They finally gave the tactful response: “It is not fitting that one god

should build a temple for another god” and Alexander didn’t press the matter.

The city continued to **prosper** over the next few hundred years and was the destination for many pilgrims coming to view the temple.

By the time the great Temple of Artemis was destroyed during a **raid** by the Goths in 262 A.D., both the city and the religion of Artemis were in **decline**. When the Roman Emperor Constantine rebuilt much of Ephesus a century later, he declined to restore the temple. He had become a Christian and had little interest in **pagan** temples.

Despite Constantine’s efforts, Ephesus declined in its importance as a crossroads of trade. The bay where ships docked disappeared as silt from the river filled it. In the end what was left of the city was miles from the sea, and many of the inhabitants left the **swampy** lowland to live in the surrounding hills. Those that remained used the ruins of the temple as a source of building materials. Many of the fine sculptures were pounded into powder to make lime for wall plaster.

In 1863 the British Museum sent John Turtle Wood, an architect, to search for the temple. Wood met with many obstacles. The region was **infested** with bandits. Workers were hard to find. His budget was too small. Perhaps the biggest difficulty was that he had no idea where the temple was located. He searched for the temple for six years.

Finally in 1869, at the bottom of a **muddy** twenty-foot deep test pit, his **crew** struck the base of the great temple. The remains of the Temple were found and shipped to the British Museum where they can be viewed even today.

The Tomb of Mausolus

From 377 to 353 BC, king Mausolus of Caria reigned and moved his capital to Halicarnassus. Nothing is exciting about Mausolus life except the construction of his tomb. The project was **conceived** by his wife and sister Artemisia, and the construction might have started during the king’s lifetime. The Mausoleum was completed around 350 BC, three years after Mausolus death, and one year after Artemisia’s.

The structure was **rectangular** in plan, with base **dimensions** of about 40 m (120 ft) by 30 m (100 ft). Overlying the foundation was a

stepped podium the sides of which were decorated with statues. The **burial** chamber and the sarcophagus of white alabaster decorated with gold were located on the podium and surrounded by Ionic columns. The colonnade supported a pyramid roof, which was in turn decorated with statues. A statue of a **chariot** pulled by four horses **adorned** the top of the tomb.

The total height of the Mausoleum was 45 m (140 ft).

The beauty of the Mausoleum was not only in the structure itself, but in the decorations and statues that adorned the outside at different levels on the podium and the roof. These were dozens of life-size free-standing statues of people, lions, horses, and other animals. The statues were **carved** by four Greek sculptors, each responsible for one side. Because the statues were of people and animals, the Mausoleum holds a special place in history, as it was not dedicated to the gods of Ancient Greece.

For 16 centuries, **the Mausoleum** remained in good **condition** until an **earthquake** caused some damage to the roof and colonnade.

Since the nineteenth century, archeological **excavations** have been undertaken at the Mausoleum site. These excavations together with detailed descriptions by ancient historians give us a fairly good idea about the **shape** and appearance of the Mausoleum.

The Colossus of Rhodes

The island of Rhodes was an important economic centre in the ancient world. The capital city, also named Rhodes, was built in 408 BC and was designed to take **advantage** of the island's best natural harbor on the northern coast. In 357 BC the island was **conquered** by **Mausolus of Halicarnassus** (whose tomb is one of the other Seven Wonders of the Ancient World), it fell into Persian hands in 340 BC, and was finally **captured** by Alexander the Great in 332 BC.

When Alexander died of a fever at an early age, his generals fought bitterly among themselves for control of Alexander's vast **kingdom**. Three of them, Ptolemy, Seleucus, and Antigonus, **succeeded** in **dividing** the kingdom among them. The Rhodians supported Ptolemy (who wound up ruling Egypt) in this struggle. This **angered** Antigonus who sent his son Demetrius to capture and **punish** the city of Rhodes. The war was long and **painful**. Demetrius brought an army of 40,000 men. This was more than the entire population of Rhodes.

When Demetrius attacked the city, the defenders stopped the attack by **flooding** a **ditch** outside the walls and mining the invaders in the **mud**. By then almost a year had gone by and a **fleet** of ships from Egypt arrived to assist the city. Demetrius withdrew quickly leaving the great **siege** tower where it was. To celebrate their victory and freedom, the Rhodians decided to build a giant statue of their patron the god Helios.

The construction took 12 years and was finished in 282 BC .The statue was one hundred and ten feet high and stood **proudly** upon a fifty-foot pedestal for some fifty-six years. Each morning the sun must have caught its polished bronze surface and made the god's figure shine. Then an earthquake hit Rhodes and the statue **collapsed**. Huge pieces of the figure lay along the **harbour** for centuries.

It is said that an Egyptian king offered to pay for its reconstruction, but the Rhodians refused. They feared that somehow the statue had offended the god Helios, who used the earthquake to throw it down.

In the seventh century AD the Arabs conquered Rhodes and broke the **remains** of the Colossus up into smaller pieces and sold it as scrap metal. Legend says it took 900 camels to carry away the statue. A sad end for what must have been a majestic work of art.

The Pharos, Lighthouse at Alexandria

Of the Seven Wonders of the Ancient World, only one had a practical use in addition to its architectural elegance: **the Lighthouse of Alexandria**. For **sailors**, it ensured a safe return to the Great Harbor. For architects, it meant even more: it was the tallest building on Earth. And for scientists, it was the mysterious **mirror** whose reflection could be seen more than 50 km (35 miles) off-shore.

In the autumn of 1994 a **team** of archaeological **scuba divers** entered the waters off of Alexandria, Egypt. Working beneath the surface they searched the bottom of the sea for **artifacts**. Large underwater blocks of stone were marked with floating masts so that an Electronic Distance **Measurement** station on shore could obtain their exact positions. Global positioning satellites were used to further fix the locations. The information was then fed into computers to create a detailed database of the sea **floor**.

Ironically, these scientists were using some of the most high-tech **devices available** at the end of the 20th century to try and dis-

cover the ruins of one of the most advanced technological **achievements** of the 3rd century, BC: The Pharos. It was the great lighthouse of Alexandria, one of the Seven Wonders of the Ancient World.

The building of the Pharos was authorized in 290 BC, and when it was completed some twenty years later, it was the first lighthouse in the world and the tallest building in existence, with the exception of the Great Pyramid.

The **lighthouse** was built on the island of Pharos and soon the building itself **acquired** the name. The connection of the name with the function became so strong that the word "Pharos" became the root of the word "lighthouse" in the French, Italian, Spanish and Romanian languages.

According to reports, a large **curved** mirror, perhaps made of polished metal, was used to project the fire's light into a **beam**. It was said ships could detect the light from the tower at night or the smoke from the fire during the day up to one hundred miles away.

There are stories that this mirror could be used as a **weapon** to concentrate the sun and set enemy ships **ablaze** as they approached. Another tale says that it was possible to use the mirror to magnify the image of the city of Constantinople from far across the sea to observe what was going on there. Both of these stories seem **implausible**, though.

The lighthouse was apparently a tourist **attraction**. Food was sold to visitors at the observation platform at the top of the first level. A smaller balcony provided a view from the top of the eight-sided tower for those that wanted to make the additional **climb**. The view from there must have been impressive as it was probably 300 feet above the sea. There were few places in the ancient world where a person could **ascend** a man-made tower to get such a perspective.

How then did the world's first lighthouse wind up on the floor of the **Mediterranean** Sea? Most accounts indicate that it, like many other ancient buildings, was the **victim** of **earthquakes**. It stood for 1,500 years but was damaged by **tremors** in 365 and 1303 AD. Reports indicate the final **collapse** came in 1326.

Did the divers actually find the **remains** of the Pharos in the bottom of the **harbor**? Some of the larger blocks of stone found certainly seem to have come from a large building. Statues were located that may have stood at the base of the Pharos. Interestingly enough, much of the material found seems to be from earlier eras than the

lighthouse. Scientists **speculate** that they may have been recycled in the construction of the Pharos from even older buildings.

READING COMPREHENSION SECTION

1. Choose the questions about the wonder you have read about and answer them.

1. When was the earliest temple to the Goddess Artemis built?
2. Which ancient wonder had a practical use in addition to its architectural elegance?
3. When was the Mausoleum completed?
4. Who was the island of Rhodes captured by?
5. Was your wonder the victim of an earthquake?
6. What can you say about the size of your wonder?
7. How many years did the construction take?
8. Where was your wonder located?
9. What did Herostratus burn?
10. Why does the Mausoleum hold a special place in history?
11. What can you say about the mysterious mirror?
12. What wonder lay along the harbour for centuries?
13. How long did the Mausoleum remain in good condition?
14. When did the British Museum send John Turtle Wood to search for the temple?
15. What happened to your wonder?

2. Which of the following numbers or dates relate to your wonder? What do they refer to?

| | | | | |
|---------------|--------|--------|------|-----|
| 800 BC | 350 BC | 332 BC | 1994 | 356 |
| 45 m (140 ft) | 12 | 290 | 120 | 900 |
| 300 feet | 1863 | 16 | 1326 | |

3. Find a partner from each of the other groups and go through the questions together, comparing information.

4. Read about one more wonder quickly. Help each other with any new words, particularly those words, which are involved in your text.

5. *Here are some answers about four wonders of the ancient world. Write the questions for these answers.*

1. **Why**

Because he wanted his name to go down in history.

2. **Who**

The city fathers didn't want Alexander's name carved on the temple.

3. **What**

The remains of the Temple of Artemis.

4. **When**

The Mausoleum was completed around 350 BC.

5. **How many**

There were dozens of life-size free-standing statues of people, lions, horses and other animals.

6. **Why**

As it was not dedicated to the gods of ancient Greece.

7. **What island**

The island of Rhodes was an important economic centre in the ancient world.

8. **Why**

To celebrate their victory and freedom.

9. **When**

The building of the Pharos was authorized in 290 BC.

10. **Where**

It was built on the island of Pharos.

11. **What**

A large curved mirror was used to project the fire's light into a beam.

DISCUSSION SECTION

1. What do you consider the modern wonders of the world? Why?

2. Why do we remember the person who burnt the Temple of Artemis instead of remembering the person who built it? Can you relate this to events in modern life?

3. What can you say about the ancient and modern wonders of Ukraine? Are they constructions, works of art, inventions or anything else?

4. Why do people need wonders? Can wonders be evil (atomic bomb, nuclear weapons, radiation)?
5. Do you personally hope to create a wonder?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-word essay.

What currently existing constructions do you believe are the real wonders of the world? (of Ukraine)? Use specific reasons and details to support your answer.

What modern invention or inventions do you consider to be wonders? Support your opinion with specific reasons and examples.



Module 5

PROTECTING OTHER PEOPLE

Unit 1. POLICE. ORIGINS OF POLICING

PRE-READING SECTION

Before reading discuss these questions:

1. What exactly do you know about the police and its origins?
2. Who is called “a bobby”? Why?
3. What does the word “sheriff” mean?

READING SECTION

1. You are going to read a text about the origins of policing. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

2. Choose the most suitable heading from the list A-J for each part (1-8) of the text. There is one extra heading which you do not need to use. There is an example at the beginning (0).

- A. The Metropolitan Police Act of 1856
- B. The detection and prevention of crime
- C. People’s attitude to the first “bobbies”
- D. The Police Act passed in 1829
- E. Origins of policing
- F. The appearance of parish constables and “The Watch”
- G. The influence of the industrial revolution of the 18th century
- H. Controlling by preventive patrols
- I. The definition of policing
- J. The expansion of police forces to rural areas

Origins of British Policing

| | |
|---|---|
| 0 | I |
|---|---|

The word “police” means, generally, the arrangements made in all civilised countries to ensure that the **inhabitants** keep the peace and **obey** the law. The word also **denotes** the force of peace officers (or police) employed for this purpose.

| | |
|---|--|
| 1 | |
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The origin of the British police lies in early **tribal** history and is based on **customs** for securing order through appointed representatives. In effect, the people were the police. The Saxons brought this system to England and improved and developed the organisation. This **entailed** the **division** of the people into groups of ten, called “**tythings**”, with a tything-man as representative of each; and into larger groups, each of ten tythings, under a “hundred-man” who was responsible to the **Shire-reeve**, or Sheriff of the County.

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| 2 | |
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The tything-man system, after contact with Norman feudalism, changed considerably but was not wholly destroyed. In time the tything-man became the **parish constable** and the Shire-reeve the Justice of the Peace, to whom the parish constable was **responsible**. This system, which became widely established in the seventeenth and eighteenth centuries, **comprised**, generally, one **unarmed able-bodied** citizen in each parish, who was **appointed** or elected **annually** to serve for a year **unpaid**, as parish constable. He worked in co-operation with the local Justices in securing observance of laws and maintaining **order**. In addition, in the towns, **responsibility** for the **maintenance** of order was **conferred** on the guilds and, later, on other specified groups of citizens, and these supplied bodies of paid men, known as “**The Watch**”, for guarding the gates and patrolling the streets at night.

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| 3 | |
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In the eighteenth century came the beginnings of **immense** social and economic changes and the consequent movement of population to the towns. The parish constable and “Watch” systems failed

completely The industrial revolution put new pressures on society, leading to **violence**. The rapid and uncontrolled drift of the population to the towns, where people were no longer controlled or protected by their social superiors, led to social **disorder** on a larger scale. The **Penal Code** was severe with almost two hundred **capital offences** and other **punishments**. This actually encouraged more serious crime as **evidenced** by the idiom, "I might as well be hanged for a sheep as a lamb". Conditions became **intolerable** and led to the formation of the "New Police", which was organized in 1829 and was called **The Metropolitan Police Force**.

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| 4 | |
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According to the Police Act passed in 1829:

- All London's police were the responsibility of one **authority** with **headquarters** at Scotland Yard
- 1,000 men were recruited to **supplement** the existing 400 police.
- Being a policeman became a **full-time occupation** with weekly pay and a uniform.
- **Recruits** were carefully selected and trained by the Commissioners.
- **Funds** came from a special **Parish Rate**.
- Police were responsible only for the **detection** and **prevention** of **crime**

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Crime and disorder were to be controlled by **preventive patrols** and no **stipends** were permitted for successful solutions of crimes or the **recovery** of **stolen property**. Crime prevention was not the only business of the new police force: they **inherited** many functions of the watchmen such as

- **lighting lamplights**
- **calling out the time**
- **watching for fires**
- **providing other public services**

| | |
|---|--|
| 6 | |
|---|--|

«Bobbies» (the nickname of the London policemen after Sir Robert Peel, who introduced the police force in 1829) were not im-

mediately popular. Most citizens viewed constables as an **infringement** on English social and political life, and people often **jeered at** the police. The preventive tactics of the early Metropolitan Police were successful, and crime and disorder **declined**. Their battles with (and ultimate street victory over) the Chartists in Birmingham and London proved the **ability** of the police to **deal with** major disorders and street **riots**.

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| 7 | |
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Despite the early successes of the Metropolitan Police, the **expansion** of police forces to **rural** areas was **gradual**. The Municipal Corporations Act of 1835 ordered all incorporated **boroughs** to set up police forces under the control of a watch committee, but it was not until 1856 that Parliament **mandated** that provinces establish police forces.

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| 8 | |
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The Metropolitan Police Act of 1856 established the principles that shaped modern English policing. Firstly, under the Metropolitan Police Act of 1856 the primary means of policing was conspicuous patrolling by uniformed police officers. Secondly, command and control were to be maintained through a centralised, pseudo-military organisational structure. The first Commissioners were Charles Rowan (an ex-Colonel) and Richard Mayne (a Barrister). They insisted that the prevention of crime was the first object of the police force. Thirdly, police were to be patient, impersonal, and professional. Finally, the authority of the English constable derived from three official sources – the crown, the law, and the consent and co-operation of the citizenry.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|----------------|---------------|
| 1. tribal | a. force |
| 2. appointed | b. history |
| 3. parish | c. patrolling |
| 4. observance | d. offences |
| 5. maintenance | e. of crime |

- | | |
|-----------------|-----------------------|
| 6. capital | f. representatives |
| 7. police | g. of stolen property |
| 8. prevention | h. of order |
| 9. the recovery | i. constable |
| 10. conspicuous | j. of laws |

2. Choose the best words to complete the sentences:

- | | |
|---------------------|---------------|
| a. stipends | f. violence |
| b. parish constable | g. tribal |
| c. unarmed | h. shaped |
| d. tything-man | i. jeered at |
| e. maintenance | j. penal code |

1. The system, after contact with Norman feudalism, changed considerably

2. In time the tything-man became the and the Shire-reeve the Justice of the Peace, whom the parish constable was responsible to.

3. The origin of the British police lies in early history.

4. This system comprised, generally, one able-bodied citizen in each parish, who was appointed or elected annually to serve for a year unpaid, as parish constable

5. In addition, in the towns, responsibility for the of order was conferred on the guilds

6. The industrial revolution put new pressures on society, leading to

7. The was severe with almost two hundred capital offences and other punishments including transportation.

8. Crime and disorder were to be controlled by preventive patrols and no were permitted for successful solutions of crimes or the recovery of stolen property.

9. Most citizens viewed constables as an infringement on English social and political life, and people often the police.

10. The Metropolitan Police Act of 1856 established the principles that modern English policing.

3. Fill in the correct prepositions: by (2), from (2), for (2), of, under, out, with. Make sentences, using the completed phrases.

1. a full-time occupation weekly pay
2. trained Commissioners

3. funds came a special Parish Rate
4. controlled preventive patrols
5. watching fires
6. the ability the police
7. to set up police force the control of a watch committee
8. responsible only the detection and prevention of crime
9. derived three official sources
10. calling the time

4. Match the words to their meanings, then use them to speak about origins of British policing

- | | |
|-------------------|--|
| 1. constable | a. relating to the legal punishment of criminals, especially in prisons |
| 2. responsibility | b. very easy to notice |
| 3. maintenance | c. when something is found that is not easy to see, hear etc, or the process of looking for it |
| 4. violence | d. the act of making a state or situation continue |
| 5. penal | e. a British police officer of the lowest rank |
| 6. detection | f. behaviour that is intended to hurt other people physically |
| 7. recruit | g. a town, or part of a large city |
| 8. rural | h. something that you must do as part of your job or duty |
| 9. borough | i. someone who has recently joined an organization, team, group of people etc |
| 10. conspicuous | j. relating to the countryside, not the city |

READING COMPREHENSION SECTION

Check whether you were attentive while reading.

1. What does the word "police" mean?
2. What is the origin of the British police based on?
3. How many people were there in a tything?
4. In what century did the parish constable and "Watch" systems fail completely?

5. How many capital offences did the Penal Code have?
6. When was the “New Police” organized?
7. Were the preventive tactics of the early Metropolitan Police successful or unsuccessful?
8. What did the Municipal Corporation Act of 1835 order?
9. When did Parliament mandate that provinces establish police forces?
10. Which principles did the Metropolitan Police Act establish?

DISCUSSION SECTION

Think and answer these questions:

1. Do you agree with the definition of the word “police” which is given at the beginning of the text?
2. Do you think that the British word “police” and the Ukrainian word “militia” mean the same? Are there any differences? Which ones?
3. Do policemen and militiamen have the same responsibilities?
4. Do you know anything about the origins of the Ukrainian militia and its development?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-essay:

Do you agree or disagree with the followings statement? It is better to make the wrong decision than to make no decision at all? What about lawyers’ decisions? Use specific reasons and examples to support your answer.

Decisions can be made quickly, or they can be made after careful thought. Read and think about the following statement: “ The decisions that people make quickly are always wrong”. What about policemen and militiamen? Do they often have to make quick decisions? Give specific reasons to support your opinion.

USEFUL VOCABULARY

| | | |
|-------------|-------------|-------------|
| ability | здатність | способность |
| able-bodied | здоровий | здоровый |
| annually | щорічно | ежегодно |
| appointed | призначений | назначенный |

| | | |
|--------------------------|-------------------------------------|----------------------------------|
| as evidenced by an idiom | що знайшло відображення в прислів'ї | нашедшее отражение в пословице |
| authority | влада | власть |
| borough | містечко | городок |
| capital offence | злочин, що карається смертю | преступление, карающееся смертью |
| citizenry | населення | население |
| comprise | включати | включать |
| confer | надавати | передавать |
| consent | згода | согласие |
| conspicuous patrolling | відкритий патруль | открытый патруль |
| crime | злочин | преступление |
| custom | традиція | традиция |
| deal with | справлятися | справляться |
| decline | зменшуватися | уменьшаться |
| denote | означати | обозначать |
| derive | надавати | передавать |
| detection | виявлення | обнаружение |
| disorder | безлад | беспорядок |
| division | розділ, ділення | деление |
| entail | призвести до, спричиняти | стать причиной, повлечь за собой |
| expansion | поширення | расширение |
| full-time occupation | основна робота | основная работа |
| funds | фонди | фонды |
| gradual | поступовий | постепенный |
| headquarters | штаб-квартира | штаб-квартира |
| immense | величезний | огромный |
| impersonal | безособовий | безличный |
| infringement | порушення | нарушение |
| inhabitant | мешканець | житель |
| inherit | успадковувати | наследовать |
| intolerable | нестерпний | невыносимый |
| jeer at | насміхатися | высмеивать |
| maintenance | підтримка | поддержка |

| | | |
|----------------------------------|--|---|
| mandate | наказати | приказать |
| obey | дотримуватися,
слухатися | соблюдать,
слушаться |
| order | порядок | порядок |
| parish constable | окружний констебль | окружной констебль |
| patient | терплячий | терпеливый |
| Penal Code | кримінальний кодекс | уголовный кодекс |
| prevention | попередження | предотвращение |
| preventive patrol | патруль, що
попереджує злочин | патруль,
предупреждающий
преступление |
| pseudo-military | псевдовійськовий | псевдвоенный |
| punishment | покарання | наказание |
| rate | <i>тут.</i> рахунок | счет |
| recovery | <i>тут.</i> повернення | возвращение |
| recruit | нові робітники,
рекрути | новые работники,
рекруты |
| reeve | керуючий (стар.) | управляющий |
| responsibility | відповідальність | ответственность |
| riot | бунт | бунт |
| rural | сільський | сельский |
| shape | формувати | формировать |
| shire | графство | графство |
| stipend | сплата | оплата |
| stolen property | вкрадене майно | украденное
имущество |
| supplement | підтримати | поддержать |
| The Metropolitan
Police Force | столична поліція | столичная полиция |
| to be responsible to
smb. | бути відповідальним
перед кимось,
підпорядковуватися
комусь | быть ответственным
перед кем-либо,
подчиняться
кому-нибудь |
| tribal | племінний | племенной |
| unarmed | неозброєний | невооруженный |
| unpaid | неоплачуваний | неоплачиваемый |
| violence | жорстокість,
насильство | жестокость, насилие |
| watch | дозор | дозор |

Unit 2. THE BRITISH POLICE NOWADAYS

PRE-READING SECTION

Before reading discuss these questions?

1. How much do you know about the present-day British police?
2. Do you think that all British police officers wear a uniform and carry guns?
3. Are the police in Britain organized the same way as in many other countries?

READING SECTION

Read the magazine article carefully. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

Law and Order – the British Police

The British police officer – sometimes called the “bobby” after Sir Robert Peel, the **founder** of the police force – is a well-known figure to anyone who has visited Britain or who has seen British films. Policemen – and women – are to be seen in towns and cities **keeping law and order**, either walking in the streets (“**pounding the beat**”) or driving in cars (known as “panda cars” because of their **distinctive** markings). Few people realize, however, that the police in Britain are organized very differently from those in other countries.

Most countries, for example, have a national police force, which is controlled by central government. Britain has no national police force, although police policy is governed by the central government’s Home Office. Instead, there is a separate police force for each of the 52 areas into which the country is divided. Each has a police authority – a **committee** of local county **counselors** and **magistrates**.

The forces co-operate with each other, but it is unusual for members of one force to operate in another’s area unless they are asked to **give assistance**. This sometimes happens when there has been a very serious crime. A Chief Constable (the most **senior** police officer of a force) may sometimes ask for the assistance of London’s police force, based at New Scotland Yard – known simply as “the Yard”.

In most countries the police carry guns. The British police generally do not carry **firearms**, except in Northern Ireland. Only a few

police are regularly armed – for instance, those who guard politicians and diplomats or who patrol airports. In certain circumstances specially trained police officers can be armed, but only with the signed **permission** of a magistrate.

All members of the police must have **gained** a certain level of academic qualifications and **undergone** a period of **intensive** training. Like the army, there are a number of ranks: after the Chief Constable comes the Assistant Chief Constable, Chief Superintendent, Chief Inspector, Inspector, Sergeant and Constable. Women make up about 10 per cent of the police force. The police are helped by a number of Special Constables – members of the public, who work for the police **voluntarily** for a few hours a week.

Each police force has its own **Criminal Investigation Department** (CID). Members of CIDs are detectives, and they do not wear uniforms. (The other uniformed people you see in British towns are **traffic wardens**. Their job is to make sure that drivers obey the parking **regulations**. They have no other powers – it is the police who are responsible for controlling offences like **speeding**, **careless** driving and drunken driving.)

The duties of the police are varied, ranging from assisting at accidents to **safeguarding** public order and dealing with lost property. One of their main functions is, of course, **apprehending** criminals and **would-be** criminals.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|---------------------------|------------------------------|
| 1. keep | a. politicians and diplomats |
| 1. give | b. of a magistrate |
| 2. carry | c. department |
| 3. guard | d. law and order |
| 4. patrol | e. wardens |
| 5. permission | f. regulations |
| 6. Criminal Investigation | g. offences |
| 7. traffic | h. assistance |
| 8. parking | i. airports |
| 10. controlling | j. firearms |

**2. Fill in the correct preposition: with (2), for(3), of(2), at, by(2).
Make sentences using the completed phrases.**

1. controlled central government.
2. co-operate each other
3. ask the assistance
4. signed permission a magistrate
5. helped a number of Special Constables
6. work the police voluntarily
7. responsible controlling offences
8. The duties the police
9. assisting accidents
10. dealing lost property

3. Match the words to their meanings, then use them to speak about the present-day British police.

- | | |
|--------------------|---|
| 1. founder | a. involving a lot of activity, effort, or careful attention in a short period of time |
| 2. distinctive | b. an official rule or order |
| 3. assistance | c. someone whose job is to check that people have not parked their cars illegally |
| 4. intensive | d. to protect something from harm or damage |
| 5. voluntarily | e. someone who establishes a business, organization, school etc |
| 6. regulation | f. the offence of driving faster than the legal limit |
| 7. speeding | g. help or support |
| 8. traffic wardens | h. someone who intends to do a particular thing |
| 9. safeguard | i. having a special quality, character, or appearance that is different and easy to recognize |
| 10. would-be | j. if you do work this way, you do it because you want to, and are not paid for it |

READING-COMPREHENSION SECTION

1. Read the following statements and put "+" when the statement correspond to the content of the text and "-when it doesn't. Give the correct answer.

1. The duties of the police are varied, ranging from assisting at accidents to safeguarding public order and dealing with lost property.

2. The British police officer – sometimes called the “bobby” after Sir Robert Peel, the founder of the Scotland Yard.

3. Each police force has its own Criminal Investigation Department (CID).

4. Policemen – and women – are to be seen in towns and cities keeping law and order only driving in cars (known as “panda cars” because of their distinctive markings)

5. Members of CIDs are sergeants and constables, and they do not wear uniforms.

6. Traffic wardens are responsible for controlling offences like speeding, careless driving and drunken driving.

7. Britain has its own national police force.

8. A Chief Inspector is the most senior police officer of a force.

9. The British police generally carry firearms.

10. The police are helped by a number of Special Constables – members of the public, who work for the police voluntarily for a few hours a month.

2. Write questions for these answers.

1. **What** ?

They keep law and order, either walking in the streets or driving in cars.

2. **Is** ?

No, it is unusual for members of one force to operate in another’s area.

3. **Who** ?

A Chief Constable may sometimes ask for the assistance of London’s police force.

4. **Where** ?

It is based at New Scotland Yard.

5. **Where** ?

In most countries.

6. **Who** ?

All members of the police.

7. **What** ?

Their job is to make sure that drivers obey the parking regulations.

8. **What** for?

They are responsible for controlling offences like speeding, careless driving and drunken driving.

9. What.....?

One of their main functions is, of course, apprehending criminals and would-be criminals.

DISCUSSION SECTION

Think and answer these questions.

1. Are the British police and the Ukrainian militia different or similar?
2. What are their structures and responsibilities?
3. Are there many books and films devoted to the Ukrainian militiamen?
4. Do you think this profession is popular in our country? Why?
5. Do we have traffic wardens?
6. What can ordinary people do for keeping law and order?

WRITING ASSIGNMENT

Write a 200-word essay:

Choose a book, newspaper article or movie about the work of police (militia) and describe the most impressive episodes in it. Which way did it impress you?

USEFUL VOCABULARY

| | | |
|-----------------------------------|------------------------------|--------------------------------|
| apprehending a criminal | спіймати злочинця | поймать преступника |
| careless | недбалий | небрежный |
| committee | комітет | комитет |
| counselor | член ради | член совета |
| Criminal Investigation Department | Департамент карного розшуку | Департамент уголовного розыска |
| distinctive | розпізнавальний, характерний | опознавательный, характерный |
| firearm | вогнепальна зброя | огнестрельное оружие |
| founder | засновник | основатель |
| gain | отримати, набрати | получить, набрать |
| give assistance | допомагати | помогать |
| intensive | інтенсивний | интенсивный |

| | | |
|---|---|--|
| keeping law
and order
magistrates
permission
regulation
safeguarding
senior
speeding | охороняти закон
та порядок
суддя
дозвіл
правила
охороняти
старший
перевищення
швидкості | охранять закон
и порядок
судья
разрешение
правила
охранять
старший
превышение
скорости |
| traffic warden | регулювальник
дорожнього руху | регулировщик
дорожного
движения |
| undergo
voluntarily
would-be | пройти кризу
добровільний
потенційний | пройти через
добровольный
потенциальный |

Unit 3. TYPES OF LEGAL PROFESSIONS

PRE-READING SECTION

Before reading discuss these questions:

1. What exactly do you know about legal professions?
2. Have you already chosen the branch of law to apply your knowledge in?
 2. Why are there so many legal professions?
 3. In which situations do people need legal advice?

READING SECTION

Read the text carefully and try to explain the words in bold.

Types of Legal Professions or the Personnel of the Law

Different countries have their own legal systems, with considerable differences in law, organization and practice, but all of them need people of legal profession, who are generally called **lawyers**.

The legal profession in Britain is divided into two branches: **barristers** and **solicitors**. Solicitors undertake legal business for individual and corporate clients, while barristers advise on legal problems submitted through solicitors and present cases in the higher courts. Certain functions are common to both – for example, **presentation of cases** in the **lower courts**. Although people are free to **conduct** their own **cases**, nearly all people prefer to be legally represented in the more serious cases.

Barristers belong to one of the four Inns of Court. Students study in the Inns of Court and must pass the necessary professional examinations before being **called to the Bar**. They must then serve an **apprenticeship** with a qualified barrister for one year. Barristers must be members of the **General Council of the Bar** (the governing body of the barristers' branch of the legal profession, responsible for regulating the activities of all barristers and considers complaints against them), which **upholds** professional standards and has certain disciplinary powers.

Professional examinations must also be passed before anyone can become a **solicitor**. After that, a two-year period of apprenticeship is served in a solicitor's office. Once qualified in this way, a newly admitted solicitor is **supervised** for a period of three years, usual-

ly in another practice. The Law Society in England is the governing body of the profession and has disciplinary powers over practicing solicitors. It also organizes **admission**, education and training. A solicitor is **bound contractually** to his or her client and can be **sued for negligence**.

An **advocate** is one who argues a case for a client in **court**. In **magistrates' courts** and the county courts both barristers and solicitors have the right to appear as advocates. But in most **Crown Court** centres and the **High Court** barristers have exclusive rights of audience.

A **judge** is a **state official** with power to **adjudicate on disputes** and other matters brought before the courts for decision. All judges are experienced legal practitioners, mostly barristers, but solicitors can be appointed if they possess the relevant advocacy qualification. The judge sits in the court and makes sure that the **trial** is conducted properly. He or she does not decide on the **guilt** or **innocence** of the **accused**-that is the jury's job. However, if the **jury** find the accused guilty, then the judge will **pass the sentence**. High Court judges and **circuit judges** are appointed by the Queen on the recommendation of the **Lord Chancellor**. **County** court district judges are appointed through competitive interviews before a board, which makes recommendations to the Lord Chancellor.

A **magistrate** is a justice of the peace sitting in a magistrates' court. Law magistrates in England need no formal legal qualifications but are trained to give them sufficient knowledge of the law, including the **rules of evidence**, and of the nature and **purpose of sentencing**. They receive no payment for their services but give their time **voluntarily**. There are also, however, **stipendiary** magistrates in London and other major cities. Stipendiary magistrates are legally qualified.

A **clerk** to the justices is a barrister or solicitor of not less than five years standing, appointed to assist magistrates in court, particularly by giving advice about law practice or procedure on questions arising in connection with the **discharge** of their or his functions. The clerk or one of his **staff** will sit in court with the justices in order to advise them, but should not **retire** with them when they **consider** their **verdict**.

A **jury** is a group of usually 12 men and women selected **at random** to decide the facts of a case and give a verdict. The judge directs

the jury on points of law and **sums up** the **evidence** of the **prosecution** and **defense** for them, but he must leave the jury to decide all questions of fact themselves. The verdict of a jury should, if possible, be **unanimous**, but when there are at least 10 people on the jury and they cannot reach a unanimous verdict, a majority verdict is acceptable.

Representing a client in a trial is only one of the many functions that lawyers today perform. They also act as **negotiators**, **counselors**, **draftsmen** and **lobbyists**. In these roles, the lawyer's duty is to zealously advocate his client's position while at the same time maintaining the code of ethics **imposed** upon the legal profession. To the business client, two important rules of ethics are:

- 1) the lawyer is bound to respect the confidences of his client and
- 2) the lawyer may not **engage** in a conflict of interest.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|-----------------------------|----------------------|
| 1. individual and corporate | a. at random |
| 2. a conflict of | b. contractually |
| 3. selected | c. the sentence |
| 4. sum up | d. interests |
| 5. discharge of | e. clients |
| 6. pass | f. judges |
| 7. bound | g. qualification |
| 8. serve | h. the evidence |
| 9. circuit | i. the functions |
| 10. advocacy | j. an apprenticeship |

2. Fill in the correct preposition: about, into, for (3), on, over, with, to (2). Make sentences using the completed phrases:

1. dividedtwo branches
2. legal business individual and corporate clients
3. advise legal problems
4. called the Bar.
5. supervised a period of three years
6. disciplinary powers practicing solicitors

7. to be bound contractually the client
8. sued negligence
9. a state official power to adjudicate on disputes
10. giving advice law practice

READING COMPREHENSION SECTION

1. Read the following statements and put "+" when the statement corresponds to the content of the text and "-" when it doesn't.

1. The legal profession in Britain is divided into the following branches: barristers, solicitors and advocates.

2. Solicitors study in the Inns of Court and must pass the necessary professional examinations before being called to the Bar

3. Magistrates must serve an apprenticeship with a qualified barrister for one year.

4. The Law Society in England is the governing body of the profession, but it doesn't have disciplinary powers over practicing solicitors

5. In most Crown Court centres and the High Court barristers have exclusive rights of audience.

6. The jury does not decide on the guilt or innocence of the accused-that is the judge's job.

7. Law magistrates in England need formal legal qualifications

8. The clerk or one of his staff will sit in court with the justices in order to advise them, and should retire with them when they consider their verdict.

9. A jury is a group of usually 12 men and women selected at random to direct the judges.

10. The verdict of a jury should, if possible, be unanimous.

2. Write questions to these answers.

1. Who ?

Nearly all people prefer to be legally represented in the more serious cases.

2. How long ?

They must then serve an apprenticeship with a qualified barrister for one year.

3. Is ?

No, a newly admitted solicitor is supervised for a period of three years.

4. In which way ?

A solicitor is bound contractually to his or her client.

5. Where

In most Crown Court centres and the High Court barristers have exclusive rights of audience.

6. What ?

He sits in the court and makes sure that the trial is conducted properly.

7. Who ?

The judge will pass the sentence.

8. How many ?

Twelve

9. Whose ?

The lawyer's duty is to zealously advocate his client's position while at the same time maintaining the code of ethics imposed upon the legal profession

DISCUSSION SECTION

Think and answer the following questions:

1. To your mind which legal profession is the most challenging? Why?
2. Do you know any peculiarities of legal professions in Ukraine?
3. What is your personal opinion on legal ethics?

WRITING ASSIGNMENT

Write a 200-word essay:

Which legal profession would you choose for yourself? Who influenced you? Use specific reasons to explain your choice.

USEFUL VOCABULARY

| | | |
|---------------------------|------------------|-----------------|
| accused | обвинувачуваний | обвиняемый |
| adjudicate
on disputes | вирішувати спори | разрешать спору |
| admission | допуск | допуск |
| appoint | призначати | назначать |
| apprenticeship | практика | практика |
| at random | випадково | случайно |

| | | |
|------------------------|--|---|
| barrister | баристер (адвокат, що має право виступати у вищих судах) | барристер (адвокат, имеющий право выступать в высших судах) |
| bound contractually | пов'язаний контрактом | связанный контрактом |
| call to the Bar | надавати звання баристера | присваивать звание барристера |
| case | справа | дело |
| clerk to the justices | секретар суду | секретарь суда |
| conduct | вести | вести |
| consider the verdict | радитися щодо винесення вироку | совещаться относительно вынесения приговора |
| corporate | корпоративний | корпоративный |
| counsellor | консультант | консультант |
| Crown Court | Королівський Суд | Королевский Суд |
| defense | захист (на суді) | защита (на суде) |
| discharge of functions | виконання обов'язків | выполнение обязанностей |
| draftsman | особа, що складає документи, автор законопроекту | составитель документов, автор законопроектов |
| engage | брати участь | принимать участие |
| experience | досвід | опыт |
| guilt | вина | вина |
| High Court | Високий Суд | Высший Суд |
| impose | накладати | накладывать |
| Inn of Court | школа підготовки баристерів | школа подготовки барристеров |
| innocence | невинність | невиновность |
| judge | суддя | судья |
| jury | суд присяжних | суд присяжных |
| justice | суддя | судья |
| lawyer | <i>тут:</i> юрист | юрист |
| lobbyist | лобіст | лоббист |
| Lord Chancellor | Лорд-канцлер | Лорд-канцлер |

| | | |
|-------------------------|--|-------------------------------------|
| lower court | нижчий суд | низший суд |
| magistrate | мировий суддя | мировой судья |
| magistrates' court | суд першої інстанції | суд первой инстанции |
| negotiator | особа, що веде переговори | лицо, ведущее переговоры |
| pass the sentence | винести вирок | вынести приговор |
| personnel | персонал | персонал |
| possess | мати, володіти | иметь, владеть |
| prosecution | обвинувачення | обвинение |
| relevant | відповідний | соответствующий |
| solicitor | солісітор,
юрисконсульт | солиситор,
юрисконсульт |
| state official | державна посадова особа | государственное должностное лицо |
| stipendiary magistrates | оплачуваний мировий суддя (який отримує плату) | мировой судья, получающий жалованье |
| submit | подавати, представляти на розгляд | представлять на рассмотрение |
| sue for negligence | подати до суду через недбалість | подать в суд за небрежность |
| sum up | підбити підсумки | подвести итоги |
| supervise | контролювати | контролировать |
| trial | судовий процес | судебный процесс |
| undertake | брати на себе | брать на себя |
| uphold | підтримувати | поддерживать |
| zealously | ревно | ревностно |

Unit 4. MISCELLANEOUS

PRE-READING SECTION

1. What do you know about Scotland Yard from films and books?
2. Why does Scotland Yard have this name?
3. We know that there is a museum in Scotland Yard. What do you think people can see there?

READING SECTION

Read the text carefully and try to explain the words in bold.

Scotland Yard

When the Metropolitan Police Force was **set up**, the first task was to select a **suitable headquarters** for the new force.

Eventually, a large house at 4, Whitehall Place, was chosen. The back **premises** of this building were used as a police station. It was this address that led to the headquarters of the Metropolitan Police being known as Scotland Yard. It is said the **location** had been the site of a **residence** owned by the Kings of Scotland before the Union and used and occupied by them or their **ambassadors** when in London, and known as “Scotland”. The **courtyard** was later known as “Scotland Yard”.

Now Scotland Yard **remains** the headquarters of the Metropolitan Police in London. To most people, its name immediately brings to mind the picture of a detective – cool, **collected**, **efficient**, ready to **track down** any **criminal** with complete **confidence** that he will bring him to justice, or a **helmeted** police constable – that familiar figure of the London scene and trusty helper of any traveller from **overseas**.

Scotland Yard is situated on the Thames Embankment, close to the Houses of Parliament and the **familiar** clock tower of Big Ben, and its **jurisdiction extends** over 740 square miles with the **exception** of the ancient City of London, which **possesses** its own separate Police Force.

The old established section of the Metropolitan Police is the **Mounted Branch**, with its **strength** of about 200 horses, **stabled** at strategic points. These horses are **particularly suited** to ceremonial occasions, for they are **accustomed** to military **bands**.

An interesting **branch** of Scotland Yard is the branch of Police Dogs, first used as an experiment in 1938. Now these dogs are an important part of the Force. One dog, for example, can **search** a **warehouse** in ten minutes, whereas the same search would take six men an hour.

There is also the River Police, or Thames Division, which has its own **crime investigation officers**, who **handle** all crimes, **occurring** within its river **boundaries**.

One of the most interesting places in Scotland Yard is the Map Room. Here is the General Crime Map, the Death by Violence Map, the Accidents Map and the **Vehicles** Recovered Map.

There are two other departments of Scotland Yard – the **Witness** Room, where a photographic record of known or **suspected** criminals is kept, and the Museum, which contains **murder relics**, **forgery exhibits** and **coining moulds**.

VOCABULARY PRACTICE

1. *Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.*

- | | |
|------------------------|---------------------|
| 1. suitable | a. police constable |
| 2. to track down | b. occasions |
| 3. helmeted | c. band |
| 4. mounted | d. officers |
| 5. ceremonial | e. headquarters |
| 6. military | f. room |
| 7. search | g. branch |
| 8. crime investigation | h. relics |
| 9. witness | i. a criminal |
| 10. murder | j. a warehouse |

2. *Choose the best words to complete the sentences:*

- | | |
|---------------------|----------------|
| a. premises | f. relics |
| b. accustomed | g. a residence |
| c. the headquarters | h. violence |
| d. investigation | i. witness |
| e. jurisdiction | |

1. The back of the building were used as a police station.

2. It is said the location had been the site of..... owned by the Kings of Scotland

3. Now Scotland Yard remainsof the Metropolitan Police in London.

4. Its..... extends over 740 square miles with the exception of the ancient City of London.

5. The horses are particularly suited to ceremonial occasions, for they are to military bands.

6. Crime officers handle all crimes occurring within the river boundaries.

7. The Map Room contains the General Crime Map, the Death by Map, the Accidents Map and the Vehicles Recovered Map.

8. In theRoom you can see a photographic record of known or suspected criminals

9. The Museum contains murder, forgery exhibits and coining moulds.

READING COMPREHENSION SECTION

Ask questions for these answers:

1. **What.** ?

To select a suitable headquarters for the new force.

2. **In which way** ?

They were used as a police station.

3. **Where.** ?

Scotland Yard is situated on the Thames Embankment, close to the Houses of Parliament and the familiar clock tower of Big Ben

4. **How many** ?

Two hundred.

5. **When** ?

In 1938.

6. **Whom** ?

It has its own crime investigation officers, who handle all crimes occurring within its river boundaries.

7. **What.** ?

Here is the General Crime Map, the Death by Violence Map, the Accidents Map and the Vehicles Recovered Map.

8. **Where.** ?

In the Witness room.

9. What.....?

It contains murder relics, forgery exhibits and coining moulds.

DISCUSSION SECTION

Think and answer these questions:

1. Does our country have its own "Scotland Yard"? Where is it?
2. Are we proud of our Ukrainian detectives?
3. What new technologies do detectives use?

WRITING ASSIGNMENT

Write a 200-word essay connected with successful criminal investigations.

USEFUL VOCABULARY

| | | |
|--------------------------------|----------------------------|-----------------------------|
| accustom | звикати | привыкать |
| ambassador | посол | посол |
| band | оркестр | оркестр |
| boundary | кордон | граница |
| branch | відділ | отдел |
| coining mould | ливарна форма
для монет | литейная форма
для монет |
| collected | зібраний | собранный |
| confidence | упевненість | уверенность |
| courtyard | внутрішній двір | внутренний двор |
| crime investigation
officer | слідчий | следователь |
| criminal | злочинець | преступник |
| efficient | вмілий | умельй |
| eventually | нарешті | наконец |
| exception | виняток, виключення | исключение |
| familiar | знайомий | знакомый |
| forgery | підробка | подделка |
| helmeted | той, що носить шлем | носящий шлем |
| jurisdiction | юрисдикція | юрисдикция |
| location | місцезнаходження | местонахождение |
| Mounted Branch | кінний відділ | конный отдел |
| murder relics | знаряддя вбивства | орудие убийства |
| overseas | закордон | заграница |

| | | |
|---------------------|-----------------------------------|-------------------------------------|
| particularly suited | найбільш підходити | наиболее подходит |
| possess | мати | иметь |
| premises | приміщення | помещение |
| remain | залишатися | оставаться |
| residence | помешкання | жилье |
| search | обшукати | обыскать |
| stabled | що стоять | стоящие |
| strength | сила, <i>тут.</i> що
нараховує | сила, <i>здесь</i>
насчитывающий |
| suitable | придатний | подходящий |
| suspect | підозрювати | подозревать |
| to extend | розповсюджуватися | распространяться |
| to handle | працювати над | работать |
| to occur | відбуватися | происходит |
| to set up | організувати | организовывать |
| track down | вистежувати | выслеживать |
| vehicles | транспортний засіб | транспортное
средство |
| warehouse | склад | склад |
| witness | свідок | свидетель |



Module 6

GOVERNMENTS AS THEY ARE

Unit 1. OVERVIEW OF THE UNITED KINGDOM'S GOVERNMENT

PART 1

PRE-READING SECTION

1. Before reading discuss these questions:

1. Is Britain a republic or a kingdom?
2. What are the major political forces in Britain? Who is the British Prime Minister at present?
3. What do you know about the British monarchy? How has the role of the monarchy changed?

READING SECTION

1. You are going to read a text about the UK government. Choose the most suitable heading from the list A-H for each part of the article. There is one extra heading which you do not need to use. There is an example at the beginning (0). Try to explain the words in bold.

- A. What Parliament does
- B. Who can become a parliamentary candidate?
- C. Parliament's powers
- D. Overview of the UK government.
- E. Who can vote?
- F. House of Lords
- G. House of Commons
- H. Parliamentary electoral system

The United Kingdom Government

| | |
|---|---|
| 0 | D |
|---|---|

The United Kingdom is a parliamentary democracy, based on universal suffrage. It is also a constitutional monarchy in which ministers of the Crown govern in the name of the Sovereign, who is both Head of State and Head of the Government.

There is no 'written constitution' in the UK. Instead, the **relationship** between the State and the people relies on statute law, common law and **conventions**.

Power in Great Britain is divided among three branches: legislative, executive and judicial.

The legislative branch is represented by Parliament.

The **executive comprises** the Government (members of the Cabinet and other ministers responsible for policies), government departments and agencies, local **authorities**, public corporations, independent regulatory bodies and certain other organisations **subject** to ministerial control.

The **judiciary determines** common law and **interprets** statutes.

In her role as Monarch, the Queen is head of the executive and plays an integral part in the **legislature**. She heads the **judiciary** and is both the **commander-in-chief** of all the armed forces of the Crown and supreme governor of the **established** Church of England.

| | |
|---|--|
| 1 | |
|---|--|

For electoral purposes the UK is divided into 650 areas known as 'constituencies'. Each has one **representative** – a Member of Parliament (MP) – in the House of Commons.

To ensure that constituency electorates are kept **roughly** equal, four permanent Parliamentary Boundary Commissions, one each for England, Wales, Scotland and Northern Ireland, have kept constituency size under review.

Because of constant changes in local populations the number of MPs always varies a little from election to election. In general, there are about 60,000 voters in each constituency.

| | |
|---|--|
| 2 | |
|---|--|

To **vote** in parliamentary elections in the UK you must be a British citizen, a citizen of another **Commonwealth** country or of the

Irish Republic, as well as being **resident** in the UK, aged 18 or over, included in the register of electors for the **constituency** and not **subject** to any legal **incapacity** to vote.

British citizens can vote even when living **abroad** for up to 15 years.

People not **entitled** to vote include members of the House of Lords, foreign nationals resident in the UK (other than Commonwealth citizens or citizens of the Irish Republic), some patients **detained** under **mental** health legislation, sentenced **prisoners** and people **convicted** within the previous five years of corrupt or illegal election practices.

| | |
|---|--|
| 3 | |
|---|--|

To stand for election as a Member of Parliament, you must be a British citizen, resident citizen of another Commonwealth country or of the Irish Republic, aged 18 or over and not **disqualified**.

To stand you must pay £500, which is returned if you get at least 5 per cent of the vote

Disqualified people include **undischarged** bankrupts, those sentenced to more than one year's **imprisonment**, members of the House of Lords and holders of certain offices(listed in the House of Commons Disqualification Act 1975).

A candidate's nomination for election must be proposed and **seconded** by two electors registered as voters in the constituency and **signed** by eight other electors.

Candidates can stand as independents – they do not have to be **backed** by a political party. They must also **deposit** £500, which is returned if they receive at least 5 per cent of the votes cast.

| | |
|---|--|
| 4 | |
|---|--|

There are three parts of Parliament – the House of Commons, the House of Lords and the Sovereign

Parliament can make or change law, overturn established conventions or turn them into law. It can even legislate to prolong its own life beyond the normal period without consulting the electorate.

In practice, however, Parliament does not conduct itself in this way. Its members work within the common law and normally act according to convention.

The three parts of Parliament – the House of Commons, the House of Lords and the Sovereign – only meet together on occasions of symbolic significance such as the State Opening of Parliament when the Commons is summoned by the Sovereign to the House of Lords.

| | |
|---|--|
| 5 | |
|---|--|

The main functions of Parliament are to **pass laws**, to **provide** – by voting for **taxation** – the means of **carrying out** the work of government, to **scrutinise** government policy and administration, including **proposals** for **expenditure**, and to **debate** the major **issues** of the day.

| | |
|---|--|
| 6 | |
|---|--|

The House of Commons consists of 650 MPs, who are elected by a general election.

The main **purpose** of the House of Commons is to make laws by passing various Acts (of Parliament), as well as to discuss **current political issues**. The House sits for 175 days in the year, and has a maximum **term** of five years.

All speeches in the House of Commons are addressed to the Speaker, the chief officer of the House of Commons, who is elected by MPs to **preside** over the House and **enforce** the rules of order.

The Speaker must be a person with a rare mix of **qualities**: s/he has to be able to **cope** with the difficult task of conducting debates: be **respected for impartiality**; **possess** a sound knowledge of parliamentary procedure; have tact and judgment **in handling** debates and have a **firmness of command** in controlling the House.

The debates take place **in accordance** with the program, **previously** arranged. At the end of a debate the members express their **approval** or **disapproval** of the debated **bill**.

The **strength** of the House of Commons is that it **possesses** the right to **argue** for or against any proposal, the right to question, to debate and to speak out.

After a Parliament has been **dissolved** and a General Election has been held, the Sovereign summons a new Parliament. When an MP dies, **resigns** or is made a member of the House of Lords a **by-election** takes place.

The House of Lords consists of the **Lords Spiritual** and the **Lords Temporal**.

Members of the House of Lords do not get paid for their parliamentary work, but can claim **expenses** such as travel

The Lords Temporal consist of **hereditary peers** and **life peers**. **Hereditary peers** have the right to sit in Parliament during their lifetime and transmit their right to their eldest sons. Life peers are not representatives of the **hereditary nobility** but company directors, bankers and other businessmen who help carry out the judicial duties of the House and whose children do not inherit their titles.

The work of the House of Lords includes **examining** and **revising** bills from the Commons, and discussing important matters, which the Commons cannot find time to debate. The House of Lords does not have the same power as the House of Commons.

It can:

- Pass bills, sent to it from the House of Commons;
- **Amend** bills and send them back to the Commons for **approval**;
- **Delay** bills for a limited time;
- Start its own Bills, but it must send them to the Commons for approval.

