

МІЖНАРОДНИЙ ГУМАНІТАРНИЙ УНІВЕРСИТЕТ
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та методики викладання іноземних мов

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Методичні вказівки до самостійної роботи
з дисципліни
Юридичний переклад основної іноземної
МОВИ

для студентів курсу денної форми навчання
факультету лінгвістики та перекладу

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Надані методичні вказівки містять рекомендації та опорний матеріал для самостійної роботи студентів 4 курсу факультету лінгвістики та перекладу з дисципліни «Юридичний переклад основної іноземної мови».

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Самостійна робота студента – це форма організації навчального процесу та є основним засобом оволодіння навчальним матеріалом у час, вільний від обов'язкових навчальних занять.

Мета самостійної роботи студентів – розвиток та активізацій розумової діяльності студентів; формування в студентів потреби безперервного самостійного поповнення знань; здобуття студентом глибокої системи знань як ознаки міцності знань; самостійна робота студентів як результат морально-вольових зусиль.

Методичні вказівки з дисципліни «Юридичний переклад основної іноземної мови» містять комплекс вправ і завдань у юридичній сфері, які базуються на матеріалі вивченого, закріпленого та засвоєного лексичного матеріалу і сприяють підвищенню мотивації студентів до систематичної навчально-пізнавальної діяльності впродовж навчального року.

Метою викладання курсу «Юридичний переклад основної іноземної мови» є розвиток лінгвістичної та перекладацької компетенції, формування у студентів професійних вмінь та навичок письмового відтворення засобами іншої мови суспільно-політичних, науково-технічних матеріалів. У межах курсу студенти вивчають основні юридичні та політичні терміни та загальнонаукову лексику в юридичній сфері. Студенти виконують завдання для самостійної роботи за окремими темами, виконують творчо-дослідницькі самостійні роботи, а також приймають участь в обговоренні усіх тем курсу.

До завдань курсу відносимо: оволодіння основних теоретичних основ перекладу, відмінних рис юридичного перекладу, методів та прийомів письмового перекладу; виявлення схожих та відмінних явищ під час перекладу тексту оригіналу в юридичній сфері та створення тексту перекладу; уміння професійно використовувати словарі, довідники, бази

даних та інші джерела додаткової інформації, а також основні засоби та прийоми для досягнення смислової та стилістичної адекватності.

У результаті вивчення цього курсу студент буде:

– вміти відшукувати нові відповідності юридичного перекладу шляхом самостійного творчого акту з урахуванням реальної ситуації;

– застосовувати знання (вміння): знаходити в мовних системах контекстуальні можливості адекватної передачі змісту юридичного тексту;

– вміти професійно використовувати словарі, довідники, бази даних та інші джерела додаткової інформації, а також основні засоби та прийоми для досягнення смислової та стилістичної адекватності;

– здійснювати аналіз юридичного тексту, визначати мету перекладу згідно з нормами та узусом;

– визначити якість перекладу, ступінь його відповідності перекладацькій нормі та характер мимовільних чи свідомих відхилень від цієї норми.

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Module 1
Vocabulary exercises
Variant 1

Exercise 1. Match the words and word-combinations with the translation:

1) to enforce	a) дотримуватися (закону)
2) enforceable	b) законодавчий орган
3) a body of rules	c) керувати/управляти
4) to obey	d) дозволяти
5) an official body	e) судити злочинців
6) to allow	f) втілювати в життя (закон)
7) to try criminals	g) такий, що підлягає виконанню
8) to resolve disputes	h) сукупність правових норм
9) to rule	i) офіційний орган
10) a law-making body/legislature	j) слухатися/виконувати (закон)
11) to observe	k) вирішувати спори

Exercise 2. Put each of the following words and phrases into its correct place in the passage below.

Authority; lawyers; legal systems; court; law enforcement agency; govern; tribunal ; legislation; legal action; the judiciary

Why do we have laws and 1.____? At one level, laws can be seen as a type of rule which is meant to 2.____behaviour between people. We can find these rules in nearly all social organizations, such as families and sports clubs. Law, the body of official rules and regulations, generally found in constitutions and 3.____, is used to govern a society and to control the behaviour of its members. In modern societies, a body with 4. authority, such as a 5.____or the legislature, makes the law; and a 6.____, such as the police, makes sure it is observed. 7 In addition to enforcement, a body of expert 7.____ is needed to apply the law. This is the role of 8.____, the body of judges in a particular country. Of course, legal systems vary between countries, as well as the basis for bringing a case before a court or 9.____. One thing, however, seems to be true all over the world – starting a 10.____ is both expensive and timeconsuming.

Exercise 3. Choose the word (rule, regulation, law) to fill in the gaps. Mind the difference between the meanings of these words.

RULE – an instruction that says what people are allowed to do or not allowed to. Rule is not so official as regulation. They may be written down, may be not.

REGULATION – an official rule made by a government (or organization), which is part of a set of rules. Regulations are usually adopted by officials or authorities and written down. They are to control conduct of people or quality of things.

LAW – an official rule that all the citizens of a country must obey; also a code of behaviour or ethics. Laws are written down and enforced among all members of a state.

