

МИНИСТЕРСТВО ВНУТРЕННИХ ДЕЛ РОССИЙСКОЙ ФЕДЕРАЦИИ

Казанский Юридический Институт МВД России



Английский язык для обучающихся в адъюнктуре

Учебное пособие

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Составители: кандидат педагогических наук, доцент Баринаева О.Ю.,
кандидат педагогических наук, доцент Мингазизова Г.Г.

Цель данного учебного пособия – сформировать у адъюнктов способность и готовность к активному владению профессионально-ориентированным английским языком в различных сферах межкультурной коммуникации.

Адресовано преподавателям адъюнктам и слушателям вузов МВД, может быть использовано в образовательном процессе при обучении курсантов, слушателей и адъюнктов в образовательных организациях МВД России в рамках изучения дисциплины «Иностранный язык».

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Введение

Цель данного учебного пособия – обучить адъюнктов активному владению английским языком в сфере профессиональной деятельности юриста, а также формированию у них способности и готовности к межкультурной коммуникации.

Для достижения этой цели необходимо формировать у обучающихся общекультурные компетенции, а также совершенствовать коммуникативные компетенции (языковую, речевую, социокультурную, компенсаторную и учебно-познавательную).

Основной задачей курса «Иностранный язык в сфере юриспруденции» является формирование у адъюнктов иноязычной коммуникативной компетенции как основы профессиональной деятельности на иностранном языке, что предполагает решение следующих конкретных задач обучения: освоение обучаемыми языкового материала, в том числе расширение словарного запаса за счет правовой лексики; совершенствование навыков чтения литературы по специальности на английском языке с целью получения профессионально значимой информации (кодексы, нормативные акты, судебные решения, научная литература, меморандумы и т.д.); совершенствование навыков говорения и аудирования, ориентированное на коммуникацию в профессионально-деловой сфере деятельности будущих юристов; развитие навыков работы с профессиональной информацией на иностранном языке и способами ее переработки в различные виды документации по профилю будущей профессии (реферирование, аннотирование, перевод юридической литературы, а также формирование навыков письма, в первую очередь формирование умений вести деловую и личную переписку, составление заявлений, резюме и т.д.

Дисциплина «Иностранный язык в сфере юриспруденции» является обязательным компонентом профессиональной подготовки.

Данное учебное пособие нацелено на совершенствование и дальнейшее развитие навыков и умений в чтении, говорении, аудировании и письме,

полученных адъюнктами в рамках общеобразовательного стандарта в первую очередь путем изменения иноязычной сферы коммуникации с общекультурной на профессиональную.

Каждый раздел курса включает профессионально направленные аутентичные и адаптированные учебные тексты (для изучающего, ознакомительного, просмотрового и поискового чтения), лексико – грамматические комментарии и упражнения. Овладение всеми видами чтения литературы по специальности на английском языке с целью получения профессионально значимой информации представляется необходимым для будущих юристов, так как чтение как вид речевой деятельности широко востребовано при решении ряда профессиональных задач.

Большое внимание уделяется наполнению разделов, содержащих лексические единицы, которые были введены в предыдущих разделах, или вводятся в данном разделе, что снимает трудности в активизации новых лексико – грамматических единиц. Количество упражнений и разнообразие заданий способствует совершенствованию навыков устной и письменной форм коммуникации.

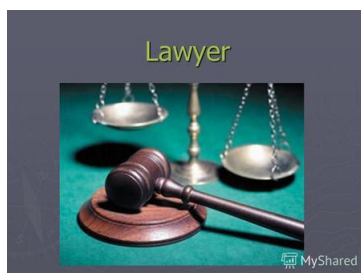
При работе с языковым материалом основное внимание уделяется обогащению лексического запаса за счет изучения терминологических и сопутствующих лексических единиц общенаучного и функционального характера, наиболее часто применяемых в сфере профессиональной коммуникации. В сфере изучения грамматического аспекта предполагается повторение, углубление и систематизация изученных в рамках общеобразовательного стандарта грамматических структур в целях активизации навыков и умений структурно – семантического анализа профессионально - ориентированного текста, а также использования грамматических явлений в иноязычной профессиональной коммуникации. Задания на закрепление грамматики и профессионально – ориентированной лексики предусматривают формирование навыков перевода с английского

языка на русский, а также начальных навыков переводческих трансформаций отдельных грамматических конструкций, часто встречающихся в юридических текстах.

Раздел 1

Юридические профессии в Великобритании, США и России

Legal professions



Правовой

document – правовой документ

obligation – правовое обязательство

system – система права

судебный

action –судебный иск

costs – судебные издержки

decision –решение суда

procedure – судопроизводство

remedy – средство судебной защиты

законный

government – законное правительство

foundation – законное основание

owner – законный владелец юридический

person – юридическое лицо

profession – профессия юриста

advisor - юрисконсульт

ethics - профессиональная этика юриста

department – юридический отдел

language – юридический язык, язык юристов

aid - юридическая помощь

1. Переведите на русский язык следующие английские предложения, обращая внимание на словосочетания со словом “legal”.

1. To the rest of the world the English legal profession is very strange because historically there were two types of lawyers: barristers and solicitors. 2. Every legal system has many shortcomings. 3. Criminal charges and divorce are normally seen as matters needing legal help and advice. 4. Not every accident victim has a legal remedy. Some accidents are nobody's fault. 5. There is a large information gap in people's awareness of their legal rights. 6. Such legal knowledge as people had come largely from newspapers and television.

В английском языке существует группа так называемой интернациональной лексики. К ней относится, например, слово “legal”. О значении слов этой группы нетрудно догадаться, так как в русском языке есть однокоренные аналоги. Однако в специализированной литературе интернациональные слова могут образовывать терминологические словосочетания (клише), отличные от их однокоренных аналогов.

2. The new Community Legal Service aims to provide legal information as well as legal advice and representation. 8. Newspapers regularly carry frightening stories about losers in legal actions who face bills of thousands of pounds. 9. Legal costs of the lowest income group are paid by the state. 10. Legal aid is usually granted as long as financial test is satisfied.

2. Прочитайте интернациональные слова, обращая внимание на их правильное произношение по-английски, и переведите их на русский язык.

Advocate, licensed, clients, jurisdiction, specialization, profession, qualification, training, examinations, office, type, business, contracts, audience, normally, options, career, private, civil, criminal, faculty, college, dissertation, arbitrator, professor, politician.

Legal Profession Vocabulary

1. a person learned in law – специалист в области права

2. an individual licensed by the state to engage in the practice of law – человек, получивший государственную лицензию на ведение юридической практики
3. to do all the legal work – заниматься всеми видами юридической работы

4. solicitors and barristers – солиситоры и барристеры

5. preparing cases to be tried in the civil or criminal courts – подготовка дел, которые должны слушаться в судах гражданской и уголовной юрисдикции

6. to have rights of audience – иметь право выступать в суде

7. to pursue a Bachelor (LLB) or a Master (LLM) of Laws degree – добиваться получения степени бакалавра или магистра права

8. a series of advanced examinations – ряд экзаменов повышенной сложности

9. to require extensive clinical training in a form of apprenticeships - требуют прохождения юридической практики широкого профиля в форме ученичества

10. legal education around their chosen specialty – юридическое образование смежное с выбранным направлением

Прочитайте и переведите текст.

A lawyer is a person learned in law. A lawyer, also known as an attorney, a counselor, a solicitor, a barrister or an advocate, is an individual licensed by the state to engage in the practice of law and advise clients on legal matters.

Lawyers act as both advocates and advisors on behalf of their clients. The role of the lawyer varies significantly across legal jurisdictions, and therefore can be treated in only the most general terms. Lawyers' roles vary greatly, depending upon their practice environment and field of specialization. In most countries there is only one legal profession. This means that all the lawyers have roughly the same professional education leading to the same legal qualifications, and they are permitted to do all the legal work.

In England the system is different. Here the profession is divided into two types of lawyers, called solicitors and barristers. Solicitors and barristers are both qualified lawyers, but they have different legal training; they take different examinations to qualify; and once they have qualified, they usually do different types of legal work.

Many solicitors deal with a range of legal work: preparing cases to be tried in the civil or criminal courts; giving legal advice in the field of business and drawing up contracts; making all the legal arrangements for the buying and selling of land or houses; assisting employees and employers; making wills.

Barristers are mainly “courtroom lawyers” who actually conduct cases in court. Unlike solicitors, they have rights of audience (rights to appear) in any court of the land, and so barristers are those lawyers who appear in the more difficult cases in the higher courts.

The educational requirements to becoming a lawyer vary greatly from country to country. In some countries, law is taught by a faculty of law, which is a department of a university's general undergraduate college.

Law students in those countries pursue a Bachelor (LLB) or a Master (LLM) of Laws degree. In some countries it is common or even required for students to earn another bachelor's degree at the same time. Besides it is often followed by a series of advanced examinations, apprenticeships, and additional coursework at special government institutes.

In other countries, particularly the United States, law is primarily taught at law schools. Most law schools are part of universities but a few are independent institutions. Law schools in the United States (and some in Canada and elsewhere) award graduating students a J.D. (Juris Doctor/Doctor of Jurisprudence) as the practitioner's law degree (a professional degree).

However, like other professional doctorates, the J.D. is not the exact equivalent of the Doctor of Philosophy (Ph.D.), a university degree of the highest level, since it does not require the submission of a full dissertation based on original research. The methods and quality of legal education vary widely. Some

countries require extensive clinical training in the form of apprenticeships or special clinical courses. Many others have only lectures on highly abstract legal doctrines, which force young lawyers to figure out how to actually think and write like a lawyer at their first apprenticeship (or job).

In most common law countries lawyers have many options over the course of their careers. Besides private practice, they can always aspire to becoming a prosecutor, government counsel, corporate in-house counsel, judge, arbitrator, law professor, or politician. In most civil law countries, lawyers generally structure their legal education around their chosen specialty; the boundaries between different types of lawyers are carefully defined and hard to cross. After one earns a law degree, career mobility may be severely constrained.

