

MARTA CHROMÁ

INTRODUCTION TO LEGAL ENGLISH

2020

VOLUME I

WORD STUDY
AND ANSWER KEY

KAROLINUM



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INTRODUCTION TO LEGAL ENGLISH

2020

WORD STUDY AND ANSWER KEY

UNIVERZITA KARLOVA

NAKLADATELSTVÍ KAROLINUM 2020

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ISBN 978-80-246-4723-4

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WORD STUDY

1. The following list contains irregular verbs used in the Unit. For each verb, write the past tense, past participle, and present participle. The first is done as an example.

INFINITIVE	PAST TENSE	PAST PARTICIPLE	PRESENT PARTICIPLE
<i>arise</i>	<i>arose</i>	<i>arisen</i>	<i>arising</i>
dealt with			
uphold			
find			
choose			
lead			
learn			
seek			
set out			
speak			
spend			
teach			
think			
understand			
sit for			

2. The derivation of verbs from nouns, nouns from adjectives or verbs, etc. is critical in improving grammar. Complete the following derivation exercises.

(i) Derive verbs from the following nouns. The mode of derivation is the same in all three nouns.

assignment - to; agreement - to; commitment - to

(ii) Although all the nouns below have the same suffix, deriving verbs will not be as simple as it was in the first exercise. The first is done as an example.

application - *to apply*; completion - to; contribution - to; examination - to; instruction - to; intention - to; qualification - to; regulation - to

(iii) The nouns below are morphologically different and the modes of deriving their verbs will also differ. Again, derive verbs from the following nouns.

advocacy - to; belief - to; diversity - to;
 entry - to; ability - to; exposure - to;
 graduate - to; growth - to; guidance - to;
 practice - to

(iv) Many adjectives or participles were used in Unit 1. Derive verbs and nouns from the following selection. The first is done as an example.

ADJECTIVE/PARTICIPLE	VERB	NOUN
<i>comparative</i>	<i>compare</i>	<i>comparison</i>
challenging		
creative		
elective		
fascinating		
prestigious	xxx	
ranging		
repetitive		
critical		
specific		

(v) Deriving nouns from verbs seems to be the most difficult task. Derive nouns from the following verbs.

to promote; to recognise; to strengthen;
 to persuade; to acquire; to maintain;
 to argue; to encourage

3. Complete the chart below listing the appropriate nouns (N) or verbs (V) for the words given. The first example is provided for you (prosecution – prosecute).

N	prosecution	perpetration	provision	behaviour
V	<i>prosecute</i>			
N	recognition			trial
V		conduct	alter	
N	entitlement		enforcement	
V		file		infringe
N		occurrence		determination
V	compensate		violate	
N	distinction		conviction	
V		prevent		include
N		breach		
V	settle		injure	acquit
N	allegation	loss		proof
V			enter	

4. Using correct prepositions in speech may sometimes be quite an intricate task. Try to fill in the blanks with appropriate prepositions.

To take the step (i) a career; to be motivated (ii) a desire; to choose (iii) a range of subjects; to focus (iv) basic techniques; skills required (v) all lawyers; to give advice (vi) the requirements of law; steady growth (vii) the use of on-line education; to deal (viii) legal disputes; to carry (ix) research; to have interest (x) legal education; to be aware (xi) intricacies of law; to apply the rule (xii) the concrete facts; to be introduced (xiii) civil law; to be different (xiv) the programmes; to receive exposure (xv) other tradition; diverse approaches (xvi) legal issues; to enrol (xvii) law school; to be proud (xviii) graduates; rights (xix) the citizens (xx) the state; to be concerned (xxi) wrongs; wrongs committed (xxii) an individual (xxiii) society; rights arising (xxiv) of agreements; a project linked (xxv) Contract Law; students divided (xxvi) sections; students assigned (xxvii) small groups; exception (xxviii) the rule; to benefit (xxix) the new system; the programme corresponds (xxx) the new requirements; students are provided (xxxi) an on-line library; to study (xxxii) Charles University.

5. Complete the phrases below with an appropriate preposition.

To fall (i) the ambit of public law; in contrast (ii) criminal law; consumer's rights (iii) shopkeepers; as opposed (iv) procedural law; laws concerned (v) private rights; to sustain an injury (vi) work; an act relating (vii) the public as a whole; the law applies (viii) all persons (ix) the jurisdiction; the rules derived (x) various sources; an organization charged (xi) a public interest; to take action (xii) defence of one's interests; to unreasonably interfere (xiii) the use of land; to control the situation (xiv) the public benefit; the rules aimed (xv) preventing the problems; to enter (xvi) a contract; offences range (xvii) petty to very serious; omissions contrary (xviii) public order; trial (xix) jury; to subdivide crimes (xx) serious and lesser; the conduct giving rise (xxi) criminal liability; to prove the guilt (xxii) all reasonable doubt; to obtain redress (xxiii) the invasion of rights; the plaintiff proves his case (xxiv) the balance of probabilities; he was ordered to refrain (xxv) acting.

6. Match the following adjectives to a noun below to form common collocations (note that in this exercise it may be possible for one word to go in more than one blank – there is no one correct answer).

elective, affirmative, bilingual, critical, extracurricular, comparative, financial, prestigious, academic, criminal, independent, public, higher, legal, sole, intellectual

..... discipline; environment; course;
 analysis; practitioner; thinking;
 trial; interest; lawyer;
 inquiry; services; education;
 activities; research; studies;
 law; firm; action.

7. Fill in the blanks with a suitable noun from the list below (note that in this exercise it may be possible for one word to go in more than one blank – there is no one correct answer).

training, opportunities, approach, (law) degree, methods, administration, reasoning, career, base, curriculum, growth, lawyer, partner, number

diverse ; public ; rewarding ;
 personalised ; steady ; teaching

undergraduate; practising; client;
 practical; trading; substantial;
 logical; career

8. Match the following nouns to a verb below to form common collocations (note that in this exercise it may be possible for one word to go in more than one blank – there is no one correct answer).

work, regulations, views, law, a degree, studies, applicants, diversity, a decision, debate

to handle; to promote; to encourage;
 to commence; to uphold; to award;
 to research; to advocate; to admit;
 to practise

9. Complete the phrases choosing suitable verbs from the following list.

to prescribe; to issue; to seek; to commit; to sustain; to sue; to constitute; to enter; to claim; to govern; to hear; to lay down; to bring; to give rise to; to obtain

..... a private person; compensation; a crime;
 a civil wrong; behaviour; into a contract;
 civil liability; the powers; a case;
 conditions; a remedy; an injunction;
 an injury; a legal action

10. Fill in the blanks in the following text. Try to do it without looking at the choices below.

commitment, diverse, environment, faculty, feedback, methods, opportunity, issues, re-search, skills, seminars

Stanford has an exceptional (i), distinguished not only for its scholarship, but also for its (ii)to teaching and curricular innovation. The School's unusually low student/faculty ratio creates an intimate (iii)

This collegial atmosphere fosters students' intellectual and professional development both in and out of the classroom. Instruction at Stanford takes place primarily in small classes and (iv) and through individual directed (v)

Stanford was a pioneer in the development of clinical teaching through simulation and individualized (vi)

Today a (vii) range of legal clinics offer students the (viii) to work with actual clients under the close supervision of faculty prac-

tioners. Through clinics, students can learn important legal (ix) while serving disadvantaged members of the population, community groups, public interest organizations, and the public at large. The faculty is continually engaged in developing new teaching (x) to complement curricular innovations. Interdisciplinary research projects allow faculty and students from the Law School and other parts of the University, joined by practitioners and policy makers, to contribute to the solution of many social and legal (xi) (<http://www.law.stanford.edu>)

11. Complete the sentences choosing appropriate words from the respective lists.

A.

crime; civil; consequences; depending; distinguishable; resides; wrongful

The distinction between a crime and a civil wrong cannot be stated as (i) upon what is done, because what is done (or not done) may be the same in each case. The true distinction (ii), therefore, not in the nature of the (iii) act but in the legal (iv) that may follow it. If the wrongful act (or omission) is capable of being followed by (v) proceedings, that means that it is regarded as a civil wrong. If it is capable of being followed by both, it is both a (vi) and a civil wrong. Criminal and civil proceedings are (in the normal case) easily (vii): the procedure is different, the outcome is different, and the terminology is different.

B.

contrary; criminal; discretion; initiated; proceedings; prosecuting; victim

One of the major objectives of the (i) law is to punish the wrongdoer for action which is deemed to be (ii) to the interests of the state and its citizens. Criminal (iii) do not have as a major objective the provision of compensation or support for the (iv) of crime. It is significant that the exercise of the (v) to prosecute is seldom carried out by the victim of the crime. Criminal proceedings are normally (vi) by the state or its agents and brought in the name of the Queen or the (vii) official.

12. Complete the blanks with an appropriate word. Use the words from the texts in Section A of the textbook.

In criminal proceedings the terminology is as follows. There is a person called a (i) prosecuting a defendant, and the result of the prosecution, if successful, is a (ii) The (iii) may be punished by one of a variety of (iv) ranging from life imprisonment to a fine, or else may be released on (v) or discharged without punishment or dealt with in various other ways.

Turning to civil (vi), the terminology generally is that a plaintiff brings an (vii) against a defendant. The proceedings, if successful, result in judgment for the (viii), and the judgment may order the (ix) to pay the plaintiff money, or to transfer property to him, or to do or not to do something (injunction), or to perform a contract (specific performance).

13. The following list of civil law and criminal law terms has been scrambled. Put the terms into the chart below. Note that some of the words may be used in both Civil and Criminal Law.

(a) defendant, (b) to sue a person, (c) prosecution, (d) to be guilty/not guilty, (e) conviction, (f) plaintiff, (g) pay damages, (h) acquittal, (i) offence, (j) civil wrong, (k) to be liable/not liable, (l) punishment (e.g. jail), (m) crime, (n) probation, (o) tortious conduct, (p) beyond all reasonable doubt, (q) on the balance of probabilities, (r) theft, (s) relationship between individuals, (t) relationship between the State and individual, (u) breach of contract, (v) murder, (w) dangerous driving, (x) negligence, (y) to charge a person

	CIVIL LAW	CRIMINAL LAW
1. What does it regulate?		
2. Who are the parties?		
3. How do you start the action?		
4. What is a breach called, in general?		
5. What are the names of particular breaches?		
6. How do we refer to the verdict for the defendant?		
7. What happens if the defendant loses?		
8. What is the standard of proof required?		

14. What is wrong with terminology in the following situation and why?

Bob was charged with the murder of his ex-wife and her lover. He was sued in the county court. The plaintiff was successful in the action and Bob was found liable. He was punished by being ordered to pay the plaintiff \$10,000 in damages.

15. This is quite a difficult exercise and requires your absolute concentration and strong comprehension of what was written in Section A. Read the following summaries of evidentiary issues in three specific court cases. Fill in the blanks in the summaries using a suitable word (or form of that word) from the words listed below in italics. The words may be used more than once. (Summaries retrieved from <http://www.garretwilson.com>)

actions; evidence; include; allow; true; introduce; error

Knapp v. State, Supreme Court of Indiana, 1907, 168 Ind. 153, 79 N.E. 1076

Defendant was convicted of first-degree murder. At the trial, the defendant attempted to show self defense by indicating his fear of the deceased, saying that he had heard that the deceased, a marshall, had clubbed and injured an old man while arresting him, and that the man had died later. The prosecution showed (i) that the old man had died from senility and alcoholism, not from violence. The defendant urged that it was (ii) to include this testimony, because the issue was whether the defendant had heard the marshall killed the man, not whether it was (iii) Should the trial court have included this testimony?

United States v. Carrillo, United States Court of Appeals, Fifth Circuit, 1993, 981 F.2d 772

Detective Leo Alonzo over four years had participated in between 300 and 500 undercover drug buys. One day he approached "Tito", later identified as defendant Augustin Mora Carrillo, and within about 30 seconds bought \$20 worth of cocaine and heroin Tito had in his mouth and then left. At trial defendant claimed he had been two blocks away at the time. The prosecution attempted to (iv) evidence of two prior acts of selling heroin. Should the trial court (v) evidence of previous similar crimes?

Tucker v. State, Supreme Court of Nevada, 1966, 82 Nev. 127, 412 P.2d 970

In 1957 Tucker called the police. When the police arrived they found Earl Kaylor dead on the floor from bullet wounds. Tucker, who had apparently been drinking, claimed to have been asleep and came downstairs to find Kaylor dead. In 1963, Tucker called police, and when they found Omar Evans dead on the couch from bullet wounds, Tucker,

who apparently had been drinking, told the same story. Tucker was convicted for the murder of Omar Evans after the state (vi) evidence of the death of Kaylor, even though no one had ever been charged with that killing. Should evidence of past (vii) of the defendant be (viii) into evidence if they have not been proved?

16. Translate the following sentences into English. You can find inspiration in texts in Section A of the textbook.

- (i) Právníci musí umět jasně psát a mluvit a být schopni účinně přesvědčovat a vyjednávat.
- (ii) Studenti práva se musí naučit, jak mají chápat, hodnotit a používat právní pravidla, pojmy a principy, a osvojit si různé techniky právní argumentace.
- (iii) Cíle právního vzdělání zahrnují preciznost myšlení, přesnost vyjadřování a chápání právního systému.
- (iv) Studenti se nemusí učit každou právní normu, ale musí znát obecné principy v jednotlivých právních odvětvích.
- (v) Není třeba učit se z paměti jednotlivé právní předpisy a pravidla, ale je třeba jim rozumět a správně je použít.
- (vi) Veřejné a soukromé právo jsou příkladem kategorií, které se překrývají.
- (vii) Úkony orgánu veřejné správy jsou v souladu s právem pouze tehdy, když existuje právní norma, která jim takové jednání dovoluje.
- (viii) Některé druhy jednání zakládají trestněprávní odpovědnost, některé zakládají civilněprávní odpovědnost.
- (ix) Hmotné právo zakládá, definuje a upravuje práva a povinnosti stran a procesní právo stanoví metody, jak tato práva vynucovat.
- (x) Stranami občanskoprávního sporu jsou žalobce a žalovaný.
- (xi) Rozdíl mezi civilním a trestním právem spočívá v tom, že trestní právo upravuje vztahy mezi státem na jedné straně a fyzickými nebo právními osobami na druhé straně, a civilní právo mezi fyzickými či právními osobami navzájem.

ANSWER KEY

EX. 1

dealt with, dealt with, dealing with; upheld, upheld, upholding; found, found, finding; chose, chosen, choosing; led, led, leading; learnt/learned, learnt/learned, learning; sought, sought, seeking; set out, set out, setting out; spoke, spoken, speaking; spent, spent, spending; taught, taught, teaching; thought, thought, thinking; understood, understood, understanding; sat for, sat for, sitting for

EX. 2

(i) assign, agree, commit;
 (ii) complete, contribute, examine, instruct, intend, qualify, regulate;
 (iii) advocate, believe, diversify, enter, be able, expose, graduate, grow, guide, practise;
 (iv) challenge, challenge; create, creativity; elect, election; fascinate, fascination; prestige; range, range; repeat, repetition; criticise, criticism; specify, specificity;
 (v) promotion, recognition, strength, persuasion, acquisition, maintenance, argument, encouragement

EX. 3

perpetrate; provide; behave;
 recognise; try; conduct; alteration;
 entitle; file; enforce; infringement;
 compensation; occur; violation; determine;
 distinguish; prevention; convict; inclusion;
 settlement; breach; injury; acquittal;
 allege; lose; entrance/entry; prove

EX. 4

(i) towards; (ii) by; (iii) from; (iv) on; (v) of; (vi) on; (vii) in; (viii) with; (ix) out; (x) in; (xi) of; (xii) to; (xiii) to; (xiv) from; (xv) to; (xvi) to; (xvii) in; (xviii) of; (xix) of; (xx) against; (xxi) with; (xxii) by; (xxiii) against; (xxiv) out; (xxv) to; (xxvi) into; (xxvii) to; (xxviii) to; (xxix) from; (xxx) to; (xxxi) with; (xxxii) at

EX. 5

(i) within; (ii) to; (iii) against; (iv) to; (v) with; (vi) at; (vii) to; (viii) to; (ix) in/within; (x) from; (xi) with; (xii) in; (xiii) with; (xiv) for; (xv) at; (xvi) into; (xvii) from; (xviii) to; (xix) by; (xx) into; (xxi) to; (xxii) beyond; (xxiii) for; (xxiv) on; (xxv) from

EX. 6

academic discipline; bilingual environment; elective course; comparative analysis; sole practitioner; critical thinking; criminal trial; public interest lawyer; intellectual inquiry; financial services; higher education; extracurricular activities; independent research; legal studies; prestigious law firm; affirmative action

EX. 7

diverse approach; public administration; rewarding career; personalised curriculum; steady growth; teaching methods; undergraduate law degree; practising lawyer; client base; practical training; trading partner; substantial number; logical reasoning; career opportunities

EX. 8

handle work; promote diversity; encourage debate; commence studies; uphold a decision; award a degree; research regulations; advocate views; admit applicants, practise law

EX. 9

to sue a private person; to seek/to claim compensation; to commit a crime; to constitute a civil wrong; to govern behaviour; to enter into a contract; to give rise to civil liability; to prescribe the powers; to hear a case; to lay down/to prescribe conditions; to obtain a remedy; to seek/to issue/to obtain an injunction; to sustain an injury; to bring a legal action

EX. 10

(i) faculty; (ii) commitment; (iii) environment; (iv) seminars; (v) research; (vi) feedback; (vii) diverse; (viii) opportunity; (ix) skills; (x) methods; (xi) issues

EX. 11

A. (i) depending; (ii) resides; (iii) wrongful; (iv) consequences; (v) civil; (vi) crime; (vii) distinguishable
B. (i) criminal; (ii) contrary; (iii) proceedings; (iv) victim; (v) discretion; (vi) initiated; (vii) prosecuting

EX. 12

(i) prosecutor; (ii) conviction; (iii) defendant; (iv) punishment; (v) probation; (vi) law; (vii) action; (viii) plaintiff; (ix) defendant

EX. 13

(Civ.)/(Crim.)