1. There is a____ against cruelty to animals.
2. In some organizations safety ____are very strict.
3. Do you want me to explain you the ____of the game?
4. The ____of gravity was explained by Newton.
5. If you put a plural verb with a singular noun, you're breaking a basic ____of grammar.

6. Everyone is equal under the ____.

Variant 2

Exercise 1. Choose the correct verb that corresponds to the following definitions.

1. To give someone an ability or opportunity to do something.

a) to forbid b) to enable c) to codify

2. Deliberately not to pay attention or break a rule, an order.

a) to compel b) to prosecute c) to disobey

3. To tell someone to do something in a way that shows that you have authority.

a) to prosecute b) to order c) to correspond

4. To make people obey a law, a rule, etc.

a) to enforce b) to enact c) to revoke

5. To do something unpleasant to someone because they have done something bad or illegal.

a) to impose b) to obey c) to punish

6. To end an argument or legal disagreement.

a) to behave b) to settle c) to carry out

Exercise 2. Fill in the gaps with the vocabulary from the box.

Ignore; practices; broke; prohibited; bans; passed; adopt ; violating; observe

1. The owner of the building is ____ by law from making any changes.

2. Students who ____ the rules and smoked in college had to leave.

3. The law ____ smoking inside buildings.

4. Congress will ___ a law that allows women to become pilots in the Air Force.
5. If you don't buy a ticket before you get on train you are ___ the rules.
6. Many drivers ___ the law and drive without using safety-belts.
7. When a Bill is ___ by Parliament and signed by Sovereign it becomes a law.
8. If a man fails to ___ the law he can be punished.
9. A lawyer is a person who ___ law.

Exercise 3. Match the following noun phrases with their Ukrainian equivalent:

- | | |
|--------------------------------------|--------------------------------------|
| 1. substantive law | a. конституційне право |
| 2. procedural law | b. кримінальне право |
| 3. Public law | c. закон про цивільні правопорушення |
| 4. private law | d. процесуальне право |
| 5. constitutional law | e. сукупність правових норм |
| 6. administrative law | f. публічне право |
| 7. criminal law | g. приватне право |
| 8. welfare of the state | h. закон про майно |
| 9. relationships between individuals | i. субстантивне право |
| 10. Bodies of law | j. відносини між особами |
| 11. the law of torts | k. адміністративне право |
| 12. the law of property | l. добробут країни |
| 13. Federal government | m. уряд штату |
| 14. state government | n. федеральний уряд |

Variant 3

Exercise 1. Match the following verb phrases with their Ukrainian equivalents:

- | | |
|--------------------------------|------------------------------------|
| 1. to enact a statute | a. вирішувати справу |
| 2. to decide a case | b. написати висновок |
| 3. to codify laws | c. установити прецедент |
| 4. to be in keeping with smth. | d. обнародувати норми |
| 5. to overrule a statute | e. кодифікувати закони |
| 6. to violate provisions | f. відхилити закон |
| 7. to set forth | g. скласти основу |
| 8. to be derived from | h. представляти спори |
| 9. to be distinguished from | i. приймати закон (статут) |
| 10. to write an opinion | j. відрізнитися від |
| 11. to make up the body | k. приймати рішення |
| 12. to establish a precedent | l. бути відповідним до чого-небудь |
| 13. to present controversies | m. порушувати положення |
| 14. to promulgate rules | n. формулювати |
| 15. to make decisions | o. походити від |

Exercise 2. Translate the following words and word combinations:

substantial part; source of law; common law; written law; case law; unwritten law; statutory law; administrative law; legal provisions; constitutional provisions;

statutes and constitutions; state constitution; federal constitution; court opinion; judicial decision; rules and regulations.

Exercise 3. Give English equivalents for the following words and word combinations:

джерело права; загальне право; прецедентне право; статутне право; писане право; вирішувати справу; судові рішення; рішення нижчого суду; встановлювати прецедент; федеральні та місцеві органи; обнародувати норми та положення; статути, ордонанси та договори; писати висновок.

Variant 4

Exercise 1. Fill in the blanks with the words and expressions from the box:

model; statehood; debate; delegates; independence; constitution; Founding Fathers; experience; a draft document; the legislative body; the outstanding leaders

1. The basis of the American ... and the supreme law of the land is the...
2. The American Constitution has served as the...for a number of other constitutions around the world.
3. After intense ... and six years of ...with an earlier federal union ... emerged in 1787.
4. In 1776 the 17 British colonies declared their... from England.
5. In February 1787 the Continental Congress... of the republic issued a call for the states to send ...to Philadelphia.
6. The 55 delegates who drafted the Constitution, included most of the ...or... of the new nation.

