**План прохождения дисциплины «Иностранный язык (английский)»**

**и задания для студентов юридического факультета**

**специальности «Правоведение (5 лет)»**

**заочной формы обучения**

***1 семестр:*** 14 аудиторных часов

|  |  |  |
| --- | --- | --- |
| № | Название темы | Количество аудиторных часов |
| 1 | A New Stage in my Life. I am a Student Now. | **2** |
| 2 | Brest State University. My Studies at the University. | **2** |
| 3 | Youth Problems. | **2** |
| 4 | Social and Political Portrait of the Republic of Belarus. Brest. | **4** |
| 5 | The United Kingdom of Great Britain and Northern Ireland. Places of interest in Great Britain. | **4** |

1. *Подготовить устные высказывания по темам:*
2. Our University. My studies at the University.
3. The Republic of Belarus (general information: geographical position, population, political system, places of interest, outstanding representatives, etc.).
4. The United Kingdom of Great Britain and Northern Ireland (general information: geographical position, population, political system, places of interest, outstanding representatives, etc.).
5. *Прочитать и перевести тексты* “Law” *и* “History of Legal profession”*, составив словарь незнакомых слов. Ответить на вопросы после текстов.*
6. *Составить аннотацию текста* “Legal System of The Republic of Belarus”.

**Topic 1: OUR UNIVERSITY**

Brest State University was founded in 1945. It was called the Teachers’ Training Institute then. In 1995 it became a university. Its full name is Brest State Alexander Pushkin University.

The University occupies several academic buildings: an old building, the sports complex with gymnasiums, a swimming pool, several lecture halls and tutorial rooms, and a seven-storey building with a canteen, a library, reading halls, laboratories, lecture halls and subject rooms. At the disposal of students there are four hostels, a winter garden, a garden of successive blossoming, an agricultural and biological station. The University has museums of biology, of geology, and of the history of physical culture and sport.

The University educates about 3,500 students at the day-time department and about 3,000 students acquire higher education at the correspondence department. There are 11 faculties at the University: Language and Literature, Foreign Languages, Psychology and Pedagogics, Social Pedagogics, Geography, Biology, Physics and Mathematics, Physical Education and Sports, History, Law, and Pre-University Preparation. Students are educated in 45 specialities.

Teaching is maintained at a high level. About 400 professors, associate professors and tutors teach students at the University.

The course of study lasts four-five years. Each year consists of two terms (autumn and spring) with examination periods at the end of each term. The term is divided between theoretical and practical work: students have a few weeks of lectures followed by seminars. When students have seminars, they spend a lot of time in the reading room revising the material. Fortunately, the Internet helps now a lot. The main form of work for external students is independent work at home.

Students do not only study, they are also engaged in various forms of research work. They write course papers and diploma theses, participate in scientific conferences and publish their articles. This work helps them to better understand the subjects they study and the current requirements of the national economy, to see the results of their work put into practice.

**Topic 2: THE REPUBLIC OF BELARUS**

Belarus is situated in Central Europe. The Republic borders on Russia, the Ukraine, Poland, Lithuania and Latvia. Its territory is 207,600 square kilometres and the population is about 10 million people. Most of the people live in cities, the largest of which are Minsk (the capital), Gomel, Brest, Vitebsk, Grodno and Mogilev.

Belarus is a bilingual republic: the official languages are Belarusian and Russian. The total population of the country is literate. The main religion is Eastern Orthodox (80 %), others include Roman Catholic, Protestant, Jewish and Muslim.

Belarus is a broad plain. One third of the territory is covered with woods and forests. The largest of them are called pushchas, the most famous are the Belovezhskaya and the Nalibockskaya. Other national reserves are Braslavsky and Narochansky National parks, Berezinsky Reserve, etc. They have rich flora and fauna some of which have survived only in Belarus.

There are about 20,000 rivers and brooks in the republic. They flow into the Baltic Sea or into the Black Sea. Seven rivers are more than 500 kilometres long each. They are the Dnieper, the Neman, the Western Dvina, the Pripyat, the Berezina, the Sozh and the Viliya. There are also more than 10,000 lakes in Belarus. The largest of them are Braslav Lakes and Lake Naroch, the pride of the republic. The swamps of Belarus deserve a special mention. These unique natural ecosystems take up nearly a quarter of the country. In general 6 % of the country is officially viewed as specially protected natural territories.

The climate in the republic is moderate continental with comparatively mild and humid winters, warm summers and rainy autumns. The breathing of the Baltic Sea is felt here.

Belarus has a well-developed industry and economy. The main sectors of the economy are industry, agriculture, services. Belarusian industry produces tractors, heavy trucks, combine-harvesters, automatic lines, metal-cutting machine tools, electronic equipment, computers, refrigerators, television sets, bicycles, motorcycles, watches, chemical fibres, fertilizers and textiles. Agriculture specializes in cattle breeding and crops growing. The main crops cultivated here are potatoes, grain, flax, medical herbs, sugar beets, vegetables and fruits. Our nation today faces a crucial task of how to compete in a global economy.

Since 1991 the Republic of Belarus has been a sovereign state, which independently carries out its domestic and foreign policy. The state system of the republic is very much like that of other European states. There are three branches of power – legislative (Parliament), executive (Council of Ministers) and judicial (Supreme Court). The bicameral Parliament, i.e. the National Assembly of the Republic of Belarus, consists of the Council of the Republic and the Chamber of Representatives. The Government, i.e. the Council of Ministers of the Republic of Belarus, is the central body of state management, the executive power in the Republic of Belarus. In its activities, the Government is subordinated to the President and reports to the Parliament. The judicial power in the Republic of Belarus belongs to courts. The control over correspondence of standard laws in the State to the Constitution is performed by the Constitution Court.

Belarus is a member of many international organizations including the United Nations organization.

**Topic 3: THE UNITED KINGDOM OF GREAT BRITAIN**

**AND NORTHERN IRELAND**

The United Kingdom of Great Britain and Northern Ireland is situated on the British Isles which contain more than 5,000 small islands. It consists of four parts: England, Wales, Scotland and Northern Ireland. The capital of Scotland is Edinburgh, the capital of Wales is Cardiff, the capital of Northern Ireland is Belfast, and the capital of England and the whole of the UK is London. England, Wales and Scotland occupy the territory of Great Britain. Northern Ireland is situated in the northern part of Ireland.

The territory of the United Kingdom is about 244,8 square kilometres. The population is more than 60 million. About 80 % of the population is urban.

Great Britain is surrounded by seas on all sides (the North Sea, the Irish Sea and the Atlantic Ocean). It is separated from the continent by the English Channel which is 34 km wide in its narrowest point.

The surface of Great Britain varies greatly. The northern and western parts of the country are mountainous and called the Highlands. All the rest (south, east and centre) is a vast plain which is called the Lowlands. The mountains are not very high. The highest mountain peaks are Ben Nevis in Scotland and Snowdon in Wales. The rivers are not long. The most important of them are the Thames, the Mersey, the Severn, the Clyde, the Trent. There are many beautiful lakes in the mountainous parts of the country.

The mountains, the Atlantic Ocean and the warm waters of the Gulf Stream influence the climate of Great Britain. It is mild the whole year round. The weather in Britain is very changeable and people like to say that they have no climate but only weather.

Great Britain is a highly developed industrial country. It is famous first of all for its heavy and textile industries. Britain is one of the world’s largest producers and exporters of iron and steel products, machinery and electronics, chemicals and textile, aircraft and navigation equipment. One of the chief industries of the country is shipbuilding. 7 % of the population is engaged in farming. The biggest industrial cities are London, Glasgow, Liverpool, Sheffield, Birmingham, Manchester.

Great Britain is a country of old cultural traditions and customs. It has the world known educational centres such as Oxford and Cambridge universities. They are considered to be the intellectual centres of Europe.

The United Kingdom is a parliamentary monarchy and the Queen is the head of the state (since 1952 – Elizabeth II). She summons and dissolves Parliament. She normally opens the sessions of Parliament with the speech from the throne. But in practice Britain is ruled by the elected government with a Prime Minister at the head. He/she has a great deal of power in contrast to that of Monarch. Number 10, Downing Street is the official residence of the British Prime Minister.

The legislative branch of power is the British Parliament which consists of two chambers: the House of Lords and the House of Commons. The Parliament sits in the House of Parliament in Westminster. It makes new laws, gives authority for the government to spend state money, keeps a close eye on the government activities.

There are three main political parties in Great Britain: the Labour, the Conservative and the Liberal parties. There’s no written constitution in Great Britain, they act only on precedents and traditions.

**Text for reading:**

**LAW**

Law is the body of official rules and regulations, generally found in constitutions, legislation, judicial opinions, and the like, that is used to govern a society and to control the behavior of its members. The nature and functions of law have varied throughout history. In modem societies, some authorized body such as a legislature or a court makes the law. It is backed by the coercive power of the state, which enforces the law by means of appropriate penalties or remedies.

Formal legal rules and actions are usually distinguished from other means of social control and guides for behavior such as morality, public opinion, and custom or tradition. Of course, a lawmaker may respond to public opinion or other pressures, and a formal law may prohibit what is morally unacceptable.

Law serves a variety of functions. Laws against crimes, for example, help to maintain a peaceful, orderly, relatively stable society. Courts contribute to social stability by resolving disputes in a civilized fashion. Property and contract laws facilitate business activities and private planning. Laws limiting the powers of government help to provide some degree of freedom that would not otherwise be possible. Law has also been used as a mechanism for social change; for instance, at various times laws have been passed to inhibit social discrimination and to improve the quality of individual life in matters of health, education, and welfare.

Some experts believe the popular view of law overemphasizes its formal, coercive aspects. They point out that if a custom or norm is assured of judicial backing, it is, for practical purposes, law. On the other hand, a statute that is neither obeyed nor enforced is empty law. Social attitudes toward the formal law are a significant part of the law in process. The role of law in China and Japan, for example, is somewhat different from its role in Western nations. Respect for the processes of law is low, at least outside matters of business and industry Tradition looms much larger in everyday life. Resort to legal resolution of a dispute is truly a last resort, with conciliation being the mechanism that is preferred for social control.

Development of Law

Law develops as society evolves. Historically, the simplest societies were tribal. The members of the tribe were bonded together initially by kinship and worship of the same gods. Even in the absence of courts and legislature there was law - a blend of custom, morality, religion, and magic. The visible authority was the ruler, or chief; the ultimate authorities were believed to be the gods whose will was revealed in the forces of nature and in the revelations of the tribal head or the priests. Wrongs against the tribe, such as sacrilege or breach of tribal custom, were met with group sanctions including ridicule and hostility, and, the tribe members thought, with the wrath of the gods. The gods were appeased in ritualistic ceremonies ending perhaps in sacrifice or expulsion of the wrongdoer. Wrongs against individuals, such as murder, theft, adultery, or failure to repay a debt, were avenged by the family of the victim, often in actions against the family of the wrongdoer. Revenge of this kind was based on tribal custom, a major component of early law.