1. (s)/(t); 2. (f),(a)/(c),(a); 3. (b)/(y); 4. (j)/(i),(m); 5. (o),(u),(x)/(r)(v)(w); 6. (k)/(d),(e),(h); 7. (g)/(l)(n); 8. (q)/(p)

EX. 14

Bob was charged with the murder of his ex-wife and her lover. He was ~~sued~~ **prosecuted** in the county court. The ~~plaintiff~~ **prosecutor** was successful in the action and Bob was found ~~liable~~ **guilty**. He was punished by ~~being ordered to pay the plaintiff \$10,000 in damages~~ **the sentence of imprisonment** (or death penalty).

EX. 15

(i) evidence; (ii) error; (iii) true; (iv) introduce; (v) allow; (vi) introduced; (vii) actions; (viii) allowed

EX. 16

(i) Lawyers must be able to write and speak clearly and be able to persuade and negotiate effectively.
(ii) Law students should learn how to understand, assess and use legal rules, concepts and principles, and to acquire various techniques of legal reasoning.

(iii) The aims of legal education include precise thinking, distinct speaking and understanding the legal system.

(iv) Students need not learn every legal rule but should know the general principles of individual legal branches.

(v) It is not necessary to memorize individual laws and rules, but what is required is their understanding and correct application.

(vi) Public and private law is an example of categories that overlap.

(vii) Acts of a public body are compatible with /in compliance with / according to law only if there is a legal rule stipulating such conduct.

(viii) Certain conduct gives rise to criminal liability, other to civil liability.

(ix) Substantive law creates, defines and regulates rights and duties of parties; procedural law prescribes methods of enforcing these rights.

(x) Parties to a civil suit/case (litigation) are the plaintiff and the defendant.

(xi) The difference between civil and criminal law subsists in that criminal law regulates relations between the state on the one hand and individuals and legal entities on the other, and civil law regulates relations between individuals and legal entities.

WORD STUDY

1. Derive verbs from the following nouns.

action - to; agreement - to; amendment - to;
 application - to; approval - to; assistance - to;
 codification - to; conclusion - to; consideration -
 to; creation - to; decision - to; development -
 to; distinction - to; enactment - to; expres-
 sion - to; foundation - to; inspiration - to;
 intent - to; interpretation - to; preference - to;
 provision - to; reference - to; regulation - to;
 response - to; treatment - to

2. Derive adjectives from the following nouns.

fairness -; flexibility -; importance -; justice -
; maturity -; precision -; statute -;
 supremacy -; consistency -

3. Derive nouns from the following verbs.

to administer -; to adopt -; to amalgamate -;
 to appear -; to apply -; to arrive -; to codify -
; to confine -; to confirm -; to create -
; to derive -; to determine -; to develop -
; to deviate -; to distinguish -; to divide -
; to enact -; to evolve -; to govern -
; to indicate -; to influence -; to interpret -
; to intervene -; to limit -; to maintain -
; to prescribe -; to recognize -; to recom-
 mend -; to reduce -; to resolve -; to
 respond -; to satisfy -; to settle -; to signify -
; to support -

4. Derive adjectives from the following nouns.

application -; congress -; constitution -;
 discretion -; equality -; equity -;
 identity -; impartiality -; importance -;
 independence -; persuasion -; predominance -;
; religion -; responsibility -; statute -

5. Add negative prefixes to the following words in order to change their meaning to their opposites.

..... dependent; equal; partial; usual; constitutional;
 adequacy; obedience; fairly; enacted; written.

6. Find antonyms (words of opposite meaning) for the following expressions.

(i) superior ×; (ii) future ×; (iii) prohibit ×;
 (iv) majority ×; (v) complex ×

7. Fill in correct prepositions into the following sentences.

Law is a system of regulations to govern the conduct of the people (i) response
 (ii) the need for regularity and justice based (iii) collective human ex-
 perience. The term may also denote a regulation enacted by the legislative branch
 of a government and signed (iv) law. William the Conqueror arrived (v)
 England in 1066 and combined the best of Anglo-Saxon law with Norman law, which
 resulted (vi) the English common law. In continental law disputes were settled
 (vii) reference (viii) a written legal code arrived at through legislation.
 The civil law judge is bound (ix) the provisions of the written law. The English
 legal system is centralised (x) a court structure which is common (xi)
 the whole country. Modern countries that do not adhere (xii) civil law were
 colonized by England. The sources of law are usually divided (xiii) two groups -
 primary and secondary sources. Common law has evolved (xiv) the centuries
 (xv) judges' decisions. A common law rule has as much force as a rule derived
 (xvi) statute. Strictly speaking, the term common law is confined (xvii)
 rules which have been developed entirely (xviii) judicial decisions. Supremacy
 of the law means that acts of governmental agencies are subject (xix) scrutiny

(xx) ordinary legal proceedings. When the same facts appear (xxi) the court again, the court is bound (xxii) the doctrine of *stare decisis* to rule (xxiii) the same way. The judiciary maintains a constitutional check (xxiv) congressional and state activity. Despite the principle of *stare decisis*, courts will at times deviate (xxv) earlier precedent. Judgments given (xxvi) superior courts in the hierarchy are binding (xxvii) inferior courts. *Ratio decidendi* is that part of reasoning in the judgment which is necessary (xxviii) order to determine the law (xxix) the issue in the particular case (xxx) the judge. Written law signifies law formally enacted or made by Parliament whether reduced (xxxi) writing or not. English judges are independent (xxxii) the government and the people appearing (xxxiii) them.

8. Complete the missing word(s) from the list below.

codes; conduct; decidendi; decisions; decisis; dicta; equitable remedies; equity; law; law and equity; legal precedents; legal rules; precedents; provision; standards; statutory law

(i) moral; (ii) rules of; (iii) source of; (iv) written; (v) applicable; (vi) doctrine of; (vii) impartial; (viii) supremacy of; (ix) interpretation of; (x) obiter; (xi) ratio; (xii) to amalgamate; (xiii) maxims of; (xiv) discretionary; (xv) hierarchy of; (xvi) stare

9. Complete the text with suitable expressions from the list below.

binding, civil, combine, common, decision, determinations, fairness, higher, precedent, remedies, separate, set up, stare decisis

The American system is a (i) law system, which relies heavily on court (ii) In our system, even when a statute is at issue, judicial (iii) in earlier court cases are extremely critical to the court's resolution of the matter before it. (iv) law systems rely less on court precedent and more on codes, which explicitly provide rules of (v) for many specific disputes. When a judge needs to go beyond the letter of a code in disposing of a dispute, the judge's resolution will not become (vi) or perhaps even relevant in subsequent determinations involving other parties.

The use of court precedent – earlier court decisions in factually analogous cases – is one of the defining elements of the common law system. In short, the use of court precedent, known as the principle of (vii), requires that a court follow

the rules of law established by the same or (viii) level courts in the same jurisdiction.

Equity is a group of rights and procedures to provide (ix), unhampered by the narrow strictures of the old common law or other technical requirements of the law. The rules of equity arose in England where the strict limitations of common law would not solve all problems, so the King (x) the court of chancery to provide (xi) through the royal power. Most US eastern states had courts of equity or chancery (xii) from courts of law, and others had parallel systems of law and equity with different procedural rules. Now most US states (xiii) law and equity and treat both under "one cause of action".

10. Complete the text with suitable words to make sense of each sentence.

Common law is the system of deciding (i) that originated in England and which was later adopted in the U.S. Common law is based on (ii) instead of statutory (iii) The U.S. is a common law country. In all states except (iv), which is based on Napoleonic (v), the common law of England was adopted as the general law of the state, or varied by statute. Today almost all common law has been (vi) into statutes with modern variations by all the states. Broad areas of the law, (vii) as property, contracts and torts are traditionally (viii) of the common law. Because these areas of the law are mostly within the jurisdiction of the states, state (ix) are the main source of common law.

Equity is still distinguished by its original principle that no (x) should be without an adequate remedy. (xi) of common law and equity in the United States had begun with the New York procedure code (1848). Today only a few of the states have separate (xii) courts. Of the remaining states some divide actions and (to a lesser extent) remedies into legal and (xiii), while the others have almost entirely (xiv) the distinction.

11. Translate the following sentences into English.

- (i) Pro kontinentální právo je typické shromažďování právních norem v ucelený soubor - zákoník.
- (ii) Pravidla obyčejového práva mají stejnou právní sílu jako pravidla vycházející z psaného zákona.
- (iii) Anglické právo je odvozeno ze soudních precedentů.
- (iv) Evropské právo je založeno na tradicích římského práva.

- (v) Ve Skotsku vychází právní systém částečně z obyčejového a částečně z římského práva a rozdíl v přístupu je viditelný hlavně v trestním právu.
- (vi) V případě kolize obyčejového a ekvitního práva převažují ekvitní normy.
- (vii) Jedním z nejdůležitějších rysů práva ekvity je zásada, že náprava se poskytuje na základě uvážení soudce, tj. neexistuje na ni právní nárok.
- (viii) Rozsudky vynesené vyšším soudem jsou závazné pro nižší soud.

ANSWER KEY

EX. 1

act, agree, amend, apply, approve, assist, codify, conclude, consider, create, decide, develop, distinguish, enact, express, found, inspire, intend, interpret, prefer, provide, refer, regulate, respond, treat.

EX. 2

fair, flexible, important, just, mature, precise, statutory, supreme, consistent

EX. 3

administration, adoption, amalgamation, appearance, application, arrival, codification, confinement, confirmation, creation, derivation, determination, development, deviation, distinction, division, enactment, evolution, government, indication, influence, interpretation, intervention, limit / limitation, maintenance, prescription, recognition, recommendation, reduction, resolution, response, satisfaction, settlement, signification, support.

EX. 4

applicable, congressional, constitutional, discretionary, equal, equitable, identical, impartial, important, independent, persuasive, predominant, religious, responsible, statutory

EX. 5

independent, unequal, impartial, unusual, unconstitutional, inadequacy, disobedience, unfairly, unenacted, unwritten

EX. 6

(i) inferior / lower / subsidiary; (ii) past; (iii) allow / permit / let; (iv) minority; (v) simple / easy

EX. 7

(i) in; (ii) to; (iii) upon; (iv) into; (v) in; (vi) in; (vii) by; (viii) to; (ix) by; (x) through; (xi) to; (xii) to; (xiii) into; (xiv) over; (xv) from; (xvi) from; (xvii) to; (xviii) by; (xix) to; (xx) in; (xxi) before; (xxii) by; (xxiii) in; (xxiv) on; (xxv) from; (xxvi) by; (xxvii) on; (xxviii) in; (xxix) on; (xxx) before; (xxxi) to; (xxxii) of; (xxxiii) before

EX. 8

(i) moral standards; (ii) rules of conduct; (iii) source of legal rules; (iv) written codes; (v) applicable provision; (vi) doctrine of legal precedents; (vii) impartial decisions; (viii) supremacy of law; (ix) interpretation of statutory law; (x) obiter dicta; (xi) ratio decidendi; (xii) to amalgamate law and equity; (xiii) maxims of equity; (xiv) discretionary equitable remedies; (xv) hierarchy of precedents; (xvi) stare decisis

EX. 9

(i) common; (ii) precedent; (iii) determinations; (iv) Civil; (v) decision; (vi) binding; (vii) stare decisis; (viii) higher; (ix) fairness; (x) set up; (xi) remedies; (xii) separate; (xiii) combine

EX. 10

(i) cases; (ii) precedent; (iii) laws; (iv) Louisiana; (v) code; (vi) enacted; (vii) such; (viii) part; (ix) courts; (x) wrong; (xi) Amalgamation; (xii) equity; (xiii) equitable; (xiv) abolished

EX. 11

- (i) It is typical of continental law to collect legal rules to a consistent body - a code.
- (ii) Common law rules have as much legal force as the rules based upon a written statute.
- (iii) English law is derived from judicial precedents.
- (iv) European law is based upon the tradition of Roman law.
- (v) The system of law in Scotland is based in part upon common law and in part upon Roman law; the difference in its approach can be seen primarily in criminal law.
- (vi) Should there be a conflict between common law and the law of equity equitable rules prevail.
- (vii) One of the main features of equity is the principle that remedies are discretionary, i.e. there is no right to them.
- (viii) Judgments issued by a superior court are binding on inferior courts.

WORD STUDY

1. The word *act* operates as a noun as well as a verb. Moreover, it functions as a root or base form for many other words. Make a list of all words (nouns, verbs, adjectives) containing *-act-*. (Use each word in a sentence.)

Example: *en-act*

2. Derive

(i) nouns from the following verbs

to create; to distinguish; to propose; to differ; to apply; to behave; to determine; to alter; to explain; to submit; to attend; to amend

(ii) verbs from the following nouns

legislation - to; regulation - to; relation - to; guidance - to; directive - to; support - to; signature - to; examination - to; loss - to; transmittal - to; publication - to; conclusion - to

3. Fill in the blanks with appropriate prepositions.

To move an amendment (i) the suggestion (ii) a group of Members; examination of a bill (iii) compliance (iv) the rules; to introduce a bill (v) any time while the House is (vi) session; to be subject (vii) a programme motion; to speak (viii) opposition (ix) the amendment; to strike (x) the last word; to allow five minutes (xi) debate; to enact the bill (xii) law; to give time (xiii) the submission of the report (xiv) the House; to act favourably (xv) the bill; to be consistent (xvi) the program; amendments cannot be made (xvii) this stage; to override a presidential veto (xviii) a two-thirds vote; to submit a bill (xix) the Royal Assent; to set (xx) the current status of the law; to deal (xxi) ancillary matters, to make bills available (xxii) the public.

4. Match the nouns on the left with the nouns on the right so that comprehensible phrases are created.

date		the measure
consideration		Congress
collection	OF	approval
session		contents
table		the laws

5. Match the adjectives with suitable nouns listed below.

amendment, attendance, body, changes, committee, instrument, legislation, publication, rule, sponsorship, station, status, time, veto

frequent; secondary; statutory;
 sovereign; multiple; appropriate;
 germane; invariable; ample;
 presidential; compulsory; vote;
 official; current

6. Complete the phrases using appropriate adjectives from the list in italics.

alphabetical, appointed, cumulative, direct, electronic, guaranteed, local, majority, necessary, notable, prescribed, regular, secured, subordinate, sufficient

..... loss; attendance; vote; procedure;
 device; excuse; method; order;
 supplement; session; expertise;
 authority; laws; support; statement

7. Complete the phrases using verbs listed in italics so that the phrases make sense.

get, bind, entertain, create, act, consider, delete, compel, determine, constitute

..... on behalf; the people; the attendance;
 the principle; a quorum; law;
 the name; the area; a request; a divorce

8. Complete the phrases choosing suitable objects listed in italics.

assent, an Act, the approval, a bill, the force of law, the legislative power, the possibility, a presidential veto, the purpose, the rollcall

to have; to introduce; to order; to override; to pass; to delegate; to preserve; to prevent; to receive; to withhold

9. The verb *fail* and its derived noun *failure* are used throughout various branches of law and various types of legal texts.

A. A major role of the verb *fail* is to serve as the lexical negative of an infinitive that immediately follows:

fail to receive = not to receive, *fail to act* = not to act

B. The purpose of the noun *failure* is to:

a) change the following infinitive into a noun, and

b) turn it into its negative

failure to receive = non-reception, *failure to act* = non-activity

(i) Transform the following nouns into the *failure to* construction.

non-performance; non-acceptance; non-compliance; non-occurrence; non-appearance; non-delivery

(ii) Translate the nouns into English using the *failure to* construction.

nečinnost; nedodání; nedostavení se; nesplnění; nedovolení; nenavržení; neplacení; neposkytnutí; nepřekážení

10. Think of synonyms for the following nouns.

(i) support; (ii) stage; (iii) behaviour; (iv) area; (v) statement; (vi) change; (vii) power; (viii) type; (ix) range

11. In one of the texts in Section A of Unit 3 you read the phrase *to be familiar with something*. Think of phrases that are equivalent. If you do not know any, try to find some in your English dictionary.

12. Write a brief definition or explanation of the following terms.

- (i) legislation
- (ii) legislative
- (iii) legislator
- (iv) legislature
- (v) to legislate

13. Translate the following sentences into English.

- (i) Je třeba rozlišovat mezi jednotlivými stupni legislativy.
- (ii) Zákony se všeobecnou působností platí pro každého v rámci celého právního systému.
- (iii) Některé zákony platí pro určité osoby nebo určité místo.
- (iv) Nejběžnějším příkladem zákona s místní působností je zákon, jenž platí pro určité město.
- (v) Parlament může pověřit zákonodárnou pravomocí jiné orgány, například vládní úřady a ministerstva.
- (vi) Sbírky zákonů mohou být uspořádány chronologicky nebo předmětově.
- (vii) Právní norma obsažená v zákoně může být změněna pouze jiným zákonem.

