

UNIT 1

THE LAW

Reading

Text 1

THE LAW

The word 'law' in English suggests the idea of rules or regulations and makes reference to the body of principles recognised and applied by the state in the administration of justice. In any society rules are developed to control the relationship between members. These rules are essential if the community is to work and will be found in all forms of activity. Without laws social life would be in a state of anarchy, and violence would be present everywhere. When the persons in power in the community enforce a rule, then it acquires the status of a law, and as the society develops and becomes more complex, rules of a more definite nature emerge and a body of law comes into existence.

There are many ways in which the law may be classified. We can speak of written or unwritten law, private or public law, criminal or civil law, etc. The expression 'written' law signifies any law that is formally enacted, whether reduced to writing or not, whereas the expression 'unwritten' law signifies all unenacted law. Unlike on the Continent, unwritten law is predominant in England, since English law derives from judicial precedents, which does not imply the non-existence of codified law. Civil law, sometimes referred to as private law, is the area of law which regulates relations between the state and ordinary individuals in circumstances where the former has no special rights or powers with regard to the latter. From that point of view, private or civil law appears in opposition to public law in which the state has a dominant position.

Within the British legal system the main categories of private law are torts - that is, wrongs committed by one individual against another individual's person, property or reputation; contracts - binding agreements between two or more parties (people or companies); trusts - property agreements under which a person administers property for another person's benefit for a specific purpose; probate - arrangements for dealing with property after the owner's death, and family law.

The main categories of public law are crimes - illegal acts committed against individuals which can be punished by the state; constitutional law, that is, the law that defines the principle organs of the state and regulates the relation between government and private citizens, and international law - the law that regulates the relations between states.

A simple distinction between criminal law and civil law is that the former regulates the legal relationship between the state and individual people and bodies and the latter regulates the individual's relations with his fellow human beings.

Working with the text

Comprehension check

☞ 1. Decide whether the following statements are TRUE or FALSE according to the information in the text. Give evidence to support your answers.

	TRUE	FALSE
a) English law is divided into branches.	<input type="checkbox"/>	<input type="checkbox"/>
b) Most English law is written in a code.	<input type="checkbox"/>	<input type="checkbox"/>
c) Private and civil law are different branches of public law.	<input type="checkbox"/>	<input type="checkbox"/>
d) Criminal law regulates the individual's relations with his fellow human beings.	<input type="checkbox"/>	<input type="checkbox"/>
e) Civil law provides a framework for interaction among citizens within a country.	<input type="checkbox"/>	<input type="checkbox"/>
f) A rule becomes a law once it is enforced.	<input type="checkbox"/>	<input type="checkbox"/>

☞ 2. In English it is not easy to find true synonyms or antonyms. Try to find words in the text that closely resemble in meaning the following words or expressions:

- absence of government or control _____
- make effective _____
- ordained/decreed _____
- prevailing _____
- illegal acts against individuals which can be punished _____

Language reference

1. The former... the latter

When two items have been presented in a list, it is possible to refer either to the first item mentioned or the final one by using the substitution words ***the former*** (for the first of the two things or persons already mentioned) and ***the latter*** (for the second one).

These expressions, which may be replaced by *the first* and *the second*, are very common in formal written English:

e.g. *Private law is the area of law which regulates relations between the state and ordinary individuals in circumstances where **the former** has no special rights or individuals).*

*There are two possible alternatives for the solution of that problem: to start legal actions against the company or to do nothing. We prefer **the former** to **the latter**.*

2. Obligations and requirements

In English, we can express the notion of **obligation** under three parameters:

1. obligation/necessity to do something
2. obligation not to do something = prohibition
3. absence of obligation

These notions can be seen from the point of view of the person or situation causing the obligation, and the person receiving it.

We use the following verbs to express **obligation/absence of obligation** from the point of view of the person who obliges or does not oblige to do something.

Oblige s.o. to do s.th.	Oblige s.o. <u>not</u> to do s.th.	<u>Not</u> oblige s.o. to do s.th.
<i>compel</i>	<i>forbid</i>	<i>not compel</i>
<i>force</i>	<i>prohibit</i>	<i>not force</i>
<i>make</i>	<i>ban + s.o. from + -ing</i>	<i>not make</i>
<i>require</i>	<i>enjoin</i>	<i>not require</i>
<i>oblige</i>	<i>dissuade</i>	<i>not oblige</i>
<i>order</i>		<i>not order</i>

Here are some examples:

*The defendant said that he had done all that **was required** by law.*

*Law **requires/forces/compels/obliges** workers to report their income on pain of penalty.*

*The new code **prohibits** motorists from driving without safety belts.*

*Anyone without the necessary professional qualifications **is banned** from giving legal advice.*

