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ГРАММАТИЧЕСКИЕ ТРУДНОСТИ ПЕРЕВОДА

(НА АНГЛИЙСКОМ ЯЗЫКЕ)

**учебно-методическое пособие
для слушателей МПФ**

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От составителя.

Предлагаемое пособие предназначено для слушателей IV, V и VI семестров вечернего отделения факультета международного права и имеет целью выработать навык правильного перевода синтаксических конструкций и структур, относящихся к разделу пассивной грамматики. Слушатели должны уметь выявлять данные структуры в текстах правовой тематики различной степени трудности, понимать их значение и адекватно переводить их на русский язык.

Отбор грамматических конструкций проходил по двум критериям: частотности их употребления в юридической литературе и степени трудности, которую они представляют при переводе на русский язык. Это – структуры с неличными формами глаголов, модальные глаголы с различными формами инфинитива, разные типы сложноподчиненных предложений, а также грамматические конструкции и союзные слова, типичные для юридических текстов (to be subject to, to be deemed (held) that, while в значении “хотя” и т. д.).

Пособие состоит из 30 разделов, каждый раздел начинается с моделей, иллюстрирующих типичные способы перевода рассматриваемого грамматического явления. Затем следуют предложения, включающие данную грамматическую структуру, в самых разнообразных контекстах.

Порядок предлагаемых упражнений лишь отчасти связан с порядком прохождения материала по базовым учебникам (“Law Today” и “Юридические понятия и категории в английском языке” И.Г. Федотовой), поэтому преподаватель может выбирать ту ли иную грамматическую конструкцию и тренировать ее перевод по своему усмотрению. В конце пособия представлены 7 обзорных упражнений, каждое из которых охватывает грамматический материал 4 разделов и предназначено для повторения пройденного. В заключении даны так называемые сводные упражнения (7 miscellaneous exercises) с предложениями, содержащими несколько грамматических трудностей. Эти упражнения покрывают весь объем пассивной грамматики и предназначены для подготовки к письменному и устному государственному экзамену по английскому языку.

Для удобства использования пособие имеет оглавление с указанием страниц.

К пособию прилагается Teacher’s book, включающая перевод всех упражнений на русский язык.

Материал пособия взят из английских и американских учебников по праву, юридических статей и правовых документов. Лишь 10% предложений включают лексику экономического и общеполитического характера.

Предложения являются законченными смысловыми и логическими высказываниями, не требующими дополнительного контекста для понимания.

Перевод предложений представляет различную степень трудности, с лексической точки зрения. Наиболее трудные предложения отмечены звездочкой в Teacher's book. Предполагается, что преподаватель имеет возможность отобрать предложения наиболее подходящие к уровню своей группы.

Пособие предполагает устную работу под руководством преподавателя, который дает необходимые пояснения в аудитории, и последующую письменную работу дома с анализом допущенных ошибок после проверки работ преподавателем.

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I. Местоимение “It”.

Models:

1. Предваряющее “It”.

a) It is + adj.

It is necessary to apply for a patent in order to protect a new discovery.

Для того, чтобы защитить право на новое изобретение, необходимо обратиться за патентом.

b) It is + Part II + that

It is expected that the first month of the trial will be taken up with selecting the jury.

Ожидается, что первый месяц судебного процесса уйдет на выбор состава присяжных.

c) It is + noun + that

It is a common misconception as to the law of contracts that an agreement is not binding if it is not in written form.

Распространенным заблуждением в договорном праве является то, что соглашение не обязательно, если оно не заключено в письменной форме.

2. Формальное “It”.

Some people disapprove of law that makes it compulsory to fix seat belts to cars.

Некоторые люди не одобряют закон, делающий обязательным оборудование машин привязными ремнями.

1. It is not usual to haggle about prices in a British shop, as it is in, say, a Turkish market.
2. It is necessary to have a clear picture of a staggering amount of crime and how various classes and strata are affected by it.
3. It is felt that society cannot work if people are allowed to take the property of others at will: therefore theft is forbidden and thieves are punished.
4. People continue to rely on written agreements for years but if a serious disagreement arises they may decide it necessary to take a legal action.
5. The jury is to decide questions of fact, and it is the judge's responsibility to guide them on questions of law.
6. Most countries find it convenient to set up separate systems of criminal and civil courts.
7. It is important to consider to what extent descriptive and prescriptive laws can be distinguished from customs and social rules.
8. In many legal systems it is an important principle that a person cannot be considered guilty of a crime until the state proves he committed it.

9. Under resolutions which were adopted by the UN General Assembly it is the duty of every state to pursue and punish war criminals.
- 10.*The vagrancy laws, some judges observe, make it a crime to be poor, downtrodden and unemployed.
- 11.It should be noted that the phrase “common law” is sometimes used in England today to describe the whole body of judge-made rules.
- 12.In order to separate the role of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive.
- 13.It is a crime to drink alcohol in Saudi Arabia, but not in Egypt. It is a crime to smoke marijuana in England but not (in prescribed places) in the Netherlands.
- 14.For some people, the image of a lawyer is someone who leads a very wealthy and comfortable life; however, it should not be forgotten that there are also lawyers whose lives are not so secure.
- 15.If it is thought that one of the parties to a case has further information which should be disclosed , it is possible to apply for permission to reveal it.

2.Слова Заместители “That”, “Those”.

Model:

The most urgent question everywhere in this country today is that of complying with the law.

В наши дни наиболее неотложной проблемой во всех уголках нашей страны является проблема соблюдения законности.

1. According to specialists the two central banks most independent of the government are those of Switzerland and Germany.
2. Many companies invest their profits in such spheres as sophisticated technologies and those giving fast returns.
3. Partnerships can be formed easily and the legal position of partners is not very different from that of sole traders.
4. Ordinary Americans are much more interested in local politics than in those at the federal level.
5. The political power of the US Secretary of State is second only to that of the President.
6. * The system of checks and balances is such an arrangement of government powers where powers of one government branch check and balance those of other branches.
7. Most legal systems in Europe, including that of Scotland and indirectly those in many other parts of the world, were strongly influenced by Roman Law.
8. The House of Lords is considered the upper house of the British Parliament, but its political powers are much more limited than those of the lower house , the House of Commons.
9. International law comprises the regulation of relations between governments and also between private citizens of one country and those of another.
- 10.The definitions of many torts closely resemble those of crimes.

3.Сложное Подлежащее с Инфинитивом.

Model:

The trial, which has been rumored everywhere for so long, is believed to be nearly completed.

Полагают, что судебный процесс, о котором повсеместно так долго ходят слухи, почти завершен.

1. The economic situation in this country is reported to be improving.
2. The conference is expected to be held on the premises of the Academy.
3. When are we supposed to take our exam in international law?
4. The invention is expected to be of great importance for the protection of the environment.
5. Political stability is generally thought to be a good thing, but economic changes are usually inevitable.
6. The registration of a company may be cancelled if its objects turn out to be illegal.
7. Contract damages are merely intended to compensate a plaintiff for his loss.
8. A lot of research has shown that people are more likely to read and believe publicity than advertising.
9. He seems to have excluded himself from the vice-presidential candidacy at the time when the public opinion polls report that he is most popular.
10. The British Queen is expected to be impartial or “above politics” and her political advice to the Prime Minister is kept secret.
- 11.* A barrister is required to have reached an accepted educational standard and to have become a member of the Inns of Court.
- 12.* In recent times lawyers have made efforts to make their profession less mysterious; after all their job is supposed to clarify matters for the public, not to make them more complicated.
13. Lawyers try to explain exactly why a judicial decision has been made, even when the decision appears to be obvious common sense.
14. The overall acquittal rate is said to be increasing now that defendants have the right to be tried by a jury.
15. Due to the system of checks and balances the President is not as powerful as many people outside the US seem to think he is.

* Судебные инны (школа подготовки барристеров)

4.“For” – фразы с инфинитивом.