VOCABULARY PRACTICE

1. *Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.*

- | | |
|------------------|-----------------------|
| 1. hereditary | a. Spiritual |
| 2. delay | b. command |
| 3. Lords | c. impartiality |
| 4. firmness of | d. bills |
| 5. respected for | e. Government policy |
| 6. current | f. peers |
| 7. preside over | g. for expenditure |
| 8. scrutinise | h. universal suffrage |
| 9. proposals | i. the House |
| 10. based on | j. political issues |

2. *Choose the best words to complete the sentences that follow:*

- | | |
|----------------------------|------------------|
| a) in accordance | f) the Sovereign |
| b) parliamentary elections | g) seconded |

- | | |
|--------------------|----------------|
| c) Lords Spiritual | h) conventions |
| d) delay | i) pass |
| e) executive | j) resigns |

1. In Great Britain is both Head of State and Head of the Government.

2. Power in Great Britain is divided among three branches: legislative, and judicial.

3. To vote inin the UK you must be a British citizen.

4. A candidate's nomination for election must be proposed andby two electors registered as voters in the constituency and signed by eight other electors.

5. Parliament can make or change law, overturn establishedor turn them into law.

6. The main functions of Parliament are to laws.

7. The debates take placewith the program, previously arranged.

8. When an MP dies,..... or is made a member of the House of Lords a **by**-election takes place.

9. The House of Lords consists of theand the Lords Temporal.

10. The House of Lords can bills for a limited time.

3. Match the following words in the text with their meanings, then use them to speak about UK government

- | | |
|----------------|---|
| 1. mental | a. the principles according to which a country is governed |
| 2. convicted | b. to rule a country, state, province, city, etc. and its people |
| 3. statute | c. the total amount of money that a government, organization, or person spends during a particular period of time |
| 4. summon | d. a person who lives in a place, not a visitor |
| 5. resident | e. proved or officially announced guilty of a crime after a trial in a law court |
| 6. to sentence | f. to officially announce that you have decided to leave your job or an organization |
| 7. expenditure | g. an established rule; formal regulation |
| 8. resign | h. relating to the health or state of someone's mind |

9. to govern i. to state the punishment for smb.
10. constitution j. to order someone to come to a place

**4. Fill in the correct prepositions : for(3), out, by(2), with, in(3).
Make sentences using the completed phrases.**

1. carry the judicial duties
2. make laws passing various Acts
3. to be able to cope the difficult task
4. be respected impartiality
5. take place accordance with the program
6. right to argue or against any proposal
7. proposalsexpenditure
8. summoned the Sovereign
9. included the register of electors
10. govern the name of the Sovereign

READING COMPREHENSION SECTION

Check whether you were attentive while reading.

1. In which way is power in Great Britain divided?
2. What can you say about the Parliamentary electoral system?
3. Can British citizens vote when they live abroad?
4. How many parts of Parliament are there in Great Britain?
5. What are the main functions of Parliament?
6. How many elected MPs does the House of Commons consist of?
7. Who is elected by MPs to preside over the House and enforce the rules of order?
8. In which way do the debates in the House of Commons take place?
9. Who are not paid for their parliamentary work?
10. What does the work of the House of Lords include?

PART 2

Law-making in the UK Parliament

1. Complete the following text by translating the words and expressions in brackets.

Every year Parliament (приймає) about 100 laws. But the procedure of making new laws is rather (складний).

Before the laws are signed by the Queen they are called (законопроекти). There are two main types of Bills: Private Bill and Public Bill.

Proposals for legislation affecting the (повноваження) of particular bodies (such as individual local authorities) or the rights of individuals (such as certain plans relating to (залізні дороги), roads and harbours) are known as Private Bills and are subject to a special form of parliamentary (процедура). Bills that change the general law, which make up the more (важливий) part of the parliamentary legislative process, are called Public Bills.

Public Bills can be introduced into either House, by a government minister or any MP or (пеп). Most Public Bills that become Acts of Parliament are introduced by a government minister. These are known as Government Bills. Before a Government Bill is (складати), there may be consultation with professional bodies, voluntary organisations and others with an interest. Bills introduced by other MPs or peers are known as Private Members Bills.

Public Bills must normally be passed by both Houses. Bills relating (головним чином) to financial matters are almost always introduced in the House of Commons.

When a Bill has passed through all its parliamentary (стадії), it is sent to The Queen for Royal (згода), after which it becomes an Act of Parliament. It is necessary to say that the Royal Assent has not been refused since 1707.

- | | |
|--------------|-----------------|
| 1. bills | 7. peer |
| 2. powers | 8. railways |
| 3. passes | 9. drafted |
| 4. stages | 10. assent |
| 5. mainly | 11. significant |
| 6. procedure | 12. complicated |

2. Study the process of making a law using the chart below.

Process of Making a Law

| | |
|--|---|
| INSPIRATION & FORMULATION | Before it can be discussed, a new law must be drafted as a bill |
| In the Commons, the Speaker enforces the rules of the house and controls the behaviour of MPs | |
| FIRST READING | Bill introduced to House of Commons |

| | |
|---------------------------------------|---|
| SECOND READING | Bill debated – controversial bills voted on – the vote is called “a division” |
| COMMITTEE STAGE | Clause by clause examination of the bill by special committee – may take into account outside groups’ views of the bill |
| REPORT STAGE AND THIRD READING | Changes made at Committee stage reported to Parliament and debated |
| HOUSE OF LORDS | Bill goes to Lords and passes through stages that echo those above – If the Lords alter anything the bill has to go to the Commons for re-consideration – The Lords can only delay a bill for one parliamentary session and can’t consider money bills, e.g. the budget |
| ROYAL ASSENT | The bill becomes a statute of law receiving the monarch’s official blessing |
| IMPLEMENTATION | The statute of law is implemented |

DISCUSSION SECTION

Think and answer the following questions:

1. Is Britain a politically stable country?
2. The present and the future of a country depends very much on how it is run, and what government and governmental institutions it has. Do you agree? In what way do you think this is true?

WRITING ASSIGNMENT

Write a 200-word essay:

Name at least five factors you think are important for the stable and successful development of a country. Use specific reasons and details to support your answer.

USEFUL VOCABULARY

| | | |
|-------------|---------------------|-----------------------|
| amend | робити зміни | вносить поправки |
| approval | схвалення, згода | одобрение, согласие |
| argue | тут висувати доводи | выдвигать аргументы |
| by-election | додаткові вибори | дополнительные выборы |

| | | |
|--------------------------|--|------------------------------------|
| carry out | виконувати | исполнять |
| citizen | громадянин | гражданин |
| commander-in-chief | головнокомандувач | главнокомандующий |
| constituency | виборчий округ | избирательный округ |
| convention | угода | соглашение |
| current political issues | поточні (сучасні)
політичні питання | текущие
политические
вопросы |
| delay | затримувати | задерживать |
| deposit | вносити | вносить |
| executive | виконавчий | исполнительный |
| expenditure | витрати | затраты |
| hereditary nobility | спадкова знать | наследственная знать |
| hereditary peers | спадкові пери | наследственные пэры |
| impartiality; | безсторонній | беспристрастный |
| imprisonment | ув'язнення | заключение |
| in accordance | згідно з | согласно с |
| judicial | судовий | судебный |
| legislative | законодавчий | законодательный |
| Lords Spiritual | вище духівництво | высшее духовенство |
| Lords Temporal | світські члени
палати лордів | светские члены
палаты лордов |
| major issues | головна проблема | главная проблема |
| overturn | змінити | изменить |
| preside | головувати | председательствовать |
| prolong | подовжити | продлить |
| proposal | пропозиція | предложение |
| resident | мешканець | житель |
| resign | складати
повноваження | снимать с себя
полномочия |
| roughly | приблизно | приблизительно |
| scrutinise | ретельно
досліджувати | тщательно
исследовать |
| sentence | вирок | приговор |
| sovereign | суверен | суверен |
| suffrage | виборче право | избирательное право |
| summon | кликати | созывать |
| taxation | оподаткування | налогообложение |

to be subject
subject to
to pass laws
undischarged
voter

підкорятися
приймати закони
невідновлений
виборець

подчиняться
принимать законы
невосстановленный
избиратель

Unit 2. AMERICAN GOVERNMENT

PART 1

PRE-READING SECTION

Before reading discuss these questions:

1. Do you know what main branches the federal government of the USA is divided into?
2. Whose interests has the US Constitution reflected from the very beginning?
3. What principle forms the basis of the Constitution?

READING SECTION

1. *You are going to read a text about American Government. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.*

2. *Choose the most suitable heading from the list A-I for each part) of the text. There is one extra heading which you do not need to use. There is an example at the beginning (0).*

- A. The American System of Government
- B. The President
- C. The Executive Branch
- D. A New Nation
- E. Human Resources
- F. The Bill of Rights
- G. The Constitution
- H. The Federal Judiciary
- I. Congress

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| 0 | D |
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In 1776, after a difficult year of fighting and failed attempts at compromise, the thirteen weak British colonies in America came together and told what was then the world's greatest **power** that from now on they would be free and independent states. The British were neither **impressed** nor **amused**, and a **bitter** Revolutionary War continued for another six years. A new republic was found-

ed and Americans decided that it was *their* right to choose their own form of government.

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The former colonies, now “the United States of America,” first operated under an agreement called the Articles of Confederation (1781). It was soon clear that this **loose** agreement among the states was not working well. So, in 1787 delegates from the states met in Philadelphia to **revise** the Articles, but they did much more than that. They wrote a completely new document, the Constitution, which after much **argument, debate**, and compromise was finished in the same year and officially **adopted** by the thirteen states by 1790.

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

In this way, Americans first took for themselves the liberties and rights that **elsewhere** were the privileges of an elite few. Americans decided to **manage their own affairs** in their own interests, to **elect** their own representatives and make their own laws.

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These laws stated in the first ten Constitutional **Amendments**, known together as the Bill of Rights, what they considered to be the fundamental rights of any American. Among these rights are freedoms of religion, speech, and the press, the right of peaceful **assembly**, and the right to **petition** the government to correct wrongs. Other rights guard the citizens against **unreasonable searches**, arrests, and **seizures of property**, and established a system of justice guaranteeing **orderly legal procedures**. This included the right of trial by

jury that is, being judged by one's **fellow citizens**. These rights cannot be taken away by any government, court, **official**, or law.

The federal and state governments formed under the Constitution, therefore, **were designed** to serve the people and to carry out their **majority** wishes. Americans expect their governments to serve them and **tend to** think of politicians and governmental officials as their servants. This **attitude** remains very strong among Americans today.

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| 3 | |
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There are several basic principles, which are found at all levels of American Government. One of these is the "one person, one vote" principle which says that legislators are elected from geographical districts directly by voters. Under this principle, all election districts must have about the same number of residents.

Another fundamental principle of American government is that because of the system of **checks and balances**, compromise in politics is a **matter of necessity**, not choice. For example, the House of Representatives controls spending and finance, so the President *must have* its agreement for his proposals and programs. He cannot **declare war**, either, without the **approval** of Congress. In **foreign affairs**, he is also strongly limited. Any **treaty** must first be approved by the Senate. If there is no approval, there's no treaty. The rule is "the President proposes, but Congress **disposes**." What a President wants to do, **therefore**, is often a different thing from what a President is able to do.

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Congress, the legislative branch of the federal government, is made up of the Senate and the House of Representatives. There are 100 Senators, two from each state. One third of the Senators are elected every two years for six-year terms of office. The Senators represent all of the people in a state and their interests.

The House of Representatives has 435 members. They are elected every two years for two-year terms. They represent the population of "**congressional districts**" into which each state is divided. The number of Representatives from each state is based upon its population. For instance, California, the state with the largest population, has 45 Representatives, while Delaware has only one There

is no limit to the number of terms a Senator or a Representative may serve.

Almost all elections in the United States follow the “winner-take-all” principle; the candidate who wins the largest number of votes in a Congressional district is the winner

Congress makes all laws, and each house of Congress has the power **to introduce legislation**. Each can also vote against **legislation passed** by the other. Because legislation only becomes law if both houses agree, compromise between them is necessary. Congress decides upon taxes and how money is spent. In addition, it regulates commerce among the states and with foreign countries. It also sets rules for the **naturalization** of foreign citizens.

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The President of the United States is elected every four years to a four-year **term of office**, with no more than two full terms allowed. The President is elected directly by the **voters** (through state electors). In other words, the political party with the most Senators and Representatives does *not* choose the President. This means that the President can be from one party and the **majority** of those in the House of Representatives or Senate (or both) from another.

Thus, although one of the parties may win a majority in the mid-term elections (those held every two years), the President remains President, even though his party may not have a majority in either house. In any case, the President’s policies must be **approved** by the House of Representatives and the Senate before they can become law. In **domestic** as well as in foreign policy, the President can seldom count upon the automatic support of Congress, even when his own party has a majority in both the Senate and the House. Therefore he must be able to **convince** Congressmen, the Representatives and Senators, of his **point of view**. He must **bargain** and compromise. This is a major difference between the American system and those in which the nation’s leader represents the majority party or parties, that is, parliamentary systems.

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Within the **Executive Branch**, there are a number of executive departments. Currently these are the departments of State, **Treasury**,

Defense, Justice, **Interior**, Agriculture, Commerce, Labor, Health and **Human Resources, Housing and Urban Development**, Transportation, Energy, and Education. Each department is established by law and is responsible for a specific area. The head of each department is appointed by the President. These appointments, however, must be approved by the Senate. None of these Secretaries, as the department heads are usually called, can also be serving in Congress or in another part of the government. Each is directly responsible to the President and only serves, as the President wants him or her to. They can best be seen, therefore, as Presidential assistants and advisers. When they meet together, they are termed "the President's Cabinet." Some Presidents have relied quite a bit on their Cabinets for advice and some very little.

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| 7 | |
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The third branch of government, in addition to the legislative (Congress) and executive (President) branches, is the federal judiciary. Its main instrument is the Supreme Court, which watches over the other two branches. It **determines** whether or not their laws and acts are **in accordance** with the Constitution. Congress has the power to fix the number of judges sitting on the Court, but it cannot change the powers given to "the Supreme Court by the Constitution itself." The Supreme Court consists of a chief justice and eight **associate justices**. They are nominated by the President but must be approved by the Senate. Once approved, they hold office as Supreme Court Justices for life. A decision of the Supreme Court cannot be **appealed** to any other court. Neither the President nor Congress can change their decisions. In addition to the Supreme Court, Congress has established 11 federal courts of appeal and, below them, 91 federal district courts.

The Supreme Court has direct jurisdiction in only two kinds of cases: those **involving** foreign diplomats and those in which a state is a party. All other cases, which reach the Court, are appeals from lower courts. The Supreme Court chooses which of these it will hear. Most of the cases involve the **interpretation** of the Constitution. The Supreme Court also has the "power of judicial review," that is, it has the right to declare laws and actions of the federal, state, and local governments unconstitutional.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|------------------|-----------------|
| 1. to revise | a. branch |
| 2. the executive | b. Court |
| 3. to meet | c. searches |
| 4. repeatedly | d. the needs |
| 5. the Supreme | e. balances |
| 6. unreasonable | f. the Articles |
| 7. seizures of | g. war |
| 8. checks and | h. amended |
| 9. declare | i. Resources |
| 10. Human | j. property |

2. Choose the best words to complete the sentences that follow:

- | | |
|-------------------|----------------------|
| a. Bill of Rights | f. amended |
| b. adopted | g. appealed |
| c. approval | h. the Senate |
| d. affairs | i. term of office |
| e. associate | j. «winner-take-all» |

1. The Constitution of the USA was officially by the thirteen states by 1790.

2. The Constitution has been repeatedly to meet the changing needs of the nation.

3. Americans decided to manage their own in their own interests

4. These laws stated in the first ten Constitutional Amendments, known together as the

5. The President cannot declare war, either, without the of Congress.

6. Congress, the legislative branch of the federal government, is made up of and the House of Representatives

7. Almost all elections in the United States follow the principle.

8. The President of the United States is elected every four years to a four-year....., with no more than two full terms allowed.

9. The Supreme Court consists of a chief justice and eight justices.

10. A decision of the Supreme Court cannot be to any other court.

3. Match the words below to their meanings, then use them to describe American Government

- | | |
|--------------|--|
| 1. amend | a. an opinion that everyone in a group agrees with or accepts |
| 2. attitude | b. to change something because of new information or ideas |
| 3. charter | c. a situation, quality etc which is as great as it can possibly be – used especially when talking about two opposites |
| 4. consensus | d. the use of something in the wrong way or for the wrong purpose |
| 5. extreme | e. approval, encouragement, and perhaps help for a person, idea, plan etc |
| 6. loose | f. to correct or make small changes to something that is written or spoken |
| 7. misuse | g. extremely important and necessary for something to succeed or exist |
| 8. revise | h. a statement of the principles, duties, and purposes |
| 9. vital | i. not exact or thoroughly done |
| 10. support | j. the opinions and feelings that you usually have about something |

READING COMPREHENSION SECTION

Check whether you were attentive while reading.

1. How long did the Revolutionary War last?
2. Which are the three separate branches of American government?
3. Why has the Constitution been repeatedly amended?
4. What rights are listed in the Bill of Rights?
5. What does the principle “one person, one vote” mean?
6. Whom does the executive power belong to?
7. For how long is the President elected?
8. How many members does the House of Representatives have?

9. What is the main instrument of the federal judiciary?
10. When does the Supreme Court have direct jurisdiction?

PART 2

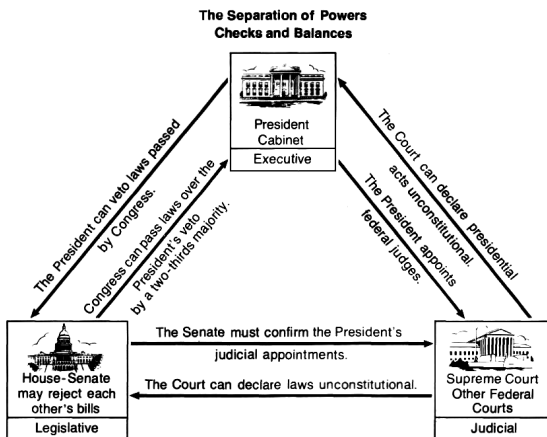
Complete the following text by translating the words and expressions in brackets.

Checks and Balances

The Constitution provides for three main (галузі) of government, which are separate and distinct from one another. The powers given to each are carefully balanced by the powers of the other two.

Each branch serves as a check on the others. This is to keep any branch from gaining too much power or from misusing its powers. The chart below illustrates how the equal branches of government are connected and how each is (залежний) on the other two.

Congress has the power to make laws, but the President may veto any act of Congress. Congress, in its turn, can override a veto by a two-thirds (голоси) in each house. Congress can also (відмовлятися) to provide funds requested by the President. The President can (призначати) important (посадові особи) of his administration, but they must be approved by the Senate. The President also has the power to name all federal judges; they, too, must be approved by the Senate. The courts have the power to determine the constitutionality of all acts of Congress and of presidential actions, and to strike down those they find unconstitutional.



The system of checks and balances makes compromise and consensus necessary. Compromise is also a vital aspect of other levels of (уряд) in the United States. This system (захищати) against extremes. It means, for example, that new presidents cannot radically change

governmental policies just as they wish. In the U.S., therefore, when people think of “the government,” they usually mean the entire system, that is, the (виконавчий) Branch and the President, Congress, and the courts. In fact and in practice, therefore, the President (i.e. “the Administration”) is not as (сильный) as many people outside the U.S. seem to think he is. In comparison with other leaders in systems where the majority party forms “the government,” he is much less so.

DISCUSSION SECTION

Think and answer these questions:

1. Why do you think Americans are proud of their Constitution?
2. Who are considered the greatest presidents?
3. Do think the system of checks and balances is necessary? Why?

USEFUL VOCABULARY

| | | |
|---------------------|----------------------------------|-----------------------------------|
| adopt | приймати | принимать |
| adviser | радник | советник |
| amend | вносити поправки | вносить поправки |
| amendment | поправка | поправка |
| amuse | розважати | развлекать |
| appeal to | подавати апеляційну скаргу | подавать апелляционную жалобу |
| appoint officials | призначати посадових осіб | назначать должностные лица |
| approval | схвалення | одобрение |
| argument | спір | спор |
| assembly | збори | собрание |
| associate justice | член суду | член суда |
| attitude | ставлення, сприйняття | отношение, восприятие |
| bargain | переконувати | убеждать |
| bitter | жорстокий | ожесточенный |
| charter | статут | устав |
| checks and balances | система «стримувань і противаг», | система «сдержек и противовесов», |

| | | |
|---------------------------|---|---|
| | принцип
взаємообмеження
влади | принцип
взаимоограничения
властей |
| Chief Justice | Головний суддя | Главный судья |
| congressional
district | виборчий округ по
виборах до палати
представників
конгресу США | избирательный округ
по выборам в палату
представителей
конгресса США |
| consensus | згода | согласие |
| constitutionality | конституційність | конституционность |
| count upon | розраховувати на | рассчитывать на |
| debate | дебати | дебаты |
| declare | оголошувати | объявлять |
| unconstitutional | неконституційним /
що протирічить
конституції | неконституционным /
противоречащим
конституции |
| declare war | оголошувати
війну | объявлять войну |
| designed to | бути призначеним
для того, щоб | быть
предназначенным для
того, чтобы ... |
| determine | вирішувати,
визначати | решать, определять |
| direct jurisdiction | пряма юрисдикція | прямая юрисдикция |
| dispose | розглядати,
дозволяти | рассматривать,
разрешать |
| distinct | відмінний | отличный |
| district court | окружний суд | окружной суд |
| draft | складати (проект,
чорновий варіант) | составлять (проект,
черновой вариант) |
| echo | відгомін | отголосок |
| elect | обирати | выбирать |
| elsewhere | в іншому місці | в другом месте |
| entire | увесь, цілий | весь, целый |
| executive | виконавчий | исполнительный |
| extreme | крайність | крайность |
| fellow citizens | співгромадяни | сограждане |
| fix | встановлювати | устанавливать |

| | | |
|------------------------------|---|---|
| for life | на все життя | на всю жизнь |
| foreign affairs | іноземні справи | иностранные дела |
| gain | набрати | набрать |
| hear a case | слухати справу | слушать дело |
| hold office | обіймати посаду | пребывать на
должности |
| human resources | відділ кадрів | отдел кадров |
| impress | справити враження | впечатлитель,
произвести
впечатление |
| in accordance with
smth. | відповідно до | в соответствии с |
| influence | вплив | влияние |
| interior | внутрішні справи | внутренние дела |
| introduce | внести законопроект | внести законопроект |
| legislation | | |
| judicial | судовий | судебный |
| legislative | законодавчий | законодательный |
| loose | неточний | неточный |
| majority | більшість | большинство |
| manage affairs | керувати справами | управлять делами |
| matter of necessity | необхідність,
питання
необхідності | необходимость,
вопрос
необходимости |
| meet the needs | задовольняти
потреби | удовлетворяют нужды |
| midterm elections | вибори до
закінчення строку
повноважень
виборного органу,
проміжні вибори | выборы до истечения
срока правомочий
выборного органа,
промежуточные
выборы |
| misuse | зловживати | злоупотреблять |
| naturalization | натуралізація | натурализация |
| nominate | висувати
кандидатуру | выдвигать
кандидатуру |
| official | офіційна / посадова
особа | официальное /
должностное лицо |
| operate within
guidelines | працювати під
керівництвом | работать под
руководством |

| | | |
|--------------------------------------|--|--|
| orderly legal procedure | законне судочинство | законное судопроизводство |
| override a veto | скасовувати вето | отменять вето |
| party | сторона | сторона |
| pass legislation | прийняти закон | принять закон |
| petition | подавати прохання, петицію, заяву до суду | подавать прошение / петицию / заявление в суд |
| policy (foreign/ domestic) | політика (зовнішня / внутрішня) | политика (внешняя / внутренняя) |
| power | влада | власть |
| power of judicial review | право перегляду судових рішень | право пересмотра судебных решений |
| provide funds | надавати фонди | предоставлять фонды |
| rely | покладатися | полагаться |
| repeatedly | неодноразово | неоднократно |
| request | вимагати | требовать |
| rest with a political group or party | належати до політичної групи або партії | принадлежать к политической группе или партии |
| revise | переглядати | пересматривать |
| seizure of property | вилучення / конфіскація майна | изъятие/ конфискация имущества |
| support | підтримка | поддержка |
| supreme | вищий | высший |
| Supreme Court | Вищий Суд | Верховный Суд |
| tend | мати тенденцію | иметь тенденцию |
| term | строк | срок |
| term of office | строк перебування на посаді, строк повноважень, мандат | срок пребывания в должности, срок полномочий, мандат |
| therefore | тому | поэтому, следовательно |
| treaty | угода | соглашение |
| ultimate | основний | основной |
| unreasonable | необґрунтований | необоснованный |
| search | обшук | обыск |
| vital | життєво важливий | жизненно важный |

Unit 3. UKRAINIAN SYSTEM OF GOVERNMENT

PRE-READING SECTION

Before reading discuss these questions:

1. What form of Government is there in Ukraine?
2. Who can vote in Ukraine?
3. What is the Ukrainian lawmaking body?

READING SECTION

You are going to read a text about the Ukrainian System of Government. Try to find answers for given above questions and compare your answers with the information given in the text. Try to explain the words in bold.

The first period of the building of the Ukrainian state system dates back to the time of the Central Council's foundation on March 17, 1917, which passed the first legislative act – Decree 1 (Universal). The legislative basis for the Independent Ukrainian State was Universal IV (January 22, 1918), which determined the creation of the Constitution of Ukraine as one of the most important **objectives**. A **draft** Constitution of the Ukrainian People's Republic was adopted at the last session of the Central Council on April 29, 1918. (Statute on the Political System, Rights and Freedoms of the Ukrainian People's Republic).

The second period of Ukrainian state building is connected with the Hetman's period. On April 29, 1918 a meeting of **grain** producers took place in Kyiv with the participation of 8,000 delegates, at which Pavlo Skoropadskiy was **unanimously** elected Hetman of Ukraine. That day "Laws on the **Interim** Political System of Ukraine" were proclaimed, which were supposed to serve as a constitution of state till the Seym's **convocation**, but the Seym was never convoked. According to this interim Constitution, the power of Ukraine **belonged** to the Hetman, who **appointed** the Otaman of Cabinet Council, and the Otaman, in his turn, **submitted** his Cabinet for **approval**.

National Government.

Ukraine has been an independent state since the adoption of the declaration on State Sovereignty of Ukraine on July 16, 1990. In accordance with the Constitution of Ukraine, adopted on June 28,

1996, Ukraine has a democratic political system. The country's government **features** an executive branch, headed by the President with strong powers, a legislative branch, consisting of a national Parliament and a branch judicial, which is headed by the Supreme Court.

The President is **commander in chief** of the military and can **issue orders**, called edicts without the approval of the Parliament in some matters. The people of Ukraine elect the President for a five-year term. Ukrainians 18 years old or older may **vote**.

The President is assisted by a Cabinet, which the President **appoints**. A Prime Minister heads the Cabinet. Other ministers have responsibility for such areas as **foreign affairs** and the economy. A **council**, called the State Duma **provides advice** to the President regarding science and technology, law, humanitarian matters, and the economy.

The Ukrainian Parliament, called the Supreme Council, is the nation's **lawmaking body**. It has 450 members, who are elected by the voters. The Supreme Council members serve five-year terms. The Supreme Council discusses and **adopts** the state budget for the coming year.

The Supreme Court and the Constitutional Court represent the judicial power. They watch over the **executive** and **legislative** powers. They are nominated by the Supreme Council. The Constitutional Court has the right to **declare laws** and actions of the national and local governments unconstitutional.

Local Government

Ukraine, excluding the Crimea, is divided into 24 regions, called "oblasti". The Crimea has special status as an autonomous (self-governing) republic the Crimea has greater control over its internal affairs than do the oblasti. The Crimean Autonomous Republic has its own Constitution.

VOCABULARY SECTION

1. Underline the correct word in bold.

1. A draft Constitution of the Ukrainian People's Republic was adopted at the last session of the Central Council on **March 17, 1917/ April 29, 1918**.

2. On April 29, 1918 a meeting of grain producers took place in Kyiv with the participation of 8,000 delegates, at which Pavlo Skoropadskiy was unanimously elected **Hetman /Otaman** of Ukraine.

3. **The legislative / judicial** branch is headed by the Supreme Court.

4. **The Prime Minister / the President** is commander in chief of the military.

5. The people of Ukraine elect the president for a **five-year / four-year** term.

6. A Cabinet is **appointed / headed** by the President

7. The Supreme Council discusses and adopts the **local / state** budget for the coming year.

8. The Ukrainian Parliament, called the Supreme Council, is the nation's **lawmaking/ executive body**.

9. The **Supreme / Central** Council discusses and **adopts** the state budget for the coming year.

10. The Crimean autonomous republic has its own **Constitution / Government**

2. Fill in the correct preposition: into, to, for (2), with (2), on, by (2), at. Make sentences, using the completed phrases.

1. Legislative basisthe. Independent Ukrainian State

2. adopted the last session

3. connected the Hetman's period.

4. laws interim political system

5. in accordance the Constitution

6. headed the President

7. The President is assisted a Cabinet

8. responsibility such areas as foreign affairs and the economy

9. the right declare laws

10. divided 24 regions

READING COMPREHENSION SECTION

1. Write questions for these answers.

1. **What** ?

It determined the creation of the Constitution of Ukraine as one of the most important objectives.

2. **When** ?

It was adopted at the last session of the Central Council on April 29, 1918

3. **Who** ?

Pavlo Skoropadskiy was.

4. **When** ?
It was adopted on June 28, 1996.
5. **Who** ?
The people of Ukraine elect the president for a five-year term.
6. **What**
He heads the Cabinet.
7. **How many** ?
It has 450 members.
8. **What** ?
It discusses and adopts the state budget for the coming year.

2. Read the text again and take notes about Ukrainian Government under these headings:

- History
- National Government
- President
- Ukrainian Parliament
- Judicial power
- Local Government

DISCUSSION SECTION

Think and answer these questions:

1. The ideas of democracy, personal freedom and equality have been dear to the millions of Ukrainian people. What is your idea of these notions? How do you understand them?
2. Compare the Ukrainian, British and American systems of government and speak about their advantages and disadvantages.
3. Do you know how many candidates ran for the President in the last presidential election in Ukraine (America)?
4. Are members of Parliament in Ukraine (Great Britain) entitled to any privileges? What is your attitude to this?
5. Do you think the Ukrainian System of government needs any improvements? Which ones?

WRITING ASSIGNMENT

Write a 200-word essay:

Do you agree or disagree with the following statement: "The Ukrainian System of Government needs some improvements"? Use specific reasons and details to support your answer.

Unit 4. MISCELLANEOUS

UK

It's interesting to know that ...

- The UK does not have a written constitution.
- Citizens' rights are made up from a combination of
 - Common law
 - Statutes
 - Conventions
- Important constitutional documents, that do exist
 - **Magna Carta** (1215) restrained the power of the Crown
 - **The Bill of Rights** (1689) extended Parliament's powers
 - **Reform Act** (1832) reformed political representation
 - **Human Rights Act** (2000) defined fundamental citizens' rights

rights

- Women won the right to vote and stand for election in 1928

| The House of Commons | The House of Lords | The Monarch |
|--|---|---|
| Home: Westminster Palace | Home: Westminster Palace | Official Residence: Buckingham Palace, Windsor Castle |
| <ul style="list-style-type: none"> • 650 elected representatives (members of parliament MPs) • Party with majority support forms the Government • Makes laws – Acts of Parliament | <ul style="list-style-type: none"> • 92 hereditary peers (with voting rights) • Over 550 life peers • 27 Law Lords • Archbishops of Canterbury and York and 24 senior bishops | <ul style="list-style-type: none"> • Head of State • Head of Judiciary • Political power is exercised in her name • Performs symbolic duties such as summoning Parliament |

- The only MP permitted to drink alcohol in the House is the Chancellor of the Exchequer when delivering the budget speech
 - When ministers are changed, it is called a "Cabinet reshuffle"
 - Anyone over 18 (with certain exceptions) can stand for parliament after paying a 500 pound deposit, refundable if they get more than 5% of the vote in their constituency

USA

Do you know, that ...

- The US Constitution has 4,400 words. It is the oldest and the shortest written constitution of any government of the world
- Jacob Shallus, a Pennsylvania General Assembly clerk “penned” the Constitution for a fee of \$30 (\$261 today). It was stored in various cities until 1952, when it was placed in the National Archives Building in Washington D.C. During the daytime, pages 1 and 4 of the document are displayed in a bullet-proof case. The case contains helium and water vapour to preserve the paper’s quality. At night, the pages are lowered into a vault behind 5-ton doors that are designed to withstand a nuclear explosion. The entire Constitution is displayed only one day per year, September 17, the anniversary of the day the framers signed the document.
- The Constitution does not set forth requirements for the right to vote. As a result, at the outset of the Union, only male property-owners could vote. African-Americans were not considered citizens, and women were excluded from the electoral process.
- Because of his poor health, Benjamin Franklin needed help to sign the Constitution. As he did so, tears streamed down his face.
- Patrick Henry was elected as a delegate to the Constitutional Convention, but declined, because he “smelled a rat” (to guess that something wrong or dishonest is happening).
- The oldest person to sign the Constitution was Benjamin Franklin, 81. The youngest was Jonathan Dayton of New Jersey (26).
- The name United States of America was first used officially in the Declaration of Independence (1776).
- The greatest presidents are considered to have been Abraham Lincoln, George Washington, Franklin D. Roosevelt and Thomas Jefferson.

WRITING ASSIGNMENT

Write a 200-word essay:

Who do you think is the most influential political person of the 20th or 21st century? Give specific reasons and examples to support your answer.



Module 7

CRIMINAL LAW. CRIME AND CRIME PREVENTION

Unit 1. VIOLATION OF LAW. CRIMES.

PRE-READING SECTION

Before reading discuss these questions:

1. Which skills and qualifications do you think are most important for investigators and detectives today? Why?
2. What is your opinion on the primary functions of detectives and investigators?
3. What crimes are committed most often in Ukraine? Why?
4. Does Ukraine have any anti-drugs programs?
5. Do you think militiamen should be allowed to carry guns?

READING SECTION

You are going to read a text about crimes and their types. Try to explain the words in bold. Give the examples of the crimes you have recently heard about.

A **crime** is an **offence** against a public law, classified as a **felony** or **misdemeanor**.

A felony is a serious crime punishable by at least one year in prison. **Murder, kidnapping, arson, rape, robbery, burglary, embezzlement, forgery, larceny** (also called **theft**) of large sums, and **perjury** are examples of felonies. People **convicted** of felonies lose certain rights, such as the right to vote or hold public office. During the term of **sentence**, a convicted person may also be **prohibited** from making contracts, marrying, **suing** or keeping certain professional licenses. Upon release from prison, a convict may also be required to register with the police.

A misdemeanor is a crime for which the punishment is usually a **fine** and/or up to one year in a county **jail**. Crimes such as **drunkenness** in public, driving an automobile at an illegal speed, shoplifting, and **larceny** of small sums are usually misdemeanors. Often a crime which is a misdemeanor for the first offence becomes a felony for repeated offences. All crimes that are not felonies are misdemeanors.

There are many classifications of crimes. One type of classification is given below:

1. offences against the government, e.g.:

- **treason**
- **misprision of treason**
- **conspiracy**

1. offences against public justice, e.g.:

- **bribery** or receiving a bribe.
- **perjury**
- **misprision of felonies**
- **extortion**
- **embracery.**

2. offences against public peace and order, e.g.:

- **riots** and unlawful assemblies
- **affrays**
- **libels**
- **carrying weapons**
- **illegal speeding**

3. public trade offences, e.g.:

- **cheating**
- monopolies

4. **decency** and morality offences, e.g.:

- **bigamy**
- **public indecency**
- **drunkenness**
- **violating the grave**

5. offences against public policy, e.g.:

- **gambling**
- **illegal lotteries**

6. offences against individuals, e.g.:

- **homicide / murder**
- **rape**
- **poisoning**, with **intent** to murder

- **assault** and **battery**, which is either simple or with intent to commit some other crime

- **kidnapping / abduction**

- **false imprisonment.**

7. offences against private property, e.g.:

- **burglary**

- **arson**

- **robbery**

- **forgery**

- **counterfeiting**

- **larceny**

- **receiving stolen goods, knowing them to have been stolen**

- **malicious mischief**

- **embezzlement**

- **criminal trespass**

Types of Crimes

MANSLAUGHTER – The unlawful killing of a human being without **malice** or **premeditation**, either express or **implied**; distinguished from murder, which requires malicious intent.

The cases of manslaughter may be classed as those which take place in consequence of: 1. Provocation. 2. Mutual combat. 3. **Resistance** to public officers, etc. 4. Killing in the prosecution of an unlawful or **wanton** act. 5. Killing in the prosecution of a lawful act, improperly performed, or performed without lawful authority.

MURDER. This, one of the most serious crimes that can be committed against individuals, has been variously defined. But the most general definition of murder is the unlawful and **deliberate** killing of a human being.

ASSAULT – Whenever one person makes a willful **attempt** or **threat** to **injure** someone else, and also has an **apparent**, present ability to carry out the threat such as by **flourishing** or **pointing** a dangerous weapon or **device** at another.

LARCENY – Illegal taking and carrying away of personal property belonging to another with the purpose of **depriving** the owner of its possession The property taken must be personal property; a man cannot commit larceny of **real estate**.

ARSON – Any willful or malicious **burning** or attempt to burn, with or without intent to **defraud**, a **dwelling** house, public build-

ing, motor **vehicle**, or **aircraft**, personal property of another, etc. Some jurisdictions define “arson” as the intentional setting of a fire to a building in which people live; others include as “arson” the intentionally setting of a fire to any building.

KIDNAPPING. – The **forcible** and unlawful abduction and **conveying** away of a man, woman or child, from his or her home, without his or her will or **consent** and sending such person away with an intent to deprive him or her of some rights.

ROBBERY – The felonious and forcible taking from the person of another, of goods or money to any value, by violence or putting him in fear. By “taking from the person” is meant not only the immediate taking from his person, but also from his presence when it is done with violence and against his consent. The taking must be by **violence** or putting the owner in fear, but both these circumstances need not concur, for if a man should be knocked down and then robbed while he is insensible, the offence is still a robbery. And if the party is put in **fear** by **threats** and then robbed, it is not necessary there should be any greater violence. This offence differs from a larceny from the person in this, that in the latter, there is no violence, while in the former the crime is incomplete without an actual or constructive force.

SMUGGLING – The fraudulent taking into a country, or out of it, of merchandise which is lawfully prohibited. To bring something into a location secretly or by fraud.

SLANDER – A false **defamation** (expressed in spoken words, signs, or gestures) which injures the character or reputation of the person defamed; distinguished from **libel**.

The defaming a man in his reputation by speaking or writing words which affect his life, office, or trade, or which tend to his loss of preferment in marriage or service, or in his **inheritance**, or which occasion any other particular **damage**. Written or printed slanders are libels.

BIGAMY – Criminal offence of having two or more wives or husbands at the same time.

TREASON – This word imports a **betraying**, **treachery**, or **breach of allegiance**.

TERRORISM, INTERNATIONAL TERRORISM – Activity, directed against persons involving violent acts or acts dangerous to human life and intended to **intimidate** or **coerce** a civilian popula-

tion, to influence the policy of a government by **intimidation** or **coercion**; or to affect the conduct of a government by **assassination** or kidnapping.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|------------------|-----------------|
| 1. intent to | a. speed |
| 2. convicted | b. a bribe. |
| 3. illegal | c. imprisonment |
| 4. misprision of | d. weapons |
| 5. receiving | e. person |
| 6. carrying | f. mischief |
| 7. false | g. murder |
| 8. violating | h. treason |
| 9. malicious | i. trespass |
| 10. criminal | j. the grave |

2. Match the following words in the text with their meanings, then use them to speak about crimes.

- | | |
|----------------|---|
| 1. treason | a. a situation in which a large crowd of people is behaving in a violent and uncontrolled way, especially when they are protesting about something |
| 2. bribe | b. to copy something exactly in order to deceive people |
| 3. riots | c. what you intend to do |
| 4. forgery | d. to steal money from the place where you work |
| 5. counterfeit | e. the crime of being disloyal to your country or its government, especially by helping its enemies or trying to remove the government using violence |
| 6. embezzle | f. the use of threats or orders to make someone do something they do not want to do |
| 7. intent | g. the crime of illegally forcing someone to give you something, especially money, by threatening them |

- | | |
|--------------|---|
| 8. extortion | h. to illegally give someone, especially a public official, money or a gift in order to persuade them to do something for you |
| 9. coercion | i. the crime of copying official documents, money, etc. |

3. Choose the best words to complete the sentences that follow:

- | | |
|------------------|--------------|
| a. peace | f. a felony |
| b. a misdemeanor | g. slanders |
| c. «arson» | h. convicted |
| d. reputation | i. a fine |
| e. deliberate | j. illegal |

1. A crime is an offence against a public law, classified as or misdemeanor.
2. Peopleof felonies lose certain rights, such as the right to vote or hold public office.
3. A misdemeanor is a crime for which the punishment is usuallyand/or up to one year in a county jail.
4. Often a crime which isfor the first offence becomes a felony for repeated offences.
5. Affrays, libels, carrying weapons are offences against public and order.
6. Gambling and lotteries are offences against public policy.
7. But the most general definition of murder is the unlawful and killing of a human being.
8. Some jurisdictions defineas the intentional setting of a fire to a building in which people live.
9. Written or printedare libels.
10. Slander is a false defamation (expressed in spoken words, signs, or gestures) which injures the character or of the person defamed.

4. Fill in the correct prepositions: against, in(2), to, of(4), from(2), with, at. Make sentences using the completed phrases:

1. activity, directed persons
2. loss preferment in marriage or service
3. putting the owner fear

4. attempt or threat injure someone
5. misprisionfelonies
6. people convicted felonies
7. prohibited making contracts
8. release prison
9. to register the police
- 10 drunkennesspublic
- 11.driving an automobile an illegal speed
12. larceny small sums

READING COMPREHENSION SECTION

Read the following statements and put "+" when the statement corresponds to the content of the text and "-" when it doesn't. Correct the wrong statements.

1. A felony is a serious crime punishable by at least five years in prison.

2. Murder, kidnapping, arson, rape, robbery, burglary, embezzlement, forgery, larceny (also called theft) of large sums, and perjury are examples of felonies.

3. A misdemeanor is a crime for which the punishment is only a fine.

4. Treason, misprision of treason are offences against the public justice.

5. Burglary, arson, robbery are offences against government.

6. Perjury is the forcible and unlawful abduction and conveying away of a man, woman or child, from his or her home, without his or her will or consent and sending such person away with an intent to deprive him or her of some rights.

7. Kidnapping is the felonious and forcible taking from the person of another, of goods or money to any value, by violence or putting him in fear.

8. Embezzlement is a criminal offense of having two or more wives or husbands at the same time.

9. International terrorism is an activity, directed against persons involving violent acts or acts dangerous to human life and intended to intimidate or coerce a civilian population.

10. Gambling and illegal lotteries are offences against private property.

PART 2

Read the text about juvenile crimes and express your opinion on the problem.

Juvenile crimes

In the late 1990s, it seemed like an epidemic had hit American schools: Children were acquiring guns and bombs, and then going to school to kill teachers and classmates. Various cultural influences were targeted for blame, especially some novels, films, video films, violent video and computer games.

November 15th, 1995 Jamie Rouse, 17, dressed in black, went into a school (Tennessee), with a gun. He shot two teachers in the head, one of them fatally. Then with a smile, he took aim at the football coach, but a female student walked into his path and was killed with a shot to the throat. Rouse had told five friends exactly how he had planned this killing, but no one had called for help.

April 24, 1998 Andrew J. Wurst, 14, liked to threaten other people and then laugh it off. However, no one was laughing when he took a pistol into the eighth-grade graduation dance in Edinboro, Pennsylvania, and killed a popular teacher. Then he opened fire into the crowd, wounding another teacher and two classmates before he ran out. The banquet hall owner went after him, disarmed him, and held him for the police, but the boy acted as if the whole thing was a big joke.

DISCUSSION SECTION

Think and answer these questions:

1. What are the causes of the increase in violence in our society?
2. Should the death penalty exist as a punishment for murder or terrorism?
3. Should the main purpose of prison be punishment or rehabilitation?
4. What is the best way to deal with juvenile crime such as joy-riding, vandalism, graffiti?
5. How strict should the law be with people who drink and drive?
6. Which is the more serious problem in your country -tax evasion or social security fraud?

7. Should the police have the right to stop and search you in the street without a warrant?
8. Should the law respect the rights of homeless people to squat in unoccupied property or shop doorways?
9. Is it ever right for political activists to break the law?
10. Do you think people should have the right to own handguns?

WRITING ASSIGNMENTS

Choose one of the topics below and write a 200-word essay.

1. Describe human violence as a cause of crime and the effects that acts of human violence have on society. Use specific reasons and details to explain your answer.
2. Identify and explain at least three categories of people who should or should not own handguns. Give specific reasons to explain your choice.
3. Do you agree or disagree with the following statement? "Punishment for violent crimes should be the same for juveniles and adults" Support your answer with specific details.

USEFUL VOCABULARY

| | | |
|----------------------|--------------------|--------------------|
| abduction | викрадення | похищение |
| affray | бійка | драка |
| aircraft | літак | самолет |
| apparent | очевидний | очевидный |
| arson | підпалювання | поджог |
| assassination | вбивство | убийство |
| assault | напад | нападение |
| attempt | спроба | попытка |
| battery | бійка | драка |
| betray | зраджувати | предать |
| bigamy | двоеженство | двоеженство |
| breach of allegiance | порушення вірності | нарушение верности |
| bribery | хабарництво | взяточничество |
| burglary | крадіжка | кража |
| burn | палити | жечь |
| carrying weapons | носіння зброї | ношение оружия |
| cheating | обман | обман |

| | | |
|--------------------|----------------------------------|----------------------------------|
| coerce | примушувати | заставлять |
| consent | згода | согласие |
| conspiracy | змова | заговор |
| convey | передавати | передавать |
| convict | звинувачувати | обвинять |
| counterfeiting | фальшиво-
монетництво | фальшиво-
монетничество |
| crime | злочин | преступление |
| criminal trespass | кримінальне
порушення | криминальное
нарушение |
| damage | пошкодження | повреждение |
| decency | порядність | благопристойность |
| defamation | наклеп | клевета |
| defraud | обдурити | обмануть |
| deliberate | переднаміреним | преднамеренный |
| deprive | позбавляти | лишать |
| device | пристрій | устройство |
| drunkenness | сп'яніння | опьянение |
| dwelling | житло | жилье |
| embezzlement | розтрата | растрата |
| embracery | підкуп | подкуп |
| extortion | вимагання | вымогательство |
| false imprisonment | неправомірне
позбавлення волі | неправомерное
лишение свободы |
| fear | страх | страх |
| felony | кримінальний
злочин | уголовное
преступление |
| fine | штраф | штраф |
| flourish | розмахувати | розмахивать |
| forcible | насильницький | насильственный |
| forgery | підробка | подделка |
| gambling | азартні ігри | азартные игры |
| homicide / murder | вбивство | убийство |
| illegal lottery | незаконна лотерея | незаконная лотерея |
| illegal speeding | перевищення
швидкості | превышение скорости |
| imply | припускати | подразумевать |
| inheritance | спадщина | наследство |

| | | |
|---------------------------|--|---|
| injure | пошкодити | повредить |
| intent | намір | намерение |
| intimidate | залякувати | запугивать |
| jail | в'язниця | тюрьма |
| kidnapping | викрадення | похищение |
| larceny | крадіжка | воровство |
| libels | наклеп
(письмовий) | клевета |
| malice | злоба | злоба |
| malicious mischief | злісне хуліганство | злостное хулиганство |
| manslaughter | ненавмисне
вбивство | непреднамеренное
убийство |
| misdemeanor | проступок | проступок |
| misprision
of felonies | приховування
кримінальних
злочинів | покрывание
уголовных
преступлений |
| misprision
of treason | приховування зради | покрывание измены |
| murder | вбивство | убийство |
| offence | порушення | нарушение |
| perjury | неправдиве
свідчення | лжесвидетельство |
| point | направляти | направлять |
| poisoning | отруєння | отравление |
| premeditation | навмисність | преднамеренность |
| prohibit | забороняти | запрещать |
| public indecency | публічна
непорядність | публичная
неблагопристойность |
| rape | звалтування | изнасилование |
| real estate | нерухомість | недвижимость |
| resistance | опір | сопротивление |
| riot | бунт | бунт |
| robbery | пограбування | ограбление |
| sentence | вирок | приговор |
| sue | подавати до суду | подавать в суд |
| theft | крадіжка | воровство |
| threat | погроза | угроза |
| treachery | зрада | предательство |

| | | |
|---------------------|--------------------|--------------------------|
| treason | зрада | измена |
| vehicle | засіб пересування | средство
передвижения |
| violating the grave | осквернення могили | осквернение могилы |
| violence | жорстокість | жестокость |
| wanton | зловмисний | злоумышленный |

Unit 2. WHITE-COLLAR CRIMES

PART 1

PRE-READING SECTION

Before reading discuss these questions:

1. Can you explain what the term “white-collar crime” means?
2. What do you think the most frequent business related crimes are?
3. What do you know about new technologies used in white-collar crimes?

READING SECTION

You are going to read a text about business related crimes. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

White-collar Crimes

White-collar crime is a term that is usually applied to crimes **associated** with business that do not involve violence or **bodily injury** to another person.

The phrase “white-collar crime” was **coined** in 1939. Although there has been some debate as to what qualifies as a white-collar crime, the term today generally **encompasses** a variety of nonviolent crimes usually **committed** in commercial situations for financial **gain**. Many white-collar crimes are especially difficult to **prosecute** because the **perpetrators** are **sophisticated** criminals who have **attempted** to **conceal** their activities through a series of complex **transactions**. The most common white-collar offenses include: **anti-trust violations, computer/internet fraud, credit card fraud, phone/telemarketing fraud, bankruptcy fraud, healthcare fraud, environmental law violations, insurance fraud, mail fraud, government fraud, tax evasion, financial fraud, securities fraud, insider trading, bribery, kickbacks, counterfeiting, public corruption, money laundering, embezzlement, economic espionage, and trade secret theft**. (According to the Federal Bureau of Investigation, white-collar crime is **estimated** to cost the United States more than \$300 billion annually).

Although white-collar criminal **charges** are usually brought against individuals, corporations may also be **subject** to sanctions for these types of offenses. The **penalties** for white-collar offenses include **fines, home detention, community confinement, costs of prosecution, forfeitures, restitution, supervised release, and imprisonment. In some cases penalties may be as severe as those prescribed for violent crimes.** However, sanctions can be lessened if the **defendant** takes **responsibility** for the crime and assists the authorities in their investigation.

Types of White-Collar Crimes

1. **Blackmail:**

A demand for money or other consideration under threat to do **bodily harm, to injure property, to accuse** of a crime, or to **expose** secrets.

2. Bribery:

When money, goods, services, information or anything else of value is offered with **intent** to influence the actions, **opinions**, or decisions of the taker. You may be **charged** with **bribery** whether you offer the bribe or accept it.

3. Cellular (Mobile) Phone Fraud:

The **unauthorized** use, **tampering**, or manipulation of a **cellular (mobile) phone** or service. This can be **accomplished** by either use of a stolen phone, or where an actor signs up for service under **false identification** or where the actor **clones** a valid electronic serial number (ESN) by using an ESN reader and reprograms another cellular phone with a valid ESN number.

4. Counterfeiting:

Occurs when someone copies or imitates an item without having been authorized to do so and passes the copy off for the genuine or original item. Counterfeiting is most often associated with money. However, it can also be associated with designer clothing, handbags and watches.

5. Credit Card Fraud:

The unauthorized use of a credit card to obtain merchandise.

6. Economic Espionage/Trade Secret Theft:

Economic Espionage involves the theft or misappropriation of proprietary economic information (trade secret) from an individual, a business, or an industry.

7. Embezzlement:

When someone who has been entrusted with money or property appropriates it for their own use and benefit.

8. Environmental Law Violations:

Discharge of a **toxic substance** into the air, water, or **soil** which poses a significant **threat of harm** to people, **property**, or the **environment**, including **air pollution**, water pollution, and **illegal dumping**, in violation of federal environmental law.