Tribal society gradually evolved into territorial confederations. Governmental structures emerged, and modem law began to take shape. The most significant historical example is Roman law, which influenced most of the legal systems of the world. In the 8th century BC the law of Rome was still largely a blend of custom and interpretation by magistrates of the will of the gods. The magistrates later lost their legitimacy because of gross discrimination against the lower (plebeian) class. The threat of revolution led to one of the most significant developments in the history of law: the Twelve Tables of Rome, which were engraved on bronze tablets in the 5th century В. C. They were largely a declaration of existing custom concerning such matters as property, payment of debts, and appropriate compensation or other remedies for damage to persons. The Twelve Tables serve as a historical basis for the widespread modem belief that fairness in law demands that it be in written form. These tables and their Roman successors, including the Justinian Code, led to civil-law codes that provide the main source of law in much of modem Europe, South America, and elsewhere.

The common-law systems of England, and later of the U.S., developed in a different manner. Before the Norman Conquest (1066), England was a loose confederation of societies, the laws of which were largely tribal and local. The Anglo-Norman rulers created a system of centralized courts that operated under a single set of laws that superseded the rules laid down by earlier societies. This legal system, known as the common law of England, began with common customs, but over time it involved the courts in lawmaking that was responsive to changes in society.

Modern legislatures and administrative agencies produce a much greater quantity of formal law, but the judiciary remains very important because of the continued vitality of the common law approach even in matters of constitutional and statutory interpretations. Increasingly in civil-law countries, the subtleties of judicial interpretation and the weight of judicial precedents are recognized as involving the courts in significant aspects of lawmaking.

1. What is law used to? Where can law be found?
2. What are the main functions of law?
3. What did law look like in tribal societies? Who were the wrongs against individuals avenged by?
4. Which law influenced most of the legal systems of the world? What were the most significant developments in the history of law?
5. What cases did The Twelve Tables concern?
6. How did the common-law systems of England develop? What did the common law of England begin with?

**Text for reading:**

**HISTORY OF LEGAL PROFESSION**

Ancient Greece

The earliest people who could be described as "lawyers" were probably the [orators](http://en.wikipedia.org/wiki/Orators) of ancient [Athens](http://en.wikipedia.org/wiki/Athens). Athenian orators faced serious structural obstacles. First, there was a rule that individuals were supposed to plead their own cases, which was soon bypassed by the increasing tendency of individuals to ask a "friend" for assistance. However, around the middle of the fourth century, the Athenians disposed of the perfunctory request for a friend. Second, a more serious obstacle, which the Athenian orators never completely overcame, was the rule that no one could take a fee to plead the cause of another. This law was widely disregarded in practice, but was never abolished, which meant that orators could never present themselves as legal professionals or experts. They had to uphold the [legal fiction](http://en.wikipedia.org/wiki/Legal_fiction) that they were merely an ordinary citizen generously helping out a friend for free, and thus they could never organize into a real profession – with professional associations and titles and all the other pomp and circumstance – like their modern counterparts. Therefore, if one narrows the definition to those men who could practice the legal profession openly and legally, then the first lawyers would have to be the orators of [ancient Rome](http://en.wikipedia.org/wiki/Ancient_Rome).

Early Ancient Rome

A law enacted in 204 BC barred Roman advocates from taking fees, but the law was widely ignored. The ban on fees was abolished by [Emperor Claudius](http://en.wikipedia.org/wiki/Claudius), who legalized advocacy as a profession and allowed the Roman advocates to become the first lawyers who could practice openly – but he also imposed a fee ceiling of 10,000 [sesterces](http://en.wikipedia.org/wiki/Sestertius). This was apparently not much money; the [Satires of Juvenal](http://en.wikipedia.org/wiki/Satires_of_Juvenal) complain that there was no money in working as an advocate.

Like their Greek contemporaries, early Roman advocates were trained in [rhetoric](http://en.wikipedia.org/wiki/Rhetoric), not law, and the judges before whom they argued were also not law-trained. But very early on, unlike Athens, Rome developed a class of specialists who were learned in the law, known as jurisconsults (iuris consulti). Jurisconsults were wealthy amateurs who dabbled in law as an intellectual hobby; they did not make their primary living from it. They gave legal opinions (responsa) on legal issues to all comers (a practice known as publice respondere). Roman judges and governors would routinely consult with an advisory panel of jurisconsults before rendering a decision, and advocates and ordinary people also went to jurisconsults for legal opinions. Thus, the Romans were the first to have a class of people who spent their days thinking about legal problems, and this is why their law became so "precise, detailed, and technical."

1. What sort of earliest people in Ancient Greece could be considered "lawyers".
2. What obstacles did they have to face?
3. Where and when was the profession of a lawyer legalized?
4. What does the word jurisconsult mean?
5. What is publice respondere?

**Text for annotation:**

**LEGAL SYSTEM OF THE REPUBLIC OF BELARUS**

The Statutes of the Grand Duchy of Lithuania were a great achievement of Belarusian Law. They were written during the 16th century in Belarusian and are among first European constitutions and codes. They have served later as model to other European nations. The Statutes of the Grand Duchy of Lithuania are considered to be one of the main treasures of Belarusian, Lithuanian and Polish culture.

The modern legal system of the Republic of Belarus is included in the Romano-German legal family, forming together with the countries of CIS, the independent "Euroasian" group. The basic sources of law in Belarus are: a) Constitution (supreme law of the country); b) Codes; c) Decrees and Edicts of the President; d) Laws of the Parliament; e) Decisions of Government.

International treaties are an important source of law. The Republic of Belarus recognizes the principles of the international law and provides conformity with them in its legislation.

The most important codes of Belarus are based on the modeling legislation approved by Inter Parliamentary Assembly of the States of the participants of CIS. The new Civil Code was accepted in 1998. The Civil Code includes the law of obligations (contract and tort), property law, law of intellectual property, inheritance law and international private law. The Code of Land is the main source of land law, the Family Code adjusts the family relations and the Labor Code regulates labor relations.

***2 семестр:*** 4 аудиторных часа

|  |  |  |
| --- | --- | --- |
| № | Название темы | Количество аудиторных часов |
| 1 | System of Law in the Republic of Belarus. | **2** |
| 2 | System of Law in Great Britain. | **1** |
| 3 | System of Law in the USA. | **1** |

*I. Подготовить устные высказывания по темам:*

1. System of Law in the Republic of Belarus.

2. System of Law in Great Britain.

3. System of Law in the USA.

*II. Прочитать и перевести тексты* “History of Legal Profession (Part II)” и “The Elements of Crime”, *составив словарь незнакомых слов. Ответить на вопросы после текстов.*

*III. Составить аннотацию текста* “Lichens”

**Topic 1: SYSTEM OF LAW IN THE REPUBLIC OF BELARUS**

Each country in the world has its own system of law. There are two main traditions of law in the world. One is based on English Common law. The other tradition is known as Continental, or Roman law.

The origin of the legal system in Belarus dates back to the 14–15th centuries and reflects the influence of Byzantine secular and canon law and of Roman law via the civil-law tradition of Western Europe. At that time a lot of cities were given the right to self-govern, the so-called Magdeburg law which was a part of legislature of Grand Duchy of Litva. But the most important event in the development of feudal law of Grand Duchy of Litva was the adoption of Statutes in 1529, 1566 and 1588 years. The latter was a comprehensive and elaborate state code of laws that stood above the local legal norms. Written in the Belarusian language it was the only full code of laws in Europe since the Roman law and until the Napoleonic Code adopted in 1804. In 1830 the use of the Grand Duchy of Litva Statute was banned on the territory of Belarus as a result of the Russian expansion to the west.

Since 1922 the Belarusian Republic has established a legal system of civil and criminal courts that remained basically unchanged throughout the history of the country. In accordance with the results of the national referendum conducted in November 1996 the National Assembly is the supreme legislative body of Belarus. It is comprised of two chambers – the Council of the Republic and the House of Representatives.

The National Assembly acts independently in the framework of the mandate defined by the Belarusian Constitution. Its main function is legislative activity reflected in adoption of codes and laws, including those regarding main directions of domestic and foreign policy. All the legislative activities in Belarus are based on the principles of provision of citizens' rights, freedoms and responsibilities. The National Assembly approves state budget, adopts changes and amendments to the current legislative acts including provisions of the Constitution. Members of both chambers have the right of legislative initiative which allows them to introduce draft of a law.

Courts perform the judicial power in the republic. The Constitution of Belarus (Articles 151–161) provides the system of election of judges and People’s assessors and the collective order of trying criminal and civil cases in courts. The Constitutional Court fulfills the control over the constitutional compliance of normative acts in the country. The supervision of the exact and uniform execution of laws by all the bodies of state management, local councils and other legal and also physical persons is carried out by the General Public Prosecutor of the Republic of Belarus. The Supreme Economic court has judicial power and can supervise the activity of different economic structures in the republic while the Supreme Court supervises legislative activity of general courts of the Republic of Belarus. In general the court system is divided into three stages – district (municipal) People’s courts; regional courts and Minsk city court and the highest – the Supreme Court of the Republic of Belarus. Criminal and civil courts can be distinguished as courts of first and second instances. Courts of first instance pronounce a verdict in criminal cases and pass judgement in civil cases after trial. Courts of second instance are courts of appeal and can control the legality and justification of verdicts or judgement pronounced by courts of first instance.

**Topic 2: SYSTEM OF LAW IN GREAT BRITAIN**

British law is based on the common law tradition – a system of “judge made” law which has continuously developed over the years through the decisions of judges in the cases brought before them. These judicial precedents are an important source of law in the English legal system. English judges have an important role in developing case law and stating the meaning of Acts of Parliament.

British law is divided into two parts – civil and criminal*.* A criminal case is a legal action by the government against a person charged with committing a crime. Civil laws regulate relations between individuals or groups of individuals. There are also two types of courts – dealing with civil jurisdiction and the other, with criminal jurisdiction. The law of Britain distinguishes offences into main categories: a) indictable offences and b) non-indictable offences. Indictable offences are the more serious crimes, which must be tried before a jury. Non-indictable offences are all the rest and they are tried by the Magistrates’ Court. However, nowadays there are many offences which may either be treated on indictment by a jury or by a Magistrates’ Court. When a person is brought before the Magistrates’ Court charged with one of the overlapping offences, the court may in many cases treat the charge as being for a non-indictable offence. The principal courts of ordinary criminal jurisdiction in England and Wales include:

a) Magistrates’ Courts**,** which try the less serious offences and conduct preliminary inquiries into the more serious offences. They are presided overby Justices of the Peace;

b) Quarter Sessions which take place at least four times a year. They deal with more serious offences and are presided over either by a legally qualified chairman with a group of magistrates or by a single lawyer;

c) Assizes which are branches of the High Court and are presided over by High Court Judges. They deal with the most serious offences and cases presenting special difficulties.

New legislation in Britain usually starts in the House of Lords. In each house a bill is considered in three stages, called readings. The first reading is purely formal, to introduce the bill. The second reading is usually the occasion for debate. After the second reading the bill is examined in detail by a committee.

The bill is then returned to one of the houses for the report stage, when it can be amended. If passed after its third reading, it goes to the other house. Amendments made to a bill by the House of Lords must be considered by the Commons. If the House of Commons does not agree, the bill is altered and sent back to the Lords. In the event of persistent disagreement between the two houses, Commons prevails.