Model:

1. It is cheaper for a company to issue bonds than shares.
Компании дешевле выпускать облигации, чем акции.
2. Some industrial projects are too sophisticated for experts to evaluate their effect on the environment.
Некоторые промышленные проекты слишком сложны, чтобы эксперты могли оценить их влияние на окружающую среду.
1. The problem under discussion was too complicated for the participants in the Congress to cope with.
2. All these factors aggravated the debt problem and it was impossible for the country to meet its external debt service obligations in time.
3. One of the ways to run a business is for two or more people to form a partnership in which they share management, profits and liabilities to debts.
4. The WTO is a forum for member governments to negotiate trade agreements and to try to sort out trade problems.
5. Judges do not merely apply the law, in some cases they make law, and their interpretations may become precedents for other courts to follow.
6. As a first step it is customary for the solicitor to try to settle a dispute without litigation.
7. It is necessary for at least ten of the twelve jurors to agree in order to find a defendant guilty.
8. Immediately after judgement has been given, it is usual for the counsel for the successful party to ask for costs, and this is a matter for the judge's discretion.
9. Cabinet officials are appointees of the President, so when the President's service ends it is customary for the Cabinet to resign.
10. The US Special Courts have been established to handle cases which are sometimes difficult for a judge to understand.

5. Герундий в Различных Синтаксических Функциях.

Models:

1. Rewriting laws is a slow and painstaking process.
Пересмотр законов – это длительный и трудоемкий процесс.
2. Sometimes we can break rules without suffering any penalty.
Иногда мы можем нарушать правовые нормы, не подвергаясь наказанию.
3. Some people have gone so far as describing political power (a consequence of lobbying) as one of the main components of marketing.
Некоторые люди зашли так далеко, что считают политическую власть (результат лоббирования) одной из основных составляющих маркетинга.
1. In England the main decision for a future lawyer is between becoming a barristor or solicitor.
2. Many people believe the distinction between barristers and solicitors should be eliminated, but there are arguments for maintaining as well as removing the distinction.
3. Nearly every general area of law is relevant to running a business.
4. Some transactions are so complex that few of us would risk making them without seeking legal advice: for example, buying or selling a house or setting up a business.
5. In many countries there are law firms that specialize in dealing with people who would not be able to pay for legal services out of their own pockets.
6. Legal systems have rules for interpreting contracts in which one or more contractors made a mistake or was pressed into making an agreement.
7. People are always looking for legal loopholes, a way of avoiding a legal duty by making use of an ambiguity in law.
8. In countries where there is much political corruption certain people are able to escape justice by using their money or influence.
9. Common law or case law system differs from Continental law in having developed gradually throughout history.
10. On coming to office the British Prime Minister has to fill about seventy ministerial positions from the ranks of his supporters in Both Houses of Parliament.
11. If a partnership was set up for an indefinite period, it can be ended by any partner giving notice to all of the others.
12. Financial legislation may become law within a month of its being passed by the Commons, regardless of the attitude of the Lords.
13. Courts are often criticized for being biased, and incidents of judges handing down guilty verdicts to defendants under pressure from prosecutors are widespread.

14. Briefing a case is preparing a short digest of the facts, issues and reasoning essential to the court in making its decisions.
15. Reading and discussing “case reports” are considered especially apt tools for teaching students the kind of precise reasoning which is instrumental to a lawyer’s work.

6. Rather Than, Other Than.

Models:

1. The holder of a patent is often a company rather than individual scientists inventing something in the course of their work.
Владельцем патента часто является компания, а не отдельные ученые, изобретающие что-либо в процессе работы.
2. The contract provided for the carriage of various goods other than deck cargos.
Контракт предусматривал перевозку различных товаров кроме палубных грузов.
1. The basic idea behind the “marketing concept” is that you make what you can sell rather than sell what you make.
2. Some people argue that companies have to be careful never to cheat customers, but for purely business reasons rather than ethical ones: disappointed customers will not buy any more of your products in the future.
3. If your neighbour plays loud music late at night, you probably try to discuss the matter with him, rather than consulting the police.
4. Sometimes people are arrested for no reason other than their poverty.
5. The rules of social institutions tend to be more formal than customs: for example, if a member breaks a rule and refuses to accept any punishment, his sports club may have no power other than to ask him to leave the club.
6. In medieval England judges attempted to apply existing customs and laws to each new case, rather than making the government write new laws.
7. The duties of barristers are governed by rules of professional etiquette which depend on customs and traditions rather than upon statute.
8. * Generally the House of Representatives rarely schedules an important meeting on the day other than Tuesday through Thursday, because there might not be enough members on hand for a quorum.
9. Arrangements whereby a person administers property for another person’s benefit rather than his own are called Law of Trusts.
- 10.* An employee whose contract is terminated other than by being given notice of the required length can have a claim for wrongful dismissal.

7.Союзы “Since”, “For”, “As”.

Since – так как, поскольку, с тех пор как

For – так как, ибо

As – так как, в то время как, по мере того как

1. Transition to a market economy is a very long-term task, for it takes longer to change a society than to build a city or reconstruct an enterprise.
2. The new challenge which faced the international community as it approached the beginning of the second millenium was the implementation of human rights.
3. As legal systems evolved, different rules tended to fall into two main categories: criminal law and civil law.
4. Since the US \$ is the world’s most important trading currency there is a market of many billions of Eurodollars (including the oil-exporting countries’ “petrodollars”).
5. As the society develops and becomes more complex, rules of a more definite nature emerge and a body of laws comes into existence.
6. As our notions of privacy have changed the courts have emerged as the arena where debate is most often conducted concerning personal matters.
7. * Early years at the Bar may be insecure since solicitors are reluctant to entrust their work to an untrained barrister and without work he is likely to remain untried.
8. * There isn’t any great gap between the work of experienced modern barristers and solicitors, for there are many barristers who do little advocacy and there are solicitors who have made considerable reputations for themselves in the courts.
9. The inferior courts in the US federal system have less political importance, since their principal duty is to settle routine cases where no constitutional question is at stake.
10. A defamatory letter which is mailed directly to the plaintiff, who opens and reads it, is not a publication, since there is no communication to a third person.

8.Обобщающее “Which”.

Model:

Even today ordinary courts often take account of business practice in reaching a decision, which plays a certain role in the evolution of English law.

Даже сейчас суды общей юрисдикции часто принимают во внимание деловую практику при достижении решения, что (и это) играет определенную роль в эволюции английского права.

1. Sometimes a company chooses to issue new shares to its shareholders instead of paying dividends, which is called a bonus issue.
2. Instead of damages, a plaintiff sometimes asks the court to force the other contractor to carry out the contract, which in English law is called specific performance.
3. Before a company makes something and tries to sell it, it wants to find out whether people would like to buy the thing, which is called a market research.
4. A cartel is a group of producers or sellers who fix prices and quantities in order to avoid competition and increase profits, which is illegal in many countries.
5. *Most insurance companies and pension funds which own the majority of shares in major companies insist on extremely high dividends, which forces businesses to think about nothing but short-term profitability.
6. In many countries, professional people such as lawyers, doctors and architects are not allowed to form limited companies, which makes them serve their clients better because they have unlimited liability.
7. The world is changing and new legal rules have to be created quickly, which is done through Parliament.
8. In nations with democratic systems of government, most court cases are open to public, which means that any member of the public may witness a court case.
9. * The plaintiff might have to wait several years for his remedy, which often makes it hardly worth the effort involved.
10. According to the WTO agreement a country can change its binding only after negotiating with its trading partners, which could mean compensating them for loss of trade.

9. Причастия I, II и Инфинитив в Функции Определения.

1. They were fully aware of the obstacles to be faced and the changes to be made.
2. Against the background of the falling living standards, the profits earned by the monopolists seemed particularly great.
3. The internal management of a company is regulated by a document called the articles of association.
4. *Tariff barriers are often imposed to protect infant industries being developed as a means of import substitution.
5. If you want to set up business under English law, the first question to consider is to form a limited company or not.
6. The quality of goods received must correspond to the specifications stipulated in a contract signed by companies.
7. The Chinese government has responded to a growing demand for better quality goods and set up special courts to deal with customers' complaints.
8. The contract contains a clause providing that all disputes raised by the customers should be referred to arbitration.
9. The world monetary system, agreed upon by the Western powers at Bretton Woods at the end of the Second World war, had collapsed by 1971.
10. The London police are under the control of the Home Secretary, acting through a commissioner appointed by and responsible to him.
11. Washington was the first city in history to be created solely for the purpose of governance.
12. In civil proceedings the plaintiff prepares a draft of summons, notifying the defendant in general terms of the nature of the claim against him.
13. The functions of a judge are to conduct proceedings, point out the problems to be clarified, put questions to the parties and witnesses and examine relevant documents.
14. The tort of defamation covers attacks against someone's reputation through a written or spoken word.
15. A defamatory statement heard only by a person who does not understand the language in which it is spoken is not actionable.