Найдите в тексте английские эквиваленты, соответствующие следующим словосочетаниям.

- 1) консультировать клиентов по вопросам права
- 2) выполнять все виды юридической работы
- 3) солиситоры и барристеры
- 4) сдавать квалификационные экзамены
- 5) право преподается на юридическом факультете
- 6) университетский колледж, готовящий бакалавров
- 7) степень магистра
- 8) добиваться получения степени бакалавра
- 9) присвоить ученую степень доктора юриспруденции (США)
- 10) защита диссертации
- 11) научно- исследовательская работа
- 12) учебная практика
- 13) ученичество, место начального практического обучения
- 14) штатный юрисконсульт компании
- 15) страны общего права (англо-саксонской системы права)
- 16) страны романо-германской (континентальной) системы права

Соотнесите слова из двух колонок так, чтобы получились словосочетания из текста, переведите их на русский язык и составьте с ними свои предложения.

- 1) to take
- 2) to deal with
- 3) to draw up
- 4) to make
- 5) to have
- 6) to go to
- 7) to engage in
- 8) to advise on
- 9) to depend on
- 10) on behalf of
- a) the clients
- b) the practice of law
- c) the right of audience
- d) court
- e) the practice environment
- f) legal matters
- g) legal arrangements
- h) contracts
- i) legal advice
- j) a range of legal work

Прочитайте определения и соотнесите их со словами из рамки.

1. Law developed by judges through decisions of courts. _____
2. The degree awarded to an individual upon the successful completion of a law school. _____
3. An academic degree awarded for an undergraduate course or major that generally lasts for three or four years. _____

4. Lawyers who traditionally deal with any legal matter including conducting proceedings in courts. _____

5. An academic degree granted to individuals who have undergone study demonstrating a mastery or high-order overview of a specific field of study or area of professional practice. _____

6. A legal system inspired by Roman law. _____

7. A postgraduate academic degree awarded by universities.

8. A member of one of the two classes of lawyers found in many common law jurisdictions with split legal profession specializing in courtroom advocacy, drafting legal pleadings and giving expert legal opinions. _____

7. По образцу предыдущего задания дайте определения следующим понятиям из текста, связанным с профессией юриста.

Воспользуйтесь толковым словарем или Интернет ресурсом (Wikipedia).

1. Prosecutor _____

2. Government counsel _____

3. Corporate in-house counsel _____

4. Judge _____

5. Arbitrator _____

6. Law professor _____

7. Politician _____

Прочитайте текст, замените русские слова и словосочетания, стоящие в скобках, английскими выражениями.

1. *BACHELOR'S DEGREE (LLB)* 2. *MASTER'S DEGREE (LLM)* 3. *JURIS DOCTOR DEGREE (JD)* 4. *DOCTOR OF PHILOSOPHY (PH.D)* 5. *SOLICITOR* 6. *BARRISTER* 7. *COMMON LAW* 8. *CIVIL LAW*

A number of law schools have (учебную практику) in which students gain legal experience through practice, (судебные процессы) and projects (под руководством) of practising (юристы) and law school faculty. Law school

(учебная практика) may include work in (юридических консультациях), for example on the staff of legislative committees.

Law school graduates receive the (степень доктора юриспруденции) as the first professional (ученая степень). Advanced law (ученые степени) may be desirable for those planning to specialize, (заниматься научно-исследовательской работой), or teach. Some law students (добиваются получения) joint degree programs, which usually require an additional semester or year of study. Joint degree programs are offered in a number of areas, including (право) and business administration or public administration.

Повторение грамматики.

Раскройте скобки и поставьте глаголы в правильную форму.

Joe (to grow up) in a small town, then (to move away) to attend college and law school. He (to decide) to come back to the small town because he could be a big man in this small town. He really (to want) to impress everyone. He (to open) his new law office, but business (to be) very slow at first. One day, he (to see) a man coming up the path. He (to decide) to make a big impression on this new client when he (to arrive). As the man (to come) to the door, Joe (to pick up) the phone. He (to motion) the man in, all the while talking. “No. Absolutely not. You tell those clowns in New York that I (not settle) this case for less than one million. Yes. The Appeals Court (to agree) to hear that case next week. I (to handle) the primary argument and the other members of my team (to provide) support. Tell the District Attorney that I (to meet) with him next week to discuss the details.” This sort of thing (to go on) for almost five minutes. Joe (to put down) the phone and (to turn) to the man. “I (to be) sorry for the delay, but as you can see, I (to be) very busy. What can I do for you?” The man (to reply), “I (to be) from the phone company. I (to come) to repair your phone.”

Прочитайте текст и расскажите на английском языке о юридическом образовании и профессии юриста в Англии. Задайте вопросы к тексту.

В Англии есть два типа юристов – солиситоры и барристеры. Барристер - это юрист, который ведет судебные дела, выступает в суде, готовит документы для суда и т.д. Солиситоры после 1990 года тоже получили право выступать в суде, если у них есть специальный сертификат. В Англии (не в Великобритании) в 2008 году было 112,2 тысяч солиситоров и около 16,5 тысяч барристеров. С 1997 по 2008 год количество юристов в Англии увеличилось более чем на 50%.

Для того чтобы стать солиситором нужно иметь юридическое образование. Это либо бакалавр права в Англии (3 года) (LLB), либо бакалавр в какой-либо другой области плюс годичный интенсивный курс профильного образования (называется GDL – Graduate Diploma in Law).

Кроме юридического образования надо получить контракт на прохождение практики в юридической фирме (training contract). В течение двух лет надо проработать в 4 разных департаментах по 6 месяцев в каждом. Получить образование в Англии относительно легко. Что действительно сложно, так это получение контракта на прохождение практики – в хорошие фирмы конкуренция составляет около 20-40 человек на место.

Ответьте на вопросы:

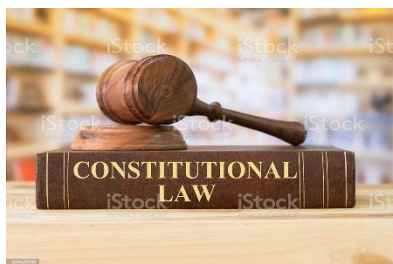
CAN YOU BE A LAWYER?

1. Do you love to argue?
2. Can you manipulate things for your benefit?
3. Is your mind sharp like a knife?
4. How good are your lying abilities?
5. How good are you at convincing people?
6. Can you twist the truth in your favour?
7. What genres of movies/novels do you like most?

Раздел 2

Конституционное право Великобритании и США

Constitutional Law



Vocabulary

1. the House of Representatives – Палата Представителей
2. the introduction of a bill to the Congress – внесение законопроекта на рассмотрение Конгресса
3. a constituent – избирательный округ
4. an appropriate committee – соответствующий комитет
5. a subcommittee – подкомитет
6. to move a bill forward – продвигать законопроект
7. consideration – рассмотрение, обсуждение
8. to introduce an amendment – внести поправку
9. to pass both houses of the Congress – пройти обсуждение в обеих палатах Конгресса
10. to sign a bill into law – поставить подпись на законопроекте, сделав его тем самым законом

1. Прочитайте текст и ответьте на вопросы.

1. What is the legislative body in the USA? What does it consist of?
2. What are the steps in the legislative process?
3. What are the sources of bills?
4. Who can introduce the legislation?
5. What options has the President upon receiving a bill?

The Congress of the United States is the highest lawmaking body in the United States and one of the oldest national legislatures in the world. The U.S. Congress consists of two houses - the Senate and the House of Representatives. A member of the Senate is referred to as a senator, and a member of the House of Representatives is called a representative or congressman or congresswoman.

The general process for making a bill into a law is described in the Constitution. The first step in the legislative process is the introduction of a bill to the Congress. Bills originate from several different sources: from individual members of the Congress, from a member of a constituent or a group of constituents, from one or more state legislatures, or the President or his administration, but only members of the Congress can introduce legislation.

After being introduced, a bill is referred to the appropriate committee for review. There are 17 Senate committees, with 70 subcommittees, and 23 House committees, with 104 subcommittees. A bill is first considered in a subcommittee, where it may be accepted, amended, or rejected. If the members of the subcommittee agree to move a bill forward, it is reported to the full committee, where the process is repeated again. If the full committee votes to approve the bill, it is reported to the House or the Senate.

When the bill comes up for consideration, the House has a very structured debate process. Each member who wishes to speak has only a few minutes, and the number and kind of amendments are usually limited. In the Senate, debate on most bills is unlimited - Senators may speak to issues other than the bill under consideration during their speeches, and any amendment can be introduced. A bill must pass both houses of the Congress before it goes to the President for consideration. Once debate has ended and any amendments to the bill have been approved, the full membership will vote for or against the bill.

The bill is then sent to the President. When receiving a bill from the Congress, the President has several options. If the President agrees with the bill, he or she may sign it into law. If the President disagrees with the bill, he may veto it

and send it back to the Congress. The Congress may override the veto with a two-thirds vote of each chamber, at which point the bill becomes law and is printed.

2. Выразите согласие/несогласие со следующими утверждениями, используя следующие речевые модели.

Model: a) I fully agree with the statement.

b) I am afraid, I can't agree with it.

1. The Senate is the main legislative body of the USA.
2. The Constitution of the USA sets forth the general process for making a bill into law.
3. The first step in the legislative process is voting.
4. In the House of Representatives, debate on most bills is unlimited.
5. All bills must pass both houses of the Congress before it goes to the President.
6. Upon receiving a bill from the Congress, the President has to sign it.
7. The Congress has no right to override the presidential veto.