Finally, the bill goes to the reigning monarch for the royal assent. Nowadays the royal assent is merely a formality. In theory the queen could still refuse her consent, but the last monarch to use this power was Queen Anne, who vetoed the unpopular Scottish Militia Bill in 1707.

**Topic 3: SYSTEM OF LAW IN THE USA**

The judicial power of the United States is the third branch of the Federal Government. It consists of a system of courts spread throughout the country and is headed by the Supreme Court of the United States. The Congress has the authority to create and abolish federal courts, as well as to determine the number of judges in the federal judicial system. However, the Congress cannot abolish the Supreme Court.

The United States has two systems of law, state and federal. It means that in addition to federal courts each state has its own judicial system including its own Supreme Court.

The federal judges are appointed by the President for life, in practice, until they die, retire or resign. They can be removed from the office only for misconduct and after trial in the Congress.

Federal courts have judicial power over cases arising out of the Constitution, laws and treaties of the United States, maritime cases, and cases dealing with foreign citizens or governments and cases arising between states. Usually federal courts do not hear cases arising out of the laws of individual states.

The federal and states courts have the power to declare legislative acts unconstitutional, that is in violation of the Constitution. By Constitution the courts have the power to hear and decide the two classes of cases – criminal and civil.

The Supreme Court, the highest court in the country and the head of the judicial branch of the US Government, consists of a Chief Justice and eight associate Justices appointed for life by the President with the approval by the Senate.

One of the most important duties of the Supreme Court justices is to decide whether laws passed by the Congress agree with the Constitution. If the Supreme Court decides that the Constitution does not give Congress the power to passes a certain law, the Court will declare that law to be unconstitutional. Such a law will never come into force. Decisions of the Court are taken by a simple majority. The legal quorum of Justices, participating in the decision, is six (out of nine).

Immediately below the Supreme Court stand the courts of appeals, created in 1891 to hear most of the appeals growing out of district court actions. Only the Supreme Court reviews the decisions of the appeals courts.

Below the courts of appeals are the district courts. The 50 states are divided into 89 districts. Additionally, there is one in the District of Columbia and one in Puerto Rico, which is not a state, but part of the USA. Each state has at least one district court.

Most cases start in district courts. Cases begun in state courts are occasionally transferred to them. Almost all accused of committing federal crimes are tried in the district courts.

The Constitution gives Congress the authority to establish other courts for special purposes. One of the most important of these special courts is the Court of Claims, which was established in 1855. It deals with monetary claims against the federal Government. Usually claims are for unpaid salary, property taken for public use, contractual obligation, etc. Another important special court is the Customs Court, which have exclusive jurisdiction over cases, connected with taxes or quotas on important goods. The United States has the most complex judicial system in the world.

**Text for reading:**

**HISTORY OF LEGAL PROFESSION (PART II)**

During the [Roman Republic](http://en.wikipedia.org/wiki/Roman_Republic) and the early [Roman Empire](http://en.wikipedia.org/wiki/Roman_Empire), jurisconsults and advocates were unregulated, since the former were amateurs and the latter were technically illegal. Any citizen could call himself an advocate or a legal expert, though whether people believed him would depend upon his personal reputation. This changed once Claudius legalized the legal profession. By the start of the [Byzantine Empire](http://en.wikipedia.org/wiki/Byzantine_Empire), the legal profession had become well-established, heavily regulated, and highly stratified. The centralization and bureaucratization of the profession was apparently gradual at first, but accelerated during the reign of Emperor [Hadrian](http://en.wikipedia.org/wiki/Hadrian) At the same time, the jurisconsults went into decline during the imperial period.

By the fourth century, advocates had to be enrolled on the bar of a court to argue before it, they could only be attached to one court at a time, and there were restrictions (which came and went depending upon who was emperor) on how many advocates could be enrolled at a particular court. By the 380s, advocates were studying law in addition to rhetoric (thus reducing the need for a separate class of jurisconsults); in 460, [Emperor Leo](http://en.wikipedia.org/wiki/Leo_I_the_Thracian) imposed a requirement that new advocates seeking admission had to produce testimonials from their teachers; and by the sixth century, a regular course of legal study lasting about four years was required for admission. Claudius's fee ceiling lasted all the way into the Byzantine period, though by then it was measured at 100 [solidi](http://en.wikipedia.org/wiki/Solidus_%28coin%29). Of course, it was widely evaded, either through demands for maintenance and expenses or a sub rosa [barter](http://en.wikipedia.org/wiki/Barter_%28economics%29) transaction. The latter was cause for disbarment.

The notaries (tabelliones) appeared in the late Roman Empire. Like their modern-day descendants, the civil law notaries, they were responsible for drafting wills, conveyances, and contracts. In Roman times, notaries were widely considered to be inferior to advocates and jurisconsults. Roman notaries were not law-trained; they were barely literate hacks who wrapped the simplest transactions in mountains of legal jargon, since they were paid by the line.

Middle Ages

After the fall of the Western Roman Empire and the onset of the Early Middle Ages, the legal profession of Western Europe collapsed. However, from 1150 onward, a small but increasing number of men became experts in [canon law](http://en.wikipedia.org/wiki/Canon_law) but only in furtherance of other occupational goals, such as serving the [Roman Catholic Church](http://en.wikipedia.org/wiki/Roman_Catholic_Church) as priests. From 1190 to 1230, however, there was a crucial shift in which some men began to practice canon law as a lifelong profession in itself.

The legal profession's return was marked by the renewed efforts of church and state to regulate it. In 1231 two French councils mandated that lawyers had to swear an oath of admission before practicing before the bishop's courts in their regions, and a similar oath was promulgated by the papal legate in London in 1237. During the same decade, [Frederick II](http://en.wikipedia.org/wiki/Frederick_III_of_Sicily), the emperor of the [Kingdom of Sicily](http://en.wikipedia.org/wiki/Kingdom_of_Sicily), imposed a similar oath in his civil courts. By 1250 the nucleus of a new legal profession had clearly formed. The new trend towards professionalization culminated in a controversial proposal at the [Second Council of Lyon](http://en.wikipedia.org/wiki/Second_Council_of_Lyon) in 1275 that all ecclesiastical courts should require an oath of admission. Although not adopted by the council, it was highly influential in many such courts throughout [Europe](http://en.wikipedia.org/wiki/Europe). The civil courts in England also joined the trend towards professionalization; in 1275 a statute was enacted that prescribed punishment for professional   
lawyers guilty of [deceit](http://en.wikipedia.org/wiki/Deception), and in 1280 the mayor's court of the city of London promulgated regulations concerning admission procedures, including the administering of an oath.

1. Who could call himself an advocate During the [Roman Republic](http://en.wikipedia.org/wiki/Roman_Republic)?
2. How had the rules about the legal profession changed by the fourth century?
3. What rules had been introduced by the sixth century?
4. What were the responsibilities of the notaries in the late Roman Empire?
5. What was the main change in the legal profession in the Middle Ages?

**Text for reading:**

**THE ELEMENTS OF CRIME**

It is generally agreed that the essential ingredients of any crime are (1) a voluntary act or omission (actus reus), accompanied by (2) a certain state of mind ( mens rea). An act may be any kind of voluntary behavior. Movements made in an epileptic seizure are not acts, nor are movements made by a somnambulist before awakening, even if they result in the death of another person. Criminal liability for the result also requires that the harm done must have been caused by the accused. The test of causal relationship between conduct and result is that the event would not have happened the same way without direct participation of the offender.

Criminal liability may also be predicated on a failure to act when the accused was under a legal duty to act and was reasonably capable of doing so. The legal duty to act may be imposed directly by statute, such as the requirement to file an income tax return, or it may arise out of the relationship between the parties, as the obligation of parents to provide their child with food.

The mental element

Although most legal systems recognize the importance of the guilty mind, or mens rea, the statutes have not always spelled out exactly what is meant by this concept. The American Law Institute’s Model Penal Code has attempted to clarify the concept by reducing the variety of mental states to four. Guilt is attributed to a person who acts “purposely”, “knowingly”, “recklessly”, or “negligently”. Broadly speaking, these terms correspond to those used in continental European legal theory. Singly or in combination, they appear largely adequate to deal with most of the common mens rea problems. Their general adoption would clarify and rationalize the substantive law of crimes.

Liability without mens rea

Some penal offenses do not require the demonstration of culpable mind on the part of the accused. These include statutory rape, in which knowledge that the child is below the age of consent is not necessary to liability. There is also a large class of “public welfare offenses”, involving such things as economic regulations or laws concerning public health and safety. The rationale for eliminating the mens rea requirement in such offenses is that to require the prosecution to establish the defendant’s intent, or even recklessness, would render such regulatory legislation largely ineffective and unenforceable. Such cases are known in Anglo-American law as strict liability offenses and in French law as infractions purement materielles (фр. собственно материальные правонарушения). In German law, they are excluded because the requirement of mens rea is considered a constitutional principle.

There has been considerable criticism of statutes that create liability without actual moral fault. To expose citizens to the condemnation of a criminal conviction without a showing of moral culpability raises issues of justice. In many instances, the objectives of such legislation can more effectively be achieved by civil sanctions, as, for example, suits for damages, injunctions, and the revocation of licenses.

Ignorance and mistake

In most countries the law recognizes that a person who acts in ignorance of (lie facts of his action should not be held criminally responsible. Thus, one who lakes and carries away the goods of another person, believing them to be his own, does not commit larceny, for he lacks the intent to steal. Ignorance of the law, on the other hand, is generally held not to excuse the actor; it is no defense that he was unaware that his conduct was forbidden by criminal law. This doctrine is supported by the proposition that any reasonable adult may recognize criminal acts as harmful and immoral. The matter is not so clear, however, when the conduct is not obviously dangerous or immoral; a substantial body of opinion would permit mistakes of law to be asserted in defense of criminal charges in such cases, particularly when the defendant has in good faith made reasonable efforts to discover what the law is. In West Germany, the Federal Court of Justice in 1952 adopted the proposition that if a person engages in criminal conduct but is unaware of its criminality he cannot be fully charged with a criminal offense, this has since been incorporated as rule in the German criminal code. Law and practice in Switzerland are quite similar. In Austria mistake of law is a legal defense.

1. What are the elements of crime? In what cases human behaviour is not considered to be criminal?
2. What person’s mental states are supposed to find him guilty?
3. Which penal offences do not require the presence of criminal mental state?
4. Which cases are known to be strict liability offenses?
5. How does the principle of ignorance of the law act?
6. Why is the doctrine of ignorance of the law thought to be complicated?