Exercise 2. Match the following verb phrases with their Ukrainian equivalents:

- | | |
|----------------------------|---------------------------------|
| 1. to provide the basis | a. підписати договір |
| 2. to serve as the model | b. внести поправки до статей |
| 3. to declare independence | c. звернутися з закликом |
| 4. to break out the war | d. розпочати війну |
| 5. to draft a compact | e. прийняти документ |
| 6. to issue a call | f. забезпечити основу |
| 7. to sign a compact | g. внести поправки до договору |
| 8. to adopt a document | h. забезпечити спокій |
| 9. to amend the articles | i. служити зразком |
| 10. to construct a charter | j. Проголосити незалежність |
| 11. to form a union | k. формувати союз |
| 12. to establish a justice | l. Встановлювати справедливість |
| 13. to issue tranquility | m. скласти статут |

Exercise 3. Translate the following words and word combinations:

the basis of statehood; supreme law; central instrument of government; evolution of governmental institutions; more centralized form of government; individual freedom; Articles of Confederation and Perpetual Union; the Continental Congress; Constitutional or Federal Convention; the Declaration of Independence; Independence Hall; most of the outstanding leaders; neither straight nor easy path.

Reading and translation exercises

Variant 1

Read and translate the text, answer the questions:

Ukraine is a sovereign state. It has its own territory, higher and local bodies of state power, government, national emblem, state flag and anthem. In July, 1990, the Verkhovna Rada of Ukraine, the Ukrainian Parliament, adopted the document of great importance – the Declaration of State Sovereignty of Ukraine. This document opened a new page in Ukraine's history, which leads to the construction of a democratic state based on the rule of law.

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

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

The President is the commander-in-chief of the military forces and can issue orders called edicts without the approval of the Parliament in some matters. The president is elected by popular vote for a five-year term. The President nominates the Prime Minister, who must be confirmed by parliament. The Primeminister and cabinet are de jure appointed by the Parliament on submission of the President and Prime Minister respectively. The President is assisted by a Cabinet.

Prime Minister heads the Cabinet. Other ministers are responsible for such areas as home and foreign affairs, economy, education, health care etc. Ukraine is divided

into 24 regions called oblasts. The Crimea has a special status as an autonomous (self-governing) republic. The Crimea has greater control over its internal affairs than the oblasts do. The Crimean Peninsula was annexed by the Russian Federation in February – March 2014 and since then has been administered as two Russian federal subjects – the Republic of Crimea and the federal city of Sevastopol. The annexation from Ukraine followed a Russian military intervention in the Crimea that took place in the aftermath of the 2014 Ukrainian revolution and was part of wider unrest across southern and eastern Ukraine.

In 1992, Ukraine began creating a legal system based on the rule of law—that is, a set of rules that are applied equally to everyone. The judicial system of Ukraine consists of the Courts of general jurisdiction and the Constitutional Court of Ukraine. Ukraine has over 100 registered political parties. Ukraine has its own army, navy and air force. Ukrainian became the official language of Ukraine in 1990. The process of creating new democratic state is complicated. But over a short period a new system of state administration, the National Armed Forces, the Security Service, law enforcement authorities were created. Independent Ukraine is not turning aside; on its way to a democracy.

Vocabulary Notes:

in accordance with – відповідно до

the rule of law – верховенство права

executive branch – виконавча гілка

legislative branch – законодавча гілка

judicial branch – судова гілка

one chamber parliament – однопалатний парламент

lawmaking body – законодавчий орган

on submission – за поданням

to be responsible for – бути відповідальним за

legal system – правова система

turning aside – не стоїть остоpоhь

Answer the questions

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

Variant 2

Read and translate the text, answer the questions:

The United Kingdom is a parliamentary democracy: government is voted into power by the people, to act in the interests of the people. Every adult has the right to vote - known as 'universal suffrage'. Alongside this system, the UK is also a constitutional monarchy. This is a situation where there is an established monarch (currently Queen Elizabeth II), who remains politically impartial and with limited powers. The power of Queen or King is not absolute; it is limited by the Parliament.

The monarch reigns but doesn't rule. The monarch has a number of roles and serves formally as head of state, head of the executive, head of the judiciary, head of the legislature, commander-in-chief of the armed forces, and «supreme governor» of the Church of England.

The legislative branch, the Parliament consists of the Monarch, the House of Lords and the House of Commons. The main function of the Parliament is to make laws. It has responsibility for checking the work of government and examining, debating

and approving new laws. Parliament checks the work of the government on behalf of UK citizens through investigative select committees and by asking government ministers questions. The House of Commons also has to approve proposals for government taxes and spending.

The executive branch consists of the central government – that is the Prime Minister and the Cabinet. Its main function is to put laws into effect and plan home and foreign policy. It has responsibility for developing and implementing policy and for drafting laws. 10 Downing Street is the office of the British Prime Minister. The office helps the Prime Minister to establish and deliver the government's overall strategy and policy priorities, and to communicate the government's policies to Parliament, the public and international audiences.

The judiciary branch is independent of both the legislative and the executive ones. The Government derives its authority from the elected House of Commons. A general election, for all seats in the House of Commons, must be held at least every five years. The Government is normally formed by the political party which is supported by the majority in the House of Commons. The party's leader is appointed the Prime Minister by the Queen. As head of the government the Prime Minister appoints about 100 ministers of whom about 20 are in the Cabinet. The second largest party becomes the Official Opposition with its own leader and "Shadow Cabinet". In Great Britain there is no written constitution, only customs, traditions precedents and some written laws.