Vocabulary

1. the House of Lords – Палата Лордов
2. the House of Commons – Палата Общин
3. similar – подобный, схожий
4. scrutiny – тщательная проверка
5. a life peer – пожизненный пэр (титул и привилегии не передаются по наследству)
6. a hereditary peer – потомственный пэр (титул и привилегии передаются по наследству)
7. to proceed to committee stage – перейти на стадию обсуждения в комитете

8. to propose further amendments – предлагать дальнейшее внесение поправок

9. to reach agreement – достигнуть соглашения

10. the Royal Assent – королевская санкция

1. Прочитайте текст и ответьте на вопросы.

1. What is the legislative body in the UK? What does it consist of?

2. What are the steps in the legislative process?

3. What are the sources of bills? Who can introduce the legislation?

Legislation in the United Kingdom

In Great Britain laws are made in Parliament at Westminster. The British Parliament consists of the monarch, the House of Lords, and the House of Commons. Their work is similar: making laws (legislation), checking the work of the government (scrutiny), and debating current issues. The House of Lords is composed of life peers and hereditary peers. The House of Commons is composed of Members of Parliament (MPs).

The idea for a new law can come from a variety of sources: bills may be introduced by any member of either House (a "Private Member's Bill"), a Minister of the Crown (a "Government Bill"), by the general public ("Public Bills"), by an individual or small group of individuals (a "Private Bill").

First reading is the first stage of a Bill's passage through the House of Commons - usually a formality, it takes place without debate. The short title of the Bill is read out and then the Bill is printed. The Bill is published as a House of Commons paper for the first time.

The next stage is second reading, the first opportunity for MPs to debate the general principles and themes of the Bill. Once second reading is completed the Bill proceeds to committee stage. Committee stage is where detailed examination of the Bill takes place, clause by clause, determining the intent and impact of the

Bill's language. This is therefore often considered the most important step in the parliamentary process for researchers aiming to determine legislative intent. It is at this stage that amendments are made. If the Bill has been amended the Bill is reprinted before its next stage.

Once committee stage is finished, the Bill returns to the floor of the House of Commons for its report stage, where the amended Bill can be debated and further amendments proposed. All MPs can suggest amendments to the Bill or new clauses (parts) they think should be added.

Report stage is normally followed immediately by debate on the Bill's third reading. Amendments (proposals for change) cannot be made to a Bill at the third reading in the Commons.

The process in the House of Lords is very similar to the process in the House of Commons. The Bill will have the pro forma first reading, then the second reading. After the second reading the Bill will normally be referred to a Committee of the Whole House. The Bill then passes through a consideration stage and the third reading. In the House of Lords amendments may be made in the Committee of the Whole House, the consideration stage, and the third reading (this is different from the House of Commons where no amendments can be made in the third reading).

If the Bill is started in the Commons it goes to the House of Lords for its first reading. If the Bill is started in the Lords it returns to the House of Lords for consideration of any amendments the Commons has made. Both Houses must agree on the exact wording of the Bill. A Bill may go back and forth between each House until both Houses reach agreement.

When a Bill has completed all its parliamentary stages in both Houses, it must have the Royal Assent before it can become an Act of Parliament. The Royal Assent is the monarch's agreement to make the Bill into an Act and is a formality. When Royal Assent has been given to a Bill, the announcement is usually made in both Houses by the Lord Speaker in the Lords and the Speaker in the Commons.

2. Закончите предложения согласно содержанию текста и переведите их на русский язык.

- 1 . The British Parliament consists of
2. During the first reading the short title of the Bill
3. The second reading is the first opportunity
4. The committee stage is
5. Once the committee stage is finished, the Bill returns to the floor of the House of Commons for its report stage, where
6. The report stage is followed by
7. The process in the House of Lords is
8. The Royal Assent is... .
9. When the Royal Assent has been given to a Bill,

1. Прочитайте текст и ответьте на вопросы.

1. When was the US Constitution adopted?
2. What does the US Constitution consist of?
3. How are the first 10 amendments to the US Constitution called?
4. What rights and liberties are protected under the Bill of Rights?
5. What kind of trial is guaranteed by the Bill of Rights?
6. What are the key features of the US Constitution?
7. What are the three branches of power according to the Constitution?
8. Is there a strict separation of powers in the USA?
9. Does any branch have more power than the others?
10. What duties does every branch have regarding the other branches under the principle of checks and balances?

The US Constitution

The form of the US government is based on the Constitution of 1787 which was adopted after the War of Independence. The US Constitution consists of 7

articles and 27 amendments. The first 10 amendments are called the Bill of Rights and were adopted in 1791 under popular pressure.

The Bill of Rights is a series of limitations on the power of the United States federal government, protecting the natural rights and liberties, property including freedom of religion, freedom of speech, a free press, free assembly, and free association, as well as the right to keep and carry arms.

In federal criminal cases, it requires indictment by a grand jury for any capital crime, guarantees a speedy, public trial with an impartial jury composed of members of the state in which the crime occurred.

A key feature of the US Constitution is federalism – the division of power between the national government and the states. Another major feature of the Constitution is the principle of the separation of powers within the national government. According to this principle the executive, legislative and judicial branches exercise powers that are largely separate and distinct. There is not a strict and complete separation of powers, the powers of the three branches overlap. Each branch has its own responsibilities, but no branch has more power than the other branches. There is the system of checks and balances. Under this principle each branch has certain duties to check the powers of the other branches. This system was meant to protect against the extremes since it makes compromise and consensus necessary.

The legislative branch is called the Congress which consists of the Senate and the House of Representatives. It is the responsibility of the Congress to propose and pass laws. In the system of checks and balances, Congress can refuse to approve Presidential appointments and can override presidential veto.

The executive branch consists of the President, the Vice President, the Cabinet and the 13 Departments, and also the independent agencies. Its responsibility is to enforce laws. According to the principle of checks and balances, the President has the power of veto to reject the bill of the Congress. He also appoints all Supreme Court Justices.

The judicial branch consists of the Supreme Court, 11 Circuit Courts of Appeals and 94 District Courts. This branch explains and interprets laws and makes decisions in lawsuits. It has the power over the other two branches and according to the principle of checks and balances can declare their actions and laws unconstitutional in case they violate the principles of the Constitution.

2. Выразите согласие/несогласие со следующими утверждениями, используя следующие речевые модели.

Model: a) I think it is true. The text tells us that ...

b) To my mind, it is false because ...

1. The US Constitution was adopted in 1918 after the World War I.
2. The first 10 amendments are called the Bill of Rights.
3. The Bill of Rights sets forth the structure of the Federal Government.
4. The key features of the US Constitution are federalism, the separation of powers and the system of checks and balances.
5. The legislative branch has more powers than the others.
6. The powers of the three branches don't overlap.
7. The system of checks and balances was meant to protect against the extremes.
8. The responsibilities of the Congress are to protect the rights of citizens and enforce laws.
9. The executive branch consists of the President, the Vice President, the Cabinet and the 13 Departments, and also the independent agencies.
10. The judicial branch explains and interprets laws and makes decisions in lawsuits.

3. Прочитайте текст и ответьте на вопросы.

1. What makes the UK Constitution different from other constitutions?
2. What are the sources of the UK Constitution?

3. What is the core principle of the UK Constitution?
4. What bodies represent the three branches of power (executive, legislative and judiciary)?

The British Constitution

The British Constitution is unwritten unlike the constitution in America or the proposed European Constitution, and as such, is referred to as an uncodified constitution in the sense that there is no single document that can be identified as Britain's constitution. The British Constitution can be found in a variety of documents. The main ones are: Statutes (the Magna Carta of 1215 and the Act of Settlement of 1701), Acts of Parliament; customs and traditions, political conventions, case law; constitutional matters decided in a court of law.

Since the English Civil War, the core principle of the British constitution has traditionally been the doctrine of parliamentary sovereignty, according to which the statutes passed by Parliament are the UK's supreme and final source of law. It follows that Parliament can change the constitution simply by passing new Acts of Parliament to be followed by the Royal Assent. There is some debate about whether this principle remains entirely valid today, in part due to the UK's European Union membership.

According to the doctrine of parliamentary sovereignty, Parliament may pass any legislation that it wishes. There are many Acts of Parliament which themselves have constitutional significance. For example, Parliament has the power to determine the length of its own term. However, the Sovereign retains the power to dissolve Parliament at any time on the advice of the Prime Minister.

Parliament also has the power to change the structure of its constituent Houses and the relation between them. Parliament consists of the Sovereign, the House of Commons and the House of Lords. All the legislation must receive the approval of the Sovereign (the Royal Assent). Following the accession of the UK

to European Economic Community (now the European Union) in 1972, the UK became bound by European law and more importantly, the principle of the supremacy of European Union law.

The House of Commons alone possesses the power to pass a motion of no-confidence in the Government, which requires the Government either to resign or seek fresh elections. Such a motion does not require passage by the Lords, or the Royal Assent. Parliament traditionally also has the power to remove individual members of the government by impeachment. By the Constitutional Reform Act 2005 it has the power to remove individual judges from office for misconduct.

The executive power in the United Kingdom is exercised by the Sovereign through Her Majesty's Government. The monarch appoints the Prime Minister as the head of Her Majesty's Government in the United Kingdom. The Prime Minister then selects the other Ministers which make up the Government. As in some other parliamentary systems of government, the executive is accountable to Parliament.

The Courts of the United Kingdom are divided into three separate jurisdictions serving England and Wales, Scotland and Northern Ireland, since the United Kingdom does not have a single unified judicial system.

The Constitutional Reform Act 2005 created a new Supreme Court of the United Kingdom to take over the judicial functions of the House of Lords and devolution cases from the Judicial Committee of the Privy Council. The Supreme Court began its work in 2009, and serves as the highest court of appeal in England, Wales and in Northern Ireland, and for civil cases in Scotland. The High Court of Justiciary remains the court of last resort in Scotland for criminal cases.

4. Выразите согласие/несогласие со следующими утверждениями.