ANSWER KEY

EX. 1

actor (actress); acting, action, inaction; activity, inactivity; activation; actionability; activeness; activate, inactivate; enact, enactment, unenacted

EX. 2

(i) creation; distinction; proposal; difference; application; behaviour; determination; alteration; explanation; submission; attendance; amendment
 (ii) to legislate; regulate; relate; guide; direct; support; sign; examine; lose; transmit; publish; conclude

EX. 3

(i) at; (ii) of; (iii) for; (iv) with; (v) at; (vi) in; (vii) to; (viii) in; (ix) to; (x) out; (xi) for; (xii) into; (xiii) for; (xiv) to; (xv) on; (xvi) with; (xvii) at; (xviii) by; (xix) for; (xx) out; (xxi) with; (xxii) to

EX. 4

date of approval; consideration of the measure; collection of the laws; session of Congress; table of contents

EX. 5

frequent changes; secondary legislation; statutory instrument; sovereign body; multiple sponsorship; appropriate committee; germane amendment; invariable rule; ample time; presidential veto; compulsory attendance; vote station; official publication; current status

EX. 6

notable loss; secured attendance; majority vote; appointed procedure; electronic device; sufficient excuse; prescribed method; alphabetical order; cumulative supplement; regular session; necessary expertise; local authority; subordinate laws; guaranteed support; direct statement

EX. 7

act on behalf; bind the people; compel the attendance; consider the principle; constitute a quorum; create law; delete the name; determine the area; entertain a request; get a divorce

EX. 8

to have the force of law; to introduce a bill; to order the rollcall; to override a presidential veto; to pass an Act; to delegate the legislative power; to preserve the purpose; to prevent the possibility; to receive the approval; to withhold assent

EX. 9

(i) failure to perform; failure to accept; failure to comply; failure to occur; failure to appear; failure to deliver.
 (ii) failure to act; failure to deliver; failure to attend/appear; failure to fulfil; failure to permit; failure to propose; failure to pay; failure to provide; failure to obstruct/hinder

EX. 10

(i) maintenance/assistance/help; (ii) phase; (iii) conduct; (iv) field/branch; (v) declaration;
 (vi) alteration/amendment; (vii) authority/force; (viii) kind; (ix) scope/extent

EX. 11

be acquainted: having fair knowledge of; they were acquainted with; they were fully acquainted with the facts; be informed of

EX. 12

(i) **legislation** *noun* laws or written rules which are passed by Parliament and implemented by the courts;
 (ii) **legislative** *adjective* used to make laws; **legislative processes**; **Parliament has a legislative function**;
 (iii) **legislator** *noun* person who makes or passes laws (such as an MP, Congressman, etc.);
 (iv) **legislature** *noun* (i) body (such as a Parliament) which makes laws; (ii) building where a Parliament meets; **members of the legislature voted against the proposal**; **the protesters marched towards the State Legislature**;
 (v) **legislate** *verb* to make a law; **Parliament has legislated against the sale of drugs.**

EX. 13

- (i) We should distinguish between individual types of legislation.
- (ii) General laws apply to everyone within the whole legal system.
- (iii) Some laws apply just to particular persons or particular places.
- (iv) The most common example of a local law is statute applicable just to a particular city or town.
- (v) Parliament may delegate its legislative power to other bodies, such as government agencies or ministries.
- (vi) Collections of laws may be arranged either alphabetically or according to their subject-matter.
- (vii) A legal rule contained in a statute (an act) may be altered only by another statute (act).

WORD STUDY

1. In order to describe or compare an event, situation or concept, you should be able, amongst other things, to use adjectives and to find their opposite forms, such as *acceptable* and *unacceptable*. The most common way is to use the appropriate prefixes or to detach them.

Complete the following table using the adjectives in the list below.

advantageous, approved, assenting, constitutional, continuing, criminal, definite, dependent, direct, dispensable, due, employed, enforceable, formal, legal, limited, logical, official, orderly, permanent, possible, probable, reasonable, regular, relevant, responsible, sufficient, traditional, valid

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2. However, you cannot always create the negative form of an adjective by using prefixes. Sometimes you must use a completely different word to express the opposite meaning. Complete the following tables with a suitable antonym of the following adjectives.

private - *public*; absolute -; speedy -; individual -; impartial -; sovereign -; partial -; domestic -; close -; democratic -; false -; final -

3. In one of the texts in Section A you saw another prefix in the compound *self-determination*. The prefix *self-* has reflexive meaning = “oneself”, “itself” in various relations with the second element of the compound.

The basis of compounds is normally a reflexive verbal phrase; thus, from “*to accuse oneself*” is formed a series of formally related words, *self-accusation, self-accusatory, self-accusing, self-accused*, any of which may arise independently of the others.

Try to match words with the prefix **self-** with to the following definitions taken from the Oxford English Dictionary (CD edition, OUP 2004). There are more words offered than there are definitions, i.e. not all offered words will be used.

self-assessment; self-centred; self-confidence; self-contained; self-control; self-defence; self-destruction; self-elected; self-executing; self-government; self-help; self-incrimination; self-justification; self-pity; self-reliance; self-regulation; self-study

- (i) confidence in oneself; often in an unfavourable sense, arrogant or impudent reliance on one's own powers.
- (ii) study or contemplation of oneself. Study by oneself; private study.
- (iii) an attempt to redress a perceived wrong by one's own action rather than through the normal legal process, i.e. to help oneself to remedy.
- (iv) the act of defending oneself, one's rights or position.
- (v) destruction of oneself, one's life; *esp.* self-murder, suicide.
- (vi) elected by oneself, (of a body) elected by its members; of an office to which a person has appointed himself.
- (vii) the act of indicating one's own involvement in a crime or exposing oneself to prosecution.
- (viii) regulation, control, or direction by or of oneself (itself).
- (ix) control of oneself, one's desires, etc.
- (x) assessment or evaluation of oneself, one's actions or attitudes by oneself; calculation of taxable liability by oneself.
- (xi) (of an instrument, especially international treaty) effective immediately without the need of any type of implementing action.
- (xii) administration by a people or state of its own affairs without external direction or interference.

NOTE

There are two nouns suggesting that matters are governed by the involved people themselves, namely *self-government* and *self-governance*. Although both may be translated into Czech as *samospráva*, the contexts in which they can be used or found differ.

- i. *Self-government* is primarily used when public administration in the state, or its part, is meant, e.g. self-government of individual states of the USA, or self-government of regions or communities in the Czech Republic.
- ii. *Self-governance* means primarily independent organization and administration of own matters within and by an association, club, society or any other entity established particularly on the grounds of the common interests of their members, such as student self-governance within American universities, the self-governance of aboriginal tribes in Canada, the US or Australia, or self-governance of teachers within a specific territory, etc.

4. Complete the phrases below with appropriate prepositions.

The Queen's role set (i) (ii) the Constitution Act; (iii) conformity (iv) the Constitution; (v) violation (vi) law; to indicate variation (vii) law; to be conformed (viii) basic principles; an instrument agreed (ix) (x) the people; decision (xi) respect (xii) all issues; to act (xiii) opposition (xiv) the ultimate authority; a grant of power (xv) the fifty sovereign states (xvi) the United States; to be secure (xvii) seizure (xviii) one's own home; a person charged (xix) breaking the law; trial (xx) a jury; to divide the powers (xxi) three branches; to prevent any one branch (xxii) gaining excessive power; to contest the law (xxiii) grounds that it conflicts (xxiv) the Constitution; to deal (xxv) certain issues; to track (xxvi) criminals; to set (xxvii) basic principles; the executive power is vested (xxviii) the Queen but the real power rests (xxix) the Cabinet; to consider some issues (xxx) a federal level; ministers answerable (xxxi) Parliament (xxxii) their activities; to preside (xxxiii) cases (xxxiv) courts; British constitution is made (xxxv) (xxxvi) statute law, common law and conventions; ministers appointed (xxxvii) the Australian Parliament; to carry (xxxviii) the government programs enacted (xxxix) law (lx) Congress; to perform the duties (lxi) the name (lxii) the Queen; to be involved (lxiii) pardoning people convicted (lxiv) crimes; Australian ministers are independent (lxv) the British Government; to act (lxvi) the advice of the government; to serve (lxvii) juries; persons subject (lxviii) the jurisdiction (il) the State; to be eligible (l) naturalization; children born (li) American citizens; the petition (lii) naturalization filed (liii) the court; to take an active part (liv) the government; to be listed (lx) the electoral register (lvi) the local electoral area; the police officer (lvii) duty; to qualify (lviii) inclusion (lix) the register; to admit only two voters (lx) any one time; to be resident (lxi) the area of the registering council (lxii) the qualifying date; to vote (lxiii) local government elections; to be available (lxiv) demand; to attend the polling station (lxv) person; the vote (lxvi) a matter of confidence; to apply (lxvii) a postal vote (lxviii) a particular election; to register (lxix) one's new address; to be (lxx) an educational course; to mark the ballot paper (lxxi) a cross (lxxii) the box (lxxiii) the name of the candidate; to place the ballot paper (lxxiv) the ballot box; to spoil the ballot paper (lxxv) mistake; to refrain (lxxvi) voting; to vote (lxxvii) bills; to submit a measure (lxxviii) a popular vote

5. Complete the phrases below with verbs from the following list in their appropriate form (-s, -ing, -ed).

agree; assign; break; carry; conflict; deal; derive; make; prevent; provide; reserve; rest; set; track; vest

A charter of government (i) its whole authority from the governed; a written instrument (ii) upon by the people; powers (iii) to individual states; to (iv) any branch of the government from gaining undue power; laws have been adopted to (v) for social welfare; any law held unconstitutional (vi) with the Constitution; the federal government (vii) with national problems and international relations; the FBI (viii) down criminals who (ix) federal laws; the President may (x) duties to the elected Vice President; the Constitution (xi) out the basic principles of democratic government; the executive power in Canada is (xii) in the Queen; the real executive power (xiii) with the Cabinet; Canadian Parliament is (xiv) up of the House of Commons and the Senate; the President must (xv) out the government programs enacted into law.

6. Fill in the blanks with words derived from those in brackets to make meaningful sentences.

- (i) To vote in a general election your name must be on the (elect) register.
- (ii) If you are not on the register already, you cannot vote in the forthcoming (elect).
- (iii) Councils keep a full register, on which details of all (elect) have to be recorded, and which anyone can ask to view.
- (iv) Polling stations are set up in (suit) public buildings, such as schools or community centres.
- (v) (apply) forms for postal vote are available from local election offices - usually council offices - or they can be downloaded from the council's website.
- (vi) (apply) must fill in an identity confirmation form, and a witness must also sign it.
- (vii) You can appoint someone else to cast your vote on your behalf, but you must give an (accept) reason, such as being physically (capable) of getting to a polling station or having an overseas business appointment.

- (viii) If you want a proxy vote for all future elections, your (apply) must also be signed by your doctor or (employ), depending on your reason.
- (ix) Empty ballot boxes are delivered to polling stations (seal) except for the slot where you post your ballot paper.
- (x) When the polls close, the slots are also sealed before the boxes are taken to a central counting point in the (constituent).
- (xi) The boxes are opened in the (present) of a Returning Officer - usually a senior council officer - who is responsible for the smooth running of the count.

7. Match each verb with a suitable object from those in italics.

on a jury; a vote; the registers; secrecy; the right to vote; a certificate; authority to MPs; public office

to exercise; to hold; to serve; to delegate; to issue; to maintain; to cast; to update

8. Complete the following phrases with words from the list below so that the final phrases make sense.

appropriate; branch; campaign; common; considerable; duties; immense; indefinite; indispensable; itemized; judgments; judicial; law; maxim; practices; representative; residual; royal; rule; seizure; self-governing; speedy; state; sufficient; undue; unity; unreasonable; welfare

- (i) absolute of action; (ii) powers; (iii) constitutional amendment; (iv) ceremonial; (v) defence; (vi) change; (vii) illegal contributions; (viii) difficulties; (ix) impartial; (x) practices; (xi) unreasonable; (xii) list; (xiii) branch; (xiv) legally unenforceable; (xv) legislative; (xvi) national; (xvii) provincial of the Queen; (xviii) assent; (xix) democracy; (xx) social; (xxi) sovereign; (xxii) trial; (xxiii) evidence; (xxiv) supreme of the state; (xxv) traditional; (xxvi) powers; (xxvii) searches; (xxviii) words of import.

9. Complete the following sentences with words from the list below.

respect; conformity; opposition; violation

- (i) The House ought, in with ancient usage, to adjourn over the Easter holiday.
- (ii) The government acted in of its agreement when it decided not to continue its negotiations with the Unions.
- (iii) What we have just heard is in to the plan for reorganizing the divorce courts.
- (iv) The defendant counterclaimed for loss and damage in of a machine sold to him by the plaintiff.

10. Two important verbs – *to stand* and *to run* – are related to an electoral process at any level and of any kind. Read their definitions.

to stand: to appear as a candidate, to offer oneself as a candidate, *for* (a post, office); *against* (a rival candidate): *to stand for the election (of)*, *to stand in election (for)*, *to stand to be elected*, *to stand candidate*, *to stand for a constituency or for Parliament*.

to run: to compete, stand as a candidate, *for* a position, seat, etc., or *on* a specific issue or policy (originally and chiefly in American English).

Can you see any difference in their use?

Decide which of the two you can use in the following sentences.

- (i) Mr. Dewey has sworn not to again for the Governorship.
- (ii) We have never had the misfortune to for Congress.
- (iii) President Carter says he does not know whether he will for re-election in 1980 or whether he will win if he does.
- (iv) Tadpole wants me to for Birmingham.
- (v) I know what I'll do: I'll for Congress.
- (vi) Sir Charles had never for Parliament.

11. Fill in the blanks with words derived from those in brackets to make meaningful sentences.

A constitution is a set of laws on how a country is governed. The British Constitution is (i) (write) in one single document, unlike the constitution in America

or the proposed European Constitution, and as such, is referred to as an (ii)
 (codify) constitution in the sense that there is no single document that
 can be classed as Britain's constitution. The British Constitution can be found in a (iii)
 (vary) of documents. Supporters of our constitution believe that the cur-
 rent way allows for (iv) (flexible) and change to occur without too many
 problems. Those who want a written constitution believe that it should be codified so
 that the public as a whole has access to it - as opposed to just (v) (consti-
 tution) experts who know where to look and how to interpret it.

(vi) (amend) to Britain's unwritten constitution are made the same
 way - by a simple (vii) (major) support in both Houses of Parliament to be
 followed by the Royal (viii) (assent).

12. In the texts of Section A you saw the word *poll* and some of its derivatives. It is one of those expressions which can denote quite a few different things and appear in many compounds. Below you will find a list containing many of the meanings and the collocations in which it appears (adapted from the Oxford English Dictionary, CD ed., OUP 2004).

poll (n) The head of man or beast. Short for poll-tax.

The counting of voters; the entering of votes, in order to their being counted: esp. at the election of parliamentary or other representatives. (*It is not a question to be decided by a poll.*)

The voting at an election; the action, or time and place, of voting. (*Come to the poll and give their vote for the election of a new Parliament.*)

The numerical result of the voting; the total number of votes recorded, as a *heavy* or *light* poll.

A poll taken to estimate public opinion on a specified issue by questioning a sample intended to be representative of the whole people. *Opinion poll*: a poll intended to fore- cast the result of a presidential, parliamentary, or other election.

poll (v) To take the votes of, register the suffrages of; in *passive* to have one's vote taken, to record a vote.

poll/polling the jury, a practice whereby the jurors are asked individually whether they assented, and still assent, to the verdict.

poll-booth, the booth or temporary structure at which the poll was formerly taken at a parliamentary election, a polling-booth.

poll-card, an official notification informing voters of the place and date of voting.

poll-clerk, a clerk who records the votes polled; a clerk officially connected with an election.

poll-rating, the popularity of a person (usually a political leader) as indicated by a poll.

poll-taker, usually in *pl.*, a newspaper or other organization which conducts an opinion poll, = pollster

poll-tax, a capitation-tax formerly assessed by the head on every subject according to rank

poll-winner, a successful candidate in a poll

polling, the registering or casting of votes; the action or process of conducting an opinion poll

polling district, it means a "ward" in the UK

polling station, a place where voters go to cast their votes in an election

Complete the following sentences with the words, or their derivatives or compounds, from the list above.

- (i) At Wednesday's election there was a lighter
- (ii) Such is to continue for two days only, being successive days, for seven hours on the first day, and eight hours on the second day of
- (iii) Unfortunately not enough publicity was given by the parties to the fact that the closed at 9 instead of 10.
- (iv) Before you can trace your name in the lists you must know in which you live.
- (v) Divide the hall into four practically equal districts, and, in a central spot of each, place the
- (vi) The exclusion of women from the was, in his opinion, nothing short of an injustice.
- (vii) remind the elector of his right to vote and they tell him his voting number and where his polling station is.
- (viii) Two months before the general election Mr. Heath's were unsatisfactory.
- (ix) A victory for Mr. Goldwater would be the greatest upset for the since the Literary Digest predicted a landslide for Mr. Landon, the Republican who was crushed by President Roosevelt in 1936.
- (x) To a jury is to call the names of the persons who compose a jury and require each juror to declare what his verdict is before it is recorded.
- (xi) The power of was never more vividly demonstrated than in the 1968 New Hampshire primary campaign.
- (xii) A *polling-sheriff*, in Scotland, is the presiding officer at a

13. In one of the texts in Section A *abuse of power* was mentioned. The word *abuse* (it can be both a noun and a verb) is a compound made of the prefix *ab-* and the root word *use*. In legal English there are some important words with a similar structure. Below you will find a list and examples of their use (adapted from the Oxford English Dictionary, CD ed., OUP 2004).

aboriginal (adj); *aborigine* (n). First or earliest so far as history or science gives record; primitive; strictly native, indigenous.

abridge (v); *abridgement* (n). To shorten; to make shorter, to cut short in its duration. (an abridged version or edition of a book, dictionary, etc.)

abrogate (v); *abrogation* (n). To repeal (a law, or established usage); to repeal a former law by legislative act or by usage.

absolve from/of (v). To set free, pronounce/declare free (from blame, guilt, moral burden; from the penalties and consequences of crime or sin). (This does not absolve him from moral blame.) To acquit (a person) of a criminal charge, to pronounce not guilty. (He does so without incurring any penalty, and is at once absolved.) To set free, discharge (from, formerly of, obligations, liabilities). (He also appealed to the Pope to be absolved from the obligations which he had contracted.)

abstain (v); *abstention* (n). To keep oneself from, refrain from voting. To decline to use one's vote; not to use one's vote. (In November, 1954, the Parliamentary Labour Party decided to abstain on the vote ratifying the London and Paris agreements.)

abuse (v+n). To use improperly, to misuse; to make a bad use of, to pervert; to take a bad advantage of. spec. To take (a drug) for a purpose other than a therapeutic one. (I dare not promise that I may not abuse the opportunity so temptingly offered me.)