Vocabulary Notes:

to be voted into power – голосуванням вибрати у владу

universal suffrage – загальне виборче право

politically impartial – політично неупереджений

reign – правити

rule – управляти

the House of Commons – Палата громад

to put into effect – здійснювати, запроваджувати

home and foreign policy – внутрішня і зовнішня політика

to be held – проходити

derive from – здобувати, одержувати

Answer the questions:

1. Why do we say that the United Kingdom is a constitutional monarchy?
2. What the most important duties does the monarch perform?
3. What is the main function and responsibility of the Parliament?
4. How can you characterize the House of Commons?
5. Which of the British parties form the Government?
6. Who chairs the Cabinet in Great Britain?
7. What are the main branches of the system of government in the United Kingdom of Great Britain and the Northern Ireland?

Variant 3

Read and translate the text, answer the questions:

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

Constitution. The Constitution of Ukraine has a long and interesting history. The history of the constitutional process in Ukraine goes back to Kievan Rus. It was partly based on the ancient Ukrainian law «Ruska Pravda» and later «Lithuanian Statute», the acts of the Bohdan Khmelnytsky`s Cossack state period. The first Ukrainian Constitution is considered to be the Pylyp Orlyk Constitution, which

was adopted on April 5, 1710. It was a contract between the Cossack Hetman Pylyp Orlyk and the Cossacks, which defined the rights and duties of all members of troops. According to the historians, the Constitution of Pylyp Orlyk is one of the first European constitutions and a prototype of modern constitutions. It was only on June 28, 1996 that the Ukrainian government, the Verkhovna Rada on behalf of the Ukrainian people adopted the Main

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

- The land, air space, water, mineral and other natural resources are the property of Ukrainian people.
- The state language of Ukraine is Ukrainian.
- The state symbols of Ukraine are the State Flag, the State Emblem and the State Anthem.
- The capital of Ukraine is Kyiv.
- All citizens have equal Constitutional rights, freedoms and are equal before the law.

On February 21, 2014, Ukraine's Rada voted in favour of a return to the Constitution of 2004, which limits the powers of the Presidency. Today, constitutional reform is one of the cornerstones of the reform agenda in Ukraine and one of the priorities of the Ukrainian state. Work with the amendments to the Constitution is based on the rule of law, openness and transparency. The process of preparing amendments to the Constitution concerns primarily the decentralization of state power and significant empowerment of local communities. Key changes to the Constitution of Ukraine concern Section IX «Administrative Division» and Section XI «Local Government». Some amendments were suggested to Chapter IV «Parliament of Ukraine», V «President of Ukraine» and VI «Cabinet of Ministers and other Executive Authorities». On June 28 Ukraine celebrates national holiday – the Constitution Day.

Vocabulary Notes

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

Answer the questions:

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

Ukraine?

Variant 4

Read and translate the text, answer the questions:

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

It guarantees individual freedoms to all and sets the basic form of government. The American Constitution is the world's oldest written constitution in force. It served as the model for a number of other constitutions around the world. The primary aim of the Constitution was to create a strong elected government, directly responsive to the will of the people. The concept of self-government did not originate with the Americans. But the degree to which the Constitution committed the United States to rule by the people was unique, and even revolutionary, in comparison with other governments around the world. A chief goal of the Constitution was to create a government with enough power to act on a national level, but without so much power that fundamental rights would be at risk. It separated the power of government into three branches, and then included checks and balances on those powers to assure that no one branch of government gained supremacy. The powers of each branch are enumerated in the Constitution, with powers not assigned to them reserved to the states. No product of human society is perfect. Despite its 27 amendments, the Constitution of the United States still contains flaws. Although the Constitution has changed in many aspects since it was first adopted, its basic principles remain the same now as in 1789:

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

All states are equal, and none can receive special treatment from the federal government. Each state must recognize and respect the laws of the others. The Constitution keeps pace with the growth of the nation. The most sweeping changes were the first 10 amendments, known collectively as the Bill of Rights, which guarantee the American people the fullest possible opportunity to enjoy the fundamental human rights

Vocabulary Notes

- governmental institutions – урядові інституції, структури
- individual freedom – особисті свободи
- flexibility and simplicity – гнучкість і простота
- the concept of self-government – концепція самоуправління
- national, state, local level – національний, рівень штату, місцевий рівень
- to gain supremacy – набувати верховенства, домінувати
- power – влада, (pl. powers – повноваження)
- to assign powers – визначати повноваження
- to reserve to the states – резервувати за штатами
- an amendment - поправка
- to be adopted – бути прийнятим
- executive acts and regulations – виконавчі акти і постанови
- human rights – громадянські права

Answer the questions:

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

Module 2

Vocabulary exercises

Variant 1

Exercise 1. Match the following noun phrases with their Ukrainian equivalents:

- | | |
|--------------------------------------|-------------------------------|
| 1. supreme law | a. закон штату |
| 2. Federal law | b. суд присяжних |
| 3. state law | c. судова система |
| 4. criminal justice | d. обґрунтована застава |
| 5. searches and seizures of evidence | e. жорстоке покарання |
| 6. self-incrimination | f. федеральний закон |
| 7. jury trial | g. розподіл повноважень |
| 8. reasonable bail | h. кримінальне правосуддя |
| 9. cruel punishment | i. обшук та вилучення доказів |
| 10. judicial system | j. вищий закон |
| 11. separation of powers | k. самообвинувачення |

12. judicial review	l. законодавча гілка
13. judicial branch	m. судовий перегляд
14. legislative branch	n. виконавча гілка
15. executive branch	o. судова гілка

Exercise 2. Translate the following words and word combinations:

intense debate; to draft a compact; criminal justice agencies; crime control; system-specific amendments; self-incrimination; to question a person; to deprive smb. of liberty; separation of powers; judicial review; separate function; to summarize; appropriate funds; in addition; key executive and judicial appointments; to limit the authority; jurisdiction of the judicial branch; the heart of the concept.