**Text for annotation:**

**HISTORY OF LAW**

Legal history or the history of [law](http://en.wikipedia.org/wiki/Law) is the study of how law has evolved and why it changed. Legal history is closely connected to the development of [civilizations](http://en.wikipedia.org/wiki/Civilizations) and is set in the wider context of [social history](http://en.wikipedia.org/wiki/Social_history). Among certain jurists and historians of legal process it has been seen as the recording of the evolution of laws and the technical explanation of how these laws have evolved with the view of better understanding the origins of various legal concepts, some consider it a branch of [intellectual history](http://en.wikipedia.org/wiki/Intellectual_history). Twentieth century [historians](http://en.wikipedia.org/wiki/Historian) have viewed legal history in a more contextualized manner more in line with the thinking of [social historians](http://en.wikipedia.org/wiki/Social_history). They have looked at legal institutions as complex systems of rules, players and symbols and have seen these elements interact with society to change, adapt, resist or promote certain aspects of [civil society](http://en.wikipedia.org/wiki/Civil_society). Such legal historians have tended to analyze case histories from the parameters of [social science](http://en.wikipedia.org/wiki/Social_science) inquiry, using statistical methods, analyzing class distinctions among litigants, petitioners and other players in various legal processes. By analyzing case outcomes, transaction costs, number of settled cases they have begun an analysis of legal institutions, practices, procedures and briefs that give us a more complex picture of law and [society](http://en.wikipedia.org/wiki/Society) than the study of [jurisprudence](http://en.wikipedia.org/wiki/Jurisprudence), [case law](http://en.wikipedia.org/wiki/Case_law) and [civil codes](http://en.wikipedia.org/wiki/Civil_code) can achieve.

***3 семестр:*** 20 аудиторных часов

|  |  |  |
| --- | --- | --- |
| № | Название темы | Количество аудиторных часов |
| 1 | Crime. Elements of Crime | **4** |
| 2 | Major and Minor Crimes | **2** |
| 3 | Punishment and its Purpose | **2** |
| 4 | The Purposes of Imprisonment | **2** |
| 5 | Civil and Criminal Penalties | **2** |
| 6 | Branches of Law | **4** |
| 7 | Continental Systems | **2** |
| 8 | Criminal Law | **2** |

*I. Подготовить устные высказывания по темам:*

1. Crime

2. Punishment and its Purpose

3. Branches of Law

*II. Прочитать и перевести тексты* “Major and Minor Crimes” и “The Purpose of Imprisonment”, *составив словарь незнакомых слов. Ответить на вопросы после текстов.*

*III. Составить аннотацию текста* “The History of Scotland Yard”.

**Topic 1: CRIME**

Once a crime has been committed, criminal law defines every phase of procedure from the investigation, through the trial, to the type and length of punishment if there is a conviction. In the investigation phase the police play a primary role in the pretrial stage. They are responsible for the arrest of suspects, searching and investigating suspects’ and victims’ homes for evidence, the questioning of witnesses, and the carrying out of searches and seizures. A warrant empowers the police to arrest a suspect or to search premises and seize property to obtain evidence.

Once a suspect is in custody, charges are brought against him by a prosecuting attorney or by a grand jury. The suspect is normally granted a pretrial hearing before a judge, at which time the charges against him are read. At this hearing the judge determines whether there is sufficient evidence to justify further action.

All defendants have the right to legal representations from the time of their arrest. The defense lawyer takes part in all procedures from the pretrial hearing to the post-conviction stage.

Private citizens have the right to bring charges against a person they think have committed a crime. This is most often done by contacting the police. There are some offenses for which there is no prosecution unless the victim decides in favor of prosecution.

Defendants in criminal trials have the right to a jury. But they can choose to be tried before a judge only. Some nations do not have the jury system; it has been almost entirely abandoned in Europe, surviving only in Austria, Belgium, Norway, and parts of Switzerland. If a defendant admits before a court to being guilty, there is no need to call a jury.

In Anglo-American law evidence is presented by both the prosecution and the defense. The function of the judge is to enforce the rules regarding evidence and to ask questions to clarify the facts. In European procedures one of the main tasks of the judge is to get evidence by questioning witnesses and experts. Defendants do not have the right to take the stand to testify in their behalf as they do in British and American trials. Instead they are questioned by the presiding judge, but they may choose to keep silent.

A basic rule of criminal law is that guilt must be established beyond a reasonable doubt. The burden of proof rests upon the prosecution. This is the basis of the often-heard "A person is innocent until proven guilty". American law generally requires that every person on a jury must agree on a person's innocence or guilt before they reach a verdict, but in European law a two- thirds majority of the judges is sufficient for the verdict. Once a defendant has been found guilty, the sentencing takes place at a special hearing before a judge. In crimes that can be punished by death, a jury may be asked to pass the sentence or at least express an advisory opinion.

After a conviction, or verdict of guilty, the defense lawyer may ask for a new trial.

**Topic 2: PUNISHMENT AND ITS PURPOSE**

The main object of Criminal Law is to punish the wrong-doer. The nature of punishment is an important aspect of the Criminal Law. Punishment has as its objects both justice (retribution) and deterrence both of the wrong-doer and other potential criminals.

The punishment should fit the crime. Penalty must be imposed first of all according to the gravity of the crime committed, the personality of an of­fender, the nature of his guilt and other circumstances relevant to the case in hand. But no form of punishment can ever be totally rational - there will in­evitably be a large element of subjective judgement.

The courts now have a wide range of different types of sentences they may pass. They range from the life sentence to community service orders.

Offences themselves and therefore the punishments for those offences are graded according to social danger. The heaviest penalties are for premeditated murder, robbery, theft, bribe taking, large scale embezzlement, and grave of­fences committed by individuals with a past record of serious crimes.

If a person is found guilty of a fairly small offence, and has no previous convictions, he may receive no punishment at all, but be told that if he does wrong again the first offence will be taken into account along with the next.

Apart from imprisonment there is a range of noncustodial sentences that the courts can impose. Suspended sentences can only be applied to an offence which carries a maximum sentence of two years' imprisonment or less. During the period that the sentence stays suspended, the offender is obliged to remain of good behaviour - that is not to commit another offence.

A different form of supervision is the probation order. No sentence is in­volved in this case; the offender is left at liberty, but is obliged to report regu­larly to a probation officer, who is a trained professional worker. A probation order will be for a period of between one and three years.

A further variation within non-custodial sentencing is that of Community Service Order. The court may order any offender over the age of 16 to undertake specific, unpaid work that will be of benefit to the community over a pe­riod of twelve months for a minimum of 40 hours and a maximum of 240. Any break of the order by the offender will make him liable to fines or other punishments of course; the common form of non-custodial punishment is that of monetary deprivation - the fine. The courts may attach a number of condi­tions to fines for example, the offender may be required to have a regular sum deducted from the weekly or monthly earnings; he or she may be supervised by a probation officer. The offender may also be made the subject of a com­pensation order for injury or damage suffered by another person as a result of his or her wrong-doing) or a restoration order (returning stolen goods or goods bought out of the proceeds of stolen property).

Punishment by the state can only be justified if there are in its objective two key elements, namely the reduction of crime and the promotion of respect for the criminal code.

**Topic 3: BRANCHES OF LAW**

Law can be divided into two main branches: private law and public law. Private law deals with the rights and obligations people have in their relations with one another. Public law concerns the rights and obligations people have as members of society and as citizens. Both private and public law can be subdivided into several branches. However, the various branches of public and private law are closely related, and in many cases they overlap.

Private law determines a person’s legal rights and obligations in many kinds of activities that involve other people. Such activities include everything from borrowing or lending money to buying a home or signing a job contract.

The great majority of lawyers and judges spend most of their time dealing with private law matters. Lawyers handle most of these matters out of court. But numerous situations arise in which a judge or jury must decide if a person’s private-law rights have been violated.

Private law can be divided into six major branches according to the kinds of legal rights and obligations involved. They are: contract and commercial law, tort, property law, inheritance law, family law, and company law.

Contract and commercial law deals with the rights and obligations of people who make contracts. A wide variety of business activities depend on the use of contracts.

A tort is a wrong or injury that a person suffers because of someone else’s action. The action may cause bodily harm; damage a person’s property, business, or reputation; or make unauthorized use of a person’s property. The victim may sue the person or persons responsible. The law of tort deals with the rights and obligations of the persons involved in such cases. Many torts are unintentional, such as causing damage in traffic accidents. But if a tort is deliberate and involves serious harm, it may be treated as a crime.

Property law governs the ownership and use of property. The law ensures a person’s right to own property. However, the owner must use the property lawfully. People also have the right to sell or lease their property and to buy or rent the property of others. Property law determines the rights and obligations involved in such dealings.

Inheritance law, or succession law, concerns the transfer of property upon the death of the owner. Nearly every country has basic inheritance laws, which list the relatives or other persons who have first rights of inheritance. But in most Western nations, people may will their property to persons other than those specified by law. In such cases, inheritance law also sets the rules for the making of wills.

Family law determines the legal rights and obligations of husbands and wives and of parents and children. It covers such matters as marriage, divorce, adoption, and child support.

Company law governs the formation and operation of business corporations or companies. It deals mainly with the powers and obligations of management and the rights of shareholders. Company law is often classed with contract and commercial law as business law.

Public law involves government directly. It defines a person’s rights and obligations in relation to government. Public law also describes the various divisions of government and their powers.

Public law can be divided into four branches: criminal law, constitutional law, administrative law, and international law.

Criminal law deals with crimes- that is, actions considered harmful to society. Crimes range in seriousness from disorderly conduct to murder. Criminal law defines these offences and sets the rules for the arrest, the possible trial, and the punishment of offenders.

A constitution is a set of rules and principles that define the powers of a government and the rights of the people. The principles outlined in a constitution form the basis of constitutional law. The law also includes official rulings on how constitution principles are to be interpreted and carried out.

Administrative law centers on the operations of government departments. Administrative law is one of the most complicated branches of law. Administrative law consists chiefly of the legal powers granted to administrative departments by the legislature and the rules that the departments make to carry out their powers.

International law deals with the relationships among nations both in war and in peace. It concerns trade, communications, boundary disputes, methods of warfare, the uses of the ocean, and many other matters.

**Text for reading:**

**MAJOR AND MINOR CRIMES**

1. The criminal law makes an effort to classify breaches of the law according to their seriousness by dividing them into two categories—*felonies,* or major crimes; and misdemeanors, or minor crimes. This effort, as we shall see, is not very successful. Nevertheless, the division affects every aspect of the operation of the criminal law, from arrest to trial to sentencing to place of confinement.

2. The common law of England divided crimes into four groups: high treason, petit treason, felonies, and misdemeanors. The first consisted in killing the king, levying war against him, supporting his enemies, or lending his enemies aid and comfort. Petit treason involved the killing of a husband by a wife, a master or mistress by a servant, or a prelate by a clergyman — a breach of allegiance, in short, in a superior-subordinate relationship.Felonies were defined as crimes other than treason that caused great moral indignation or did serious harm and were punishable by death and the forfeiture of land and goods. Misdemeanors consisted of offenses that were considered minor and were punishable with lesser penalties, such as whipping and branding.

3. The law continues to make these distinctions to the present day, with the exception of petit treason, which was abolished by statute in 1828. The harshness of penalties has been greatly reduced, and high treason occupies the attention of society only on occasion; but in the Anglo-American legal system crimes are still categorized as felonies or misdemeanors, with punishments of greater and lesser severity. In general, those offenses calling for the death penalty (or which once did so) or imprisonment for more than a year are labeled felonies. All other offenses are lumped under the heading of misdemeanors.

4. The criteria distinguishing between more and less serious crime presumably involve the amount of injury or harm done and the degree of moral outrage that is elicited. However, the lack of any explicit and objective standard in the law for measuring harm or moral outrage means that crimes are often defined as felonies and misdemeanors in an inconsistent fashion.