10. Причастия I и II в Функции Обстоятельства.

Models:

1. Commenting on the resolution, he informed the deputies of the country's critical situation.
Комментируя резолюцию, он сообщил депутатам о критической ситуации в стране.
2. Asked about the claim, he said the dispute would be settled out of the court.
Когда его спросили об иске, он ответил, что спор будет урегулирован вне суда.
1. Speaking at the meeting of the shareholders the President of the Bank tried to explain that the problems caused by inflation would soon be solved.
2. Informed that it was impossible to sack such a number of employees the executive director suggested reducing the company's running costs by some other means.
3. Asked to justify his decision to cut the R and D budget, the head of the company failed to sound convincing.
4. Working as a block, the opposition parties have been able to formulate demands for reforming the economic situation.
5. Asked how he got to be so good in the pre-election campaign the candidate answered "I lost the previous election".
6. Faced with the necessity to comment on the event, the Prime Minister refused to express his opinion.
7. Alleging human rights violations, some countries have imposed economic sanctions against others.
8. * Unlike customs, the rules of social institutions tend to be more formal carrying precise penalties for those who break them.
9. Two youths were fined 25 dollars being found guilty of causing a breach of peace.
10. Having arrested someone suspected of committing a crime, the police must decide if they have enough evidence to make a formal accusation.

11. Независимый Причастныйоборот.

Model:

1. The agreement is drawn up in English and in Russian; both texts being equally valid.
Договор составлен на английском и русском языках, причем (и) оба текста имеют одинаковую силу.
2. The documents not having arrived on time, the trial had to be postponed.
Так как документы не прибыли вовремя, судебное разбирательство пришлось отложить.
 1. The question arose on responsibility, some participants pointing out that laws were neglected everywhere.
 2. The parties having failed to conclude an agreement, there is no way of telling what the outcome will be.
 3. England appeared only a formal victor in the second world war, its economy entering the period of stagnation and decline.
 4. There are about 100 Federal courts throughout the country, final authority resting in the Supreme Court.
 5. The USA has no national police force, the FBI influence being limited to a very few federal crimes, such as kidnapping.
 6. The American Constitution specifies the powers and duties of each federal branch of government, with all other powers and duties belonging to the states.
 7. In any election year, only one third of the Senate is changed, the remaining two thirds being members whose terms have not expired.
 8. * “Upper” and “lower” are commonly applied to the two houses for a bicameral legislature, the upper being the less numerous and higher in rank of the two.
 9. If a dispute arises between two individuals, each believing himself to be in the right, litigation may ensue.
 10. Legal unpredictability usually scares off foreign capital, with changes to the R.F. Tax Code happening every year.

12.Сложное Дополнение с Причастием II.

Models:

1. He wanted the writ typed on time.
Он хотел, чтобы судебная повестка была напечатана во-время.
2. She had her case heard by a jury.
Ее дело слушалось судом присяжных.
 - 1.She wanted her money invested in “wholly ethical companies”.
 - 2.The court ordered him taken into custody on suspicion of participation in a terrorist act.
 - 3.An over the counter market is a market for young and small companies which do not want their shares traded on the major stock-exchanges.
 - 4.If a business does badly and cannot pay its debts, any creditor can have it declared bankrupt.
 - 5.* If a person is unable to vote on election day he obtains a ballot within a specified period of time before the election, marks it, has it notarized and returns it to the proper officials.
 - 6.* In some states, such as California, citizens can petition to have their propositions put on the ballot in state elections.
 - 7.There are some offences where the defendant is given the choice of having his case heard in the Magistrates Court or the Crown Court.
 - 8.It takes much longer to have a case heard in the Crown Court, but sometimes defendants prefer it because their cases are decided by a jury, that is ordinary people.
 - 9.* The Plaintiff can apply to the court for a charging order on the defendant’s land or shares and if the money is still not paid, he can have them sold to recover his damages.
 - 10.Where countries have faced trade barriers and want to have them lowered, negotiations within the framework of the WTO are used to liberalize trade.

13. Модальный глагол “Should” в ослабленном значении.

Model:

In Britain there are some cases closed to the public, that is a judge may order that no members of the public (should) be present at the proceedings.

В Британии существуют судебные дела закрытые для публики т.е. судья может приказать, чтобы никто из публики не присутствовал на судебном разбирательстве.

1. In order to sustain free trade it is essential that governments should tackle the unemployment problem.
2. One of the business approaches demands that suppliers, customers, employees and members of the local community should be represented on a company's board of directors.
3. The President suggested that Congress should try harder to pass some drug control legislation.
4. *In the USA lawyers and courts of law have become part of daily life, whereas in Japan lawyers are few and people tend to rely on informal ways of solving disagreements; it's interesting that two highly industrialized societies should be so different in this respect.
5. Any person may begin and conduct proceedings himself, but because of the difficulties involved it's highly desirable that he be given legal advice.
6. In Japan it is possible for the prosecution to appeal that a non-guilty decision be changed to guilty.
7. If an MP should die or be forced to give up his seat the people of the country will have to vote again in a by-election to replace him.
8. The countries to the Community Treaty accepted the supremacy of Community law over their national systems of law if a conflict should arise.
9. Company directors, partners and sole traders alike have to consider the legal implications of the torts they may face should their products injure a customer.
10. The Supply of Goods and Services Act implies that services be provided with reasonable care, at a reasonable cost and within a reasonable time.

14. Модальные Глаголы, “May”, “Must” Выражающие Предположение, Уверенность.

Models:

1. You may (might) have read his account of the case.
Вы возможно (может быть) читали его отчет об этом деле.
2. The parties concerned must have stopped debating the claim.
Заинтересованные стороны, очевидно, (должно быть,
наверное) прекратили обсуждение иска.
1. Economists say that inflation might double and even treble in the near future.
2. The Prime Minister mentioned that a more radical stand on the issue must have enabled his party to avoid defeat.
3. Individual companies might have been more efficient if they had been liberated from central management.
4. Without a constructive means of tackling disputes among WTO member countries, some of them might have led to a serious political conflict.
5. The court can never know exactly what was in the head of a criminal at the time of committing the crime, so it has the difficult task of deciding what his intentions must have been.
6. In most countries a person cannot be found guilty if in a doctor's opinion he might not have been responsible for his action because of mental illness.
7. Civil law determines which of the 2 parties to a dispute is in the right and the party in the wrong is often obliged to compensate the other for any loss that may have been caused.
8. The European Court of Justice is made up of a mixture of professional judges, academic lawyers and public servants unlike the British courts where the judges must all have been practising barristers.
9. * Court justices may have been Senators, Attorney Generals or teachers in law schools, before their appointments not all of them were judges or lawyers in private practice.
- 10.* Some countries must have reached advantageous trading positions by achieving low-cost production with methods that are not politically acceptable in many democracies.

15. Модальные Глаголы “Will”, “Would” для Выражения Повторяемости Действия или Привычного Состояния.

Models:

In any community man-made rules will develop to control the relationships between its members.

В любом сообществе созданные человеком правовые нормы (обычно) развиваются для того, чтобы контролировать взаимоотношения между его членами.

1. In cases where a jury is present in civil proceedings, the judge will sum up the case for jurors, if there is no jury, the judge will deliver his judgement.
2. The judge does, in fact, two things: he gives his actual decision between the parties, and he will also give his reasons for reaching that decision.
3. In High Court there are various ways by which money can be obtained from a debtor who will not pay.
4. In an accident claim the negotiations will usually be between the injured person's solicitor and the other party's insurance company.
5. A defendant found guilty by the magistrates may appeal to the local Crown Court and the Crown Court judge will hear the appeal without a jury.
6. Appeals heard by the House of Lords require a minimum of three judges but in practice five will usually sit.
7. A newly-called barrister will take a room in existing chambers and wait for work to be given to him by a solicitor.
8. When the solicitor does not appear an advocate himself, he will be responsible for matters preparatory to the trial.
9. * Discovery of documents means that each side will give the other the opportunity to inspect documents relevant to the case.
- 10.* In England the courts of common law and of equity existed alongside each other for centuries but if an equitable principle would bring a result different from a common law decision on the same case it prevailed.