Exercise 3 Give English equivalents for the following words and word combinations: поділ влади; судовий перегляд; судова система; кримінальне правосуддя; форма правління; незаконний обшук та вилучення доказів; самообвинувачення; порушувати конституцію; конституція штату; федеральна конституція; законодавча (виконавча, судова) влада; призначати суддів; приймати закони; верховенство конституції; основа концепції поділу влади.

Variant 2

Exercise 1. Complete the following sentences by translating the words and expressions in brackets:

1. The term «contract» has been defined by (авторами) of legal texts and (наукових контрактів) and by (суддями) in court.
2. The prominence of the contract in our (повсякденному житті) underscores our need for a simple, uniform (визначення).
3. The agreement is simply the (договір) agreed upon by the (сторонами).

4. The agreement may or may not create (правові зобов'язання) against the parties depending on the (умов угоди) and the applicable law (закону).
5. The social agreement need not be in (письмовій формі) and (підписаний сторонами).
6. The agreement can even be implied from nonverbal (дій сторін).
7. The Statute of Frauds requires that (певні типи контрактів) be proved by a signed writing.

Exercise 2. Match the following verb phrases with their Ukrainian equivalents

- | | |
|--|-------------------------------|
| 1. to stem from | a. допомагати суду |
| 2. to adopt the UCC | b. досягти результатів |
| 3. to conflict with | c. походити від |
| 4. to apply rules | d. бути представленим у |
| 5. to supersede | f. прийняти ОТК |
| 6. to prepare a treatise | g. суперечити |
| 7. to confront with questions | h. застосовувати норми |
| 8. to present the Restatement of Contracts | i. відмічати у |
| 9. to reach results | j. використовувати підручники |
| 10. to use textbooks | k. стикатися з питаннями |
| 11. to assist a court | l. готувати науковий трактат |
| 12. to see issues | m. замінити |
| 13. to be presented in | n. підходити до |
| 14. to note in | o. представляти Звід угод |
| 15. to pertain to | p. розглядати питання |

Exercise 3. Give English equivalents for the following words and word combinations:

джерела договірної права; Одноманітний Торговельний Кодекс; прийняти закони штату; готувати науковий трактат; стикатися з важкими питаннями; допомагати судам; досягти протилежних результатів; бути поданим у формі енциклопедії; прецедентне право; загальне право; статутне право.

Variant 3

Exercise 1. Fill in the blanks by words from the text above:

1. The term «contract» has been defined in legal ... and ... and in
2. The prominence of the contract in our everyday life underscores our need for a simple, uniform
3. The agreement is simply the ... agreed upon by the parties.
4. The agreement may or may not create legal ... against the parties.
5. An agreement need not be in ... and signed by the
6. Certain types of contracts must be proved by a signed ... according to the ... of

Exercise 2. Match the words from the left and the right columns according to the meaning:

sound a contract

simple definition

Court law

definition of decisions

Commercial Code

bargain of texts

certain obligations

Terms of dealing

Legal bargain

Rules of time

course of consequences

parties

правові тексти; судові рішення; визначення контракту; правові зобов'язання; просте визначення; норми права; Одноманітний Торговельний Кодекс; практика ведення ділових операцій; правові наслідки; договір сторін; умови договору; визначений час; переконливе визначення.

Exercise 3. Complete the following sentences by translating the words and expressions in brackets:

1. The term «contract» has been defined by (авторами) of legal texts and (наукових контрактів) and by (суддями) in court.
2. The prominence of the contract in our (повсякденному житті) underscores our need for a simple, uniform (визначення).
3. The agreement is simply the (договір) agreed upon by the (сторонами).
4. The agreement may or may not create (правові зобов'язання) against the parties depending on the (умов угоди) and the applicable (закону).
5. The social agreement need not be in (письмовій формі) and (підписаний сторонами).
6. The agreement can even be implied from nonverbal (дій сторін).