5. The classification of crimes differs from one state to another, so that particular offenses may vary in imputed seriousness with geographical location. Within a state, property offenses may change abruptly from misdemeanors to felonies when the value of the stolen object goes above a certain figure, say $300- and rising prices caused by inflation may transform an offense from minor to serious. In a number of states, an offense that is a misdemeanor the first time it is committed becomes a felony when it is repeated.

6. If the distinction between misdemeanors and felonies is inconsistent and often seems to be based on tradition rather than on reasoned analysis, it nevertheless has far-reaching importance. First, the definition of a crime is sometimes contingent on the classification of another; burglary, for example, is defined as breaking and entering a dwelling with intent to commit a felony rather than a misdemeanor. Second, in some jurisdictions conviction of a felony disqualifies the individual from holding public office, voting, and serving on a jury. Conviction for a misdemeanor does not carry such consequences. Third- and this is particularly important for the administration of the criminal law- the fact that felonies and misdemeanors differ in their punishments provides the basis for plea-bargaining. The charge against a defendant may be reduced from a felony to a misdemeanor in return for a plea of guilty, thus saving the state the time and expense of a trial.

7. The classification of crimes as felonies and misdemeanors, or as more and less serious, represents a normative judgment of society that is important not only in the day-to-day administration of the criminal law, but also in the modification of the penal code, the allocation of resources for the control of crime, and the understanding of the causes of crime. It is surprising, the, that measuring public attitudes toward the seriousness of crimes received relatively little attention in criminology until the last few decades and that so many crucial questions still remain unanswered.

**Text for reading:**

**THE PURPOSES OF IMPRISONMENT**

Let us consider the four traditional purposes of imprisonment: punishment, rehabilitation, deterrence and selective incapacitation.

*Punishment.* Prior to 1800 it was widely assumed that the punishment of deviants is required if the community is to feel morally satisfied. Toward the latter part of the eighteenth and the early part of the nineteenth centuries, the focus changed, and the idea that prisons might rehabilitate criminals came to the forefront. The word “penitentiary” was coined to describe a place where a criminal might repent and resolve to follow a law-abiding life. In recent years there has been a renewed interest in punishment – not to satisfy a desire for vengeance, but to restore a sense of moral order.

*Rehabilitation.* During the last century and a half, the concept of rehabilitation has dominated penal philosophy. It has drawn on a humanistic tradition that has pressed for the individualization of justice and demanded treatment for criminals. In this view, crime resembles “disease”, something foreign and abnormal to most people. Inherent in the definition of a sick person a presumption is that individuals are not to blame for the disease, and that we should focus on curing them. Beginning in the 1960s, however, a number of criminologists began questioning the assumptions underlying rehabilitation strategies.

Critics of rehabilitation contend that education and psychotherapy cannot overcome or reduce the powerful tendency for some individuals to continue a criminal career. They cite statistics on the high role of recidivism (relapse into criminal behaviour) to back up their arguments.

*Deterrence.* The notion of deterrence rests on assumptions about human nature that is difficult to prove. Even so, sociological studies seem to suggest that the certainty of apprehension and punishment does tend to lower crime rates. Few studies, however, find an association between the severity of punishment and crime. While sociologists recognize that the prospect of punishment has some deterrent effect under some circumstances, they have been more concerned with specifying the conditions under which punishment influences behaviour. For instance, people often discount the chances that they will incur punishment. Moreover, allegiance to a group and its norms typically operates as a stronger force than the threat of societal punishment to bring about conformity. On the other hand, informal standards and pressures within delinquent subcultures may counteract the deterrent effects of legal penalties.

*Selective confinement.* There are those who argue that neither rehabilitation nor deterrence really works, so it is useless to send people to prison with these goals in mind. Imprisonment can be used to reduce crime rates by keeping "hard core" criminals off the streets. Yet selective incarceration poses difficulties. For instance, people who engage in robbery and burglary typically retire from these careers fairly early in life; the "out years" in a long sentence might then be a waste of prison capacity.

There is also the legal and constitutional difficulty in a democratic nation in sentencing individuals based on forecasts of their future behaviour rather than on a verdict arising out of an actual crime. Further, comparable attempts by psychologists and psychiatrists to predict behaviour on the basis of certain

profile characteristics have been notoriously inaccurate. Indeed, any number of sociologists argues that some amount of crime is normal within modern societies.

And they say that a large proportion of offenders is likewise normal, given the realities of contemporary social and economic life. In sum, deviance is and is likely to remain an integral component of social life.

**Text for annotation:**

**THE HISTORY OF SCOTLAND YARD**

The task of organizing and designing the “New Police” was placed in the hands of Colonel Charles Rowan and Sir Richard Mayne. These two Commissioners occupied a private house at 4, Whitehall Palace, the back of which opened on to a courtyard, which had been the site of a residence owned by the Kings of Scotland and known as “Scotland Yard”. Since the place was used as a police station, the headquarters of the Metropolitan Police became known as Scotland Yard.

These headquarters were removed in 1890 to premises on the Victoria Embankment and became known as “New Scotland Yard”; but in 1967, because of the need for a larger and more modern headquarters building, a further removal took place to the present site at Victoria Street 910 Broadway), which is also known as “New Scotland Yard”.

The Force suffered many trials and difficulties in overcoming public hostility and opposition. But, by their devotion to duty and constant readiness to give help and advice coupled with kindliness and good humor, they eventually gained the approval and trust of the public. This achievement has been fostered and steadily maintained throughout the history of the Force, so that today its relationship with the public is established on the firmest foundation of mutual respect and confidence.

***4 семестр:*** 20 аудиторных часов

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| --- | --- | --- |
| № | Название темы | Количество аудиторных часов |
| 1 | Court System | **4** |
| 2 | Common Law and Code Law | **2** |
| 3 | Legal Profession | **2** |
| 4 | Lawyers at Work | **2** |
| 5 | Treatment of Offenders | **2** |
| 6 | My Future Profession | **4** |
| 7 | Natural Law | **2** |
| 8 | Enforcing the Law | **2** |

*I. Подготовить устные высказывания по темам:*

1. Court System

2. Legal Profession

3. My Future Profession

*II. Прочитать и перевести тексты* “Treatment of Offenders” и “Natural Law”, *составив словарь незнакомых слов. Ответить на вопросы после текстов.*

*III. Составить аннотацию текста* “Prison”.

**Topic 1: COURT SYSTEM**

Court is a person or body of persons having judicial authority to hear and determine disputes in particular cases: civil, criminal or military. Court is also a large room in a building where trials and other legal cases happen.

English courts are divided by certain features. The first distinction is between courts trying criminal cases and courts trying civil cases. The second distinction is made between the inferior courts, or courts of first instance, in which the first hearing of any judicial proceeding takes place, and the superior courts, or courts of appeal, in which the judgement of the first courts are brought under review. The court of appeal is the main appeal court, whose decision may be reviewed by the House of Lords in important points of law.

The legal system also includes juvenile courts (which deal with offenders under seventeen) and coroners' courts (which investigate violent, sudden or unnatural deaths). There are administrative tribunals, which make quick, cheap and fair decisions with much less formality. Tribunals deal with professional standards, disputes between individuals, and disputes between individuals and government departments (e.g. over taxation).

The American court system is complex. It functions as part of the federal system of government. Each state runs its own court system, and no two are identical. The federal courts coexist with the state courts.

Individuals fall under the jurisdiction of two different court systems, their state courts and federal courts. They can sue or be sued in either system, depending mostly on what their case is about. The vast majority of cases are resolved in the state courts.

The federal courts are organised in three tiers, like a pyramid. At the bottom of the pyramid there are the U.S. district courts, where litigation begins. In the middle there are the U.S. courts of appeals. At the top there is the U.S. Supreme Court. To appeal means to take a case to a higher court. The courts of appeals and the Supreme Court are appellate courts, with few exceptions; they review cases that have been decided in lower courts. Most federal courts hear and decide a wide array of cases; the judges in these courts are known as generalists.

Belarusian courts are judicial organs of government, which resolve disputes of civil and criminal cases on the territory of Belarus. The Constitution of Belarus (Articles 151-161) provides the system of election of judges and People's assessors and the collective order of trying criminal and civil cases in courts. In general the court system is divided into three stages – district (municipal) People's courts, regional courts and Minsk city court and the highest one – the Supreme Court of the Republic of Belarus. Criminal and civil courts are distinguished as courts of first and second instances. Courts of first instance pronounce verdicts in criminal cases and pass judgement in civil cases after trial. Courts of second instance are courts of cassation and can control the legality and justification of verdicts or judgement pronounced by courts of first instance.

**Topic 2: LEGAL PROFESSION**

Although many kinds of people working in or studying legal affairs are referred to as lawyers, the word really describes a person who has become officially qualified to act in certain legal matters because of examinations he has taken and professional experience he has gained. Most countries have different groups of lawyers who each take a particular kind of examination in order to qualify to do particular jobs. In Japan, a lawyer must decide whether he wants to take the examination to become anattorney, a public prosecutor or a judge. In England, the decision is between becoming abarrister or asolicitor**.** Barristers specialize in arguing cases in front of a judge and have the right to be heard, the right of audience**,** even in the highest courts. They are not paid directly by clients, but are employed by solicitors. Judges are usually chosen from the most senior barristers, and once appointed they cannot continue to practice as barristers. Solicitors do much of the initial preparation for cases which they then hand to barristers, as well as handling legal workwhich does not come before a court, such as drawing up wills, and dealing with litigation which is settled out of court. In general, it can be said that a barrister spends most of his time either in a courtroom or preparing his arguments for the court and a solicitor spends most of his time in an office giving advice to clients, making investigations and preparing documents.

In the United States attorneys often specialize in limited areas of law such as criminal, divorce, probate (доказывание завещания), or personal injury, though many are involved in general practice. The duties of an attorney are to act with diligence and fidelity to one’s client and to show average prudence, knowledge, and skill in professional dealings. Most towns in the United States have small firms of attorneys who are in daily contact with ordinary people, giving advice and acting on matters such as consumer affairs, traffic accident disputes and contracts for the sale of land. Some may also prepare defenses for clients accused of crimes. The main administrators of federal law enforcement are the ninety-four U.S. attorneys, who are appointed by the President with the advice and consent of the Senate.

In Belarus the chief distinction is between lawyers, notaries and advocates. Lawyers are widely used as advisers to government bureaus but have far less scope in representing individuals. Notaries have exclusive rights to deal with such office work as marriage settlements and wills.

The main functions of Belarusian advocates are to consult citizens, plead the cause of another in a court of law and take part in investigation and trial in criminal cases There are also legal counsellors who give advice on various legal problems and are often employed by business firms.

In continental European countries the judge has greater responsibility for investigation of the facts. At trial he plays an active role in taking evidence, questioning witnesses, and framing the issues. Continental lawyers suggest lines of factual inquiry to the judge and advance legal theories and argue the law in accord with the interests of their clients.

**Topic 3: MY FUTURE PROFESSION**

I am a student of Brest State University Law Faculty. In a several years I’ll graduate from the University and become a professional lawyer. To become a good lawyer one must know much. So at the University we are taught various general and special subject: Roman Law, Labour Law, Family Law, Constitutional and Administrative Law, Civil Law, Criminal Law, Law of Procedure, etc.