1. The British Constitution is unwritten unlike the Constitutions of the USA and the proposed European Constitution.
2. The British Constitution can be found in a variety of documents.
3. Amendments to the British Constitution need the approval of both Houses of Parliament, but they do not need the Royal Assent.

4. Parliamentary sovereignty has always been the core principle of the British Constitution.
5. The Sovereign has no power to dissolve Parliament.
6. Parliament has no power to change the structure of its houses.
7. The British Parliament consists of the House of Commons and the House of Lords.
8. The European law has priority over the UK law.
9. The executive power in the United Kingdom is exercised by the Sovereign.
10. The Constitutional Reform Act 2005 created a new Supreme Court of the United Kingdom.

5. Прочитайте текст о различных типах конституций и переведите его.

Types of Constitutions

A Constitution is a system which establishes the fundamental rules and principles which a state will use to govern and regulate.

There are several types of constitutions: written/unwritten, rigid/flexible, federal/unitary. The term written constitution is used to describe a constitution that is entirely written, that is codified in one single document. Written constitutions normally consist of a ceremonial preamble, which sets forth the goals of the state and the motivation for the constitution, and several articles containing the substantive provisions.

The term unwritten constitution is used to describe a constitution in which no single, formal document delineates the powers of a government. Instead, an unwritten constitution comprises the body of a country's laws, enacted over time, with an emphasis on political precedent and parliamentary procedure, to create a framework in which a limited government operates. Unwritten constitutions can

contain written sources: e.g. constitutional statutes enacted by the Parliament; and also unwritten sources: constitutional conventions, customs and traditions.

Many historians use the term “rigid” to describe the Constitution because in such constitution there are provisions in writing that cannot be legally changed with the same ease and in the same manner as ordinary laws. On the other hand, the Constitution is called “flexible” because it is an unwritten document that can be changed by an act of Parliament or through a process of amendment.

The federal constitution establishes the division of authority between the Federal Government and the component units of the government. In a federal constitution, sovereignty is invested in the central government. It allows a limited amount of government among units.

The unitary constitution relates to the parliament. It follows parliamentary system of power. The unitary constitution establishes a unitary system of government where a central government does exist. Although units are associated with that government, sovereignty is controlled by the central government.

Раздел 3

Договорное право

The Law of Treaties



Vocabulary

1. instrument – (международный) договор
2. common title – общее название
3. preamble – преамбула, вступление
4. in simplified form – в упрощенной форме
5. to be cloaked with (authority) – быть наделенным (властью)
syn. to be vested with
6. to set forth (the rights and obligations) – излагать (права и обязанности)
7. to comprise provisions – содержать положения
8. to enter into force – вступать в силу
entry into force – вступление в силу
9. termination of the treaty – прекращение действия договора
10. accession – присоединение (к международному договору)
11. seal – печать
12. to clarify – прояснять
13. to be authentic – зд. быть основным
14. mutual relations – взаимоотношения
15. to conclude a treaty – заключить договор
16. to distinguish between – делать различие между

1. Прочитайте и переведите текст.

Over the past centuries, state practice has developed a variety of terms to refer to international instruments by which states establish rights and obligations among themselves. "Treaty" is the most common title of an international agreement but the following are also used: convention, act, general act, protocol, agreement, *modus vivendi*, concordance, charter, declaration, and compromise. Although there is no officially correct form, treaties generally comprise four parts: the title, the preamble, the main body, and the final part.

a. Title: A description of the type of treaty and the subject matter, the title often also includes the names of the contracting parties. Treaties concluded in simplified form do not usually have titles.

b. Preamble: Following the title and serving as an introduction, the preamble states the reasons for the treaty, the names of the negotiating representatives, and the authority with which the representative is cloaked.

c. Main body: This sets forth the rights and obligations of the parties.

d. Final part: The final part comprises the provisions setting forth the guidelines for entry into force, termination of the treaty, revisions, accessions, reservation, publication, and languages in which the text will be written. The treaty finally concludes with the date and place of conclusion and the signatures and seals of the contracting parties.

Language: There is no universal rule as to what language or what number of languages must be utilized for the text of the treaty. Rather, the language of the treaty is selected by the contracting parties. When a treaty is published in more than one language, the treaty itself should clarify which text is to be the authentic and authoritative one.

Although these instruments differ from each other by title, they all have common features and international law has applied basically the same rules to all of these instruments. These rules are the result of long practice among the States, which have accepted them as binding norms in their mutual relations. Therefore,

they are regarded as international customary law. Since there was a general desire to codify these customary rules, two international conventions were negotiated. The 1969 Vienna Convention on the Law of Treaties ("1969 Vienna Convention"), which entered into force on 27 January 1980, contains rules for treaties concluded between States. The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations ("1986 Vienna Convention"), which has still not entered into force, added rules for treaties with international organizations as parties. Both the 1969 Vienna Convention and the 1986 Vienna Convention do not distinguish between the different designations of these instruments. Instead, their rules apply to all of those instruments as long as they meet certain common requirements.

The Vienna Convention on the Law of Treaties defines a treaty as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument, or in two or more related instruments and whatever its particular designation."

2. Переведите следующие слова и словосочетания из текста.

- 1) subject matter
- 2) negotiating representatives
- 3) customary rules
- 4) *modus vivendi*
- 5) international instrument
- 6) to establish rights
- 7) contracting parties
- 8) to enter into force
- 9) accession
- 10) to comprise provisions

3. Найдите в тексте английские эквиваленты русским словосочетаниям.

- 1) международный договор
- 2) состоять из 4-х частей
- 3) служить предисловием
- 4) права и обязанности сторон
- 5) прекращение действия договора
- 6) оговорка
- 7) общие черты
- 8) являться результатом
- 9) кодифицировать правовые нормы
- 10) в письменном виде

4. Прочитайте текст еще раз и ответьте на вопросы.

1. What is the most common title of an international agreement?
2. What other titles of “treaty” are listed in the text?
3. How many parts does a treaty comprise? What are they?
4. Which part of a treaty sets forth the rights and obligations of the parties?
5. Are there any rules as to what language or what number of languages must be utilized in a treaty?
6. How does the Vienna Convention define a treaty?

5. Замените русские слова и выражения в скобках соответствующими английскими эквивалентами.

- 1) “Treaty” is the most common title of (международного договора).
- 2) Treaties generally comprise the title, the preamble, the main body and (заключительную часть).

- 3) The main body of the agreement sets forth (права и обязанности сторон).
- 4) The treaty finally concludes with the date and place of conclusion and (подписями и печатями) of the contracting parties.
- 5) The rules are the result of long practice among the States, which (приняли) them as binding norms in their mutual relations.
- 6) These binding norms (считаются) as international customary law.
- 7) Since there was a desire (кодифицировать) these customary rules, two international conventions were negotiated.
- 8) The 1969 Vienna Convention on the Law of Treaties (вступила в силу) on 27 January 1980.
- 9) Both Conventions (не делают различия между) the different designations of the instruments used.
- 10) The rules apply to all the instruments as long as they meet certain (общие требования).

The Classification of Treaties

Прочитайте текст.

There exist different classifications of treaties. Political treaties include alliances, peace settlements, disarmament agreements, and territorial settlements. Commercial treaties deal with tariffs, fishing rights, navigation, and the opening of consulates and offices of tourism. Some treaties are constitutional or administrative documents. The United Nations Charter is an example. Such treaties establish and regulate international organizations and specialized agencies. There are treaties that deal with criminal justice, that define international crimes such as terrorism, and that provide for extradition, or the process by which one state surrenders to another an individual for trial. Treaties pertaining to civil law are conventions for the protection of human rights and for the enforcement of trade mark and copyright

laws. The codifying of international law also comes within the scope of treaties. These include rules for the conduct of war and the settlement of disputes. A single treaty often embraces several of these elements.

The principle that treaties must be observed – *pactasuntservanda*—constitutes the foundation of the law of treaties. The Vienna Convention on the Law of Treaties states this as follows: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.” This means that each treaty that is legitimately in force is legally binding on all signatories. It must be carried out in good faith, i.e. not formally but honestly; each signatory State has the duty to take all measures necessary to carry out the treaty's provisions in accordance with its aims and principles. The principle of good faith prohibits abuses of treaty rights – that is, their use to the disadvantage of the legitimate rights and interests of other States. Finally, an important substantive element of the principle that “treaties must be observed” is that a State may refuse to implement a treaty or limit its implementation only on the basis of international law. A signatory State does not have the right to refer to its own domestic law to justify the non-execution of treaties.

6. Найдите в тексте английские эквиваленты следующим словам и словосочетаниям и составьте с ними предложения.

- 1) установление мира
- 2) урегулирование территориальных споров
- 3) соглашение о разоружении
- 4) торговый договор
- 5) заниматься уголовным судопроизводством
- 6) предусматривать выдачу преступника властям
- 7) иметь отношение к гражданскому праву
- 8) защищать авторские права
- 9) товарный знак

- 10) урегулировать споры
- 11) соблюдать договор
- 12) являться обязательным
- 13) добросовестно выполнять обязательства
- 14) подписавшаяся сторона
- 15) злоупотребление договорными правами

7. Передайте краткое содержание текста на английском языке.

8. Переведите положения, изложенные в таблице, на английский язык и расскажите об основном принципе международного договорного права “pactasuntservanda.”

—	ПАСТА SUNT SERVANDA
→	1. Добросовестное выполнение своих международных обязательств всеми государствами.
→	2. Неукоснительное выполнение своих международных обязательств независимо от внутренних и внешних условий.
→	3. Нарушение договора не может оправдываться ссылкой государства на свое внутреннее право.
→	4. Договоры, заключаемые государством, не должны противоречить друг другу.
→	5. Государство не вправе произвольно прекращать или пересматривать свои договоры.

→	6. Форма договора не умаляет его обязательств.
→	7. Разрыв дипломатических отношений государствами не препятствует соблюдению ими договоров.