7. The Statute of Frauds requires that (певні типи контрактів) be proved by a signed writing.

Variant 4

Exercise 1. Match the following verb phrases with their Ukrainian equivalents:

- | | |
|----------------------------------|--|
| 1. to be valid | a. анулювати пропозицію |
| 2. to make an offer | b. підтримувати угоду |
| 3. to revoke an offer | c. відмовитися від |
| 4. to be enforceable | d. робити пропозицію |
| 5. to constitute an offer | e. бути забезпеченим правовою санкцією |
| 6. to support an agreement | f. виконувати дію |
| 7. to buy a new car | g. прийняти пропозицію |
| 8. to accept an offer | h. становити пропозицію |
| 9. to suffer a legal detriment | i. не мати юридичної сили |
| 10. to quit smoking cigarettes | j. мати юридичну силу |
| 11. to give up | k. бути дієздатним |
| 12. to perform the act | l. купити нову машину |
| 13. to have legal capacity | m. купити мотоцикл |
| 14. to take advantage of | n. скористатися перевагою |
| 15. to be voidable | o. зазнати юридичної втрати |
| 16. to purchase a motorcycle | p. припинити курити сигарети |
| 17. to reach the age of majority | q. досягти повноліття |

Exercise 2. Translate the following words and word combinations:

basic requirements; the requirement mentioned earlier; certain agreements; a court of law; a hit man; to murder a spouse; a promise between two friends; a promise to buy a new car; to be in writing; to be signed by the parties; terms of oral agreements; counteroffer; a minor; an adult; a seller; the Statute of Frauds; legal contract; illegal contract.

Exercise 3. Read the following sentences and decide if they are true or false:

1. The person making the offer is the offeror.
2. The person to whom the offer is made is also the offeror.
3. Various legal rules do not govern what constitutes an offer.
4. The agreement between the parties is supported by consideration.
5. There is no legal capacity to contract.
6. Under the law, the minor does not have full legal capacity to contract.
7. The purpose of the contract must be legal.
8. The contract with a «hit man» to murder somebody is illegal and is not enforceable in court.
9. The agreement between parties may be in any form (written or oral)

Reading and translation exercises

Variant 1

Read and translate the text, answer the questions:

The British Constitution is not one document, as are the constitutions of many other countries. The British Constitution has evolved over a long period of time, reflecting the relative stability of the British polity. What Britain has instead of the

Constitution is an accumulation of various statutes, conventions, judicial decisions and treaties which collectively can be referred to as the British Constitution. It is thus more accurate to refer to Britain's constitution as an "uncodified" constitution, rather than an "unwritten" one. An uncodified constitution creates two problems. First, it makes it difficult to know what the state of the constitution actually is. Second, it suggests that it is easier to make changes to the UK Constitution than in countries with written constitutions.

The written part of the Constitution consists of several documents.

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

The Petition of Right was passed by Parliament in 1628.

The Bill of Rights was adopted in 1689.

It has been suggested that the British Constitution can be summed up in eight words: What the Queen in Parliament enacts is law. Other core principles of the British Constitution are the rule of law, the separation of government into executive, legislative, and judicial branches, and the existence of a unitary state, meaning ultimate power is held by 'the centre' – the sovereign Westminster Parliament. It also includes the entire body of laws enacted by Parliament, precedents established by decisions made in British courts of law, and various traditions and customs. The democratically elected House of Commons can alter these laws with a majority vote. The Constitution continually evolves as new laws are passed and judicial decisions are handed down. All laws passed by Parliament are regarded as constitutional, and changes or amendments to the Constitution occur whenever new legislation overrides existing law.

The unwritten part of the Constitution includes many important ideas and practices that the people have developed over the years. They include Cabinet system of government and the relationship between the Cabinet and the monarch. For more than 1,000 years, the Constitution has been changing and developing, because it is so flexible. The Constitution can be changed at any time by an act of Parliament or by the people's acceptance of a new idea or practice.

Explain the meaning of, or paraphrase the following:

to evolve – еволюціонувати, розвиватися

polity – державний устрій

statute – статут, закон; законодавчий акт парламенту

convention – угода, конвенція

judicial decisions – судові рішення

uncodified constitution – некодифікована конституція

written and unwritten constitution – писана і неписана конституція

precedent – прецедент

to enact law – вводити закон

to alter the law – змінювати закон

the rule of law – верховенство права

a unitary state – унітарна держава

an amendment – поправка

Answer the questions:

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

Variant 2

Read and translate the text, answer the questions:

The Courts of England and Wales, supported administratively by Her Majesty's Courts and Tribunals Service, are the civil and criminal courts responsible for the administration of justice in England and Wales.

The United Kingdom does not have a single unified legal system—England and Wales has one system, Scotland another, and Northern Ireland a third. There are exceptions to this rule; for example in immigration law, the Asylum and Immigration Tribunal's jurisdiction covers the whole of the United Kingdom, while in employment law there is a single system of employment tribunals for England, Wales, and Scotland but not Northern Ireland. Additionally, the Military Court

Service has jurisdiction over all members of the armed forces of the United Kingdom in relation to offences against military law. The Court of Appeal, the High Court, the Crown Court, the County Court, and the magistrates' courts are administered by Her Majesty's Courts and Tribunals Service, an executive agency of the Ministry of Justice. Supreme Court of the United Kingdom

The Supreme Court of the United Kingdom is the highest appeal court in almost all cases in England and Wales. Before the Constitutional Reform Act 2005 this role was held by the House of Lords. The Supreme Court is also the highest court of appeal for devolution matters, a role previously held by the Judicial Committee of the Privy Council.