Complete the following sentences with the words (or their derivatives) from the list above.

- (i) The Court the accused man of all responsibility for her death.
- (ii) title provides original natives of the US exclusive right to occupy lands and waters used by them before the US asserted sovereignty over such areas.
- (iii) In Copyright Law, to a book, play, article or other piece of work, means to preserve the substance, but to make it shorter by removing some parts of it.
- (iv) In 1969 the Important Question resolution had passed by a wide margin of 71 in favor, 48 against, and 4
- (v) Time and again, the Liberals split three ways - some voting with the government, some against, the rest
- (vi) Conservative MPs at the end of a Commons debate last night.

- (vii) Between a compilation and an there is a clear distinction: a compilation consists of selected extracts from different authors; an is a condensation of the views of one author.
- (viii) The of stimulant drugs such as the amphetamines and phenmetrazine has led to some publicity and concern.
- (ix) If persons something such as a law, agreement or practice, they put an end to it, usually in a formal way.
- (x) The votes given for Mr. Clarke were 7683. There were over 7000
- (xi) If a permanent member of the Security Council from voting on a nonprocedural decision of the Council, such is not considered to be a veto.
- (xii) He decided to restore his brother to the authority which he had so

14. Complete the text about the Australian Parliament with the words from the list; each word can be used only once.

absolute; ballot; continues; count; counted; elected; equal; exclusion; immediately; majority; obtain; proportional; votes

Members of the House of Representatives are (i) on the basis of an absolute (ii) system. The first preference (iii) recorded for each candidate are (iv) If any candidate receives more than 50 per cent of the first preference votes, that candidate is (v) elected. Whether or not a candidate is elected on first preference votes, the counting (vi) Candidates with the fewest votes are excluded in turn and second and later preferences on their (vii) papers are distributed. A candidate who receives an (viii) majority of votes during the (ix) process is elected. The process of excluding candidates and distributing preferences continues until only two candidates remain in the (x)

Senators are elected from the States or Territories on the basis of (xi) representation. Under this system it is not necessary for a candidate to (xii) an absolute majority of votes to be elected: a candidate is elected on receiving a number of votes (xiii) to the quota.

15. Translate the following sentences into English.

- (i) Ústava je základní zákon země, jenž stanovuje charakter, koncepci a organizaci vlády a hlavní zásady vnitřního života společnosti.
- (ii) Ani česká ani americká ústava neupravují chování soukromých osob.
- (iii) Státní moc se podle ústavy skládá ze tří složek – moci výkonné, zákonodárné a soudní.
- (iv) Zákonodárnou moc představuje parlament, který se obvykle skládá ze dvou komor.
- (v) Prezident USA je volen ve všeobecných volbách na období čtyř let.
- (vi) Irský prezident, stejně jako prezident České republiky, je hlavou státu, jejíž hlavními povinnostmi je reprezentovat zemi navenek, být zárukou ústavního systému a základních práv.
- (vii) Pokud je prezident ze své funkce odvolán, jeho povinnosti přecházejí na vice-prezidenta.
- (viii) Přestože je britská královna formální hlavou Australského společenství, veškeré výkonné pravomoci má federální vláda.
- (ix) Parlamentní volby se konají jednou za čtyři roky.
- (x) Právo volit a být volen patří mezi nejdůležitější občanská práva.
- (xi) Hlasovací lístek obsahuje jméno kandidáta a politickou stranu, kterou zastupuje.
- (xii) Volič upraví hlasovací lístky za plentou a vhodí je do volební urny.
- (xiii) Existují zvláštní služby pro ty občany, kteří jsou tělesně postižení a pro něž je běžný postup nedostatečný.
- (xiv) Volební období senátorů ve Spojených státech je šestileté, každé dva roky se konají volby jedné třetiny senátorů.
- (xv) Předseda strany, která ve všeobecných volbách získala nejvíce hlasů, je vyzván, aby sestavil vládu, a sám se obvykle stane předsedou vlády.
- (xvi) Pokud poslanec není schopen z jakéhokoliv důvodu vykonávat svůj mandát, jsou na jeho místo vypsány doplňovací volby.

ANSWER KEY

EX. 1

- dis- *disadvantageous, disapproved, dissenting, discontinuing, disorderly*
- il- *illegal, illogical*
- im- *impossible, improbable*
- in- *indefinite, independent, indirect, indispensable, informal, insufficient, invalid*
- ir- *irregular, irrelevant, irresponsible*
- non- *non-criminal, non-permanent, non-traditional*
- un- *unconstitutional, undue, unemployed, unenforceable, unlimited, unofficial, unreasonable, untraditional*

EX. 2

private – *public*; absolute – *relative*; speedy – *slow*; individual – *common, collective*; impartial – *biased*; sovereign – *subordinate, subject, dependent*; partial – *entire*; domestic – *foreign*; close – *far*; democratic – *totalitarian*; false – *true*; final – *initial*

EX. 3

(i) self-confidence; (ii) self-study; (iii) self-help; (iv) self-defence; (v) self-destruction; (vi) self-elected; (vii) self-incrimination; (viii) self-regulation; (ix) self-control; (x) self-assessment; (xi) self-executing; (xii) self-government

EX. 4

(i) out; (ii) in; (iii) in; (iv) with; (v) in; (vi) of; (vii) from; (viii) to; (ix) upon; (x) by; (xi) in; (xii) of; (xiii) in; (xiv) to; (xv) from; (xvi) to; (xvii) against; (xviii) in; (xix) with; (xx) by; (xxi) into; (xxii) from; (xxiii) on; (xxiv) with; (xxv) with; (xxvi) down; (xxvii) out; (xxviii) in; (xxix) with; (xxx) at; (xxxii) to; (xxxiii) for; (xxxiv) over; (xxxv) before; (xxxvi) up; (xxxvii) of; (xxxviii) from; (xxxviiii) out; (xxxix) into; (lx) by; (lxi) in; (lxii) of; (lxiii) in; (lxiv) of; (lxv) of; (lxvi) upon; (lxvii) on; (lxviii) to; (li) of; (li) for; (li) to; (lii) for; (liii) with; (liv) in; (lx) on; (lvi) for; (lvii) on; (lviii) for; (lix) in; (lx) at; (lxi) in; (lxii) on; (lxiii) at; (lxiv) on; (lxv) in; (lxvi) on; (lxvii) for; (lxviii) for; (lxix) at; (lxx) on; (lxxi) with; (lxxii) in; (lxxiii) opposite; (lxxiv) in; (lxxv) by; (lxxvi) from; (lxxvii) on; (lxxviii) to

EX. 5

(i) *deriving*; (ii) *agreed*; (iii) *reserved*; (iv) *prevent*; (v) *provide*; (vi) *conflicts*; (vii) *deals*; (viii) *tracks*; (ix) *break*; (x) *assign*; (xi) *sets*; (xii) *vested*; (xiii) *rests*; (xiv) *made*; (xv) *carry*

EX. 6

(i) electoral; (ii) election; (iii) electors; (iv) suitable; (v) Application; (vi) Applicants; (vii) acceptable, incapable; (viii) application, employer; (ix) sealed; (x) constituency; (xi) presence

EX. 7

to exercise *the right to vote*; to hold *public office*; to serve *on a jury*; to delegate *authority to MPs*; to issue a *certificate*; to maintain *secrecy*; to cast *a vote*; to update *the registers*

EX. 8

(i) *rule*; (ii) *residual*; (iii) *appropriate*; (iv) *duties*; (v) *common*; (vi) *considerable*; (vii) *campaign*; (viii) *immense*; (ix) *judgments*; (x) *indispensable*; (xi) *seizure* (xii) *itemized*; (xiii) *judicial*; (xiv) *practices*; (xv) *branch*; (xvi) *unity*; (xvii) *representative*; (xviii) *royal*; (xix) *self-governing*; (xx) *welfare*; (xxi) *state*; (xxii) *speedy*; (xxiii) *sufficient*; (xxiv) *law*; (xxv) *maxim*; (xxvi) *undue*; (xxvii) *unreasonable*; (xxviii) *indefinite*

EX. 9

(i) conformity; (ii) violation; (iii) opposition; (iv) respect

EX. 10

(i) run, (ii) run, (iii) run, (iv) stand, (v) run, (vi) stood

EX. 11

(i) unwritten; (ii) uncodified; (iii) variety; (iv) flexibility; (v) constitutional; (vi) Amendments; (vii) majority; (viii) Assent

EX. 12

(i) poll; (ii) polling, poll; (iii) polling stations; (iv) polling district; (v) poll-booth; (vi) poll; (vii) poll cards; (viii) poll-ratings; (ix) poll takers; (x) poll; (xi) poll; (xii) poll station

EX. 13

(i) absolved; (ii) Aboriginal; (iii) abridge; (iv) abstentions; (v) abstaining; (vi) abstained; (vii) abridgement, abridgement; (viii) abuse; (ix) abrogate(d); (x) abstentions; (xi) abstains, abstention; (xii) abused

EX. 14

(i) *elected*, (ii) *majority*, (iii) *votes*, (iv) *counted*, (v) *immediately*, (vi) *continues*, (vii) *ballot*, (viii) *absolute*, (ix) *exclusion*, (x) *count*, (xi) *proportional*, (xii) *obtain*, (xiii) *equal*

EX. 15

- (i) A Constitution is the fundamental law of a state establishing the character, conception and organization of its government and the basic principles of internal life of the society.
- (ii) Neither the Czech Constitution nor its American counterpart governs/regulates the conduct of private individuals.
- (iii) According to the Constitution, the powers of government are divided into 3 branches: the Executive, the Legislative and the Judicial.
- (iv) The legislative branch is represented by Parliament, usually made up of two chambers.
- (v) The President of the USA is elected in a national election for a four-year term of office.
- (vi) The Irish President, like his Czech counterpart, is the head of State, and as far as his main duties are concerned, he represents the State abroad and guarantees the constitutional framework and fundamental rights.
- (vii) If the president is removed from his office, the vice-president assumes his duties.
- (viii) Although the British Queen is the formal head of the Commonwealth of Australia, all the executive power is vested in the federal government.
- (ix) Parliamentary elections are held once every four years.
- (x) The right to vote and the right to be elected belong to the most important civil rights.
- (xi) The ballot paper states the name of the candidate and of his/her political party (and the political party he or she represents).
- (xii) Voters mark their ballot papers in the booth and place them in the ballot box.
- (xiii) There are special services for disabled citizens for whom the usual procedure is insufficient.
- (xiv) US Senators are elected to serve for a term of six years; one-third of the Senate is elected every two years.
- (xv) The leader of the party which has won the majority is asked to form the Government and he himself/she herself usually becomes Prime Minister.
- (xvi) If for any reason the deputy is unable to perform his or her duties, a by-election takes place to fill the vacant seat.

WORD STUDY

1. What verbs are these nouns derived from? What adjectives (or participles) can you form? The first has been done for you as an example.

significance - to signify - significant, signifying, signified

NOUN	VERB	ADJECTIVE/PARTICIPLE
construction		
resolution		
government		
compliance		
qualification		
residence		

2. Derive the noun and adjective (or participle) from the following verbs. The first has been done for you as an example.

to imply - implication - implied

VERB	NOUN	ADJECTIVE/PARTICIPLE
to assign		
to harmonize		
to insure		
to impose		
to adhere		
to complain		
to maintain		
to acquiesce		
to admit		
to refer		

3. What verbs and nouns have the same stem with the following adjectives (or participles)? The first has been done for you as an example.

customary - to customize - custom

ADJECTIVE/PARTICIPLE	VERB	NOUN
codified		
conventional		
recognized		
advisory		
executory		
reasonable		
operational		
applicable		
prohibited		

4. Fill in the blanks with appropriate prepositions.

Dealings (i) nations (ii) each other; the law referred (iii) public international law; disputes arising (iv) situations involving more than one country; the Vienna Convention (v) the Law of Treaties; conventional law derives (vi) international agreements; it may take any form that the contracting parties agree (vii) ; to assign higher priority (viii) one of the sources; states are prohibited (ix) entering into alliances; a treaty is subject (x) the doctrine (xi) self-execution; a treaty is self-executing (xii) a certain extent; the Convention (xiii) the Rights of the Child; it may not interfere (xiv) the relations (xv) the states; general principles common (xvi) the major legal systems of the world; unless there is a statute (xvii) the contrary; to impose (xviii) a nation certain duties (xix) respect to individuals; to complain (xx) violation (xxi) an international tribunal; the UN Charter is adhered (xxii) all states; non-member states have acquiesced (xxiii) its principles; membership (xxiv) a particular social group; to monitor compliance (xxv) international refugee law; to give advisory opinions (xxvi) legal issues referred (xxvii) it (xxviii) authorized bodies; to deliver judgments (xxix) disputes; judges elected (xxx) a nine-year term of office (xxxi) the UN and Security Council sitting independently (xxxii) each other; not more than one judge (xxxiii) any nationality; qualifications required (xxxiv) the respective countries (xxxv) appointment (xxxvi) the

highest judicial offices; only states may apply (xxxvii) and appear (xxxviii) the Court; disagreement (xxxix) interpretation or application of a treaty; persons having committed crimes (xxxx) the past; to have jurisdiction (xxxxi) crimes committed (xxxvii) 1 July 2002 when the ICC Statute entered (xxxviii) force; the ICTY may claim primacy (xxxviii) national courts and may take (xxxv) national investigation and proceedings (xxxvi) any stage; to rely (xxxvii) international cooperation (xxxviii) order (xxxix) carry (l) the mandate; enforcement of sentences handed (li) the Tribunal.

5. Match the adjectives with expressions listed below. Sometimes there is more than one possibility.

affairs; community; dispute; fear; jurisdiction; law; legislation; means; migration; Nations; opinion; population; powers; responsibility; treaty.

individual; internal; subsidiary; supreme; United; well-founded; subject-matter; humanitarian; enabling; executory; international; advisory; civilian; short-term; legal

6. Complete the phrases with expressions from the list below. Sometimes there is more than one possibility.

concurrent; conflicting; contracting; customary; humanitarian; immigration; implementing; international; judicial; jurisdictional; legal; national; preemptory; reasonable; refugee; residence; security; self-executing.

..... legislation; obligation; permit; measures; jurisdiction; parties; law; organization; clause; policy; status; office; claims; Council; treaty; provisions; control; rule

7. Complete the following text with words listed below.

appointment; competence; composed; independently; nine; nominated; offices; qualifications; represented; Security.

The International Court of Justice in the Hague is (i) of 15 Judges who are elected by the General Assembly and the (ii) Council. They are chosen from a list of persons (iii) by the national groups in the Permanent Court of Arbitration. The General Assembly and the Security Council hold separate elections (iv) of one another. They must be satisfied not only that the persons to be elected individually possess the (v) required in their respective countries for (vii) to the highest judicial (viii) or are jurisconsults of recognized (ix) in international law, but also that, in the body as a whole, the main forms of civilization and the principal legal systems of the world are (x) Judges of the Court are elected for terms of (xi) years and may be re-elected. The Court elects the President and Vice-President for three years; they may be re-elected.

8. Fill in each gap in the following text with one word to create a meaningful text.

Resettlement is (i) as the transfer of refugees from a State in which they have sought asylum to a third State that has previously (ii) to admit them as refugees and grant them a form of legal status, with the possibility of acquiring future citizenship.

(iii) a refugee cannot locally integrate in the country where he or she has sought asylum and there is no prospect of repatriation in the foreseeable future, resettlement becomes the only possible durable (iv) Resettlement is an important international protection tool to meet the needs of refugees (v) life, liberty, safety, health and other fundamental human rights are at risk.

Resettlement is also a tangible demonstration of (vi) solidarity and responsibility sharing with the mostly poor countries hosting the majority of the worlds' refugees.

Many ECRE member agencies are involved in resettlement activities and the consistent use of partnerships between NGOs and governments demonstrates the importance of expertise and experience the NGOs bring to all stages of the resettlement process.

(vii) today's acute global resettlement needs (UNHCR estimates that in 2009 560. 000 people will be in need of resettlement), Europe is doing little to resettle refugees compared to resettling countries such as the US, Canada and Australia. Only nine EU countries run formal resettlement programmes and in 2007, the EU collectively resettled approximately 4,000 refugees amounting to only 8% of the global total that year.

9. Fill in each gap in this text, entitled Entry of refugees into the EU and enhancing protection for them in the countries of first asylum, with a word or phrase to create a meaningful text.

The Member States have been planning for some time to process asylum applications outside the European Union (i) regulate the flow of refugees into Europe and to speed up the process of granting international protection to those (ii) need it. The Commission proposes introducing a programme for resettling asylum-seekers in the EU, (iii) at the same time enhancing the reception capacity of the countries of first asylum, located in the asylum-seekers' regions of origin.

10. Translate the following sentences into English.

- (i) Mezinárodní právo veřejné upravuje vztahy mezi státy.
- (ii) Primárními prameny mezinárodního práva veřejného jsou obyčejové a smluvní právo.
- (iii) Mezinárodní smluvní právo je odvozeno z mezinárodních dohod a má takovou formu, na jaké se smluvní strany dohodnou.
- (iv) Některé mezinárodní smlouvy mají ustanovení, která jsou přímo aplikovatelná ve vnitrostátním právu, a ustanovení, k jejichž aplikaci je nutné přijmout příslušný vnitrostátní předpis.
- (v) Uprchlík je právně definován jako osoba, která pobývá mimo svou domovskou zemi, protože se důvodně obává, že bude v této zemi pronásledována kvůli své rase, náboženství, politickým názorům či příslušnosti k určité sociální skupině.
- (vi) Evropská unie je prostorem se zaručeným volným pohybem osob a musí tedy hledat společné řešení postupů pro žadatele o azyl.
- (vii) Mezinárodní trestní soud se bude zabývat zločiny proti lidskosti, genocidou, činy agrese a válečnými zločiny.