The Conclusion of Treaties

Прочитайте текст и озаглавьте части (В-Н).

A. Stages in the Conclusion of Treaties

The conclusion of an international treaty consists of two stages:

a) the first stage is a harmonizing of wills of States or of other subjects of international law with regard to rules of conduct, i.e. concerning the text of the treaty. In concluding bilateral treaties this includes negotiations between parties and arriving at accord on the text of the treaty. In concluding multilateral treaties this stage consists in the drafting and adoption of the text of the treaty by the corresponding international conference or organ of an international organization. At multilateral conferences the text of the treaty is adopted by a two-thirds majority of the participants unless other provisions are made.

b) the second stage concerns a harmonizing of the wills of States concerning their recognition of the norms of the treaty as binding and consists of individual actions by States that may differ depending on the relevant terms of specific treaties (signing, ratification, etc).

B.

Although the Vienna Convention itself does not provide a definition, “adoption” is generally defined as the formal act signifying that the form and content of the treaty have been agreed upon. Adoption signifies that the negotiations have been completed, disputed points have been resolved, and the wording of the final document agreed.

C.

The signing of the treaty may, by itself, signify the state's definitive consent to be bound when: the treaty states that the signature is a signal of the state's definitive consent; it is otherwise established by the contracting parties; or intent that the signature establishes definitive consent is indicated from the "full powers" document or otherwise expressed during the negotiations.

D.

Historically, ratification was the process of verifying the authority given the representatives who had negotiated and signed a treaty, but the modern understanding in many states is that ratification is a check on the treaty-making powers of the executive branch by passing the treaty through the parliamentary/legislative branch of government. Ratification provides an additional opportunity to carefully consider the rights and obligations of a treaty before consenting to be bound by its terms. The law of treaties, as reflected in the Vienna Convention, does not require ratification for a state to be bound by a treaty, and many informal international agreements bind parties on the basis of a signature alone.

E.

Accession is the process by which a state which was not a signatory of the treaty may nevertheless become a party to the treaty and be bound to its terms. Parties to a treaty are not given different treatment according to the manner in which they became parties.

F.

Article 14 of the Vienna Convention refers to "acceptance" as "an expression of consent to be bound either without a signature or after a non-binding prior signature." Acceptance is not so much an actual method of consent as it is a term seen in treaty provisions, the meaning of which varies according to the context.

G.

The term “approval” was introduced into international law to correspond to the internal procedures of states which call for the “approval” of treaties.

H.

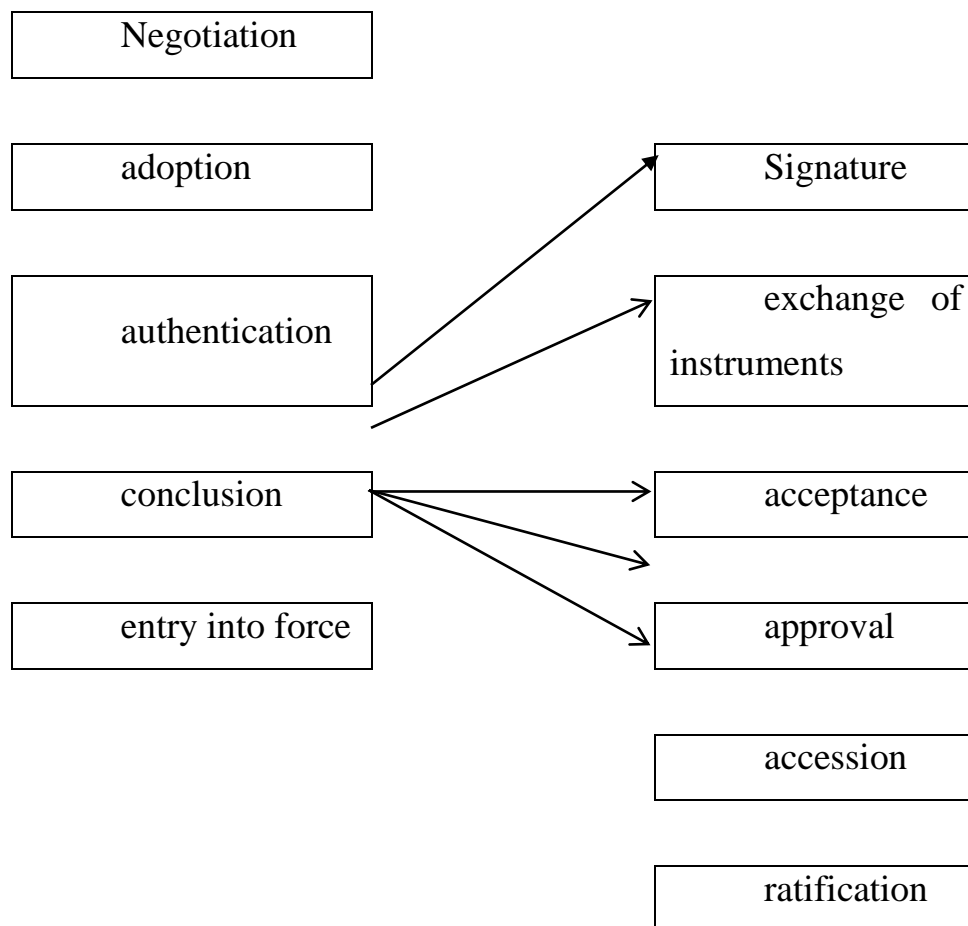
Entry into force is the actual implementation of the treaty’s terms and in the Vienna Convention is governed by article 24. Entry into force often occurs when specific requirements laid out in the treaty have been met.

9. Закончите следующие предложения, используя необходимую информацию из текста.

1. Consent may be expressed in many ways:
2. “Adoption” is generally defined as
3. Ratification is a check on the treaty-making powers of the executive branch by passing the treaty through
4. Accession is the process by which a state which was not a signatory of the treaty may
5. “Acceptance” is an expression of consent to be bound either without a signature or after
6. Entry into force often occurs when specific requirements

10. Расскажите о договорном процессе, используя таблицу.

Treaty process



Раздел 4
Семейное право
Family Law



System of Law
Classifications and Branches of Law

1. Посмотрите на картинки, приведенные ниже. Что на них изображено? Как вы думаете, каким образом они связаны с понятием «право» и в курсе каких правовых дисциплин вы можете столкнуться с подобными проблемами и понятиями? Свой ответ обоснуйте. Начните ответ с одного из выражений, данных в рамке.

I think – я думаю

I suppose – я полагаю

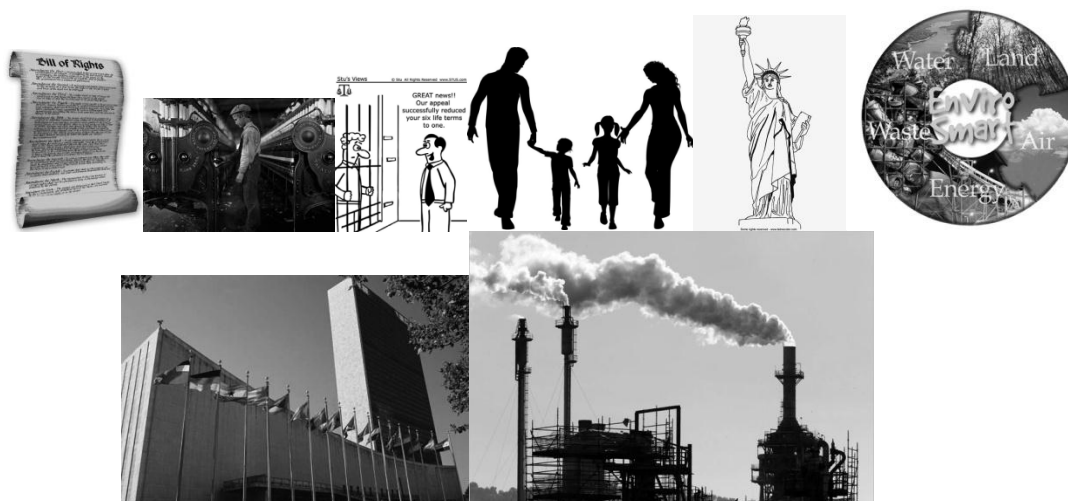
I believe – я считаю

If you ask me I'll say that – если вы спросите меня, то я скажу, что

To my mind – по моему мнению

In my opinion – по моему мнению

I'm not sure but it seems to me that – я не уверен, но мне кажется, что



2. а) Подберите русские эквиваленты к следующим отраслям права:

International law

Criminal law

Employment law

Financial law

Banking law

Land law

б) Подберите английские эквиваленты к следующим отраслям права:

Конституционное право

Административное право

Гражданское право

Семейное право

Экологическое право

Военное право

в) Соотнесите русские эквиваленты из левой колонки с английскими словосочетаниями из правой:

Налоговое право

Договорное право

Предпринимательское право
Коммерческое (торговое) право
Таможенное право
Корпоративное право
Деликтное право
Уголовно-процессуальное право
Авторское право
Право интеллектуальной собственности
Tax law
Copyright law
Commercial law
Intellectual property law
Tort law
Corporate law
Criminal Procedural law
Business law
Customs law
Contract law

3. Ответьте на вопросы:

1. Which branches of law from exercise 2 can be associated with the pictures above?
2. What do you think the basic branches of law are?
3. Which branches of law do you consider the most useful for potential lawyers?
4. Which branch would you choose as your major? Why?

Active vocabulary

Custody – опека, попечительство

Violence at home – насилие в семье (в доме)

To commit crimes – совершать преступления

Welfare – благополучие, пособие по социальному обеспечению

Divorce – развод

Emotional support – эмоциональная поддержка

Right to property – право на собственность

To protect – защищать

Legitimate – законный

To deal with – иметь дело, заниматься

Family Law

Family law is a branch of law, which deals with “domestic relations», it is concerned with such subjects as adoption, amendment, divorce, separation, paternity, custody, support and child care.