9. Forgery:

When a person passes a **false** or **worthless** instrument such as a check or **counterfeit** security with the intent to **defraud** or injure the **recipient**.

10. Financial Fraud:

Financial Institution Fraud (FIF) involves **fraud** or **embezzlement** occurring within or against financial institutions that are **insured** or regulated by the government. Financial institutions are threatened by a wide array of frauds, including commercial **loan fraud**, check fraud, counterfeit **negotiable** instruments, **mortgage** fraud, **check kiting**, **false applications**, and a variety of traditional and non-traditional FIF **scams**.

11. Government Fraud:

Fraud against the government may consist of fraud in connection with federal government contracting and fraud in connection with federal and/or federally-funded entitlement programs, including public housing, agricultural programs, defense **procurement fraud**, educational programs, and corporate frauds. As it relates to federal government contracting, **investigations** often involve **bribery** in contracts or procurement, **collusion** among contractors, false or double billing, false certification of the quality of parts or of test results, and substitution of **bogus** or otherwise **inferior** parts.

12. Healthcare Fraud:

Types of fraud include **kickbacks**, billing for services not **rendered**, billing for unnecessary equipment, and billing for services performed by a lesser qualified person. The health care providers who commit these fraud schemes **encompass** all areas of health care, including hospitals, home health care, **ambulance services**, doctors, **chiropractors**, psychiatric hospitals, laboratories, **pharmacies**, and **nursing homes**.

13. Insider Trading:

According to the SEC, **insider trading** is trading that takes place when those privileged with confidential information about important events use the special advantage of that **knowledge** to **reap profits** or **avoid losses** on the **stock market**, to the **detriment** of the **source** of the information and to the typical investors who buy or sell their stock without the advantage of “inside” information.

14. Insurance Fraud:

A variety of **fraudulent** activities committed by **applicants** for insurance, **policyholders**, third-party **claimants**, or professionals who provide insurance services to claimants. Such fraudulent activities include **inflating** or “**padding**” actual claims and fraudulent inducements to **issue** policies and/or establish a **lower premium rate**.

15. Kickbacks:

The return of a certain **amount** of money from seller to buyer as a result of a **collusive agreement**.

16. Money Laundering:

A process or series of actions through which **income** of illegal **origin** is **concealed**, **disguised** or made to appear legitimate to **evade detection**, **prosecution**, **seizure** and **taxation**. **Illicit** proceeds must be **laundered** to make it appear as though the **funds** were generated through some legitimate means. This allows criminals to enjoy the “fruits” of their criminal activity without **raising suspicion**.

17. Public Corruption:

Public **corruption** involves a **breach** of public **trust** and/or **abuse** of position by federal, state, or local officials and their private sector **accomplices**. By broad definition, a government official, whether **elected**, **appointed** or **hired**, may violate federal law when he/she asks, demands, **solicits**, **accepts**, or agrees to receive anything of value in return for being **influenced** in the performance of their official duties.

18. Securities Fraud:

Includes **theft** from manipulation of the market, theft from securities accounts, and **wire fraud**.

19. Tax Evasion:

Fraud committed by filing **false tax returns**, or not **filing tax returns** at all.

20. Telemarketing Fraud:

Telemarketing fraud is any scheme to **defraud** in which the **perpetrators** use the telephone as the primary **means** of communicating

with the potential **victims** of the scheme (e.g. telemarketer calls to **residences** and corporations and **requests** a **donation** to an **alleged charitable organization** but do not use the donation for the **stated purpose**). Typical fraudulent telemarketers use multiple **aliases**, telephone numbers, and **locations**. They frequently change their product line and sales **pitch**.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|-----------------|---------------|
| 1. bodily | a. violations |
| 2. financial | b. evasion |
| 3. difficult to | c. injury |
| 4. antitrust | d. espionage |
| 5. credit card | e. gain |
| 6. tax | f. fraud |
| 7. money | g. prosecute |
| 8. economic | h. theft |
| 9. trade secret | i. detention |
| 10. home | j. laundering |

2. Choose the best words to complete the sentences that follow:

- | | |
|---------------------|-----------------|
| a. embezzlement | f. seller |
| b. fraudulent | g. to defraud |
| c. misappropriation | h. manipulation |
| d. a breach | i. threat |
| e. bribery | j. associated |

1. Blackmail is a demand for money or other consideration under to do bodily harm, to injure property, to accuse of a crime, or to expose secrets.

2. You may be charged with whether you offer the bribe or accept it.

3. Counterfeiting is most often with money. However, it can also be associated with designer clothing, handbags and watches

4. Espionage involves the theft orof proprietary economic information (trade secret) from an individual, a business, or an industry.

5. Financial Institution Fraud (FIF) involves fraud or occurring within or against financial institutions that are insured or regulated by the government.

6. Insurance Fraud is a variety ofactivities committed by applicants for insurance, policyholders, third-party claimants, or professionals who provide insurance services to claimants.

7. Kickbacks is the return of a certain amount of money fromto buyer as a result of a collusive agreement.

8. Public corruption involvesof public trust and/or abuse of position by federal, state, or local officials and their private sector accomplices

9. Securities Fraud includes theft from of the market, theft from securities accounts, and wire fraud.

10. Telemarketing fraud is any schemein which the perpetrators use the telephone as the primary means of communicating with the potential victims.

3. Fill in the correct prepositions: for (3), of (3), with (2), into, against, to. Make sentences, using the completed phrases:

1. bodily injury another person
2. committed in commercial situations financial gain
3. The penalties white-collar offenses
4. costs prosecution
5. responsibility the crime
6. to accuse a crime
7. You may be charged bribery
8. Counterfeiting is most often associated money
9. Discharge of a toxic substance the air
10. a significant threat harm to people, property, or the environment
11. Fraud the government

4. Match the words to their meanings, then use them to speak about white-collar crimes

1. embezzlement a. someone who does something morally wrong or illegal
2. counterfeiting b. money that you have to pay as a punishment

- | | |
|----------------|--|
| 3. perpetrator | c. not true or real, although someone is trying to make you think it is |
| 4. fraud | d. really what it seems to be |
| 5. fine | e. the money that you earn from your work or that you receive from investments, the government etc |
| 6. forfeiture | f. the crime of stealing money from the place where you work |
| 7. defendant | g. to trick a person or organization in order to get money from them |
| 8. genuine | h. the crime of deceiving people in order to gain something such as money or goods |
| 9. bogus | i. the person in a court of law who has been accused of doing something illegal |
| 10. defraud | j. not allowed by laws or rules, or strongly disapproved of by society |
| 11. income | k. the crime of copying something exactly in order to deceive people |
| 12. illicit | l. when someone has their property or money officially taken away because they have broken a law or rule |

READING COMPREHENSION SECTION

Write questions for these answers.

1. When ?

The phrase "white-collar crime" was coined in 1939.

2. Why ?

Because the perpetrators are sophisticated criminals who have attempted to conceal their activities through a series of complex transactions.

3. How much ?

More than \$300 billion annually.

4. What penalties ?

The penalties for white-collar offenses include fines, home detention, community confinement, costs of prosecution, forfeitures, restitution, supervised release, and imprisonment.

5. What. ?

It means the unauthorized use, tampering, or manipulation of a cellular (mobile) phone or service.

6. Who ?

The health care providers.

7. What ?

Public corruption involves a breach of public trust and/or abuse of position by federal, state, or local officials and their private sector accomplices.

8. Which way ?

Tax evasion is a fraud committed by filing false tax returns, or not filing tax returns at all.

9. What ?

Perpetrators use the telephone as the primary means of communicating with the potential victims.

10. Who ?

Telemarketers frequently change their product line and sales pitch.

DISCUSSION SECTION

Think and answer these questions:

1. What in your opinion must the government do to prevent bribery?
2. Can you describe any business related crimes which have recently taken place in our city, our country or abroad?
3. To your mind does public corruption cause the development of white-collar crimes?
4. Do you agree that penalties prescribed for business related crimes must be as severe as those prescribed for violent crimes? Why?

WRITING ASSIGNMENTS

Choose one of the topics below and write a 200-word essay.

1. Do you agree or disagree with the following statement? "Many white-collar crimes are especially difficult to prosecute because the perpetrators are sophisticated criminals who have attempted to conceal their activities through a series of complex transactions." Give specific reasons and examples to support your answer.
2. Modern criminals often use frauds connected with mobile phone usage. Do you know any facts that can support this statement? Express your ideas about preventing such crimes.

USEFUL VOCABULARY

| | | |
|----------------------|--|---|
| abuse | зловживати | злоупотреблять |
| accept | приймати | принимать |
| accomplice | спільник | сообщник |
| accuse | обвинувачувати | обвинять |
| air pollution | забруднення
повітря | загрязнение воздуха |
| alias | вигадане ім'я | выдуманное имя |
| ambulance services | послуги швидкої
допомоги | услуги скорой
помощи |
| amount | кількість | количество |
| antitrust violations | порушення
антитрастового
законодавства | нарушение
антитрастового
законодательства |
| applicant | претендент | претендент |
| appoint | призначати | назначать |
| assist | допомогати | помогать |
| associate | асоціювати | ассоциировать |
| attempt | зробити спробу | сделать попытку |
| avoid losses | уникати втрат | избегать потерь |
| benefit | вигода | выгода |
| bodily harm | тілесне
ушкодження | телесное
повреждение |
| bodily injury | тілесне
пошкодження | телесное
повреждение |
| bogus | підробний | поддельный |
| breach | порушення | нарушение |
| bribery | хабарництво | взяточничество |
| charge | обвинувачення | обвинение |
| check kiting | підробка чеків | подделка чеков |
| chiropractor | мануальний
терапевт | мануальный
терапевт |
| claimant | претендент,
сторона, що висуває
вимогу | претендент, сторона,
выдвигающая
требование |
| coin | створювати нові
слова | создавать новые
слова |
| collusion | змова | сговор |

| | | |
|--------------------------------|---|--|
| collusive agreement | угода, що ґрунтується на таємній змові | договор, основанный на тайном сговоре |
| commit | здійснювати | совершать |
| confinement | тюремне ув'язнення | тюремное заключение |
| computer/internet fraud | комп'ютерне / інтернетне шахрайство | компьютерное / интернетное мошенничество |
| conceal | переховувати, приховувати | скрывать, укрывать |
| corruption | корупція | коррупция |
| costs of prosecution | витрати кримінально-судового переслідування | расходы криминально-судебного преследования |
| counterfeiting | фальшиво-монетництво | фальшиво-монетничество |
| credit card fraud | шахрайство з кредитними картками | мошенничество с кредитными карточками |
| defendant | відповідач | ответчик |
| defraud | обманювати | обманывать |
| discharge of a toxic substance | випускання отруйної речовини | выпуск ядовитого вещества |
| disguise | маскувати | маскировать |
| donation | пожертва | пожертвование |
| economic espionage | економічний шпіонаж | экономический шпионаж |
| elect | обирати | выбирать |
| embezzlement | розтрата | растрата |
| encompass | охоплювати | охватывать |
| entrust | доручати | поручать |
| environment | навколишнє середовище | окружающая среда |
| environmental law violations | порушення законодавства про навколишнє середовище | нарушение законодательства об окружающей среде |

| | | |
|--------------------|---|--|
| espionage | шпіонаж | шпионаж |
| estimate | оцінювати | оценивать |
| evade detection | уникати виявлення | избегать выявления |
| expose | <i>тут</i> розкриття | <i>здесь</i> раскрытие |
| false | хибний | ложный |
| false tax return | підробна
податкова | поддельная
налоговая |
| | декларація | декларация |
| filing tax returns | заповнювати
податкові | заполнять
налоговые |
| | декларації | декларации |
| financial fraud | фінансове
шахрайство | финансовое
мошенничество |
| fine | штраф | штраф |
| forfeiture | конфіскація | конфискация |
| fraudulent | обманний,
шахрайський | обманный,
мошеннический |
| funds | фонди | фонды |
| gain | вигода | выгода |
| genuine | справжній,
оригінальний | настоящий,
оригинальный |
| government fraud | урядове
шахрайство | правительственное
мошенничество |
| healthcare fraud | шахрайство,
пов'язане з
охороною здоров'я | мошенничество,
связанное со
здравоохранением |
| hire | наймати | нанимать |
| home detention | домашній арешт | домашний арест |
| illegal dumping | незаконне звалище
сміття | незаконная свалка
мусора |
| illicit | незаконний | незаконный |
| imprisonment | ув'язнення | заключение |
| income | прибуток | доход |
| inferior | нижчий, найбільш
поганий, гірший | нижний, худший |
| inflate | роздувати,
наповнювати | раздувать, наполнять |
| influence | впливати | влиять |

| | | |
|--------------------|---|---|
| injure property | пошкодження
власності | повреждение
собственности |
| insider trading | використання
секретної
інформації про
компанію для
вигідного продажу
акцій | использование
секретной
информации о
компании для
выгодной продажи
акций |
| insurance fraud | шахрайство при
страхуванні | мошенничество при
страховании |
| insure | страхувати | страховать |
| intent | намір | намерение |
| investigation | розслідування | расследование |
| issue | видавати | выдавать |
| kickback | віддання
співучаснику
незаконно
отриманих грошей | отдача соучастнику
незаконно
полученных денег |
| knowledge | знання | знания |
| launder | відмивати (гроші) | отмывать (деньги) |
| lessen | зменшувати | уменьшать |
| loan fraud | шахрайство
що пов'язане з
позиками | мошенничество,
связанное со ссудами |
| location | місце | место |
| lower premium rate | нижча страхова
премія | более низкая
страховая премия |
| mail fraud | шахрайство з
використанням
пошти | мошенничество с
использованием
почты |
| means | засіб | способ |
| merchandise | товари | товары |
| misappropriation | незаконне
привласнення | незаконное
присвоение |
| money laundering | відмивання грошей | отмывание денег |
| negotiable | договірний | договорной |
| nursing homes | будинок престарілих | дом престарелых |
| opinion | точка зору | точка зрения |

| | | |
|---------------------------|--|--|
| origin | походження | происхождение |
| pad | доповнювати | дополнять |
| penalty | штраф | штраф |
| perpetrator | злочинець | преступник |
| pharmacy | аптека | аптека |
| phone/telemarketing fraud | шахрайство з використанням телефону / телемаркетингу | мошенничество с использованием телефона / телемаркетинга |
| pinch | вимагати гроші | вымогать деньги |
| policyholder | страхувальник | страхователь |
| procurement fraud | шахрайство, що пов'язане з купівлею | мошенничество, связанное с покупкой |
| property | власність, майно | имущество |
| proprietary | приватний | частный |
| prosecute | переслідувати, піддавати судовому переслідуванню | преследовать, подвергнуть судебному преследованию |
| prosecution | судове переслідування | судебное преследование |
| public corruption | публічна корупція | публичная коррупция |
| raise suspicion | викликати підозру | вызывать подозрение |
| reap | набувати, забирати | приобретать, забирать |
| recipient | отримувач | получатель |
| render | надавати, робити | отдавать, делать |
| request | вимагати | вымогать |
| residence | місце проживання | место проживания |
| responsibility | відповідальність | ответственность |
| restitution | реституція, повернення | реституция, возврат |
| scam | шахрайство | мошенничество |
| securities fraud | шахрайство з цінними паперами | мошенничество с ценными бумагами |

| | | |
|--------------------|-----------------------------|-----------------------------------|
| seizure | конфіскація | конфискация |
| soil | грунт | почва |
| solicit | просити | просить |
| sophisticated | досвідчений | опытный,
искушенный |
| stated purpose | встановлена мета | установленная цель |
| stock market | фондова біржа | фондовая биржа |
| tax evasion | уникання сплати
податків | уклонение от уплаты
налогов |
| taxation | оподаткування | обложение налогом |
| theft | крадіжка | кража |
| threat of harm | загроза
пошкодження | угроза повреждения |
| to be subject | підлягати | подвергаться |
| trade secret theft | крадіжка секрету
фірми | кража секрета
фирмы |
| transaction | угода | договор |
| trust | довіра | доверие |
| valid | дійсний | действительный |
| victim | жертва | жертва |
| violent crimes | жорстокі злочини | жестокие
преступления |
| white-collar crime | білокомірцевий
злочин | беловоротничковое
преступление |
| worthless | безцінний | бесценный |

Unit 3. INTERNATIONAL CRIME

PART 1

PRE-READING SECTION

Before reading discuss these questions:

1. Do you think there is a problem with organised crime in Ukraine?/ in Europe?/ in the world?
2. What international crimes of the 21st century have shocked the world?
3. In which way do you think these crimes have affected the people?
4. What international crimes have you heard about recently in the news?
5. What kinds of international crimes are most common?

READING SECTION

You are going to read a text about international organised crime. Try to explain the words in bold.

Organised crime is big business. The Global Economy and European integration have presented crime **gangs** with new business opportunities that have transformed them into 'transnational' crime syndicates.

Like **legitimate** business, organised crime activity is motivated by **profit**. Criminals trade across international **boundaries** and **defend** their business interests against **competitors**. Unlike legitimate businesses criminal gangs are not **constrained** by **legal considerations** and **remain** highly **flexible** in the face of **law enforcement** or other official **measures** against them. Organised crime groups are becoming so **powerful** that they can control many of the social, economic and political processes.

Law enforcement officials around the world have reported a **significant increase** in the range and **scope** of international criminal activity since the early 1990s. The **level** and **severity** of this activity and the accompanying growth in the power and **influence** of international criminal organizations have raised concerns among governments all over the world about the **threat** criminals pose to **governability** and stability in many countries and to the global economy.

International criminal **networks** have been quick to take **advantage** of the opportunities resulting from the revolutionary changes in world politics, business, technology, and communications .

These changes opened the way for substantially increased trade, movement of people, and **capital flows** between countries. These developments have allowed international criminals to expand their networks and increase their cooperation in **illicit** activities and **financial transactions**.

Economic and trade liberalisation

Criminals have taken advantage of transitioning and more open economies to establish front companies and quasi-legitimate businesses that **facilitate smuggling, money laundering, financial frauds, intellectual property piracy**, and other illicit ventures. **Multilateral** economic agreements reducing trade barriers in North America, Europe, Asia, and other regions of the world have substantially increased **the volume of international trade**. Criminal groups have taken advantage of the high volume of legitimate trade to **smuggle drugs**, arms, and other contraband across national **boundaries**.

The advent of **international commercial shipping** enables shippers to securely and efficiently transfer containers delivered by sea to other ships for onward shipment or to commercial railroads and trucks for overland transportation. Criminals are able to exploit the complexity of the intermodal system to **hide drugs** or other contraband or to **conceal** the true origin and ownership of **cargo** within which contraband is hidden.

Technological advances

The last decade has presented revolutionary advances in information and communications. Modern telecommunications and information systems that **underpin** legitimate commercial activity in today's fast-paced global market are as easily used by criminal networks. Commercially **available state-of-the-art** communications equipment greatly **facilitates** international criminal transactions-including making deals and coordinating the large volume of illicit trade. In addition to the **reliability** and **swiftness** of the communications, this also affords criminals considerable security from law enforcement operations. So, many international crime groups and **drug traffickers** use a combination of **pirated** and **encrypted** cellular

(mobile) phones and stolen phone cards that they replace after short periods of use.

Through the use of computers, international criminals have an unprecedented **capability** to obtain, process, and protect information and **sidestep** law enforcement **investigations**. They can use the **interactive** capabilities of advanced computers and telecommunications systems to **plot marketing strategies** for drugs and other **illicit commodities**, to find the most efficient routes and methods for smuggling and moving money in the financial system, and to create **false trails** for law enforcement or banking security. International criminals also take advantage of the speed and **magnitude** of financial transactions and the fact that there are few safeguards to prevent **abuse** of the system to move large amounts of money without **scrutiny**. More threateningly, some criminal organizations appear to be **adept** at using technology for **counterintelligence** purposes and for tracking law enforcement activities.

Globalisation of business

The revolution in modern telecommunications and information systems and lowering of political and economic barriers that have so greatly quickened the **pace**, volume, and **scope** of international commerce are daily being exploited by criminal networks worldwide. International criminals are attracted to major global commercial and banking centers where they take advantage of **gateway seaports and airports**, the high volume of international trade, the concentration of modern telecommunications and information systems, and the presence of major financial institutions. They count on avoiding close scrutiny of their activities because of the importance to businesses and governments of facilitating commercial and financial transactions and rapid transshipment of products.

Explosion in international travel

With the **breaking down** of international political and economic barriers and the globalization of business, there is more freedom of movement, and international transportation of goods and services is easier. The **proliferation** of air transportation **connections** and easing of immigration and visa restrictions in many countries to promote international commerce, especially within regional trade blocs, have also facilitated criminal activity. In the past, more

limited **travel options** between countries and more **stringent** border checks made crossing national boundaries difficult for international criminals. Now, criminals have a great many choices of travel routes and can arrange itineraries to minimize risk. Border controls within many regional economic blocs—such as the European Union—are often nonexistent.

In 1999, some 395 million people entered the United States overland from Mexico and Canada, 76 million people arrived on more than 928,000 commercial airline and private flights, and 9 million arrived by sea, according to the US Customs Service. In addition, 135 million **vehicles** – including automobiles and commercial **trucks** – crossed US borders with Mexico and Canada, and more than 200,000 merchant and passenger ships and other **maritime vessels** docked at US seaports or US coastal **harbors**. US seaports handled more than 4.4 million shipping containers and 400 million tons of cargo in 1999. US Customs is able to inspect only about 3 percent of the goods entering the United States, a figure that will drop to about 1 percent in the next five years as the volume of trade continues to grow. This **tremendous** volume of traffic and trade into the United States provides international criminals tremendous opportunity to smuggle contraband—including drugs and **counterfeit products** – into the country, as well as to **illegally export firearms, stolen vehicles**, and other contraband overseas.

Smuggling

One of the international crimes is smuggling. Generally smuggling includes illegal moving of any goods or money through the border of the various states. Its danger for international law and order is that it **undermines** the relations of friendship and cooperation of states, monopoly of states or other entities in the field of foreign trade and brings harm to the economic and cultural development of states.

Unlike other crimes smuggling is very dynamic. It is being constantly “improved” by criminals and its updates are **unpredictable**. Now the greatest danger to the international community is represented by the smuggling of weapons to hot points of our planet.

The subject of smuggling is not only firearms, but also other kinds of the weapon, including the **ammunition** and **explosive substances**.

Combatting International Crime

Tracing and arresting **offenders** may prove extremely difficult; problems can arise in **connection** with exchanging information, identification, international investigations and **subsequent extradition**. Because of these problems, police departments in different countries must work together if they are to combat international crime successfully.

A determined, co-ordinated **response** is needed to **tackle** organised crime. So, internationally, **law enforcement agencies** work closely together to **deliver** this response.

International crime fighting organisations have done detailed work on

- practical law enforcement projects;
- **mutual legal assistance** and extradition;
- firearms;
- **alien** smuggling and **forged** documents;
- **'high tech'** crime including criminal use of the Internet

They have developed recommendations for:

- Improved cross border sharing of intelligence information to **prevent** and **disrupt** terrorist activity and to **prosecute** terrorists.
- Effective use of advanced investigative techniques such as **interception** and **undercover agents**.
 - An **enhanced legal framework** with states criminalising and prosecuting a range of terrorist activities.
 - **Tackling passport fraud**.
 - Faster operational action to tackle attacks on computer networks and faster co-operation in internet related crimes, such as child pornography.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using completed phrases.

- | | |
|---------------------------|-----------------|
| 1. legitimate | a. officials |
| 2. international | b. transactions |
| 3. law enforcement | c. boundaries |
| 4. international criminal | d. piracy |
| 5. financial | e. drugs |
| 6. money | f. information |

- | | |
|--------------------------|---------------|
| 7. intellectual property | g. business |
| 8. smuggle | h. products |
| 9. protect | i. laundering |
| 10. counterfeit | j. networks |

2. Choose the best words to complete the sentences that follow

- | | |
|------------------|------------------------|
| a. facilitates | f. boundaries. |
| b. international | g. ammunition |
| c. traffickers | h. international |
| d. constrained | i. smuggling |
| e. offenders | j. counterintelligence |

1. The Global Economy and European have presented criminal gangs with

2. new business opportunities.

3. Unlike legitimate businesses criminal gangs are not by legal considerations.

4. Criminal groups have taken advantage of the high volume of legitimate trade to smuggle drugs, arms, and other contraband across national

5. Commercially available state-of-the-art communications equipment greatly international criminal transactions.

6. Many international crime groups and drug use a combination of pirated and encrypted cellular (mobile) phones and stolen phone cards that they replace after short periods of use .

7. Some criminal organizations appear to be adept at using technology for purposes and for tracking law enforcement activities.

8. Generally includes illegal moving of any values through the border of the various states.

9. The subject of smuggling is not only firearms, but also other kinds of weapon, includingand explosive substances.

10. Tracing and arresting may prove extremely difficult.

11. Police departments in different countries must work together if they are to combatcrime successfully.

3. Fill in the correct prepositions: by(2), for(2), of(2), on, within, through, after, without. Make sentences using the completed phrases:

1. criminal activity is motivated profit

2. criminal gangs are not constrained legal considerations
3. the way..... substantially increased trade
4. the volume international trade
5. to conceal the true origin and ownership of cargo which contraband is hidden.
6. they replace stolen phone cards short periods of use.
7. to plot marketing strategies drugs and other illicit commodities
8. to move large amounts of money scrutiny
9. they take advantage gateway seaports and airports
10. count avoiding close scrutiny
11. illegal moving of any goods or money the borders of various states

READING COMPREHENSION SECTION

Complete the sentences, using information from the text.

1. Organised crime groups are becoming so powerful that they can control ...
2. Law enforcement officials around the world have reported a significant increase...
3. International criminal networks have been quick to take advantage of the opportunities resulting from ...
4. Criminals have taken advantage of transitioning and more open economies to establish front companies and quasi-legitimate businesses that facilitate...
5. Criminals are able to exploit the complexity of the intermodal system to ...
6. Through the use of computers, international criminals have an unprecedented capability to ...
7. Generally smuggling includes ...
8. Now the greatest danger to the international community is represented by smuggling of ...
9. International crime fighting organisations have done detailed work on...
10. Tracing and arresting offenders may prove extremely difficult; problems can arise in connection ...

USEFUL VOCABULARY

| | | |
|----------------------------------|---|---|
| abuse | зловживати | злоупотреблять |
| adept | знавець | знаток |
| advent | поява | появление |
| ammunition | боеприпаси | боеприпасы |
| boundary | кордон | граница |
| breaking down | знищення | уничтожение |
| capability | можливість | возможность |
| capital flow | потік капіталу | поток капитала |
| cargo | вантаж | груз |
| competitor | конкурент | конкурент |
| conceal | переховувати | скрывать |
| connection | зв'язок | связь |
| connections | зв'язки | связи |
| constrain | обмежувати,
стримувати | ограничивать,
сдерживать |
| counterfeit products | підробні товари | поддельные товары |
| counterintelligence | контррозвідка | контрразведка |
| defend | захищати | защищать |
| deliver | <i>тут</i> забезпечити | <i>здесь</i> обеспечить |
| disrupt | переривати | прерывать |
| drug trafficker | торговець
наркотиками | торговец
наркотиками |
| encrypted | зашифрований | зашифрованный |
| enhance | посилювати | усиливать |
| explosive substances | вибухові речовини | взрывчатые вещества |
| facilitate | полегшити | облегчить |
| false trails | хибні сліди | ложные следы |
| financial fraud | фінансове
шахрайство | финансовое
мошенничество |
| financial transactions | фінансові угоди | финансовые сделки |
| flexible | гнучкий | гибкий |
| framework | структура | структура |
| gangs | банда | банда |
| gateway seaports
and airports | порти та аеропорти
міжнародного
призначення | порты и аэропорты
международного
назначения |
| governability | керіваність | управляемость |

| | | |
|------------------------------|---|--|
| harbor | гавань | гавань |
| illegally export
firearms | нелегально
експортована зброя | нелегально
экспортированное
оружие |
| illicit | незаконний | незаконный |
| illicit commodities | нелегальні товари | нелегальные товары |
| increase | збільшення | увеличение |
| influence | вплив | влияние |
| intellectual property | піратство у сфері | пиратство в сфере |
| piracy | інтелектуальної
власності | интеллектуальной
собственности |
| interactive | інтерактивний | интерактивный |
| interception | перехоплення | перехват |
| investigation | розслідування | расследование |
| law enforcement | правозастосування | правоприменение |
| law enforcement
agencies | орган юстиції | орган юстиции |
| law enforcement
officials | чиновник
правозастосо-
вуючого органу /
карної юстиції | чиновник
правоприменяю-
щого органа /
уголовной юстиции |
| legal assistance | юридична / правова
допомога | юридическая /
правовая помощь |
| legal considerations | законні міркування | законные
соображения |
| legitimate | законний | законный |
| level | рівень | уровень |
| magnitude | величина | величина |
| maritime vessels | морське судно | морское судно |
| measure | засіб | средство |
| money laundering | відмивання грошей | отмывание денег |
| multilateral | багатосторонній | многосторонний |
| mutual | взаємний | взаимный |
| network | мережа | сеть |
| offender | правопорушник | правонарушитель |
| pace | темп | темп |
| pirated | викрадений | украденый |
| plot | складати /
проекувати | составлять /
проектировать |

| | | |
|-----------------------|--|---|
| powerful | могутній | могущественный |
| prevent | запобігати | предотвращать |
| profit | прибуток | прибыль |
| proliferation | швидке збільшення | быстрое увеличение |
| prosecute | переслідувати у
судовому порядку | преследовать в
судебном порядке |
| reliability | надійність | надежность |
| remain | залишатися | оставаться |
| response | реакція / відповідь | реакция / ответ |
| scope | діапазон | диапазон |
| scrutiny | дослідження | исследование |
| severity | серйозність | серьезность |
| sidestep | обходити | обходить |
| significant | значний | значительный |
| smuggling | контрабанда | контрабанда |
| state-of-the-art | сучасний | современный |
| stolen vehicles | викрадені
транспортні засоби | украденные
транспортные
средства |
| stringent | суворий | суровый |
| subsequent | подальша видача | дальнейшая выдача |
| extradition | | |
| supply | постачати | поставлять |
| swiftness | швидкість | скорость |
| tackle | побороти | побороть |
| tackle passport fraud | боротися з
шахрайством,
пов'язаним з
підробними
паспортами | бороться с
мошенничеством,
связанным с
поддельными
паспортами |
| threat | погроза | угроза |
| tracing | вистежувати | выслеживать |
| transnational | міжнаціональний | международный |
| travel options | можливості для
подорожування | возможности для
путешествий |
| tremendous | величезний | огромный |
| truck | вантажівка | грузовик |
| undercover agents | таємний агент | тайный агент |

| | | |
|---------------|--------------------|--------------------------|
| undermine | підривати | подрывать |
| underpin | підкріплювати | подкреплять |
| unpredictable | непередбачуваний | непредсказуемый |
| vehicle | транспортний засіб | транспортное
средство |
| venture | підприємство | предприятие |
| volume | об'єм, обсяг | объем |

PART 2

The Future of International Crime

Complete the following text by translating the words and expressions in brackets.

In 5 years, driven by globalization and the erosion of state authority, the international criminal (погроза) is most likely to be more diversified and impact even more directly on strategic interests. The extent and (величина) of the problem will depend on the global political and economic (умови) prevailing at the time, the extent and effectiveness of (міри) taken to reduce societal or systemic vulnerabilities, and the degree to which national law enforcement and security institutions around the world develop (відповідний) cooperative mechanisms enabling them to operate – as international criminals will be able to – outside the parameters of national sovereignty and legal jurisdictions. For example:

- A radical breakdown of the Communist system in China could (посилити) the influence of Chinese criminal organizations within China's political and economic systems and provide a safe haven for (поширення) criminal operations abroad.
- Enhancements to protect the (безпека) and integrity of electronic money-transfer and financial transactions systems could make it more difficult for criminal organizations to (обманювати) banks, financial institutions, or individuals or to manipulate financial and commodities markets.

Globalization and technological (нововведення) will continue to change the nature of organized crime. While large criminal syndicates – Russian organized crime groups like Solntsevo, Italian criminal groups like the Sicilian Mafia, ethnic Chinese criminal groups including triads, and others – will remain (моргутній) players with worldwide networks, law enforcement agencies probably will also

be forced to cope with a very large number of highly skilled criminal entrepreneurs whose activities can have far-reaching (ВПЛИВ).

- Individuals or small groups empowered by high-tech computer (ВМІННЯ) and telecommunications capabilities may be the future wave of international crime. They would not (ПОТРЕБУВАТИ) the infrastructure or protection of large criminal syndicates to mastermind and (ЗДІСНЮВАТИ) wide-ranging and sophisticated schemes in the commercial or financial arenas to gain (ІСТОТНИЙ) illicit revenues. Through electronic theft or computer manipulation of markets, individuals or small crime groups could cause substantial public and private-sector (ВТРАТИ), potentially even undermining the integrity of the institutions they target and compromising market stability.

- Meanwhile, for the same reasons, large organized crime syndicates may well be even more (САМОСТІЙНИЙ) by 2015. The trend of greater cooperation among criminal organizations at the end of the 20th century may be replaced by one in which large international crime groups – because they have (ВСЕСВІТНИЙ) networks and employ highly skilled professionals – are able to produce or (КУПУВАТИ), move, market, and distribute drugs and other contraband without any reliance on outside criminal brokers or crime groups. Such a development could mean the end of the (ПЕРЕВАЖАННЯ) of Latin American drug-trafficking «cartels» as other criminal groups gain the ability to acquire and traffic cocaine from Latin America on their own.

- The criminal world in 2015 may be populated by large interactive (МЕРЕЖІ) of smaller, independent organizations that cooperate on the basis of comparative (ПЕРЕВАГА). Crime groups within these networks would specialize in specific activities, trading or selling expertise as befits their criminal interests or criminal joint ventures.

- Criminal groups are also most likely to take advantage of (НАУКОВИЙ) and manufacturing advances to produce new synthetic drugs or more high-quality (ПІДРОБЛЯТИ) products – including high-tech components that may find their way into commercial transportation or military programs. Successful (ЗНИЩЕННЯ) efforts against narcotics crops may spur criminal organizations to exploit scientific pharmaceutical advances to produce synthetic heroin and cocaine for the (НЕЗАКОННИЙ) drug market.

(Торгівля наркотиками), alien smuggling, contraband smuggling, the trafficking of women and children, and many other tradi-

tional criminal rackets will continue to be a staple of organized crime groups worldwide.

Organized crime groups that have access to (величезний) weapons arsenals may assume a far more significant role in brokering illicit arms transactions for foreign armies, militias, or (заколотити), displacing the brokers and businesses that dominate today's gray arms market. They may also become a (життєздатний) alternative to independent brokers and front companies by establishing sophisticated acquisition, transportation, and financial networks to facilitate the evasion of US or international sanctions by rogue regimes and terrorist groups.

- So far the threat of organized crime (участь) in acquiring and trafficking nuclear, biological, or chemical weapons of mass destruction has been more potential than real, but this potential may be realized .

- International criminal groups will keep pace with changes in technology and the world economy to enhance their capability in traditional organized crime activities and to move into new criminal business (галузі). Advances in computer and financial technology will increase the anonymity and speed of commercial and financial transactions, offering criminals more (ефективний) and secure ways to smuggle illicit drugs and contraband, penetrate legitimate businesses, and launder and move money.

- By 2015, international criminal groups are most likely to be particularly (досвідчений) at exploiting computer networks upon which all modern government, public, private, and financial services will depend. They also may be able to cause (значний) disruption to financial systems. Criminal organizations may be capable of financially exploiting or disrupting government, law enforcement, banking, or private-sector computer systems they are able to penetrate, undermining public services and the credibility of government and private institutions.

- Greater regional integration and worldwide (взаємозалежність) of national economies will make it easier for criminal organizations to operate on an international (масштаб) and blend their operations into legitimate economic activity. Improvements in transportation infrastructures and modalities to facilitate international trade will increase the (об'єм), speed, and efficiency of smuggling and commercial transactions by international crime groups.

Many countries are likely to be at risk of organized crime groups gaining significant (вплив) or even control over political and economic systems. Criminal organizations are likely to penetrate troubled banking and commercial sectors. (Несумлінний) politicians and political parties may align themselves with criminal organizations for financial and other support. Once in office, they are likely to have difficulty constraining the activities of organized crime.

- The world in 2015 may see the (поява) of “criminal states” that are not merely safe havens for international criminal activities, but support them as a matter of course. The involvement of “criminal states” in the community of nations could (підірвати) international finance and commerce and preclude effective international cooperation against organized crime. “Criminal states” may also adopt the political agendas of states of concern and terrorist groups, thereby weakening political, economic, and security interests of other countries around the world.

- | | | |
|----------------|----------------------|---------------------|
| 1. impact | 16. implement | 31. formidable |
| 2. magnitude | 17. losses | 32. insurgencies |
| 3. conditions | 18. self-sufficient | 33. viable |
| 4. measures | 19. worldwide | 34. undermine |
| 5. intensify | 20. powerful | 35. areas |
| 6. expanding | 21. illicit | 36. efficient |
| 7. threat | 22. dominance | 37. proficient |
| 8. substantial | 23. advantage | 38. significant |
| 9. appropriate | 24. scientific | 39. interdependence |
| 10. emergence | 25. counterfeit | 40. scale |
| 11. defraud | 26. eradication | 41. volume |
| 12. security | 27. acquire | 42. unscrupulous |
| 13. innovation | 28. networks | 43. involvement |
| 14. skills | 29. leverage | |
| 15. require | 30. drug trafficking | |

DISCUSSION SECTION

Think and answer these questions:

1. What kinds of international crimes do you think are increasing?
2. What kinds of international crimes can be prevented? How?
3. Do you think there is a link between drugs and crime?

4. What is a gang? What are the characteristics of gangs?
5. Why do you think crime is more prevalent in some societies than in others?
6. Why is there more crime in some countries?

WRITING ASSIGNMENTS

Choose one of the topics below and write a 200-word essay:

1. Do you agree or disagree with the following statement? 'Globalization and technological innovation will continue to change the nature of international crime.' Use specific reasons and examples to support your answer.

2. Do you agree or disagree with the following statement? 'Organised crime groups are becoming so powerful that they can control many of the social, economic and political processes.' Support your answer with specific details.

3. Tracing and arresting international criminals and criminal groups can be extremely difficult. But some international crime fighting organisations have succeeded in doing it. Prove this claim using the information provided by mass media.

Unit 4. CRIME PREVENTION

PRE-READING SECTION

Before reading discuss these questions:

1. Are some parts of your city considered more dangerous than others? Which parts and why?
2. Are there any places you are afraid to visit because of night time rape? If so, where?
3. Are there problems with drugs where you live?
4. Are you apprehensive about walking outside after dark?
5. Do you believe that public executions would deter crime? If so, how?

READING SECTION

1. You are going to read a text about crime prevention in Great Britain. Choose the most suitable heading from the list (A-K) for each part of the text. There is one extra heading which you do not need to use. There is an example at the beginning (0).

- A. Out and about
- B. On public transport
- C. If someone attacked you
- D. Money and plastic cards
- E. Irresponsible and destructive behavior of criminals.
- F. Taxis
- G. Domestic violence
- H. Bringing crime down
- I. When driving
- J. How can you stay safe at home?
- K. If you have been assaulted or raped

2. Try to explain the words in bold.

| | |
|---|---|
| 0 | E |
|---|---|

The world may be an exciting place, but it is also a very dangerous one. A great many people are **injured** and killed every year through the **irresponsible** and **destructive** behavior of **criminals**.

We would like to be able to walk through the streets alone without feeling frightened, and we all have a right to be able to feel safe

whatever we do. Unfortunately, sometimes that is not always possible so it is important to know what we can do to make sure that we stay safe whatever we do. Most of staying **safe** is **common sense**, and although we can't change the actions of others, we can take some steps for ourselves.

| | |
|---|--|
| 1 | |
|---|--|

What can you do to **prevent crime**? It is the job of the police to fight crime, but we can all help to bring crime down. Most crime is against **property**, not people, and not many crimes are carefully planned. Most are **committed** by young men on the **spur** of the moment when they see the chance.

The best way to minimize the risk of attack is by taking **sensible precautions**. Most people already do this as part of their everyday lives, often without realizing it. You may already **be aware** of some of the **suggestions** listed below, but some may be new to you, and you may find them useful.

| | |
|---|--|
| 2 | |
|---|--|

- Make sure your house or flat is **secure**. Always secure outside doors. If you have to use a key, keep it nearby – you may need to get out quickly in the event of **fire**.

- If other people such as **previous tenants** could still have keys that fit, change the locks. Don't give keys to workmen or tradesmen, as they can easily make copies.

- If you wake to hear the sound of an **intruder**, only you can decide how best to **handle** the situation. You may want to lie quietly to **avoid attracting attention** to yourself, in the hope that they will leave. Or you may feel more **confident** if you **switch on** the lights and make a lot of noise by moving about. Even if you're on your own, call out loudly to an imaginary companion – most **burglars** will **flee empty-handed** rather than risk a confrontation. Ring the police as soon as it's safe for you to do so. A telephone in your bedroom will make you feel more secure as it allows you to call the police immediately, without **alerting** the intruder.

- Draw your curtains after dark and if you think there is a **prowler** outside – dial the police.

- Never reveal any information about yourself to a **stranger**, and never say you are alone.

- If you see signs of a **break-in** at your home, like a **smashed** window or open door, don't go in. The burglar may be inside. Go to a **neighbour** and call the police.

- If you are selling your home, don't show people around on your own. Ask your **estate agent** to send a representative with anyone who wants to view your house. Only employ professional accredited estate agents, **removers** and other trades people. Take care who you pass your keys to.

- You should of course be extremely careful about **letting** people into your home if you do not know them particularly well. If you do, but start to feel uneasy or **threatened**, don't **hesitate** to leave yourself. Make an excuse, such as "I think I heard the cat at the door", and go to a neighbour or a friend and ask them to come back with you, or call the police.

- When you answer the phone, simply say "hello"; don't give your number. If the caller **claims** to have a wrong number, ask him or her to repeat the number required. Never reveal any information about yourself to a stranger and never say you are alone in the house.

- If you receive an **abusive** or threatening phone call, put the **receiver** down beside the phone, and walk away. Come back a few minutes later and replace the receiver; don't listen to hear if the caller is still there. Don't say anything – an emotional reaction is just what the caller wants. This allows the caller to say what he or she wants to say, without causing **distress** to you. If the calls continue, tell the police and the operator and keep a record of the date, time and content of each phone call. This may help the **authorities trace** the caller.

| | |
|---|--|
| 3 | |
|---|--|

- If you often walk home in the dark, get a personal attack alarm. Carry it in your hand so you can use it immediately to scare off an attacker. Make sure it is designed to continue sounding if it's dropped or falls to the ground.

- Carry your bag close to you with the clasp facing inwards. Carry your house keys in your pocket. If someone grabs your bag, let it go. If you hang on, you could get hurt. Remember your safety is more important than your property.

- If you think someone is following you, and you have checked by crossing the street -more than once if necessary – then go to the nearest place where there are other people – a pub or anywhere with a lot of lights on -and call the police.

- If you regularly go jogging or cycling, try to vary your route and time. Stick to well-lit roads with pavements. On commons and parklands, keep to main paths and open spaces where you can see and be seen by other people -avoid wooded areas.

- If you wear a walkman, remember you can't hear traffic, or somebody approaching behind you.

- Don't take short-cuts through dark alleys, parks or across waste ground. Walk facing the traffic so a car cannot pull up behind you unnoticed.

- If a car stops and you are threatened, scream and shout, and set off your personal attack alarm if you have one. Get away as quickly as you can. This will gain you vital seconds and make it more difficult for the car driver to follow. If you can, make a mental note of the number and description of the car. Write down details as soon as possible afterwards.

- Don't hitch-hike or take lifts from strangers.

- Cover up expensive looking jewelry.

- Self-defense and safety awareness classes may help you feel more secure. .

- Think about getting a personal alarm and keep it where you can get to it easily – don't leave it at the bottom of your handbag.

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If you are going to be out late, try to arrange a lift home or book a taxi. Check that the taxi that arrives is the one you ordered. Ask for a description of the car -colour, make, etc – and check this when it arrives. Ask the driver which company they are from and the telephone number, and, if you gave your name when you booked, check that the driver can tell you it before you get in. When you get home, ask the driver to wait until you are inside.

- If you can pre-book your taxi, make a note of the company you are using, and the telephone number, and leave it with a friend.

- Always sit behind the driver.

- If in any doubt, don't get in the taxi.

- If you are out late on your own, arrange to be taken home safely.

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- Try to stay away from isolated bus stops, especially after dark.
- On an empty bus, sit near the driver or conductor.
- On a train, sit in a compartment where there are several other people-ideally one which will be near the exit for your destination. Check to see where the emergency chain is.

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- Before a long trip, make sure your vehicle is in good condition.
- Plan how to get to your destination before leaving, and stay on main roads if you can. Keep a map handy.
- Make sure you have enough money and petrol. Carry a spare petrol can.
- Try to have a mobile phone in case you need to make a telephone call.
- Carry a torch.
- Before you leave, tell anyone you are planning to meet what time you think you will get there, and the route you are taking.
- If someone tries to flag you down, drive on until you come to a service station, or somewhere busy, and call the police. Do not pick up hitch-hikers.
- Keep doors locked when driving and keep any bag or valuable out of sight. If you have the window open, only wind it down a little. Don't wind it down far enough to allow someone to reach in while you are stopped in traffic.
- If you think you are being followed, try to attract others by flashing your lights and sounding your horn. Make as much noise as possible. If you can, keep driving until you come to a busy place, a police, fire or ambulance station, or a pub.
- After dark, park in a well-lit, busy place. Look around before you get out. If you're parking in daylight, but coming back for your car at night, think about how things will look in the dark.
- Have your key ready when you go back to your car. Make sure there is no-one in the car.

- If your car develops problems, telephone the breakdown service and an emergency vehicle will speedily assist you.

- While telephoning, keep a sharp lookout and don't accept lifts from strangers – wait for the breakdown service. Don't stay in the car, but wait on the embankment nearby with the front passenger door open. If someone approaches you or you feel threatened, lock yourself in the car and speak to them through a small gap in the window.

- Remaining in your stationary vehicle can be extremely hazardous. Only if you have a disability which prevents your leaving it, should you remain within the vehicle and switch on your hazard warning lights to summon help from a passing police patrol car. A mobile phone would assist you to summon help in an emergency but you must know your exact location.

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- Think what you would do if someone attacked you. Could you fight back, or would you avoid resisting and wait to escape? Only you can decide whether to fight back, but preparing yourself for all possibilities could provide a split-second advantage.

- If someone threatens you, shout and scream for help and set off your personal attack alarm if you have one. This may unnerve the attacker and frighten him off.

- You have every right to defend yourself, with reasonable force, with items which you have with you. An umbrella, hairspray or keys can be used against an attacker, but the law doesn't allow carrying anything which can be described as an offensive weapon.

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If you have been assaulted or raped, try to get to the nearest safe place, and call the police straight away. They need your help to catch the attacker. You can help the police by

- taking the name or address of any **witness**
- trying to remember exactly what the attacker **looked like**
- if a car was **involved**, trying to note the colour, model and registration number.

You do not need to go to the police station to report an assault – you can be interviewed in your own home if you wish. Police stations have specially trained officers who will help and support you,

and many areas have comfortable **victim suites**, separate from the police station, where you can be interviewed privately.

Although your immediate reaction will be to wash, try not to if you can possibly help it. It will destroy **vital medical evidence** which will help to **prove** the case against the person who raped or assaulted you. An early **medical examination** is also important in the interests of your own health.

Should the case come to trial, by law your anonymity will be guaranteed if you are female, or under 18 years old. The law forbids newspapers to publish anything that might identify you. Also, as a general rule, you should not be asked about your previous sexual history in court.

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Most of the advice given so far has been to help you to avoid assault by strangers. Sadly, women are in fact more likely to be at risk from people they know.

Violent attack, inside or outside the home, is a **criminal offence**. Nobody has the right to **abuse** you physically, sexually or emotionally. You may feel frightened, **humiliated**, alone, **ashamed** or **confused**, and you may find it very difficult to take action against the **abuser**. But remember you **do not** have to suffer in silence, and that you are not alone. Everyone has the right to live **free from fear**.

In the short term, you can plan **emergency measures**. Talk to a neighbour you trust – maybe arrange a signal and ask them to contact the police if they hear a **disturbance** in your home. If you can, learn to **anticipate a violent outburst**, and leave before the violence starts. You may even feel more comfortable if you have an ‘escape kit’ prepared. Pack an overnight bag, with some money and a mobile phone. Take extra keys for the house or car; a change of clothes for yourself and your children and a list of emergency phone numbers. You could leave this with a friend or at your workplace. If you can, take any legal or financial papers which you might need, along with any treasured personal possessions, favourite toys for the children and any medicines you may require.

Many women come forward to report **domestic violence** only after having suffered a large number of assaults. Don’t let yourself suffer repeatedly – go to the police or get help from another group or organization as soon as you are attacked or feel threatened.

In the longer term, you have to plan what you will do to **alter** your situation. Remember that domestic violence is a crime and can be dealt with through the police and courts. You should report any violent attack to the police, who can help you and, if necessary, will be able to take you to **emergency safe accommodation**. Many police forces now have **dedicated domestic violence units**, which are staffed by specially trained officers who will tell you what help is **available**, and will support you in whatever you wish to do.

You can get legal advice from a solicitor. If you **pursue the case** against your attacker, there are a number of possible outcomes, ranging from **court injunctions**, and possibly to a **criminal conviction** and **custodial sentence**.

In addition, there are organizations which can offer support and practical advice. Their services are **confidential** and in many cases, completely free .

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|--------------|-----------------|
| 1. common | a. precautions |
| 2. prevent | b. phone call |
| 3. sensible | c. alarm |
| 4. flee | d. crime |
| 5. abusive | e. sentence |
| 6. take | f. violence |
| 7. personal | g. sense |
| 8. emergency | h. empty-handed |
| 9. custodial | i. chain |
| 10. domestic | j. lifts |

2. Choose the best words to complete the sentences that follow:

- | | |
|----------------|----------------|
| a. tenants | f. well-lit |
| b. hitch-hike | g. property |
| c. violent | h. conviction |
| d. an intruder | i. breakdown |
| e. a crime | j. destination |

1. Most crime is against, not people, and not many crimes are carefully planned.

2. If other people such as previous could still have keys that fit, change the locks.

3. If you wake to hear the sound of, only you can decide how best to handle the situation.

4. If you regularly go jogging or cycling, try to vary your route and time. Stick toroads with pavements.

5. Don'tor take lifts from strangers.

6. On a train, sit in a compartment where there are several other people-ideally one which will be near the exit for your

7. If your car develops problems, telephone the service and an emergency vehicle will speedily assist you.

8. If you can, learn to anticipate a outburst, and leave before the violence starts.

9. Remember that domestic violence isand can be dealt with through the police and courts.

10. If you pursue the case against your attacker, there are a number of possible outcomes, ranging from court injunctions, and possibly to a criminal and custodial sentence.

3. Match the following words in the text with their meaning, then use them to speak about crime prevention.

- | | |
|---------------|---|
| 1. conviction | a. something you do in order to prevent something dangerous or unpleasant from happening |
| 2. emergency | b. to take hold of someone or something with a sudden or violent movement |
| 3. precaution | c. someone who illegally enters a building or area, usually in order to steal something |
| 4. intruder | d. someone who sees a crime or an accident and can describe what happened |
| 5. prowler | e. a very strong belief or opinion |
| 6. grab | f. the crime of physically attacking someone |
| 7. hazardous | g. to make someone feel ashamed or stupid, especially when other people are present |
| 8. assault | h. an unexpected and dangerous situation that must be dealt with immediately |
| 9. witness | i. dangerous, especially to people's health or safety |
| 10. humiliate | j. a person who follows someone or hides near their house, especially at night, in order to frighten or harm them or to steal something |

4. *Fill in the correct preposition: for(2), against, of(2), off, with(2), through, behind, up, on, to, by, before. Make sentences using the completed phrases.*

1. to walk the streets alone
2. we can take some stepsourselves.
3. we can all helpbring crime down
4. most crime isproperty, not people
5. the best way to minimize the riskattack
6. make a lot of noise moving about.
7. to scarean attacker
8. stick to well-lit roads pavements.
9. make a mental notethe number and description of the car.
10. always sitthe driver
11. plan how to get to your destination leaving
12. do not pick hitch-hikers.
13. wait the breakdown service
14. switch your hazard warning lights
15. domestic violence is a crime and can be dealt through the police and courts.