The Supreme Court has a separate administration from the other courts of England and Wales, and its administration is under a Chief Executive who is appointed by the President of the Supreme Court of the United Kingdom. Senior Courts of England and Wales The Senior Courts of England and Wales were originally created by the Judicature Acts as the "Supreme Court of Judicature". It was renamed the "Supreme Court of

England and Wales" in 1981, and again to the "Senior Courts of England and Wales" by the Constitutional Reform Act 2005 (to distinguish it from the new Supreme

Court of the United Kingdom). It consists of the following courts:

- Court of Appeal
- High Court of Justice
- Crown Court

The Senior Courts of England and Wales, along with the Tribunals and other courts, are administered and supported by HM Courts and Tribunals Service.

Vocabulary Notes

- administration of justice
- the Magistrates' Courts
- the County Courts
- executive agency
- the Ministry of Justice
- the Home Office
- criminal justice policy
- sentencing policy
- probation
- re-offending
- to be released from
- to be binding on
- to come into force

- the court of trial
- Commonwealth countries
- the Privy Council
- perception of independence
- to hear appeals
- to assume
- to be abolished by
- judicial capacity

Answer the following questions:

1. What are the institutions for creating, modifying, abolishing and applying the law in Britain?
2. What institutions create, modify and abolish the law in Ukraine; which ones apply the law?
3. What are the reasons for having a variety of courts in GB?
4. Are the decisions of a higher court binding upon lower courts?
5. Describe the general system of the English courts.
6. What do you know about the Ministry of Justice? What is the Ministry of Justice responsible for?
7. Is the House of Lords the court of trial in impeachment cases?
8. What is the highest court of appeal for the UK in a handful of areas of law?
9. What is the highest appeal court in almost all cases in England and Wales?

10. When was the UK Supreme Court established? When will it officially come into being?

11. The Supreme Court will, with a few exceptions, be the final court of appeal in the United Kingdom, won't it?

12. What will the Supreme Court do?

Variant 3

Read and translate the text, answer the questions:

Court of Appeal The Court of Appeal deals only with appeals from other courts or tribunals. The Court of Appeal consists of two divisions: the Civil Division hears appeals from the High Court and County Court and certain superior tribunals, while the Criminal Division may only hear appeals from the Crown Court connected with a trial on indictment (i.e., for a serious offence). Its decisions are binding on all courts, including itself, apart from the Supreme Court.

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

Crown Court. The Crown Court is a criminal court of both original and appellate jurisdiction which in addition handles a limited amount of civil business both at first instance and on appeal. It was established by the Courts Act 1971. It replaced the assizes whereby High Court judges would periodically travel around the country hearing cases, and quarter sessions which were periodic county courts. The Old Bailey is the unofficial name of London's most famous criminal court, which

is now part of the Crown Court. Its official name is the "Central Criminal Court". The Crown Court also hears appeals from magistrates' courts.

The Crown Court is the only court in England and Wales that has the jurisdiction to try cases on indictment and when exercising such a role it is a superior court in that its judgments cannot be reviewed by the Administrative Court of the Queen's Bench Division of the High Court.

The Crown Court is an inferior court in respect of the other work it undertakes, viz. inter alia, appeals from the magistrates' courts and other tribunals. Subordinate courts

The most common subordinate courts in England and Wales are

- County Court
- Family Court
- Magistrates' courts
- Youth courts

Vocabulary Notes

- governmental institution
- to adjudicate legal disputes
- to dispense justice
- to bring smb's claim before
- to be accused of smth.
- jus dicere
- trial courts
- appellate courts
- findings of fact
- to reach conclusions of law

- judgment of the court
- bench trial
- inquisitorial system
- adversarial system
- trial on indictment
- costs penalty
- original and appellate jurisdiction
- to hear cases
- to be reviewed by
- Magistrates' Courts
- justice of the peace
- Family Proceedings Courts
- to preside over
- stipendiary magistrate
- Youth courts
- statutory court
- to derive from
- County Courts
- to function with
- to be inherent

Answer the questions. Begin your answers with:

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

1. How many systems of justice are there in the UK? Why?
2. What divisions does the Court of Appeal consist of?
3. What functions does the High Court of Justice exercise?
4. How does the adversarial system of justice work?
5. Why are the decisions of the House of Lords binding on all other courts except the ECJ?
6. What kinds of cases does the Crown Court hear?
7. What is the lowest court in the hierarchy in England and Wales?
8. What body has the jurisdiction to try cases on indictment?
9. What are the most common subordinate courts in England and Wales?
10. Can tribunals be considered the lowest rung of the court hierarchy in England and Wales?

Variant 4

Read and translate the text, answer the questions:

There are two kinds of criminal trial: summary and on indictment. For an adult, summary trials take place in a magistrates' court, while trials on indictment take place in the Crown Court. Despite the possibility of two venues for trial, almost all criminal cases, however serious, commence in the Magistrates' Courts. It is possible to start a trial for an indictable offence by a voluntary bill of indictment, and go directly to the Crown Court, but that would be unusual. A criminal case that starts in the Magistrates' Court, may begin, either by the defendant being charged and then being brought forcibly before Magistrates, or by summons to the defendant to appear on a certain day before the Magistrates. A summons is usually confined to very minor offences. The hearing (of the charge or summons) before the Magistrates is known as a "first appearance".