The law sees the family as a special institution. Family law considers married and unmarried couples, and their children; custody of and responsibility for children; and protection from violence at home.

In some societies, the family is thought to be so important that there is very little legal intervention in family life. (in many Islamic countries) However, in many parts of the world, the law now promotes the rights the rights of individuals within the family unit, and regulates family relations through legislation.

In general, the welfare of children is the biggest concern of family law. In most countries, legal systems treat children differently from adults. In economically developed countries, there are limits on the type and amount of work a child is allowed to do. There are age limits on the rights and duties of citizens. In Britain as in many countries, there are special courts with very strong powers to control and transfer private property in the interests of children. Special courts deal with young people who commit crimes.

The laws in most countries place more emphasis upon marriages legally registered than social arrangements whereby people live together. In Britain, children born outside legitimate marriages have fewer rights to financial support from estranged fathers than legitimate children. In addition, if they are born outside

the UK, they are less likely than legitimate children to be granted British citizenship. Their fathers have no automatic right to contact with them. Some welfare payments are calculated on a different basis according to whether recipients are married or not, and more procedures are available to a married woman than an unmarried one in seeking protection from domestic violence. In English law, some marriages may be dissolved or nullified.

A couple may also seek a divorce. The procedure may be lengthy, especially if one does not want to get divorced or if there are children. Divorce proceedings in England take place in certain County Courts known as divorce county courts.

Some matters are also dealt with in the Family Division of the High Court. A divorce will not be issued until satisfactory arrangements have been made for any children of the marriage, including determining who is to have custody of the children. In case of property, the courts have to find balance between two principles.

One of that is any division should fairly reflect how much each party contributed to the property they held together. Nowadays, courts look beyond legal ownership and cash contributions. Work done in the home, time spent caring for the family, even emotional support, are all considered as giving some rights to property.

1. Прочитайте и переведите текст, ответьте на вопросы, выполните задания.

1. What is the biggest concern of Family law?
2. Why are children treated differently than adults by law?
3. Do children born outside legitimate marriages have the same rights with legitimate children?
4. Whom does Family law consider?
5. May a married couple seek a divorce?
6. Whose interests are taken into account first of all when people get divorced?

7. In what case will a divorce be issued?

2. Найдите в тексте английские эквиваленты русским словам и словосочетаниям:

1. вмешательство
2. регулировать
3. законный, легальный
4. поддержка
5. аннулировать брак
6. опека, попечительство
7. развод
8. вкладывать деньги
9. поддерживать, способствовать
10. судебное разбирательство

3. Переведите на русский язык следующие слова и словосочетания из текста:

1. private
2. register
3. welfare payment
4. citizenship
5. child care
6. age limits
7. legislation
8. emotional support
9. strong powers
10. adoption

4. Согласитесь или опровергните утверждения, используя речевые модели, изученные ранее (см. модули 1, 2 и 3).

1. Family law is a branch of law that deals with employment relations.
2. There are no special family courts in the UK.
3. The welfare of children is the biggest concern of family law.
4. Family law regulates the relations in a family.
5. Children and adults are treated equally by the law.
6. There are no age limits on the rights and duties of citizens.
7. According to English law marriages can never be dis

Раздел 5

Банковское право

Banking



Banking is business connected with money lending, borrowing, investing and servicing. Banks provide a whole range of services for individuals. A customer can open a current account with the bank. From now the bank will keep his money safe for him until he wants to spend it. In a few days the bank will supply the customer with a checkbook instead of carrying a lot of cash.

If the customer wants to buy something he makes out a check. The shop will send the check to its account at its own bank. The shopkeeper's bank will pass the check on to the customer's bank and the money will be transferred from one account to the other. Automatic check processors sort millions of checks a day. The electronic eyes read the details on each check which are then recorded on the bank's computers against the current accounts. So the more people use checks to pay for things the less they need to move cash from one place to another.

Another convenient way of paying for things is a credit card. In England most credit cards are provided by companies owned by the banks. The customer doesn't need to carry cash or a checkbook. Instead he uses his credit card which allows him to spend up to a limit which has been agreed. At the end of a month the card holder receives a statement showing what he has spent. He can then pay for all purchases with one check either by posting it off to the company or by paying it into the bank and the bank can help to make it easier to pay other bills as well. It's easy to send a check by post or use the bank credit system available at every bank

branch. There are some payments which customers have to make regularly, for e. g. insurance and rent payment. In this case there is no need to make out any checks at all. Instead the customer signs a standing order or a direct debit mandate and the bank sees that the regular bill is paid every month if the customer keeps enough money on his account. It's easier to pay by credit cards, especially when wage is paid directly into the bank account.

Study the Vocabulary:

lend – одалживать деньги, давать займы

borrow – занимать деньги

range – диапазон, ассортимент, ряд

current account – текущий счет

a statement - выписка из счета

to pay bills – оплачивать счета

rent payment – оплата за аренду, квартиру

wage – зарплата

standing order/ direct debit mandate – постоянное поручение
(распоряжение, выданное клиентом банка выплачивать в указанный день определенную сумму денег конкретному получателю платежа)

SERVICES PROVIDED BY THE BANK

Investment in shares can be made through any branch of the bank on behalf of the customers. All quoted stock exchange securities can be bought or sold with maximum security and minimum formality through the bank. Being in constant touch with leading stock brokers, the bank is in position to obtain information regarding all classes of stocks and shares in which customers may be interested. Shares may be bought or sold without any charges beyond those payable to a stockbroker, and the bank is responsible for the proceeds of a sale and for the

delivery of the certificate on a purchase. An investment report service is also available for the customer who needs a portfolio being managed individually. In addition, professional advice can be given on investments in foreign stock not quoted on the London Stock Exchange.

Share certificates, documents, jewellery and valuables can be stored in special depositories of the bank.

The bank also provides a permanent service for personal income tax payers by checking tax liabilities and preparing tax returns and claims. If the sources of income and allowances are complicated, it is not easy to know for the individual if he is paying the right amount of tax. The bank helps the customer on particular problems resulting from Capital Gains Tax (CGT) and Capital Transfer Tax (CTT).

Insurance need not be a problem for the bank customers either. Insurance cover for life, house accident or anything else may be effected through any bank insurance. This is the service which employs highly experienced brokers in this field. They can usually provide the best possible terms consistent with absolute safety.

No matter what the customer's age is, it is a wise and considerable precaution to make a will. When one dies, it will be his executor's responsibility to protect and to distribute the property in accordance with his last will. The appointment of the bank as the will executor ensures that the estate will be dealt with efficiently and in strict confidence.

on behalf of – от лица

share – акция

quoted stock exchange securities – ценные бумаги, котированные на бирже

proceeds of a sale – продажа ценных бумаг на внебиржевом рынке с использованием выручки для покупки других бумаг

certificate on a purchase – лицензия на покупку/документ, подтверждающий право приобретения

investment report – отчетность о состоянии вклада/ инвестиций

foreign stock – иностранная акция, ценная бумага
personal income tax payers – подоходный налог, взимаемый с частных лиц
tax liabilities – задолженность по налоговым платежам
tax return – налоговый доход, налоговая декларация
allowances – денежные пособия/содержание
Capital Gains Tax (CGT) – налог на доход от прироста капитала
Capital Transfer Tax (СТТ) – налог на передачу капитала
insurance – страхование
to make a will – составить завещание
the will executor – судебный исполнитель по завещаниям
estate – имущество, недвижимость

Central banking system

The central banking system is a major sector of any modern monetary system. Central banks are responsible for the implementation of monetary policy and supervision over the banking system. They control the money supply, fix the minimum interest rate, act as lenders of last resort to commercial banks with liquidity problems, issue coins and bank notes, influence exchange rates by intervening in foreign exchange markets. Central banks impose reserve requirements, obliging commercial banks to deposit a certain amount of money with the central bank at zero interest. The CBR has been using the following main instruments of monetary policy:

- fixed targets for the money supply growth,
- refinancing of commercial banks,
- interest rates,
- open market operations,
- commercial banks reserve requirements,
- foreign currency control,
- direct quantity restrictions.

Commercial banks

Commercial banks are businesses that trade in money. They provide payment services and act as financial intermediaries. They offer a variety of services such as deposit and current account.

A current account usually pays little or no interest, but allows the holder to withdraw cash with no restrictions. A deposit account pays interest. A notice is often required to withdraw money. Standing orders are ways for customers of paying regular bills at regular intervals.

Banks offer loans and overdrafts. A bank loan is a fixed sum of money, lent for a fixed period, on which interest is paid; banks usually require some form of guarantee before lending. An overdraft is an arrangement by which a customer can overdraw an account; interest on the debt is calculated daily.

Also commercial banks carry out the following functions: consider bills, open Letter of credit; carry out operations with a foreign currency, issue travelers' cheques, provide safe-deposit strong-room facilities for clients' valuables.

The more recent development in banking is the merging of investment and commercial banking.

Contract.

Trade is a major factor in economic development of any country including Russia. More than 145 countries of the world are our trade partners. But it was a very difficult process of forming good relations. One of the most important things in foreign trade is drawing up contracts.

A Contract is an agreement of buy-back transaction between the Buyer and Seller. In foreign trade transaction a Contract is drawn up to give legal expressions to the intention of the partners and to ensure that the obligations contained in the Contract will be fulfilled. Usually a Contract is drawn up and then signed in duplicate for each partner. In other words, the Seller and the Buyer issue 4 copies of a Contract. Contract usually covers different forms of foreign trade.

According to the purpose and contents Contracts can cover goods, services, licenses, patents, technology and known-how.

According to Russian laws contracts must always be made in the form of duly signed documents containing the terms of an agreement between two firms or associations called counterparts to supplies goods or services as a rule at a fixed price.