16. Модальный Глагол “Shall” с Оттенком Долженствования (в официальных документах).

Modals:

1. All members of the organization shall fulfil in good faith the obligations assumed by them in accordance with the charter.
Все члены организации добросовестно выполняют принятые на себя обязательства в соответствии с уставом.
2. Any propaganda for war shall be prohibited by law.
Любая пропаганда войны должна быть запрещена законом.
 1. The Constitution requires that the Chief Justice of the United States shall preside at impeachment proceedings against the US President.
 2. * Congressmen shall not fail to file campaign expenditure reports – but if they file honestly they may court jail for over-spending.
 3. * According to article III of the Constitution “the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish”.
 4. In the event of a conflict between Community law and national law, Community law shall take precedence.
 5. The International Court of Justice shall consist of fifteen members, no two of whom may be nationals of the same state.
 6. All members shall settle their disputes by peaceful means.
 7. The arbitration award shall state the reasons for its decisions and contain information about the arbitration membership.
 8. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrary deprived of his life.
 9. No one shall be held in slavery: slavery and the slave-trade in all their forms shall be prohibited.
 10. The law shall prohibit any discrimination and guarantee to all people equal and effective protection against discrimination on any ground.

17.Эмфатические Конструкции

“It is/was ... Which/That/Who/When”, “Do”, “Does”, “Did”.

Models:

1. It is education that economists regard as the best investment in the future.

Именно (лишь) образование рассматривается экономистами как наилучший вклад в будущее.

2. Freedom cannot be absolute, as we do live in an independent society.

Свобода не может быть абсолютной, так как мы действительно (все-таки) живем во взаимозависимом обществе.

1. It is seats which are important in Parliament, not votes, and it is easy to see why smaller parties would like a system of proportional representation.
2. The Prime Minister is usually leader of the majority party as well as head of Government and it is he who appoints other members of his team.
3. It was not until 1989 when Belgium outlawed corporate political donations.
4. The vast majority of claims in tort are settled without actual resort to the courts and it is only where a settlement proves impossible that proceedings have to be started.
5. If the defendant wishes he can make a counterclaim, alleging that it is he who is the injured party and that it is the plaintiff who has broken a contract or committed a tort.
6. The work of English Magistrates Courts is largely criminal, but they do have a limited civil jurisdiction.
7. In criminal cases the prosecution must prove that the accused did commit the offence: it is not for him to prove that he did not.
8. The WTO cannot claim to make all countries equal, but it does reduce some inequalities, giving smaller countries more voice.
9. Most countries do feel that it's better to be in the WTO system than outside it.
10. It is not the comfort of big city lights but the economic position of the Russian regions that account for the imbalance between Moscow and the regions in terms of foreign investments.

18. Придаточные Предложения, Вводимые Союзами “Provided”, “Unless”.

Provided – при условии, что; в том случае, если

Unless – если не

1. Large meetings can be productive as brainstorming sessions for ideas, provided participants can speak freely.
2. Ground can be gained in the solution to this problem, provided there is mutual desire.
3. The task of improving the living standards is quite feasible, provided all national efforts are concentrated on economic development.
4. Individuals and groups of people, who run business as a partnership, have unlimited liability for debts, unless they form a limited company.
5. Death or bankruptcy of any partner automatically dissolves the entire partnership, unless otherwise provided.
6. One of the remedies the unpaid seller can have against the buyer is an action for the contract price, provided the property in the goods has passed to the buyer.
7. Under British land laws the landholder owns the land throughout his life, unless he sells or gives it to someone else.
8. The magistrate may agree to conditional bail, that is release the suspect, provided he puts up some money as security.
9. English Courts are bound by the decisions of previous courts, unless it can be shown that the facts differ from previous cases.
10. Under the WTO system rulings are automatically adopted unless there is a consensus to reject a ruling – any country wanting to block a ruling has to persuade all other WTO members to share its view.

19. Условные предложения “If Smb Is to Do smth ...”, “If Smth Is to Be Done ...: для Выражения Намерения.

Models:

1. If we are to make inroads on crime and delinquency we must make inroads on poverty.
Если мы намерены нанести удар по организованной и детской преступности, мы должны бороться с бедностью.
2. The need for measures to protect the environment becomes more urgent every day if nature is to be preserved.
Необходимость в мерах по защите окружающей среды с каждым днем становится все более насущной, если мы хотим, чтобы (для того, чтобы) природа была сохранена.
1. Man-made rules are essential if the community is to work properly.
2. If the Government is to handle the problem of poverty, there are a number of measures to be urgently taken.
3. If civilization is to survive, we must cultivate the science of human relationships – the ability of people to work together at peace.
4. Science is essential if environmental concerns are to be translated into practical actions.
5. Governments had to make and enforce appropriate law, if social control was to be exercised.
6. If statutes are to fit particular cases, they need to be specially interpreted by the courts.
7. If an appeal is to be made against the judgement, it must be made within a limited period of time.
8. The applicant must satisfy a few requirements if he is to qualify for free legal aid.
9. The WTO dispute settlement agreement stresses that “prompt compliance with recommendations of the DSB* is essential if effective resolution of disputes is to be to the benefit of all Members”.
10. The GATT ** rules are helpful in ensuring nondiscrimination, but much more is required if transaction costs are to be reduced significantly.

*the Dispute Settlement Body – Орган по разрешению споров

*the General Agreement on Tariffs and Trade – Генеральное Соглашение по Тарифам и Торговле

20.Союзы “Whether”, “While”.

Whether – ли, или, будь то

While – пока, тогда как, хотя, если

- 1.Anyone who buys goods or services whether an individual shopper or a large business is a customer.
- 2.Some customs became internationally recognized as laws, while others were applied only in a particular locality or trade.
- 3.The term “act” is popularly used in referring to a measure which has been full passed by both US Houses and becomes a law, whether by approval of the President or by overriding his veto.
- 4.While the UK has ratified the Convention it has not incorporated its provisions into English law.
- 5.In Japan, a lawyer must decide whether he wants to take the examination to become an attorney, a public prosecutor or a judge.
- 6.While an English solicitor need not necessarily be a member of the Law Society, he must take out an annual practising certificate.
- 7.Criminal cases are tried by a judge sitting with a jury whose duty is to hear the evidence and reach a unanimous decision as to whether the accused is guilty or not.
- 8.Jurors are not paid but given expenses while they are on jury service.
- 9.The Magistrates Courts, while mostly concerned with criminal cases, also deal with some civil matters.
- 10.After conviction, the defendant’s financial condition may have a significant effect on whether he is placed on probation or sent to prison.

21. Придаточные Предложения Подлежащие (Subject Clauses) и Придаточные Предложения Сказуемые (Predicative Clauses).

Models:

I. a) What the country needs to solve its economic problems is peace..

Мир – вот в чем нуждается страна для того, чтобы решить свои экономические проблемы.

b) What is needed is the reduction in the company's staff.

Необходимо сокращение штата компании.

II. One principle of English contract law is that there must be offer and acceptance.

Один из принципов английского контрактного права заключается (состоит) в том, что должны существовать оферта и акцепт.