The profession of a lawyer is quite diversified. The graduates of our faculty can work as investigators, judges, defence counsels, legal consultants.

I think that now the profession of a lawyer is one of the most important in the law-governed state which we are creating now. Lawyers have to solve many problems that still exist in our society. The duty of lawyers is not only to punish people for various crimes: hooliganism, stealing, murder, traffic violation and so on but they must do their best to prevent crimes, to fight against evil in our society. They should help those people who committed an error to find the right road in their life. The lawyers protect the rights and legal interests of citizens, institutions and organizations. All the citizens are equal before the law. Judges are elected for a term of five years. Not only professional lawyers but the representatives of the population hear all criminal and civil cases having equal authority. The defendants are guaranteed the right to defence.

In our country justice is exercised on the principles of equality of citizens before the law and the court, regardless of social position, property or official standing, nationality or race. The court’s mission is not just to meter out punishment, but rather to educate people in the spirit of strict observance of all laws, of labour discipline, appreciation of their duty to the state and society, respect for the rights and integrity of fellow citizens and of the norms of behaviour.

Proceedings of all courts are open. All people before the court are presumed innocent, until the court, having observed all procedural guarantees, finds them guilty. Only then is the sentence pronounced. An appeal can be made against the ruling to a higher court, right up to the Supreme Court.

**Text for reading:**

**TREATMENT OF OFFENDERS**

**Sentencing**

The sentence passed on an offender is entirely a matter for the courts, subject to the maximum penalty enacted by Parliament for each offence. The Government ensures that the courts have available and adequate range of sentences to suit the circumstances of each case and that they are well informed about the purpose and nature of each available sentence. The Court of Appeal issues guidance to the lower courts on sentencing issues when points of principle have arisen on individual cases which are the subject of appeal

**Custody**

The Government believes that custody should be a sanction of last resort' used only when the gravity of the offence means that there is a positive justification for a custodial sentence, or where the public needs to be protected from a dangerous offender. The Court of Appeal has stated that sentencers in England and Wales should examine each case in which custody is necessary to ensure that the term imposed is as short as possible, consistent with the courts' duty to protect the interests of the public and to punish and deter the criminal. A magistrates' court in England and Wales cannot impose a term of more than six months' imprisonment for each offence tried summarily, but may impose consecutive sentences subject to an overall maximum of 12 months' imprisonment. If an offence carries a higher maximum penalty, it may commit the defendant for sentence at the Crown Court, which may impose — within the permitted statutory maximum — any other custodial penalty. As in the rest of Britain there is a mandatory sentence of life imprisonment for murder: this is also the maximum penalty for a number of serious offences such as robbery, rape, arson and manslaughter.

The death penalty has been repealed for almost all offences. It remains on the statute book for the offences of treason, piracy with violence and some other treasonable and mutinous offences; it has, however, not been used for any of these offences since 1946.

In Scotland the maximum penalty is determined by the status of the court trying the accused unless the sentence is limited by statute. In trials on indictment, the High Court may impose a sentence of imprisonment for any term up to life, and the sheriff court any term up to three years but may send any person to the High Court for sentence if the court considers its powers are insufficient. In summary cases, the sheriff may normally impose up to three months' imprisonment or six months for some repeated offences, although his powers are extended by statute in some exceptional cases. In the district court the maximum term of imprisonment is 60 days.

In Northern Ireland the position is generally the same as for England and Wales.

A magistrates' court, however, cannot commit an offender for sentencing at the Crown Court if it has tried the case; for certain summary offences, a magistrates' court may impose a term of imprisonment for up to 12 months. There are also other circumstances when a magistrates' court can impose imprisonment of more than six months.

**Fines**

The most common sentence is a fine, which is imposed in more than 80 per cent of cases. There is no limit to the fine which may be imposed on indictment; on summary conviction the maximum limit, except in certain exceptional circumstances, is £2,000 in England, Wales and Northern Ireland, and in Scotland £2,000 in the sheriff court and £1,000 in the district court.

**Probation**

At present in the United Kingdom the number of offenders subject to supervision in the community considerably exceeds the number in custody. The purpose of probation is to protect society by the rehabilitation of the offender, who continues to live a normal life in the community while subject to the supervision of a probation officer. Before placing an offender on probation, which may last from six months to three years, the court must explain the order in ordinary language, ensuring that the offender consents to die requirements of the order and understands that a failure to comply with them will make him or her liable to a penalty or to be dealt with for the original offence. In England and Wales such an order can be made only for offenders aged 17 years or more. In Scotland the minimum age is 16 years and in Northern Ireland 10 years. About 17 per cent of orders in England and Wales contain a variety of additional requirements concerning place of residence, attendance at day centres or treatment for mental illness.

The probation service in England and Wales also administers supervision orders, the community service scheme and parole. In addition, social work services are provided in custodial establishments.

In England and Wales the cost of the probation service is shared between central and local government and it is administered locally by probation committees of magistrates and members co-opted from the local community. In Scotland probation services are integrated with local authority social work departments and in Northern Ireland the service is administered by a probation board, whose membership is representative of the community and which is funded by central government.

The probation service provides and maintains day centers and hostels together with schemes and programmes designed to meet the needs of a broad range of offenders, and, if possible, drawing the community into partnership in responding to offending.

1. In what way should the sentencers in England and Wales (according to the statement of the Court of Appeal) examine each case?

2. Which sentences may the Crown Court impose?

3. What are the peculiarities of the court in Scotland?

4. What is the most common sentence in Great Britain?

5. What is the purpose of probation?

6. Who is the probation service administered by?

**Text for reading:**

**NATURAL LAW**

Natural law in philosophy is a system of right or justice held to be common to all humankind and derived from nature rather than from the rules of society, or positive law. Throughout the history of the concept, there have been disagreements over the meaning of natural law and over its relation to positive law.

Aristotle held that what was "just by nature" was not always the same as what was "just by law"; that there was a natural justice valid everywhere with the same force and "not existing by people's thinking this or that"; and that appeal could be made to it from the positive law. He drew his instances of the natural law, however, chiefly from his observation of the Greeks in their city-states, with their subordination of women to men, of slaves to citizens, and of barbarians to Hellenes. The Stoics, on the other hand, conceived an entirely egalitarian law of nature in conformity with the "right reason," or Logos, inherent in the human mind.

Some scholastic philosophers, for instance John Duns Scotus, William of Ockham, and, especially, Francisco Suárez, emphasized the divine will instead of the divine reason as the source of law. This "voluntarism" influenced the Roman Catholic jurisprudence of the Counter-Reformation.

The epoch-making appeal of Hugo Grotius to the natural law belongs to the history of jurisprudence. Grotius insisted on the validity of the natural law "even if we were to suppose … that God does not exist or is not concerned with human affairs." A few years later Thomas Hobbes was arguing not from the "state of innocence" in which man had lived in the biblical Eden but from a savage "state of nature" in which men, free and equal in rights, were each one at solitary war with every other. After discerning the right of nature (jus naturale) to be "the liberty each man hath to use his own power for the preservation of his own nature, that is to say, of life," Hobbes defines a law of nature (lex naturalis) as "a precept of general rule found out by reason, by which a man is forbidden to do that which is destructive of his life" and then enumerates the elementary rules on which peace and society can be established. Grotius and Hobbes thus stand together at the head of that "school of natural law" which, in accordance with the tendencies of the Enlightenment, tried to construct a whole edifice of law by rational deduction from a fictitious "state of nature" followed by a social contract. In England, John Locke departed from Hobbesian pessimism to the extent of describing the state of nature as a state of society, with free and equal men already observing the natural law. In France, where Montesquieu had argued that natural laws were presocial and were superior to those of religion and of the state, Jean-Jacques Rousseau postulated a savage who was virtuous in isolation and actuated by two principles "prior to reason," self-preservation and compassion (innate repugnance against the sufferings of others).

The Declaration of Independence of the United States refers only briefly to "the Laws of Nature". The French Declaration of the Rights of Man and of the Citizen asserts liberty, property, security, and resistance to oppression as "imprescriptible natural rights." The philosophy of Immanuel Kant renounced the attempt to know nature as it really is, yet allowed the practical or moral reason to deduce a valid system of right with its own purely formal framework; and Kantian formalism contributed to the 20th-century revival of naturalistic jurisprudence.

1. What is natural law in philosophy?
2. Where did Aristotle get his examples of natural law?
3. What was Hugo Grotius’s point of view concerning natural law?
4. What were the attitudes to natural law in England and France?
5. How do the Declaration of Independence and Declaration of the rights of Man and of the Citizen refer to the Laws of Nature?

**Text for annotation:**

**PRISON**

Most offences have a fixed maximum prison sentence, but usually the offender will receive less than the maximum period.

Generally, a magistrates’ court cannot impose a sentence of more than six months per offence, although the magistrates can sometimes get around this by committing the prisoner to the crown court for sentence in the hope that that the judge will pass a longer sentence. If the accused is being sentences for several offences, the maximum magistrates’ court prison term is a total of twelve months.

If a prisoner is sentences to prison for several offences at the same trial, the judge will say whether the sentences are to run concurrently or consecutively. This is best explained by an example: if a prisoner receives two sentences of one year each, he or she will serve only one year if the sentences run concurrently, but will serve two years if the sentences are to be consecutive. Most prison sentences are concurrent.

Prison should be seen as the last resort when sentencing an offender, partly because prison is not generally regarded as a reforming influence and also the cost of keeping someone in crowded prisons is very high.

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**ГРАММАТИЧЕСКИЙ МАТЕРИАЛ**

**ДЛЯ САМОСТОЯТЕЛЬНОГО ИЗУЧЕНИЯ**

*Рекомендуемые учебники для изучения грамматического материала:*

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Существительное: множественное число существительных, притяжательный падеж.

Определенный, неопределенный, нулевой артикль.

Личные, притяжательные, указательные, относительные, вопросительные, неопределенные местоимения.

Прилагательные, степени сравнения прилагательных.

Наречие, степени сравнения наречий.

Формальные признаки сказуемого: позиция в предложении (повествовательном, вопросительном).

Временная система изъявительного наклонения.

Согласование времен изъявительного наклонения.

Условное наклонение.

Неличные формы глагола: причастия настоящего и прошедшего времени, отглагольное прилагательное, деепричастие, герундий.

Строевые слова – средства связи между элементами предложения.

Побуждение к действию / просьба – глагол в повелительной форме.

Средства выражения долженствования / необходимости / желательности.

Структура сложноподчиненного предложения.

Причинно-следственные отношения – придаточные предложения (причины, следствия).

**GRAMMAR TEST**

**Active Voice Tense forms in comparison**

**1. Open the brackets putting the verbs into the appropriate form.**

**(A)**

I am a doctor and I have to drive a lot. I (1) (to drive) for twenty years. For all that time the police never (2) (to stop) me. But last Tuesday police officers (3) (to catch) me for speeding. It was afternoon. I (4) (to drive) fast because I (5) (to be) late. I (6) (to go) to the airport to meet a friend. I was late because a patient (7) (to telephone) before I (8) (to leave) the house. The police (9) (to wait) at the side road outside town. When they (10) (to see) me go past, they (11) (to follow) me and (12) (to stop) me. They (13) (to tell) me 1 was booked for speeding. I (14) (to try) to explain to them that my friend's plane (15) (to land) a few minutes before and he (16) (to wait) for me, but they (17) (not to want) to listen to my excuse. They (18) (to say) 1(19) (to have) to pay $50 the next day. I paid, of course. But since then I never (20) (to violate) traffic rules.