Foreign trade activities comprise several stages: market research work; choosing proper methods of trade on this particular market; planning foreign trade operation; carrying out a publicity campaign; preparations and conclusion of a Contract of sale with a foreign counterpart; fulfillment of contractual obligations.

A written Contract of sale is made out in the form of a document signed both by the Buyers and the Sellers. When there is no necessity of introducing special terms and conditions into the Contract of sale.

+Contract contains the following clauses: naming of the Parties; subject of the Contract and volume of delivery; prices and the total value of the Contract; time of delivery; terms of payment; transportation of goods; the seller's guarantees; sanction and compensation for damage; insurance ; force majeure circumstances; arbitration; general provisions.

Раздел 6

Интеллектуальная собственность

Intellectual Property Law



What is intellectual property law?

Intellectual Property (IP) law relates to the establishment and protection of intellectual creations such as inventions, designs, brands, artwork and music.

These rights are established, protected, enforced and promoted through means such as patents (usually for such things as technical inventions), trademarks (for goods and services), copyright (music, art and literature) and designs (products and logos).

What does an intellectual property lawyer do?

Lawyers tend to specialise in either contentious or non-contentious IP. Non-contentious work involves checking and registering client's rights through, for example, patents and trademarks, as well as drafting commercial agreements to issue licences that allow others to use those rights.

Contentious work is required when a client's rights have been infringed or abused in any way, for example, when counterfeit products are being sold or music is used illegally.

How to get into intellectual property law?

Having a degree in a STEM subject is preferable but not essential for a career in intellectual property law. Work experience in the area is important so gaining as much IP experience as possible will help. This doesn't need to be legal based. Many people come from the entertainment industry, engineering and technology industries to become an IP lawyer. You will also need to follow all the steps to becoming a qualified solicitor.

What skills do you need to be an intellectual property lawyer?

Clients can range from unknown individuals with a brilliant idea to patent, through to pharmaceutical giants and famous artists. IP lawyers need to build a rapport with a wide range of different people, and be able to think commercially and from a client's point of view.

Lawyers in this practice area need to understand the complex and technical language – many IP lawyers have previous relevant experience in other fields like science, technology and medicine. Attention to detail is vital as is the ability to manage huge volumes of paperwork alongside some tight deadlines.

IP work is likely to involve commercial law and litigation so it's a good idea to look at the skills required for those areas too.

Why study intellectual property law?

Studying intellectual property law will not only allow you to progress into an exciting and ever-evolving area of law, but will also teach you attention to detail, technical and scientific knowledge and broader awareness of areas like commercial law, creative commons and litigation. It is an area that has seen a rise in interest over recent years and will continue to become an important part of law.

Average salary in intellectual property law

A newly qualified solicitor in a firm outside of the city or smaller criminal practice may expect to earn around £30,000 to £50,000. An average IP solicitor salary in London is anything from £40,000 to £80,000 based on five years' experience according to IPCareers.com. For those with over ten years' experience, earnings can range from £60,000 to £140,000. Those based in London and bigger cities will often earn more too.

Intellectual Property Quiz

How much do you know about the basics of intellectual property? Complete our short quiz to find out!

1. What protects the intellectual property created by artists?

☒ Copyright ☐ Geographical indications ☐ Patents ☐ Registered designs ☐ Trademarks

2. What protects the intellectual property created by designers?

☐ Copyright ☐ Geographical indications ☐ Patents ☐ Registered designs ☐ Trademarks

3. What protects the intellectual property created by inventors?

☐ Copyright ☐ Geographical indications ☐ Patents ☐ Registered designs ☐ Trademarks

4. Which of these is a geographical indication?

☐ BMW ☐ Champagne ☐ Hogwarts ☐ PlayStation ☐ World Wide Web

5. What does a trademark protect?

☐ An invention ☐ A work of art ☐ Logos, names and brands ☐ The look, shape and feel of a product ☐ A secret formula

6. In most countries, how long does copyright last for?

- ☐ 10 years after the creation of the work
- ☐ 50 years after the creation of the work
- ☐ 10 years after the death of the person who created that work
- ☐ 50 years after the death of the person who created that work

7. How long do patents usually last for?

- ☐ 10 years
- ☐ 20 years
- ☐ 40 years
- ☐ 60 years

8. If you write an original story, what type of intellectual property gives you the right to decide who can make and sell copies of your work?

- ☐ Copyright
- ☐ Geographical indications
- ☐ Patents
- ☐ Registered designs
- ☐ Trademarks

9. Imagine a sports team sets up a company to sell its own range of clothes. What type of intellectual property can the team use to show that the clothes are made by them?

- ☐ Copyright
- ☐ Geographical indications
- ☐ Patents
- ☐ Registered designs
- ☐ Trademarks

10. If a company develops a new technology that improves its main product, what type of intellectual property can they use to stop others from copying their invention?

- ☐ Copyright
- ☐ Geographical indications
- ☐ Patents
- ☐ Registered designs
- ☐ Trademarks

Заключение

Материал учебного пособия рассчитан на улучшение навыков в знании общего английского языка, что достигается при помощи интерактивной методики. Представлено большое разнообразие упражнений для развития навыков чтения, письма, говорения и аудирования.

При работе с языковым материалом основное внимание уделяется обогащению лексического запаса за счет изучения терминологических и сопутствующих лексических единиц общенаучного и функционального характера, наиболее часто применяемых в сфере профессиональной коммуникации. В сфере изучения грамматического аспекта предполагается повторение, углубление и систематизация изученных в рамках общеобразовательного стандарта грамматических структур в целях активизации навыков и умений структурно-семантического анализа профессионально-ориентированного текста, а также использования грамматических явлений в иноязычной профессиональной коммуникации.

Задания на закрепление грамматики и профессионально-ориентированной лексики предусматривают формирование навыков перевода с английского языка на русский, а также начальных навыков переводческих трансформаций отдельных грамматических конструкций, часто встречающихся в юридических текстах.

Основная и дополнительная литература

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Цели и задачи дисциплины «Иностранный язык»

Федеральным государственным образовательным стандартом учебная дисциплина «Иностранный язык» включена в базовую часть Блока I дисциплины (модули) программы подготовки 40.07.01 Юриспруденция. Базовая часть программы, в том числе направленная на подготовку к сдаче кандидатских экзаменов, является обязательной для освоения обучающимся независимо от направления программы адъюнктуры, которую он осваивает.

Цели программы обучения по учебной дисциплине «Иностранный язык» заключаются:

- подготовка высококвалифицированных кадров высшей квалификации в области социально-культурной деятельности, решающих научно-исследовательские, научно-педагогические задачи;
- развитие у адъюнктов личностных качеств и формирование универсальных компетенций в соответствии с ФГОС ВО по направлению подготовки 40.07.01 Юриспруденция;
- формирование модели профессионально-личностного роста, высокой профессиональной культуры научно-исследовательской деятельности будущих специалистов высшей квалификации;
- развитие у адъюнктов инструментальной компетенции, (т.е. коммуникативной, лингвистической, социокультурной и её разновидностей), позволяющей эффективно использовать иностранный язык в научной деятельности – работать с зарубежной литературой и с документацией по специальности;
- дальнейшее совершенствование уровня практического владения иностранным языком по специальности, полученного в высшей школе и позволяющего использовать его в научной работе.

Программа обучения дисциплине «Иностранный язык» нацелена на реализацию следующих *коммуникативных, когнитивных и развивающих задач*:

Коммуникативные задачи обучения включают формирование следующих практических умений и навыков:

- свободное чтение оригинальной литературы соответствующей отрасли знаний на иностранном языке;
- оформление извлеченной из иностранных источников информации в виде перевода, реферата, аннотации;
- устное общение в монологической и диалогической форме по специальности и общественно-политическим вопросам (доклад, сообщение, презентация, беседа за круглым столом, дискуссия, подведение итогов и т.п.);
- письменное научное общение на темы, связанные с научной работой аспиранта (научная статья, тезисы, доклад, перевод, реферирование и аннотирование);
- различение видов и жанров справочной и научной литературы;
- использование этикетных форм научного общения.

Когнитивные (познавательные) задачи обучения включают формирование следующих практических умений и навыков;

- развитие рациональных способов мышления: умения производить различные логические операции (анализ, синтез, установление причинно-следственных связей, аргументирование, обобщение и вывод, комментирование);
- формулирование цели, планирования и достижения результатов в научной деятельности на иностранном языке.

Развивающие задачи обучения включают формирование следующих практических умений и навыков:

- способность четко и ясно излагать свою точку зрения по проблеме на иностранном языке;

- способность понимать и ценить чужую точку зрения по научной проблеме, стремиться к сотрудничеству, достижению согласия, выработке общей позиции в условиях различия взглядов и убеждений;

- готовность к различным формам и видам международного сотрудничества (совместный проект, гранд, конференция, конгресс, симпозиум, семинар, совещание и др.);

- способность выявлять и сопоставлять социокультурные особенности подготовки адъюнктов в стране и за рубежом, достижения и уровень исследований крупных научных центров по избранной специальности.

В рамках данной программы приобретение коммуникативной компетенции осуществляется в соответствии с основными положениями теории речевой деятельности. Обучение строится на принципах интенсивного метода с применением элементов традиционной методики.

Требования к кандидатскому экзамену:

Первый этап (получение допуска к сдаче кандидатского экзамена). Для получения допуска к кандидатскому экзамену необходимо:

1. Пройти контроль внеаудиторного чтения у ведущего практические занятия преподавателя (изданный в течение последних 5 лет оригинальный текст на иностранном языке в виде научной книги или подборки научных статей в соответствии с научной темой соискателя объемом 240-300 страниц). Контроль осуществляется методом реферирования на русском языке любой из страниц проработанного самостоятельно текста на выбор преподавателя.