1. Whether the company could reduce its current expenses was uncertain.
2. What is needed is education and training to help people find the best solutions to their problems.
3. The question is now whether the government can start making the right decisions.
4. The basic theory of monetarists is that any change in policy that raises the money supply leads immediately to higher prices.
5. * Whether the tax increase is the right solution to the budget problems is something economists have recently begun to doubt.
6. The reasons why it is hard to reform fine collecting courts is that traffic fines are a major source of income for many communities.
7. Whether a person is an employee or an independent contractor is determined by the degree of control exercised by the employing body.
8. * What needs to be considered more than the nature of human rights is to whom they apply.
9. The advantage of forming a company is that it offers its members some protection in case of bankruptcy.
10. The essential difference between torts and crimes is that the former are the subject of civil law disputes between private individuals, and the latter are prosecuted by the state.
11. What is necessary in many cases is a more effective use of the United Nations as an instrument for joint political actions.
12. The separation of powers means that President and Congress are elected separately.
13. What is now required is the implementation of technology and organizational means to avoid many environmental problems.
14. The major macroeconomic argument for the past 60 years has been whether governments can effectively intervene in the business cycle.
15. How much worse things will get depends entirely on our economy.

22. Уступительные Придаточные Предложения с “Whatever”, “However”, “No Matter What How” etc.

Models:

1. No matter how much people verbally favour a more ecologically sound life style, they do not translate their words into actual behaviour.
Как бы усиленно люди ни поддерживали на словах экологически разумный стиль жизни, они не претворяют свои слова в действия.

We denounce all acts of terrorism, wherever they may occur
Мы осуждаем все акты терроризма, где бы они ни происходили.

1. They are determined to achieve their aim, however difficult it may seem.
2. We are obliged to invent environmentally-friendly technologies to take into account environmental protection, whatever the nature of our activity may be.
3. Multinational companies employ expensive lawyers to ensure that their contracts are valid, whenever they do business.
4. * Whatever the key factor may be, the East Asian “Tiger” economies have built up a reliable export market for their industrial products.
5. * If a candidate wins a state, no matter how small a margin, he picks up all its electoral votes.
6. * It’s not literally true to speak about a two-party system in Britain, although it is substantially correct, nevertheless, because it appears to be a parliamentary norm and, whenever it is departed from, it tends to reestablish itself.
7. Land reform legislation, wherever it exists, does not seem to be working properly.
8. Human rights are ones to which people all over the world are entitled, whatever their nationality and wherever they live.
9. By law, the police must, whenever it is possible, to obtain a warrant before entering any premises without the occupier’s permission.
10. The Director-General of the WTO has no authority to initiate dispute settlement proceedings against a member, no matter how blatantly it may violate WTO rules.

23. Сокращенные Придаточные Предложения.

Model:

The President, Vice President and all civil officers may be impeached, but cannot be removed from office, unless convicted (they are convicted).

Президент, вице-президент и все государственные чиновники могут подвергнуться импичменту, но не могут быть отстранены от должности, если они не признаны виновными.

1. The objects of criminal law and civil law, although closely connected, are entirely different.
2. * In most countries literature , artistic works and movies are automatically protected, when created; there is no need to apply to register copyright.
3. Under English law an employee may not normally work for a competitor whilst employed by an employer.
4. If found guilty, the defendant might be sent to prison, or he might be made to pay a fine to the court.
5. *Lawyers are mostly self-employed so, if elected to public office, they can arrange to spend an extended period of time at the City Hall, the State Capital or in Washington.
6. Once approved, Supreme Court justices hold their office for life.
7. The reports were alarming, if not unexpected.
8. * While not stated in the US Constitution, the power of judicial review for the Supreme Court was established over time.
9. American newsmen, journalists and television reporters are known the world over for “not showing proper respect” for “Governmental leaders, whether their own or others.
- 10.* Arraignment is a stage in criminal proceedings in which the accused is brought before the court to hear the formal charges against him, as prepared by the prosecutor.

24. “Once”, “Otherwise”.

Once – как только, коль скоро, раз, однажды (когда-то)

Otherwise – иначе, в противном случае, по другому

- 1.Exact fulfilment of the terms of a contract is always demanded, otherwise the course of business would be hardly possible.
- 2.Once a court decides that there has been a breach of contract, it must judge how the party in breach much compensate the other party.
- 3.Most industrial societies throughout the world have imposed punishments on traders who overcharge or otherwise deceive their customers.
- 4.If the plaintiff alleges that something happened he must prove that it did, otherwise the court must assume that it did not.
- 5.Suicide and blasphemy were once crimes in all European countries, but have now mostly been decriminalized.
- 6.Once the House has voted an impeachment, it then selects members to present the case before the Senate.
- 7.In England judges are usually chosen from the most senior barristers, and once appointed they cannot continue to practice as barristers.
- 8.Of course, none have certain knowledge about the future path of interest rates, otherwise they could become very rich indeed.
- 9.* Too many otherwise eligible voters fail to register and qualify for casting a ballot in the election of public officials.
- 10.Once a ruling has been made, WTO member countries concentrate on trying to comply with the rules, not on declaring war on each other.

25. Бессоюзные Определительные Придаточные Предложения.

Model:

As well as the Articles of Association there are some other documents (which) a new company has to register.

Наряду с уставом существуют некоторые другие документы, которые должны быть зарегистрированы новой компанией.

1. One of the first things a man learns in politics is to be cautions about words.
2. One of the “lessons” of history the world learns by constant repetition is that poverty, hunger and inequality lead to conflicts.
3. Most people appear to be confident that the political views they hold at any particular moment are absolutely right.
4. * Many people are sure there can be no equal justice where the kind of trial a man gets depends on the amount of money he has.
5. It’s common knowledge that more poor than rich are arrested for crimes they did not commit.
6. Some people believe that workers should be free to work any number of hours they agree with their employer without government restrictions.
7. The obligations the parties to a contract owe to each other may be very complicated.
8. Civil Procedure deals with the uniform set of rules courts use to conduct their business in all noncriminal actions.
9. Legalese is the strange and incomprehensible language so many lawyers write and speak.
10. Capitol Hill is the place Americans think they know more about than any other place on earth, because everything on Capitol Hill seems to be public.

26. “To be Subject to”, “A/the Subject of”.

to be subject to – подпадать под действие, подлежать, обуславливаться (при условии), зависеть (в зависимости от), с учетом

to be a /the subject of – являться предметом, вопросом чего-либо

1. Visitors to the Capitol galleries are subject to control by special officers of the two Houses, and the Galleries may be cleared in case of disorder.
2. Federal judges are appointed for life, subject to good behaviour, and can be removed only by impeachment proceedings.
3. Officials of the US Federal Department of Justice are appointed by the President subject to the Senate's confirmation for four year terms.
4. When election officials count votes, the laws of mathematics are sometimes subject to political necessity.
5. Once a trial commences, the police appear only as witnesses, subject to no special privileges or immunities.
6. Of the three types of jurisdiction (legislative, judicial and executive) the subject of immunities is most concerned with judicial and executive jurisdiction.
7. Contrary to the practice in some continental countries, there is no separate judicial profession in England and all judgeships, subject to one exception, are filled by the appointment of practising barristers.
8. Some offences such as piracy, slave trading and war crimes are considered to be so serious that they are subject to the jurisdiction of all states.
9. Delivery terms are the subject of a separate contract clause.
10. With the creation of the WTO member countries become subject to a large number of new obligations – some newly created in the Uruguay Round, others negotiated earlier.

27. Инверсия.

Models:

1. Only in a few countries are similar legal rules retained.
Лишь в немногих странах сохранены подобные правовые нормы.
2. In no stage since 1945 has the world been entirely free from war.
Никогда, начиная с 1945 года, не был мир полностью свободен от войн.
1. Any member of the House has the right to speak. The length of speech depends on the matter or the circumstances bringing it up, but in no event is he allowed to proceed longer than one hour without unanimous consent.
2. Only when we are injured in a train accident or when a neighbour refuses to behave reasonably do we start thinking about the legal implications of every-day activities.
3. In the early years the work of a barrister tends to consist of many small cases of a varied nature, later will come specialization.
4. Nobody knows how many people lose or fail to obtain jobs because of an “arrested record”. Nor is it known how many such people are even aware of their rights.
5. The ultimate power under the US Constitution is not given to the President (the executive branch) or to the Supreme Court (the judicial branch). Nor does it rest, as in many other countries, with a political group or party.
6. Gone are the days when Japanese firms could take their choice of eager applicants for jobs and expect lifelong loyalty.
7. Several hundred lawyers from around the world attended the forum. Also in attendance was a small group of senior – level policy-makers.
8. Not until quite recently could such cases appear in court.
9. Under the WTO principles you cannot be lenient with your own producers and strict with foreign goods and services. No can you discriminate between different trading partners.
10. Among the London arbitral organizations are the London Court of International Arbitration, the London Maritime Arbitrator’s Association and the leading commodity associations.