READING COMPREHENSION SECTION

Complete the sentences, using information of the text.

1. It is the job of the police to ...
2. The best way to minimize the risk of attack is by...
3. A telephone in your bedroom will make you feel more secure as...
4. If you receive an abusive or threatening phone call, put the receiver ...
5. Your safety is more important than ...
6. Carry your house keys ...
7. On an empty bus, sit ...
8. Before a long trip, make sure your vehicle ...
9. After dark, park in ...
10. You have every right to defend yourself, with reasonable force, with items ...
11. Everyone has the right to live free ...

DISCUSSION SECTION

Think and answer these questions:

1. If you saw a robbery, would you report it?
2. Do you know anyone who has been a victim of a violent crime?
3. Do you think that capital punishment is a good idea? Why or why not?
4. Do you think that the death penalty would prevent crime in our country? Why (not)?
5. Do you think there will be more or less crime in the future?
6. Have you ever had anything stolen from you?
7. Have you ever witnessed a crime?
8. Under what situation would you think of committing a crime?
9. What crimes do you think will decrease (increase) in the future?
10. What crimes have you heard about recently in the news?

WRITING ASSIGNMENTS

1. Write a 200-word practical guide to preventing theft or robbery of such personal possessions as :

- money and plastic cards
- handbags
- passports
- mobile phones

2. Write a 200-word essay about the precautions that people should take when they leave their house.

(These tasks may be done either individually or in groups of 3-4 students, according to the teacher's preference).



Module 8

CIVIL LAW

Unit 1. OVERVIEW OF CIVIL LAW

PRE-READING SECTION

Before reading discuss these questions:

1. Do you know what business the civil law covers?
2. What are the main sub-divisions of the civil law?
3. Can you explain what torts include?

READING SECTION

You are going to read a text about family law and the law of tort. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

Overview of Civil Law

General information about Civil Law

Civil law is concerned with **disputes** about the **rights**, **duties** and **obligations** of individuals between themselves. It also covers dealings between individuals and companies and between one company and another.

The **civil law covers** business related to the family, **property contracts** and **non-contractual wrongful** acts suffered by one person at the hands of another (**torts**). It also includes constitutional, administrative, industrial, **maritime** and **ecclesiastical** law.

The main sub-divisions of the civil law are:

- family law, which includes the laws governing **marriage**, **divorce** and the **custody** of children;
- the law of property, governing **ownership** and rights of enjoyment, the creation and administration of trusts and the **disposal** of property on death;

- the law of contract, which regulates, for instance, the **sale of goods, loans, partnerships, insurance** and guarantees;
- **the law of torts**, which governs **injuries** suffered by one person at the hands of another, for instance, **wrongs** like **negligence, libel, malicious prosecution, nuisance** and **trespass**.

Family law

Family law in Great Britain is divided into **public** and **private law cases**. Public law cases involve local government and other public **authorities** and include matters such as **care of children, supervision** and **emergency protection** orders. Private law cases involve **divorce proceedings** and **access** to children by the parents concerned.

When reaching a decision on cases concerning children, the court will make an order only if satisfied that this action is positively better for the child than making no order. In private law cases the child is able to express his or her opinion. In public law cases the child is represented by a social worker **appointed** by the **court** to **safeguard** and **promote** the **welfare** of the child.

Everybody involved in the **court proceedings** has **access** to the **relevant** information before the case is heard and is expected to **reveal** his arguments and **evidence** in advance. Parents have the legal right to **immediate legal aid** without a means test in all public law cases involving **applications for supervision, care, child assessment** orders and **emergency protection proceedings**.

Most **private law cases** involving children and families are heard in the county court by judges who are specially trained and experienced in **applying family law**. Most public law cases usually take place in family proceedings courts which are part of the magistrates' courts. The cases are heard by magistrates who are specially trained in family and child matters. Some public law cases which are exceptionally important or complex are **dealt with** by the county court or the High Court.

Most court cases involving children concern private disputes between parents – often after **separation**. There are a variety of orders open to the court. These include:

- a **residence** order saying where the child should live;
- a **contact order**, which may require the person with whom the child is living to let the child have contact with the person named in the order;

- a **prohibited steps order** – if one partner **objects** to something that the other is doing concerning their child, he or she can apply for this order to stop the other parent from taking the action **outlined** in the order without getting the court's **permission** first; and
- a specific issue order, which **settles disputes** between former partners about certain aspects of their **child's upbringing**.

There are two other private law orders that a court may make. If an unmarried father cannot reach a private **agreement** with the child's mother, he may **apply** to the court for an order giving him **parental responsibility** for his child to be **shared** with the mother.

In certain cases a court can make a family **assistance** order which **requires** a local government authority or court **welfare officer** to give a family help and support; this type of order is made only where the court is hearing an **application** for another order. **Legislation entrusts** local government authorities with the task of safeguarding and promoting the welfare of children in need in their area. If the authority feels that a child is in danger from the family situation, it is **legally obliged** to step in, even if the parents disagree. If it cannot get the parents' agreement for certain action that it wants to take, it must seek a court order before taking action. In all cases parents have the right to put their case in court and **to be involved** in decision taking about the child's welfare if he or she is being looked after by the local authority. The welfare of the child is **paramount** in such cases.

If the court is satisfied that a child is suffering **significant harm** from **inadequate** parental care or control, it can place the child under the **supervision** of a social worker.

If a child **fails** to attend school on a regular basis, the local government education authority may apply for an education supervision order, placing the child under the supervision of an education welfare or social worker. On a few **occasions** parents are not able to give the care and protection that every child needs and may even be harming the child. **The local authority** can apply to a court for him or her to be taken into care and, in **extreme emergencies**, can have the child **removed** from home immediately for eight days under an emergency protection order.

If a social worker is concerned about a child's welfare and there is **insufficient** evidence to apply for a care order, he or she can apply to the court for an order requiring a medical, psychiatric or other **assessment** during a period of seven days.

Divorce proceedings

A court can **dissolve** a marriage by issuing a **decree: divorce**. This can happen only if **the marriage has broken down irretrievably** through one of the following grounds:

- **adultery**;
- unreasonable behaviour;
- **desertion** of at least two years;
- two years' separation where the divorce is by **consent**; and
- five years' separation.

The procedure is for one party to **petition for divorce**. A county court district judge considers the evidence and, if the grounds for divorce are **proven**, the judge **pronounces a decree nisi**, which is a **provisional measure**. Six weeks later the **petitioner** can apply for a decree absolute, which is the final measure. The decree absolute has to be **issued** by the county court before either party can remarry. If the case is a complex, difficult or **grave** one, it can be **transferred** to the High Court Family Division.

A decree of divorce must be pronounced in open court, but a procedure for most **undefended** cases **dispenses** with the need to give evidence in court and permits written evidence to be considered by the district judge.

The law of tort

Torts include **wrongs** such as **false imprisonment, trespass, libel, negligence** and **nuisance**. If his legal rights have been infringed, a **plaintiff** can **sue** for compensation in a **tort action**.

An example of a tort is libel. Here, the plaintiff must prove to the court that the statement concerned was **defamatory**. Equally, the defense can produce evidence that the statement is true in substance and in fact. The court takes a decision and, if the plaintiff is successful, **damages** can be **awarded**.

One of the most important tort actions is that for negligence, when a person fails to live up to an expected standard of care and someone is **injured** as a result. This can cover **physical damage** or **financial loss**.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|-----------------------|------------------|
| 1. non-contractual | a. law cases |
| 2. custody of | b. wrongful acts |
| 3. malicious | c. proceedings |
| 4. public and private | d. damage |
| 5. financial | e. upbringing. |
| 6. divorce | f. emergencies |
| 7. physical | g. children |
| 8. child's | h. imprisonment |
| 9. extreme | i. loss |
| 10. false | j. prosecution |

2. Choose the best words to complete the sentences that follow:

- | | |
|-------------|-----------------|
| a. private | f. tort |
| b. welfare | g. applying |
| c. entrusts | h. imprisonment |
| d. harm | i. injured. |
| e. dissolve | j. involve |

1. The law ofgoverns injuries suffered by one person at the hands of another.

2. Family law in Great Britain is divided into public and law cases.

3. Private law cases divorce proceedings and access to children by the parents concerned.

4. In public law cases the child is represented by a social worker appointed by the court to safeguard and promote the of the child.

5. Most private law cases involving children and families are heard in the county court by judges who are specially trained and experienced in family law.

6. Legislation local government authorities with the task of safeguarding and promoting the welfare of children in need in their area.

7. If the court is satisfied that a child is suffering significantfrom inadequate parental care or control, it can place the child under the supervision of a social worker.

8. A court can a marriage by issuing a decree: divorce.

9. Torts include wrongs such as false, trespass, libel, negligence and nuisance.

10. One of the most important tort actions is that for negligence, when a person fails to live up to an expected standard of care and someone isas a result.

3. Match the following words in the text with their meanings, then use them to speak about family law and the law of tort.

- | | |
|-------------------|---|
| 1. property | a. when someone writes or prints untrue statements about someone so that other people could have a bad opinion of them |
| 2. ecclesiastical | b. failure to take enough care over something that you are responsible for |
| 3. loss | c. relating to the Christian church or its priests |
| 4. negligence | d. an order by a court of law that a marriage will end at a particular time in the future unless there is a good reason not to end it |
| 5. trespass | e. the offence of going onto someone's land without their permission |
| 6. libel | f. the thing or things that someone owns |
| 7. plaintiff | g. more important than anything else |
| 8. nuisance | h. a person, thing, or situation that annoys you or causes problems |
| 9. nisi | i. the fact of no longer having something, or of having less of it than you used to have, or the process by which this happens |
| 10. paramount | j. someone who brings a legal action against another person in a court of law |

4. Fill in the correct prepositions: between, under, into, on, by, for(4), in, about. Make sentences using the completed phrases.

1. disputes the rights, duties and obligations
2. dealings individuals
3. divided public and private law cases
4. decision cases concerning children
5. in public law cases the child is represented a social worker
6. applications supervision
7. place the child the supervision of a social worker

8. the local government education authority may applyan education supervision order
9. if the grounds divorce are proven
10. a plaintiff can sue compensation in a tort action
11. the statement is true substance and in fact

READING COMPREHENSION SECTION

Complete the sentences using the information from the text.

1. The main sub-divisions of the civil law are.....
2. Private law cases involve divorce proceedings and access
3. Most private law cases involving children and families are heard in the county court by..... .
4. The cases are heard by magistrates who are specially
5. If an unmarried father cannot reach a private agreement with the child's mother, he may
6. If the court is satisfied that a child is suffering significant harm from inadequate parental care or control, it can
7. If a social worker is concerned about a child's welfare and there is insufficient evidence to apply for a care order, he or she can
8. A county court district judge considers the evidence and, if the grounds for divorce are proven, the judge
9. Torts include wrongs such as false imprisonment,
10. One of the most important tort actions is that for negligence, when

DISCUSSION SECTION

Think and answer the following questions:

1. What can you say about the legal consequences of marriage in Ukraine?
2. Do you think our society is interested in legal regulation of familial relationships?
3. What "children problems" does family law regulate?
4. What do you think about marriage contracts?
5. Do you think that the marriage contract is the best solution of marital-property problems?
6. What is the divorce rate in Ukraine? /in other countries?

WRITING ASSIGNMENTS

Write a 200-word essay about family contracts:

Do you think marriage contracts are becoming more and more popular nowadays? Why? Why not? Why do people have them?

USEFUL VOCABULARY

| | | |
|--------------------|----------------------------------|----------------------------------|
| access | доступ | доступ |
| adultery | перелюбство | прелюбодеяние |
| application | заявка | заявка |
| assessment | оцінка | оценка |
| award | <i>тут</i> надавати | <i>здесь</i> предоставлять |
| child's upbringing | виховання | воспитание |
| civil law | цивільне право | гражданское право |
| custody | опіка | опека |
| dealing | контакт | контакт |
| decree nisi | умовне рішення
суду | условное решение
суда |
| defamatory | дискредитуєчий | дискредитирующий |
| disposal | розпорядження | распоряжение |
| dissolve | розривати | расторгать |
| divorce | розлучення | развод |
| duty | обов'язок | долг |
| ecclesiastical | духовний | духовный |
| emergency | непередбачуваний
випадок | непредвиденный
случай |
| evidence | доказ | доказательство |
| false imprisonment | неправомірне
позбавлення волі | неправомерное
лишение свободы |
| financial loss | фінансова втрата | финансовая потеря |
| injure | пошкоджувати | повреждать |
| insufficient | недостатній | недостаточный |
| insurance | страхування | страхование |
| irretrievably | безповоротно | бесповоротно |
| law cases | судова справа | судебное дело |
| legal aid | правова допомога | правовая помощь |
| libel | наклеп | клевета |
| loan | позика | ссуда |
| malicious | зловмисне судове | злонамеренное |
| prosecution | переслідування | судебное
преследование |

| | | |
|---------------------|----------------------------------|--|
| maritime | морський | морской |
| marriage | шлюб | брак |
| negligence | недбалість | небрежність |
| nuisance | порушення спокою,
школа | нарушение
спокойствия, вред |
| object | заперечувати | возражать |
| obligation | обов'язок | обязательство |
| ownership | власність | собственность |
| paramount | першорядний | первостепенный |
| parental | батьківська | родительская |
| responsibility | відповідальність | ответственность |
| partnership | партнерство | партнерство |
| permission | дозвіл | разрешение |
| physical damage | фізичне
пошкодження | физическое
повреждение |
| plaintiff | позивач | истец |
| private | приватний | частный |
| promote the welfare | захищати добробут | защищать
благополучие |
| property | власність | собственность |
| provisional measure | тимчасова /
попередня міра | временная /
предварительная
мера |
| public | публічний | публичный |
| relevant | пов'язаний,
відповідний | связанный, уместный |
| remove | вилучати | удалять |
| safeguard | захищати,
охороняти | защищать, охранять |
| sale of goods | продаж товарів | продажа товаров |
| significant harm | значна шкода | значительный вред |
| sue | подавати позив до
суду | подавать иск в суд |
| supervision | нагляд, контроль | наблюдение,
контроль |
| tort | порушення, делікт | нарушение, деликт |
| trespass | порушення | нарушение |
| wrongful acts | протиправне,
незаконне діяння | противоправное,
незаконное деяние |

Unit 2. COMPANY LAW

PRE-READING SECTION

Before reading discuss these questions:

1. Do you know any world famous companies?
2. Why have they become famous?
3. Are there any such companies in your city?
4. What industries are they in?
5. How old are they?
6. Would you like to be a company lawyer in one of them?

Which one? Why?

READING SECTION

You are going to read a text about company law. Try to explain the words in bold.

Company Law

Laws relating to companies are designed to **meet the need** for **proper** regulation of business, secure open markets and create greater **safeguards** for those wishing to **invest** in companies or do business with them.

The Company and the Partnership

When a business person **sets up** in business, he or she will need to consider whether to operate as a **partnership** or as a **company**. The company is a **separate** person in law. The company can own **property**, **commit** crimes and conclude contracts. The partnership, on the other hand, is no more than a convenient **term** for describing the sum total of the partners who make up the partnership or firm. The partnership is not a separate person in law. The partnership cannot commit crimes or torts. These can only be committed by the partners, its agents.

The distinction between the public company and the private company

A further **consequence** of the **distinction** between the company and the partnership is that the company **pays corporation tax** as a **separate entity** on its **profits** whilst the partnership does not pay tax as much, although a **tax assessment** may be raised against it. The tax

is in fact paid under the **scheduled income tax system** by the individual partners in the firm.

The vast majority of companies are private companies. The surprising **feature** of British company law is that, with relatively few **exceptions**, the same rules **apply** to **public** companies as to **private** companies. But there are significant differences, which are listed below.

A public company must have a minimum subscribed share capital of at least £ 50,000 paid up to at least 25% before it can be incorporated.

The further distinction between the public and **private** company is in the company name. Thus, a public company must end with a suffix 'public limited company' or the **abbreviation** 'plc'. A private company should end with the word 'limited' or 'ltd', or, alternatively, 'unlimited'.

The fundamental **distinction** between the private and the public company is that the private company is **prohibited** from **seeking** finance from the public by **offering** its **shares** or **debentures** to the public. The public company, by contrast, may seek finance in this way.

Some other less important distinctions are set out below.

- A private company need have only one director; a public company must have at least two.

- A private company need have only one member; a public company must have at least two.

- The company secretary of a public company must have a **recognized professional qualification**; there is no such **requirement** for a private company.

- Before a public company may pay a dividend, it must **ensure** not only that it has trading **profits**, but also that its **capital assets** are **maintained in value** to at least the value of the **subscribed share capital** plus **undistributable** reserves. There is no such **statutory rule, imposing** such a need on a private company.

- A public company before it may **issue shares** in exchange for property must obtain an independent expert's evaluation of that property; there is no such need for a private company.

- A public company may not issue shares in exchange for services; there is no such **restriction** for a private company.

- A public company shall not **allot** shares in exchange for a **consideration**, which includes an **undertaking**, which may be per-

formed more than five years after the date of **allotment**; there is no such restriction for a private company.

- The directors of a public company must call an extraordinary general meeting if it **suffers a serious loss of capital**; there is no such requirement placed upon the directors of a private company.

- **Proxies** in a private company may speak at the meeting; in public companies they may not.

- In a private company, there are certain courses of action that may be undertaken by **elective resolution** to **dispense** with certain formalities such as the **holding of an annual general meeting**, the **laying of accounts** and the **annual appointment of auditors**; there is no such **provision** for public companies.

- Private companies may act by **unanimous** written resolution in most cases; there is no such formal provision for public companies.

- Where it is proposed to elect a director, aged 70 or above or to re-elect him to the board of a public company, special notice is required (this is also true of private companies, which are **subsidiaries** of public companies); in relation to most private companies, there is no such requirement.

Advantages of incorporation

The company has **access to limited liability**. Not all companies are limited. Indeed, there are many unlimited companies where liability of the members is not limited. The **advantage** of such companies is that they do not need to **file annual accounts**. By contrast, although there is such a thing as a limited partnership, in practice partnerships are **unable** to limit the liability of all the partners.

The company can separate **ownership** from control. The people who **subscribed** for the shares do not necessarily have any hand in the **running of the business**. This will be particularly true of a large **quoted company**. In the case of the partnership, the partners of the firm are agents and are able to act to **bind** the firm and are bound by the actions of the other partners.

Since the company is a separate entity, in theory it could **go on forever**. Many companies have a long **pedigree**. Partnerships have to be reformed and reconstituted upon the death or bankruptcy of individual partners.

Where a person wishes to invest money and needs the investment to be easily realizable, the company is the **appropriate vehicle**. This is particularly true if the company is quoted since there is then

a market mechanism for **disposing** of the shares of the business. In a partnership, it is likely that a partnership share will be much less easily realizable than shares in a company.

A further advantage for the company is in the context of **raising finance**. A company, again, as it is a separate entity, is able to **mortgage** all of its assets by way of a **floating** charge to secure a **borrowing** from, for example, a bank. This means of securing a loan and raising finance is not available to the partnership.

The costs of incorporation are minimal. On the other hand, there are certain **hidden costs** involved in incorporation. These costs would include the legal cost of setting the company up and the **annual on-going costs** of preparing company accounts, there are also many formalities, connected with setting up and running a company. In addition to the constitution of the company there is a **plethora** of company forms, that have to be filed in relation to the management of the company, shares issued by the company, debentures issued by the company and charges created by the company. The annual return has to be filed every year. Furthermore, the company is obliged to keep a series of company books at the company's registered office or some other **appropriate** place. These registers would include the register of members, directors and charges.

An important consideration for the **entrepreneurs** who are setting up in business is what the tax consequences of setting up as a company or as a partnership will be. It is not possible to say that the balance of advantage always lies with one form of business rather than another, but it will certainly be a powerful consideration when the entrepreneurs are weighing the relative advantages and disadvantages of each form of business medium.

All British companies have to be registered.

In Great Britain there is a **licensing procedure** to secure the professional competence, integrity and independence of people who act as trustees of bankrupt individuals or as liquidators, receivers or administrators of **insolvent** companies.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

1. to meet

a. tax

2. sets up

b. of auditors

- | | |
|----------------------------|--------------------|
| 3. conclude | c. of the business |
| 4. pays corporation | d. procedure |
| 5. recognized professional | e. contracts |
| 6. capital | f. vehicle |
| 7. annual appointment | g. assets |
| 8. running | h. qualification |
| 9. licensing | i. in business |
| 10. appropriate | j. the need |

2. Choose the best words to complete the sentences that follow:

- | | |
|----------------|---------------|
| a. income | f. private |
| b. requirement | g. hidden |
| c. unanimous | h. evaluation |
| d. access | i. commit |
| e. running | j. prohibited |

1. The company can own property, crimes and conclude contracts.

2. The tax is paid under the scheduledtax system by the individual partners in the firm.

3. The vast majority of companies are companies.

4. The private company is from seeking finance from the public by offering its shares or debentures to the public.

5. The company secretary of a public company must have a recognized professional qualification; there is no suchfor a private company.

6. A public company before it may issue shares in exchange for property must obtain an independent expert'sof that property;

7. Private companies may act by written resolution in most cases

8. The company has to limited liability.

9. The people who subscribed for the shares do not necessarily have any hand in the of the business.

10. There are certain costs involved in incorporation.

3. Match the following words in the text with their meanings, then use them to speak about company law.

- | | |
|----------------|---|
| 1. distinction | a. an official document produced by a company showing how much interest it will pay on a loan |
|----------------|---|

- | | |
|------------------|---|
| 2. assessment | b. someone who starts a new business or arranges business deals in order to make money, often in a way that involves financial risks |
| 3. debenture | c. something that someone needs or asks for |
| 4. requirement | d. a legal arrangement by which you borrow money from a bank or similar organization in order to buy a house, and pay back the money over a period of years |
| 5. allotment | e. the fact of owning something |
| 6. appointment | f. a clear difference or separation between two similar things |
| 7. ownership | g. a very large number of something, usually more than you need |
| 8. liability | h. an amount or share of something such as money or time that is given to someone or something, or the process of doing this |
| 9. mortgage | i. legal responsibility for something, especially for paying money that is owed, or for damage or injury |
| 10. plethora | j. a process in which you make a judgment about a person or situation, or the judgment you make |
| 11. entrepreneur | k. an arrangement for a meeting at an agreed time and place, for a particular purpose |

4. Fill in the correct prepositions: between, for(2), in , from(2), by, at, up. Make sentences using the completed phrases.

1. to meet the need proper regulation
2. set in business
3. the distinction the company and the partnership
4. prohibited seeking finance from the public
5. maintained..... value
6. proxies in a private company may speak the meeting
7. private companies may act..... unanimous written resolution in most cases
8. separate ownership control
9. mechanism disposing of the shares

READING COMPREHENSION SECTION

Complete the sentences using the information from the text.

1. The company is a separate
2. The company can own property,
3. A public company must have a minimum subscribed share capital of
4. The fundamental distinction between the private and the public company is that the private company is prohibited from
5. A private company need have only one director; a public
6. The company secretary of a public company must have a recognized
7. A public company before it may issue shares in exchange for property must
8. The directors of a public company must call an extraordinary general meeting if.....
9. Private companies may act by
10. In practice partnerships are unable to limit
11. The people who subscribed for the shares do not necessarily have any hand in
12. In the case of the partnership, the partners of the firm are agents and are able
13. The company is obliged to keep a series of
14. An important consideration for the entrepreneurs who are setting up in business is what the tax consequences
15. In Great Britain there is a licensing procedure to

DISCUSSION SECTION

Think and answer the following questions:

- Would you like to work as a company lawyer? Why?/Why not?
What do you think the company lawyer's obligations must be?
What documents must a company lawyer make?
Some companies give misleading descriptions of their goods and services. Can you give some examples of such descriptions?

WRITING ASSIGNMENT

Write a 200 word essay about a successful company. Try to describe it from the lawyer's point of view, expressing your attitude to the company's business.

USEFUL VOCABULARY

| | | |
|-------------------------|---|--|
| abbreviation | абрєвіатура | аббревиатура |
| advantage | перевага | преимущество |
| annual | щорічний | ежегодный |
| annual accounts | щорічні звіти | ежегодные отчеты |
| apply | вживатися | использоваться |
| appointment of auditors | призначення аудиторів | назначение аудиторов |
| appropriate | відповідний | соответствующий |
| bind | зобов'язувати (законом), підтверджувати (угоду) | обязывать (законом), подтверждать (сделку) |
| borrow | позичати | брать займы |
| capital assets | основні активи | основные активы |
| conclude a contract | укладати угоду, договір | заключать договор |
| consequence | наслідок | последствие |
| consideration | винагородження | вознаграждение |
| corporation tax | корпоративний податок | корпоративный налог |
| debenture | боргове зобов'язання | долговое обязательство |
| dispense | розподіляти | распределять |
| dispose | розпоряджатися | распоряжаться |
| distinction | різниця | разница |
| ensure | гарантувати | гарантировать |
| entrepreneur | підприємець | предприниматель |
| hidden costs | приховані витрати | скрытые издержки |
| income tax | податок на прибуток | подоходный налог |
| insolvent | неплатоспроможний | несостоятельный, неплатежеспособный |
| limited liability | обмежена відповідальність | ограниченная ответственность |
| loss of capital | втрата капіталу | потеря капитала |
| maintain in value | підтримувати цінність | поддерживать ценность |
| offer | пропонувати | предлагать |

| | | |
|-----------------------------|--|---|
| ownership | власність | собственность |
| partnership | партнерство | партнерство |
| pedigree | родовід,
походження | родословная,
происхождение |
| profit | прибуток | прибыль |
| prohibit | забороняти | запрещать |
| proper | належний | надлежащий |
| property | власність | владение |
| quoted company | компанія, акції якої
zareєстровані на
фондовій біржі | компания,
акции которой
зарегистрированы на
фондовой бирже |
| raise (finance) | добувати (гроші) | добывать (деньги) |
| recognized | визнаний | признанный |
| requirement | вимога | требование |
| running of the
business | керування, управління
підприємством | управление
предприятием |
| safeguard | захист | защита |
| seek | шукати | искать |
| separate | окремий | отдельный |
| separate entity | окрема правова
одиниця | отдельная правовая
единица |
| share | акція | акция |
| statutory rule | норма статутного
права | норма статутного
права |
| subscribed share
capital | акціонерний капітал,
що був випущений за
підпискою | акционерный
капитал, выпущенный
по подписке |
| subsidiary | філіал | филиал |
| tax assessment | оподаткування | налогообложение |
| to meet the need | вдовольнити потребу | удовлетворит
потребность |
| unable | нездатний | неспособный |
| unanimous | одностайний | единодушный |
| undertaking | взяте
зобов'язання | принятое
обязательство |

Unit 3. THE LAW OF CONTRACT

PRE-READING SECTION

Before reading discuss these questions:

1. Do you know what a contract is?
2. Why do people and organizations make contracts?
3. Have you ever signed any contracts yourself?
4. When do most people sign a contract?
5. Can you give any examples of contracts?

READING SECTION

You are going to read a text about the law of contract. Choose the most suitable heading-question from the list (A-Q) for each part (1-16) of the text. There is one extra question which you do not need to use. There is an example at the beginning (0). Try to explain the words in bold.

The Law of Contract

- A. Why does contract law exist?
- B. What are the key elements of a binding contract?
- C. What is the performance of a contract?
- D. What is contract law based on?
- E. What is a contract?
- F. What does the offer of a contract mean?
- G. Does a contract have to be notarized?
- H. Must the contract be in writing?
- I. When does a breach of contract occur?
- J. What is a common feature of corporation legislation?
- K. When may the contract be void or voidable ?
- L. What can you say about contracts that the law calls «unconscionable»?
- M. What does insolvent mean?
- N. What does the contract require?
- O. Are there different kinds of acceptance?
- P. Can I change my mind after entering a contract?
- Q. What are my remedies in the event there is a breach?

PART ONE (Paragraphs 1-8)

| | |
|---|---|
| 0 | A |
|---|---|

A contract is **made up** of a **promise** of one person to do a certain thing **in exchange** for a promise from another person to do another thing. Contract law exists to make sure that people keep their promises and that if they do not, the law will **enforce** it upon them.

| | |
|---|--|
| 1 | |
|---|--|

Contract law is based on several Latin legal principles, the most important of which is *consensus ad idem*, which means a meeting of the minds between the parties or, in other words, a clear understanding, offering and **acceptance** of each person's **contribution**. Lawyers say that it is from the moment of "*consensus ad idem*" that a contract is formed and may be **enforced by the courts**.

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| 2 | |
|---|--|

A contract is an **agreement** between two or more persons (individuals, businesses, organizations or government agencies) to do, or to **refrain** from doing, a **particular** thing in exchange for something **of value**. Contracts generally can be written, using formal or informal terms, or **entirely verbal**. If one side **fails** to live up to his/her/its part of the **bargain**, there's a "**breach**" and certain **remedies** for solving the differences are **available**. The terms of the contract – the who, what, where, when, and how of the agreement – define the **binding** promises of each party to the contract.

| | |
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| 3 | |
|---|--|

So a contract requires an agreement between the parties. But not all agreements are contracts. Non-business, religious, or **charitable** agreements are not always contracts. The same has been said of family or household agreements (in one 1991 case, a casual arrangement between friends to share hockey tickets was held not to be a contract: *Eng v. Evans*). In fact, there exists a common law presumption against such agreements being contracts, although this presumption can be **rebutted**. **Conversely**, where an agreement issues from a **commercial relationship**, it will be presumed to be a contract.

Competent Parties – For a contract to be **valid**, each side must have the capacity to enter into it. Most people and companies have **sufficient legal competency**. A **drugged** or **mentally-impaired person** has **impaired** capacity and the chances are that a court may not hold that person to the contract. **Minors** (e.g., usually those under eighteen) cannot, generally, enter into a binding contract without parental **consent**, unless it is for the necessities of life, such as food, clothing, or for **student loan contracts**.

Consideration – If the other side is to be held to the contract, you must give up something in exchange. This is called consideration. No side can have a free way out or the ability to **obtain** something of value without **providing** something in exchange. Money is the most common form of compensation, but it can also be **property**, giving up a right or **valid claim**, making a promise to do or not to do something, or anything of value. Agreeing to **perform** an **illegal** or **illicit act** is not consideration and the contract is **void**.

Mutual Assent or Meeting of the Minds – This means that each side must be clear as to the **essential** details, rights, and obligations of the contract. Putting the deal down on paper **prior** to signing it goes a long way to **avoid** future **misunderstandings** and **disputes**. Meeting of the minds sometimes can be expressed by words spoken or **gestures** made or can be **inferred** from the **surrounding circumstances**. There is no meeting of the minds if: (1) one side is **obviously** joking or **bragging**, (2) there is no actual agreement (i.e., the farmer who is selling a **gelding** and the buyer thinks the horse is a **brood mare**), or (3) both sides have made a material mistake as to the terms or details of the contract.

When you ask someone to do something, or **offer** to see someone for a **price**, you are making an offer. An offer is the first step in forming a contract. The **middle** step is the other party's **acceptance of the deal**. The last step is performance – where you each live up to your side of the bargain.

Words, gestures, or actions can signal an offer to enter into a contract and an acceptance. If you **are forced** to make an offer (“your money or life”) it is not a valid offer. Similarly if you are tricked into

accepting, it will not be **deemed** acceptance of the terms offered. To have a binding **obligation** on both sides, both sides must approve and accept the terms and conditions of the offer. Offers remain open until: (1) **accepted**, (2) **rejected**, (3) **retracted prior to acceptance**, (4) countered, or (5) expired by their own terms.

If you **reject an offer**, you have no contract unless at a later date a new offer is put on the table (called a “counter-offer”). A **counter-offer** is a new set of terms and conditions given **in response** to the original offer. The difference between the original offer and the counter-offer may be just one **clause** in particular or **multiple provisions** or the entire contract.

Be **mindful** that you can **take back** or **withdraw** an offer at any time before the other side has agreed to the **deal**. This is called **retraction** (proving that you have withdrawn the offer before the other side accepted may present a problem). On the other hand, changing your mind after you have **signed** or agreed **precludes retraction**. Absent **compelling** reasons for not holding up to your end of the **bargain**, you will be a party to a contract.

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| 6 | |
|---|--|

Yes. **Acceptance** typically can come in one of three types:

(1) **Express** – a direct and absolute **outward** manifestation of agreement, such as, “I accept your offer.”

(2) **Implied** – the acts of the parties show that the offer has been accepted, such as when both parties to a contract begin to perform the terms of the contract.

(3) **Conditional** – acceptance is conditional on the happening of something, such as, “I accept your offer so long as you **trim** my tree in the next two days.” By its terms, a conditional acceptance is a counter-offer.

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| 7 | |
|---|--|

That **depends** primarily on the **nature and subject matter** of the contract. If you orally agree to **purchase** your brother’s 1988 Ferrari that is in “**mint** condition” for \$25,999.99, that agreement is legal. As a general rule, however, it is **wiser** to have the terms written in understandable language – plain English – to save future **misinterpretations** and **errors**.

Most states have laws (called “**Statutes of Frauds**”) listing the types of contracts that must be written in order to be **enforceable**. The purpose of the Statutes of Frauds is to **prevent fraudulent claims** from arising. Although the laws vary from state-to-state, the most common examples of contracts that generally must be in writing are:

- **sales** of real property;
- promises to pay someone’s **debt obligations**;
- a contract that takes longer than one year to complete;
- real property **leases** that run for more than a year;
- contracts for **an amount** or other consideration that **exceeds** the state’s **threshold**;
- a contract that will go beyond the lifetime of the one performing the contract;
- the **transfer** of property upon the death of the party performing the contract.

If you agree **verbally** to a type of contract listed in your state’s Statutes of Frauds without getting the agreement in writing, the contract is not enforceable, although there are some **exceptions**. Because state laws vary in this area, it is strongly **suggested** that you consult with your **attorney** if only to **review** the proposed contract. Do not wait until after you have signed. That can be too late.

| | |
|---|--|
| 8 | |
|---|--|

Typically no. A notary public (or simply “notary”) provides an **acknowledgment** that the **signature** appearing on the document is that of the person whose signature it **purports** to be. There is a requirement that some documents be notarized, such as a **real property deed**. Unless specifically required by state or municipal law, a contract does not have to be acknowledged before a notary public.

VOCABULARY PRACTICE (Paragraphs 1-8)

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|----------------|-----------------|
| 1. legal | a. relationship |
| 2. enforced by | b. person |
| 3. charitable | c. assent |
| 4. commercial | d. reasons |

- | | |
|----------------------|------------------|
| 5. mentally-impaired | e. the courts |
| 6. mutual | f. principles |
| 7. surrounding | g. an offer |
| 8. reject | h. obligations |
| 9. compelling | i. circumstances |
| 10. debt | j. agreements |

2. Choose the best words to complete the sentences that follow:

- | | |
|----------------|-----------------|
| a. charitable | f. price |
| b. valid | g. promise |
| c. surrounding | h. acknowledged |
| d. leases | i. illicit |
| e. multiple | j. refrain |

1. A contract is made up of a of one person to do a certain thing in exchange for a promise from another person to do another thing.

2. A contract is an agreement between two or more persons (individuals, businesses, organizations or government agencies) to do, or to from doing, a particular thing in exchange for something of value.

3. Non-business, religious, or agreements are not always contracts.

4. For a contract to be, each side must have the capacity to enter into it.

5. Agreeing to perform an illegal or act is not consideration and the contract is void.

6. Meeting of the minds sometimes can be expressed by words spoken or gestures made or can be inferred from the circumstances.

7. When you ask someone to do something, or offer to see someone for a, you are making an offer.

8. The difference between the original offer and the counter-offer may be just one clause in particular or provisions or the entire contract.

9. Real propertythat run for more than a year.

10. Unless specifically required by state or municipal law, a contract does not have to be before a notary public.

3. Match the words below to their meanings, then use them to speak about contract of law.

- | | |
|--------------------|---|
| 1. promise | a. relating to giving help to the poor |
| 2. acceptance | b. the act of admitting or accepting that something is true |
| 3. charitable | c. approval or agreement from someone who has authority |
| 4. valid | d. a statement that you will definitely do or provide something or that something will definitely happen |
| 5. void | e. your name written in the way you usually write it, for example at the end of a letter, or on a cheque etc to show that you have written it |
| 6. assent | f. legally or officially acceptable |
| 7. acknowledgement | g. when you officially agree to take something that you have been offered |
| 8. signature | h. the way in which two or more things are connected and affect each other |
| 9. relationship | i. not legal and having no effect |

4. Fill in the correct prepositions: of, on(2) , from(2), for, between, by, before, without. Make sentences using the completed phrases.

1. contract law is based several Latin legal principles
2. a meeting the minds between the parties
3. enforced the courts.
4. to refrain doing, a particular thing
5. remedies solving the differences
6. the ability to obtain something of value providing something in exchange.
7. The difference the original offer and the counter-offer
8. to prevent fraudulent claims arising
9. the signature appearing the document
10. a contract does not have to be acknowledged a notary public

READING COMPREHENSION SECTION
(Paragraphs 1-8)

Complete the sentences using the information of the text.

1. A contract is made up of a promise of one person to do a certain thing in ...
2. Contract law is based on ...
3. A contract is an agreement between
4. If one side fails to live up to his/her/its part of the bargain,.....
5. For a contract to be valid, each side must
6. Minors (e.g., usually those under eighteen) cannot, generally, enter into a binding contract without.....
7. There is no meeting of the minds if.....
8. When you ask someone to do something, or offer to see someone for a price, you are
9. Offers remain open until.....
10. If you reject an offer, you have no contract unless.....
11. A counter-offer is.....
12. The purpose of the Statutes of Frauds is.....
13. If you agree verbally to a type of contract listed in your state's Statutes of Frauds without getting the agreement in writing.....

PART TWO (Paragraphs 9-15)

| | |
|---|--|
| 9 | |
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Performance is actually completing the deal **according** to the terms given in the contract. For example, you want to buy that **snazzy** looking 1998 Ferrari at your local **dealer's clearance sale**. Your dealer, Mr. X, offers to sell you that **slick-looking** Italian car if you pay him \$97,000. After a **bit of bargaining**, you agree to the **terms** and get the car at a **reduced** price of \$96,995, signing on the **dotted line**. A contract has been accepted. Mr. X, your car dealer, will deliver the 1997 Ferrari and then you pay him the **balance due**. The dealer's **delivery** of the car and your payment of \$96,995 are the performance of the contract.

Both parties must live up to their end of the bargain in the contract to have **closure**. In other words, until both parties have properly performed under the contract, the contract **remains** open.

If one side **fails** to **stick** to its/his/her part of the bargain, there is a **breach**. A breach **occurs** when:

- one party to a contract makes it **impossible** for the other parties to the contract to perform;
- a party to the contract does something against the **intent** of the contract; or
- a party absolutely **refuses** to perform the contract.
- Not all breaches of contract are necessarily “contract killers” which would end up in a **lawsuit**. Much would depend on whether the breach is “material” or “immaterial” and who the parties are. If the breach is immaterial, you may have the option to:
 - ignore or excuse the defect and continue on as if nothing occurred,
 - point out the problem to the responsible side and give it/her/him an opportunity to fix it,
 - refuse to pay anything more until it is fixed, or
 - correct the work yourself and deduct the cost from any payment.

What makes sense for you will depend on the facts. Where the matter is substantial, the advice of an attorney can help you.

Although much more information is contained in the section on remedies, you may have a choice of **remedies**:

(1) **Compensatory Damages** – money to **reimburse** you for costs to compensate for your **loss**.

(2) **Consequential** and **Incidental Damages** – money for losses caused by the breach that were **foreseeable**. Foreseeable damages means that each side reasonably knew that, at the time of the contract, there would be potential losses if there was a breach.

(3) Attorney **fees** and **Costs** – only **recoverable** if expressly provided for in the contract.

(4) **Liquidated Damages** – these are damages specified in the contract that would be payable if there is a fraud.

(5) **Specific Performance** – a court order requiring performance exactly as specified in the contract. This remedy is **rare**, except in **real estate transactions** and other unique property, as the courts do not want to get involved with monitoring performance.

(6) **Punitive Damages** – this is money given to punish a person who acted in an **offensive** and **egregious** manner in an effort to **deter** the person and others from repeated occurrences of the wrongdoing. You generally cannot collect punitive damages in contract cases.

(7) **Rescission** – the contract is canceled and both sides are excused from further performance and any money advanced is returned.

(8) **Reformation** – the terms of the contract are changed to **reflect** what the parties actually intended.

Bear in mind that it often makes sense for both parties to directly **negotiate** a settlement for a breach. However, if the matter involves a significant amount of money, a wise option would be to retain an attorney to help you **propose settlement terms** and to review any proposed settlement in advance.

Other alternatives for dispute resolution include mediation and arbitration. These **avenues** for obtaining a remedy may be more cost effective than simply filing a **lawsuit** and letting the court settle the dispute.

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That largely depends on the nature of the contract.

As a practical matter, many local merchants will have “return” policies that permit a buyer to return unused merchandise within a certain time for a full return with no questions asked. Some states have laws giving consumers the right to return merchandise within 7 to 14 days, unless the store predominately posts a “No Return” or “Final Sale” notice.

If the contract involves home repairs, you also have the right to change your mind, typically within 72 hours from signing the contract. The FTC and many states also have “cooling-off” laws involving major purchases, such as new cars.

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It is a **common feature** of corporation legislation to give companies the ability to contract, as long as their contracts are within the **scope** of their stated purpose. To get around this, many companies make sure their incorporation documents are very generally worded so as to **prevent** any **restriction** on their **ability** to contract.

With **mentally-challenged** persons, the contract may be void or voidable at the minor's or mentally-challenged person's option. With children, contracts can be voided at their request if they are not **beneficial** to the child. One exception exists and that is a contract for necessities of life. The rule was stated in a 1925 case, *Miller v. Smith & Co.*, in which the judge said an "infant may bind himself to pay for his necessary meat, drink, clothing, medicines and likewise for his teaching or instruction." Remember also that if a minor **ratifies** a contract upon reaching the age of majority, he or she is then bound to it.

The situation is different with regards to a person judicially declared to be mentally **incompetent**. Here, the contract is voidable at the option of the incompetent person if the other party knew about the mental incompetency or ought to have known under the circumstances. Again, an exception is made for contracts for the delivery of necessities of life for which even a mentally incompetent person would be liable.

A totally drunk person also **lacks** the ability to consent to a contract and has the option of voiding a contract signed while intoxicated, providing it is done at the earliest opportunity upon sobriety.

A contract accepted under **threat** of physical, mental or economic **harm**, may be voided by the party so threatened. Acceptance must be freely given. The same is true for contracts entered into between persons in a relationship of power imbalance. The law calls this "**undue influence**" and it will be presumed in some cases such as parent-child, trustee-beneficiary or doctor-patient contracts. The case law offers two varieties of undue influence. Duress is a common law doctrine and, technically, includes the element of compulsion. Contracts executed under duress are voidable. Undue influence *per se* is an equity remedy and involves the "**unconscientious**" use by one person of power possessed by him over another in order to induce the other to enter a contract. Duress falling short of the common law requirements may also constitute undue influence in equity (*Brooks v. Alker* 1975 DLR 577).

Another category of contract situations where consent seems to be fatally affected are what the law calls "unconscionable" contracts.

This is a **slippery** area of the law which suffers from a lack of judicial unanimity. In essence, the theory is that the court will rescind contracts which are totally unfair and, while just short of being fraudulent, are considered “unconscionable.” Although legal academics try to do so, it is difficult to intellectually differentiate this from the theory of undue influence discussed above because, in both cases, it deals with a **power relationship** imbalance and the taking advantage of this imbalance. Also, opening up the flood-gates of judicial review of contracts on the grounds of “unconscionability” could result in a **plethora** of contracts being brought to court as every person who had **improperly negotiated** a contract would seek judicial relief.

VOCABULARY PRACTICE (Paragraphs 9-15)

1. *Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.*

- | | |
|----------------------------|-----------------|
| 1. slick- | a. stick |
| 2. fails to | b. looking |
| 3. deduct | c. a settlement |
| 4. compensatory | d. the cost |
| 5. offensive and egregious | e. merchandise |
| 6. negotiate | f. the child |
| 7. obtain | g. damages |
| 8. to return | h. manner |
| 9. beneficial to | i. influence |
| 10. undue | j. a remedy |

2. *Choose the best words to complete the sentences that follow:*

- | | |
|---------------|----------------|
| a. remains | f. mediation |
| b. losses | g. legislation |
| c. cancelled | h. voiding |
| d. consumers | i. impossible |
| e. completing | j. negotiate |

1. Performance is actually the deal according to the terms given in the contract.

2. In other words, until both parties have properly performed under the contract, the contract open.

3. A breach occurs when one party to a contract makes it for the other parties to the contract to perform;

4. Consequential and Incidental Damages – money for caused by the breach that were foreseeable.

5. Rescission – the contract is and both sides are excused from further performance and any money advanced is returned.

6. It often makes sense for both parties to directlya settlement for a breach.

7. Other alternatives for dispute resolution include and arbitration.

8. Some states have laws giving the right to return merchandise within 7 to 14 days, unless the store predominately posts a «No Return» or «Final Sale» notice.

9. It is a common feature of corporation to give companies the ability to contract, as long as their contracts are within the scope of their stated purpose.

10. A totally drunk person also lacks the ability to consent to a contract and has the option ofa contract signed while intoxicated, providing it is done at the earliest opportunity upon sobriety.

3. Fill in the correct prepositions: at, out, from(2), under(2), against, at, with, for. Make sentences using the completed phrases.

1. get the car a reduced price

2. a party to the contract does something the intent of the contract

3. point the problem to the responsible side

4. deduct the cost..... any payment.

5. money losses caused by the breach that were foreseeable.

6. the contract is voidablethe option of the incompetent person

7. a contract acceptedthreat

8. contracts executed duress

9. suffers a lack of judicial unanimity

10. it deals a power relationship

READING COMPREHENSION SECTION

Complete the sentences using the information of the text.

1. Until both parties have properly performed under the contract,

2. If one side fails to stick to her/hers/its part of the bargain,.....
3. Not all breaches of contract are necessarily “contract killers” which
4. Compensatory Damages – money to reimburse you for costs to
5. Liquidated Damages – these are damages specified in the contract that would be payable if
6. If the contract involves home repairs, you also have the right to change your mind, typically
7. It is a common feature of corporation legislation to give companies the ability to contract, as long as their contracts are
8. With mentally-challenged persons, the contract may be void or voidable at the minor’s or
9. A contract accepted under threat of physical, mental or economic harm, may be voided by
10. Another category of contract situations where consent seems to be fatally affected are what the law calls

PART 3. A CONTRACT (CONCLUSION)

Complete the following text by translating the words and expressions in brackets. Try to retell it.

A contract is an (угода) between two or more parties, which is enforceable in law. A (дійсний) business contract, for instance, must involve an offer to supply goods, consideration (the price to be paid) and acceptance by the purchaser. The offer may be revoked at any time before acceptance but this must be communicated to the (покупець). Acceptance of an offer must agree entirely with the terms of the offer. In addition, the object of the contract must be (законний); it is against the law for two people to make a deal between themselves if this involves committing a criminal offence.

It can happen that in an apparently valid contract, consent to the agreement does not express the true (намір) of the consenting party. This may arise from mistake, misrepresentation, (шахрайство), duress or undue influence. Under legislation passed in 1967 the (жертва) of misrepresentation can obtain rescission of the contract providing that no delay has taken place in seeking this. If fraud is involved, the injured party can avoid the contract and sue for (збитки).

An example of a contract is the purchase of goods in a shop. If the goods purchased turn out to be shoddy, the purchaser can sue the seller for (порушення) of contract. Conversely, if the (володіння) of the goods passes to the purchaser and they are not paid for, the seller can sue for the price of the goods. Similarly, an employer is bound to pay an employee for work done; if he or she fails to do so, a breach of contract action can take place.

Some contracts are written – for example, sale of a house. The seller and purchaser exchange a written contract and, once the exchange takes place, the seller is obliged to sell to the purchaser and vice versa.

If the person making the offer fails to carry out his or her (зобов'язання) under the contract, he or she can be sued for damages in the (цивільний) courts.

Contracts have to state which law should (застосувати) in cases of dispute.

There is some statute law designed to protect (споживачі). Legislation, for example, covers the sale of goods, the supply of goods and services and the way that goods and services are described. It also regulates the marking and accuracy of quantities.

DISCUSSION SECTION

Think and answer these questions:

1. Do you agree with the statement that the whole contract must be written? Why? /Why not?
2. Do you think most companies have sufficient legal competency in making the contracts?
3. Can you give any examples of contracts?
4. Do you know what happens if the person making the offer fails to carry out his or her obligations under the contract?

WRITING ASSIGNMENT

Write a 200-word essay about different types of contracts.

USEFUL VOCABULARY

ability
acceptance

можливість
прийняття

возможность
принятие

| | | |
|------------------------|--|---|
| acceptance of the deal | прийняття угоди | принятие сделки |
| acknowledgment | підтвердження | подтверждение |
| agreement | згода | согласие |
| available | доступний | доступный |
| balance | залишок | остаток |
| bargain | угода | сделка |
| beneficial | вигідний | выгодный |
| binding | сполучний,
з'єднувальний | связующий |
| brag | хвалитися | хвастаться |
| breach | порушення | нарушение |
| charitable | благодійний | благотворительный |
| circumstance | обставина | обстоятельство |
| claim | вимагати | требовать |
| clearance sale | кінцевий
розпродаж | окончательная
распродажа |
| closure | припинення дебатів,
обговорення | прекращение
прений |
| common | звичайний | обычный |
| compel | примушувати | заставлять |
| conditional | умовний | условный |
| contribution | внесок | вклад |
| conversely | напроти | напротив |
| counter-offer | зустрічна
пропозиція | встречная
пропозиция |
| debt obligation | боргове
зобов'язання | долговое
обязательство |
| deduct | віднімати | вычитать |
| deed | завірений
юридичний
документ | заверенный
юридический
документ |
| deem | вважати | считать |
| delivery | доставка | доставка |
| deter | стримувати | сдерживать |
| dotted line | пунктир | пунктир |
| drugged | той, що перебуває
під дією наркотиків | находящийся под
воздействием
наркотиков |

| | | |
|-------------------|--------------------------|-------------------|
| egregious | кричущий | вопиющий |
| enforce | здійснювати | осуществлять |
| entirely verbal | примусово | принудительно |
| error | цілком усний | всцело устный |
| essential | помилка | ошибка |
| | обов'язковий, | обязательный, |
| | необхідний | необходимый |
| exceed | перевищувати | превышать |
| express | виражений | выраженный |
| fee | плата | плата |
| foreseeable | передбачуваний | предвидимый |
| fraud | шахрайство | мошенничество |
| harm | шкода | вред |
| ignore | ігнорувати | игнорировать |
| impair | шкодити | вредить |
| implied | той, що мається на увазі | имеющийся в виду |
| improperly | неправильний | неправильный |
| in exchange | на зміну | взамен |
| infer | виводити | выводить |
| intent | намір | намерение |
| judicial relief | судова допомога, | судебная помощь, |
| | засіб судового | способ судебной |
| | захисту | защиты |
| lack | не мати | не иметь |
| lawsuit | судовий процес | судебный процесс |
| lease | оренда | аренда |
| mental | психічний | психический |
| misinterpretation | неправильне | неверное |
| | тлумачення | толкование |
| misunderstanding | непорозуміння | недоразумение |
| mutual assent | взаємна згода | взаимное согласие |
| negotiate | обговорювати | обсуждать |
| obligation | обов'язок | обязательство |
| obtain | набувати | получать |
| offensive | той, що завдає | причиняющий |
| | неприємність або | неприятность или |
| | шкоду | вред |

| | | |
|-------------------------|---|---|
| opportunity | можливість | возможность |
| option | вибір, варіант | выбор, вариант |
| outward | зовнішній | внешний |
| particular | особливий | особенный |
| preclude | передувати | предшествовать |
| promise | обіцянка | обещание |
| property | власність, майно,
право власності | собственность,
имущество, право
собственности |
| punitive | каральний | карательный |
| purchase | купувати,
придбавати | покупать,
приобретать |
| purport | мати на увазі,
розуміти | иметь в виду,
подразумевать |
| ratify | схвалювати,
стверджувати | одобрять,
утверждать |
| real estate transaction | угода з нерухомістю | сделка с
недвижимостью |
| rebutted | спростований | опровергнутый |
| recoverable | той, що підлягає
стягненню у
судовому порядку | подлежащий
взысканию в
судебном порядке |
| reduce | зменшити | уменьшать |
| reflect | відображувати | отражать |
| refrain | утриматися | воздержаться |
| refuse | відмовлятися | отказываться |
| reimburse | відшкодувати | возмещать |
| reject | відкидати | отклонять |
| relationship | відношення | отношение |
| remedy | засіб судового
захисту | средство судебной
защиты |
| rescission | розривання | расторжение |
| responsible side | відповідальна
сторона | ответственная
сторона |
| retract | відмовлятися | отказываться |
| review | розглядати | рассматривать |
| scope | обсяг, діапазон | охват, диапазон |
| signature | підпис | подпись |

| | | |
|-----------------|------------------|-------------------------|
| slippery | слизький | скользкий |
| subject | предмет | предмет |
| sufficient | достатній | достаточный |
| surrounding | оточуючий | окружающий |
| threat | погроза | угроза |
| threshold | поріг | порог |
| trim | підрізати | подрезать |
| unconscientious | несумлінний | недобросовестный |
| undue influence | неналежний вплив | ненадлежащее
влияние |
| valid | дійсний | действительный |
| value | цінність | ценность |
| void | недійсний | недействительный |
| voidable | заперечуваний | оспоримый |
| withdraw | забирати | забирать |

SAMPLES OF CONTRACTS

Match the clauses of the contracts with their translation.