**(B)**

David William (21) (to have) such a terrible time this year that he ought to be in the Guiness Book of Records.

The trouble (22) (to start) one morning last January when David (23) (to find) that his car (24) (to disappear) from outside his house. He (25) (not to see) it ever since.

In March he (26) (to buy) a new car, but he (27) (not to have) it for more than a week when someone (28) (to crash) into the back of it. These disasters (29) (to continue) for more than a year right up to the present time. Two days ago David (30) (to sit) on a seat that someone (31) (to finish) painting only some minutes before. He (32) (to wear) a new suit he (33) (to buy) only the previous week.

The worst thing happened in August. David (34) (to spend) 3 days of his holiday at airports because of strikes. When he (35) (to arrive) home finally, he (36) (to discover) that someone (37) (to break) into his house. The burglars (38) (to steal) his video-recorder and TV-set. David doesn't know what he (39) (to do) to deserve all this bad luck. But he (40) (to hope) his luck will change soon.

**(C)**

1) Two days ago I (41) (to put) an ad in the local newspaper so that I could find a buyer for my old car. Yesterday I (42) (to sell) it. A man who (43) (to look) for an old car (44) (to buy) it. Today a friend of mine told me that he (45) (to want) to buy my old car, but he was too late. By the time he (46) (to talk) to me, I already (47) (to sell) my car.

2) After the teacher (48) (to return) the test papers to the students in class tomorrow, the students (49) (to receive) their next assignment.

3) Ever since they (50) (to build) the Taj Mahal three centuries ago, it has always been described as the most beautiful building in the world. A Turkish architect (51) (to design) it and it (52) (to take) 20.000 workers 20 years to complete it. Though it is so ancient, I'm sure, people always (53) (to like) it.

**(D)**

"Dear Sirs,

I (54) (to want) to complain to you about some fashion boots I (55) (to buy) from your Westborough branch last Wednesday. When I (56) (to put) them on for the first time at the weekend, it (57) (to rain) and after a few minutes the boots (58) (to let) the water in. The next day I took the boots to your shop and asked the assistant who (59) (to sell) them to me to replace the boots. But she said she (60) (not to replace) the boots because I (61) (to wear) already them. But how could I have seen the defect without wearing them? I can't believe that boots are made to wear in dry weather only! And I (62) (not to want) the boots which (63) (not to be) waterproof. I'll be grateful if you (64) (to send) me a replacement pair that will not let water in.

Look forward to your response.

Sincerely yours

Mary Crawford."

**(E)**

It (65) (to rain) when I (66) (to wake) up last Saturday. It always (67) (to rain) when I am not working. We (68) (to plan) to go to the seaside but in the end we (69) (to decide) to go to the theatre instead. We (70) (to miss) the bus and (71) (to arrive) late. We (72) (to arrange) to meet Joe outside the theatre and he (73) (to wait) for twenty minutes when we (74) (to get) there. The play already (75) (to start) when we (76) (to go) in.

It's Monday again today, and I (77) (to work) as usual. I (78) (to sit) here in the office for the last two hours, but I (79) (not to do) much work yet -1 (80) (to feel) I am fed up with work. I already (81) (to have) my holiday this year. I (82) (to go) to Scotland in July and, of course, it (83) (to rain) every day. Tomorrow I (84) (to book) a holiday for next April in Spain.

**(F)**

Will Kelogg, famous for Kelogg's cornflakes, was taken out of school at thirteen because he (85) (to be) a slow learner. Since he (86) (to fail) as a salesman, his brother, a doctor, (87) (to give) him a job in his hospital. He (88) (to shine) shoes for ten years when a fortunat» baking accident in the hospital kitchen (89) (to give) him an idea for Kelogg's cornflakes. This breakfast cereal already (90) (to become) one of the most successful business ideas. Every morning thousands of people (91) (to have) cornflakes for breakfast.

**(G)**

Mrs Winfred Weave (92) (to get involved) in politics ever since she (93) (to be) a student. She (94) (to go) to Hull University, where she (95) (to study) agriculture. She (96) (to have) a distinguished career in politics and (97) (to represent) her constituency for 30 years.

For the past few months she (98) (to write) her memoirs, although she insists her political career (99) (not to finish) yet. Who knows, maybe in some years she (100) (to become) a prominent politician.

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*Акад. упр. при Президенте Респ. Беларусь, 2004. - c. 278-280.*

**GRAMMAR TEST**

**Passive Voice Tense forms in comparison**

**1. Choose the correct variant:**

1) Nylon … since 1938 and today it … in many things.

A) has been produced; is being found

B) has produced; is found

C) has been produced; is found

D) has been produced; has been found

2) Wait for a while .He … now.

A) is being interviewed C) has been interviewed

B) is interviewed D) will be interviewed

3) She … about the results of the research as soon as it ….. .

A) will have been informed; is finished

B) will be informed; will be finished

C) will be informed; is finished

D) will have been informed; will have been finished

4) The Houses of Parliament … between 1849 and 1857.

A) were being built C) were built

B) was built D) had been built

5) Acid rain … by burning coal or oil

A) is caused C) has been caused

B) is being caused D) has caused

6) Boss says I ….. a pay-rise.

A) was giving C) will given

B) will be given D) was be given

7) Two million books ….. to America every year.

A) are being sent C) were being sent

B) will send D) are sent

8) The students of our Institute ….. every opportunity to master the language.

A) give C) had been given

B) was being given D) are given

9) The room ….. for a month.

A) hasn't lived in C) has not been lived in

B) is not lived in D) is not being lived in

10) By the time she comes, the problem ….. .

A) will have discussed C) will have been discussed

B) will being discussed D) will be discussed

11) By the time Mr. Brown returned, the old fireplace ….. .

A) had been taken out C) was taken out

B) had taken out D) has been taken out

12) The cats ….. hen Mary entered the room.

A) were fed C) had fed

B) fed D) were being fed

13) The new night club ….. by the council last week.

A) was closed C) closed

B) had been closed D) had closed

14) I'm going home now because all the work ….. .

A) is doing C) does

B) has been done D) has done

15) Jim's house is very modern. It …... only 2 years ago.

A) had been built C) was being built

B) built D) was built

16) This piece of music ….. yet. I have just composed it.

A) hasn't been recorded C) hasn't recorded

B) wasn't recorded D) wasn't being recorded

17) This tree is very old. It ….. in the 19-th century.

A) had been planted C) was planted

B) planted D) was being planted

18) The house ….. at this time yesterday.

A) was painting C) was being painted

B) had been painted D) was painted

19) A valuable painting ….. from the Art Gallery last night.

A) was stolen C) stole

B) had been stolen D) had stole

20) By the time I arrived, all the tickets ….. .

A) had been sold C) were sold

B) had sold D) sold

21) The garages ….. every day

A) are being cleaned C) are cleaned

B) clean D) will clean

22) Two hundred people ….. to the wedding last week.

A) were invited C) were being invited

B) invited D) have been invited

23) A new spaceship ….. by our scientists now.

A) is being examined C) has examined

B) is examined D) has been examined

24) After the work ….. , they went home.

A) was finished C) was being finished

B) had finished D) had been finished

25) This letter recently ….. by the secretary.

A) has brought C) is brought

B) has been brought D) was brought

26) The meal … now.

A) is preparing C) will prepare

B) has been prepared D) is being prepared

27) By the time I returned from work, my new washing machine ….. .

A) had been delivered C) has been delivered

B) was delivered D) was being delivered

28) We ….. all the time we were there

A) were watched C) watched

B) had been watching D) were being watched

29) A plan to build a helicopter near Westminster ... last year.

A) was considered C) had been considered

B) considered D) has been considered

30) The burglar ….. yesterday.

A) arrested C) was arrested

B) had been arrested D) was being arrested

31) They didn't leave the restaurant until the bill ….. .

A) was paid C) had been paid

B) had paid D) was being paid

32) When I entered the room, the politician ….. .

A) was being interviewed C) had been interviewed

B) interviewed D) has interviewed

33) The prisoners ….. to prison now.

A) are taken C) take

B) are being taken D) will be taken

34) When I returned, I noticed that the dog ….. yet.

A) wasn't fed C) hadn't fed

B) hadn't been fed D) fed

35) The window ... now.

A) is being replaced C) will have replaced

B) will replace D) will being replaced

36) Millions of pounds' worth of damage ….. by a storm which swept across the north of England last night. (refer to the Present)

A) has been caused C) caused

B) had been caused D) were caused

37) Too many offices ….. in London over the last 10 years.

A)were built C) have been built

B) are building D) had been built

38) When she discovered that all the biscuits ….. she got angry.

A) were eaten C) had eaten

B) had been eaten D) ate

39) I hope that the missing money ….. soon.

A) will be found C) is found

B) has been found D) will find

40) The antique car ….. by an expert, at the moment

A) is restored C) is being restored

B) is restoring D) has been restored

**2. Open the brackets. Use the proper tense and voice form.**

41) The new proposal (to discuss) at our next meeting.

42) The man (to send) to prison for 6 months after he (to find) guilty of fraud.

43) Much of London (to destroy) by the fire in the 17-th century.

44) The Government is apparently winning the fight against inflation. A steady fall (to record) over the last 6 months.

45) The builders will start work as soon as the plans (to approve).

46) The motorist (to disqualify) some five years ago.

47) They say this book (to publish) next year.

48) The naughty boy (to teach) a good lesson by his friends.

49) The meat must be nearly ready. It (to cook) for nearly an hour.

50) I read in the paper a few weeks ago that Richard (to make) Vice-president of the company.

51) Their behaviour was so outrageous that we (to force) to leave the house.

52) The letter (to hand) to Lord Henry on the day of his departure.

53) Mind, you (to punish) if you disobey my orders.

54) The preparations for the party just (to finish) and the guests are arriving.

55) When I came into the kitchen I smelt something delicious. My favourite cookies (to bake) in the oven.

56) You can't use the fax now. It (to fix) at the moment.

57) Many towns (to destroy) by the earthquake in Japan last year.

58) You ever (to teach) how to play chess?

59) The exposition (to open) when we drove up to the picture gallery.

60) I can't believe my eyes! My book (to publish) already!

61) The helicopter (to construct) in Russia many years ago.

62) You'll have your copy soon, the contract (to type) now.

63) The sportsmen (to give) instructions before the match.

64) I'm happy as 1 just (to allow) to stay here for an extra day.

65) I wonder, when my project paper (to publish) (refer to the Future).

66) We felt happy that the car (to repair) the next day.

67) When they joined us, we already (to show) a lot of places of interest.

68) The house (to repaint) since they moved out.

69) She greatly (to impress) by the size and beauty of our capital every she visits Minsk.

70) He escaped when he (to move) from one prison to another.

71) They invited Jack, but Tom (not to invite).

72) The escaped convict (to arrest) in a few days.

73) After a million pounds (to spend) on the project, they decided that it impracticable and gave it up.

74) He said he (to involve) in an accident that month.