28. Синтаксические Конструкции с Глаголами “Hold”, “Deem”.

to be held (that ..., to be ... etc.)

to be deemed (to be ...)

Models:

1. He was held not guilty.
Он был признан невиновным. Суд признал, что он невиновен.
2. Conditions as to the time of payment are not deemed to be the essence of the deal.
Условия, касающиеся времени платежа, не считаются относящимися к существу сделки.
- 1.It was held that he was not liable to criminal proceedings.
- 2.It was held that since the transaction was not conducted legally, the privileges did not apply at all.
- 3.No person may be held legally responsible for the injuries and losses Acts of God may inflict, because they are beyond human control.
- 4.All states can be held to have a legal interest in the protection of the obligations of any state towards the international community as a whole.
- 5.It has been held that the right to the effective representation of the accused in the US court includes interpreters, accountants and other needed medical and scientific aids.
- 6.Under modern international law, a head of state may be held personally responsible for certain international crimes.
- 7.The provisions of the contract are deemed to be binding on the parties, provided the contract is valid.
- 8.In order for all relevant information on imported goods to be deemed accessible to the Russian consumer, it must be in the Russian language.
9. *As far as the stock exchange is concerned the members by whom sales and purchases are carried out are deemed to be principals in the transaction, and they must carry on their business according to the rules and customs of the exchange.
- 10.*The US Democratic party has always tended to get more big business support when a course of compromise was deemed advisable and unavoidable.

29. Сложные Предложения С Несколькими Степенями Подчинения.

Model:

The new environmental movement became concerned with a much wider range of phenomena on the grounds that the violation of the ecological principles had reached the point where life itself is threatened.

Новое движение в защиту окружающей среды стало заниматься гораздо более широким кругом явлений на том основании, что нарушение экономических принципов уже достигло такого предела, когда под угрозой находится сама жизнь.

1. The Universal Declaration of Human Rights and conventions that grew out of it provided the world with an international code of human rights which established as norms of international law the way in which the State must treat individuals.
2. It is believed that the practices and procedures of the General Assembly are areas where improvement is possible, and that there are certain ways in which its performance could be progressively improved in addition to the many efforts which have already been made over the years.
3. "Let us remember", said the Secretary-General "that we have created the means to destroy ourselves, and that great efforts are going to be needed to build a system which will work in the interest of all the people as it will effectively preserve peace".
4. The Secretary-General pointed out that it was illogical to the extreme that precisely when there was the most need for multilateral co-operation, there should arise a tendency to disregard the rules of the UN Organization.
5. The veto provision reflects the conviction of those who drafted the charter that the UN Organization would be unable to take an important initiative for the maintenance of peace and security unless there was unanimity among the great powers.
6. The things that must be proved in both criminal and civil cases are the matters which are vital to show that the alleged wrong has been committed by the defendant.
7. In the High Court there are various ways by which money can be obtained from a debtor who will not pay.

8. When a couple separate the welfare of any children and the division of any property are most important, because people who once lived together happily may argue bitterly when the trust between them has dissolved.
9. In arbitration the parties can select arbitrators in whom they have confidence and who can be expected to be familiar with the kind of business in which the dispute arises.
10. It's obvious that one of the things which makes law students feel at sea initially is the fact that they barely understand much of what they are reading and learning.

30. Союзное Слово “Given”.

Given – принимая во внимание, с учетом, при наличии

1. Given the already high level of unemployment, there will be an urgent need to create new employment opportunities for the country's population.
2. \$20 bln is not a very large sum, given the size of the problem.
3. Given good will on the part of these states, this proposal could be carried into effect without further delay.
4. Given shared goals and favourite environment, everyone can contribute to solve the problem.
5. Many people are confused. They want to know which way the country will go and when the recession will end. Given the conflicting data, there is no easy answer.
6. Given the small size of the national market, the answer appears to lie in expansions overseas.
7. There is not any remote chance that the plan will be implemented, given the absence of support.
8. Given the far-reaching implications the implementation of the project may have for the country, its careful assessment is of crucial importance.
9. It is most common to settle a products liability case out of court to avoid the costs of litigating the action, given the amount of attorneys' fees, expert charges, filing fees, court costs and possible punitive damages.
10. Every law student who makes a serious effort can find work, which is a remarkable fact given the state of the American legal job market.

31.Обзорное Упражнение I (1-4)

1. One way for a company to protect its market share is to try to find ways to increase the size of the entire market.
2. Business and economics students should have some ideas of what the economy is expected to do in the future, and if interest rates are likely to rise or to fall.
3. Without laws, it is argued, there would be anarchy in society, although anarchists themselves suggest that human beings would be able to interact peacefully if there were no governments to interfere in their lives.
4. It is an axiom of politics that the Supreme Court follows the election returns, although it is supposed to be above the battles.
5. States election laws make it difficult or virtually impossible for minority parties to qualify for a place on the ballot.
6. All US states must respect federal laws and not make laws that interfere with those of the other states.
7. The bills approved by the upper house of parliament are believed to bring billions of dollars in foreign investment to the country's oil sector.
8. A patent makes it illegal for others to manufacture or use the invention without permission.
9. Although judges in one common law country cannot directly support their decisions by cases from another, it is permissible for a judge to note such evidence.
10. The county court judges may hear matters such as contract and tort disputes, actions regarding claims to land and those regarding the property of a dead person.

32. Обзорное Упражнение II (5-8).

1. The appeal system is mostly for the benefit of the defendant, but there are cases of the prosecution successfully appealing for a more severe punishment.
2. *There's a great peril for a campaign manager – other than being ignored by the candidate, and that is forgetting whose campaign it really is.
3. Industrial espionage is spying on competitors' developments with concealed cameras and microphones, bribing their employees, etc – rather than doing your own expensive R and D.
4. At first sight British practice seems to violate the principle of the judicial and executive power, as the head of the judiciary, the Lord Chancellor, is a member of the Cabinet and presides over the House of Lords.
5. The functional organization of a company implies separating functions, which is unlikely to encourage innovation.
6. *The company's bond issue is called a debenture because the bonds are backed by the general credit of the corporation rather than by the company's assets.
7. Before practicing on his own account, it is compulsory for a barrister to undergo a period of pupillage by working in Chambers.
8. In the USA the president remains president, even though his party may not have a majority in either house of Congress, which is a major difference between the American system and those where the nation's leader represents the majority party.
9. At the trial both parties are usually represented by a counsel and, since the burden of proving the case generally rests upon the plaintiff, the counsel for the plaintiff begins.
10. The state regulates the behaviour of individuals providing rules and procedures for them to solve disputes between each other.

33. Обзорное Упражнение III. (9-12).

1. Thomas Jefferson was the first US President to take the oath of office in the nation's permanent capital, Washington DC.
2. The President of the USA is elected every four years to a four-year term of office, with no more than two full terms allowed.
3. An effective precinct leader is expected to work tirelessly all the year round gaining party converts, getting voters registered and carrying on party routine business.
4. The impeachment charge is brought by a majority vote of the State or Federal House of Representatives and is tried and determined by the State or Federal Senate, a two-third vote being necessary for conviction.
5. It is still argued that in the event of the US President's death and that of the Vice-President it would be within the spirit of the Constitution to have an elected official succeeded to the presidency, rather than the Secretary of State, who is a presidential appointee.
6. MPs are always addressed in the Commons as "Sir", irrespective of sex, the reason being that all remarks uttered within the Chamber are supposed to be directed to the Speaker.
7. According to the classification used in most marketing textbooks, advertising is only one of 4 standard promotional tools, the others being sales promotion, public relations and personal selling
8. Bond-issuing companies are rated by private rating companies and are given an "investment grade" according to their financial situation and performance, Aaa being the best.
9. Alongside stocks and bonds which have existed for hundreds of years there are more recent financial instruments, including futures and forward contracts, options and swaps, these last two often being classified under the term of financial derivatives.
10. The patent must be carefully worded, since it may be possible for someone to copy any part of it not mentioned in the patent.