ANSWER KEY

EX. 1

construction - to construe / to construct, construing, construed, constructed, constructing

resolution - to resolve - resolute, resolutive, resolving, resolved

government - to govern - governing, governed

compliance - to comply - compliant, complied, complying

qualification - to qualify - qualified, qualifying

residence - to reside - resident, residing

EX. 2

to assign - assignment - assignable, assigned, assigning
 to harmonize - harmony, harmonization - harmonious, harmonized, harmonizing
 to insure - insurance - insurable, insured, insuring
 to impose - imposition - imposing, imposed
 to adhere - adherence - adhering
 to complain - complaint - complaining
 to maintain - maintenance - maintaining
 to acquiesce - acquiescence - acquiescent, acquiescing
 to admit - admission - admitting, admitted, admissible
 to refer - reference, referral - referring

EX. 3

codified - to codify - codification, code
 conventional - to convene - convention
 recognized - to recognize - recognition, recognizance
 advisory - to advise - advice
 executory - to execute - execution
 reasonable - to reason - reason
 operational - to operate - operation
 applicable - to apply - application
 prohibited - to prohibit - prohibition

EX. 4

(i) *of*; (ii) *with*; (iii) *to as*; (iv) *out of*; (v) *on*; (vi) *from*; (vii) *upon*; (viii) *to*; (ix) *from*; (x) *to*; (xi) *of*; (xii) *to*; (xiii) *on*; (xiv) *with*; (xv) *between*; (xvi) *to*; (xvii) *to*; (xviii) *upon*; (xix) *with*; (xx) *of*; (xxi) *before*; (xxii) *to by*; (xxiii) *in*; (xxiv) *in*; (xxv) *with*; (xxvi) *on*; (xxvii) *to*; (xxviii) *by*; (xxix) *on*; (xxx) *to*; (xxxii) *by*; (xxxiii) *of*; (xxxiv) *in*; (xxxv) *for*; (xxxvi) *to*; (xxxvii) *to*; (xxxviii) *before*; (xxxix) *over*; (xl) *in*; (xli) *over*; (xlii) *after*; (xliii) *into*; (xliv) *over*; (xlv) *over*; (xlvi) *at*; (xlvii) *on*; (xlviii) *in*; (xlix) *to*; (l) *out*; (li) *down by*

EX. 5

individual responsibility; *internal affairs*; *subsidiary means*; *supreme powers*; *United Nations*; *well-founded fear*; *subject-matter jurisdiction*; *humanitarian law*; *enabling legislation*; *executory treaty*; *international community*; *advisory opinion*; *civilian population*; *short-term migration*; *legal dispute*

EX. 6

implementing legislation; *legal obligation*; *residence permit*; *reasonable measures*; *concurrent jurisdiction*; *contracting parties*; *customary law*; *humanitarian organization*; *jurisdictional clause*; *national policy*; *refugee status*; *judicial office*; *international claims*; *Security Council*; *self-executing treaty*; *conflicting provisions*; *immigration control*; *peremptory rule*

EX. 7

(i) *composed*; (ii) *Security*; (iii) *nominated*; (iv) *independently*; (v) *qualification*; (vii) *appointment*; (viii) *offices*; (ix) *competence*; (x) *represented*; (xi) *nine*

EX. 8

(i) *defined*; (ii) *agreed*; (iii) *If*; (iv) *solution*; (v) *whose*; (vi) *international*; (vii) *Despite*

EX. 9

(i) *in order to*; (ii) *who*; (iii) *while*

EX. 10

(i) International public law provides for relations between states.

(ii) Primary sources of international law are customary law and conventional law.

(iii) Conventional international law derives from international agreements and has such form as the contracting parties agree upon.

(iv) Some treaties include provisions which are self-executing within state law and other provisions which require the enactment of corresponding state legislation in order to become effective.

(v) A refugee is legally defined as a person who is outside his or her home country because of a well-founded fear of persecution based on their race, religion, political opinion or membership in a particular social group.

(vi) The European Union is an area where freedom of movement is ensured; thus it has to seek common solutions regarding procedures for asylum seekers.

(vii) The International Criminal Court will deal with crimes against humanity, with genocide, acts of aggression and war crimes.

WORD STUDY

1. In relation to the family topic, negative adjectives may be used, such as *inalienable*, *imprescriptible* (rights of the family) or *irretrievable* (breakdown of marriage). Form other negatives by matching negative prefixes below with given expressions in italics. One expression for each prefix has been done for you.

IL-	legitimate
IM-	prescriptible
IN-	alienable
IR	retrievable

legitimate, responsible, ability, legal, regular, mature, retrievable, adaptable, precise, prescriptible, accurate, legible, divisible, licit, remediable, literate, capacity, measurable, *alienable*, effective, memorable, removable, mitigable, complete, modest, moral, recon- cilable, movable, revocable, proper, admissible, operative, capable, applicable, alienable, compatible, consistent, comprehensible, respective, appropriate, reprehensible, mortal

2. Complete the phrases below with a suitable noun from the following list.

abuse, capacity, conduct, consent, disease, jurisdiction, license, marriage, mind, order, property

objectionable; child; venereal;
 parental; foreign; sound;
 court; marriage; defective;
 mental; community

3. Match the nouns with suitable words from the following list.

birth, habitual, illegitimate, inalienable, irreconcilable, legal, matrimonial, mental, parental, separate, social

..... concept; drunkenness;
 cruelty; differences; breakdown;
 welfare; records; rights;
 rights; child; property

4. Fill in the blanks with appropriate prepositions.

Marriage (i) proxy is usually invalid; contracts made (ii) restraint (iii) marriage are void; to distribute the family property (iv) termination of marriage; a group of persons related (v) blood; to enter (vi) marriage; to comply (vii) certain formalities; formalities laid (viii) the law; obligations imposed (ix) the parties (x) law; a child brought (xi) a step-parent; some restrictions exist (xii) respect (xiii) birth parents; necessary consent (xiv) the marriage; to suffer (xv) a venereal disease; the respondent was pregnant (xvi) some person other (xvii) the petitioner (xviii) the time of marriage; both parents have maintenance obligations (xix) their children; community property is all property acquired (xx) marriage other than (xxi) gift or inheritance; a surrogate mother is a woman who agrees, (xxii) contract and (xxiii) a fee to bear a child; a child is to be put (xxiv) adoption; to provide adoptive parents (xxv) background information; parental responsibility vested (xxvi) the adopters; handicapped children who cannot be cared (xxvii) their parents; to have a child placed (xxviii) a member of his family; marriage is terminated (xxix) divorce; a spouse is guilty (xxx) habitual drunkenness; any person having an interest (xxxi) the welfare of the child is entitled (xxxii) reasonable visitation.

5. Write one word in each gap. The first one is done for you. Use each of these words to fill in the blanks.

accompanied; age; birth; consent; death; decree; district; final; formalities; intention; interpreter; obtained; over; marriage; married; married; registrar; registration; religious; residency; solemnised; translation; valid; widowed

Civil marriage regulations in Ireland

To contract a (i) *valid* marriage in Ireland, the couple must be at liberty to marry each other, must freely (ii) to the marriage and must observe the (iii) required by Irish law.

Under section 32 of the 1995 Family Act, anyone marrying by (iv) or civil ceremony must give three months written notification of (v) to marry to the registrar.

Both parties must also be (vi) 18 years of age on the day of their marriage (or have (vii) a court exemption order under section 31 of the 1995 Act before the marriage.)

Marriages may be (viii) in the office of the Registrar of Marriages. Couples intending to be (ix) in the registrar's office must personally

serve notice on the Registrar of the (x) in which they live and in whose district the (xi) will be solemnised. Where the couple live in different (xii) districts, they must serve notice on the (xiii) of each district.

When serving notice, both parties must produce a (xiv) certificate, passport or driving licence as proof of (xv) and identity, as well as any other documentary evidence requested by the registrar as proof of (xvi)

Where one of the parties has previously been (xvii) and divorced in Ireland, a certified copy of the divorce (xviii) must be produced, pronouncing the divorce as (xix) If either or both parties is (xx), they must, at the time of serving notice, produce a certified copy of the (xxi) certificate of their late spouse, as well as their first (xxii) certificate.

All documentation not originally in English must be (xxiii) by a certified (xxiv) If either party is unable to speak or understand English, they must obtain the services of an (xxv)

6. Fill in the gaps using one word to create a meaningful text.

Community property is property which is owned by a (i) and wife. Each (ii) has an undivided one-half interest in the property. Some states have the community property system; others do not, but (iii) follow the common law system. The (iv) is that in a community property system, each (v) has an undivided one-half interest in what the other owns or earns during the marriage, (vi) in a common law system, each (vii) owns what he or she earns.

7. Fill in the gaps using one word to create a meaningful text.

A child born out of (i) may inherit the intestate personal (ii) of the natural father if the child is “legitimated” (given the status of a (iii) child) under State law by performance of specific acts, e.g., the natural father’s (iv) to the child’s natural mother.

In some States, a child may acquire inheritance (v) without being legitimated only if certain acts prescribed by State law are performed; for example, acknowledgment of paternity of the child.

8. Complete the text about the situation concerning cohabitation in the UK by filling in the gaps.

(i) many couples live together as cohabitantes (i.e. as husbands and (ii) in the same household but without going through a (iii) of marriage), English law does not give them the same (iv) and responsibilities as spouses. This may have certain advantages (e.g. there is no mutual (v) of maintenance), (vi) being a cohabitee has several disadvantages. On relationship breakdown cohabitantes are often in a particularly vulnerable position, as any property dispute must be determined according to the general rules of property law, (vii) there is no discretionary jurisdiction to adjust the property rights of cohabitantes as there is for spouses on divorce, nullity or judicial separation. On the (viii) of a cohabitee who dies intestate the surviving partner is also not treated as favourably as a spouse. Another possible disadvantage of being a cohabitee is that the unmarried father has no automatic (ix) responsibility for his child, although both parents have maintenance obligations to their children. Cohabitantes can, and sometimes do, make cohabitation contracts to regulate their affairs (e.g. to make arrangements about the allocation of property and other issues should their relationship break down), but most do not in practice do (x)

9. Translate the following sentences into English.

- (i) Rodinné právo upravuje zejména vztahy v rámci rodiny jako základní společenské jednotky.
- (ii) Rodina je skupina osob příbuzná pokrevně, sňatkem nebo z rozhodnutí soudu.
- (iii) Aby bylo manželství platné, musí strany, které ho uzavírají, mít plnou způsobilost k právním úkonům.
- (iv) Manželství existuje do chvíle, než soud rozhodne, že je neplatné; jinak jen trpí vadou.
- (v) Společné jmění manželů je veškerý majetek získaný manžely společně nebo jedním z nich v průběhu manželství kromě věcí získaných darováním či děděním.
- (vi) Adopcí zaniká rodičovská zodpovědnost biologických rodičů; rodičovskou zodpovědnost získají adoptivní rodiče.
- (vii) Zemře-li jeden z manželů bez závěti, dědí jeho majetek přeživší manžel.

ANSWER KEY

EX. 1

IL-legitimate, legal, legible, licit, literate

IM-prescriptible, responsible, mature, precise, measurable, memorable, mitigable, modest, moral, movable, proper, mortal

IN-alienable, ability, adaptable, accurate, divisible, capacity, effective, complete, admissible, operative, capable, applicable, alienable, compatible, consistent, comprehensible, appropriate

IR-retrievable, regular, removable, reconcilable, revocable, respective, reprehensible, remediable

EX. 2

objectionable *conduct*; child *abuse*; venereal *disease*; parental *consent*; foreign *jurisdiction*; sound *mind*; court *order*; marriage *license*; defective *marriage*; mental *capacity*; community *property*

EX. 3

legal concept; *habitual* drunkenness; *mental* cruelty; *irreconcilable* differences; *matrimonial* breakdown; *social* welfare; *birth* records; *inalienable* rights; *parental* rights; *illegitimate* child; *separate* property

EX. 4

(i) by; (ii) in (iii) of; (iv) upon; (v) by; (vi) into; (vii) with; (viii) down by; (ix) upon (x) by; (xi) up by; (xii) in; (xiii) of; (xiv) to; (xv) from; (xvi) by; (xvii) than; (xviii) at; (xix) to; (xx) during; (xxi) by; (xxii) by; (xxiii) for; (xxiv) up for; (xxv) with; (xxvi) in; (xxvii) for by; (xxviii) with; (xxix) by; (xxx) of; (xxxi) in; (xxxii) to

EX. 5

(i) valid; (ii) consent; (iii) formalities; (iv) religious; (v) intention; (vi) over; (vii) obtained; (viii) solemnised; (ix) married; (x) district; (xi) marriage; (xii) registration; (xiii) registrar; (xiv) birth; (xv) age; (xvi) residency; (xvii) married; (xviii) decree; (xix) final; (xx) widowed; (xxi) death; (xxii) marriage; (xxiii) accompanied; (xxiv) translation; (xxv) interpreter

EX. 6

(i) husband; (ii) spouse; (iii) instead; (iv) difference; (v) spouse; (vi) while; (vii) spouse

EX. 7

(i) wedlock; (ii) property; (iii) legitimate; (iv) marriage; (v) rights

EX. 8

(i) Although; (ii) wives; (iii) ceremony; (iv) rights; (v) duty; (vi) but; (vii) for / because; (viii) death; (ix) parental; (x) so

EX. 9

(i) Family Law governs in particular the legal relations of (within) the basic social unit - the family.

(ii) The family is a group of people related by blood, marriage/affinity or court decision/law. (iii) The parties to a marriage must have the full legal capacity to marry to contract a valid marriage.

(iv) A marriage exists till the court holds it void/invalid, otherwise it is only defective.

(v) Community property of spouses is all property acquired by the husband and wife jointly or by one of the spouses during marriage other than by gift or inheritance.

(vi) A (legal) adoption extinguishes parental responsibility in the natural parents and vests it in the adopting parents.

(vii) If one spouse dies without a will/intestate, the surviving spouse will inherit his property.

WORD STUDY

1. Add one of negative prefixes im-, in-, un- or dis- in order to create an opposite meaning of the following words.

..... alienable; corporeal; countable; direct; divided;
 movable; posses; possible; restricted; tangible;
 testate

2. Complete the phrases with an appropriate preposition.

Property is divided (i)..... real and personal property; a plaintiff dispossessed (ii)..... property; the right (iii)..... rem was enforced (iv)..... a real action; the right (v)..... compensation (vi)..... another person; a synonym (vii)..... real property; the term “personalty” is substituted (viii)..... personal property; a person’s claim (ix)..... a particular thing; the study of property law is facilitated (x)..... a number of basic principles; each object is different (xi)..... the next; subject (xii)..... a minor exception; all objects may be fitted (xiii)..... one class; a structure permanently affixed (xiv)..... the land; seas may be freely used (xv)..... everyone conformably (xvi)..... their natural purpose; property may be acquired (xvii)..... a previous owner; public things may be owned (xviii)..... the state (xix)..... its capacity (xx)..... a public person; according (xxi)..... civilian theory; to have a right (xxii)..... a particular tangible object; to remove things (xxiii)..... substantial damage (xxiv)..... themselves; to exercise control (xxv)..... the thing (xxvi)..... direct means; ownership may be acquired (xxvii)..... many ways; concurrent right and interests (xxviii)..... the property; (xxix)..... the death of a joint owner his property is taken (xxx)..... the surviving co-owner.

3. Match the adjectives with appropriate nouns selected from the list below. In some phrases more than one acceptable choice is possible.

damage, fruits, function, installation, movable, object, owner, ownership, part, person, personality, property, provision, right, rights, subdivision, theory, things, value

adjoining; ascertainable; civilian;
 component; corporeal; dual;
 electrical; exclusive; inalienable

joint; legislative; political;
 principal; proprietary; public;
 real; substantial; tangible;
 ungathered

4. Match the nouns with suitable adjectives or attributes listed below. There may be more than one combination possible for some phrases.

unharvested, territorial, successful, sovereign, public, preservation, planning, natural, monetary, minor, limited, integral, intangible, fractional, copyright, constitutional, concurrent, compulsory, community, adjoining

..... purchase; crops; right;
 provision; property; land;
 right; square; part;
 permission; capacity; orders;
 plaintiff; object; protection;
 interests; resources;
 exception; compensation; sea

5. Choose a suitable word from the list to complete the text.

absolute; attached; chattels; dispossessed; individuals; loss; owed; owned; permanent; Personal; private; public; real; Real; realty

The popular notion of property as something (i), encourages the idea of property rights as (ii), However, property in the legal sense is more accurately regarded as the combination of the legal rights of (iii) with respect to objects, and the obligations (iv) them by others and guaranteed and protected by government. Property is either classified as (v) property owned by one or more individuals, or (vi) property owned by government.

Property law is also classified under common law as real or personal. (vii) property (or (viii)) is land, any buildings on that land, any mineral rights under the land, and anything that is (ix) to the land or buildings that can be considered (x) (xi) property (sometimes known as (xii)) includes any property that is not (xiii) property. The difference between real and personal property comes from early English law, under which property was considered “real” if the courts could restore to the (xiv) owner the thing itself, rather than simply awarding damages as compensation for its (xv)

6. Complete the following phrases with suitable verbs from the list below.

acquire, added, affixed, attached, bring, cause, consists, determine, dispossess, enforced, facilitate, governed, grouped, has, hold, holds, identify, obtain, owned, possesses, provide, receive, recover, removed, take, tap, transferred, using

To (i) a person of property legally owned; the right *in rem* was (ii) only by a real action; to (iii)..... the nature of a person's claim; to (iv) the object of the claim; to (v) the study of property law by a number of basic principles; the law has (vi) all objects into classes; real property (vii) of land and anything permanently (viii) to the land; a farmer may (ix) an action to (x) his farm; anyone (xi) public things may not (xii) injury to the property of adjoining owners; the use of public things is (xiii) by municipal ordinances; things that the state (xiv) in a sovereign capacity; to (xv) water mains and gas pipes in order to (xvi) water and gas free; the statutes (xvii) for copyright protection; property (xviii) ascertainable value; constructions permanently (xix) to the ground; things which cannot be (xx) without substantial damage to themselves; to (xxi) the ownership of property; to (xxii) the benefit of a transaction; to (xxiii) possession of something that (xxiv) no owner; in the case of accession something new is (xxv) to something already owned; two or more persons may (xxvi) concurrent share in property; the interest of an owner in common may be (xxvii) or inherited.