75) The bomb (to carry) to a safe place when it exploded.

76) The water level (to check) every week.

77) A whistle (to blow) if there is an emergency.

78) Your shoes (to mend) at the moment.

79) The children already (to tell) about the party.

80) The outside of the ship (to paint) when the accident happened.

**GRAMMAR TEST: MODAL VERBS**

**l. Supply the modal verbs *can*, *could*, *to be able to*,or *managed to*.**

1) A good 1500-metre runner ... run the race in under four minutes.

2) Bill is so unfit he ... run at all!

3) Our baby is only nine months and he ... stand up.

4) When I was younger, I ... speak Italian much better than I... now.

5) ... she speak German well? - No, she ... speak German at all.

6) He ... draw or paint at all when he was a boy, bat now he is a famous artist.

7) After weeks of training, I ... swim a length of the baths underwater.

8) It took a long time, but in the end Tony ... save enough to buy his car.

9) Did you buy any fresh fish in the market?- No, I ... get any.

10) For days the rescuers looked for the lost climbers in the snow. On the forth day they saw them and ... reach them without too much trouble.

**2. Rewrite these sentences using the modal verb *can/could*.**

11) Do you see that man over there?

12) I smell something burning.

13) I understood what he said.

14) Did you understand what he said?

15) I don't hear anything!

**3. Rewrite these sentences so that each sentence contains the modal verb *can* and the meaning remains the same.**

16) I knew how to skate before I was five.

17) I hope one day we will meet again in more favourable circumstances.

18) It is still very cold here in March.

19) Some supermarket beef tends to be rather tough.

20) In the end we managed to communicate with sign language.

21) If you don't feel you'll make a contribution, just say so.

**4. Fill in the gaps using the modal verbs *can* or *to be able to*.**

22) They asked if they ... go.

23) I ... solve her problems for her.

24) I'd like to ... write as well as that.

25) ... you speak Spanish?

26) I might... help you.

**5. Insert the modal verbs *may* or *can* into each gap.**

27) The engines don't seem to be working properly. There ... be some ice in them.

28) Planes flying in cold countries in winter ... have problems because of ice on the wings.

29) Both engines have failed. I'll try to find a place to land. We haven't much chance of surviving, but we ... be lucky.

30) The engines were not working properly. The pilot said he thought there ... be some ice on the wings.

31) He said there wasn't much chance of surviving, but we ... be lucky.

32) He told me that planes flying in cold countries in winter ... have problems because of ice on the wings.

**GRAMMAR TEST: CONDITIONALS**

**1. Choose the correct answer.**

1) If she ... not so slowly she would enjoy the party.

A) were B) is C) will be

2) If you ... my library book I will have to buy a new one.

A) will lose B) lost C) loose

3) If she ... you were in hospital she would have visited you.

A) had known B) knew C) would have known

4) I wish I ... rich.

A) would be B) were C) had been

5) I wish I ... his opinion before.

A) would know B) had known C) knew

6) I wish I ... to the Tower when I was in London.

A) had gone B) went C) would go

7) I wish I ... much yesterday.

A) didn't eat B) hadn't eaten C) were not eating

8) If she ... not so slowly she would enjoy the party.

A) were B) is C) will be

**2. Match the two parts of the sentences.**

9) He wouldn't have become so strong;... a) ... I wouldn't be worried now.

10)They would have come... b) ... I would have gone to the library.

11) If they had been ready the day before... c) ... we wouldn't have come so early.

12) If I hadn't needed the book... d) ... unless he had done sports.

13) If they had had a city map... e) ... they wouldn't have been lost.

14) If you had warned us... f) ... if Jane had invited them.

15) He wouldn't know much... g) ... unless you had agreed with us.

16) We wouldn't have wasted so much time... h) ... unless he had read much.

17) If you had sent me a telegram... i) ... they would have taken their exam.

18) We had never done this ... j) if you have bought everything beforehand

**3. Correct the errors, if necessary.**

19) If I knew her well I will visit her.

20) If I were you I would have visited Jane yesterday.

21) If I have a computer I would learn Computer Studies.

22) If the weather would be nice tomorrow we'll go on excursion.

23) You did not miss the plane if you had taken a taxi.

24) I wish you have a car.

25) I wish things were different in the past.

26) I wish the weather were warmer.

27) I wish I did not decide to work in New York.

28) I wish I did not go to bed early yesterday.

**4. Complete the following radio programme by putting the verbs in brackets into the correct form.**

**Interviewer:** Welcome once again to our weekly programme in which we ask the questions "If you (29) \_\_\_ (be) alone on a tropical island for a month, what two items (30) \_\_\_ you \_\_\_ (choose) to take with you and why?" My two guests are racing driver Charles Brown and journalist Helen Howk, Charles?

**Charles:** Well, I think (31) \_\_\_ (get) very bored on this island if I (32) \_\_\_ (not have) anything to do. So, I (33) \_\_\_ (take) a knife and a ball of string. Then I (34) \_\_\_ (be able) to make useful things to catch food, and, maybe, build some kind of house to live in.

**Interviewer:** (35) \_\_\_ you \_\_\_ (try) to escape from the island?

**Charles:** If I (36) \_\_\_ (manage) to make a boat, I think I (37) \_\_\_ (try).

**Interviewer:** Helen, what about you?

**Helen:** Well, I definitely (38) \_\_\_ (not try) to escape. I'm totally impractical. So, if I (39) \_\_\_ (try) to make anything, I'm sure it (40) \_\_\_ (fall) to pieces very quickly. No, if I (41) \_\_\_ (have) to spend a month on the island, I (42) \_\_\_ (want) to have a good book and a pair of sunglasses.

**Charles:** But how (43) \_\_\_ you \_\_\_ (catch) things to eat if you (44) \_\_\_ (not have) any tools?

**Helen:** Oh, I expect there (45) \_\_\_ (be) plenty of fruit on the island. And I'm sure it (46) \_\_\_ (not hurt) me if I (47) \_\_\_ (not eat) meat or fish for a month.

**Interviewer:** (48) \_\_\_ either of you \_\_\_ (be) lonely?

**Charles:** Definitely. I (49) \_\_\_ (find) it very difficult if I (50) \_\_\_ (not speak) to anyone for a month.

**Helen:** I think (51) \_\_\_ (enjoy) the peace and quiet at first, but after a couple of weeks, yes, I (52) \_\_\_ (begin) to feel lonely.

**Interviewer:** Charles and Helen, thank you very much.

**5. Make up sentences.**

53) She / it / so / have / had / fallen / slippery / been / wouldn't / if/ not

54) had /1 / you / chosen / would /1 / have / If/ been / green / been / the / one

55) lot / if / would / trained / the / they / have / had / Our / won / a / team /

game

56) would / to / ill / place / have / your / if/ been / had / He / come / not / he

57) lay / would / gone /country / had / if / not / a / have / it / I / the / been / nasty / to

58) it / were / wish / now / summer /1

59) I / had /1 / been / wish / so / not / modest

60) redundant / been / made / If /1 / only / hadn't

**GRAMMAR TEST: VERBALS**

**1. Put in the correct form of the Infinitive choosing from А, В or С**

1) There was nothing now … for.

A) to wait B) to be waiting C) to be waited

2) She put on her wedding dress and turned round … .

A) to be admired B) to be abmiring C) to admire

3) He appeared to have plenty of money, which was said … for a couple of years at that company.

A) to be saved B) to save C) to have been saved

4) Stan seemed … silence intently, waiting for Susan to dismiss the subject.

A) to keep B) to be keeping C) to have been keeping

5) For the last few days she happened … to nobody but strange men.

A) to talk B) to be talking C) to have been talking

6) He is said … away a small fortune. So, he is safe.

A) to put B) to have put C) to be put

7) She couldn't help but … thankful for what her uncle had done for her sake.

A) to feel B)feel C) be feeling

8) You'd better … me back to my parents at once, or they' 11 be really angry with you.

A) take B) to take C) be taken

9) I'd rather … than ask him for another penny.

A) die B) to die C) to be dying

10) Jackie felt her blood in her veins when she saw what was left of the house.

A) to freeze B) freeze C) have frozen

**2. Complete the sentences choosing the verbs from А, В or С**

11) We … to leave the building as soon as possible.

A) hoped B) succeeded C) dreamed

12) Fred … in solving the problem.

A) failed B) succeeded C) looked forward

13) I … to going away next week.

A) hope B) am thinking C) am looking forward

14) Mary … to buy me a drink.

A) promised B) insisted C) objected

15) The police … the criminal lie on the ground.

A) forced B) allowed C) made

**3. Complete choosing the right preposition from A, B or С**

16) The President began his speech … explaining his point of view on the situation in the area.

A) in B) by C) with

17) Rachel seemed upset … hearing the news.

A) after B) before C) by

18) Melany left the company after her unsuccessful interview … being confused.

A) by B) without C) with

19) In many countries of the Middle East husbands prevent their wives … taking a job outside their homes.

A) against B) of C) from

20) Furious with his employees … turning up late each morning, the director decided to have a serious talk with them.

A) at B)for C) on

21) Nothing is gained … delaying.

A) without B) in C) by

22) The Foreign Minister was accused … interfering in the political affairs of another state.

A) of B)for C) with

23) Mary wouldn't dream … going to Spain.

A) of B) about C) on

24) We were warned … signing any contract with the company without a lawyer.

A) about B) against C) from

25) … discussing the future contract a lot of factors are to be taken into consideration.

A) in B) by C) at

**4. Complete with the correct form of the Verbals choosing them from A, В or С**

26) When Paul went out he remembered … the letter. He put it into the mail box.

A) posting B) having posted C) to post

27) Jane regrets … the firm after twenty years.

A) to leave B) leaving C) having been left

28) After approving the agenda we went on ... finance.

A) to discuss B) discussing C) discuss

29) Angela enjoys … tricks at people.

A) to play B) to have played C) playing

30) Julia has been ill but now she is beginning … better.

A) to get B) getting C) be getting

31) You are looking great. You seem … weight.

A) to lose B) losing C) to have lost

**5. Complete the sentences using the correct form of Participles from the verbs in brackets.**

32) … seven hundred miles, he was now near the border of the United States. (travel)

33) There was a silly smile … about the corners of his mouth. (play)

34) He had a beautiful house, and … a man of taste he had furnished it admirably. (be)

35) … him by his figure and his movements, he was still young. (judge)

36) … by the beauty of the twilight, he strolled away from the hotel. (stir)

37) For a moment the trio stood as if … to stone. (turn)

38) Cecilia had heard very little … in her own thoughts. (absorb)

39) … he went out. (dine)

40) If … to myself, I shouldn't lose my chance. (leave)

41) Thus absorbed, he would sit for hours … no interruption. (want)

42) She considered herself … to Mr Bennet. (engage)

43) It … now too dangerous to stay in the car any longer, Mark was waiting for a chance to escape. (be)

44) He sat with his feet … on the chair. (put)

45) If … , she slammed the door. (annoy)

46) When … , she never objected. (tell)

47) Douglas … to prove that he was right, reminded him of the promise. (determine)

48) She looked at Mike as if … of his manners. (disapprove)

49) While … the message she thought what she should tell the manager. (read)

50) Let them have the details … .(settle)