34. Обзорное Упражнение IV. (13-16)

1. Rules came into existence in various ways although in most cases there must have been agreements between some members of the community that the rules were desirable.
2. Free trade is very disruptive, which means that you may have trained to make cars, then someone in Osaka learns to produce cars a bit cheaper, and you in Detroit immediately lose your job.
3. Everyone shall have the right to freedom of thought, conscience and religion and everyone shall have the right to freedom of expression.
4. Though the US has not adopted central economic planning, they must have gone rather far in the past 50 years in expanding the role of the government in economy.
5. Although the guilty defendant in a criminal case will not automatically be found liable in a civil action about the same matter, his chances to avoid civil liability are not too good.
6. According to the Law of Contracts contracting parties will be released from their responsibility for non-execution of the Contract should it be caused by force-majeure circumstances.
7. The price is generally fixed by the parties to a contract but it is not at all necessary that it should be fixed beforehand.
8. If a court decides that there has been a breach of contract it will award damages only for the loss closely connected with the defendant's breach.
9. Congressmen shall not plead a case before a Government agency for a fee, but they may share as partners in law firms doing business with the Federal Government.
10. Western food-producing companies exporting to Russia claim that fake goods might account for up to 60 percent of sales in some categories.

35. Обзорное Упражнение V. (17-20).

1. It is mutual action which is essential if global ecological problems are to be solved.
2. The law on State Duma elections prohibits either any electoral opinion polls or forecasts of returns run in mass media within 3 days before the elections but it doesn't specify whether it covers the Internet.
3. Most governments accept that certain changes are needed if the EU is to go ahead with its current plans to expand.
4. In the early nineteenth century British trade unions were unlawful and it is not until 1871 that they have been recognized by the law.
5. Broadly speaking, it is British cabinet, as the inheritor of the powers of the crown, which governs in the sense that it directs the administration and determines national policy and the legislative.
6. It does seem to be true that Americans appear almost instinctively to dislike government and politicians.
7. A congressman is required to be present when Congress is in session unless he is excluded to perform official business elsewhere or because of illness.
8. While some of the American voters will vote a "straight ticket", in other words, for all of the Republican or Democratic candidates in an election, many do not.
9. American cities and counties are divided into precinct polling districts, provided each contains from 200 to 1000 voters and a polling place.
10. Many countries argue that most drastic measures must be taken if drug expansion is to be avoided.

36. Обзорное Упражнение VI. (21-24).

1. If we had a world currency we'd also need some kind of world fiscal system to cushion whatever shocks may happen in different parts of the planet.
2. The advantage of borrowing money by issuing bonds is that interest payment unlike dividends is tax deductible.
3. The problem with progressive taxes is that the marginal tax rate – the tax people pay on any additional income – is always high, which is generally a disincentive to both working and investing.
4. The people should understand that the state is serious about bringing tax evasion to an end, otherwise nothing will be achieved even if the current legal loopholes cease to exist.
5. It is possible in English law to bring a civil action against the police if someone was mistreated when questioned by the police about a criminal case.
6. The judge explains to the jury what facts they should consider in making their decision; however, whether the defendant did in fact commit murder or not is a question of fact to be decided by the jurors themselves.
7. Courts of equity will direct the specific performance of contracts as a general rule whenever courts of law cannot supply an adequate remedy.
8. It is a basic principle of the British criminal justice system that the accused should not be kept in custody except where strictly necessary.
9. One of the weaknesses in the existing Russian labor code and labor legislation is that it is not clear to what extent it is applicable to foreigners working in Russia.
10. The Deputy Treasury Secretary said that once a country was identified as being a “rogue jurisdiction”, that was unwilling to cooperate, the US would seek to penalize it through national organizations by making its borrowing costs higher.

37. Обзорное Упражнение VII (25-28).

1. The system we live in is far from being perfect but is the best we can deserve in this imperfect world.
2. Bills are passed in law by the House of Commons so that all citizens are deemed to have concurred in and accepted the resulting obligations.
3. Before the throne in the House of Lords is the woolsack upon which the Lord Chancellor sits as Speaker of the House.
4. Even if they have been elected as Democrats or Republicans, Representatives or Senators are not bound to a party programme, and they are not subject to any discipline when they disagree with their party.
5. Each civilian police force in Britain (except London) is commanded by a chief constable who is appointed and may be dismissed by the appropriate committee of his local council, subject to the approval of the Home Secretary, in England and Wales, or the Secretary of State in Scotland.
6. During the re-hearing of a case in the Court of Appeal witnesses are not heard again, nor is fresh evidence usually admitted.
7. Any person accused shall be held innocent until proved guilty beyond reasonable doubt.
8. Torts are the subjects of civil law disputes while crimes are considered by criminal law.
9. The tort of conversion in English law covers taking, destroying or selling someone else's goods, as does the crime of theft.
10. Counsel for the plaintiff will begin a civil trial by outlining the facts of the case and the evidence he proposes to call in support of these facts.

38. Сводное Упражнение I.

1. If granted, a patent makes it illegal for others to manufacture or use the invention without obtaining permission.
2. It is likely that the reason the company is being wound up is that it is bankrupt.
3. Insider trading means using inside knowledge to gain private profit when buying and selling the company shares.
4. Faced with global competition many companies felt the need to become more efficient, which is often another way of saying they need to employ fewer people.
5. Having become a precedent a judicial decision need not continue to be one indefinitely.
6. Whether the defendant did in fact commit a crime or not is a question of fact to be decided by jurors.
7. The most important principle guiding a judge is whether a reasonable observer of the agreement would decide that it was a contract.
8. Unless there are good reasons for deciding otherwise, the unsuccessful party will be required to pay not only his own costs, but also those of his opponent, at the discretion of the court.
9. Other than in the special cases to be discussed below this general rule is not subject to any common law exceptions .
10. Political fact number one to most candidates is that it takes money to run for office, and it is a lot easier to talk one man into giving a thousand dollars than it is to talk a thousand men into giving one dollar.

39. Сводное Упражнение II.

1. The British Queen is probably the wealthiest woman in the world, most of the money coming from family investments rather than the state.
2. In general, it is not against the law to steal someone else's ideas, but most countries do place legal limits on copying the exact words someone has written or the art or music they have created.
3. A barrister when appointed King's Counsel is said to "take silk" as he is then entitled to wear a silk gown.
4. The standards of proof are higher in a criminal action than in a civil one, since the loser risks not only financial penalties but also being sent to prison.
5. There are a few ways to which money can be obtained from a judgement debtor who will not pay: for example, the County Court can order payment by instalments, which is often the most practical way of collecting the money from an individual .
6. A flexible labour market is one in which it is easy for companies to hire non-permanent staff.
7. One of the suggestions to reduce unemployment includes increasing the number of public sector jobs, i.e. those paid for by national government.
8. No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
9. With such a new concept of "state guarantees" being introduced in the new law, only time will tell whether the authorities will enforce these guarantees in concrete situations.
10. Most judges of traffic courts appear interested only in levying fines. What they do not say is that you will also have a conviction on your record and will have taken the first step towards losing your licence.

40. Сводное Упражнение III.

1. What most of the analysts are saying nowadays is that the present economic program needs drastic changes.
2. Near disaster is how we describe the global environment situation today.
3. One problem resulting from the existence of two systems of justice in England was that a person often had to begin action in different courts in order to get a satisfactory solution.
4. It is a basic principle of the British criminal justice system that the accused should not be kept in custody except where strictly necessary.
5. Bail may only be withheld in certain specific circumstances, if the court has good grounds for believing that the accused person could commit an offence, interfere with witnesses or otherwise obstruct the course of justice, if released on bail.
6. Once a person has been charged only voluntary statements will normally be allowed in evidence at the trial.
7. That the fifty-five delegates representing 13 sovereign colonies met in harmony and peace in Philadelphia to write a constitution of the United States of America was hardly the case. The miracle is that constitution was written and ratified, there being heated clashes of personalities, beliefs and opinions.
8. Once the police have brought a criminal charge, the papers are passed to the Crown Prosecution Service which decides whether the case should be accepted for prosecution.
9. Once appointed, JPs (Justices of the Peace) are expected to attend courses of instruction about their work.
10. What most people thinking about environmental law mean is the government's regulation of private enterprise.