Contract 1

| | |
|--|---|
| <p>CONTRACT № _____
Of transport dispatch.</p> <p>Country _____
City _____
" _____ " _____ 20____</p> <p>_____
, hereinafter referred to as the "Customer",
in the person of _____
Statute,
on the one part, and
_____, hereinafter referred to as the
"Forwarding Agent" , in the person of _____
_____, acting on the basis
of the Statute, on the other part, and
have concluded the present contract to the effect that:</p> | <p>a) Умови та порядок розрахунків
– Оплата проводиться на підставі рахунка-фактури, виставленого на кожну поставку протягом 5 днів з моменту відвантаження вантажу Замовника з порту відправлення вантажу.
– Замовник та/або третя особа, зазначена Замовником, сплачує Експедитору суму, вказану в рахунку-фактурі протягом 30 днів з моменту його виставлення, але не пізніше поставки вантажу у пункт призначення, шляхом перерахування коштів на рахунок Експедитора.
– Сторони погодили, що платіж за надані Експедитором послуги за цим Договором може бути здійснено третьою особою, яка діє за дорученням Замовника. Після оплати третьою особою за надані Експедитором послуги за цим Договором Експедитор претензій до Замовника не має.</p> |
|--|---|

1. The Subject of the Contract

– The Customer commissions and the Forwarding Agent undertakes on behalf and at the expense of the customer to perform a number of works and measures as to transportation of the Customer's cargo by air or by sea using international traffic by means of freighting sea or air vehicles of the Third Party (The Carrier). The Customer shall pay for the services rendered by the Forwarding Agent.

b) Форс-мажор

– Сторони звільнюються від відповідальності за повне чи часткове невиконання або неналежне виконання зобов'язань, передбачених цим Договором, якщо воно сталося внаслідок дії форс-мажорних обставин.

– Під форс-мажорними обставинами в цьому Договорі слід розуміти будь-які обставини зовнішнього щодо Сторін характеру, що виникли без вини Сторін, поза їх волею або всупереч волі чи бажанню Сторін, і які не можна було ні передбачити, ні уникнути, включаючи стихійні явища природного характеру (землетруси, повені, урагани, руйнування в результаті блискавки тощо), лиха техногенного та антропогенного походження (вибухи, пожежі), обставини суспільного життя (воєнні дії, громадянські заворушення, епідемії, страйки, тощо), а також видання актів органів державної влади чи місцевого самоврядування, інші законні або незаконні заборонні заходи названих органів, які унеможливають виконання Сторонами зобов'язань за цим Договором або перешкоджають такому виконанню, тощо.

– Сторона, що не має можливості належним чином виконати свої зобов'язання за цим Договором внаслідок дії форс-мажорних обставин, повинна письмово повідомити іншу Сторону про існуючі перешкоди та їх вплив на виконання зобов'язань за цим Договором.

| | |
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| | <p>– Якщо форс-мажорні обставини діють протягом 3 (триох) місяців поспіль і не мають ознак припинення, цей Договір може бути розірваний Замовником або Експедитором шляхом направлення письмового повідомлення про це іншій Стороні.</p> <p>– Існування форс-мажорних обставин повинно бути підтверджено компетентним органом – торгово-промисловою палатою відповідної країни Сторони.</p> |
| <p>Conditions of Transportation</p> <p>– The basis for performance of the Forwarding Agent's works and measures as to transportation of the Customer's cargo shall be a notice of the Provider signing a Supply Agreement with the Customer, hereinafter referred to as "the Notice".</p> <p>– The Customer undertakes to supply the Forwarding Agent with the Notices on time.</p> <p>– The description and the weight of the cargo, the point of loading, the date and the time of loading of the cargo are to be specified in the Notice.</p> <p>– The Notice is to be delivered to the Forwarding Agent no later, than at 24 hours' notice prior to the date and time of loading, specified in it.</p> <p>– The Forwarding Agent is to inform the Customer and the person, mentioned in paragraph 2.1 of this contract of any defects, revealed in the information included in the Notice. Should a lack of information occur, the Forwarding Agent is to request the Customer to supply additional information.</p> | <p>с) Обов'язки та права Сторін Замовник зобов'язаний:</p> <p>– Замовник повинен забезпечити своєчасність надходжень повідомлень до Експедитора.</p> <p>– Забезпечити товар до навантаження.</p> <p>– Повідомити Експедитора у найкоротші строки про зміну пункту навантаження чи зміну пункту розвантаження.</p> <p>– Оплатити згідно з виставленим рахунком. Вартість послуг Експедиторазначається в «Загальних умовах роботи Експедитора»</p> <p>– Оплатити вартість страхування вантажу відповідно до укладеного Експедитором договору страхування вантажу Замовника.</p> <p>– Оплатити вартість послуг перевізника, з яким Експедитор уклав договір перевезення вантажу Замовника.</p> <p>– Сповістити Експедитора про відмову від поданого повідомлення не пізніше як за 24 години до вказаної в ньому дати навантаження.</p> |

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| <p>– For the purpose of carrying out the necessary works and measures as to the cargo transportation, mentioned in paragraph 1.1 of the present contract, the Forwarding Agent is to make shipment contracts with the third parties – the Carriers.</p> <p>– The cargo is to be unloaded in the point, specified by the Customer separately for every shipment.</p> <p>– In case of transportation by sea the cargo is to be unloaded in the port of Illichevsk (Ukraine), the port of Odessa (Ukraine), the port of Klaipeda (Lithuania) (in case of a transit) or any other port, specified by the Customer (by letter).</p> <p>– In case of transportation by air the cargo is to be unloaded in the airport of Dnipropetrovsk, airport of Kiev, airport of Frankfurt (in case of a transit) or any other airport, specified by the Customer (by letter).</p> <p>– The Forwarding Agent is to inform the Customer of the date and time of the unloading no later than at a three days' notice prior to the date of unloading.</p> <p>– The Forwarding Agent is to supply the Customer with all the shipping documents no later than 3 days before the unloading, but no earlier, than the Customer effects full payment for the particular services provided by the Forwarding Agent.</p> <p>– The Forwarding Agent undertakes to insure the cargo of the Customer for the whole time of its transportation to the point of destination at the expense of the</p> | <p>Замовник має право:</p> <ul style="list-style-type: none"> – Вимагати від Експедитора виконання своїх обов'язків за Договором. – Відмовитися від послуг Експедитора, якщо подані транспортні засоби з комерційного погляду не забезпечують фізичне або якісне збереження пред'явленого вантажу. – Відмовитися від послуг Експедитора, якщо транспортні засоби не подані до пункту навантаження в дату, вказану в повідомленні. – Відмовитися від поданого повідомлення, попередивши про це Експедитора не пізніше як за 24 години до вказаної в повідомленні дати навантаження. <p>Експедитор зобов'язаний:</p> <ul style="list-style-type: none"> – Повідомити Замовника про виявлені в повідомленні недоліки одержаної інформації, а в разі її неповноти – вимагати у Замовника необхідну додаткову інформацію. – Повідомити Замовника про неможливість подачі транспорту не пізніше як за 24 години до вказаної в повідомленні дати навантаження. – Подати для перевезення вантажу Замовника справні транспортні засоби, придатні для перевезення вантажу, зазначеного в повідомленні, що відповідають міжнародним технічним, санітарним та митним вимогам, з комплектом належним |
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Customer. The person, specified by the Customer is registered as beneficiary in the Insurance contract. The points of the contract of insurance are to be agreed with the Customer.

чином оформлених товарно-транспортних та інших документів, погоджених із Замовником, у відповідній кількості примірників.

- Заповнити всі документи, необхідні для перевезення вантажу Замовника, згідно з інструкціями Замовника. Проекти заповнених документів направити Замовнику для ознайомлення. Тільки після погодження Замовником документів, оформити оригінали.
- Забезпечити своєчасне подання транспортних засобів до пункту навантаження в дату, вказану в повідомленні.
- Перевірити подані транспортні засоби з комерційного погляду для забезпечення як фізичного, так і якісного збереження пред'явленого вантажу.
- Здійснити комплекс робіт та організаційних заходів щодо перевезення вантажу, зазначеного в повідомленні, за маршрутом, погодженим із Замовником.
- Доставити вантаж, зазначений в повідомленні, в пункт розвантаження .
- Забезпечити збереження вантажу з моменту його прийняття перевізником та до моменту видачі в пункті призначення уповноваженій на одержання вантажу особі.
- Здійснити оформлення у встановленому порядку транспортних документів і дорожніх листів.

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| <p>Rights and Obligations of the Parties
The Customer is obliged:</p> <ul style="list-style-type: none"> - The Customer is obliged to ensure timely delivery of the Notices to the Forwarding Agent. - The Customer is obliged to provide the goods for loading. - The Customer is obliged to notify the Forwarding Agent of the changes of the points of loading or unloading within the shortest time possible.. - The Customer is obliged to make payment for the services of the Forwarding Agent in accordance with the invoice. The cost of the services of the Forwarding | <ul style="list-style-type: none"> - Здійснити за рахунок Замовника митне оформлення вантажу, оплату всіх зборів, передбачених законодавством, для перевезення даного вантажу. - За рахунок Замовника укласти договір страхування вантажу на час його перевезення до пункту призначення <p>Експедитор має права:</p> <ul style="list-style-type: none"> - Укласти з третіми особами – Перевізниками – договори перевезення вантажу Замовника для здійснення необхідного комплексу робіт та організаційних заходів щодо перевезення вантажу Замовника. - Вимагати від Замовника оплатити виконані послуги. |
| <p>The Customer is obliged to notify the Forwarding Agent of the changes of the points of loading or unloading within the shortest time possible..</p> <p>The Customer is obliged to make payment for the services of the Forwarding Agent in accordance with the invoice. The cost of the services of the Forwarding</p> | <p>d) Умови здійснення перевезень</p> <ul style="list-style-type: none"> - Підставою для здійснення Експедитором комплексу робіт та організаційних заходів щодо перевезення вантажу Замовника є повідомлення Постачальника, з яким Замовник уклав договір постачання, надалі за текстом – „повідомлення”. - Замовник зобов’язується забезпечити своєчасність надходжень повідомлень до Експедитора. - У повідомленні вказується: опис вантажу; маса вантажу; пункт навантаження, дата та час навантаження. |

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| <p>Agent is specified in the “General Conditions of the Forwarding Agent’s Work”</p> <ul style="list-style-type: none"> – The Customer is obliged to cover the costs of the cargo’s insurance in accordance with the Contract of Insurance, made by the Forwarding Agent. – The Customer is obliged to make a payment to the Carrier, who has made a contract with the Forwarding Agent for the shipment of the cargo of the Customer. – The Customer is obliged to inform the Forwarding Agent of the refusal of the submitted Notice no later than 24 hours before the date of loading, stated in the Notice. <p>The Customer Has a Right</p> <ul style="list-style-type: none"> – The Customer has a right to require from the Forwarding Agent that all his Obligations according to the present contract be fulfilled. – The Customer has a right to refuse the services of the Forwarding Agent should the vehicles available fail to ensure the safety of the cargo as to physical state or quality from the commercial point of view. – The Customer has a right to refuse the services of the Forwarding Agent should the transport facilities fail to be available at the point of loading and at the date, specified in the Notice. – The Customer has a right to cancel the submitted Notice with informing the Forwarding Agent at least at 24 hours’ notice. | <ul style="list-style-type: none"> – Повідомлення передається Експедитору не пізніше як за 24 години до вказаного в ньому дати та часу навантаження. – Експедитор повинен повідомити Замовника про виявлені в повідомленні недоліки одержаної інформації, а в разі її неповноти – вимагати у Замовника необхідну додаткову інформацію. – Для здійснення необхідних комплексу робіт та організаційних заходів щодо перевезення вантажу Замовника Експедитор укладає з третіми особами – Перевізниками – договори перевезення вантажу Замовника. – Пункт призначення (розвантаження) зазначається Замовником на кожну поставку вантажу: – У разі перевезення вантажу морським транспортом: порт Іллічівськ (Україна), порт Одеса (Україна), порт Клайпеда (Литва) (у випадку транзиту) або інший порт, додатково повідомлений (письмово) Замовником. – У разі перевезення вантажу авіаційним транспортом: аеропорт м. Дніпропетровська, аеропорт м. Кієва, аеропорт м. Франкфурта (у випадку транзиту) або інший порт, додатково повідомлений (письмово) Замовником. – Експедитор повинен повідомити Замовника про дату та час розвантаження вантажу не пізніше як за 3 три дні до дати розвантаження. |
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| <p>The Forwarding Agent is obliged</p> <ul style="list-style-type: none"> - The Forwarding Agent is obliged to notify the Customer of any defects, revealed in the information, provided in the Notice and request the additional data from the Customer. - The Forwarding Agent is obliged to inform the Customer about the unavailability of the transport facilities no later than 24 hours before the date of loading, specified in the Notice. - The Forwarding Agent is obliged to provide properly functioning transport facilities, suitable for the transportation of the cargo, specified in the Notice. The transport facilities shall meet the international technical, sanitary and customs requirements. The Forwarding Agent will provide the necessary amount of copies of duly registered shipping documents, agreed with the Customer. - The Forwarding Agent is obliged to fill in all the documents, necessary for the transportation of the cargo according to the Customer's instructions. The drafts of the documents are to be posted to the Customer. The documents are to be registered after the Customer's consent only. - The Forwarding Agent is obliged to provide the transport facilities at the point of loading and on the date specified in the Notice. | <ul style="list-style-type: none"> - Експедитор повинен надати Замовнику повний комплект товарно-транспортних документів не пізніше як за 3 три дні до дати розвантаження, але тільки після отримання повної оплати за надані послуги по даній поставці. - Експедитор зобов'язується за рахунок Замовника застрахувати вантаж Замовника, на весь час його перевезення до пункту призначення. Витодонабувачем за Договором страхування виступатиме особа, зазначена (письмово) Замовником. Умови Договору страхування Експедитор погоджує із замовником. |
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- The Forwarding Agent is obliged to inspect the provided transport facilities in commercial respect to ensure safe physical state and quality of cargo.
- The Forwarding Agent is obliged to perform a number of works and measures as to the transportation of the cargo, specified in the Notice and on the route, agreed with the Customer.
- The Forwarding Agent is obliged to ship the cargo, specified in the Notice, to the point of unloading.
- The Forwarding Agent is obliged to preserve the cargo from the moment of the Carrier's acceptance of the cargo to the moment the cargo is passed to the person authorized to receive it in the point of unloading.
- The Forwarding Agent is obliged to register the shipping documents in due order.
- At the Customer's expense the Forwarding Agent is obliged to register the cargo with the customs and pay all the legal taxes .
- The Forwarding Agent is obliged to conclude an insurance contract for the cargo for the period of its shipment to the point of destination.
- The Forwarding Agent has a right to conclude contracts with the third parties – Carriers – for the transportation of the cargo for performance of required works and measures to transport the Customer's cargo.
- The Forwarding Agent has a right to demand from the Customer, that he effects a payment for the services, provided by the Forwarding Agent.

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| <p>4. Payment Order and Conditions</p> <ul style="list-style-type: none"> - The payment is effected against an invoice, issued for every delivery within 5 days after the cargo's loading in the port of loading. - The Customer or the third party, specified by the Customer, shall effect payment to the Forwarding Agent in the amount, specified in the invoice within 30 days from the moment of its issue by the time the cargo is shipped to the point of destination. The payment shall be effected through money transfer to the Forwarding Agent's bank account. - The Parties have agreed, that the payment can be effected by a third person, authorized by the Customer. After the third person has made a payment to the Forwarding Agent, the Forwarding Agent has no claims to the Customer. | <p>Порядок вирішення спорів</p> <p>– Усі спори, що пов'язані із цим Договором, його укладанням, або такі, що виникають у процесі виконання умов цього Договору, вирішуються шляхом переговорів між представниками Сторін. Якщо спір неможливо вирішити шляхом переговорів, він вирішується в суді країни місця знаходження відповідача по спору.</p> <p>При вирішенні спорів Сторони керуються законодавством України.</p> |
| <p>5. The Liabilities of the Parties</p> <ul style="list-style-type: none"> - In case of full or partial loss or damage of the cargo that occurred in the period of time from the moment of the Carrier's receipt of the cargo till the moment of the duly authorized person's receipt of the cargo the Forwarding Agent is obliged to reimburse the Customer all the losses suffered. The losses are to be reimbursed in the amount not covered by the insurance. - Should the Forwarding Agent fail to provide transport facilities at the point of loading in due time, specified in the Notice, or fail to perform timely shipment of | <p>Предмет договору.</p> <p>– Замовник поручає, а Експедитор бере на себе зобов'язання від імені та за рахунок Замовника здійснити комплекс робіт та організаційних заходів щодо перевезення вантажу Замовника морським або авіаційним транспортом у міжнародному сполученні, фрахтуючи для цих цілей морський або авіаційний транспорт третьої сторони – Перевізника, а Замовник зобов'язується оплатити послуги Експедитора.</p> |

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| <p>cargo, the Forwarding Agent shall pay to the Customer a fine, which amounts to the double rate Euribor . The above is true if there are no Force Majeure conditions or reasonable causes of such delay, if the parties haven't agreed otherwise</p> <p>– Should the Customer delay the payment against the invoice for more than 30 days from the moment of its issue, the Customer will pay to the Forwarding Agent a fine, which amounts to the double rate Euribor from the sum of the unpaid invoice, if the parties haven't agreed otherwise. The above is true if there were no Force Majeure conditions or reasonable causes of such delay.</p> | |
| <p>6. The Validity of the Contract</p> <p>– The present contract shall be valid from the moment of signing and remains in effect until 31.12.2012 if the parties fulfill their obligations.</p> | <p>г) Юридичні адреси Сторін</p> |
| <p>Force Majeure</p> <p>– Shall the force majeure circumstances occur, the parties bear no responsibility for full or partial failure to fulfill their obligations properly.</p> <p>– Natural calamities (earthquakes, floods, hurricanes, damages caused by lightning), disasters of technogenic or anthropological origin (fires, explosions), social circumstances (wars, civil disturbances, epidemics, strikes), governmental decisions and their results, other legal or illegal prohibitional activities of the mentioned bodies and other circumstances, that are beyond control</p> | <p>h) Д О Г О В І Р № _____
 транспортного експедирування.</p> <p>Країна _____ м. _____ 20____ рік.

 _____, надалі – “Замовник”, в особі _____</p> |

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| <p>of the parties and hinder the fulfillment by any of the parties of their respective obligations under the contract are considered force majeure.</p> <p>– The Party, for which it became impossible to meet the obligations under the contract properly is to notify the other Party of the existing obstacles and their influence on the fulfillment of the obligations under the present contract in written form.</p> <p>– If the force-majeure circumstances persist for three months in succession and show no signs of cessation the present contract can be cancelled by the Customer or the Forwarding Agent by a written notice to the other Party.</p> <p>– The existence of the force-majeure circumstances is to be confirmed by the Chamber of Commerce and Industry of the corresponding country.</p> | <p>_____ , який діє на підставі Статуту, з одного боку, та _____, яке _____, надалі – “Експедитор”, в особі _____, який діє на підставі Статуту, з іншого боку, уклали цей Договір про нижчевикладене:</p> |
| <p>Other Conditions</p> <p>– Any amendments and supplements to the present contract are valid only if made in writing and signed by duly authorized representatives of the Parties.</p> <p>– The Contract, its appendixes, the application and other letters, foreseen by the contract or transferred by means of facsimile connection possess legal force to be further substituted by originals.</p> <p>– The Notices and all the appendixes of this contract are to be an integral part thereof.</p> <p>– This Contract is made in two copies, that have identical legal force.</p> | <p>і) Відповідальність Сторін</p> <p>– Експедитор повинен відшкодувати Замовнику або Вигодонабувачу, понесені ним збитки, у випадку повної або часткової втрати вантажу або його пошкодження, що відбулося з моменту прийняття Перевізником вантажу для перевезення та до моменту видачі його в пункті призначення уповноваженій на одержання вантажу особі.</p> <p>Збитки відшкодовуються в розмірі, не покритому страховкою.</p> <p>– У випадку, якщо з вини Експедитора не було своєчасного подання транспортного засобу до</p> |

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| <p>- The Contract is made in English and in Russian and both variants are authentic. If any disagreements arise regarding the contract content, the English version will prevail.</p> | <p>пункту навантаження, вказаного в повідомленні, або у випадку несвоєчасного відвантаження вантажу до пункту призначення, та в нього не було об'єктивних причин для такої затримки або не настали форс-мажорні обставини, Експедитор сплачує Замовнику штраф у розмірі подвійної ставки Euribor від вартості вантажу (перевезення якого планувалось або який перевозився), якщо сторонами не погоджено інше.
 - У випадку, якщо Замовник затримує оплату за виставленим рахунком-фактурою більше 30 днів з моменту його виставлення та в нього не було об'єктивних причин для такої затримки або не настали форс-мажорні обставини, Замовник сплачує на користь Експедитора штраф у розмірі подвійної ставки Euribor від суми несплаченого рахунку-фактури, якщо сторонами не погоджено інше.</p> |
| <p>Dispute Resolution.
 - Disputes, which are related to the present contract, shall be resolved by the representatives of the Parties through negotiations. If the dispute is impossible to be resolved through negotiations, it is passed to the court of the country of the defendant.
 - In dispute resolution the Parties act according to the active legislation of Ukraine.</p> | <p>г) Інші умови
 - Усі зміни та доповнення до цього Договору дійсні лише у випадку, коли вони здійснені у письмовій формі та підписані уповноваженими представниками сторін.
 - Договір, доданки до нього, заявка, інше листування, передбачене Договором, що були підписані чи передані з використанням факсимільного зв'язку, мають юридичну силу з подальшого заміною їх оригіналами.</p> |

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| | <p>– Повідомлення, всі додатки до цього Договору є невід’ємними його частиною.</p> <p>– Договір складено у двох примірниках, які мають однакову юридичну силу.</p> <p>– Договір складено двома мовами – англійською та українською, причому обидва тексти аутентичні. У випадку розбіжностей, перевагу має текст англійською мовою.</p> |
| <p>11. Legal Addresses of the Parties.</p> | <p>к) Строк дії договору Договор вступає в силу з моменту його підписання сторонами та діє до 31.12.2012 р., але в будь якому разі повного виконання сторонами своїх обов’язків по договору.</p> |

Contract 2

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| <p>Contract No
 “_____” April 2011
 city _____ Ukraine</p> <p>The Parties:
 hereinafter referred to as the “Buyer”,
 represented by the director, acting on the basis of
 the Certificate of Incorporation, and, hereinafter
 referred to as the “Seller”, represented by the Director
 _____, acting on the basis of the
 _____, have concluded the present Contract to
 the effect that:</p> | <p>10. Законодательство/Арбитраж.
 Все споры и разногласия, которые могут возникнуть из настоящего Контракта или в связи с ним, будут, по возможности, разрешаться путем переговоров сторон.
 В случае, если стороны не придут к соглашению, споры подлежат передаче на рассмотрение Арбитражного суда и с применением материального и процессуального права Украины.
 Материальным правом, применимым к настоящему Контракту, является право Украины.</p> |
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| | <p>Решение Арбитражного суда Украины является окончательным и обязательным для обеих сторон. Во всех остальных случаях, не противоречащих настоящему, применяются условия ИНКОТЕРМС 2000, включая последние изменения.</p> |
| <p>1. Subject of the Contract.
The Seller undertakes to deliver and the Buyer undertakes to accept on terms DAF Ukrainian border for 6,300 metric tons of castings made of alloyed corrosion-resistant (stainless) steel of austenite class (hereinafter referred to as "Products"), of austenite class (hereinafter referred to as "Goods", of 08X18H10A.</p> | <p>6. Условие оплаты.
Оплата товара в размере 100 % стоимости согласованной сторонами каждой партии товара, указанной в ГТД (ТНН) производится Покупателем в течении 1 (одного) банковского дня с момента получения им от Продавца:
первого экземпляра грузовой таможенной декларации на каждую партию товара;
_____ экземпляра ТНН;
Валюта платежей в рамках настоящего Контракта – доллары США.
Оплата гарантируется банковской гарантией первоклассного банка, выставленной Покупателем в адрес Продавца на сумму _____ долларов США.
Расходы в банке Покупателя – за счет Покупателя;
Расходы в банке Продавца – за счет Продавца.</p> |
| <p>2. Quality.
The Goods 08X18H10A grade of following chemical composition:
carbon, fraction of total mass – not over 0.12%
silicon, fraction of total mass – not over 0.8%
manganese, fraction of total mass – not over 2.0%</p> | <p>7. Проверка качества и количества.
Рекламации.
Покупатель имеет право за свой счет производить проверку качества и количества отгруженного товара по правилам приемки, согласно соответствующим стандартам, указанным в контракте.</p> |

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| <p>phosphorus, fraction of total mass – not over 0.035%
 sulfur, fraction of total mass– not over 0.030%
 chromium, fraction of total mass– not over 16.0-20.0%
 nickel, fraction of total mass– not over 7.0-12,0%
 unit of measurement of the Products’ quantity is a ton.
 The quality of Goods shall conform to the Specifications
 ТУ У 27.1.-21239892-010-2003.
 The Goods quality can be changed subject to written
 agreement of the Parties.</p> | <p>Стороны имеют право за свой счет привлекать независимые инспекционные компании к проверке количества и качества товара. Проверка количества и качества товара в этом случае производится только в присутствии представителя или доверенного лица Продавца и результат проверки продукции должен быть отражен в коммерческом акте.
 При обнаружении недостачи веса и/или несоответствия качества, указанных в соответствующей спецификации, Покупатель имеет право предъявить Продавцу рекламацию, с указанием ее цели, не позже 30 календарных дней от даты пересечения границы.
 Рекламации должны направляться почтой.
 К рекламации должен прилагаться рекламационный акт в 2 экземплярах, а также следующие документы:
 • оригиналы товаросопроводительных документов;
 • оригинал коммерческого акта;
 • отчет независимой инспекционной компании.
 Рекламационный акт должен содержать следующую информацию:
 • номер Контракта;
 • описание товара согласно настоящему Контракту;
 • вес продукции, в отношении которой была предъявлена рекламация;.</p> |
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| <p>3. Quantity
6,300 MT (six thousand three hundred metric tones) +/- 10% (ten percent) in the Seller's option. The quantity of the goods can be enlarged and will be adjusted by the additional agreements to the present contract.
The Goods under the present Contract are delivered by the Seller in container, not less than 20 tons per lot.</p> | <ul style="list-style-type: none"> • номер транспортного документа; • маркировка продукции. <p>Продавец в течение 40 календарных дней обязан предоставить ответ на рекламацию</p> <p>Контракт № _____
_____ апреля 2011 года
города _____ Украина</p> <p>Стороны:
Компания, именуемая в дальнейшем "Покупатель", в лице директора, действующего на основании Свидетельства о регистрации, и Фирма, в дальнейшем "Продавец", в лице _____, действующего на основании _____, заключили настоящий Контракт о нижеследующем:</p> |
| <p>4. Terms and period of delivery
The delivery of Goods shall be made under basic terms – DAF border Ukraine, as per INCOTERMS-2000 Transport – Car & Railway.
The date of Goods shipment shall be considered the date of stamp at border (border customs) post in automobile consignment note/marked on the RW station of the boundary.
The Seller undertakes to submit to the Buyer all the shipping documents for Goods. Acceptance of Goods as regards quantity shall be effected in accordance therewith.</p> | <p>4. Условия и сроки поставки.
Поставка товара производится на базисных условиях – DAF граница Украины, согласно "ИНКОТЕРМС-2000".
Вид транспорта – смешанный, автомобильный/ железнодорожный.
Под датой отгрузки товара понимается дата отгрузки пограничного (пограничного таможенного) поста в автомобильной товаротранспортной накладной, указанная на штемпеле ж.д. станции пограничного перехода.</p> |

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| <p>The tolerance regarding the quality and quantity of Goods within +/- 5% shall be permissible as against the quantity stated in the contract.</p> | <p>Продавец обязуется предоставить Покупателю все товаросопроводительные документы на товар, по которым Покупателем должна производиться приемка продукции по количеству.
При отгрузке товара допускается отступление от количества, указанного в контракте, в пределах +/- 5%.</p> |
| <p>5. Price.
The prices for the Goods fixed also makes 1500,00 (one thousand five hundred) US dollars for metric ton.
In case of change of the price for nickel in the world market (the London stock exchange) the price may be reconsidered under the agreement of parties.
The price 1500,00 US dollars for metric ton is based on the content of nickel in alloy of 7% up to 12% average of 9,5%. Each month, according to the results of the independent expert (SGS or Saybolt) the average monthly content of nickel in the goods will be calculated and this should be within the limits of 9% up to 10%. If the monthly average contents is lower than 9% the Seller the next month proportionately lifts the contents of nickel in the Goods at a rate necessary to compensate for incomplete delivery.
Cost of one ton of Goods is to be fixed in US dollars under basic terms – DAF border Ukraine in compliance with INCOTERMS-2000.</p> | <p>2. Качество товара.
Товар марки 08X18H10Л, следующего химического состава:
массовая доля углерода – не более 0,12%;
массовая доля кремния – не более 0,8%;
массовая доля марганца – не более 2,0%;
массовая доля фосфора – не более 0,035%;
массовая доля серы – не более 0,030%;
массовая доля хрома – не более 16,0-20,0%;
массовая доля никеля – не более 7,0-12,0%;
Качество товара должно соответствовать техническим условиям ТУ У 27.1.-21239892-010-2003.
Качество продукции может быть изменено по дополнительному письменному соглашению сторон.
Цена за 1 тонну продукции устанавливается в долларах США на базисных условиях поставки DAF граница Украины согласно "ИНКОТЕРМС-2000".</p> |

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| <p>6. Terms of Payment.</p> <p>Payment for the Goods at rate of 100% of the value of each agreed consignment of the Goods stated in Cargo customs declaration (Cargo consignment note) shall be effected by the Buyer within 1 (one) banking day of receiving from the Seller:</p> <p>the first copy of cargo customs declaration for each lot of the Goods;</p> <p>_____ copy of Cargo consignment note;</p> <p>The currency of payment under the present Contract is US dollars.</p> <p>All bank charges under the present Contract shall be paid in the following manner:</p> <ul style="list-style-type: none"> • charges of the Buyer's Bank and its correspondent Banks – at the expense of Buyer; • charges of the Seller's Bank – at the expense of the Seller. | <p>8. Санкции.</p> <p>В случае несвоевременного поступления оплаты за поставленную Продавцом продукцию, Покупатель уплачивает продавцу пеню в размере 0,01% от просроченной суммы за каждый день просрочки исполнения денежного обязательства, но не более 4%.</p> |
| <p>7. Checking of the Quality and Quantity.</p> <p>Claims.</p> <p>The Buyer has the right to carry out at his expense the Product quality and quantity checks under the acceptance rules in accordance with the relevant standards, indicated in the contract.</p> <p>Parties have the right, at their expense to engage the Independent Inspection Companies for inspecting the Goods quantity and quality. In this case inspection of the Goods quantity and quality shall be performed in</p> | |
| <p>11. Прочие условия.</p> <p>Настоящий Контракт вступает в силу с момента подписания и действует до 31.12.2012 г. или до момента полного исполнения сторонами принятых на себя договорных обязательств.</p> <p>С момента подписания настоящего Контракта все предыдущие переговоры и переписка по нему теряют силу.</p> <p>Все приложения к Контракту являются его неотъемлемыми частями.</p> | |

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| <p>the presence of the Seller's representative or authorized person only and the result of inspection shall be reported by the Carrier's Statement.</p> <p>In case of discovering the shortage in weight and/or the non-conformity to the quality, indicated in specifications, the Buyer has the right to make a claim on the Seller, with the indication of its purpose, not later than 30 calendar days from the date of the Products border crossing.</p> <p>Claims are to be sent by registered mail.</p> | <p>Все изменения и дополнения к этому контракту действительны лишь в том случае, если они совершены в письменной форме и подписаны обеими сторонами.</p> <p>Переписка связанная с выполнением настоящего контракта будет вестись на русском или английском языке.</p> <p>Стороны не вправе передавать свои обязательства по настоящему Контракту третьей стороне без письменного согласия другой Стороны.</p> |
| <p>Claims are to be accompanied by the claim report in duplicate and the following documents detailed below:</p> <p>Original shipping documents;</p> <p>Original Carrier's Statement;</p> <p>Independent Inspection Company Report.</p> <p>The claim should contain the following information:</p> <p>Contract number;</p> <p>description of the Products as per the present Contract;</p> <p>weight of the Goods regarding which the claim has been made;</p> <p>number of transport document;</p> <p>marking of the Products.</p> <p>Within 40 calendar days the Seller is to give an answer to the claim.</p> | <p>Вся предоставляемая сторонами друг другу финансовая, коммерческая и иная информация, связанная с настоящим Контрактом, будет считаться конфиденциальной.</p> <p>Стороны примут все необходимые и разумные меры, чтобы предотвратить разглашение полученной информации третьим лицам.</p> <p>Все налоги, таможенные и прочие сборы, связанные с товаром или с заключением и исполнением данного Контракта, взимаемые на Украине будут оплачиваться продавцом.</p> <p>Настоящий контракт составлен на 6 страницах в двух экземплярах на русском и английском языках, причем оба текста имеют одинаковую силу.</p> <p>В случае несоответствия русского и английского текстов Контракта предпочтение отдается русскому тексту.</p> |

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| <p>8. Sanctions.
Should proceed for the products delivered from the Seller be received untimely, the Buyer pays to the Seller a penalty at a rate of 0,01% of nonpaid amount for each day of delay in fulfillment of the monetary obligation, but not more then 4%</p> | <p>9. Форс-мажор.
Стороны освобождаются от ответственности за частичное или полное невыполнение или ненадлежащее выполнение своих обязательств по настоящему контракту, если такое неисполнение или ненадлежащее выполнение обусловлено наступлением обстоятельств непреодолимой силы (форс-мажорных обстоятельств), находящихся вне контроля сторон, к которым следует отнести: действия и/или акты органов государственной власти и/или управления (включая реквизиции, национализации), войны (объявленные и необъявленные), военные операции любого характера, стихийные бедствия (землетрясения, наводнения, ураганы и т.п.), пожары, эпидемии, забастовки и т.д.</p> <p>Время на выполнение Сторонами своих обязательств в этом случае продлевается на период времени, в течение которого действовали такие форс-мажорные обстоятельства, но не более чем на 1 (один) месяц.</p> <p>О наступлении форс-мажорных обстоятельств Стороны обязаны в течение 5 (пяти) суток информировать друг – друга, в противном случае они лишаются права ссылаться на такие форс-мажорные обстоятельства как на освобождающие от ответственности по настоящему контракту.</p> |
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| | <p>Надлежащим доказательством наличия указанных выше обстоятельств и их продолжительности будут служить справки, выдаваемые соответствующими Торгово-промышленными палатами.
В случае, если форс-мажорные обстоятельства расторгнуть настоящим контрактом после письменного уведомления другой Стороны.</p> |
| <p>9. Force-majeure.
The parties are exempted from liability for full or partial omission or inadequate performance of the bonds under the present contract if such violation or inadequate performance is caused by approach of force majeure circumstances (circumstances of force majeure) which were outside of reasonable control of the Parties. Force-majeure circumstances are defined as action and or the acts of public authorities and or controls (including requisition, nationalizations), war (declared and not declared), military operations of any character, natural disasters (earthquake, flooding, hurricanes etc., fires, epidemic, strike etc.
The time is in this case prolonged by performance by the Parties of the bonds for the period of time during which circumstances of force majeure apply, but not exceeding one month.
On approach of the circumstances of force majeure the Parties are obliged within 5 (five) days to inform one</p> | <p>Адреса и реквизиты Сторон.
ПРОДАВЕЦ/SELLER:</p> |

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| <p>another; otherwise they are disqualified from referring to such circumstances of force majeure as exempting them from liability under the present contract. The certificates issued by the appropriate Chamber of Trade and Commerce will be proper evidence of the force majeure circumstances applying and their duration. In case the circumstances of force majeure last more 1 (one) month, any Party can terminate the present Contract after giving notice in writing to the other Party.</p> | |
| <p>10. Arbitration.
All disputes and differences, which can arise from the present Contract or in connection therewith, will be whenever possible settled by negotiations between the Parties.
In case of the Parties failing to come to the agreement, the disputes and differences are subject to submission to the Arbitration Court for consideration, with application of the procedural law of country of the Seller's incorporation.
Law of substance, which is applied to the present Contract, shall be the law of Ukraine.
The decision of the Arbitration Court of Ukraine will be final and binding upon both Parties. Other terms where not in conflict with above, INCOTERMS-2000 latest amendment shall apply hereto.</p> | <p>3. Количество.
6300 МТ (шесть тысяч триста метрических тонн)+/(плюс/минус) 10% (десять процентов) в опционе Продавца. Количество товара может быть увеличено путем подписания сторонами дополнительного соглашения. Товар по настоящему Контракту поставляется Продавцом ежемесячно, контейнерными партиями, не менее чем по 20 тонн в одной партии.</p> |

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| <p>11. Other conditions.
The present Contract comes into effect from the date of its signing and is valid till 31.12.2012 or till all the contractual obligation are met in full.
From the date of signing the present Contract all previous discussions and correspondence concerning the Contract are to be considered null and void.
All Appendixes to the present Contract are its integral parts.
All the amendments and addenda to the present Contract are valid only on condition of being made in a written form and signed by both Parties.</p> | <p>5. Цена
Цена на товар фиксированная и составляет 1500,00 (одну тысячу пятьсот) долларов США за метрическую тонну. В случае изменения цен на никель на мировом рынке (Лондонской бирже) цена может быть пересмотрена по согласию сторон.
Цена 1500,00 (одну тысячу пятьсот) долларов США за метрическую тонну базируется на содержании никеля в сплаве, от 7% до 12%, среднее 9,5%.
Ежемесячно, согласно результатам независимого эксперта (SGS или Saubolt) высчитывается среднемесячное содержание никеля в товаре</p> |
| <p>All correspondence, connected with the fulfilment of the present Contract, shall be in the Russian or English language.
The Parties shall not be entitled to transfer their obligations under the present Contract to a third Party without the written consent of the other Party.
All financial, commercial and other information related to the present Contract which is submitted by the Parties to each other shall be considered confidential.
The Parties shall take all necessary and reasonable measures to prevent divulgence of the received information to any third parties.
All taxes, customs and other duties in respect with the Goods or the conclusion and execution of the present Contract levied in Ukraine shall be paid by the Seller.</p> | <p>и оно должно быть в пределах от 9% до 10%, если среднемесячное содержание никеля ниже 9%, то Продавец в последующий месяц пропорционально поднимает содержание никеля в товаре в размерах, необходимых для компенсации недопоставки.
Цена за 1 тонну продукции устанавливается в долларах США на базисных условиях поставки DAF граница Украины, согласно "ИНКОТЕРМС-2000".</p> |

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| <p>The present Contract is drawn up on the 6 pages in two copies in Russian and in English, both texts having equal force.</p> <p>In case of discrepancy between Russian and English texts of the Contract the preference is to be given to the text in Russian.</p> | |
| <p>Legal Addresses and Details of the Parties.
<u>ПОКУПАТЕЛЯ/BUYER:</u></p> | |



Module 9

INTELLECTUAL PROPERTY

Unit 1. INTELLECTUAL PROPERTY (CONCEPT)

PRE-READING SECTION

Before reading discuss these questions:

1. What exactly do you know about intellectual property and its origin?
2. What does intellectual property mean?
3. Why does the society need intellectual property laws?

READING SECTION

You are going to read a text about intellectual property. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

Intellectual **property** describes a wide variety of property created by musicians, authors, artists, and inventors. The law of intellectual property typically encompasses the areas of Copyright, Patents, and Trademark Law. It is intended largely to encourage the development of art, science, and information by granting certain property rights to all artists, which include **inventors** in the arts and the sciences. These rights allow artists to protect themselves from **infringement**, or the unauthorized use and misuse of their **creations**.

Trademarks and service marks protect distinguishing features (such as names or package designs) that are associated with particular products or services and that indicate commercial source.

The body of intellectual property law also includes laws relating to trade secrets, unfair competition, and the right of publicity.

Trade secret laws protect any formula, pattern, **device**, or **compilation** of information that provides a business advantage over competitors who do not use or know of it. A strategy to increase worker productivity, for example, is a trade secret. Trade secrets do not receive patent protection because they are not inventive. Trade secret laws are included in intellectual property laws because, like other intellectual property laws, they prevent the unauthorized use of certain intangible subject matter.

The right of publicity is the right of a person to control the **commercial value** and exploitation of his or her name, voice, or likeness. Because right-of-publicity laws promote artistic and **commercial pursuits**, they are included among intellectual property law. These laws are usually reserved for **celebrities** and other **public figures** whose name and image are important to their career. By allowing celebrities the right to control the commercial use of their name, voice, and image, right-of-publicity laws protect their commercial potential.

The basic idea of Intellectual property laws is to give owners the exclusive right to **profit** from a work for a particular limited period. For copyrighted material, the exclusive right lasts for 70 years beyond the death of the author. The length of the right can vary for patents, but in most cases it lasts for 20 years. Trademark rights are exclusive for ten years and can be continually renewed for subsequent ten-year periods.

Intellectual property laws do not fall in the category of Criminal Law, *per se*. Some copyright laws authorize **criminal penalties**, but by and large, the body of intellectual property law is concerned with **prevention and compensation**, both of which are civil matters. This means that the owner, not the government, is responsible for enforcement.

Intellectual property laws provide owners with the power to enforce their property rights in **civil court**. They provide for **damages** when unauthorized use or misuse has occurred. They also provide for injunctions, or court orders, to **prevent** unauthorized use or misuse.

The property protected by copyright laws must be fixed in a **tangible** form. For example, a musician may not **claim** copyright protection for a melody unless it has been written down or somehow actualized and affixed with a recognizable notation or recorded. In

America, for example, a formula or device may not receive patent protection unless it has been presented in whole to the U.S. Patent and Trademark Office; even then, it must **satisfy** several tests in order to **qualify**. A symbol may not receive trademark protection unless it has been placed on goods or used in connection with services.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions and then make sentences using the completed phrases.

- | | |
|-----------------|----------------------|
| 1. commercial | a. property |
| 2. granting | b. penalties |
| 3. intellectual | c. from infringement |
| 4. commercial | d. court |
| 5. public | e. unauthorised use |
| 6. criminal | f. property rights |
| 7. civil | g. protection |
| 8. prevent | h. source |
| 9. patent | i. figures |
| 10. protect | j. value |

2. Choose the best words to complete the sentences:

- | | |
|----------------|----------------|
| a. advantage | f. copyrighted |
| b. publicity | g. trademark |
| c. encompasses | h. celebrities |
| d. penalties | i. intangible |
| e. tangible | j. protection |

1. The law of intellectual property typically the areas of Copyright, Patents, and trademark law.

2. Trade Secret laws protect any formula, pattern, **device**, or **compilation** of information that provides a business over competitors who do not use or know of it.

3. Trade secrets do not receive patent because they are not inventive.

4. Trade secret laws prevent the unauthorized use of certain subject matter.

5. The right of is the right of a person to control the **commercial value** and exploitation of his or her name, voice, or likeness.

6. By allowing the right to control the commercial use of their name, voice, and image, right-of-publicity laws protect the commercial potential of entertainers.

7. For material, the exclusive right lasts for 70 years beyond the death of the author.

8. Some copyright laws authorize **criminal**....., but by and large, the body of intellectual property law is concerned with **prevention and compensation**, both of which are civil matters.

9. The property protected by copyright laws must be fixed in a form.

10. A symbol may not receive protection unless it has been placed on goods or used in connection with services.

3. Fill in the correct prepositions: to (2), from, with (2), over, for (2), in, by. Make sentences, using the completed phrases.

1. granting certain property rights... all artists
2. to protect artists ...infringement
3. associated ...particular products or services
4. laws relating... trade secrets
5. a business advantage ...competitors
6. laws reserved ...celebrities and other public figures
7. trademark rights are exclusive... ten years
8. provide owners... the power to enforce their property rights
9. fixed ...a tangible form
10. the property protected... copyright laws

4. Match the words to their meanings, then use them to speak about intellectual property.

- | | |
|-----------------|--|
| 1. promote | a. a person who invented a particular process or device or who invents things as an occupation |
| 2. property | b. the action of stopping something from happening or arising |
| 3. inventor | c. the act of compelling observance of or compliance with a law, rule, or obligation |
| 4. infringement | d. physical harm that impairs the value, usefulness, or normal function of something |
| 5. celebrity | e. give publicity to (a product, organization, or venture) so as to increase sales or public awareness |

- 6. trademark f. a judicial order restraining a person from beginning or continuing an action threatening or invading the legal right of another or compelling a person to carry out a certain act, e.g. to make restitution to an injured party
- 7. prevention g. a thing or things belonging to someone
- 8. enforcement h. a symbol, word, or words legally registered or established by use as representing a company or product
- 9. damage i. someone who is famous, especially in areas of entertainment such as films, music, writing, or sport
- 10. injunction j. the action of breaking the terms of a law or an agreement

5. Write questions to these answers.

1. What.....

Intellectual property means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields.

2. Why

Countries have intellectual property laws to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations.

3. What

The second reason is to promote creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

4. Does?

Yes, intellectual property law aims at safeguarding creators by granting them certain time-limited rights to control the use made of those productions.

6. How many branches.....?

Intellectual property is traditionally divided into two branches, "industrial property" and "copyright."

DISCUSSION SECTION

Think and answer the following questions:

1. Virginia Foxx, the member of Congress, said:"Challenging unfairly subsidized products, fighting counterfeit goods and intel-

lectual property theft and holding countries accountable for an unfair currency regime will help American companies remain competitive.” *Which way can this quote be applied to Ukraine and its intellectual property laws? Use specific reasons and details to support your answer.*

2. Michael Nesmith, an American musician, songwriter, actor, producer, novelist, businessman, and philanthropist said: “People recognize intellectual property the same way they recognize real estate. People understand what property is. But it’s a new kind of property, and so the understanding uses new control surfaces. It uses a new way of defining the property.” *Do you agree or disagree with this statement? Use specific reasons and examples to support your opinion.*

WRITING ASSIGNMENT

Write a 200-word essay:

Do you agree or disagree with the following statement: “People have to respect intellectual property.” (Coco Lee, an American singer-songwriter, record producer and actress). Use reasons and specific examples to support your answer.

USEFUL VOCABULARY

| | | |
|---------------------------------------|---|--|
| intellectual property advantage affix | інтелектуальна власність перевага додаток, доповнення | интеллектуальная собственность преимущество приложение, дополнение |
| artist | митець, майстер своєї справи | творець, мастер своего дела |
| celebrity | знаменитість, зірка | знаменитость, звезда |
| civil court | цивільний суд | гражданский суд |
| claim | заявляти про свої права, заява | заявлять о своих правах, заявление |
| commercial value | ринкова вартість | рыночная стоимость |
| compilation | компіювання, збирання фактів | компиляция, сбор фактов |
| copyright | авторське право | авторское право |

| | | |
|-------------------------|--|--|
| court order | постанова суду | постановление суда |
| creation | створення, заснування | создание |
| Criminal Law | кримінальне право | уголовное право |
| criminal penalty | кримінальна санкція, кримінальне покарання | уголовная санкция, (уголовное) наказание |
| damage | ушкодження, зіпсованість | вред, ущерб |
| device | пристрій, пристосування, прилад | устройство, приспособление, прибор |
| distinguishing features | відмітні риси | отличительные признаки |
| encompass enforcement | охоплювати дотримання | охватывать соблюдение |
| in connection with | правопорядку, закону у зв'язку з | правопорядка, закона в связи с |
| infringement | порушення (напр. авторського права) | нарушение (напр. авторского права) |
| injunction | судова заборона | судебный запрет |
| intangible | нематеріальний | нематериальный |
| intend | мати намір | намереваться |
| inventor | винахідник | изобретатель |
| notation | примітка, замітка, посилення | примечание, замечание, ссылка |
| patent | патент | патент |
| pattern | зразок, модель | образец, модель |
| power | право, міць, повноваження | право, могущество, полномочия |
| prevention | запобігання, запобіжний захід | предотвращение, упреждающие меры |
| profit | прибуток | прибыль |
| provide | забезпечувати | обеспечивать |
| public figure | громадський діяч | общественный деятель |
| pursuit | судове переслідування | судебное преследование |

| | | |
|--------------------|--|--|
| qualify | отримати право
(на що-небудь) | получать право
(на что-л.) |
| recognizable | який може бути
впізнаним, який
упізнається | легко узнаваемый,
распознаваемый |
| right of publicity | право на публічне
використання | право на публичное
использование |
| satisfy | відповідати (вимогам) | соответствовать,
отвечать (каким-л.
требованиям) |
| source | джерело, документ | документ, источник |
| tangible | речовинний,
матеріальний | вещественный,
материальный |
| trade | промисловий | торговый |
| trademark | торговельна марка | торговая марка |

Unit 2. COPYRIGHT

PRE-READING SECTION

1. Before reading discuss these questions:

1. What does copyright mean?
2. What do copyright laws grant to authors?
3. Does copyright protection give the copyright holder any exclusive rights? Which ones?

READING SECTION

1. You are going to read a text about copyright. Choose the most suitable heading from the list A-H for each part of the article. There is one extra heading which you do not need to use. There is an example at the beginning (0).

Try to explain the words in bold.

- A. Infringement of copyright
- B. Napster's operation
- C. Metallica's music
- D. Copyright laws granting
- E. "Fair use" doctrine
- F. Originality of the copyrighted material
- G. Copyright holder's exclusive rights
- H. Writing requirement

| | |
|---|---|
| 0 | D |
|---|---|

Copyright laws grant to authors, artists, composers, and publishers the **exclusive right** to produce and distribute expressive and original work. Only expressive pieces, or writings, may receive copyright protection. A writing needs not be words on paper: in copyright law, it could be a painting, sculpture, or other work of art. The writing element merely requires that a work of art, before receiving copyright protection, must be reduced to some **tangible** form. This may be on paper, on film, on audiotape, or on any other tangible medium that can be reproduced (i.e., copied).

| | |
|---|--|
| 1 | |
|---|--|

The writing **requirement** ensures that copyrighted material is capable of being reproduced. Without this requirement, artists could

not be expected to know whether they were infringing on the original work of another. The writing requirement also enforces the copyright rule that ideas cannot be copyrighted. Only the individualized expression of ideas can be protected.

| | |
|---|--|
| 2 | |
|---|--|

Copyrighted material must be original. This means that there must be something **sufficiently** new about the work that sets it apart from previous similar works. If the variation is more than trivial, the work will merit copyright protection.

Functionality can be a factor in copyright law. The copyrights to architectural design, for example, are generally reserved for architectural works that are not functional. If the only **purpose** or function of a particular design is **utilitarian**, the work cannot be copyrighted. For instance, a person may not copyright a simple design for a water spigot. However, if a person creates a fancy water spigot, the design is more likely to be copyrightable.