7. Fill in suitable expressions so that the sentences and the text as a whole make sense.

Property means not only money and other (i) things of value, but also includes any intangible (ii) considered as a source or element of income or wealth. It is the right and interest which a man has in (iii) and chattels to the (iv) of others. It is the right to enjoy and to (v) of certain things in the most absolute manner as he pleases, provided he makes no use of them (vi) by law. All things are not the (vii) of property - the sea, the air, and the like, cannot be (viii); every one may enjoy them, but he has no (ix) right in them. When things are fully our own, or when all others are excluded from (x) with them, it is plain that no

person besides the (xi) , who has this exclusive right, can have any (xii) either to use them, or to hinder him from (xiii) of them as he pleases; so that property, considered as an exclusive right to things, contains not only a right to use those things, but a right to dispose of them, either by (xiv) them for other things, or by giving them away to any other person, without any consideration, or even (xv) them away. Property is divided into (xvi) property, and personal property. Personal property is further divided into property in (xvii) , and property or (xviii) in action. Property is again divided into corporeal and (xix) The former comprehends such property as is (xx) to the senses, as lands, houses, goods, merchandise and the like; the (xxi) consists in legal rights, as choses in action, easements, and the like.

8. Fill in suitable words from the list to make the text complete.

admit; another; associated; attached; beneficiary; concept; contrary; distinction; enjoying; immovable; jointly; land; movable; ownership; preserved; real; registration; seize; things; unpaid; vested

Quebec civil law views all types of property either as (i) (land and its appurtenances, and all rights in land) or as (ii) (physically movable objects as well as claims for money and performances under contracts and obligations in general). This (iii) is the thread that runs throughout Quebec law and it is the basis for many of the different legal technicalities (iv) to various types of property. For example, rights of all kinds in (v) are subject to official recording in the land titles (vi) system, whereas rights in movable property are not.

Rights in (vii) (technically “real rights”) can be divided into three broad categories. Individuals may have either a right of (viii) , ie, the right in their own property; a right in the thing belonging to (ix) , ie, a right less than ownership but nonetheless composed of some of the prerogatives (x) with ownership; or a right in the form of claim by a creditor to (xi) and sell a debtor’s property to satisfy an (xii) debt.

Ownership, the most complete (xiii) right, is the right of using, (xiv) and disposing of things in the most absolute manner, provided no use is made of them (xv) to law or regulation. Ownership is an “exclusive” or individual right and, as a (xvi) , is unitary. Thus, the law discourages two or more persons from owning the same property (xvii) (with certain notable exceptions such as of condominiums and aspects of property relations between married persons). Nor does the civil law (xviii) the distinction, known

to the common law, of legal and equitable ownership – for example, property shared between a trustee and the (xix) of a trust. And, because ownership is viewed as exclusive and individual, the general policy of the law is that rights less than ownership (xx) in other persons are normally limited in time, so that the full integrity of the prerogatives attaching to ownership itself is (xxi)

9. Translate the following sentences into English.

- (i) Věci se dělí na věci movité a věci nemovité, hmotné a nehmotné.
- (ii) Základní funkcí majetkového práva je stanovit charakter práva určité osoby k určité věci.
- (iii) Nemovitá věc je pozemek a stavba s ním pevně spojená.
- (iv) Věcné právo může existovat, aniž existuje odpovídající hmotný předmět.
- (v) Vlastnictví movitých věcí zahrnuje veškerá práva k hmotným věcem, pohledávky a dluhy a nehmotná práva.
- (vi) Vlastnické právo může být ze zákona omezeno například tím, že je zapotřebí územního rozhodnutí k tomu, aby bylo možné na vlastním pozemku stavět.

ANSWER KEY

EX. 1

inalienable, incorporeal, uncountable, indirect, undivided, immovable, dispossess, impossible, unrestricted, intangible, intestate

EX. 2

(i) into; (ii) of; (iii) in; (iv) by; (v) to; (vi) from; (vii) for; (viii) for; (ix) to; (x) by; (xi) from; (xii) to; (xiii) into; (xiv) to; (xv) by; (xvi) with; (xvii) from; (xviii) by; (xix) in; (xx) as; (xxi) to; (xxii) to; (xxiii) without; (xxiv) to; (xxv) over; (xxvi) by; (xxvii) in; (xxviii) in; (xxix) upon; (xxx) by

EX. 3

adjoining owner; ascertainable value; civilian theory; component part; corporeal movable; dual personality; electrical installation; exclusive right; inalienable things; joint ownership; legislative provision; political subdivision; principal function; proprietary rights; public person; real property; substantial damage; tangible object; ungathered fruits

EX. 4

compulsory purchase; unharvested crops; fractional right; constitutional provision; community property; adjoining land; natural right; public square; integral part; planning permission; sovereign capacity; preservation orders; successful plaintiff; intangible object; copyright protection; concurrent interests; limited resources; minor exception; monetary compensation; territorial sea

EX. 5

(i) owned; (ii) absolute; (iii) individuals; (iv) owed; (v) private; (vi) public; (vii) Real; (viii) realty; (ix) attached; (x) permanent; (xi) Personal; (xii) chattels; (xiii) real; (xiv) dispossessed; (xv) loss

EX. 6

(i) dispossess; (ii) enforced; (iii) determine; (iv) identify; (v) facilitate; (vi) grouped; (vii) consists; (viii) affixed; (ix) bring; (x) recover; (xi) using; (xii) cause; (xiii) governed; (xiv) holds; (xv) tap; (xvi) obtain; (xvii) provide; (xviii) possesses; (xix) attached; (xx) removed; (xxi) acquire; (xxii) receive; (xxiii) take; (xxiv) has; (xxv) added; (xxvi) hold; (xxvii) transferred

EX. 7

(i) tangible; (ii) right; (iii) lands; (iv) exclusion; (v) dispose; (vi) prohibited; (vii) subject; (viii) appropriated; (ix) exclusive; (x) interfering; (xi) proprietor; (xii) claim; (xiii) disposing; (xiv) exchanging; (xv) throwing; (xvi) real; (xvii) possession; (xviii) choses; (xix) incorporeal; (xx) perceptible; (xxi) latter

EX. 8

(i) immovable; (ii) movable; (iii) distinction; (iv) attached; (v) land; (vi) registration; (vii) things; (viii) ownership; (ix) another; (x) associated; (xi) seize; (xii) unpaid; (xiii) real; (xiv) enjoying; (xv) contrary; (xvi) concept; (xvii) jointly; (xviii) admit; (xix) beneficiary; (xx) vested; (xxi) preserved

EX. 9

(i) Things are subdivided into movables and immovables, corporeals and incorporeals (OR real property and personal property, tangible and intangible property).

(ii) The basic function of property law is to determine the nature of the right of a particular person to a particular thing.

(iii) An immovable thing is land and the construction firmly attached to it.

(iv) A property right may exist even if no relevant tangible object exists.

(v) The ownership of movable things includes all rights to corporeal things, claims and debts as well as incorporeal rights.

(vi) Property rights may be limited by the law if, for example, it is necessary to get a planning permission in order to build on one's own land.

WORD STUDY

1. Derive verbs from the following nouns.

Description - to.....; maintenance - to.....; reference - to.....; protection - to.....; variety - to.....; classification - to.....; examination - to.....; improvement - to.....; registration - to.....; infringement - to.....; combination - to.....; indication - to.....; acquisition - to.....; performance - to.....; revision - to.....

2. Derive verbs and nouns from the following adjectives.

Reproductive - to.....; comparative - to.....; exclusive - to.....; enforceable - to.....; deterrent - to.....

3. Derive adjectives and nouns from the following verbs.

To invent; to permit; to plagiarise; to patent

4. Derive adjectives and verbs from the following nouns.

Application; market; identification; copyright; value

5. Match the adjectives with nouns from the list below to form common collocations (note that there may be more than one adjective that collocates with each noun, so there is no one correct answer for each blank).

access, application, use, artists, body, invention, office, property, conditions, quality, recordings, rights

artistic ; industrial ; copyright
 ; illicit ; intellectual ;
 public ; licensing ; patentable ;
 performing ; protected ; fair ;
 statutory

6. Fill in the blanks with appropriate prepositions.

A period to stop others (i) making the invention without permission; the term of 20 years (ii) filing; the invention must never have been made in any way, anywhere (iii) the world, before the date (iv) which an application for patent is filed; to be capable (v) industrial application; to exclude others (vi) making or using the invention; to be involved (vii) the design; to capitalize (viii) another person's ideas; the right subsists (ix) an original design; a single research is carried (x) ; to prevent others (xi) helping themselves to a large portion; works eligible (xii) copyright protection; unless there is an agreement (xiii) the contrary; copyright (xiv) literary, dramatic and musical works; licences pursuant (xv) a licensing scheme; to distinguish the goods (xvi) those (xvii) competitors; trade marks are concerned (xviii) commercial aspects; features crucial (xix) patents; to be guilty (xx) a patent infringement; design conforms (xxi) the same rules as other drawings; it is distinguishable (xxii) any other variety; monopoly right (xxiii) the appearance of a product resulting from various features; to qualify (xxiv) registration; to be made available (xxv) the public; the protection has come (xxvi) force; trademark may be registered (xxvii) the Patent Office.

7. Write one word in each gap. The first one is done for you. If you are not sure what word may be used choose one from the list below.

reciprocal; applying; protected; infringe; recognise; license; creation; intellectual; registrable; trade; deter; action; protection; permissible; against; applied; signatories; badge; Copyright; nature; computer; international; simple; morality; sign; infringing; automatically

A registered design (a) provides the (1) *exclusive* right to make, import, export, use or stock any product to which the design has been (2) or is incorporated, or to let others use the design under terms agreed with the owner, in the UK and the Isle of Man, (b) gives the right to take legal (3) against others who might be (4) the design and to claim damages.

The fact that a design is registered may be enough to (5) any potential infringement, (c) is a financial asset whose value could increase, (d) is a recognised (6) property right which protects the design from being copied by competitors for up to 25 years, (e) may be synonymous with branding of the company's products and image, (f) in the UK may be the first step towards (7) protection. Registration is relatively quick, cheap and (8)

(9) protects the original expression of ideas, not the ideas themselves. It is free and (10) safeguards your original works of art, literature, music, films, broadcasts and (11) programs from copying and certain other uses. Material is (12) from the time it is first written down, painted or drawn, filmed or taped. Material may also enjoy (13) protection under the laws of other countries who are (14) to the Universal Copyright Convention.

Copyright (15) is provided under the Copyright Act 1968 and gives exclusive rights to (16) others in regard to copying the work, performing it in public, broadcasting it, publishing it and making an adaptation of the work. Rights vary according to the (17) of the work. Those for artistic works, for instance, are different to those for literary and musical works.

Although making copies of copyright material can (18) exclusive rights, a certain amount of copying is (19) under the fair dealing provisions of the legislation. Copyright doesn't protect you against independent (20) of a similar work. Legal actions (21) infringement are complicated by the fact that a number of different copyrights may exist in some works particularly films, broadcasts and multimedia products.

A (22) mark is any sign which can distinguish the goods and services of one trader from those of another. A (23) includes, for example, words, logos, pictures, or a combination of these. Basically, a trade mark is

a (24) of origin, used so that customers can (25) the product of a particular trader. To be (26) your trade mark must be: (a) distinctive for the goods or services which you are (27) to register it for, and (b) not deceptive, or contrary to law or (28), and (c) not similar or identical to any earlier marks for the same or similar goods or services.

8. Each line in this passage contains a mistake. Underline the mistake on each line and write the correct word at the side.

A patent for an intention is granted by government (1) invention to the investor, giving him or her the right for a (2) limited period to stop others for making, using or (3) sailing the invention without the permission of the (4) inventor. The State offers a shot-term monopoly (5) (up to 20 years from filling in the United Kingdom) (6) in return for a full inscription of the invention, (7) which is published be the Patent Office. (8) When a patent is granting, the invention becomes (9) the property of the inventor, who (like any other (10) form of property or business assess) can be (11) bought, sold, rented or hired. A patent powers (12) the owner (the property of an invention to take (13) legal action for others to prevent the (14) unlicensed manufacture, use or sail of the (15) patented invention, and to clam damages. The (16) mare existence of a patent may be enough to (17) deter a potence infringer. (18) Patents are general intended to cover products (19) or processes that pose or contain new (20) functional or technical respects, patents are (21) therefore concerning with, for example, how things (22) work, what they do, how they do it, what they are (23) Ø made of or how they are made. (24) Ø

9. Encode the jumbled word in each line, and write it on the side.

Copyright protects the *deneeipntdn* skill, labour and effort (1)
 which has been expended in *gipcnodru* work and prevents (2)
 others from *genlihp* themselves to too large a portion of (3)
 that skill, labour and effort. Unlike a *ntpeta*, a copyright is (4)
 not a *moyonopl*, it is a right of protection against (5)
 copying. Copyright is *ueiacqrd* by bringing a work into (6)
 existence. There is no requirement of, nor *ipivosno* for, (7)
 registration. *oaSrutty* protection is provided automatically. (8)

10. Complete the information regarding the registration of TM within the EU with words from the list in italics.

application; applying; granted; inside; made; official; oppose; oppositions; request; search

A European Union trademark (i) has to be filed at the European Union Intellectual Property Office in Alicante Spain (EUIPO).

The European Union trademark application has to be (ii) in one of the (iii) languages of the European Union Intellectual Property Office 'EUIPO', which are: English, German, French and Spanish. The examination of the European Union trademark application includes an official (iv) for identical or similar prior trademarks. Before your European Union trademark is (v), the European Union trademark application will be published in the 'European Union Trademarks Bulletin'. After your European Union trademark application is published, third parties may (vi) your application. Therefore, it is recommended to conduct a trademark search in the European Union before (vii) for a European Union trademark. The opposition period is 3 months, starting on the publication date. If no (viii) are filed, your European Union trademark (EU-trademark) will be granted.

After obtaining your European Union trademark (EU-trademark) you will have to use it (ix) the territory of the European Union within 5 years. If the European Union trademark is not used in the European Union within five years, third parties may (x) the cancellation of your European Union trademark.

11. Fill in the blanks with suitable words from the list to complete the text introducing a patent procedure in Australia.

administers; assess; contributes; designs; encourage; enforceable; exclusive; exploit; hold; invention; license; meets; phased; promotes; provide; stop; substance; take

All Australian patent applications must be filed with IP Australia, i.e., the Australian Government agency that (i) intellectual property (IP) rights and legislation relating to patents, trade marks, (ii) and plant breeder's rights.

A patent is a legally (iii) right for a device, substance, method or process. For your application to be successful, your (iv) must be new, useful and inventive or innovative. When granted, a patent will give you (v) commercial rights to your invention (a monopoly).

If you have developed a new device, (vi), method or process you should decide whether patenting it should be part of your business strategy. We will (vii) your application to make sure it (viii) legislative requirements. The protection provided by the Australian patent system (ix) to the success of new inventions and the millions of dollars in earnings they generate.

The type of patent you (x) will determine the duration of your protection. A standard patent lasts for up to 20 years. An innovation patent only lasts for up to eight years and is being (xi) out. Pharmaceutical patents can last up to 25 years.

A patent will:

- (a) give you the right to (xii) others from manufacturing, using and/or selling your invention in Australia without your permission;
- (b) let you (xiii) someone else to manufacture your invention on agreed terms or (xiv) legal action against people who are using your invention without your permission;
- (c) (xv) Australians to continue their research, to develop new and innovative products, (xvi) new technology and (xvii) the transfer of technology to Australia;
- (d) give our trading partners the incentive to (xviii) similar rights and thereby protect our exports in markets overseas.

12. Fill in the blanks in the following text regarding the requirement that an invention be new and nonobvious to be patentable in the USA.

If an invention is not exactly the same as prior products or processes (which are referred to as the "prior art"), then it is considered novel. However, in order for an (i) to be patentable, it must not only be novel, but it must also be

a nonobvious improvement over the prior art. This determination is made by deciding whether the invention sought to be (ii) would have been obvious “to one of ordinary skill in the art.” In other words, the invention is compared to the prior art and a determination is made whether the (iii) in the new invention would have been obvious to a person having ordinary skill in the type of technology used in the invention.

As can be imagined, the determination of whether a particular change or improvement is “obvious” is one of the most difficult determinations in patent (iv) In order to make such a determination, an examiner in the patent office will normally (v) previous patents to find those patents which are closest to the invention in which a patent is sought. If all the features of the invention can be found in a single patent, the examiner will (vi) the patent as lacking novelty (that is, it is exactly the same as what was previously known and therefore is not new). If no patent (vii) all of the features, the examiner will attempt to combine two or more prior patents, and attempt to find all of the features in a combination of those prior patents. If the examiner is successful in finding such a combination, the examiner will generally reject the invention as an (viii) combination of items known in the prior art. However, there must be some reason to combine the two references, and often a rejection (ix) on such a combination can be overcome.