41. Сводное Упражнение IV.

1. Sometimes legal jargon seems to be a way of creating a mystery about the legal profession, of distinguishing people on the inside from those on the outside.
2. One reason why the criminal law is one of the fastest growing areas of law is that the number of crimes committed in some countries seems to be increasing rapidly.
3. No matter what the underlying theory of a products liability case may be, certain elements are common in all cases; for example, there may be no recovery unless the product is shown to be defective or harmful, i.e. capable of causing injury.
4. In Britain members of a partnership can choose whatever name they think fit to carry on their business subject only to the Business Act of 1985.
5. The most common remedy granted by the judge in a civil case will be an order for the defendant to pay damages to the plaintiff, a fixed sum of money by way of compensation.
6. English County Courts are presided over by Circuit judges, of whom there are just over 400, and while it is usual for there to be one judge to each circuit, the busier courts may have more than one judge.
7. It is unusual for the President in calling an extra session to indicate the exact matter which needs the attention of the Congress; however, once convened, the Congress cannot be limited in the subject matter it will consider.
8. "If I had to reduce it to essentials", one campaign manager has remarked, "I'd say what's vital is that the manager be able to make his candidate laugh and to tell him what to do in public without having his head knocked off".
9. In arranging the order of business and the agenda for the House, the government consults with the opposition (the usual channels for negotiation being the party whips) about the amount of time to devote to particular items as well as when to debate them or whether to debate them at all.
10. Free market theories argue that the main responsibility of a company is to conduct business in accordance with its shareholders' desires, which generally will mean to make as much money as possible, while of course conforming to the basic rules of the society, both those embodied in law and those embodied in ethical customs.

42. Сводное Упражнение V.

- 1.Many people believe that it is only efficient companies which are likely to want to adopt eco-protective measures, unless the government imposes special legislation.
- 2.In Brooklyn, each selected grand jury is expected to sit for one month every two years. However, once empanelled, a panel will continue to sit on a case it has accepted until either an indictment is handed down or the people's evidence is deemed insufficient to prosecute.
- 3.The plaintiff's costs in a defended action will run to a good sum of money and unless there are good reasons for deciding otherwise the unsuccessful party will be required to pay not only his own costs but also those of his opponent, at the discretion of the court.
- 4.When he gives his decision in a case the judge does, in fact, some things: he gives his actual decisions between the parties and he will also give his reason for reaching that decision, which is called the ratio decidendi (the reasoning vital to the decision) and it is this part of the judgement that may bind future courts.
- 5.Voting machines are often not used in the USA, votes being cast by marking the official ballot papers, which are numbered with pen or pencil, so that allegation of fraud or irregularities may be checked if necessary.
- 6.While it is theoretically possible for member – countries to regain their loss of sovereignty by withdrawing from the European Community, this will become more unlikely with the passage of time when their economies become more and more enmeshed and difficult to separate.
- 7.One of the reasons for central banks being independent from the government is that it is more efficient for a separate body to implement monetary policy while the government is restrained to implementing what is called budgetary policy.
- 8.What most voters do not know is that Congressmen have long since given up the actual job of writing the bills they enact into law. Senators or Representatives may have originated ideas for legislation but the precise work of drafting is done elsewhere.
- 9Depending on the category of crime only one fourth to one-half of all criminal acts are believed to be reported. Since the President's Commission publishes the exact extent of unreported crime for each category, it is possible to use FBI statistics of reported crime to calculate how much crime actually does occur.
- 10.In order to conform to European Community law it is now possible for someone contracting with a company on ultra vires matters to be protected, provided the matter was authorized by the company's directors.

43.Сводное Упражнение VI.

1. In deciding what is reasonable an English court will refer to previous similar cases, however the most important thing is usually common sense.
2. Given sufficient legal grounds by an attorney, a judge may overturn a decision, or, based on the facts of a particular case, a judge may decide the case in a way that seems to be at odds with the precedent.
3. No matter how brilliant the attorney may be, rarely will a low court repudiate a higher court's decision; the system must be stable.
4. A great many commercial contracts do contain a provision for disputes to be settled by arbitration.
5. The arbitration award, despite the country it was made in, is binding and is enforced after being applied to a competent court.
6. Whether a country signs and tries to enforce an international agreement depends on whether it is likely to gain from it.
7. What's important in the WTO's rules is that measures taken to protect the environment must not be unfair to its member countries.
8. Whether or not developing countries gain enough from the WTO system is a subject of continuing debate in the WTO.
9. Dumping is defined by GATT as offering a product for sale in export market at a price lower than that charged on its own home market in the ordinary course of trade.
10. Under the RCC compensation for moral harm shall be carried out regardless of whether or not material harm is subject to compensation.

44.Сводное Упражнение VII.

- I. Brazil's Congress at last had the courage to approve two overdue reforms, one being an increase in the pension contributions paid by higher – earners among public sector workers; the other – deduction of contributions from retirement pension. If Brazil is ever to stop being one of the world's most uneauql and unjust societies, it needs redirecting public spending.
- Nobody likes a wage cut, which is what the increase in pension contributions amounted to. But the Congress was right to approve these measures. Reform in Brazil is falling victim to its president's diminished authority. It is this rather than judicial independence or constitutional zeal, that explains the Supreme Court's pension judgement.
- II. A long battle for free trade must be waged against many enemies, whether protectionists, trade – unionists or environmentalists shouting loudly that free trade in general and the WTO in particular, are ruining the global environment.
- As a general statement, this claim is wrong. Far from damaging the environment, trade is often the best way to improve it.
- All this makes it doubly important to explain why trade generally benefits the environment. The reason is that it boosts economic growth. As people get richer, they want a cleaner environment – and they acquire the means to pay for it. The main solution is not to shut all exports, it is to impose tougher environmental laws that makes polluters pay.
- III. Millions of dollars are still being diverted from the state's revenue by increasingly cunning tax evaders. The governments's current legislation regarding this matter has left immense legal loopholes frequently exploited by individual tax dodgers.
- While policies such as the threat of bankruptcy may have begun to encourage large businesses to pay their debts to the government, it is the freedom with which individuals are able to escape legal proceedings that has led to allegations of inefficiency on the part of the tax police. The main problem is that the existing laws do not require that each individual should declare his expenditures.
- IV. America has no principal objection to the idea of supernational bodies dealing with war crimes. However its initial enthusiasm for a permanent international criminal court evaporated when other countries rightly refused to tie the courts's powers to the veto of the UN Security

Council, which would have made it a mere political tool to be used by the great powers. Since then, America has pleaded that, as the sole remaining superpower, its soldiers and officials would be the target of politically motivated prosecution, peacekeeping efforts around the world being seriously hampered.

- V. The Russian labor code is based on the assumption that the employee is the weaker party in the labor relationship – and hence must be to some degree protected by the Government.

The labour code requires that when firing an employee the company must first give him two months' notice and then one month of severance pay. The labor code also makes it difficult to fire an employee if the company discovers that he or she does not have the necessary qualifications for the job unless the above skills were set out in the employment contract.

One of the ways to protect employees is by placing the burden of proof, or to be more precise, paperwork, on the employer. In other words, the employer must in most cases issue several written warnings, as well as document all disciplinary measures, before terminating a worker. But while the law is indeed clear in many of its provisions, some gray areas still remain.

- VI. Under American constitution witnesses who fail to appear and testify after being subpoenaed may be subject to charges of contempt of court. In addition, a witness who appears but refuses to answer questions, when under examination, can be held liable for contempt of court.

It's true that no witness can be forced to testify if the testimony is self-incriminating, which only means that the witness can refuse to answer questions that might lead to criminal charges. Questions that might expose the witness to civil liability are permissible.

- VII. WTO trade rules include an obligation for members to bring their disputes to the WTO and not to act unilaterally. Around 300 disputes have been brought to the WTO since it was set up in 1995. Small countries could win dispute cases against rich countries they would not have been able to win otherwise. The increasing number of disputes brought to the WTO reflects the closer economic ties throughout the world rather than increasing international tension.