Copyrighted material can receive varying degrees of protection. The scope of protection is generally limited to the original work that is in the writing. For example, assume that an artist has created a sculpture of the moon. The sculptor may not prevent others from making sculptures of the moon. However, the sculptor may prevent others from making sculptures of the moon that are exact replicas of his own sculpture.

| | |
|---|--|
| 3 | |
|---|--|

Copyright protection gives the **copyright holder** the exclusive right to (1) reproduce the copyrighted work; (2) create **derivative works** from the work; (3) distribute copies of the work; (4) perform the work publicly; and (5) display the work. The first two rights are infringed whether they are violated in public or in private. The last three rights are infringed only if they are violated in public. *Public* showing is defined as a performance or display to a “**substantial** number of persons” outside of friends and family.

| | |
|---|--|
| 4 | |
|---|--|

Infringement of copyright occurs whenever someone exercises the exclusive rights of the copyright owner without the owner’s **permission**. The infringement need not be intentional. Copyright

owners usually prove infringement in court by showing that copying occurred and that the copying amounted to impermissible appropriation. These showings require an analysis and comparison of the copyrighted work and the disputed work. Many general rules also relate to infringement of certain works. For example, a character created in a particular copyrighted work may not receive copyright protection unless he or she is developed in great detail and a character in the disputed work closely resembles that character.

| | |
|---|--|
| 5 | |
|---|--|

The most important **exception** to the exclusive rights of the copyright holder is the “**fair use**” doctrine. This doctrine allows the general public to use copyrighted material without permission in certain situations. To varying extents, these situations include some **educational** activities, some literary and social criticism, some Parody, and news reporting. Whether a particular use is fair depends on a number of factors, including whether the use is for **profit**; what proportion of the copyrighted material is used; whether the work is fictional in nature; and what economic effect the use has on the copyright owner.

| | |
|---|--|
| 6 | |
|---|--|

The rise in electronic publication in the late twentieth century, particularly the **widespread** use of the Internet since the mid 1990s, caused new concerns in the area of copyright.

In early 1999, Shawn Fanning, who was only 18 at the time, began to develop an idea as he talked with friends about the difficulties of finding the kind of MP3 files they were interested in. He thought that there should be a way to create a program that combined three key functions into one. These functions included a **search engine**, **file sharing** (the ability to trade MP3 files directly, without having to use a centralized server for **storage**), and an Internet Relay Chat (IRC), which was a means of finding and chatting with other MP3 users while online. Fanning spent several months writing the code that would become the **utility** later known world-wide as Napster. Napster became a nonprofit online music-trading program which became especially popular among college students who typically have access to high-speed Internet connections. The company had

an estimated 16.9 million worldwide users, and the system accommodated about 65 million **downloads**.

In April 2000 the heavy metal rock group Metallica sued the online music-trading Website Napster for Copyright infringement. Several universities were also named in this suit. Metallica claimed that these universities violated Metallica's music copyrights by permitting their students to **access** Napster and illegally trade songs using university servers. A number of universities had banned Napster prior to April 2000 because of concerns about potential copyright infringement and/or because traffic on the Internet was slowing down university servers. Yale University, which was named in the suit, immediately blocked student access to Napster.

Metallica argued that Napster **facilitated** illegal use of digital audio devices, which the group alleged was a **violation** of the Racketeering Influenced and Corrupt Organizations (RICO) act. Napster responded that the Fair Use Act allows owners of compact discs to use them as they wish. Therefore if an **owner** of the disc decides to copy it into a computer file, he or she should be allowed to do so. If this file happens to be accessible on the Internet, then others can also access or download it without being guilty of a crime. Napster further claimed that since it made no profit of the trades, it owed no money in **royalties**. The court held that Napster's operation constituted copyright infringement.

A little later the Recording Industry Association of America sued Napster, eventually causing Napster to close down.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, and then make sentences using the completed phrases.

- | | |
|------------------|------------------|
| 1. exclusive | a. infringement |
| 2. copyright | b. engine |
| 3. owner's | c. sharing |
| 4. prove | d. server |
| 5. impermissible | e. appropriation |
| 6. educational | f. publication |
| 7. electronic | g. activities |
| 8. search | h. right |

- | | |
|-----------------|---------------|
| 9. file | i. permission |
| 10. centralized | j. protection |

2. Choose the best words to complete the sentences that follow:

- | | |
|-----------------|-----------------|
| a) infringement | f) guilty |
| b) royalties | g) universities |
| c) illegal use | h) "fair use" |
| d) court | i) permission |
| e) copyright | j) protection |

1. The writing element requires that a work of art, before receiving protection, must be reduced to some tangible form.

2. Copyrighted material can receive varying degrees of

3. Infringement of copyright occurs whenever someone exercises the exclusive rights of the copyright owner without the owner's

4. The most important exception to the exclusive rights of the copyright holder is the doctrine.

5. In April 2000 the heavy metal rock group Metallica sued the online music-trading Website Napster for Copyright

6. A number ofhad banned Napster prior to April 2000 because of concerns about potential copyright infringement

7. Metallica argued that Napster facilitatedof digital audio devices.

8. If one file happens to be accessible on the Internet, then others can also access or download it without beingof a crime.

9. Napster further claimed that since it made no profit off the trades, it owed no money in.....

10. Theheld that Napster's operation constituted copyright infringement.

3. Match the following words in the text with their meanings, and then use them to speak about copyrighting.

- | | |
|--------------|---|
| 1. copyright | a. of little value or importance |
| 2. tangible | b. the action of violating someone or something |
| 3. trivial | c. a program that searches for and identifies items in a database that correspond to keywords or characters specified by the user, used |

- especially for finding particular sites on the Internet
4. utilitarian d. a sum paid to a patentee for the use of a patent or to an author or composer for each copy of a book sold or for each public performance of a work
 5. violation e. making money from illegal activities such as threatening people or selling worthless, immoral, or illegal goods or services
 6. search engine f. the deliberate reworking of images and styles from earlier, well-known works of art
 7. appropriation g. forbidden by law, especially criminal law
 8. royalties h. designed to be useful or practical rather than attractive
 9. racketeering i. perceptible by touch
 10. illegal j. the exclusive and assignable legal right, given to the originator for a fixed number of years, to print, publish, perform, film, or record literary, artistic, or musical material

USEFUL VOCABULARY

| | | |
|---------------------|--|---|
| access | доступ | доступ |
| accessible | доступний | доступный |
| allege | стверджувати,
заявляти про факт | утверждать, заявлять о факте |
| allow | дозволяти, давати
дозвіл | позволять, разрешать |
| appropriation | привласнення
(незаконне) | присвоение
(незаконное) |
| architectural | архітектурний | архитектурный |
| argue | сперечатися, наводити
докази, стверджувати,
доводити | спорить, приводить
доказательства,
убеждать |
| ban | забороняти | налагать запрет,
запрещать |
| cause | бути причиною, бути
приводом | послужить причиной,
поводом |
| copyright
holder | власник авторського
(видавничого) права | владелец авторского,
(издательского) права |

| | | |
|------------------------|--|---|
| copyright infringement | порушення авторського права | нарушение авторского права |
| copyright law | законодавство про авторське право | законодательство об авторском праве |
| copyright protection | захист авторського права як інтелектуальної власності | защита авторского права как интеллектуальной собственности |
| digital download | цифровий завантажувати, пересилати (по лінії зв'язку) | цифровой загружать, пересылать (по линии связи), скачивать |
| enforce | проваджувати в життя (закон), забезпечувати дотримання або виконання | проводить в жизнь, придавать законную силу (правовому акту), осуществлять, приводить в исполнение |
| eventually exception | врешті-решт виключення, вилучення | в конце концов исключение, изъятие |
| exclusive right | прерогатива, виключне право | прерогатива, исключительное право |
| expressive | виразний, багатозначний | выразительный, многозначительный |
| facilitate | допомагати, сприяти | содействовать, способствовать |
| fair use | законне (правомірне) використання | законное (правомерное) использование |
| file sharing | колективне використання файлів | коллективное использование файлов |
| for instance | наприклад | например |
| functionality | функціональність, практичність | функциональность, практичность |
| guilty of a crime | винуватий у скоєнні злочину | виновный в совершении преступления |
| illegal | незаконний, неправомірний | незаконный, противозаконный |

| | | |
|---------------|--|--|
| impermissible | недозволенний,
неприпустимий | недопустимый,
недозволенный |
| influence | вплив | влияние, воздействие |
| infringement | порушення (напр.
авторського права) | нарушение (напр.
авторского права) |
| permission | дозвіл | разрешение,
позволение |
| prior | колишній, попередній | прежний, бывший,
предшествующий |
| purpose | мета, намір, задум | цель, намерение,
замысел |
| racketeering | здирицтво, шантаж | вымогательство,
шантаж |
| reduce | зменшувати,
скорочувати | сокращать, уменьшать |
| require | вимагати, наполягати
на | требовать, настаивать
на |
| requirement | вимога, необхідна
умова | требование,
необходимое условие |
| royalties | гонорар (автору книги
тощо) | авторский гонорар |
| search engine | пошукова система,
пошуковий механізм
(програма, що
дозволяє пошук
в Інтернеті за
ключовими словами) | поисковая система,
поисковый механизм
(программа,
позволяющая
осуществлять поиск
в Интернете по
ключевым словам) |
| storage | зберігання | хранение |
| substantial | суттєвий, важливий,
значний | существенный, важный,
значительный |
| sue | переслідувати у
судовому порядку,
порушувати справу,
пред'являти позов,
подавати скаргу | преследовать в
судебном порядке,
возбуждать дело,
возбуждать иск,
подавать жалобу |
| sufficiently | досить, достатньо | достаточно, в
достаточной мере |

| | | |
|-------------|-----------------------------------|--|
| tangible | речовинний,
матеріальний | вещественный,
материальный |
| trivial | незначний, дрібний | незначительный,
мелкий |
| utilitarian | практичний,
прагматичний | практический,
прагматичный |
| utility | практичність,
вигідність | практичность,
выгодность |
| violation | порушення | нарушение |
| widespread | розповсюджений,
дуже поширений | превалирующий,
широко
распространённый |
| work of art | витвір мистецтва | произведение искусства |

Unit 3. PATENTS

PATENT LAWS

PRE-READING SECTION

Before reading discuss these questions?

1. How much do you know about patents?
2. How can patent protection be obtained?
3. What does the court do if an inventor claims that his or her patent has been infringed?

READING SECTION

Read the text carefully. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

Patent laws encourage private investment in new technologies by granting to artists the right to **forbid** all others to produce and distribute technological information that is new, useful, and non-obvious. The **statutory** requirements for patent protection are more **stringent** than those for copyright protection. Furthermore, because patent protection for commercial products or processes can give a tremendous market advantage to businesses, those seeking patents often find opposition to their applications. In America, for instance, patent protection can be obtained only through the U.S. Patent and Trademark Office.

The **novelty** requirement focuses on events that occur prior to the invention. An invention is not novel if it is publicly used, sold, or patented by another inventor within 12 months of the patent **application**. This definition implements the public policy that favors quick **disclosure** of technological progress.

Often, two inventors apply for a patent for the same product or process within the same 12-month period. Three factors determine who wins the patent: the date and time that the product or process was conceived; the date and time that the product or process was reduced to practice; and the **diligence** that was used to **pursue** patent protection and to perfect the discovery. Generally, the first inventor to **conceive** the product or process has **priority** in the application

process. However, if the second inventor is the first to reduce the product or process to practice and the first inventor does not use diligence to obtain patent protection, the second inventor is given priority in the application process.

The **utility** requirement ensures that the product or process receiving patent protection will have some **beneficial use**. The inventor must specify in the application a specific utility for the invention. If the application is for a patent on a process, the process must be useful with respect to a product. A process that is new and non-obvious, yet useless, does not increase knowledge or confer any benefit on society.

Non-obviousness is not the same as novelty. Not everything that is novel is non-obvious. Anything that is non-obvious is novel, however, unless it already has been patented. The non-obviousness requirement focuses on existing technology, or “prior art.” In determining whether an invention is non-obvious, the U.S. Patent and Trademark Office analyzes the prior art, examines the differences between the invention and the prior art, and determines the level of ordinary skill in the art. Generally, if an invention is obvious to a person of ordinary skill in the **relevant** art, it is not patentable.

When an inventor claims that his or her patent has been infringed, the court generally engages in a two-step process. First, it analyzes all of the relevant patent documents. It then reads the patent documents and compares them with the device or process that is accused of **infringement**. If each element of the accused device or process substantially duplicates an element in the patented device or process, the court may declare that the patent has been infringed. Infringement can occur only if another person uses, makes, or sells the patented device or process without the **permission** of the person who has received the patent.

When a patented device or process is infringed, the patent holder, or **patentee**, may recover in damages an amount equal to a reasonable **royalty**. If the infringement was **willful**, the infringing party may be forced to pay three times the reasonable royalty. If successful in court, the patent holder also may recover court costs and **attorneys’ fees**. If the patent holder **anticipates** infringement, he or she may **apply for an injunction**, which would **prohibit** a certain party from infringing the patent. An injunction may also issue after a finding of infringement, to prevent repeat infringement.

VOCABULARY PRACTICE

1. *Match the words on the left with the words on the right to form expressions, and then make sentences using the completed phrases.*

- | | |
|----------------|-----------------|
| 1. statutory | a. knowledge |
| 2. anticipate | b. requirements |
| 3. market | c. skill |
| 4. public | d. infringement |
| 5. beneficial | e. fee |
| 6. increase | f. royalty |
| 7. ordinary | g. device |
| 8. patented | h. use |
| 9. reasonable | i. policy |
| 10. attorneys' | j. advantage |

2. *Choose the best words to complete the sentences:*

- | | |
|--------------|----------------|
| a. apply | f. prohibit |
| b. novelty | g. application |
| c. recover | h. conceive |
| d. patentee | i. stringent |
| e. infringed | j. prior |

1. The statutory requirements for patent protection are more than those for copyright protection.

2. The novelty requirement focuses on events that occur to the invention.

3. Often, two inventors..... for a patent for the same product or process within the same 12-month period.

4. The first inventor tothe product or process has priority in the application process.

5. The inventor must specify in thea specific utility for the invention.

6. Non-obviousness is not the same as.....

7. When an inventor claims that his or her patent has been....., the court generally engages in a two-step process.

8. When a patented device or process is infringed, the patent holder, or....., may recover in damages an amount equal to a reasonable royalty.

9. If successful in court, the patent holder also may court costs and attorneys' fees.

10. The patent holder may apply for an injunction, which would a certain party from infringing the patent.

3. Fill in the correct prepositions: to, with, for(2), in(3), of(2), without. Make sentences, using the completed phrases.

1. private investmentnew technologies
2. the statutory requirements.... patent protection
3. quick disclosuretechnological progress
4. the diligence usedpursue patent protection
5. prioritythe application process
6. the process must be usefulrespect to a product
7. the court generally engages ...a two-step process
8. accusedinfringement
9. to sell the patented devicethe permission
10. apply an injunction

4. Match the words to their meanings, and then use them to speak about patents.

- | | |
|----------------|--|
| 1. statutory | a. seek to attain or accomplish (a goal) over a long period |
| 2. application | b. a person or organization that obtains or holds a patent for something |
| 3. diligence | c. required, permitted, or enacted by statute |
| 4. pursue | d. careful and persistent work or effort |
| 5. confer | e. a payment made to a professional person or to a professional or public body in exchange for advice or services |
| 6. accuse | f. a judicial order restraining a person from beginning or continuing an action threatening or invading the legal right of another |
| 7. patentee | g. a person, typically a lawyer, appointed to act for another in business or legal matters |
| 8. attorney | h. claim that (someone) has done something wrong |
| 9. fee | i. grant (a title, degree, benefit, or right) |
| 10. injunction | j. a formal request to an authority |

A PATENT

1. Read the text about Patents and explain the words in bold.

2. Choose the most suitable heading from the list A-K for each part of the text. There is one extra heading which you do not need to use and there is an example at the beginning (0).

- A. How can a patent be obtained worldwide?
- B. How is a patent granted?
- C. What kinds of inventions can be protected?
- D. What is a Patent?
- E. What does a Patent do?
- F. Who grants Patents?
- G. What role do patents play in everyday life?
- H. What rights does a Patent owner have?
- I. What kind of protection does a Patent offer?
- J. Why are Patents necessary?
- K. Where can the patent be obtained?

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| 0 | D |
|---|---|

A patent is an exclusive right granted for an **invention**, which is a **product** or a **process** that provides, in general, a new way of doing something, or offers a new technical solution to a problem. In order to be patentable, the invention must fulfill certain conditions.

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A patent provides **protection** for the invention to the **owner** of the patent. The protection is granted for a limited period, generally 20 years.

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Patent protection means that the invention cannot be commercially **made, used, distributed or sold** without the patent owner's **consent**. These **patent rights** are usually enforced in a court, which, in most systems, holds the authority to stop **patent infringement**. Conversely, a court can also declare a patent invalid upon a successful **challenge** by a third party.

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A patent owner has the right to decide who may or may not use the patented invention for the period in which the invention is protected. The patent owner **may give permission** to, or **license**, other parties to use the invention on mutually agreed terms. The owner may also **sell** the right to the invention to someone else, who will then become the new owner of the patent. Once a patent expires, the protection ends, and an invention enters the **public domain**, that is, the owner no longer holds exclusive rights to the invention, which becomes available to commercial exploitation by others.

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Patents provide **incentives** to individuals by offering them **recognition** for their **creativity** and **material reward** for their marketable inventions. These incentives encourage **innovation**, which assures that the **quality of human life** is continuously enhanced.

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Patented inventions have, in fact, **pervaded every aspect of human life**, from electric lighting (patents held by Edison and Swan) and plastic (patents held by Baekeland), to ballpoint pens (patents held by Biro) and microprocessors (patents held by Intel, for example).

All patent owners are obliged, in return for patent protection, to **publicly disclose information** on their invention in order to **enrich the total body of technical knowledge** in the world. Such an ever-increasing body of public knowledge promotes **further creativity** and **innovation** in others. In this way, patents provide not only protection for the owner but valuable **information** and **inspiration** for **future generations** of researchers and inventors.

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The first step in securing a patent is the filing of a **patent application**. The patent application generally contains the title of the invention, as well as an indication of **its technical field**; it must include the **background** and a **description** of the invention, in clear language and enough detail that an individual with an average understanding of the field could use or reproduce the invention. Such

descriptions are usually accompanied by **visual materials** such as drawings, plans, or diagrams to better describe the invention. The application also contains various “**claims**”, that is, information which determines the extent of protection granted by the patent.

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An invention must, in general, fulfill the following conditions to be protected by a patent. It must be of **practical use**; it must show an element of **novelty**, that is, some **new characteristic** which is not known in the **body of existing knowledge** in its technical field. This body of existing knowledge is called “**prior art**”. The invention must show an **inventive step** which could not be deduced by a person with average knowledge of the technical field. Finally, its subject matter must be accepted as “patentable” under law. In many countries, scientific theories, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods, or methods for medical treatment (as opposed to medical products) are generally not patentable.

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| 8 | |
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A patent is granted by a **national patent office** or by a **regional office** that does the work for a number of countries, such as the European Patent Office and the African Regional Intellectual Property Organization. Under such regional systems, an applicant requests protection for the invention in one or more countries, and each country decides as to whether to offer patent protection within its borders. The WIPO-administered **Patent Cooperation Treaty (PCT)** provides for the filing of a single **international patent application** which has the same effect as national applications filed in the designated countries. An applicant seeking protection may file one application and request protection in as many signatory states as needed.

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At present, no “world patents” or “international patents” exist. In general, an application for a patent must be filed, and a patent shall be granted and enforced, in each country in which you seek patent protection for your invention, **in accordance with** the law of that country. In some regions, a regional patent office, for example, the European Patent Office (EPO) and the African Regional Intellec-

tual Property Organization (ARIPO), accepts regional patent applications, or grants patents, which have the same effect as applications filed, or patents granted, in the member States of that region.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions, then make sentences using the completed phrases.

- | | |
|--------------------|-----------------------|
| 1. patent owner's | a. exploitation |
| 2. patent | b. incentives |
| 3. mutually agreed | c. reward |
| 4. commercial | d. information |
| 5. public | e. further creativity |
| 6. provide | f. infringement |
| 7. material | g. innovation |
| 8. encourage | h. domain |
| 9. disclose | i. consent |
| 10. promote | j. Terms |

2. Fill in the correct prepositions: *within, for (3), in, of(2), on, to, by*. Make sentences, using the completed phrases.

1. an exclusive right granted an **invention**
2. **patent rights** are usually enforced a court
3. to use the invention mutually agreed terms
4. **sell** the right the invention to someone else
5. **material reward** the marketable inventions
6. the **quality** **human life**
7. **future generations** researchers and inventors
8. the extent of protection granted the patent
9. methods medical treatment
10. to offer patent protection its borders

2. Match the words to their meanings, and then use them to speak about patents.

- | | |
|-----------------|--|
| 1. consent | a. (especially of an official document or procedure) not legally recognized because it contravenes a regulation or law |
| 2. infringement | b. (a document, authorization, or agreement) come to the end of the period of validity |

- | | |
|-----------------|--|
| 3. invalid | c. permission for something to happen or agreement to do something |
| 4. expire | d. the action of breaking the terms of a law, agreement, etc.; violation; the action of limiting or undermining something |
| 5. incentive | e. acknowledgement of the existence, validity, or legality of something |
| 6. recognition | f. be present and apparent throughout |
| 7. reward | g. the process of being mentally stimulated to do or feel something, especially to do something creative |
| 8. pervade | h. a thing that motivates or encourages someone to do something; a payment or concession to stimulate greater output or investment |
| 9. disclose | i. a thing given in recognition of service, effort, or achievement |
| 10. inspiration | j. make (secret or new information) known; allow (something hidden) to be seen |

3. Translate the following passage into English paying special attention to the words and expressions in bold type.

Патент – это документ, удостоверяющий **авторство на изобретение** и закрепляющий **исключительное право** на его использование. Изложение патента имеет традиционную форму и свой стиль.

В юридическом смысле слова патентом называется **свидетельство**, выдаваемое **изобретателю**.

Патент обычно состоит из таких частей:

1. библиографическая часть описания изобретения;
2. вводный абзац (область техники, к которой относится изобретение);
3. цель изобретения, краткая формулировка существа изобретения;
4. подробное (полное) описание изобретения, описание рисунков, примеры вариантов осуществления изобретения;
5. **формула изобретения** (патентная формула).

Библиографическая часть включает: номер патента, заголовков патента, название страны, выдавшей патент, дату подачи

заявки, дату выдачи патента, индексы – Международной классификации изобретений (МКИ) и Национальной классификации изобретений (НКИ), фамилию владельца патента и его адрес, фамилию автора изобретения.

Во **вводном абзаце патента** излагается **анализ состояния техники** в данной области, анализ предпосылок к созданию изобретения.

Третья часть патента касается **цели изобретения**.

В четвертой части патента дается **подробное (полное) описание** изобретения. Если в патенте есть рисунки, то их обязательно описывают с расшифровкой цифр. Цифры в описании располагают в возрастающей последовательности.

Патентная формула является самостоятельной частью патента. С юридической точки зрения патентная формула – это главная часть патента, в которой формулируются все черты новизны данного изобретения, отличающие его от уже известных, сходных по содержанию изобретений.

DISCUSSION SECTION

Think and answer the following questions:

1. Do you think that the inventor's time and energy must be spent on pure innovation, allowing others to concentrate on manufacturability? Why?

2. Do the patents have any effect on research?

WRITING ASSIGNMENT

Write a 200-word essay:

Do you agree or disagree with the following statement: "The history of patents includes a wealth of attempts to reward friends of the government and restrict or control dangerous technologies." (*James Boyle, Professor of Law and co-founder of the Center for the Study of the Public Domain at Duke Law School 'The Public Domain: Enclosing the Commons of the Mind'*) Use specific reasons and examples to support your answer.

USEFUL VOCABULARY

| | | |
|-----------------------|--|---|
| accuse | обвинувачувати,
висувати обвинувачення | обвинять, выдвинуть
обвинение |
| amount | сума, кількість | сумма, количество |
| anticipate | передбачати,
використовувати
(витрачати) заздалегідь,
опорочувати новизну
(винаходу) | предвосхитить
(изобретение),
опорочить новизну
(изобретения), отрицать
новизну (изобретения) |
| application | заява, використання | заявление, применение |
| apply for a
patent | подавати заявку на
патент | подавать заявку на
патент |
| attorney | адвокат, повірений,
юрист | адвокат, доверенный,
юрист |
| beneficial | вигідний | выгодный |
| conceive | осягати, розуміти | постигать, понимать |
| confer | вести переговори,
обговорювати,
радитися, покладати
(обов'язки) | вести переговоры,
обсуждать, совещаться,
возлагать (обязанности) |
| damage | збитки, компенсація за
збитки, відшкодування
збитків | убытки, компенсация
за нанесенный ущерб,
возмещение убытков |
| definition | визначення | определение |
| determine | визначати,
встановлювати | определять,
устанавливать |
| diligence | накладення арешту
на майно на
забезпечення боргу або
в порядку виконавчого
судочинства | наложение ареста
на имущество в
обеспечение долга
или в порядке
исполнительного
производства |
| disclosure | розкриття, виявлення,
викриття | обнаружение,
разоблачение,
раскрытие |
| discovery | надання (суду)
документів | обязательное
представление
документов суду |

| | | |
|--------------|--|--|
| distribute | розподіляти,
розповсюджувати | распространять,
распределять |
| engage in | займатися | заниматься |
| equal | рівний, однаковий,
відповідний | равный, одинаковый,
соответствующий |
| favor | бути прихильним (до
чогось), прихильно
ставитися, сприяти | способствовать,
благоприятствовать,
содействовать |
| fee | абсолютне право
власності, винагорода,
гонорар, відрахування
власнику патента | абсолютное право
собственности,
вознаграждение,
гонорар, отчисления
собственнику патента |
| forbid | забороняти, не давати
дозволу | запрещать, не давать
разрешения |
| grant | дозволяти, давати
згоду, задовольняти
(прохання), надавати
право | разрешать, давать
согласие, предоставить
право |
| implement | виконувати,
здійснювати | выполнять,
осуществлять |
| increase | збільшувати,
підсилювати | увеличивать, усиливать |
| infringement | порушення | нарушение |
| injunction | судова заборона,
заборонна норма | судебный запрет,
запретительная норма |
| investment | інвестування, вкладення
в цінні папери або
підприємство | инвестирование,
вложение в ценные
бумаги или
предприятие |
| issue | видавати (напр. патент) | выдавать (напр. патент) |
| non-obvious | неявний | неочевидный |
| novelty | патентна чистота,
новизна (винаходу) | патентная чистота,
новизна изобретения |
| occur | траплятися, ставитися,
зустрічатися, спадати на
думку | происходить,
встречаться, приходит
на ум |

| | | |
|------------|--|--|
| patent | патент, запатентований | патент, патентованный |
| patentee | власник патента,
особа, яка має право
на отримання патента | владелец патента,
лицо, имеющее право
на получение патента |
| perfect | удосконалювати,
виконувати | совершенствовать
выполнять |
| permission | дозвіл | разрешение |
| prevent | попереджати,
запобігати, не
допускати, заважати | предотвращать,
предупреждать,
предохранять,
препятствовать |
| priority | пріоритет, перевага,
привілейоване право,
переважне право | пріоритет,
преимущество,
преимущественное
право |
| prohibit | забороняти, заважати | запрещать,
препятствовать |
| pursue | подавати скаргу,
пред'являти позов | подавать жалобу,
предъявлять иск |
| reasonable | обґрунтований,
справедливий | обоснованный,
справедливый |
| recover | домагатися повернення
або відшкодування
(збитків) | добиваться возвращения
или возмещения
(убытков) |
| relevant | обґрунтований,
актуальний | обоснованный,
актуальный |
| respect | поважання,
дотримуватися | соблюдение, соблюдать |
| society | суспільство, об'єднання,
асоціація | общество, объединение,
ассоциация |
| specify | уточнювати,
вказати, з'ясувати,
конкретизувати | точно определять,
устанавливать,
предписывать,
конкретизировать |
| statutory | законний власник,
передбачений законом,
статутний | законный владелец,
предписанный законом
статутный |

| | | |
|------------|---|---|
| stringent | суворий, точний, обов'язковий, вагомий, переконливий (напр. аргумент) | строгий, точный, обязательный, веский, убедительный (напр. аргумент) |
| successful | успішний, виграний (про справу) | успешный, выигранное (дело в суде) |
| tremendous | величезний, гігантський надзвичайний | огромный, гигантский, потрясающий |
| utility | корисність, вигідність, практичність | полезность, выгодность, практичность |
| willful | умисний, навмисний, свідомий | намеренный, умышленный, сознательный |
| provide | передбачати, встановлювати (в законі, нормі загального права тощо) постачати, надавати, забезпечувати | предусматривать, постановлять (в законе, договоре), снабжать, предоставлять, обеспечивать |
| solution | рішення, вирішення (питання тощо), виконання зобов'язання, розкриття (злочину), задоволення (скарги) | решение, разрешение (вопроса и т. п.), выполнение обязательств, раскрытие (преступления), удовлетворение (жалобы) |
| consent | згода, погодження, дозвіл | согласие, согласование, разрешение |
| conversely | зворотно, навпаки | обратно, наоборот |
| mutually | обопільно, взаємно | обоюдно, взаимно |
| expire | закінчуватися (про термін), припинятися із закінченням терміну | кончатся, истекать (о сроке), прекращаться с истечением срока |
| domain | повна і абсолютна власність на нерухомість, сфера, територія | полная и абсолютная собственность на недвижимость, сфера, территория |
| incentive | заохочення, стимул, винагорода | побуждение, стимул, поощрение |

| | | |
|--|---|---|
| enhance | посилювати,
покращувати | усиливать, улучшать |
| pervade | наповнювати,
проходити (через що-
небудь) | наполнять, проходить
(через что-то) |
| generation | покоління | поколение |
| deduce | робити висновок,
простежити, встановити
походження | приходить к
заклучению, делать
вывод, установит
происхождение |
| request | прохання, клопотання,
вимога, запит | просьба, ходатайство,
требование, запрос |
| Patent
Cooperation
Treaty (PCT) | Договір про патентну
кооперацію | Договор о патентной
кооперации |
| seek | шукати, намагатися,
домагатися | искать, просить,
добиваться |
| signatory | сторона, що підписала
документ, доручення
на право підпису
документів | сторона, подписавшая
документ, доверенность
на право подписания
документов |
| accordance | згода, відповідність,
відповідність, надання
(права, привілею,
гарантій) | согласие, соответствие,
предоставление (права,
привилегии, гарантий) |
| European
Patent Office
(EPO) | Європейське патентне
відомство | Европейское патентное
ведомство |
| African
Regional
Intellectual
Property
Organization
(ARIPO) | Африканська
регіональна організація
інтелектуальної
власності | Африканская
региональная
организация
интеллектуальной
собственности |

Unit 4. TRADEMARKS

PRE-READING SECTION

Before reading discuss these questions?

- 1 How much do you know about trademarks?
- 2 How can the trademark receive protection?
- 3 What do defenses to trademark infringement include?

READING SECTION

Read the text carefully. Try to find answers for the above given questions and compare your answers with the information given in the text. Try to explain the words in bold.

Trademarks are used to claim exclusive **properties** of products or services. A trademark may be located on a package, a **label**, a **voucher** or on the product itself. The usage of trademarks by its owner can cause **legal issues** if this usage makes him **guilty** of **false advertising** or if the trademark is **offensive**.

Trademarks can be owned, but also licensed. Licenses can be bought from trademark owners and brokers.

Many **suppliers** of toys are licensees. For example: they purchased a license from Lucas film in order to be allowed to **launch** Wars. The **unauthorized** usage of trademarks by producing and trading **counterfeit** consumer goods is known as **brand piracy**.

The owner of a trademark may **pursue** legal action against trademark infringement. Most countries require formal registration of a trademark as a precondition for pursuing this type of action. They recognize common law trademark rights, which means action can be taken to protect an unregistered trademark if it is in use. Still common law trademarks offer the holder in general less legal protection than registered trademarks.

A trademark may be designated by the following symbols:

- TM (the “trademark symbol”, which is the letters “TM”, for an unregistered trademark, a mark used to promote or brand goods)
- SM (which is the letters “SM” in superscript, for an unregistered service mark, a mark used to promote or brand services)
- ® (the letter “R” surrounded by a circle, for a registered trademark)

A trademark is typically a name, word, phrase, logo, symbol, design, image, or a combination of these elements. There is also a range of **non-conventional trademarks** comprising marks which do not fall into these standard categories, such as those based on color, smell, or sound (like jingles).

The term *trademark* is also used informally to refer to any distinguishing attribute by which an individual is readily identified, such as the well-known characteristics of **celebrities**. When a trademark is used in relation to services rather than products, it may sometimes be called a service mark.

Trademark laws allow businesses to protect the symbolic information that relates to their goods and services, by preventing the use of such features by competitors. To receive trademark protection, a mark usually must be distinctive.

Distinctiveness generally applies to any **coined** or **fanciful** word or term that does not closely resemble an existing mark. A mark generally will not receive trademark protection if it is a common or descriptive term used in the marketplace.

To receive trademark protection, a mark must be used in commerce. If two or more marketers **claim ownership** of a certain mark, the first user of the mark will usually receive the protection. When the mark is known to consumers only in a limited geographic area, though, it may not receive protection in areas where it is unknown.

Infringement occurs if a mark is likely to cause **confusion** among consumers. In determining whether confusion is likely, the court examines a number of factors, including the similarity between the two marks in appearance, sound, **connotation**, and impression; the similarity of the goods or services that the respective marks represent; the similarity of the markets; whether the sale of the goods or services is inspired by impulse or only after careful consideration by the buyer; the level of public **awareness** of the mark; whether shoppers are actually confused; the number and nature of similar marks on similar goods or services; the length of time of concurrent use without actual confusion on the part of shoppers; and the variety of goods or services that the mark represents.

Defenses to infringement include fair use and **collateral** use. Fair use occurs when the second user, or **repossessor**, uses a protected mark in a non-conspicuous way to identify a component of a good or service. For example, a restaurant may use a protected mark

to advertise that it serves a particular brand of soft drink, without infringing the mark. However, the restaurant may not identify itself by the mark without infringing the mark.

Collateral use is use of the same mark in a different market. For example, **assume** that a tree surgeon has received trademark protection for the mark Tree Huggers. This protection might or might not prevent a business that sells logging boots from using the same mark. However, if the mark for the boots is written or otherwise appears with the same defining characteristics as the mark for the tree surgeon, it risks being denied trademark protection, depending on whether it can be confused by consumers.

Remedies for infringement of a protected trademark consist of **damages** for the **profits** lost owing to the infringement; **recovery** of the profits realized by the infringer owing to the infringement; and **attorneys' fees**. A trademark holder also may obtain **injunctive relief** to prevent infringement.

VOCABULARY PRACTICE

1. Match the words on the left with the words on the right to form expressions and then make sentences using the completed phrases.

- | | |
|-------------------|-------------------|
| 1. legal | a. way |
| 2. brand | b. confusion |
| 3. no conspicuous | c. use |
| 4. cause | d. issues |
| 5. public | e. relief |
| 6. collateral | f. infringement |
| 7. recovery | g. fees |
| 8. attorneys' | h. piracy |
| 9. injunctive | i. of the profits |
| 10. prevent | j. awareness |

2. Choose the best words to complete the sentences:

- | | |
|---------------|----------------|
| a. reposessor | f. counterfeit |
| b. label | g. pursue |
| c. commerce | h. fanciful |
| d. relief | i. a trademark |
| e. confusion | j. brokers |

1. Distinctiveness generally applies to any coined or..... word or term that does not closely resemble an existing mark.
2. To receive trademark protection, a mark must be used in.....
3. Infringement occurs if a mark is likely to cause..... among consumers.
4. Fair use occurs when the second user, or....., uses a protected mark in a non-conspicuous way.
5. A trademark holder may obtain injunctiveto prevent infringement.
6. A trademark may be located on a package,, a voucher or on the product itself.
7. Licenses can be bought from trademark owners and.....
8. The unauthorized usage of trademarks by producing and trading consumer goods is known as brand piracy.
9. The owner of a trademark may..... legal action against trademark infringement.
10. Whenis used in relation to services rather than products, it may sometimes be called a service mark.

3. Match the following words in the text with their meanings, then use them to speak about UK government.

- | | |
|----------------|---|
| 1. remedy | a. a fraudulent imitation of something else |
| 2. trademark | b. the unauthorized use or reproduction of another's work |
| 3. counterfeit | c. a successful way of dealing with a problem |
| 4. piracy | d. a symbol, word, or words legally registered or established by use as representing a company or product |
| 5. fanciful | e. something pledged as security for repayment of a loan, to be forfeited in the event of a default |
| 6. connotation | f. a person hired by a credit company to repossess an item when the buyer defaults on payments |
| 7. collateral | g. a payment made to a professional person or to a professional or public body in exchange for advice or services |

- 8. reposessor h. a person, typically a lawyer, appointed to act for another in business or legal matters
- 9. attorney i. an idea or feeling which a word invokes for a person in addition to its literal or primary meaning
- 10. fee j. over-imaginative and unrealistic

4. Fill in the correct prepositions: of, against, to(3), in(2), between, for (2). Make sentences using the completed phrases.

- 1. guilty false advertising
- 2. pursue legal action trademark infringement
- 3. actions can be takenprotect an unregistered trademark
- 4. a mark must be used..... commerce
- 5. the similarity..... the two marks in appearance
- 6. defensesinfringement
- 7. to use a protected marka non-conspicuous way
- 8. remediesinfringement
- 9. damagesthe profits
- 10. to obtain injunctive reliefprevent infringement

DISCUSSION SECTION

Think and discuss these questions:

1. We know that the law considers a trademark to be a form of property. Can you use specific reasons and examples to develop this idea?

2. There are international trademark laws that facilitate the protection of trademarks.

Which specific reasons and examples can you use to support our answer?

WRITING ASSIGNMENT

Choose one of the topics below and write a 200-essay:

1. Do you agree or disagree with the followings statement? "A great trademark is appropriate, dynamic, distinctive, memorable and unique." (Primo Angeli, **a designer and artist, who built an**

international reputation in the field of graphic communications).

Give specific reasons to support your opinion.

2. Can you prove that a trademark is subject to various defenses? Use reasons and specific examples to explain why it is important.

Unit 5. MISCELLANEOUS

IT'S INTERESTING TO KNOW THAT ...

– The practice of **granting privileges** to citizens first found voice in Venice as early as the 12th century. Here ten-year monopolies were granted to the inventors of a silk weaving process.

– In fact the earliest known **patent** was granted to John Utyman in 1449 to a glass-making process used by Venetian Glass makers but not before known in England. In return for the royalties granted, Mr Utyman was required to teach his process to Native Englishmen. The patent was granted for a period of 20 years.

– One important difference between the **patents** of today is that the earliest privileges made no distinction between inventors and importers of new techniques. The sole purpose of such privileges was to secure new technologies for domestic use and to limit dependence on imports.

– The first statutes relating to **Patents** were issued in the Republic of Venice in 1474 where it was decreed that new and inventive devices, once they had been put into practice, had to be communicated to the Republic in order to obtain legal protection against potential infringers. This statute laid down the general principals of **Patent Law**.

– Different goods and services have been classified by the International (Nice) Classification of Goods and Services into 45 **Trademark** Classes (1 to 34 cover goods, and 35 to 45 services). The idea behind this system is to specify and limit the extension of the intellectual property right by determining which goods or services are covered by the mark, and to unify classification systems around the world.

– The oldest registered **trademarks** in various countries include:

– United Kingdom: 1876 – The Bass Brewery's Red Triangle for ale was the first trademark to be registered under the Trade Mark Registration Act 1875.

– United States: Samson (a rope-making company), featuring a depiction of the Biblical figure Samson wrestling a lion, was the first to be trademarked in the United States in 1884, and is still used by that company today.

– United States: In 1923 the businessman and author Edgar Rice Burroughs registered his fictitious character Tarzan as trademark. Hereby he prolonged the copyright for an unlimited time. On these grounds he sold licenses for comic strips and the usage of Tarzan in film and other non-print media. This was the beginning of what is now established as media franchise.

– In 1980, there were fewer than ten thousand registered high-tech **trademarks** in the United States. In 2011, there were more than 300,000.

– Although many of the legal principles governing **intellectual property** rights have evolved over centuries, it was not until the 19th century that the term *intellectual property* began to be used, and not until the late 20th century that it became commonplace in the majority of the world.

– Modern usage of the term *intellectual property* goes back at least as far as 1867 with the founding of the North German Confederation whose constitution granted legislative power over the protection of **intellectual property** to the confederation.

– At the end of the 20th century, only 10 percent of all patents were awarded to female inventors. When you compile a list of the most famous inventions of the past few centuries, few women will show up as the creators of those items. It's not that women lack ingenuity or a creative spirit, though; it's just that women have faced many hurdles in receiving credit for their ideas. Take the case of Sybilla Masters, a woman who lived in the American colonies. After observing Native American women, she came up with a new way to turn corn into cornmeal. She went to England to obtain a patent for her work, but laws at the time stipulated that women couldn't own property, which included intellectual property like a patent. Such property was considered to be owned by the woman's father or husband. In 1715, a patent for Sybilla Masters' product was issued, but the name on the document is that of her husband, Thomas.

– Such property laws prevented many women from acquiring patents for inventions several centuries ago. Women were also less likely to receive a technical education that would help them turn an ingenious idea into an actual product. Many women faced prejudice and ridicule when they sought help from men in actualizing their idea. And some women came up with ideas that would improve life in their households, only to see their inventions treated with scorn for being too domestic and thus unworthy of praise.

– Mary Kies was the first American woman to earn a patent in her own name. In 1809, she developed a way of weaving straw into hats that was an economic boon for New England. By receiving that piece of paper with her name on it, Kies led the way for other female inventors to take credit for their ideas. In this article, we'll salute 10 things invented by women.

– Bette Nesmith Graham was not a very good typist. Still, the high school dropout worked her way through the secretarial pool to become the executive secretary for the chairman of the board of the Texas Bank and Trust. It was the 1950s, and the electric typewriter had just been introduced. Secretaries often found themselves retyping entire pages because of one tiny mistake, as the new model's carbon ribbon made it difficult to correct errors.

One day, Graham watched workers painting a holiday display on a bank window. She noticed that when they made mistakes, they simply added another layer of paint to cover them up, and she thought she could apply that idea to her typing blunders. Using her blender, Graham mixed up a water-based tempera paint with dye that matched her company's stationary. She took it to work and, using a fine watercolor brush, she was able to quickly correct her errors. Soon, the other secretaries were clamoring for the product, which Graham continued to produce in her kitchen. Graham was fired from her job for spending so much time distributing what she called "Mistake Out," but in her unemployment she was able to tweak her mixture, rename the product Liquid Paper and receive a patent in 1958. Even though typewriters have been replaced by computers in many offices, many people still have a bottle or two of that white correction fluid on hand.

– When we think about advancements in computers, we tend to think about men like Charles Babbage, Alan Turing and Bill Gates. But Admiral Grace Murray Hopper deserves credit for her role in the computer industry. Admiral Hopper joined the military in 1943 and was stationed at Harvard University, where she worked on IBM's Harvard Mark I computer, the first large-scale computer in the United States. She was the third person to program this computer, and she wrote a manual of operations that lit the path for those that followed her. In the 1950s, Admiral Hopper invented the compiler, which translates English commands into computer code. This device meant that programmers could create code more easily and

with fewer errors. Hopper's second compiler, the Flow-Matic, was used to program UNIVAC I and II, which were the first computers available commercially. Admiral Hopper also oversaw the development of the Common Business-Oriented Language (COBOL), one of the first computer programming languages. Admiral Hopper received numerous awards for her work, including the honor of having a U.S. warship named after her.

– You might think that the first dishwasher was invented by someone who spent years washing dishes, bemoaning the wasted time and the dishpan hands. Actually, Josephine Cochrane, who received the patent for the first working dishwasher, didn't spend that much time washing dishes. The real impetus for her invention was frustration over her servants breaking her heirloom china after fancy dinners.

Cochrane was a socialite who loved to entertain, but after her husband died in 1883, she was left with massive debt. Rather than selling off that beloved china, she focused on building a machine that would wash it properly. Her machine relied upon strong water pressure aimed at a wire rack of dishes, and she received a patent for the device in 1886. Cochrane claimed that inventing the machine was nowhere near as hard as promoting it. At first, the Cochrane dishwasher tanked with individual consumers, as many households lacked the hot water heaters necessary to run it, and those that had the capacity balked at paying for something that housewives did for free. Undaunted, Cochrane sought appointments with large hotels and restaurants, selling them on the fact that the dishwasher could do the job they were paying several dozen employees to do. In time, however, more households acquired the device as greater numbers of women entered the workplace.

– When Anderson first proposed the windshield wipers, some people thought it would be too distracting to drivers.

At the dawn of the 20th century, Mary Anderson went to New York City for the first time. She saw a much different New York City than the one tourists see today. There were no cabs honking, nor were there thousands of cars vying for position in afternoon traffic. Cars had not yet captured the American imagination and were quite rare when Anderson took that trip, but the woman from Alabama would end up inventing something that has become standard on every automobile. During her trip, Anderson took a tram through the snow-covered city.

She noticed that the driver had to stop the tram every few minutes to wipe the snow off his front window. At the time, all drivers had to do so; rain and snow were thought to be things drivers had to deal with, even though they resulted in poor visibility. When she returned home, Anderson developed a squeegee on a spindle that was attached to a handle on the inside of the vehicle. When the driver needed to clear the glass, he simply pulled on the handle and the squeegee wiped the precipitation from the windshield. Anderson received the patent for her device in 1903.

USEFUL VOCABULARY

| | | |
|--------------|--|---|
| property | власність, право власності, об'єкт права власності | собственность, право собственности, объект собственности |
| label | ярлик, етикетка, бирка, фабрична марка (на одязі) | ярлык, бирка, етикетка, фабричная марка (на одежде) |
| voucher | розписка, письмове засвідчення (факту), поручительство, ваучер | расписка, письменное свидетельство чего-л., удостоверение (факта), поручительство, ваучер |
| guilty | винний, винуватий | виновный, виноватый |
| offensive | образливий, який завдає збитків (шкоди) | оскорбительный, причиняющий неудобство или вред |
| false | неправильний, фальшивий, обманний, несправжній | неправильный, фальшивый, обманный, ложный |
| supplier | постачальник | поставщик |
| licensee | ліцензіат, власник дозволу (ліцензії, патента тощо) | лицензиат, обладатель разрешения (лицензии, патента и т. д.) |
| launch | розпочинати, здійснювати | запускать, осуществлять |
| unauthorized | недозволений, неправомочний, який не має | неразрешенный, неуполномоченный, не имеющий |

| | | |
|--------------|--|--|
| | юридичної підстави, не уповноважений, неправомірний | юридического основания, неправомерный |
| counterfeit | підробка, підробляти, фальсифікування, підроблена річ | подделка, подделывать, фальсификация, поддельная вещь |
| piracy | плагіат, порушення видавничого (авторського, патентного) права, незаконне копіювання, контрафакція (використання чужого твору всупереч волі його автора) | плагіат, нарушение издательского (авторского или патентного) права, незаконное копирование, контрафакция (использование чужого произведения вопреки воле его автора) |
| pursue | проводити (в т. ч. політику), переслідувати, здійснювати переслідування, шукати (у суді), переслідувати (мету) | проводить (напр. политику), преследовать, осуществляют преследование, искать (в суде), преследовать (цель) |
| conventional | звичайний, традиційний, конвенційний, обумовлений в договорі (угоді), заснований на угоді (договорі) | обычный, традиционный, конвенционный, обусловленный в договоре (соглашении), основанный на соглашении (договоре) |
| distinguish | встановлювати різницю по суті, відмовлятися вважати прецедентом, доводити незастосовність як прецедента, | установливать различие по существу, отказаться считать прецедентом, доказывать неприменимость в качестве прецедента, отходить от общего принципа |

| | | |
|----------------------|---|--|
| | відходити від загального принципу | |
| attribute | характерна ознака, атрибут | характерная черта, атрибут |
| trademark | торгова марка, товарний знак | торговая марка, товарный знак |
| prevent | попереджати, запобігати, не допускати, відвертати, превентувати, заважати | предотвращать, предупреждать, предохранять, не допускать, превентировать, препятствовать |
| distinctiveness | розрізнявальна здатність (товарного знака) | различительная способность (товарного знака) |
| coined | сфабрикований, підроблений | сфабрикованный, поддельный, подложный |
| fanciful | нереальний, вигаданий, дивний | воображаемый, странный |
| ownership | володіння, власність, право власності | владение, собственность, право собственности |
| confusing similarity | подібність, схожість (напр. товарних знаків), яка вводить в оману | подобие, сходство (напр. товарных знаков), вводящее в заблуждение |
| connotation | додатковий, побічний відтінок значення, те, що мається на увазі | дополнительный подтекст, скрытый смысл, то, что подразумевается |
| awareness | обізнаність | осведомленность |
| collateral | додаткове забезпечення | дополнительное обеспечение |
| repossess | відновлювати(ся) у володінні (чим-небудь), вилучати за неплатіж (річ, узятую в кредит або напрокат) | восстановить(ся) во владении, изымать за неплатёж (вещь, взятую в кредит или напрокат) |
| assume | брати на себе (відповідальність, | принимать на себя (ответственность, |

| | | |
|-------------------|---|---|
| | ризик, владу, обов'язки тощо), припускати, гадати, засіб захисту права, засіб правового (судового) захисту | обязательство, риск, власть), допускать, предполагать средство судебной защиты, средство правовой защиты |
| remedy | | |
| infringement | порушення (патента, закону, права тощо), обмеження (прав, інтересів), ущемлення, контрафакція | нарушение (патента, закона, права и т. п.), ограничение (прав, интересов), ущемление, контрафакция |
| damage | пошкодження, ушкодження, збитки, зашкоджувати, завдавати, заподіювати (збитки тощо) | повреждение, ущерб, убыток, вред, причинять (ущерб, убыток, вред), повреждать |
| profit | прибуток, вигода, користь, отримувати прибуток | прибыль, доход, выгода, польза, получать прибыль |
| recovery | віндикація, стягнення в судовому порядку, повернення (втраченого тощо), відшкодування, обернення стягнення на майно, сума, що стягується за рішенням суду | виндикация, взыскание в судебном порядке, возвращение (утраченного тощо), возмещение, обращение взыскания на имущество, сумма, взыскиваемая по решению суда |
| attorney's fee | гонорар атторнея (адвоката) | гонорар атторнея (адвоката) |
| injunctive relief | судова заборона, засіб правового захисту у вигляді судової заборони | судебный запрет, средство правовой защиты в виде судебного запрещения |

TEXT BANK

Text 1. THE SCHOOL FOR MILLIONAIRES

These boys' fresh faces belie a wealth of ambition and talent. Two of them are running a company turning over nearly a million pounds a year, two are about to take their business global – and all set up their companies while attending one of Britain's leading schools, Queen Elizabeth's in North London, which prides itself on encouraging student initiative. Here, Anastasia Stephens speaks to six young entrepreneurs with age on their side.

NAME: Andrew Culverhouse, 20.

COMPANY: Director of time2talk.co.uk

AGE STARTED: 17 **TURNOVER:** £900,000 plus

I've been running a business since I was 11, apart from a break for my GCSEs – although until I left school I was really earning only pocket money. Time2talk is now one of the biggest online mobile phone dealers, with a turnover of almost £1 million.

We pay ourselves a good wage and, because we've worked hard for it, I like to enjoy the rewards. I've just splashed out £30,000 on a BMW couple with satellite navigation, and this year, when my girlfriend and I went to Madeira, we flew first-class and stayed at The Savoy.

Running a business is something I've always wanted to do, I even decided not to go on to university so that I could concentrate on building up time2talk. If I make lots of money early on, I can live an easy life when I'm older.

My first business was a stationery club at school, where my friends and I managed to undercut the prices of WH Smith in Barnet High Street. We made £40 to £50 a week, which was brilliant at that age.

Neil Madhvani, my business partner, had the idea of selling mobile phones on the internet. Because our business was conducted over the internet, no one could see we were only 17. However, we did have to meet suppliers and I can still remember the shocked look on our main suppliers' face the first time he saw us. He was twice our age.

NAME: Jo Storehouse, 17.

COMPANY: Director of NoMonthly.co.uk

AGE STARTED: 16 TURNOVER: £60,000

The first time I picked up the phone at NoMonthly.co.uk, my voice was trembling. I was 16 and the man on the phone was a lecturer from York University. He asked me questions about operating systems which I could barely answer. It was very nerve-wracking.