13. Translate the following sentences into English.

- (i) Pojem *duševní vlastnictví* zahrnuje práva k veškerým výsledkům duševní činnosti.
- (ii) Patenty jsou udělovány na vynálezy, které jsou nové, jsou výsledkem vynálezecké činnosti a jsou průmyslově využitelné.
- (iii) Za průmyslový vzor schopný ochrany se považuje vzhled výrobku nebo jeho části, spočívající zejména ve znacích linií, obrysů, barev, tvaru, struktury nebo materiálu výrobku samotného nebo jeho zdobení.
- (iv) Autorské právo spočívá v původních autorských dílech zaznamenaných na jakémkoli hmatatelném médiu.
- (v) Ochranná známka je slovo, název, symbol, fráze nebo logo, pomocí kterého se označuje zboží vyrobené nějakou společností a rozlišuje tyto produkty od zboží vyrobeného nebo prodávaného někým jiným.

ANSWER KEY

EX. 1

to describe, to maintain, to refer, to protect, to vary, to classify, to examine, to improve, to register, to infringe, to combine, to indicate, to acquire, to perform, to revise

EX. 2

to reproduce, reproduction; to compare, comparison; to exclude, exclusion; to enforce, enforcement; to deter, deterrent

EX. 3

inventive, invention; permissible, permission; plagiaristic, plagiarism; patentable, patent, patentee

EX. 4

applicable, to apply; marketable, to market; identifiable, to identify; copyrightable, to copyright; valuable, to value

EX. 5

artistic quality; industrial application; copyright office; illicit recordings; intellectual property; public access; licensing body; patentable invention; performing artists; protected rights; fair use; statutory conditions

EX. 6

(i) from; (ii) from; (iii) in; (iv) on; (v) of; (vi) from; (vii) in; (viii) on; (ix) in; (x) out; (xi) from; (xii) for; (xiii) to; (xiv) in/for; (xv) to; (xvi) from; (xvii) of; (xviii) with; (xix) to; (xx) of; (xxi) to; (xxii) from; (xxiii) for; (xxiv) for; (xxv) to; (xxvi) into; (xxvii) at/in

EX. 7

(1) exclusive; (2) applied; (3) action; (4) infringing; (5) deter; (6) intellectual; (7) international; (8) simple; (9) Copyright; (10) automatically; (11) computer; (12) protected; (13) reciprocal; (14) signatories; (15) protection; (16) license; (17) nature; (18) infringe; (19) permissible; (20) creation; (21) against; (22) trade; (23) sign; (24) badge; (25) recognise; (26) registrable; (27) applying; (28) morality

EX. 8

(1) invention; (2) inventor; (3) from; (4) selling; (5) short-term; (6) filing; (7) description; (8) by; (9) granted; (10) which; (11) assets; (12) empowers; (13) proprietor; (14) against; (15) sell; (16) claim; (17) mere; (18) potential; (19) generally; (20) possess; (21) aspects; (22) concerned

EX. 9

(1) independent; (2) producing; (3) helping; (4) patent; (5) monopoly; (6) acquired; (7) provision; (8) Statutory

EX. 10

(i) application; (ii) made; (iii) official ; (iv) search; (v) granted; (vi) oppose; (vii) applying; (viii) oppositions; (ix) inside; (x) request

EX. 11

(i) administers; (ii) designs; (iii) enforceable; (iv) invention; (v) exclusive; (vi) substance; (vii) assess; (viii) meets; (ix) contributes; (x) hold; (xi) phased; (xii) stop; (xiii) license; (xiv) take; (xv) encourage; (xvi) exploit; (xvii) promotes; (xviii) provide

EX. 12

(i) invention; (ii) patented; (iii) differences; (iv) law; (v) review; (vi) reject; (vii) contains; (viii) obvious; (ix) based

EX. 13

- (i) The concept of intellectual property encompasses rights to all results/outcomes of intellectual/mental activities.
- (ii) Patents are granted for inventions that are new, result from inventive activities and are applicable in industry.
- (iii) A design qualified for protection is the appearance of a product or its part, subsisting particularly in lines, contours, colours, shapes, structure or material of the product itself or its ornamentation.
- (iv) Copyright is attached to any original work of authorship recorded on any tangible medium.
- (v) A trade mark can be a word, name, symbol, phrase or logo which designates goods produced by a particular company and distinguishes its products from goods produced or marketed by someone else.

WORD STUDY

1. Derive verbs from the following nouns.

Obligation - to; promise - to; negotiation - to; benefit - to; lease - to; insurance - to; formation - to; discharge - to; performance - to; waiver - to; rendition - to

2. Derive nouns from the following verbs.

To sign; to carry; to enforce; to terminate; to revoke; to engage; to create; to assign; to observe

3. Derive nouns denoting actors (persons) from the following verbs. One example is provided.

To contract - *contractor*; to promise; to negotiate; to sign; to accept; to lease; to violate; to sell; to purchase; to offer; to infringe

4. Match the adjectives with suitable nouns from the list below.

parties; obligations; objective; influence; damages; contract; capacity; agreement

binding; unconditional; liquidated; competent; undue; limited; lawful; contractual

5. Match the nouns with suitable adjectives from the list below.

valid; mutual; legal; injured; gratuitous ; enforceable ; contractual

..... capacity; party; assent; subject-matter; contract; promise; duties

6. Fill in the blanks with appropriate prepositions.

Implied (i)..... the actions (ii)..... the parties; mutual assent (iii)..... the parties; to infer agreement (iv)..... their action; something (v)..... value; to sell something (vi)..... \$20; to exchange something (vii)..... something else; to act (viii)..... public policy; an agreement (ix)..... competent parties; a contract made (x)..... deed; supported (xi)..... written evidence; genuine consent (xii)..... the parties; terms implied (xiii)..... fact; an obligation disaffirmed (xiv)..... one of the parties; give this statement to me (xv)..... writing; contracts arise (xvi)..... agreements; a contract may provide (xvii)..... the transfer of property; an offer may be terminated (xviii)..... rejection or counteroffer; enforceable (xix)..... court; a contract comes (xx)..... existence; except (xxi)..... necessities; responsible (xxii)..... paying; parties (xxiii)..... a contract.

7. The following phrases can be found primarily in texts dealing with the termination of contracts. Fill in the blanks with appropriate prepositions.

Contractual obligations end (i)..... performance or breach (ii)..... the contract; to be relieved (iii)..... performing; a contract is sometimes said to be “discharged” (iv)..... its breach; not to proceed (v)..... something; to be released (vi)..... an obligation; neither party can impose a waiver (vii)..... the other; offer goods (viii)..... a lower price; apply to someone (ix)..... payment; to be entitled (x)..... remedy; (xi)..... every instance; damage caused (xii)..... fire; (xiii)..... the duration of one week; consideration provided (xiv)..... respect (xv)..... the new contract; novation is distinguished (xvi)..... assignment; a party (xvii)..... a contract; to transfer the benefit received (xviii)..... the contract (xix)..... another person; the assignee is able to enforce performance (xx)..... his own right; to banish (xxi)..... the courts; (xxii)..... the same position; to be negligent (xxiii)..... performing a contract; to sue (xxiv)..... damages; (xxv)..... view (xxvi)..... the fact; an amount specified (xxvii)..... a liquidated damages clause; a contract (xxviii)..... the purchase of land; delay (xxix)..... bringing a suit.

8. Complete the sentences below with appropriate words from the following list.
offer, acceptance, voidable, void, agreement, consideration

- (i) Not every is a contract.
- (ii) The two parts of an agreement are the offer and the
- (iii) Sometimes the law will enforce a contract even when there is no
(e.g. a gratuitous promise if it is made by deed) .
- (iv) Harry is still a minor so most of the contracts that he enters into will be
.....
- (v) A contract is one which has no legal effect.
- (vi) I've been trying to sell my car for the past few weeks but I haven't received a(n)
..... that is acceptable.

9. Complete the sentences below with appropriate words from the following list.
breach, discharge, frustration, liquidated, novation, specific, statute, waiver

- (i) Performance is the type of which is anticipated when the parties to a contract make their agreement.
- (ii) occurs whenever the law recognizes that without default of either party a contractual obligation has become incapable of being performed.
- (iii) The Limitations Acts of the various Canadian provinces specify the period of time after which a debt becomes barred.
- (iv) The damages clause of the contract stipulated that the contractor would have to pay \$10,000 for each day of delay in the completion of the building after September 25.
- (v) A failure to fulfil a contractual obligation is called a of contract.
- (vi) performance is an equitable remedy in which the court compels the defaulting party to carry out the terms of the contract.
- (vii) is the situation in which one of the parties to a contract is substituted with another.
- (viii) A is an agreement not to proceed with the performance of a contract.

10. Complete the text with appropriate words from the list below.

accepts; altered; bankruptcy; breach; defaulting; discharged; discharge; excuse; exist; external; factors; impossibility; limitations; notice; obligee; observance; occurs; perform; promises; provides; remedies; rendition; required; services; terminates

A contract is usually (i) by the performance of the terms of the agreement. In most cases, the parties perform their (ii) and the contract ceases to (iii) or is thereby discharged.

Impossibility of performance refers to (iv) or extrinsic conditions as contrasted with the obligor's personal inability to (v) Thus, the fact that a debtor does not have the money to pay and cannot pay a debt does not present a case of (vi) Riots, shortages of materials, and similar (vii) , even though external, usually do not (viii) the promisor from performing a contract.

For example, the death of a person to whom personal (ix) are to be rendered also (x) the contract when the death of that person makes impossible the (xi) of the services contemplated.

In certain situations the law (xii) for the discharge of a contract, such as when the contract has been (xiii) , has been destroyed by the (xiv) , is subject to (xv) proceedings, or is barred by a statute of (xvi) or contractual limitations.

There is a (xvii) of contract whenever one party or both parties fail to perform the contract. A contract is (xviii) by breach if, when one party breaks the contract, the other party (xix) the contract as ended. When a breach (xx) , however, the injured party is not (xxi) to treat the contract as discharged. Since the contract bound the (xxii) party to perform, the injured party may insist on the (xxiii) of the contract and resort to legal (xxiv) An aggrieved party is not held to have accepted the other party's breach as terminating the contract unless (xxv) has been clearly given that the breach was so accepted.

11. Complete the text with the missing terms.

The law of contracts reflects the extent to which society will (i) a promisor to his or her promises. A contract is a special type of (ii) that the law will enforce. The elements of a contract are (iii) assent of the parties, contractual (iv) , consideration, and legal subject matter. If these elements all exist, the contract will generally be (v) Contracts take various (vi) Contracts may be either expressed through words or

(vii) from the actions of the parties. Contracts may also be (viii) to conditions before performance is required, or they may be (ix) In a (x) contract, the occurrence or nonoccurrence of the condition will often (xi) the contract. Some contracts require a return (xii) for acceptance; others simply require that the (xiii) act to accept the contract. The mutual assent of the parties is generally (xiv) through an offer and (xv) An offer reflects the intention of the (xvi) to create a power in the offeree to create a legally (xvii) agreement through acceptance. The offer is required to be (xviii), and it must be communicated to the offeree to be (xix) An offeror has the power to (xx) the offer at any time under the common law unless (xxi) has been given to keep the offer open. The offer can also be terminated through (xxii) or counteroffer by the offeree. Offers will terminate whenever the (xxiii) of the offer becomes illegal, or with the (xxiv) of time. An offer can be accepted at any time prior to its (xxv) An acceptance has to be unconditional, unequivocal, and legally (xxvi) to the offeror.

12. Answer T if you think the statement is true, F if you think the statement is false. Correct any false statements so that they accurately express what is in the texts above. These statements can be checked by rereading the texts that you have read in this unit.

-(i) Not every agreement is a contract.
-(ii) Children have a limited capacity to make contracts.
-(iii) A gratuitous promise is binding if it is made by deed.
-(iv) Being considerate is an essential element of a contract.
-(v) All contracts made by minors are voidable.
-(vi) When a contract is unenforceable the law will allow one of the parties to withdraw from it.
-(vii) The law will not enforce a contract when the parties do not intend to create legal relations.
-(viii) Some verbal contracts must be supported by written evidence.
-(ix) An acceptance has to be unconditional, unequivocal, and legally communicated to the offeror.
-(x) An agreement which is legally binding is a contract.
-(xi) Mistake is an essential element of a contract.
-(xii) The law will not enforce a void contract.
-(xiii) A bilateral contract is one in which one party makes a promise and the other performs an act to accept the offer.

-(xiv) Duress and undue influence are examples of genuine consent.
-(xv) A counteroffer is something that cancels the original offer of the offeror.
-(xvi) The courts will never enforce a contract in which there is no consideration.

13. The following statements deal with termination of contracts. Answer T if you think the statement is true, or F if you think the statement is false. Correct any false statements so that they accurately express what is in the texts above.

-(i) When one person breaches a remedy the non-breaching party is entitled to a contract.
-(ii) Rescission, restitution, reformation and specific performance are examples of equitable remedies.
-(iii) Breach is the type of discharge anticipated when the parties form their contract.
-(iv) A contract is executed when the parties to the contract have satisfactorily performed their respective obligations.
-(v) A bilateral contract is discharged when one party performs his part and the other waives his obligation.
-(vi) Frustration is an agreement not to proceed with the performance of a contract already in existence.
-(vii) Novation occurs when one of the parties to a contract is replaced by another who assumes the original obligations.
-(viii) The English common law originally held a party responsible in every instance of failing to fulfil his promise.
-(ix) Hardship, inconvenience, and material loss are examples of situations in which the doctrine of frustration will be applied.
-(x) When a debt or contractual obligation is statute-barred, the creditor is not able to sue the debtor to recover.
-(xi) The injured party is not under any obligation to reduce or minimise damages.
-(xii) Liquidated damages are the amount payable specified in a provision of a contract should one of the parties default on his obligations.
-(xiii) When an injured party can collect more than the amount specified in a liquidated damages clause, we know that the clause has been declared invalid.
-(xiv) The courts have discretion as to whether or not they will grant the equitable remedy of specific performance.
-(xv) Reformation is an equitable remedy which corrects a mistake in the drawing up of a contract in order to reflect the agreement of the parties.

14. Translate the following sentences into English.

- (i) Podle občanského zákoníku se smlouva jako dvoustranný právní úkon skládá ze dvou jednostranných úkonů, a to z návrhu smlouvy a z jeho přijetí.
- (ii) Smluvní strany přijímají uzavřením smlouvy určité povinnosti a závazky, které jsou právně závazné.
- (iii) Dokud nebyla smlouva uzavřena, může být návrh odvolán.
- (iv) Písemnou formu podle Občanského zákoníku musí mít smlouvy o převodu nemovitostí, jakož i jiné smlouvy, pro něž to vyžaduje zákon nebo dohoda účastníků.
- (v) Platná smlouva je bezvadná (perfektní) smlouva, jejíž předmět je v souladu se zákonem.
- (vi) Smlouva je 1) dohoda 2) mezi stranami, které mají smluvní způsobilost, 3) založená na skutečném souhlasu stran, 4) jejíž předmět neodporuje zákonu, 5) za protihodnotu (protiplnění) 6) ve formě předepsané zákonem.
- (vii) Zrušitelná či relativně neplatná smlouva je smlouva, která může být kdykoliv zrušena jednou ze smluvních stran.
- (viii) Strany kupní smlouvy jsou označovány jako prodávající a kupující.
- (ix) Smluvní stranou může být fyzická či právnická osoba nebo skupina osob.
- (x) Stranami nájemní smlouvy jsou pronajímatel a nájemce.
- (xi) Nezletilé osoby mají omezenou způsobilost vstupovat do smluvních vztahů.
- (xii) Jestliže jedna strana poruší smlouvu, druhá strana má nárok na náhradu.
- (xiii) Poškozená strana je povinna snížit náhradu škody tím, že bude hledat plnění smlouvy jinde.
- (xiv) Když smluvní strany uzavírají smlouvu, předpokládají, že smlouva zanikne splněním.
- (xv) Dluh nebo jiný závazek může být promlčen, jestliže se věřitel dlouhou dobu nehlásí o jeho plnění.
- (xvi) Určená (konkrétní) náhrada škody je částka, vyhrazená ve smlouvě, která musí být zaplácena, jestliže není závazek splněn.

ANSWER KEY

EX. 1

oblige; promise; negotiate; benefit; let/lease; insure; form; discharge; perform; waive; render

EX. 2

signature; carrier/carriage; enforcement; termination; revocation; engagement; creation/creator; assignment/assignor/assignee; observance/observer

EX. 3

Promissor/promisee; negotiator; signatory; acceptant; lessor/lessee; violator; seller; purchaser; offeror/offeree; infringer

EX. 4

binding agreement; unconditional contract; liquidated damages; competent parties; undue influence; limited capacity; lawful objective; contractual obligations

EX. 5

Contractual capacity; injured party; mutual assent; legal subject-matter; valid contract; gratuitous promise; enforceable duties.