Offences are of three categories: indictable only, summary and either way. Indictable offences such as murder and rape must be tried on indictment in the Crown Court. On first appearance, the Magistrates must immediately refer the

defendant to the Crown Court for trial, their only role being to decide whether to remand the defendant on bail or in custody. Summary offences, such as most motoring offences, are much less serious and most must be tried in the Magistrates' Court, although a few may be sent for trial to the Crown Court along with other offences that may be tried there (for example assault).

The vast majority of offences are also concluded in the Magistrates' Court (over 90% of cases). Either way offences are intermediate offences such as theft or, with the exception of low value criminal damage, may be tried either summarily (by magistrates) or by Judge and Jury in the Crown Court. If the magistrates consider that an either way offence is too serious for them to deal with, they may "decline jurisdiction" which means that the defendant will have to appear in the Crown Court. Conversely even if the magistrates accept jurisdiction, an adult defendant has a right to compel a jury trial. Defendants under 18 years of age do not have this right and will be tried in the Youth Court (similar to a Magistrates' Court) unless the case is homicide or else is particularly serious.

A Magistrates' Court is made up in two ways. Either a group (known as a 'bench') of 'lay magistrates', who do not have to be, and are not normally, lawyers, will hear the case. A lay bench must consist of at least three magistrates. Alternatively a case may be heard by a district judge (formerly known as a stipendiary magistrate), who will be a qualified lawyer and will sit singly, but has the same powers as a lay bench. District judges usually sit in the more busy courts in cities or hear complex cases (e. g. extradition). Magistrates have limited sentencing powers. In the Crown Court, the case is tried by a Recorder (part time judge), Circuit

Judge or a High Court judge, with a jury. The status of the judge depends on the seriousness and complexity of the case. The jury is involved only if the defendant pleads "not guilty".

A criminal case usually begins in a Magistrates Court. Having arrested someone suspected of committing a crime, the police decide if they have enough evidence to make a formal accusation, or charge. If they charge the suspect, they may release him on the condition that he appears on a certain date at a certain Magistrates Court. This is known as unconditional bail. However, the police may instead take the suspect to a magistrate so that he remains in custody until he next appears

before a court. The magistrate may decide that it is not necessary to hold the suspect in custody and may agree to unconditional bail, or the magistrate may grant conditional bail - that is, release the suspect provided that he puts up some money as security or agrees to surrender his passport or some similar condition. As the lowest criminal court, a

Magistrates Court is empowered to hear certain cases only. Some minor cases, such as parking violations, are dealt with only by the magistrates. Some serious crimes, like murder, cannot be heard by the magistrates and must go to the Crown Courts. And there are some offences where the defendant is given the choice of having his case heard in the Magistrates Court or the Crown Court. It takes much longer to have a case heard in the Crown Court, but some defendants prefer it because the facts of the case are decided by a jury, that is, ordinary members of the public.,

In a Crown Court trial there are twelve jurors. These are ordinary members of the public between the ages of 18 and 70 who are selected at random. They are not paid but are given expenses while they are on jury service, which is usually for about two weeks. Service is compulsory, and it cannot normally be avoided without a good reason, such as illness. It is not necessary for a juror to know anything about the law - indeed certain people connected with the world of law, such as solicitors, are not allowed to serve as jurors. This is because the job of the jury is to listen to the case and to decide questions of fact. It is the judge's responsibility to guide them on questions of law.

This contrast between law and fact is very important. If a man is on trial for murder, for example, the judge will explain just what the crime of murder means in English law and the prosecution has to prove. He will explain how the trial will be conducted, summarise the evidence, and tell the jurors what factors they should consider in making their decision. These are questions of law. However, whether the defendant did in fact commit murder or not is a question of fact to be decided by the jurors themselves. It is necessary for at least ten of the twelve to agree.

Vocabulary Notes

- summary trial

- trial on indictment
- indictable offence
- a voluntary bill of indictment
- to be brought before the court
- summons
- minor offence
- summary offence
- murder
- to remand on bail
- to remand in custody
- to be sent for trial
- assault
- criminal damage
- jury trial
- homicide
- a bench
- lay magistrates
- district judge
- stipendiary magistrate
- part time judge
- the seriousness of the case
- to plead guilty/ not guilty
- formal accusation

- unconditional bail
- conditional bail
- prosecution
- to listen to the case
- to try the case
- to conduct the trial
- to summarise the evidence
- charge
- to deal with

Answer the questions:

1. What are two kinds of criminal trial?
2. Where are the vast majority of offences concluded?
3. Does an adult defendant have a right to compel a jury trial?
4. Where are the defendants under 18 years of age tried?
5. What is a lay bench?
6. What sentencing powers do Magistrates have?
7. Who tries the case in the Crown Court?
8. What courts consider appeals from lower criminal courts, as well criminal cases?
9. What cases do the Magistrates Courts deal with?
10. Where does a criminal case usually begin?
11. Can serious crimes, like murder, be heard by the magistrates?
12. How many jurors are there in a Crown Court? Are they paid?

13. Is it necessary to have a special education to be a juror?
14. What is conditional bail?
15. What is unconditional bail?

Recommended Literature

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