But we learned quickly and worked hard, and now we have 18,000 clients and a turnover of £60,000 a year.

Most of my earnings have gone back into the business. I recently passed my driving test so I've bought a Land Rover Discovery as my first car, but the rest of it will be used to support me at university.

I like the idea of building up a big business still in my 30s so that I can enjoy life. But I refuse to let work interfere too much with my social life. I've got a good group of friends and like going to parties, pubs or to the theatre.

I have a girlfriend and I recently treated her to a holiday in Venice.

It was during my GCSEs, in June 1999, that I had the idea of providing internet space for businesses.

Fortunately, most of the work at No-Monthly can be delegated, so I have time to study. I want to go to Cambridge to study modern languages, so I'll need top grades.

However, it is frustrating not to be able to concentrate totally on No Monthly because I know the business could do better. We plan to launch internationally under a new name, Kualo.com. So far, we've negotiated franchises in 11 countries in three continents.

Even if I retire early, I'll definitely keep my business up. Running a business feels like a challenge and a pastime, not work.

NAME: Neil Madhvani, 20

COMPANY: Founder of time2talk.co.uk

AGE STARTED: 16 TURNOVER: £900,000 plus

I know I'm earning a lot for my age. My university friends have got student loans or holiday jobs, whereas I don't have to worry.

Having a lot of money feels good, but I don't flaunt my wealth on flash cars, clothes or holidays. I still live at home with my parents because I'm happy there.

The only expensive thing I've bought is computer equipment. I'm more interested in seeing whether my ideas work than having a fat bank balance.

I've always been fascinated by computers. Dad got an IBM when I was five and I started playing on it for a bit of fun. By the age of ten, I could program a computer, and at 11 I sat computing A-level. I set up my first business at home when I was about 13, assembling computers for my parents' friends.

Then, aged 16, I saw a gap in the market for online mobile phone sales. Being on the internet meant we would have no overheads and could offer prices of up to £100 lower than on the High Street. So in December 1998, I designed a website with my school friend Andrew Culverhouse. At first it was just a hobby, but after six months things really took off. I got real buzz from seeing it all happen, but running everything alongside A-level was hard. We'd run home at lunch-time to process new orders, and run back again after school to post off handsets.

Now time2talk is one of the biggest online mobile phone dealers. I'm not workaholic and have a good social life, am secretary at the Student Union and play badminton and squash regularly.

(From "DIGEST" 2008, #22)

Text 2. THE WORLD OF ENGLISH

Although English is not the language with the largest number of native or 'first' language speakers, it has become a lingua franca. A lingua franca can be defined as a language widely adopted for communication between two speakers whose native languages are different from each others and where one or both speakers are using it as a 'second' language. Many people living in the European Union, for example, frequently operate in English as well as their own languages (where these are different), and the economic and cultural influence of the United States has led to increased English use in many areas of the globe. Like Latin in Europe in the Middle Ages, English seems to be one of the main languages of international communication, and even people who are not speakers of English often know words such as *bank, chocolate, computer, hamburger, hospital, hot dog, hotel, piano, radio, restaurant, taxi, telephone, television, university* and *walkman*. Many of these words have themselves been

borrowed by English from other languages of course (e.g. *chocolate*, *hamburger*, *taxi*, etc.), and speakers of Romance languages are likely to have a number of words in common with English. But there are many 'false friends' too, where similar sounding words actually mean something quite different, for example, Italian *eventualmente* (= in case) contrasts with English *eventually* (= in the end).

Whatever the spread of English across the globe and whatever its overlap with other languages, there has been an intriguing debate over the years as to how many people speak English as either a 'first' or a 'second' language. Estimates of speaker numbers are somewhat variable. For example, Braj Kachru (1985) suggested between 320-380 million people spoke English as a first language, and anywhere between 250-350 million as a second language. On the other hand David Crystal (1995 and 1997) takes 75 territories where English 'holds a special place' (territories which include not only Britain, the USA, Australia, Canada, etc. but also most of Britain's former tropical colonies such as India, Kenya, Jamaica, Nigeria, Singapore and Uganda). His research claims that there are three non-native speakers to one native speaker, which, with varying levels of fluency and literacy, would give a figure of well over one billion English – speakers. English has become a global language not only because of the legacy of colonization but also because of economic and cultural factors which have influenced and sustained the spread of the language:

A colonial history: when the Pilgrim Fathers landed on the Massachusetts coast in 1620 after their eventful journey from Plymouth, England, they brought with them not just a set of religious beliefs, nor only a pioneering spirit and a desire for colonisation, but also their language. Although many years later the Americans broke away from their colonial masters, the language of English remained and it is still the predominant language of the world's greatest economic and political power.

It was the same in Australia, too. When Commander Philip planted the British flag in Sydney Cove on 26th January 1788, it was not just a bunch of British convicts and their guardians who disembarked (to be rapidly followed by many free settlers of that land), but also a language.

In other parts of the British Empire, English rapidly became a unifying/ dominating means of control. For example, it became a lingua franca in India, where a plethora of indigenous languages made

the use of any one of them as a whole-country system problematic. The imposition of English as the one language of administration helped maintain the coloniser's power.

Thus, in the same way as Spanish was imposed on much of the new world by the conquistadors from Castile, or Brazil and parts of Africa took on the language of their Portuguese conquerors, English travelled around many parts of the world, until, many years from the colonial reality that introduced it, and long after that colonial power has faded away, it is still widely used as a main or at least an institutional language in countries as far apart as Jamaica and Pakistan, Uganda and New Zealand.

Economics: a major factor in the spread of English has been the spread of commerce throughout the world, and in particular, the emergence of the United States as a world economic power. Of course other economic blocks are hugely powerful too, but the spread of international commerce has taken English along with it. This is the twentieth-century phenomenon of 'globalisation' described by the journalist John Pilger as '...a term which journalists and politicians have made fashionable and which is often used in a positive sense to denote a "global village" of "free trade", hi-tech marvels and all kinds of possibilities that transcend class, historical experience and ideology' (Pilger 1998: 61). Thus one of the first sights many travelers see arriving in countries as diverse as the Czech Republic and Brazil, for example, is the yellow twin-arched sign of a McDonalds fast food restaurant. Whether we take a benign view of such 'multinational' economic activity or, like John Pilger and many others, view it as a threat to the identities of individual countries and local control, English is the language that frequently rides on its back.

Travel: much travel and tourism is carried on, around the world, in English. Of course this is not always the case, as the multilingualism of many tourism workers in different countries demonstrates, but a visit to most airports on the globe will show signs not only in the language of that country, but also in English, just as many airline announcements are glossed in English too, whatever the language of the country the airport is situated in.

So far, English is also the preferred language of air traffic control in many countries and is used widely in sea travel communication.

Information exchange: a great deal of academic discourse around the world takes place in English. It is often a lingua franca of

conferences, for example, and many journal articles in fields as diverse as astrophysics and zoology.

The first years of the Internet as a major channel for information exchange have also seen a marked predominance of English (though such a situation may not continue). This probably has something to do with the Internet's roots in the USA and the predominance of its use there in the early days of the World Wide Web.

Popular culture: in the western world, at least, English is a dominating language in popular culture. Pop music in English saturates the planet's airwaves. Thus many people who are not English speakers can sing words from their favourite English songs. Many people who are regular cinemagoers (or TV viewers) frequently hear English in subtitled films coming out of the USA. However, we need to remind ourselves that Bollywood' (in India) produces more films than Hollywood (in the USA) and that many countries, such as France, do their best to fight against the cultural domination of the American movie.

(From "English Language Teaching")

| | | | |
|---------------|----------------|--------------|-------------------|
| lingua franca | змішана мова | calculate | обчислювати |
| borrow | запозичувати | prediction | передбачення |
| Romance | романський | hazard | відважитися на |
| false | хибний | guess | припущення |
| similar | схожий | rate | темп |
| spread | поширення | outnumber | перевершувати |
| overlap | частковий збіг | | числом |
| estimate | оцінка | vital | життєво важливий |
| Malaysia | Малайзія | tool | інструмент, засіб |
| Nigeria | Нігерія | interlocking | взаємопов'язаний |

Text 3. SAILING THROUGH THE BLUES

Psychologists are discovering new ways to break free of pessimism

To understand why someone becomes an optimist or a pessimist, it helps to understand what distinguishes them. Say you crash your car. Do you expect good things to happen after the accident – an easy recuperation, a fat check from your insurer? Or do you worry that your neck will hurt forever?

Optimistic people tend to feel that bad things won't last long and won't affect other parts of life. Pessimists tend to believe one negative incident will last and undermine everything else in their lives.

Also important, researchers say, is the story you construct about why things happen – your explanatory style. Optimists believe that bad events have temporary causes – “The boss is in a bad mood.” Pessimists believe the cause is permanent – “The boss is a jerk.”

Positive thinkers feel powerful. Negative thinkers feel helpless because they have learned to believe they're doomed, no matter what.

Such learned helplessness takes a huge toll on health. Studies show that optimists are better at coping with the distress associated with everything from menopause to heart surgery. Furthermore, scientists discovered that optimists have more disease-fighting T cells. Pessimists also don't believe in preventive care.

Not surprisingly, positive thinkers live longer.

Experts say that optimism is a habit of thinking. Practice, and it becomes as automatic as blinking. They suggest the following strategies.

Dispute your feelings. Martin Seligman, a professor of psychology at the University of Pennsylvania, favors a technique in which you learn to monitor and argue against the poisonous messages you give yourself. For example:

Adversity: Your ideas are not well received at a meeting at work.

Pessimistic Conclusion: “I'm an idiot.”

Imagined Consequences: “I'm going to keep my mouth shut at the next meeting – assuming I'm not fired first.**

Disputation: “I'm blowing this out of proportion. Wasn't I the star of the previous meeting?”

New Outcome: “One mediocre meeting doesn't destroy a career.”

Teach yourself a lesson. Psychologist Karen Shanor, author of *The Emerging Mind*, says try to find something positive in a sad situation – a job dismissal, say – by figuring out what you gained from the experience. Ask yourself, what does getting fired tell me about myself? Maybe you weren't interested in your work, and spending time with your children has become your top priority. Try to learn from the negatives without dwelling on them.

Interrupt negative thoughts. Force yourself to think about something else. Say you're stuck in traffic. Before you give in to mopiness, relive a favorite memory or make a mental list of people to invite to a party.

Set realistic goals. Make chores specific and manageable – instead of “clean the garage”, try “put away tools” and “move boxes.” Break down larger goals in the same way – “have more fun” might become “go to the movies every week.”

Be good to yourself. Treating yourself to the things you love, says Greg Hicks, co-author of *How We Choose to Be Happy*, is essential to maintaining a sense of internal happiness. His suggestion is to write down everything that brings you pleasure – displaying freshly cut flowers, reading the newspaper over coffee. Do at least one thing on your list every day.

Dig for silver. Personal coach Cheryl Richardson, author of *Life Makeovers*, has a trick for training yourself to recognize silver linings: in a journal, describe at least one positive thing that happens every day. Even something as simple as preparing a nice lunch is worth noting.

Fake it. Smiling when you are down makes you feel better, researchers say. “Project the mood that you want to get back,” says Dr. Susan C. Vaughan, an assistant professor of psychiatry at Columbia University in New York City. “Never underestimate how contagious moods are between people. Often others will react and be nice back to you.”

(From “Reader’s Digest”)

sail through the blues

break free

distinguish

recuperation

insurer

affect

undermine

temporary

jerk

doomed

take toll

menopause

подолати нудьгу

позбуватися

відрізнити

видужати

страховик

впливати

шкодити, завдавати

тимчасовий

нікчема

приречений

завдати шкоди

клімакс

| | |
|----------------------------|--------------------------------|
| cell | клітина |
| preventive | профілактичний |
| blinking | моргання |
| monitor | радити, наставляти |
| argue against | наводити доказ проти |
| poisonous | згубний |
| adversity | невезіння |
| fire | звільняти |
| blow sth out of proportion | дуже роздувати що-небудь |
| outcome | результат |
| mediocre | бездарний |
| dismissal | звільнення (з роботи) |
| priority | пріоритет |
| mopiness | нудьга |
| relive | оживити в пам'яті |
| chores | хатня робота |
| essential | необхідний |
| silver lining | у поганому можна знайти хороше |
| fake | удавати |
| be down | бути пригніченим |
| project | жваво удаватися |
| contagious | заразливий |

Text 4. WHAT'S YOUR CHARACTER LIKE?

Try this psychological test. Choose the view that you like most and then read the description of your character underneath. Do you agree with the assessment of your character?



Read the other descriptions. Do they apply to you more than the one you read? Do you think this sort of test is accurate?

A

You want to escape from your present life to seek adventure in another country. For you the sea is a symbol of freedom, but it also gives you a sense of security – a sense that there is something that never changes. However, although you want to escape, you are also dependent on other people; you need your friends. You are difficult to live with, but at the same time you are tender. In love you have a lot to offer, but also you demand too much from your partner.

B

You are a serious person and like to base your life on definite ideas and values. At the same time you are ambitious and the mountains represent a challenge for you; you have a strong desire to do well and succeed. You like the outdoor life and hate wasting time. In love you expect something fantastic – you are not satisfied with something that is second best.

C

You are an imaginative and creative person. The hills stimulate your imagination and sometimes lead you to daydreaming instead of concentrating on the matter in hand. You are an affectionate person and enjoy the company of a lot of people around you. In love you are sentimental and romantic, but you must be

careful not to trust others too much or to look for something which isn't there.

D

You do not like to be alone, but prefer the company of other people – especially those who are similar to yourself. You feel protected in small groups and look for people who share the same ideas as you. Roofs represent somewhere to hide away from the problems and difficulties of the world. You are a good and faithful friend – someone that people can trust.

E

You are a person who is always looking for action, you want things to happen – but sometimes you want an easy solution when there isn't one. You look for order and logic in everything, even in love. You don't have much imagination, but you are very practical and have skills that other people envy. In love you are suspicious of very strong emotions. You prefer something less exciting but more stable.

F

You feel the need to achieve strong results and will spend any amount of money to achieve your desired objectives. You are fascinated by destiny, but you don't give in to it easily. You like to keep up to date and have an interest in fashion. You are a leader – you weren't born to follow the others like a sheep. Big cities represent for you places where you have the space to act. In love you look for stability and an uncomplicated relationship. You don't trust sentimentality and you don't allow yourself to be led by unrealisable dreams.

(From "Integrated Skills")

| | | | |
|--------------|-----------------|------------|-------------------------|
| assessment | оцінка | trust | довіряти |
| Accurate | правильний | similar | схожий |
| Escape | втекти | share | поділяти |
| Seek | шукати | faithful | вірний |
| security | впевненість | solution | вирішення
(проблеми) |
| dependent | залежний | skill | уміння |
| tender | чуйний | envy | заздрити |
| definite | певний | suspicious | підозрілий |
| value | цінність | stable | постійний |
| challenge | виклик | achieve | досягти |
| succeed | мати успіх | fascinated | зачарований |
| imaginative | наділений уявою | destiny | доля |
| creative | творчий | give in | поступатися |
| daydream | мріяти | up to date | сучасний |
| affectionate | люблячий | | |

Text 5. WHICH DESK IS YOURS, THEN? (Psychology)

Your desktop tells more about you than you realize.

Take a look at your desk Everyone you work with will have done so already, and from it formed an opinion about you. It will be the sort of opinion that is never voiced but will influence the way they treat you

Desk space is highly personal. "Your desk surrounds you, like a car, like a second skin", says Donna Dawson, a behavioural psychologist who has just conducted a study into the subject

Like your clothes, what you display on your desk is a social statement, whether you know it or not. And such statements are important because snap judgments carry far more weight than any of us like to admit. In the accelerated pace of office life, the first impression – which is formed in about 20 seconds, says Dawson – is often the lasting one.

Dawson has identified six types of desktop personality. The Super-Organised Personality is likely to be a top office manager! – “functional and very neat with no fuss or frills,” says Dawson. The emphasis on functionalism should not be mistaken for impersonality. Personal relationships are very important to this personality. Such types are not cold, Dawson even uses the term “motherly” to describe them and “most charming and helpful when relied upon”. Conversely, they are also capable of displaying an ugly side when they feel put upon. Beware of “a small chip on the shoulder – due to lack of appreciation”.

The Super-Organised Personality is not to be confused with the Show Desktop Personality. This person is likely to hold a position somewhere around the middle of an organisation – they may be a department head – and has exorcised all signs of personality. No matter how jolly they are away from their desks, once behind them the job expresses them, not the other way round.

The complete opposite of these two types are the Chaos Twins – Organised Chaos and Creative Chaos. The difference is that while Organised Chaos has to rummage through everything to find something, Creative Chaos is surrounded by irrelevant, but often fascinating clutter. Neither is a slob – the state of their desks reflects the frenetic pace of their lives. They both want everything within reach all at once. Organised Chaos, in particular, likes stimulation, so expect to find coffee cups and, where it’s still allowed, an ashtray among the piles of paper, plus a series of ingenuous charts and plans. Both are social types, too, likely to be friendly and obliging.

Just like the Show Desktop Type, the Personality Extension has also twigged that a desk says everything about its occupier, and so dedicates every inch to this fascinating topic. Here you’ll find teddy bears, family photos, cacti and that amusing postcard about the Italian staying in a London Hotel. It’s very girlie.

Performance is all, for the last type – the Trophy Desktop Personality. A second glance at the odds and ends scattered around re-

veals that each is strategically placed and carefully selected to reflect glory on its owner. It reflects an exuberant personality with a taste for the larger-than-life. Even simple accessories will be garish. Expressions of displeasure will be larger than life, too, so be tactful.

It is only a game, but like all games there are winners and losers, so it is worth employing some degree of strategy – you never know when you will be judged, or by whom.

(From “The Guardian”)

| | |
|--------------------------|-------------------------|
| behavioural psychologist | психолог-біхевіорист |
| behaviour | поведінка |
| statement | судження |
| snap | раптовий, поспішний |
| pace | темп |
| desktop | кришка письмового столу |
| fuss | суєта, метушня |
| frills | непотрібні прикраси |
| conversely | навпаки |
| put upon | обтяжувати |
| beware | берегтися |
| a chip on the shoulder | зухвала поведінка |
| exorcise | виганяти |
| jolly | розм. приємний |
| chaos | хаос |
| rummage | перерити |
| clutter | безлад |
| slob | презир. нечепура |
| frenetic | шалений |
| within reach | під рукою |
| ingenuous | нехитрий, простий |
| twig | розм. зрозуміти |
| cactus | кактус |
| trophy | пам’ятний подарунок |
| odds and ends | всяка всячина |
| exuberant | буйний, нестримний |
| garish | яскравий, кричущий |

Text 6. AMERICAN CULTURE

The reach of American culture has extended far and wide across the world. Disney now runs theme parks on three continents;

McDonalds, having opened restaurants to sell hamburgers and fries nearly everywhere, has recently expanded into the hotel business in Switzerland; the Marlboro man sells cigarettes throughout Europe, Latin America and Asia; surveys routinely find that American sports (Michael Jordan, Tiger Woods), music (Christina Aguilera), and movie (Angelina Jolie) stars are the most recognized people in the world;

American TV shows such as “Friends”, “ER”, and “The Simpsons” are dubbed into dozen of languages and rebroadcast; and American staples such as blue jeans and Nike shoes have become staples everywhere else as well.

THE VALUE OF AMERICAN DOMINATION

American cultural domination has grown ever stronger over the past seventy years, and today American culture can be found in almost every country. However, many question the value of this dominance. Is the United States opening opportunities to people around the world, or destroying local cultures and customs? Do American cultural exports offer people more choices or fewer choices? Are we heading toward a global uniformity, or can we retain regional and cultural differences? And what caused American culture to be so dominant anyway?

THE ROLE OF GLOBAL TRADE

It is important to recognize that American culture has spread primarily as a result of trade – Executives at McDonalds, Nike and Coca-Cola export their products around the globe not out of a sense of moral obligation, nor as part of a crafty plan to subvert the world’s population; they export their products, and with them American culture, in an attempt to make a profit.

Assuming the current economic crisis won’t last forever, the past 60 years have seen the biggest and longest economic boom in history, resulting in rising standards of living for people around the globe, and massive profits for the international corporations which have benefited from global trade opportunities.

This expansion in trade is largely due to reductions in the trade barriers between countries. Where most governments once tried to protect and isolate their country’s economy from the global market-

place, there is now a rush to participate in global trading. Today companies regularly merge across national lines to form multinational corporations, and relocation of manufacturing sites to countries with cheaper labor costs is normal.

BENEFITS OF GLOBALIZATION

This global trade has both advantages and disadvantages. Supporters of trade argue that it creates jobs, as the large global market needs more workers to produce more goods. It has also been credited with aiding economic growth. For example, countries such as Hong Kong and Taiwan have dramatically increased their average incomes per person by trading globally. And some have even suggested that globalization has contributed to the spread of democracy and an increased respect for human rights. This seems logical – as individuals gain more economic power, they seek more rights politically as well.

American culture is everywhere. But are Uncle Sam's exports opening doors for the world's consumers, or closing them?

CONCERNS ABOUT GLOBALIZATION

Opponents of globalization, on the other hand, denounce global trade as causing more harm than good. They believe that it is responsible for creating poor working conditions and poverty in developing countries. Wealthy corporations open factories in poorer nations, where labor is cheaper, and often exploit these workers. The workers may face horrendously long hours and brutal conditions, for wages that are typically less than two dollars per day.

It has also been claimed that global trade encourages environmental damage. Developing nations often recklessly exploit their environment, in an effort to export to the global market. Lastly, there is the worry that globalization leads to cultural degradation. Rather than producing a greater choice of products in each nation, global trade may lead to the world becoming similar. Multinational corporations promote the same products the world over. Small local companies cannot compete with the high advertising budgets and low prices of these corporations, so they drop out of the market.

REASONS FOR AMERICAN SUCCESS

But why has American culture come to dominate in this way? To begin with, North America itself is a large and wealthy country, with a huge and diverse population. US corporations which do well at home have already succeeded in marketing and distributing for a great number of consumers. For American companies, the jump from national to international marketing and distribution is not as great as it is for those from smaller countries. Further, American companies can afford to spend a great deal of money marketing their products around the world, and are able to undercut the prices of local products.

It is worth noting that, for entertainment, fast food, carbonated drinks and so on – areas in which the US has come to dominate – America was first in the field.

In the development of music recording technology, the US was ahead of anything anywhere else in the world. This made jazz music accessible to people of all classes, and exportable around the world. It is even truer for moving pictures, an American invention in their mass-market form. So it seems that very early in the last century, a pattern of American dominance in key areas of mass entertainment had already been created.

WHY AMERICAN SUCCESS CONTINUED

Much of American culture's success appears to lie in the fact that American corporations are wealthy, and that they were ahead of others in certain areas. But how have they continued this dominance? One answer to this lies in the fact that people associated the United States with wealth and success. This is particularly true in countries from which many people have emigrated to America. The idealized view of America as the land of the free, where the streets are paved with gold, lives on. By purchasing American products, people can buy a little of the country's glamour. Wherever you live, and however much you earn, wearing Calvin Klein jeans makes you look like a wealthy westerner.

American culture has the added appeal that not only is it glamorous, it is also usually easy to digest. This applies to products from the sweet fizzy taste of Coca-Cola to Hollywood action movies. U.S. culture is generally unsophisticated, and so can be appreciated by

everyone. American TV shows and movies rarely have an unhappy ending, and are usually fast-paced, holding your attention with car chases and love scenes. Like hamburgers and ice-cream-laden milkshakes, American entertainment provides us with simple pleasures.

GLOBALIZATION AND THE FUTURE

American culture today owes its dominance to a combination of glamour, technology, marketing and the USA massive wealth. In all, globalization is a scary term. It somehow implies the world turning into one giant American-style shopping mall, where cultures, languages, customs, and individual rights are dissolved by commerce. But this is not what globalization has to be about. America itself has been greatly influenced by other cultures – Western and non-Western alike. One needs only to look at the Afro-Caribbean roots of jazz and rap music, the popularity of Pokémon, the growth in the practice of Islam, the Mexican food in US diets, and the tens of thousands of American kids who enroll in karate classes every year, to realize that American culture is continually influenced by cultures, ideas, and individuals throughout the world. Globalization need not imply influence in only one direction.

(From "Current")

Text 7. COMPUTER CRIME

There are no precise, reliable statistics on the amount of computer crime and the economic loss to victims, partly because many of these crimes are apparently not detected by victims, many of these crimes are never reported to authorities, and partly because the losses are often difficult to calculate.

The number of computer crime incidents *and* the sophistication of computer criminals is increasing rapidly.

New crimes in cyberspace

There are three major classes of criminal activity with computers:

1. unauthorized use of a computer, which might involve stealing a username and password, or might involve accessing the victim's computer via the Internet through a backdoor operated by a Trojan Horse program.

2. creating or releasing a malicious computer program (e.g., computer virus, worm, Trojan Horse).

3. harassment and stalking in cyberspace.

Similarly, many crimes involving computers are no different from crimes without computers: the computer is only a tool that a criminal uses to commit a crime. For example,

- Using a computer, a scanner, graphics software, and a high-quality color laser or ink jet printer for forgery or counterfeiting is the same crime as using an old-fashioned printing press with ink.

- Stealing a laptop computer with proprietary information stored on the hard disk inside the computer is the same crime as stealing a briefcase that contains papers with proprietary information.

- Using computers can be another way to commit either larceny or fraud.

Unauthorized use of computers tends generally takes the following forms:

Computer voyeur. The criminal reads (or copies) confidential or proprietary information, but data is neither deleted nor changed.

Changing data. For example, change a grade on a school transcript, add “money” to a checking account, etc. Unauthorized changing of data is generally a fraudulent act.

Deleting data. Deleting entire files could be an act of vandalism or sabotage.

A disgruntled employee can use his legitimate computer account and password for unauthorized uses of his employer’s computer. This can be particularly damaging when the disgruntled employee is the computer system administrator, who knows master password(s) and can enter any user’s file area. Such disgruntled employees can perpetrate an “inside job”, working from within the employer’s building, instead of accessing a computer via modem.

In recent years, there have been a large number of attacks on websites by hackers who are angry with the owner of the website. Victims of such attacks include various U.S. Government agencies, including the White House and FBI. Attacking the FBI website is like poking a lion with a stick.

In a typical attack, the hacker will delete some pages or graphics, then upload new pages with the same name as the old file, so that the hacker controls the message conveyed by the site.

The following is one case involving a famous series of DoS attacks:

- The Yahoo website was attacked at 10:30 PST on Monday, 7 Feb 2000. The attack lasted three hours. Yahoo was pinged at the rate of one gigabyte/second.

- The websites of amazon.com buy.com cnn.com eBay.com were attacked on Tuesday, 8 Feb 2000. Each attack lasted between one and four hours. CNN reported that the attack on its website was the first major attack since its website went online in August 1995.

- The websites of E*Trade, a stock broker, and ZDNet, a computer information company, were attacked on Wednesday, 9 Feb 2000.

- About fifty computers at Stanford University, and also computers at the University of California at Santa Barbara, were amongst the zombie computers sending pings in these DoS attacks.

- The attacks received the attention of President Clinton and the U.S. Attorney General, Janet Reno. The FBI began to investigate. A CNN news report posted at 18:44 EST on 9 Feb 2000 quotes Ron Dick of the FBI's National Infrastructure Protection Center as saying "A 15-year-old kid could launch these attacks. It doesn't take a great deal of sophistication to do."

- His remark was prophetic, because, on 18 April 2000, a 15-year-old pupil in Montreal Canada was arrested and charged with two counts of "mischief to data" arising from his DoS attack on CNN. Because he was a juvenile, his name can not be publicly disclosed, so he was called by his Internet pseudonym Mafiaboy. The Royal Canadian Mounted Police seized Mafiaboy's computer.

- CNN reported that Mafiaboy was granted bail, with the following conditions:

- o "may only use computers under the direct supervision of a teacher."

- o "prohibited from connecting to the Internet"

- o "prohibited from entering "a store or company where computer services or parts are sold."

- Judge Gilles Ouellet commented:

This is a grave matter. This attack weakened the entire electronic communications system. And the motivation was undeniable, this adolescent had a criminal intent."

Malicious computer programs are divided into the following classes:

A **virus** is a program that “infects” an executable file. After infection, the executable file functions in a different way than before: maybe only displaying a benign message on the monitor, maybe deleting some or all files on the user’s hard drive, maybe altering data files.

A **worm** is a program that copies itself. Releasing such a worm into the Internet will slow the legitimate traffic on the Internet, as continuously increasing amounts of traffic are mere copies of the worm.

A **Trojan Horse** is a deceptively labeled program that contains at least one function that is unknown to the user and that harms the user. Some of the more serious Trojan horses allow a hacker to remotely control the victim’s computer, perhaps to collect passwords and credit card numbers and send them to the hacker.

A **logic bomb** is a program that “detonates” when some event occurs. The detonated program might stop working, crash the computer, release a virus, delete data files, or any of many other harmful possibilities. The program detonates when the computer’s clock reaches some target date.

Harassment & Stalking

In general, the harasser intends to cause emotional distress and has no legitimate purpose to his communications. Harassment can be as simple as continuing to send e-mail to someone who has said they want no further contact with the sender. Harassment may also include threats, sexual remarks, pejorative labels.

A particularly disturbing form of harassment is sending a forged e-mail that appears to be from the victim and contains racist remarks, or other embarrassing text, that will tarnish the reputation of the victim.

It is often difficult to get law enforcement personnel and prosecutors interested in harassment, unless threats of death or serious bodily harm are made, simply because the resources of the criminal justice system are strained by “more serious” criminal activities. “More serious” is put in quotation marks, because the victim of harassment certainly is adversely affected by the harassment, therefore it is a serious matter to the victim. But the law treats harassment as a misdemeanor, the group of less serious crimes.

Out of approximately 61,000 malicious programs for the Microsoft Windows operating system, there have been arrests and convictions of the author(s) of only five malicious programs.

The fundamental issue in most computer crime is the criminals' lack of respect for the property or privacy of other people. I hope that society will recognize the seriousness of computer crime and demand more severe punishment for such criminals.

(From Internet)

Text 8. EXTRA-STRENGTH TYLENOL PACKAGE

On September 29, 1982, 12-year-old Mary Kellerman of Elk Grove Village, Illinois, woke up at dawn and went into her parents' bedroom. She did not feel well and complained of having a sore throat and a runny nose. To ease her discomfort, her parents gave her one Extra-Strength Tylenol capsule. At 7 a.m. they found Mary on the bathroom floor. She was immediately taken to the hospital where she was later pronounced dead. Doctors initially suspected that Mary died from a stroke, but evidence later pointed to a more sinister diagnosis.

The same day, paramedics were called to the Arlington Heights home of 27-year-old postal worker Adam Janus. When they arrived, they found him lying on the floor. His breathing was labored, his blood pressure was dangerously low and his pupils were fixed and dilated. The paramedics rushed Adam Janus to the emergency room at Northwest Community Hospital, where they attempted to resuscitate him, but it was too late. Adam died shortly after he was brought to the hospital. His death was believed to be the result of a massive heart attack. However, doctors would later learn that his death was anything but natural.

On the eve of Adam's funeral, his aggrieved family gathered at his house to mourn his sudden passing and discuss funeral arrangements. Adam's 25-year old brother Stanley and his 19-year-old bride, Theresa, both suffered from headaches attributed to the stress of losing a family member. To his relief, Stanley found on Adam's kitchen counter a bottle of Extra Strength Tylenol. He took a capsule from the bottle and then gave one to his wife.

Shortly after taking the capsules, both Stanley and his wife collapsed onto the floor. The shocked family members immediately called an ambulance. Once again paramedics rushed to the home of Adam Janus and attempted to resuscitate the young couple. However, Stanley died that day, and his wife died two days later.

According to an article by Tamara Kaplan, Dr. Thomas Kim at the Northwest Community Hospital became suspicious following the deaths of the three family members. It was suspected that poisonous gas could have caused the untimely deaths of Adam, Stanley and Theresa. However, after consulting with John B. Sullivan at the Rocky Mountain Poison Center, it was determined that cyanide might be the culprit. Blood samples were taken from the victims and sent to a lab for testing.

While the blood samples were being tested for cyanide, two firefighters in another location of the Chicago suburbs discussed the four bizarre deaths that had recently taken place in the neighboring area. Arlington Heights firefighter Philip Cappitelli talked with his friend Richard Keyworth from the Elk Grove firehouse about Mary Kellerman and the fact that she had taken Tylenol before she died. Keyworth suggested that all the deaths could have been related to the medicine.

Following his friend's suggestion, Cappitelli called the paramedics who worked on the Janus family and asked if they too had taken Tylenol. To both the men's surprise, they discovered all three Janus family members had ingested the popular pain reliever. The police were immediately sent to the Kellerman and Janus homes to retrieve the suspicious bottles.

The following day, Keyworth, Sullivan and Kim's hunches were confirmed. Cook County's chief toxicologist, Michael Shaffer, examined the capsules and discovered that they were filled with approximately 65 milligrams of deadly cyanide, 10,000 times more than the amount needed to kill the average person. Moreover, the blood samples of all the victims further confirmed the belief that they were all poisoned.

McNeil Consumer Products, a subsidiary of Johnson and Johnson and the maker of Extra Strength Tylenol, was immediately alerted to the deaths. An October 1982 *Newsweek* article reported that the company began a massive recall of their product and warned doctors, hospitals and wholesalers of the potential dangers. However, by then it was too late for three more victims of the deadly poisoned Tylenol capsules.

Twenty-seven-year-old Mary Reiner of Winfield, Illinois, was recovering after the birth of her son when she unsuspectingly ingested the Tylenol laced with cyanide. She died a short time later.

That same day, 35-year-old Paula Prince, a United Airlines stewardess, was found dead in her suburban Chicago apartment. Cyanide-filled Tylenol capsules were also found in her home. The seventh known victim of the Tylenol poisonings was 35-year-old Mary McFarland of Elmhurst, Illinois.

Soon after the national news stories on the tragic deaths from the tainted Tylenol, widespread fear swept throughout the country, especially in Chicago and its suburbs. The police drove through the city using loudspeakers to warn citizens about the potential dangers of Tylenol, which further compounded the people's fears. Citizens across the country literally ran home to dispose of their bottles of Tylenol.

According to a *Time* article by Susan Tifft, hospitals in the Chicago area were flooded with telephone calls concerning Tylenol and fears of poisoning. Jason Manning's article titled *The Tylenol Murders* stated that the growing nationwide panic prompted the head of Seattle's Poison Control Center to inform citizens that if they had indeed been poisoned with cyanide, they would be dead before they were even able to make a telephone call to a hospital or the police.

Nevertheless, hospitals around the country admitted many patients under the suspicion of cyanide poisoning from Tylenol. The rapid influx of patients was mostly due to mixed signals from the health authorities concerning the threat and symptoms and the ensuing panic of people who really believed that they might have fallen victim to poisoning from the tainted capsules. However, although there were no new cases of poisoning related to Tylenol except for the seven known deaths, many states and retailers took drastic measures to assure that it remained that way.

Newsweek's October 1982 issue stated that some state health departments actually banned all forms of Tylenol products. Moreover, many retailers completely removed Tylenol products from their shelves. Many other states and retailers decided to follow the FDA's warning and remove only the products with particular serial numbers linked with the deaths that posed the greatest threats. Regardless, Tylenol's reputation was virtually ruined by the scare because no one wanted to buy the products any longer for fears of being poisoned.

At stake were the reputations of McNeil Consumer Products, who manufactured the over-the-counter Tylenol capsules, and its

parent company, Johnson & Johnson (J&J). The future of both companies greatly depended on how they were able to handle the alarming situation. The main problem they faced was that the drug, once trusted by millions worldwide, was now equated with death. Their first steps were to inform the public, find the source of the poisoning and determine if the cyanide had been impregnated into the capsules at the factory where they were manufactured or elsewhere.

In response to the deaths, Johnson and Johnson immediately issued a nationwide alert to the public, doctors and distributors of the drug. According to an article by Jeremy Cooke, they also issued a massive recall of 31 million Tylenol bottles, costing approximately \$125 million. J&J also established a crisis hotline, so that consumers could obtain the latest information about the poisonings, safety measures and any other information concerning the drug. Around the same time, the company inspected the factories where the tainted bottles were produced to see if the cyanide was somehow put into the capsules during production.

Following inspections, the company determined that the cyanide was not introduced into the bottles at the factory, which left only one other possibility. The FBI, Food and Drug Administration (FDA) and law enforcement agencies realized that someone had methodically taken the Tylenol bottles off the shelves at the stores where they were sold, filled the capsules with cyanide and returned them back to the shelves at a later period. Investigators had no evidence as to who might have committed the heinous crime and there was continuing fear that more deaths might occur unless they caught the Tylenol terrorist.

(From Internet)

Text 9. JUVENILE CRIME

Stephen Abbot & Jamie Rouse

November 15th, 1995 Jamie Rouse, 17, dressed in black, went into Richland School in Giles County, Tennessee, with a 22-calibre Remington Viper. He shot two teachers in the head, one of them fatally. Then with a smile, he took aim at the football coach, but a female student walked into his path and was killed with a shot to the throat. Rouse had told five friends exactly how he had planned this killing, but no one had called for help.

Barry Loukaitis

February 2, 1996 Barry Loukaitis, 14, dressed up like a gunslinger from the Wild West and went into his algebra class in Moses Lake, Washington. Concealed in his long duster were two pistols, seventy-eight rounds of ammunition, and a high-powered rifle. His first victim was 14-year-old Manuel Vela, who later died. Another classmate fell with a bullet to his chest, and then Loukaitis shot his teacher in the back as she was writing a problem on the blackboard. A 13-year-old girl took the fourth bullet in her arm. Then the shooter took hostages, allowing the wounded to be removed, but was stymied by a teacher who rushed him and put an end to the irrational siege. In all, three people died, and Loukaitis blamed mood swings. A classmate claimed that Loukaitis had thought it would be “fun” to go on a killing spree.

February 2, 1996 David Dubose, Jr., 16, killed a teacher in a school hallway in Atlanta, Georgia.

January 27, 1997 Tronneal Mangum, 13, shot and killed another student in front of their school.

February 19, 1997 Evan Ramsey, 16, went to Bethel High School in Alaska with a shotgun. This is the place where other kids called him “retarded” and “spaz.” He killed a boy with whom he’d argued and then injured two other students. Then he went to the administration office and shot the principal, Ron Edwards, killing him instantly. Police came quickly and ended the rampage, which appeared to be motivated only by some amorphous rage. Two fourteen-year-old friends who had discussed Ramsey’s plan with him were arrested as accomplices.

Luke Woodham

October 1, 1997 Luke Woodham, 16, worshipped Adolph Hitler, perhaps because it made him feel powerful in light of the bullying he received from classmates in Pearl, Mississippi. When his girlfriend broke up with him, he went into a rage. He slashed and stabbed his mother that morning, then went to school with a rifle and a pistol. Right away he killed his former girlfriend and then another girl. Yet he didn’t stop there. Seven other students were wounded before he ran out of ammunition. He returned to his car for his other gun, and that’s where the assistant principal disarmed him. He complained that the world had wronged him and he just couldn’t take it anymore.

I killed because people like me are mistreated every day, he said. I did this to show society: Push us and we will push back.

Two members of his group devoted to Hitler were charged as accessories to murder, and others were arrested on the basis of a conspiracy, but those charges were later dismissed. Woodham claimed at trial that he'd been possessed by demons that were manipulated by a member of his group.

Michael Carneal

December 1, 1997 Michael Carneal, 14, liked to wear black and was thought by classmates in Paducah, Kentucky, to be a Satanist. That morning, he brought a gun to school and opened fire on a small prayer group. Three girls died and five other students were wounded. Another student tackled him, and it was soon revealed that Carneal had a pistol, two rifles, and two shotguns, along with 700 rounds of ammunition, all of it stolen. He'd threatened earlier to shoot up the school, but no one had taken him seriously.

Andrew Golden & Mitchell Johnson

March 24, 1998 – Andrew Golden, 11, and his gun buddy, Mitchell Johnson, 13, dressed in camouflage fatigues and then gunned down fifteen people at the Westside Middle School playground in Jonesboro, Arkansas. Five died, all of them female and four were children. The boys had a van stocked full of ammunition and guns, which they took from their kin. Golden went into the school and set off a fire alarm, then ran to where Johnson lay in position with the rifles. As people filed out for the fire drill, the boys began shooting.

Andrew Wurst

April 24, 1998 Andrew J. Wurst, 14, liked to threaten other people and then laugh it off. However, no one was laughing when he took a pistol into the eighth-grade graduation dance in Edinboro, Pennsylvania, and killed a popular teacher. Then he opened fire into the crowd, wounding another teacher and two classmates before he ran out. The banquet hall owner went after him, disarmed him, and held him for police, but the boy acted as if the whole thing was a big joke.

Kipland Kinkel

May 21, 1998 Kipland Kinkel, 15, had just been expelled from school in Springfield, Oregon, for carrying a gun to class. He re-

turned with a semiautomatic rifle and went into the cafeteria, where he started shooting. He killed one student and wounded eight others, one of whom later died, and he also caused a stampede that resulted in more injuries. He was disarmed and taken to the police station, where he withdrew a hidden knife. He claimed he wanted to die. Police officers who went to his home discovered that he'd killed both of his parents and had booby-trapped the house with five homemade bombs—one of which he'd placed underneath his mother's corpse. His classmates had once dubbed him the student most likely to start World War III.

Let's take a closer look at the influences in Kinkel's life that might have helped to anticipate his explosion of violence.

(From the Internet)

STUPID CRIMINALS

Get some laughs of these true stories of stupid criminals caught in the act or lack of common sense.

Colorado Springs: A guy walked into a little corner store with a shot gun and demanded all the cash from the cash drawer. After the cashier put the cash in a bag, the robber saw a bottle of scotch that he wanted behind the counter on the shelf. He told the cashier to put it in the bag as well, but he refused and said "Because I don't believe you are over 21." The robber said he was, but the clerk still refused to give it to him because he didn't believe him. At this point the robber took his driver's license out of his wallet and gave it to the clerk. The clerk looked it over, and agreed that the man was in fact over 21 and he put the scotch in the bag. The robber then ran from the store with his loot. The cashier promptly called the police and gave the name and address of the robber that he got off the license. They arrested the robber two hours later.

Santa Barbara, California: A career criminal was sentenced to 25 years to life in prison under California's three-strikes law for stealing \$11 worth of wine, lip balm and breath freshener. Superior Court Judge Frank Ochoa called Ronald Herrera, 57, one of the worst criminals to pass through his courtroom, and prosecutor Darryl Perlin said: "Tie's what the three-strikes law is all about." Herrera's record lists 17 serious felonies, including a 1971 home-invasion robbery and rape of a woman and her 15-year-old daughter, the

shooting of a police dispatcher, and six armed robberies in Virginia. He was sentenced Thursday for burglary and petty theft at a supermarket. At trial, his lawyer said Herrera has a brain injury that made him forget to pay for the items.

Georgia: Investigating a purse snatching, detectives picked up a man who fit the thief's description and drove him back to the scene. He was told to exit the car and face the victim for an I.D. The suspect carefully eyed the victim, and blurted, "Yeah, that's the woman I robbed."

Arizona: A man walked into a local Kwik Shop and asked for all the money in the cash drawer. Apparently, the take was too small so he tied up the store clerk and worked the counter himself for three hours until police showed up and grabbed him.

Kentucky: Two men tried to pull the front off a cash machine by running a chain from the machine to the bumper of their pick-up truck. Instead of pulling the front panel off the machine, though, they pulled the bumper off their truck. Scared, they left the scene and drove home...with the chain still attached to the machine...with their bumper still attached to the chain...with their vehicle's license plate still attached to the bumper.

South Carolina: A man walked into a local police station, dropped a bag of cocaine on the counter, informed the desk sergeant that it was substandard cut, and asked that the person who sold it to him be arrested immediately.

Indiana: A man walked up to a cashier at a grocery store and demanded all the money in the register. When the cashier handed him the loot, he fled leaving his wallet (with ID) on the counter.

England: A German "tourist," supposedly on a golf holiday, shows up at customs with his golf bag. While making idle chatter about golf, the customs official realizes that the tourist does not know what a "handicap" is. The customs official asks the tourist to demonstrate his swing, which he does backward! A substantial amount of narcotics was found in the golf bag.

Arizona: A company called "Guns For Hire" stages gunfights for Western movies, etc. One day, they received a call from a 47-year-old woman, who wanted to have her husband killed. She got 4-1/2 years in jail.

Texas: A man convicted of robbery worked out a deal to pay \$9600 in damages rather than serve a prison sentence. For payment, he provided the court a *forged* check. He got 10 years.

(Location Unknown): A man went into a drug store, pulled a gun, announced a robbery, and pulled a Hefty-bag face mask over his head and realized that he'd forgotten to cut eyeholes in the mask.

(Location Unknown): A man successfully broke into a bank's basement through a street-level window, cutting himself up pretty badly in the process. He then realized that (1) he could not get to the money from where he was, (2) he could not climb back out the window through which he had entered, and (3) he was bleeding pretty badly. So he located a phone and dialed "911" for help ...

Virginia: Two men in a pickup truck went to a new-home site to steal a refrigerator. Banging up walls, floors, etc., they snatched a refrigerator from one of the houses, and loaded it onto the pickup. The truck promptly got stuck in the mud, so these brain surgeons decided that the refrigerator was too heavy. Banging up *more* walls, floors, etc., they put the refrigerator BACK into the house, and returned to the pickup truck, only to realize that they locked the keys in the truck so they abandoned it.

Louisiana: A man walked into a Circle-K, put a \$20 bill on the counter and asked for change. When the clerk opened the cash drawer, the man pulled a gun and asked for all the cash in the register, which the clerk promptly provided. The man took the cash from the clerk and fled leaving the \$20 bill on the counter. The total amount of cash he got from the drawer? Fifteen dollars.

Seattle: When a man attempted to siphon gasoline from a motor home parked on a Seattle street, he got much more than he bargained for. Police arrived at the scene to find an ill man curled up next to a motor home near spilled sewage. A police spokesman said that the man admitted to trying to steal gasoline and plugged his hose into the motor home's sewage tank by mistake. The owner of the vehicle declined to press charges, saying it was the best laugh he'd ever had.

San Francisco: It seems a man, wanting to rob a downtown Bank of America, walked into the branch and wrote, "This is a stick-up. Put all your money in this bag." While standing in line, waiting

to give his note to the teller, he began to worry that someone had seen him write the note and might call the police before he reached the teller window. So he left the Bank of America and crossed the street to Wells Fargo. After waiting a few minutes in line, he handed his note to the Wells Fargo teller. She read it and, surmising from his spelling errors that he was not the brightest light in the harbour, told him that she could not accept his stick up note because it was written on a Bank of America deposit slip and that he would either have to fill out a Wells Fargo deposit slip or go back to Bank of America. Looking somewhat defeated, the man said "OK" and left. The Wells Fargo teller then called the police who seized the man as he waited at the back of the line at Bank of America.

(Location Unknown): A woman was reporting her car as stolen, and mentioned that there was a car phone in it. The policeman taking the report called the phone and told the guy that answered that he had read the ad in the newspaper and wanted to buy the car. They arranged to meet, and the thief was arrested.

Oklahoma City: Dennis Newton was on trial for the armed robbery of a convenience store in a district court this week when he fired his lawyer. Assistant district attorney Larry Jones said Newton, 47, was doing a fair job of defending himself until the store manager testified that Newton was the robber. Newton jumped up, accused the woman of lying and then said, "I should of blown your [expletive] head off." The defendant paused, then quickly added, "-if I'd been the one that was there." The jury took 20 minutes to convict Newton and recommended a 30 year sentence.

Michigan: R.C. Gaitlin, 21, walked up to two patrol officers who were showing their squad car computer equipment to children in a Detroit neighborhood. When he asked how the system worked, the officer's asked him for a piece of identification. Gaitlin gave them his driver's license, they entered it into the computer, and moments later they arrested Gaitlin because information on the screen showed Gaitlin was wanted for a two year old armed robbery in St. Louis, Missouri.

Tennessee: A man successfully broke into a bank after hours and stole the bank's video camera, while the camera was remotely recording. (That is, the videotape recorder was located elsewhere in the bank, so he didn't get the videotape of himself stealing the camera).

Arkansas: Seems this guy wanted some beer pretty badly. He decided that he'd just throw a cinder block through a liquor store window, grab some booze, and run. So he lifted the cinder block and heaved it over his head at the window. The cinder block bounced back and hit the would-be thief on the head, knocking him unconscious. Seems the liquor store window was made of Plexi-Glass. The whole event was caught on videotape.

Michigan: A pair of robbers entered a record shop nervously waving revolvers. The first one shouted, "Nobody move!" When his partner moved, the startled first bandit shot him.

California: A man in Orange County Municipal Court had been ticketed for driving alone in the carpool lane. He claimed that the four frozen cadavers in the mortuary van he was driving should be counted. The judge ruled that passengers must be alive to qualify.

(From the Internet)

Text 10. WHY STUDY WHEN YOU CAN SURF?

(by John Clare)

What impact has the Government's huge investment in school computers had on educational standards? Very little, according to a study commissioned by the Department for Education As I reported, it could find "no consistent relationship" between computer use and pupil achievement in any subject at any age

The day after the report appeared, I had a phone call from Peter Whittaker, the headteacher of Hall Green, a comprehensive in Birmingham He said he was astonished by the finding, which was the opposite of his own experience. In the 13 years he had been head, the proportion of pupils passing five or more GCSEs at grades A to C had risen from 17 per cent to 71 per cent. He believed much of the improvement was due to the school's use of computers Would I like to visit what he called a "bog standard comprehensive"?

In some respects, Hall Green is an average school. In others, it is most unusual. Its results, both in absolute and value-added terms, make it one of the most successful comprehensives in Birmingham, boys and girls do equally well. Mr. Whittaker is a dedicated and independent-minded head, and everything is ship-shape To test Mr. Whittaker's conviction that computers have helped raise standards, I asked to sit in on lessons in which the machines were being used.

He directed me to five. All were held in one of the school's computer suites, where the machines lined three sides of the room, and the children sat with their backs to the teacher.

The first was an English class for low ability 12 year-olds (Year 7) The topic was Shakespeare. John Kennedy, the head of English, had spent an hour selecting websites They included one on the Globe Theatre and another on Scottish witchcraft The children's task was to look through them and transfer the bits they found interesting into their computer folders. Most spent the 35-minute lesson scrolling aimlessly through the sites, pausing occasionally at the pictures Whenever Mr. Kennedy was not looking, one played a video game.

At the end, I asked him what the pupils had learnt about Shakespeare. "Good question," he said, as if the idea had not occurred to him Then he said "Shakespeare can be a chore for children like these – they're easily distracted "

Mr. Whittaker added "It's a way of making Shakespeare more accessible "

Next was a double lesson in ICT (information and communications technology) for Year 8. The pupils were designing web pages, which meant writing something – typically about cars, pop stars or sport – and illustrating it with pictures downloaded from the internet Although it was their fifth double lesson on the subject – each lasting an hour and 10 minutes – few had written more than a poorly spelt paragraph or two, and some nothing at all As one explained "It took me so much time looking for the pictures " Mr. Whittaker said "Computers motivate the children Also, when they get a job, they'll have to be able to do these things "

Third was a science lesson for high ability pupils in Year 9. Using an Excel spreadsheet, they had to enter two columns of figures and then add, subtract, multiply and divide them The science content of the lesson was nil Mr. Whittaker said "Using computers gives you more time to concentrate on the science."

In an art lesson for Year 10, the project was Pop Art This involved scanning a painting in the style of Andy Warhol into a computer and then repeatedly distorting it. Other pupils were animating plasticine models by taking scores of pictures with a webcam "Art now is what you can do with computers," explained Lesley Hill the head of art.

Finally, I watched an English lesson for another Year 10 class. It was about de constructing non-fiction texts – a GCSE requirement.

Gavin Saunders the teacher handed out a list of tourist information websites. The pupils were to look at the opening page of each and analyse its impact. Most spent the lesson either scrolling through the websites or experimenting with different type sizes and fonts. Some wrote nothing at all. Those who managed a couple of sentences simply typed out – slowly with two fingers – what Mr. Saunders had said in his introduction. Mr. Whittaker said: “Computers make lessons fun – it’s important that children enjoy learning. ”

In all five lessons, the subject had become subservient to the technology. Far from motivating the children, it distracted them. Small wonder, then, that computers- despite the £2 billion spent on them- have done so little to raise educational standards.