2. Не позднее, чем за десять дней до сдачи кандидатского экзамена выполнить и представить в печатном виде перевод главы из книги или статью объемом 15 000 знаков. К переводу должен быть приложен отзыв научного руководителя об актуальности выбранной для перевода книги (подборки статей), ксерокопия страниц оригинала и терминологический словарь объемом не менее 200 лексических единиц. На титульном листе необходимо проставить визу преподавателя о прохождении контроля внеаудиторного чтения.

Перевод регистрируется специалистом кафедры иностранных языков по учебно-методической работе. Адъюнктом (соискателем) сдается также проработанная самостоятельно книга (подборка статей), которая возвращается ему после сдачи кандидатского экзамена.

По результатам проверки качества сданного перевода заведующий кафедрой иностранных языков оформляет допуск адъюнкта (соискателя) к сдаче экзамена кандидатского минимума.

Второй этап (итоговая аттестация - сдача экзамена кандидатского минимума). Экзамен включает в себя:

1. Чтение и письменный перевод со словарем на русский язык оригинального текста по специальности (источник – сданная аспирантом оригинальная литература по специальности). Объем – 2 000 печ. знаков. Время выполнения работы – 45 минут. Форма проверки – чтение части теста вслух, проверка выполненного перевода.

2. Изложение на иностранном языке основного содержания прочитанного текста по специальности (чтение без словаря, объем текста – 1500 печ. знаков, время на подготовку – 10 минут).

3. Беседа на иностранном языке по тематике научной работы аспиранта (соискателя).

При подведении результатов итоговой аттестации используется пятибалльная система оценки.

Фразы для резюмирования текста:

The article goes on to say that...

I'd like to speak about...

I'm going to speak about...

First of all, I'd like to tell you a few words about...

And now some words about...

It's necessary to say that...

It should be noted / said / stressed that...

I'd also like to add that...

I think...

To my mind...

As you know...

In conclusion I can say that...

In conclusion it should be said that...

In conclusion I'd like to say that...

Пример резюмирования текста на английском языке:

The article I am going to review is taken from the Internet. It is called Architecture.

It deals with the definition of Architecture as a multifunctional term.

First of all, architecture can mean the art of designing and erecting different types of buildings and structures. It can also mean the practice of an architect in planning, designing and constructing activities.

It should be said that at the same time it can refer to a style and method of designing and constructing buildings and other structures. The article goes on to say that architectural works are often perceived as cultural and political symbols and as works of art.

I'd like to add that the term architecture is common in the information technology world. It should be stressed that architects plan, design and review the construction of buildings and structures for the use of people.

In conclusion I'd like to say that architecture is not only the process but also the product of planning, designing and constructing form, space and ambience which reflect functional, social and aesthetic considerations.

Пример рассказа о научных интересах аспиранта:

1. What is your name?

-My name is Ivan Ivanovich Ivanov.

2. What educational institution did you graduate from? When?

-I graduated from Voronezh State University of Architecture and Civil Engineering in 20...

3. What is your speciality?

-My speciality is .../ My profession is ...

4. Why did you decide to take a post-graduate course?

-I decided to take a post graduate-course because I had been interested in science since my 3-d year at the University / because scientific approach is very important in my profession.

5. What is the subject of your future scientific research?

-The subject of my scientific research is ...

-My future scientific research is devoted to the problem of ...

- My future scientific research deals with the problem of ...

6. Who is your scientific supervisor?

-My scientific supervisor is Ivan Petrovich Petrov, Professor, Doctor of technical/ economic sciences, Head of the Chair of ... / Head of the Department of ...

-He has got a lot of publications devoted to the problem of ...

7. Have you ever participated in any scientific conferences?

-Yes, I've participated in many conferences devoted to the most actual problems of economy/physics/geodesy/hydrology etc.

-Not yet, but I hope, together with my supervisor, I'll prepare some reports for scientific conferences/I'll take part in several conferences in the near future.

8. Do you have any publications?

-Yes, I've got some publications connected with my research.

- Not yet, but I hope, together with my supervisor, I'll prepare some publications, they will be devoted to my research.

9.What methods are you going to use in your investigation?

-Together with my supervisor we are going to apply such methods as theoretical, experimental, practical and computational methods because they will help me to complete my research.

10. What will your scientific research give the world? In what way can your investigation/research be useful to ... science?

-I think / I hope / I dare say that the problem of our scientific research is very urgent and our scientific research will be very useful for ... / it will help people in the field of ...

Примерный перечень вопросов о специальности и научной деятельности аспиранта:

1. Who is your scientific supervisor and what is his/her contribution to science?

My scientific supervisor is E.I. Shmitko. He is doctor of technical science, professor, head of the chair of —Technology of Building Materials and Structures. He has many publications devoted to the problem of cellular concrete. My scientific supervisor is considered to be a competent specialist. He is the man to be relied on.

2. What does your scientific work deal with? Or: What problem do you investigate?

My scientific work deals with the problem concerning structure of cellular concrete. Or: I'm going to investigate the problem

3. What can you say about your scientific work?

While speaking about my scientific work it should be said that it is very important for building industry. It is common knowledge that cellular concrete is widely used in construction. But technology of cellular concrete has not fully investigated several operations that result in some variable properties of concrete. It should be stressed that it is the density that determines the properties of cellular concrete. The aim of my research is to control the characteristics of cellular concrete structures. I will determine the possibilities of controlling the characteristics of cellular concrete structures by means of different factors. I'm going to carry out the theoretical analysis of experimental data. I will also deliver some recommendations for producing cellular concrete with better properties and characteristics.

In conclusion I'd like to say that my recommendations will be useful for enterprises producing products from cellular concrete.

5. Do you need any special equipment for fulfilling your investigation?

For fulfilling my investigation I will use different measuring devices, plants, tools and computer programs.

6. What illustrations are you going to prepare to demonstrate the results of your investigation?

To demonstrate the results of my investigation I am going to prepare different tables, diagrams, graphs, drawings because they will help me to convincingly and precisely prove my conclusions.

7. What conclusions will you make if the results of your research are positive/negative?

If the results of my research are positive I will make the conclusion that I have managed to increase the quality of cellular concrete and to develop a new complex method for its estimation. If the results of my research are negative I will make the conclusion that I have to further investigate the problem under other conditions and with other parameters.

8. How do you plan your research?

First of all, I make up the plan of my research. Then I analyze literature concerning the field of my research both in Russian and in English, sum up the information

obtained, carry out my experiment, make conclusions and apply the results of my research in practice.

9. What have you already managed to do?

I have already managed to make up the plan of my research, to analyze some literature both in English and in Russian, and to prepare an article dealing with my research for publication.

10. What points of your plan have you failed to fulfill?

I have failed to make my experiment, to make conclusions and to apply the results of my research in practice.

11. How will you continue your investigation?

I will continue to analyze literature concerning my research. I will carry out my experiment, make conclusions and apply the results of my research in practice.

12. How many English publications important for your research have you found?

I have found about twenty English publications important for my research and I have already analyzed all of them.

13. How many key terms have you selected from the English publications?

I have selected about 50 key terms from the English publications. The most important of them are: cellular concrete, foam generator, foam liquid concentrate and others.

14. What points of view expressed in the publications do you criticize?

It should be said that at present I only analyze literature and get acquainted with different points of view, so I don't criticize anything.

15. Who are the best informed scientists in the field of your research?

The best informed scientists in the field of my research are Ye.M. Chernyshov, A.N. Fedin, Ye.I Shmitko, J. Gonsales, Sh. Wood and others.

16. How long can it take you to complete your research?

I think that it can take me about two years to complete my research.

17. By what time/by when will you have completed your research?

I hope that I will have completed my research by the end of 2015.

18. What contribution may your research make into science?

I think that the recommendations done by me will be useful for building industry.

19. Did you take part in scientific conferences?

Yes, I did. I took part in scientific conferences held in our University and in some other institutions.

20. Did you make any reports? What were they devoted to? Were your reports a success?

Yes, I did. I made some reports. They were devoted to the problem of my research. I think that my reports were a success because there were a lot of questions and I answered all of them.

21. Are you going to take part in scientific conferences in the future?

There is no doubt about it. I will certainly take part in scientific conferences and I will make reports devoted to the theme of my research.

21. Have you got any publications?

Not yet. But in the near future I am going to prepare some articles for publication. They will be devoted to the theme of my research.

Or: Yes, I have. I have got two publications devoted to the theme of my investigation. They were published in the proceedings of our University.

22. What is the purpose of your publications?

The main purpose of my publications is to attract attention of scientists to the problem of my research and to make a certain contribution to science.

23. How long have you been working at your research?

I have been working at my research for about two years/ since 2010.

24. By when had you completed your précis?

I had completed my précis by the end of April/September.

25. Speak about your précis?

While speaking about my précis it should be said that I have analyzed about 20 papers to prepare it. It consists of an introduction, seven main parts, professional vocabulary and references. The main parts deal with the history of cellular concrete

and the technology of its production. Professional vocabulary contains 80 keyterms connected with problem being investigated. References have 10 names.

26. What do you think the social role of your investigation is?

In my opinion, my investigation will help to improve the quality of production, to reduce a total cost of housing construction and to provide people with harmless and safe houses to live in.

27. Why are you interested in such a problem?

I am interested in such a problem because I consider it to be urgent and timely but not thoroughly investigated yet.

28. What kind of sources do you prefer to use for the theoretical substantiation/grounds of your research?

For the theoretical grounds of my research I prefer to use some works of my scientific supervisor, different publications of Russian and foreign scientists and the materials presented by the Internet.

29. Could you speak about the historical background of your problem?

As far as I know some aspects of this problem have been already investigated both by Russian and foreign scientists but still some of them should be further studied. So, my task is to fill in this gap, and I will do my best to accomplish it.

30. Can you say now what structure of your dissertation will be? How many chapters will it consist of?

Now I can't exactly say anything about the structure of my dissertation. But I think that it will consist of three chapters, conclusions and Appendix. We will decide this problem with my scientific supervisor together. I am sure he/she will help me.