EX. 6

(i) from; (ii) of; (iii) of; (iv) from; (v) of; (vi) for; (vii) for; (viii) against; (ix) between; (x) by; (xi) by/with; (xii) of; (xiii) in; (xiv) by; (xv) in; (xvi) from/out of; (xvii) for; (xviii) through; (xix) in; (xx) into; (xxi) for; (xxii) for; (xxiii) to

EX. 7

(i) through; (ii) of; (iii) from; (iv) by; (v) with; (vi) from; (vii) on; (viii) at/for; ix. for; (x) to; (xi) in; (xii) by; (xiii) for; (xiv) in; (xv) of; (xvi) from; (xvii) to; (xviii) under; (xix) to; (xx) in; (xxi) from; (xxii) in; (xxiii) in; (xxiv) for; (xxv) in; (xxvi) of; (xxvii) by/in; (xxviii) for; (xxix) in

EX. 8

(i) Agreement; (ii) acceptance; (iii) consideration; (iv) voidable; (v) void; (vi) offer

EX. 9

(i) discharge; (ii) Frustration; (iii) statute; (iv) liquidated; (v) breach; (vi) Specific; (vii) Novation; (viii) waiver

EX. 10

(i) discharged; (ii) promises; (iii) exist; (iv) external; (v) perform; (vi) impossibility; (vii) factors; (viii) excuse; ix. services; x. terminates; (xi) rendition; (xii) provides; (xiii) altered; (xiv) obligee; (xv) bankruptcy; (xvi) limitations; (xvii) breach; (xviii) discharged; (xix) accepts; (xx) occurs; (xxi) required; (xxii) defaulting; (xxiii) observance; (xxiv) remedies; (xxv) notice

EX. 11

(i) bind; (ii) agreement; (iii) mutual; (iv) capacity; (v) enforced; (vi) forms; (vii) implied; (viii) subject; (ix) unconditional; (x) conditional; (xi) terminate; (xii) promise; (xiii) offeree; (xiv) evidenced; (xv) acceptance; (xvi) offeror; (xvii) binding; (xviii) definite; (xix) valid; (xx) terminate; (xxi) consideration; (xxii) rejection; (xxiii) subject matter; (xxiv) passage; (xxv) termination; (xxvi) communicated

EX. 12

(i) True. (ii) True. (iii) True. (iv) False. Consideration is an essential element of a contract. (v) False. Voidable contracts include SOME agreement made by minors (e.g. those for necessary things such as food, shelter and clothing). (vi) False. When a contract is VOIDABLE the law will allow one of the parties to withdraw from it. (vii) True. (viii) True. (ix) True. (x) True. (xi) False. Mistake may render

the contract invalid. (xii) True. (xiii) False. *A unilateral contract is one ...* (xiv) False. Duress and undue influence are examples of things which interfere with genuine consent. (xv) True. (xvi) False. Sometimes they would.

EX. 13

(i) F: When one person breaches a contract the non-breaching party is entitled to a remedy. (ii) True. (iii) F: Performance is the type of discharge anticipated when the parties form their contract. (iv) True. (v) F: A bilateral contract goes through three stages. A unilateral contract goes through only two stages. (vi) F: A waiver is an agreement not to proceed with a contract already in existence. (vii) True. (viii) True. ix. F: Hardship, inconvenience, and material loss are not examples of situations in which the doctrine of frustration will be applied. (x) True. (xi) F: The injured party is under an obligation to reduce (mitigate) damages. (xii) True. (xiii) True. (xiv) True. (xv) True.

EX. 14

(i) A contract under the Civil Code is a bilateral legal deed/act composed of two unilateral acts called an offer and acceptance.
(ii) Entering into a contract parties to the contract (contracting parties) accept certain duties and obligations which become legally binding on them.
(iii) An offer may be revoked until the contract has been made.
(iv) Under the Civil Code a written form is required in respect of contracts for the transfer of immovables as well as other contracts where the law or agreement between parties request so.
(v) A valid contract is good (perfect) if its subject matter is in compliance with the law.
(vi) A contract is 1) an agreement 2) between parties having contractual capacity, 3) based upon a genuine consent of the parties, 4) whose subject-matter is not against the law, 5) for consideration 6) in a form prescribed by the law.
(vii) A voidable contract is a contract that can be cancelled by either party at any time.
(viii) Parties to a sales contract are called a seller and buyer.
(ix) A party to a contract may be a natural or artificial person or a group of persons.
(x) Parties to a lease are called the lessor and the lessee.
(xi) Minors have limited capacity to enter into contracts (contractual relations).
(xii) If one party breaches a contract, the other party is entitled to remedy.
(xiii) An injured (aggrieved, innocent) party is obliged to mitigate damages by looking for/seeking the performance of the contract elsewhere.
(xiv) When parties make a contract they anticipate that the contract will terminate/be discharged by performance.
(xv) A debt or any other liability may be statute-barred if the creditor fails to claim the performance for a specified period of time.
(xvi) Liquidated damages are an amount stipulated in the contract that must be paid should the obligation fail to be performed.

WORD STUDY

1. Some negative forms of nouns were used in Unit 10. Complete the table with as many nouns with the negative prefixes *dis-*, *in-*, and *mis-* as you can think of.

DIS-	IN-	MIS-

NOTE

Discrimination is not a negative form since it is derived from Latin *discriminare*, i.e. to distinguish, divide, separate.

dis- and *in-* are prefixes creating an opposite meaning of the original word, while *mis-* suggests that something is not right, is badly done or recklessly performed.

2. Match the adjectives with suitable nouns from the list below as they were used in Section A.

agreement, a ratification vote, arbitrator, bargaining, care, conditions, expression, manner, pay, procedure, rebate, services

express; render; collective;
 working; subject to; grievance;
 impartial; reasonable; rent;
 low; responsible.....; vague

3. Match the nouns with suitable adjectives or nouns in the position of an adjective, from the list below as they were used in Section A.

definite, disability, faithful, honest, implied, legislative, mental, poll, reasonable

..... tax; service; handicap;
 allowance; duration;
 amount; manner; terms;
 intervention.

4. Complete the following phrases with appropriate prepositions.

To bargain an agreement wages; a decision subject a ratification vote; the absence of express terms the contrary; to work the terms of a contract; impose vicarious liability the employer; to make provisions families; to be entitled a housing benefit; to be a disadvantage due mental handicap; a person low income; impact the application of employment; agreement the notice period; discriminate the grounds of sex; discrimination employees; complaints racial discrimination; coordinate state agencies the federal act; to be available placement in a similar job; his education was secondary his employment.

5. Look at the jumbled words in the passage. Then write the correct words on the right.

Under the Employment <i>oteircnoPt</i> (Consolidation) Act	1 <i>Protection</i>
1978, as <i>mndedae</i> by the Employment Acts 1980, 1982	2
and 1988, it is <i>fulnawu</i> to discriminate against an	3
employee because he <i>sonji</i> an independent trade union,	4
takes part in its activities, or because he <i>sfseuer</i> to join a	5
union, independent or not. An independent <i>nuoni</i> is one	6
not controlled by the employer. <i>alsssmiD</i> for any of these	7
reasons is <i>uianfr</i> , and the person has three months in which	8
to <i>macil</i> reinstatement, re-engagement and/or	9
compensation through an <i>uilnsdtria</i> tribunal. Two matters	10
can perhaps be <i>toimneedn</i> her. First, the person can,	11
within seven days apply to an industrial <i>linubart</i> for	12
<i>oreprytma</i> reinstatement or re-engagement, pending	13
hearing of the unfair dismissal <i>sace</i> . Secondly, if action	14
short of dismissal is taken <i>tisanga</i> the employee on the	15
above grounds, he can <i>lipamnco</i> to a tribunal within three	16
months, and <i>anonptmsioce</i> can be awarded.	17

6. There are some mistakes in this passage. Can you find them and correct them? Underline the mistake and write the correct word on the right.

The relationship of employer and <u>employ</u> is	1 ... <i>employee</i>
created by the grievance of the parties and is	2
subject to all of the principles applicant to	3
contracts. Where the employment counter sets	4
forth a specific duress, the employer cannot	5
terminate the contract at an early date, unless	6
just case exists. Where no definite time period	7
exists, the individual is an “at will” employer. In	8
those status where the “employment at will”	9
doctrine applies, an employer can term the	10
contract of an at-will employee at a time for any	11
reason or no reason. Course in a number of	12
jurisdictions however have carved out excerpts	13
to this doctrine where the charge violates	14
public policy, or is contrast to good faith and fair	15
dealings in the employ relationship. Also	16
federal laws probate termination of covered	17
employees because of their unity activities or	18
because of their racial, colour, sex, religion,	19
national origin, aging, or handicap. However,	20
employers may terminate employees covering by	21
these federal laws for justice cause.	22

7. Choose suitable words from the list to complete the text about US employment law.

alert; amicable; appointments; at-will; breach; consult; discrimination; documentation; industries; injury; lawful; leadership; non-contractual; offer; protect; regulations; release; varies; violation

The United States has legislated to (i) a wide variety of different groups against employment (ii) However, as in many other countries, US laws change somewhat when the country’s (iii) does. The 2016 change in administration - resulting in changes in both governmental and court (iv) - has resulted in nearly continuous changes in both labor and employment laws and (v) This makes it important to stay (vi) and informed on both general employment issues and issues relating to specific (vii)

With certain limited exceptions, most employment in the United States is on an (viii) basis, meaning that the employer or the employee can terminate a (ix) working relationship at any time and for any reason or no reason, as long as the reasons are (x)

US jurisdictions have statutes allowing an employer to have a policy of employment at will. The employer's (xi) of its at-will policy, if confirmed in signed (xii) letters and employee handbooks, is a defence against a (xiii) of contract claim.

However, many other types of claim – such as discrimination, personal (xiv), wage and hour and (xv) of public policy – can be made by terminated US employees, and the termination of employees is a complicated matter which (xvi) by jurisdiction. While the use of release agreements is recommended to enable early and (xvii) termination arrangements to be reached with employees, when terminating an employee, employers doing business in the United States should (xviii) counsel about the documentation of the termination process and the terms of any (xix) agreement.

8. Choose suitable words from the list to complete the text about Australian employment law.

annual; awarded; basis; comply; comply; creates; distribute; domestic; duty; enforced; entitled; flexible; full-time; hourly; legitimate; notice; official; outlines; parental; public; voluntary; wage

The Fair Work Act of 2009 (FW Act) is the general (i) for all Australia's established employment law, as well as work, health and safety, and non-discriminatory regulations. The act (ii) a council, the Fair Work Commission (FWC), which oversees employment regulations, awards, and enterprise agreements. On an (iii) basis, the FWC reviews minimum (iv) requirements for the country. Most recently, the commission deemed the minimum (v) wage in Australia would be AU\$18.93.

Additionally, the FW Act states that employment contracts need not be in writing to make them (vi) Oral contracts suffice and hold up as (vii) Once employment at an establishment begins, businesses are required to (viii) a copy of the National Employment Standards to their new employees. This document (ix) ten minimum employee entitlements in the workforce which employers must (x) with. These minimum requirements are as follows:

- maximum 38-hour work week for (xi) employees
- employees who have worked for a company for 12 months or more may request (xii) working hours if they meet one of the six categories
- employees are entitled to 12 months of unpaid (xiii) leave and may request an additional 12 months of leave
- full-time employees are (xiv) to annual, paid leave
- employees are entitled to personal/carer’s leave, compassionate leave, and unpaid family and (xv) violence leave
- employees are granted paid leave for jury (xvi) and unpaid leave for (xvii) emergency management activities
- paid leave for (xviii) holidays
- long service leave
- employees are entitled to up to 5 weeks (xix) of termination and up to 16 weeks redundancy pay

If a company does not (xx) with these standards, monetary damages may be (xxi) to employees, as well as possible legal repercussions (xxii) upon the business.

9. Write one word in each gap. The first one is done for you.

The relationship of an employer and an (1) *employee* exists when, pursuant to an express or (2) agreement of the parties, one person, the employee, undertakes to perform (3) or to do work under the direction and control of another, the (4) In older cases this was described as the (5) relationship. An employee without agency authority is hired only to work under the control of the employer, as (6) with (a) an agent, who is to negotiate or make contracts with (7) persons on behalf of and under the control of a (8), and with (b) an independent contractor, who is to (9) a contract independent of, or free from, control by the other party.

The relationship of employer and employee can be (10) only with the consent of both parties. Generally the (11) of the parties is a contract, and it is therefore subject to all of the principles (12) to contracts. The contract will ordinarily be (13) but may be implied, as when the employer accepts the (14) of services which a reasonable person would recognize as being rendered with the expectation of receiving (15)

10. Write one word in each gap. The first one is done for you.

The Sex Discrimination Act 1975 renders it (1) *unlawful* for employers to discriminate on grounds of sex in (2) a post (foreman, salesgirl), (3) employees, or in the terms offered. It is also unlawful to discriminate in (4) , training, transfer, or other benefits, facilities or services, or in selection for (5) , short-time or other detriments. Discrimination as to membership of (6) unions or other bodies which can affect employment (7) is also covered. The non-discrimination provisions mainly protect (8) , but equally apply to discrimination against men, or against any person on (9) that he or she is married. The rules are discussed for (10) mainly in terms of discrimination against women. A person (11) against a woman if, because she is a woman: (a) he (12) her less favourably than he would a man, or (b) he (13) some requirements or condition which men are more likely to (14) than women (for example, "must have a beard") unless he can show that the job really (15) this special requirement.

Discrimination is only (16) , therefore, if being a man (or woman) is a genuine occupational (17) for the job. Some jobs, for example, demand (18) male characteristics (actor rather than actress).

11. Translate the following sentences into English.

1. Pracovněprávní vztah vzniká, když se jedna osoba zaměstnanec zaváže vykonávat práci nebo poskytovat služby pro jinou osobu zaměstnavatele a dostává za svou práci mzdu.
2. Pracovní poměr může být uzavřen pouze se souhlasem obou stran.
3. Kolektivní vyjednávání znamená, že představitelé zaměstnanců vyjednávají se zaměstnavatelem nebo skupinou zaměstnavatelů o výši mezd, pracovní době a dalších pracovních podmínkách.
4. Pracovník musí chránit majetek zaměstnavatele a chovat se tak, aby nezpůsobil škodu na zdraví svým spolupracovníkům nebo sobě.
5. Zákon o rovné mzdě má za cíl zajistit rovnou mzdu pro muže a ženy, pokud vykonávají stejnou práci.
6. I když se obecně má za to, že v České republice existuje diskriminace žen na pracovištích, je jen málo případů, kdy to potvrdil i soud.

ANSWER KEY

EX. 2

express **agreement**; render **services**; collective **bargaining**; working **conditions**; subject to a **ratification vote**; grievance **procedure**; impartial **arbitrator**; reasonable **care**; rent **rebate**; low **pay**; responsible **manner**; vague **expression**

EX. 3

poll tax; **faithful service**; **mental handicap**; **disability allowance**; **definite duration**; **reasonable amount**; **honest manner**; **implied terms**; **legislative intervention**

EX. 4

To bargain **for** an agreement **on** wages; a decision subject **to** a ratification vote; the absence of express terms **to** the contrary; to work **within** the terms of a contract; impose vicarious liability **on** the employer; make provisions **for** families; to be entitled **to** a housing benefit; to be **at** a disadvantage due **to** mental handicap; a person **on** low income; impact **on** the application of employment; agreement **on** the notice period; discriminate **on** the grounds of sex; discrimination **against** employees; complaints **of** racial discrimination; coordinate state agencies **under** the federal act; to be available **for** placement in a similar job; his education was secondary **to** his employment.

EX. 5

1 Protection; 2 amended; 3 unlawful; 4 joins; 5 refuses; 6 union; 7 Dismissal; 8 unfair; 9 claim; 10 industrial; 11 mentioned; 12 tribunal; 13 temporary; 14 case; 15 against; 16 complain; 17 compensation.

EX. 6

2 **grievance** agreement; 3 **applicant** applicable; 4 **counter** contract; 5 **duress** duration; 6 **early** earlier; 7 **case** cause; 8 **employer** employee; 9 **status** states; 10 **term** terminate; 11 **an** any; 12 **Course** Courts; 13 **excerpts** exceptions; 14 **charge** discharge; 15 **contrast** contrary; 16 **employ** employment; 17 **probate** prohibit; 18 **unity** union; 19 **racial** race; 20 **aging** age; 21 **covering** covered; 22 **justice** just.

EX. 7

(i) protect; (ii) discrimination; (iii) leadership; (iv) appointments; (v) regulations; (vi) alert; (vii) industries; (viii) at-will; (ix) non-contractual; (x) lawful; (xi) documentation; (xii) offer; (xiii) breach; (xiv) injury; (xv) violation; (xvi) varies; (xvii) amicable; (xviii) consult; (xix) release

EX. 8

(i) basis; (ii) creates; (iii) annual; (iv) wage; (v) hourly; (vi) official; (vii) legitimate; (viii) distribute; (ix) outlines; (x) comply; (xi) full-time; (xii) flexible; (xiii) parental; (xiv) entitled; (xv) domestic; (xvi) duty; (xvii) voluntary; (xviii) public; (xix) notice; (xx) comply; (xxi) awarded; (xxii) enforced

EX. 9

(1) employee; (2) implied; (3) services; (4) employer; (5) master-servant; (6) contrasted; (7) third; (8) principal; (9) perform; (10) created; (11) agreement; (12) applicable; (13) express; (14) rendering; (15) compensation

EX. 10

(1) unlawful; (2) advertising; (3) engaging; (4) promotion; (5) dismissal; (6) trade; (7) prospects; (8) women; (9) grounds; (10) convenience; (11) discriminates; (12) treats; (13) applies; (14) meet; (15) demands; (16) permissible; (17) qualification; (18) authentic

EX. 11

1. The relationship of an employer and employee exists when one person, the employee, undertakes to perform services or to do work under the direction of another, the employer.
2. The relationship of employer and employee can be created only with the consent of both parties.
3. Under collective bargaining, representatives of the employees bargain with a single employer or group of employers for an agreement on wages, hours, and working conditions for employees.
4. A worker must take reasonable care of his employer's property, and be careful that his conduct does not harm fellow workers or himself.
5. The Equal Pay Act aims to ensure equal pay for men and women doing the same work.
6. Although the general understanding suggests that discrimination against women at a workplace exists in the Czech Republic, there have been just a few cases brought and won in courts.

MARTA CHROMÁ

INTRODUCTION TO LEGAL ENGLISH

2020

WORD STUDY AND ANSWER KEY

Vydala Univerzita Karlova
Nakladatelství Karolinum
Ovocný trh 560/5, 116 36 Praha 1
www.karolinum.cz

Praha 2020

Redakce Alena Jirsová

Grafická úprava Jan Šerých

Sazba Stará škola (staraskola.net)

Vydání druhé, upravené

Elektronická podoba Word Study and Answer Key,
uveřejněná na www.karolinum.cz, je nedílnou součástí
titulu Introduction to Legal English 2020.

ISBN 978-80-246-4723-4