Screen test: do computers motivate pupils and make subjects such as English and science more fun, or are they a distraction?

(From “The Daily Telegraph”)

Text 11. INTERNET

What exactly is the Internet?

The best way to think of the Internet, or Net as it is often called, is as a vast global network of networks connecting computers across the world. These networks range from government departments and industrial and educational communication systems down to the personal online service providers such as CompuServe, Delphi, etc.

At present, people use the Internet for transferring data, playing games, socializing with other computer users, and sending e-mail (electronic mail).

What is cyberspace?

Cyberspace is the term we give to this entire electronic domain. Whenever you are using one of the online services such as e-mail or the World Wide Web, you are in cyberspace.

Despite the confusing techno-jargon that surrounds it, the Internet is simple: computers talk to one another through a network that uses phone lines, cable, and fibre-optic lines.

How did it begin?

The Net was dreamt up in the late 1960s by the US Defense Department’s Advanced Research Projects Agency, which decided that, in the event of a nuclear attack, it needed a means by which

messages could be sent and received even if phone lines were inoperative. In 1969, there was a network of just four mainframe computers. By 1972, the number had risen to 40. About this time the idea of the electronic mailbox was born, as users looked for a way of talking to each other electronically. By 1984 when the resources of the network were made available to academics, the Internet began to develop into the form we know it today.

The Internet can be divided into five broad areas

1. Electronic Mail

E-mail is much faster than traditional mail because once the message is typed out, it arrives in the electronic mailbox of the recipient within minutes or seconds. Anything that can be digitized – pictures, sound, video – can be sent, retrieved, and printed at the other end. This is efficient, convenient, and saves trees!

2. Information sites

This is perhaps the fastest growing area of the Internet as more and more people put their own information pages on line. One thing that computers do very well is process vast amounts of information very fast, so, by specifying a key word or phrase, the computer can then search around the Net until it finds some matches. These information sites are usually stored on big computers that exist all over the world. The beauty of the Net is that you can access all of them from your home, using your own PC.

3. The World Wide Web

The World Wide Web, usually referred to as WWW or 3W, is a vast network of information databases that feature text, visuals, sound, and even video clips. On the WWW you can do such things as go on a tour of a museum or art exhibition, see the latest images from outer space, go shopping, and get travel information on hotels and holidays. You can even view a hotel's facilities before deciding to book!

4. Usenet

Usenet is a collection of newsgroups covering any topic. Newsgroups allow users to participate in dialogues and conversations by subscribing free of charge. Each newsgroup consists of messages and information posted by other users. There are a lot of newsgroups and they are popular with universities and businesses.

5. Telnet

Telnet programmes allow you to use your personal computer to access a powerful mainframe computer. If you are an academic, or just have a lot of number-crunching to do it can be very useful and cost-effective.

(From "The European")

| | |
|--------------------------|-------------------------------------|
| range | належати до числа, нараховувати |
| on-line | неавтономний |
| on-line service provider | провайдер послуг доступу в Інтернет |
| link in | з'єднувати, підключати |
| transfer | передавати |
| socialize | спілкуватися |
| cyberspace | кіберпростір |
| entire | цілий, увесь |
| domain | сфера |
| world wide web | (Всесвітня) мережа |
| confusing | що викликає замішання, заплутаний |
| fiber-optic line | волоконно-оптична лінія |
| dream-up | вигадувати, придумувати |
| Defense Department | Міністерство оборони |
| advanced | передовий, прогресивний |
| in the event | у випадку |
| inoperative | недіючий |
| mainframe | головний комп'ютер |
| mailbox | поштова скринька |
| available | доступний, досяжний |
| academic | учений |
| broad | широкий, головний |
| snail | равлик |
| type out | друкувати |
| recipient | одержувач |
| digitized | цифрований |
| specify | точно визначати |
| match | відповідне слово |
| store | зберігатися |
| access | звертатися (до бази даних) |
| database | база даних |
| feature | показувати на екрані |

| | |
|------------------|---|
| facilities | засоби обслуговування, зручності |
| Usenet | новинна сітка, юзнет |
| cover | висвітлювати, розглядати |
| subscribe | передплачувати |
| free of charge | безкоштовно |
| number-crunching | швидка обробка великої кількості
інформації за допомогою
комп'ютера |

Text 12. BUSINESS ETIQUETTE IN UKRAINE

(by Tatiana Karpova)

Business people looking to establish and develop business relationships will benefit greatly from standing proper business etiquette. Being familiar with and practicing this etiquette will give you a privilege when working with your business partners.

Business people who travel to Europe, Japan and U.S. already realise what makes them look different in the business environment of «developed» countries. But a lot of people still are not aware of the importance of conforming to the world's business practices.

Following are some simple bits of advice for «beginners» which I now take the liberty of giving:

- Be on time. There's nothing worse than wasting another person's time. If you are late, even 10 minutes, call with apologies and explain the reasons.

- A secretary should offer coffee, tea or water to the visitor. Obviously.

- At the meeting, turn your mobile phone off. If you can't, turn the sound off. If you can't, explain the reason with apologies.

- Do bring enough business cards. Otherwise you will face a problem of who at the meeting will not receive one.

- If you speak Russian, Ukrainian or French use «vous» as opposed to «tu», until an older or senior person suggests using the familiar form.

- Using a translator let him/her know of the specific terms you will be using during the meeting.

- If you invited another person to a restaurant, pick up the bill. If you are being invited, order average-priced dishes and drink what the inviting party is drinking, when possible.

- Wear a suit. It is very important to make a good impression, especially if you are working with clients. The suit that suits you. The “European Suit”, a body conscious silhouette is good for young creative staff of an advertising agency, while «the Ivy League Suit» looks better on a respectable solid manager.

- If you wear a suit, don’t put on a leather/sport jacket. A top-coat is better.

- Women, as for the make-up – less is more! Some natural lipstick and mascara are enough. The same goes for jewellery – diamond necklaces are for Hollywood parties. And for God’s sake, don’t show the achievement of nail designers on your nails. They can be long, but natural looking.

- Men, only one favour to ask you – long socks! Colour is important (dark is a requirement) but the priority is to see fabrics, not hairy calves.

- Shoes, a watch, glasses and bags are «talking» about you. Don’t buy the most expensive stuff. The biggest mistake is a massive gold «Rolex» showered on with diamonds. Elegance and taste make a difference. A person in «creative» position may permit himself some fashion statements.

A lot of western companies developed their own «Business Ethics Code» which is a set of rules for all employees of the firm. Among these are such simple things as dress codes and complicated issues like non-discrimination against women or gays. Failure to comply with those rules can be a reason for dismissal. But since it’s a long way until Ukrainian firms reach this point, let’s just try to endure the torture of the existing business ethics, but strive for the better.

(From “The Ukrainian Observer”)

TESTS

VARIANT 1

I. Choose the correct variant:

- Where is _____ police station?
a) more near c) the nearest
b) near d) as near as
- The students who study Law attend lectures _____ Judicial, Criminal, Administrative, Civil and International Law.
a) in c) from
b) at d) to
- If you want to improve your English, you _____ work very hard.
a) can c) to have to
b) may d) must
- The lecture in Constitutional Law _____ delivered yesterday.
a) is c) was
b) do d) are
- Since the 18th century, various scientific theories about the causes of crime _____.
a) are advancing c) advances
b) to advance d) have been advanced
- _____ a test-paper in Civil Law at the end of the last academic year?
a) Was there c) Was it
b) Are there d) Is it
- As my mother wanted me to be an educated man, she made her son _____ foreign languages.
a) to study c) study
b) to be studying d) to have studied
- You can learn English _____ to the USA, but it's not so easy.
a) not to go c) without go
b) without going d) not go

9. I saw ___ the dictionary.

- a) him to take c) he has taken
b) he will d) him take

10. The students of our group ___ English well, the test didn't last long.

- a) would know c) know
b) knowing d) to know

II. Put the words in brackets in the correct place in the sentence.

Example: 1. I a) ___ get up b) ___ at seven o'clock. (usually)

Answer: 1. a.

11. a) ___ I have b) ___ finished
 c) ___ my work d) ___. (already)
12. a) ___ You must b) ___ tell
 c) ___ him such things d) ___. (never)
13. a) ___ He b) ___ comes
 c) ___ early d) ___. (always)
14. a) ___ Have you b) ___ finished
 c) ___ your work d) ___? (yet)
15. a) ___ I b) ___ will
 c) ___ go d) ___ there. (tomorrow)

III. Rewrite the sentences in the correct order.

Example: 1 – in Kiev, 2 – to live, 3 – is said, 4 – he.

He is said to live in Kiev.

Answer: 4, 3, 2, 1.

16. 1 – is, 2 – not, 3 – allowed, 4 – smoking, 5 – here.

17. 1 – in, 2 – snows, 3 – February, 4 – often, 5 – it.

18. 1 – in Ukraine, 2 – will be fine, 3 – this year, 4 – they say, 5 – the crop.

19. 1 – have translated, 2 – the sentence correctly, 3 – he, 4 – neither, 5 – you, 6 – nor.

20. 1 – at the University, 2 – a meeting, 3 – there, 4 – yesterday, 5 – was?

IV. Fill in the correct word.

21. ____, which evolved in the 8th century B.C., was still largely a blend of custom and interpretation by magistrates of the will of the gods.

- a) Napoleonic Code
- b) Common Law
- c) Roman Law
- d) the 10 Commandments

22. What is a contract? It is an agreement that creates a binding ____ upon the parties.

- a) fraud
- b) obligation
- c) court
- d) judges

23. A franchise is the granting by an individual to another individual of the right to run a business in the name of the ____.

- a) franchisor
- b) franchisee
- c) accused
- d) accuser

24. Theft is taking the property of another without right or ____.

- a) settlement
- b) resolution
- c) license
- d) permission

25. The usual alternative to the death penalty is ____.

- a) expression of censure
- b) release
- c) fine
- d) life imprisonment

V. Match the words below to their meanings.

- 26. piracy a) the crime of getting into a building to steal things;
- 27. kidnapping b) the crime of deceiving people in order to gain something such as money or goods;
- 28. murder c) to take someone somewhere illegally by force in order to get money;
- 29. fraud d) the crime of deliberately killing someone;
- 30. burglary e) the crime of illegally copying and selling books, tapes, videos, computer programs.

Find the odd word in each group of words.

31. a) law making; b) liability;
 c) lawmaker; d) deportation.
32. a) deliberate killing; b) willful killing;
 c) felony; d) blackmail.
33. a) dealer; b) barrister;
 c) counsel; d) solicitor.
34. a) court-secretary; b) prestige;
 c) defendant; d) witness.
35. a) honesty; b) reliability;
 c) criminal; d) law-abiding.

Match the words to their opposites.

36. to trust a) to reject
37. to accept b) to mislead
38. to accuse c) to underestimate
39. to clarify d) to justify
40. to exaggerate e) to suspect

VI. Fill in the gaps in the text with one of the four choices given below. Choose the correct answer and mark it on your answer sheet.

The example shows you what to do.

Example: He 1 a lovely holiday in the country last year.

a) bought; b) had; c) passed; d) gave;

Answer: 1. b.

Who Was the Thief?

Mick, the 41 investigator, was wondering who could have stolen computer designs. It might have been John Howard. He had recently 42 the designs for a lot of money. He could have stolen them himself in order to collect the money. So, Mick started to look around the office. First, he noticed that the glass from the broken window was outside the office. So the thief must have broken the window from inside the room. He wanted to make it look someone had broken 43.

Also, the safe hadn't been forced open, so the thief must have known the combination. A number of the envelopes in the safe had been opened, although only the designs had been stolen. So, it couldn't have been John Howard or Gerald Wilson because they both knew which envelope the designs were in. And that 44 only one thing: Mr. Howard's secretary, Linda Perkins, must have stolen the designs. She had the key to the office and knew the combination, but didn't know about the exact envelope. It took only a few minutes to get a full 45 from Linda.

41. a) privileged; b) private;
 c) previous; d) proposed.
42. a) assured; b) mentioned;
 c) adjusted; d) insured.
43. a) in; b) to;
 c) away; d) out of it.
44. a) proved to; b) seemed;
 c) associated; d) meant.
45. a) consideration; b) confession;
 c) contribution; d) cooperation.

Questions 46 – 50 are based on the text “Who Was the Thief?”. Choose the one best answer to each question on the basis of what is stated or implied in the text. Mark the answer on your answer sheet.

46. Which of the following is not true?
- a) Mick had several suspects, but he knew how to find the criminal.
- b) It seemed like the safe was unlocked naturally, no damage had been done.
- c) The criminal didn't want others to think that he had entered the building by force.
- d) Only a couple of people knew where exactly the designs were.
47. What was the main task of Mick?
- a) He was sorting out the designs in the envelopes.

- b) He was trying to guess if the glass had been broken.
- c) He wanted to find out who could have taken the designs.
- d) He had to find office clerks.

48. Why did Mick decide that John Howard was not to blame?

- a) Because he knew about the designs.
- b) John couldn't open the safe, so he didn't succeed.
- c) There was no need for him to open more than one envelope.
- d) Linda told Mick it wasn't John Howard, but Gerald Wilson.

49. Which clue did Mick find to catch the real thief?

- a) He asked Linda Perkins about the case.
- b) Some envelopes had been opened.
- c) It was somebody who could invest money into the designs.
- d) The glass was everywhere.

50. The word "design" means:

- a) a former sign
- b) a new, fast computer
- c) a plan or a sketch
- d) an expensive envelope.

10. The robbers made the cyclist____ them.
a) help
b) to help
c) helping
d) to be helping

II. Put the words in brackets in the correct place in the sentence.

Example: 1. You must a)____ tell him b)____ such things. (never)

Answer: 1. a.

11. I a)___ get up b)___ at seven o'clock. (usually)
12. He a)___ has b)___ left. (just)
13. Have you a)___ finished your work b)___? (yet)
14. I a)___ have b)___ finished my work. (already)
15. He left in spring and a)___ he hasn't written to me b)____.
(since)

III. Rewrite the sentences in the correct order.

Example: 1 – in Kiev, 2 – to live, 3 – is said, 4 – he.

He is said to live in Kiev.

Answer: 4, 3, 2, 1.

16. 1 – Dnipropetrovsk, 2 – to have, 3 – left, 4 – the delegation,
5 – is reported, 6 – to.

17. 1 – London, 2 – had left, 3 – we, 4 – Mary, 5 – was sure, 6 –
that.

18. 1 – have been working, 2 – for, 3 – hours, 4 – I.

19. 1 – on this matter, 2 – to, 3 – you, 4 – to speak, 5 – have come,
6 – I.

20. 1 – twice a month, 2 – is published, 3 – magazine, 4 – this.

IV. Fill in the correct word.

21. ___ is the criminal offence of having two or more wives or
husbands at the same time.

- a) Arson
b) Robbery
c) Smuggling
d) Bigamy

22. ____ is a false defamation (expressed in spoken words, signs or gestures) which injures the character or reputation of the person defamed.

- a) Slander
- b) Treason
- c) Forgery
- d) Bribe

23. A situation in which a large crowd of people are behaving in a violent and uncontrolled way, especially when they are protesting about something is ____.

- a) manslaughter
- b) a riot
- c) murder
- d) smuggling

24. ____ is the crime of being disloyal to your country or its government, especially by helping its enemies or trying to remove the government using violence.

- a) Kidnapping
- b) Forgery
- c) Bribe
- d) Treason

25. ____ is copying something exactly in order to deceive people.

- a) Larceny
- b) Forgery
- c) Assault
- d) Smuggling

V. Match the words below to their meanings.

26. An agreement that creates a binding obligation upon the parts. a) signature;

27. Your name written in the way you usually write it, for example, at the end of a letter, or on a cheque etc. to show that you have written it. b) witness;

28. Legal responsibility for something, especially for paying money that is owed, or for damage or injury. c) fine;

29. Someone who sees a crime or an accident and can describe what happened. d) liability;

30. Money that you have to pay as a punishment. e) contract;
f) fraud.

Find the odd word in each group of words.

31. a) Case Law; b) Civil Law; c) Trade Law; d) State criminal.

32. a) bailiff; b) judge; c) penalty; d) defendant.

33. a) the round table discussion; b) crime; c) police investigation; d) arrest.

34. a) criminal courts; b) criminal code; c) civil courts; d) appellate courts.

35. a) investigator; b) lawyer; c) judge; d) unemployed.

Find the word that is close in meaning to the italicized word.

36. *obstacle*: a) logically connected;
b) fault;
c) obstruction;
d) agreement.

37. *earnest*: a) serious and sincere;
b) illegal;
c) foreign;
d) wealthy.

38. *encourage*: a) shout angrily;
b) stop;
c) give hope;
d) try something new.

39. *conceal*: a) bother;
b) hire;
c) hide;
d) make sad.

40. *injury*: a) movement;
b) good health;
c) boredom;
d) harm.

VI. Fill in the gaps in the text with one of the four choices given below. Choose the correct answer and mark it on your answer sheet.

The example shows you what to do.

Example: He 1 a lovely holiday in the country last year.

a) bought; b) had; c) passed; d) gave;

Answer: 1. b.

The Worst Bank Robbers

In August 1975 three men were on their 41 in to rob the Royal Bank of Scotland at Rothesay, when they got stuck in the revolving doors. They had to be helped free by the staff and, after thanking everyone, sheepishly left the building. A few minutes later they returned and announced their intention of robbing the bank, but 42 staff believed them. When, at first, they demanded 5.000 pounds sterling, the head cashier laughed at them, convinced that it was a 43 joke. Disheartened by this, the gang leader reduced his demand first to 500 pounds sterling, then to 50 pounds sterling and ultimately to 50 pence. By this stage the cashier could barely control herself for 44.

Then one of the men jumped over the counter and fell awkwardly on the floor. The other two made their get-away, but got trapped in the revolving doors for a second time, desperately pushing the 45 way.

41. a) road; b) plans; c) way; d) plain.

42. a) no; b) none of the; c) nobody of; d) the.

43. a) practical; b) theoretical; c) humorous; d) real.

44. a) reaction; b) check; c) money; d) laughter.

45. a) right; b) left; c) straight; d) wrong.

Questions 46 – 50 are based on the text “The Worst Bank Robbers”. Choose the one best answer to each question on the basis of what is stated or implied in the text. Mark the answer on your answer sheet.

46. Which of the following is not true?

a) The staff had to help the thieves free.

b) The revolving doors were an obstacle to the unfortunate thieves: they had to revolve sheepishly.

- c) It was in August 1975 that the robbers failed to rob the bank.
- d) It was due to the revolving doors that the robbers could not enter the Royal Bank of Scotland for the first time.

47. If the staff:

- a) had not given the thieves 500 pounds sterling, they would have stolen the money.
- b) had not lent the thieves 5000 pounds sterling, they would have asked for more money.
- c) had believed the thieves, they would have treated the three men seriously.
- d) had not borrowed the money, the gang leader would not have reduced the demand.

48. What made the gang leader reduce his demand?

- a) He was disheartened by the joke.
- b) He was supposed to demand 5000 pounds sterling first and reduce the demand to 500 pounds sterling, then to 50 pounds sterling and then to 50 pence.
- c) The way the gang was treated by staff.
- d) His generosity.

49. What other headline could you give to the story?

- a) The blood-curdling story of Royal Bank of Scotland: panic and terror.
- b) The agony and the ecstasy of the Royal Bank of Scotland.
- c) Revolving mysteries of the Royal Scotland.
- d) The robbery that wasn't.

50. The word "counter" means:

- a) cash machine;
- b) small flat surface on which customers are served;
- c) cashier's machine;
- d) cashier's stool.

VARIANT 3

I. Choose the correct variant.

1. I don't like milk in _____ coffee.
a) – c) a
b) the d) these

2. _____ is dangerous to walk in the road.
a) There c) It
b) Here d) Those

3. On certain Friday nights after a long hard workweek, Mary likes _____ better than to spend a quiet evening at home.
a) somewhat c) nothing
b) somewhere d) anything

4. _____, the earlier you will arrive.
a) Leave the sooner c) You left sooner
b) Left sooner d) The sooner you leave

5. It was a very difficult text in Civil Law. I _____ look up a lot of words in the dictionary.
a) must c) had to
b) have to d) must to

6. Excuse me, but _____ for your teacher?
a) do you wait c) were you waiting
b) have you waited d) are you waiting

7. Who _____?
a) at you laughs c) did you laugh
b) laughed at you d) you laughed

8. If I were you, I _____ be there
a) will c) would
b) was to d) shall

9. She persuaded him _____ a lawyer.
a) saw c) had seen
b) seeing d) to see

10. They asked the witness _____ them about it.
a) to tell c) tell
b) telling d) to telling

II. Put the words in brackets in the correct place in the sentence.

Example: 1. You can a) _____ find him there b) _____ in the morning. (always)

Answer: 1. a.

11. We saw a) _____ beautiful flowers b) _____. (there)
12. I have not a) _____ seen him b) _____. (either)
13. He is a) _____ late b) _____ for the lectures. (never)
14. I've a) _____ finished b) _____ my work. (already)
15. a) _____ he hasn't b) _____ come. (yet)

III. Rewrite the sentences in the correct order.

Example: 1 – well, 2 – English, 3 – seems, 4 – to know, 5 – he.

He seems to know English well.

Answer: 5, 3, 4, 2, 1.

16. 1 – to, 2 – the University, 3 – to come, 4 – always, 5 – the first, 6 – is, 7 – he,

17. 1 – in the entrance hall, 2 – for me, 3 – they, 4 – were waiting, 5 – that, 6 – thought, 7 – I.

18. 1 – come back, 2 – when, 3 – for two hours, 4 – they, 5 – I'll have been working.

19. 1 – every day, 2 – here, 3 – he, 4 – will come.

20. 1 – at the meeting, 2 – question, 3 – this, 4 – is, 5 – discussed, 6 – being.

IV. Fill in the correct word.

21. _____ means stealing money from the place where you work
a) Bribery c) Embezzlement
b) Hijacking d) Rape

22. The crime of deceiving people in order to gain something such as money or goods is _____.

- a) piracy
- b) espionage
- c) assault
- d) fraud

23. _____ is the unlawful and deliberate killing of a human being.

- a) murder
- b) smuggling
- c) treason
- d) mugging

24. _____ is the use of violence or threats to take control of a plane.

- a) fraud
- b) hijacking
- c) forgery
- d) bribery

25. _____ is illegal taking and carrying away not of estate but personal property belonging to another with the purpose of depriving the owner of its possession.

- a) murder
- b) slander
- c) larceny
- d) bigamy

V. Match the words below to their meanings.

26. The man who conducts legal proceedings against someone, especially for a crime.

27. A person whose profession is advising others in matters of law.

28. A man (or a woman) who commits murder.

29. A person who saw, or can give a first-hand account of something.

30. A formal examination of the facts of a case by a court of law.

f) finger-prints.

Find the odd word in each group of words.

31. Criminal procedure:

- a) investigation by police
- b) investigation of suspect

- c) interrogation of accused and witness
- d) contract of employment

32. Branches of civil law:

- a) taxation
- b) transactions
- c) criminal court
- d) family law

33. Types of crimes:

- a) divorce
- b) assault
- c) drug dealing
- d) murder

34. Employment discrimination:

- a) hiring
- b) law enforcement agency
- c) termination
- d) compensation

35. The law of contract:

- a) theft
- b) agreement
- c) property
- d) terms

Find the word that is closest in meaning to the italicized word.

36. *occur*: a) render; b) fall; c) take place; d) reach.

37. *wish*: a) ability; b) desire; c) want; d) likeness.

38. *demand*: a) discover; b) believe; c) require; d) render.

39. *inevitable*: a) unavoidable; b) dangerous; c) spiteful; d) doubtful.

40. *verify*: a) imagine; b) prove; c) keep going; d) cancel.

VI. Fill in the gaps in the text with one of the four choices given below. Choose the correct answer and mark it on your answer sheet.

The example shows you what to do.

Example: He 1 a lovely holiday in the country last year.

a) bought; b) had; c) passed; d) gave;

Answer: 1. b.

The Crimes That Were Easiest to Detect

The 41 crimes were detected almost immediately after they had been committed.

In 1972 Mr. J. Egan from London stole a 42 on the river Thames and was very soon caught. There was a dock strike on and his was the only craft moving that day.

Mr. J. Ealey committed a burglary in Detroit in 1968 and left his dog at the scene 43 the crime. The police soon arrived and shouted "Home, boy!". They then followed the dog back to the 44 house. And arrived only seconds after he did.

In May 1976 Vernon Drinkwater and Raymond Heap of Blackburn were accused of stealing a car 45 trying to sell it to its original owner.

41. a) following; b) next; c) last; d) cruel.

42. a) canal; b) barge; c) trailer; d) truck.

43. a) past; b) before; c) off; d) of.

44. a) detectives; b) police; c) burglar's; d) criminal.

45. a) in spite of; b) instead of; c) while; d) as soon as.

Questions 46 – 50 are based on the text "The Crimes That Were Easiest to Detect". Choose the one best answer to each question on the basis of what is stated or implied in the text. Mark the answer on your answer sheet.

46. Which of the following is not true?

a) The police were hardly ever able to solve the crimes mentioned in the text.

b) The three crimes hardly presented difficulties for those who detected them.

c) The dock strike, the dog and the effort to sell the car were important clues for the police.

d) The crimes had no sooner been committed than they were detected.

47. Mr. J. Egan from London:

a) was not able to enjoy his booty for long.

b) committed the crime in order to be detected.

c) was caught at the dock strike.

d) was moving on the only craft on the river with the strikers.

48. Why was Mr. J. Ealey's crime detected?

a) There were few burglaries in Detroit in 1968.

b) Shouts of the police frightened the dog.

c) His dog came in handy for the police.

d) There was a dog back at his house.

49. How did the police manage to detect the crime of Mr. Drinkwater and Mr. Heap?

a) They had been accused of stealing a car by May 1976.

b) The original owner of the car was accused of stealing.

c) The original owner recognized his car when it was offered to him on sale.

d) The owner of the car was original.

50. The word "craft" means:

a) occupation or trade

b) skill or ability

c) a boat or a ship

d) an aircraft.

GLOSSARY

- ab initio** (Latin): from the beginning. For example, 'this contract is *void ab initio*'.
- account of profits** A remedy that a litigant can claim as an alternative to damages in certain circumstances, e.g. in an action for breach of copyright. A successful claimant is entitled to a sum of money equal to the profit the defendant has made through wronging the claimant (e.g. by infringing the claimant's copyright).
- administrator** A person appointed by the court to collect and distribute a deceased person's estate when the deceased has died intestate.
- affidavit** A sworn written statement generally used to support certain applications, and also sometimes used as evidence in court proceedings. Now usually known as a *sworn* statement.
- agent** A person who is employed to act on behalf of another person who is known as the *principal*. The work of an agent is to conclude contracts with third parties on behalf of the principal.
- allotment** A method of acquiring previously unissued shares in a limited company in exchange for a capital contribution.
- ancillary relief** A court order incidental to another order or application, e.g. financial provision applications and orders made in the context of divorce proceedings.
- annul** To declare a contract to be no longer valid.
- appellant** A person who makes an appeal to a court that has the jurisdiction to hear appeals, such as the Court of Appeal in the UK.
- arbitration** The determination of a dispute by one or more independent third parties (the arbitrators) rather than by a court. Arbitrators are appointed by the parties in accordance with the terms of the *arbitration* clause in an agreement between them or in default by court.
- arbitration clause** A clause in a contract in which the parties agree to submit to *arbitration* if disputes arise between them.
- arbitrator** An independent person who is appointed by agreement between parties to a contract or by a court to hear and decide a dispute. The process is known as arbitration.
- arrears** The accumulation of financial liabilities that have not been settled by their due dates. For example, rent arrears occur when rent has not been paid as it falls due.

articles of association Regulations for the management of registered companies. They form, together with the provisions of the *memorandum of association*, the company's constitution.

asset Property; anything which can be turned into cash.

assignment The transfer of a legal right by one legal person to another.

audit A detailed inspection of a company's accounts by outside accountants, usually in connection with the preparation of the annual accounts of the company at the end of the year. Hence auditor: a person who carries out such an inspection.

authorized capital (nominal capital) The total value of the shares that a registered company is authorized to issue in order to raise capital.

bankruptcy petition An application to the court for a bankruptcy order to be made against an insolvent debtor.

barrister A professional court advocate who is admitted to plead in all the courts. Barristers may work in law firms or as legal advisers in commercial companies, but more often work in chambers, which group barristers acting as independent court advocates.

beneficiary One who inherits money or property under a will.

best endeavours Best efforts. An *undertaking* to use best endeavours to do something means that the person giving the undertaking must try to do what he or she has undertaken to do, but is not absolutely obliged to achieve it.

bill of lading A document acknowledging the shipment of a consignor's goods for carriage by sea.

breach The infringing or violation of a right, duty, or law. For example, 'Statchem have breached paragraph 4 of the contract by their actions'.

brief As a noun, means the document by which a solicitor provides instructions to a barrister to appear as an advocate in court. A brief typically includes copies of documents relevant to the case, a short narrative explaining the background to the case, and specific instructions on what the solicitor wishes the barrister to achieve in court. As a verb, *brief* means to instruct a barrister (done by a solicitor) to appear as an advocate in court. See instructions to counsel.

capital (share capital) A fund which represents the nominal value of shares issued by a company.

charge 1) An interest in land securing the payment of money (see also *mortgage*). Note that a charge is often used as a means of securing an inter-

est in the former matrimonial home in divorce cases. 2) An interest in company property created in favour of a creditor to secure the amount owing.

chattel Any property other than free old *property*.

chose in action A right (e.g. to recover a debt) that can be enforced by legal action.

clause A sentence or paragraph in a contract.

client care letter A letter written by a solicitor to a new client setting out the terms of business on which the solicitor will provide legal services to the client. In effect, it forms the contract between the solicitor and the client according to which the solicitor provides professional services and the client pays for them.

codicil A document supplementary to a *will*, in which changes or additions to a will are made.

cohabitant A person who lives with another person in an intimate relationship analogous to marriage.

collateral Security that is additional to the main security for a debt. For example, a lender may require as collateral the assignment of an insurance policy in addition to the principal security of a mortgage on the borrower's home.

Companies House See *Registrar of Companies*.

condition A major term of a contract, which is regarded as being of the essence of the contract. *Breach* of a condition is a fundamental breach of contract which entitles the injured party to treat the contract as discharged. Contrast with *warranty*.

conditional fee agreement An agreement whereby in certain civil cases (e.g. a personal injury claim) the claimant does not pay the solicitor a fee: if the claim fails, the solicitor pays the defendant's costs; if it succeeds, the solicitor charges a higher fee ('no win, no fee'). See pages 121–23.

confidentiality Refers to information – generally important commercial secrets – that is given in confidence and may not be disclosed to specified classes of people, generally persons outside the firm. Hence *confidentiality agreement* – an agreement whereby a person agrees not to disclose specified information.

consent Agreement or compliance with a course of action or proposal. For example, 'No assignment shall be valid unless both parties have given their consent in writing prior to the proposed assignment being made.'

consent order A court order made by agreement between the parties and ratified by the court.

consideration An act, forbearance, or promise by one party to a contract that constitutes the price for which the promise of the other party is bought. Consideration is essential to the validity of any contract other than one made by deed.

construction Interpretation. For example, 'On proper construction of this clause, it appears to mean that assignment is not permitted under the contract.'

construe Interpret. For example, 'paragraph 10 shall be construed in the light of the provisions of paragraph 17.'

contentious Relating to litigation. Contentious business means the work of a solicitor where there is a contest between the parties involved. See also *non-contentious*.

corporeal hereditament A tangible item of property, such as a building or piece of land, that can be inherited.

correspondence Letters, memoranda, notes, messages. For example, 'There has been considerable correspondence between the parties.'

costs Sums payable for legal services. In civil litigation, the court generally orders the losing party to pay the costs of the winning party.

counsel As a noun, another word for a *barrister*, particularly used as jargon by solicitors. As a verb, it means 'advise'.

court bailiff An officer of the court whose role is to serve court documents and to enforce court orders.

creditor One to whom a debt is owed. See also *debtor*.

curriculum vitae A brief account of a person's previous career (and often education and qualifications), usually submitted with a job application. (US *resume*.)

damages A sum of money awarded by a court as compensation for a *tort* or a *breach* of contract. See *general damages*; *special damages*.

debtor One who owes a debt. See also *creditor*.

decree absolute A decree of divorce that brings the marriage to a legal end.

decree nisi A conditional decree of divorce. For most purposes the parties to the marriage are still married until the decree absolute is granted.

deed A written document that must make it clear on its face that it is intended to be a deed and must be validly executed as a deed. It takes effect

on delivery. Deeds are often used to transfer land and are enforceable even in the absence of *consideration*.

deemed Treated in law as being something. Many documents rely on this concept, e.g. by stating that a certain thing is to be deemed to fall within a certain expression or description used in them.

default Failure/fail to fulfil an obligation. For example, 'the company has defaulted on its repayment schedule.'

defendant A person against whom court proceedings are brought. See also *prospective defendant*.

defined territory A geographical territory defined in an agreement.

deposit 1) A sum paid by one party to a contract to the other party as a guarantee that the first party will carry out the terms of the contract. 2) The placing of title deeds with a mortgagee of land as security for the debt.

detriment Harm or damage. For example, 'The company has acted to its detriment in agreeing to a variation of the original contract.'

discharge To release from an obligation. For example, 'The parties shall be discharged from all liability once all the terms of the contract have been performed in full.'

disclose Make known, reveal. For example, 'The company disclosed certain information to the distributor.' Hence *disclosure*.

dispose To sell or transfer (property). For example, 'The company had to dispose of some of its assets in order to pay its debts:

distribution agreement An agreement whereby a distributor is granted the right to offer a company's goods for sale to customers within a *defined territory*.

district judge A low-ranking judge in the English civil court system whose role is to preside over minor claims and interlocutory proceedings in litigation.

dividend The payment made by a company to its shareholders out of its distributable profits.

divorce petition A document presented to the court which states the facts that have led to the breakdown of the marriage. Presentation of a divorce petition to the court represents the first stage in the divorce proceedings.

domestic violence Violence that takes place within the home, either between parties to a marriage or *cohabitants*.

draft A preliminary version of a legal document, e.g. a draft order or a draft contract. *due notice* Notice required to be given either as the result of an agreement or bylaw. See *notice*.

easement A right enjoyed by the owner of one piece of land over an adjacent piece of land.

elect Decide, opt. For example, 'The parties may elect to refer the matter to arbitration if the dispute cannot be resolved by other means:

employment tribunals Employment tribunals are judicial bodies established in the UK to resolve disputes between employers and employees over employment rights.

encumbrance A right or interest in property owned by someone other than the owner of the land itself (e.g. leases and mortgages).

enforce To compel, impose, or put into effect. Hence 'enforceable' (capable of being enforced) and 'enforcement' (the process of enforcing). When a court order is enforced, this means that steps are taken by the court to force the defendant to comply with its terms.

engrossment A *fair* copy of a legal document ready for *execution* (2) by the parties. Hence 'to engross' is to prepare a fair copy.

equitable ownership Ownership in equity, i.e. without formal written legal title.

estate 1) The property of a deceased person. 2) A type of ownership in *real property*; the two estates of real property are *freehold* and *leasehold*.

execution 1) The carrying out or performance of something (e.g. the terms of a contract); or 2) the signature of a contract or other legal document. For example, 'The parties executed the contract.'

executor A person appointed by a will to administer a *testator's* estate.

exclusive agreement An agreement made between specified parties on terms that

purposes on similar terms with other parties. For example, an exclusive distribution agreement arises where a company grants the distributor the right to distribute goods or services in a *defined territory* on terms that no other distributor will be granted similar rights in the same territory by the same company.

fair copy A copy of a legal document made ready for execution by the parties.

fiduciary A person, such as a *trustee*, who holds a position of trust or confidence with respect to someone else, and who is obliged to act solely for

that person's benefit. A fiduciary relationship exists, e.g. between company directors and their shareholders.

fitting An item, usually a piece of equipment or furniture, which is not fixed into position.

fixture An item, usually a piece of equipment or furniture, which is fixed into position.

f.o.b. (free on board) contract A type of contract for the international sale of goods in which the seller's duty is fulfilled by placing the goods on board a ship.

force majeure (French): irresistible compulsion or coercion. Often used in commercial contracts to describe events which may affect the contract but are completely outside the parties' control. For example, 'The contract contains the usual provision regarding situations considered by the parties to constitute force majeure.'

forfeiture The termination of a lease in circumstances when the tenant is in breach of the lease agreement.

furnish To provide or send something. For example, 'The distributor agrees to furnish sales information to the Company.'

gaming contract A contract involving the playing of a game of chance by any number of people for money or money's worth. Gaming contracts are generally void and no action can be brought to enforce them.

general damages 1) Damages given for losses which the law presumes are the natural and probable consequences of a wrong (e.g. libel is presumed to have damaged someone's reputation without proof that that person's reputation has actually suffered). 2) Damages given for a loss that cannot be precisely estimated (e.g. for pain and suffering). See also *special damages*.

good faith Honesty. An ad carried out in good faith is one carried out with honest intentions.

goodwill The advantage arising from the reputation and trade connections of a business.

grant of letters of administration Authority given by the court to named individuals or to a trust corporation to administer the estate of a deceased person.

grant of probate The procedure by which *probate* is obtained from the court.

harassment Behaviour deliberately intended to torment, bully, or interfere with another person.

- incapacity** Lack of legal competence.
- incorporated company** A company organized and maintained as a legally valid company, and in practice (in the UK) one validly registered at Companies House.
- incorporation** The process of creating and registering a company.
- incorporeal hereditament** An intangible right in land capable of being passed to an heir, e.g. *easements and profits dpendre*.
- incoterm** A term established by the International Chamber of Commerce indicating which price is being quoted to a customer.
- indemnity** An agreement by one person to pay to another person sums that are owed, or may become owed, by a third person.
- infringe** To violate or interfere with the rights of another person. For example, 'The company infringed upon another company's intellectual property rights.'
- inheritance tax** A tax payable on the value of a person's estate on death.
- injunction** An order of the court directing a person to do or refrain from doing a particular thing.
- instructions to counsel** A document by which a solicitor briefs a barrister in order to seek the barrister's advice as to whether a case would be likely to succeed in court or not in the event that an application to court was made. See *brief*.
- instrument** A legal document, usually one which directs that certain actions be taken (e.g. a contract).
- intangible assets** Assets—i.e. property—that have no physical existence, e.g. *choses in action*.
- inter alia** (Latin): among other things. For example, 'The contract provides, *inter alia*, that the company will be sold for the sum of...'
- intestacy** The state in which a person dies without having made a will disposing of his or her property.
- issue** 1) To print, publish, or distribute. For example, 'the company issued shares.' 2) A person's descendants. 3) To commence civil court proceedings (= to issue proceedings).
- joint and several liability** If two or more people enter into an obligation that is said to be joint and several, this means that liability for a breach can be enforced against all of them together in a joint action or against any one of them by an individual action.

judicial separation An order made by a court that a husband and wife do not have to cohabit. This does not end the marriage, but it frees the parties of marital obligations and enables either party to make applications to the court for many of the financial and other orders available on divorce.

know-how Practical knowledge or skill.

landlord A person who grants a lease or tenancy.

Land registry The UK state agency which deals with the registration of ownership and other rights over land. Its website can be accessed at www.landreg.gov.uk.

layperson A person without professional or expert knowledge: in the context of law, a non-lawyer.

lease A contract that creates an *estate* in land for a period of time, involving the right to occupy the land.

lease proforma A document that includes basic details necessary for drawing up a lease, e.g. details of the tenant, property, rent.

legal person A body of persons who together make up a formal entity (such as a company) considered in law to be one legal entity having many of the rights and responsibilities of a natural person, particularly the capacity to sue and be sued.

legal personality The quality of being *a legal person*.

lessee *Tenant*.

lessor *Landlord*.

letter before action A letter sent to a *prospective defendant* before legal proceedings are issued, usually with the intention of giving the prospective defendant a last opportunity to resolve the legal claim without the need for legal proceedings.

liability An obligation or duty imposed by law, or an amount of money owed to another person. For example, 'The company is liable to pay damages to the employee.'

licence a) Formal authority to do something that would otherwise be unlawful (e.g. driving licence). 2) In land law, a permission to occupy a person's land for a particular purpose.

lien The right of one person to retain possession of goods owned by another until the possessor's claims against the owner have been satisfied.

listed building A building of special architectural or historical interest that is included on a list kept by the state, and may only be demolished or altered with special consent granted by the local planning authority.

litigation a) The taking of legal proceedings by a litigant or claimant. 2) The field of law concerned with all *contentious* matters.

material Relevant, important, essential. For example, 'Breach of a material term of the contract can give the innocent party the right to rescind the contract.'

memorandum of association This document sets out details of a company's existence and contains basic information such as the company's name, the objects of the company, its address, and a statement of limited liability. See *articles of association*.

minutes Records of company business transacted at general meetings, board meetings, and meetings of managers.

modus operandi (Latin): a way of doing something. For example, 'His *modus operandi* was unusual but effective.'

mortgage An interest in property created as a form of security for a loan or payment of a debt and terminated on payment of the loan or debt. The borrower, who offers the security, is the **mortgagor**; the lender, who provides the money, is the **mortgagee**.

mutual 1) Experienced or done by two or more people equally; 2) (of two or more people) having the same specified relationship to each other; 3) shared by two or more people; 4) joint. For example, 'No assignment may take place without the parties' mutual agreement in writing.'

mutatis mutandis (Latin): 'that having been changed which had to be changed' or 'with the necessary changes'. The phrase is used in contracts to indicate that a stipulation contained in one clause should also be applied in another part of the contract once the necessary changes have been made.

negligence Carelessness amounting to the culpable breach of a duty: failure to do something that a reasonable person would do, or doing something that a reasonable person would not do.

non-contentious The work of a solicitor or other lawyer not involving a contest between the parties.

notice Information or warning addressed to a party that something is going to happen or has happened; a notification. See also *due notice* and *service of notice*. For example, 'Any notice required to be served under this contract must be served in accordance with paragraph 18.'

notice of acting A document notifying the court that a solicitor is acting for a client and that official court documents should therefore be sent to the solicitor.

notice of severance The formal notification that a joint tenancy is to be severed, creating a tenancy in common.

notice to quit The formal notification from a *landlord* to a *tenant* (or vice versa), terminating the tenancy on a specified date.

null Invalid, having no legal force. For example, 'The contract is null [and void].'

omission A failure to do something that one was supposed to do. For example, 'An omission may render the contract void.'

onerous Involving much effort and difficulty. For example, 'The duties laid upon the company are onerous.'

option A right to do or not to do something, usually within a specified time. For example, an option to purchase land generally gives the right for a person to have first refusal on the purchase of a piece of land within a specified time period. Also: the document setting down such a right or rights.

ordinary shares These shares make up the risk capital as they carry no prior rights in relation to dividends or return of nominal capital.

particulars of claim A document filed with the court and served upon the defendant in a court action which sets out the material facts and argument on which a claim is based.

passing off Conducting one's business in such a way as to mislead the public into thinking that one's goods or services are those of another business. It is not necessary to prove an intention to deceive: innocent passing off is actionable.

patentee A person or company that owns patent rights in respect of an invention.

patent agent An expert who prepares applications for patent.

per annum (Latin): for each year. For example, 'The director earned J250,000 per *annum* before tax.'

personal property or **personalty** All property other than *real property*— e.g. *chattels* (physical items of personal property that can be moved, such as jewellery or furniture), *choses in action* (certain kinds of rights, for example, a debt is a right to sue and so a chose in action).

personal representative A person entitled to deal with a deceased person's estate in accordance with a will or under the rules relating to intestacy.

peruse To read or examine something carefully and thoroughly.

petitioner A person who presents a petition to the court (e.g. a divorce petition or a petition for bankruptcy). See also *respondent*.

piracy 1) Any illegal act of violence, imprisonment, or robbery committed on a private ship for personal gain or revenge, against another ship, people, or property on the high seas. 2) (in marine insurance) One of the risks covered by a marine insurance policy, which extends beyond the criminal offence to include a revolt by the crew or passengers and plundering generally. 3) Infringement of copyright.

planning consent / planning permission Permission that must be obtained from a local authority in the UK before building on, developing, or changing the use of a site.

prima facie (Latin): On the face of things; accepted as so until proved otherwise. For example, 'You appear prima facie to have a reasonable case, although I will need further information before giving an informed opinion on its merits:

probate 1) A certificate issued on the application of *executors* appointed by a will, to the effect that the will is valid and the executors are authorized to administer the *estate*. 2) A general term denoting the laws and courts which deal with wills, intestacy, succession, inheritance, administration, and disputes over estates.

professional legal privilege Privilege applies to certain kinds of legal communications. It means that those communications are not disclosable to a third party, even upon request by a state body or official. Professional legal privilege attaches, for example, to communications between a lawyer and his or her client, and to communications that are relevant for litigation. There are detailed rules that clarify the precise circumstances in which such communications are privileged.

profit a prendre The right to enter onto someone else's land to take the produce of the land, be it plants, minerals, wild animals and fish, or oil and gas.

prospective defendant A person against whom a civil claim (e.g. for damages) is contemplated, and who may therefore become the defendant in future proceedings.

provision A term or clause of a contract. For example, 'The contract contains provisions dealing with termination.'

proxy A person (not necessarily a company member) appointed by a company member to attend and vote in his or her place at a company meeting.

quorum From Latin, meaning 'of whom', used to indicate the minimum number of persons required to be present to constitute a formal meeting.

real property, real estate, realty Land and all *corporeal* and *incorporeal hereditaments* (rights over land that can be passed to an heir, such as *easements and profits a prendre*. See *personal property*).

reasonable 1) Fair and sensible; 2) appropriate in a particular situation; 3) fairly good; 4) not too expensive.

Registrar of Companies (Companies House) The institution that contains a register of all UK private and public companies, their directors, shareholders, and balance sheets. Its website can be accessed at www.companieshouse.gov.uk

remedy Any method available in law to enforce, protect, or recover rights, usually available by seeking a court order. For example, 'The primary remedy is to claim damages.'

rescission The setting aside of a voidable contract, which is then treated as if it had never existed.

resolution A decision reached by a majority of the members at a company meeting.

resolved amicably This is a well-known lawyers' euphemism, which in practice means no more than 'resolved out of court'.

respondent 1) A person named as the defendant in a petition. 2) A person who defends an appeal from a lower court to a higher court made by an *appellant*

restrictive covenant A clause in a contract that restricts a person's right to carry on his or her trade or profession. For example, a contract covering the sale of a business might include a clause seeking to restrict the seller's freedom to set up in competition with the buyer.

revoke (noun revocation) To cancel, annul, or withdraw. For example, 'We revoked the order we had placed.'

rights of audience The right to appear as an advocate representing a client before a court.

royalty A sum payable for the right to use someone else's property for the purpose of gain.

RPI Retail Prices Index.

sealed copies In court proceedings, 'sealed copies' means official legal documents sealed with the official seal of the court. The imprint of the seal indicates that the documents have been authenticated as genuine court documents.

search The examination of the register of an official authority, e.g. the Land Registry. Hence *search fee*—the fee payable for carrying out such an examination.

service The delivery of a document relating to court proceedings in a manner specified by the court. See also *service of notice*.

service of notice The delivery in a manner specified by the court or in a contract of information or a warning addressed to a party that something is going to happen or has happened.

share certificate A document issued by a company which shows that a named person is a company member and stating the number of shares registered in that person's name and the extent to which they are paid up.

share premium The amount by which the price at which a share was issued exceeds its nominal value.

share transfer A document transferring registered shares, i.e. shares for which a share certificate has been issued.

sole practitioner A person who runs an unincorporated professional practice on his or her own.

sole trader An individual who runs an unincorporated business on his or her own.

solicitor A lawyer who works in a law firm or practice, or as a legal adviser in a commercial organization. Solicitors carry out all types of legal work, but have limited *rights of audience*: they are only able to act as court advocates in certain courts, dealing generally with more minor cases.

solicitor-advocate A solicitor who has passed advocacy examinations which entitle him or her to appear as an advocate before the higher courts in England and Wales.

special damages 1) Damages given for losses that are not presumed but have been specifically proved. 2) Damages given for losses that can be quantified (e.g. loss of earnings).

special resolution A decision reached by a – majority of not less than 75% of company members voting in person or by proxy at a general meeting.

spouse A wife or husband.

stamp duty A tax payable on certain legal documents specified by statute, e.g. transfers of land and other property.

statement of arrangements for children A statement of proposed arrangements for the children of divorcing parents which must be filed at court with the *divorce petition*.

statement of claim See *particulars of claim*.

statutory rights Rights provided by a statute, i.e. by an Act of Parliament.

strict liability 1) In criminal law, liability for a crime imposed without the need for proving that the accused intended to cause the harm done by the crime (applicable in product liability and road traffic offences). 2) In tort law, liability for a wrong that is imposed without the claimant having to prove that the defendant was at fault (applicable in product liability and defamation claims).

suspended order An order that does not take effect immediately. In civil claims, a suspended order is generally made on certain terms that the defendant must fulfil. If the defendant fulfils these terms, the order will eventually be dismissed.

sworn statement A sworn statement – previously known as an *affidavit* – is a formal and written statement of fact, signed and witnessed (as to the veracity of the signature) by an official authorized to take oaths (e.g. a solicitor). Sworn statements are used in court to allow evidence to be gathered from witnesses or participants who may not be available to testify in person before the court.

tenancy in common *Equitable ownership* by two or more persons in equal or unequal undivided shares.

tenant A person – or a company – granted a lease or tenancy.

tender An offer to supply goods or services. Normally a tender must be accepted to create a contract.

term 1) A substantive part of a contract which creates a contractual obligation. For example, 'One of the terms of the contract deals with delivery of the goods.' 2) The period during which a contract is in force. For example, 'The term of this contract shall be five years from the date of execution.'

termination clause A clause in a contract which specifies the manner in which the contract will or may be terminated.

testator A person who makes a will.

third party A person who is not a party to a contract.

title A person's right of ownership of property.

title deeds The documents that prove a person's ownership of land.

tort A wrongful act or omission for which *damages* can be obtained in a civil court by the person wronged, other than a wrong that is only a *breach* of contract. Tort law embraces different areas of law which have in common the fact that each gives rise to civil causes of action outside the law of contract.

transfer deed A *deed* by which ownership of registered land is conveyed.

tree preservation order An order made by a local planning authority prohibiting the felling of a tree (or trees) without the authority's consent.

trustee 1) A person having a nominal title to property that he holds for the benefit of one or more others, the *beneficiaries*; 2) Personal representative.

undertaking A promise to do or not to do a specified act. In the English legal system, an undertaking given by a solicitor to the court or to another solicitor is binding, and failure to fulfil it may result in professional disciplinary action being taken. Undertakings are routinely used in certain areas of law. For example, in property transactions, solicitors are frequently asked to provide a routine undertaking to lodge certain documents with the relevant authorities or to retain certain documents in a safe place.

vis-a-vis (French): in relation to; compared with.

void Having no legal effect. For example, 'The contract is void due to lack of consideration.'

waiver The act of abandoning or refraining from asserting a legal right, e.g. by agreeing to a variation of the original terms of a contract.

warranty 1) (in contract law) A term or promise in a contract, breach of which will entitle the innocent party to damages but not to treat the contract as discharged by breach. 2) (in insurance law) A promise by the insured, breach of which will entitle the insurer to treat the contract as discharged by breach.

will A document by which a testator (the person making the will) states how their property is to be divided among their beneficiaries (the persons who will inherit under the will) upon their death.

winding-up A procedure by which a company can be dissolved. It may be instigated by members or creditors of the company (voluntary winding-up) or by order of the court (compulsory winding-up).

without prejudice A phrase used to enable parties to negotiate settlement without implying any admission of liability. Letters and other documents headed 'without prejudice' may not be produced as evidence in any court proceedings without the consent of both parties. (However, they may be relevant when costs are discussed in court; hence the phrase sometimes used, 'without prejudice save as to costs'.)

witness statement A statement made by a witness for the purpose of court proceedings which sets out the evidence to which the witness will testify.

written resolution A resolution signed by all company members and treated as effective even though it is not passed at a properly convened company meeting.

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Підручник призначено для студентів-юристів, які почали вивчати курс професійно-орієнтованої англійської мови та мають відповідний базовий рівень (не нижче середнього – Intermediate Level).

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Підручник побудовано за модульною системою, що відповідає сучасним вимогам організації навчального процесу.

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