*Legal minors **are** usually **forbidden** from signing contracts.*

*The medical staff **was enjoined** from making strike by a court order.*

*You **are not required** to give evidence in that case.*

*The lawyer **dissuaded** his client from taking unnecessary risks.*

To express the notions of **obligation/absence of obligation** from the point of view of the person obliged to do/not to do something we can use the following verbs:

Obligated to do s.th.	Obligated <u>not</u> to do s.th.	<u>Not</u> obliged to do s.th.
<i>must</i>	<i>mustn't</i>	<i>needn't</i>
<i>have to</i>	<i>not be allowed to</i>	<i>don't need to</i>
<i>need to</i>	<i>not be permitted to</i>	<i>don't have to</i>
<i>be required to</i>	<i>may not</i>	
<i>be forced to</i>	<i>cannot</i>	
<i>be supposed to</i>		

- **Must** is used to refer to present, general or future obligation. It expresses the speaker's authority or an obligation that seems necessary or important to the speaker. It is used when an order is imposed by an official authority. In formal English **must** expresses the idea that someone is required to do something by law or a rule.

e.g. *Authorisation to visit the prisoner **must** be obtained from the prison authorities.*

- **Have to** is used to express an external obligation, i.e. one which is imposed from outside.

e.g. *Citizens **have to** comply with law and regulations.*

- **Need to** expresses a weaker obligation than **must** or **have to**.

- **Mustn't, cannot, may not** have a similar meaning. They indicate prohibition or absence of permission.

e.g. *Witnesses **mustn't/cannot** commit perjury. (It is forbidden by law).*

- **Needn't, don't need to, don't have to** are used to express absence of obligation.

e.g. *He **needn't/does not need to** apply for legal aid. He is economically solvent. (It is not necessary).*

*You **don't have to** have a comprehensive insurance policy for your car by law.*

In the past obligation is expressed by **had to**, and absence of obligation is expressed by **didn't have to** or **didn't need to**.

e.g. *He **didn't have to/didn't need to** ask for advice to a lawyer.*

☞ 1. Complete the following sentences with one of the modal verbs mentioned above.

- a. By law all the convicts _____ be treated equally.
- b. If you want to succeed as a lawyer, you _____ be prepared for the difficulties you may encounter.
- c. You _____ worry about it. We take care of everything related to the execution of the contract.
- d. We _____ see what can be done to solve your problem.
- e. You _____ leave the room until the meeting is over.

☞ 2. Rephrase these sentences using the following verbs: **needn't**, **cannot**, **must**, **mustn't**, **need**.

- a. Entry to the courtroom is forbidden to unauthorised people.

Unauthorised people _____

- b. There is no need to attach more documents to the petition you make.

You _____

- c. A special permission is required to go into the building.

You _____

- d. Smoking is not permitted on the premises.

You _____

- e. Everybody is obliged to comply with these regulations.

Everybody _____

Enrich your vocabulary

The words **law**, **regulation**, **code**, **statute** and **ordinance** all denote rules of conduct which are imposed by some authority.

- **Law** is the broadest and most general term in this group. It designates a rule of conduct that is supported by the power of government and that governs the behaviour of members of society.
- **Regulation** is a general and less formal word. It denotes any rule or principle, whether or not it has the effective force of enacted law, which is used to control or direct some system or organisation.
- **Code** denotes an official body of laws that usually pertains to some specific subject or activity.
- **Statute** makes reference to any written law enacted by a legislative body and duly sanctioned by constitutional rule. An Act of Parliament would be considered a statute.
- **Ordinance** denotes any order, rule or statute made by authority or decree.
- **Rule** makes reference to a principle or order which guides behaviour and says how things are to be done.

☞ 1. Fill in the blank spaces using some of the following words: **law, regulation, code, statute, ordinance** and **rule**.

- a. The _____ are quite clear. You cannot smoke in this building.
- b. A _____, once enacted, remains in force permanently until it is repealed.
- c. Ignorance of the _____ is not excuse.
- d. Doctors must abide by their _____ of practice.
- e. In most countries the criminal law is contained in a single _____, known as the criminal code or penal code.
- f. You have to follow the _____ of the City Council.
- g. There are two main sources of English _____: precedent and legislation.
- h. Legislation is the body of _____ which has been formally enacted or made.
- i. Motorists have to comply with traffic _____
- j. The legal _____ clearly indicates the penalties for such offence.

☞ 2. Choose the most appropriate expression from the box to complete the sentences below.

by law	law and order	a law into himself
against the law	read Law	Law Schools
take to law	lay down the law	Law Society
		outside the law

- a. The main function of police is to maintain the _____
- b. When driving he is _____ he jumps the lights and drives over the speed limit.
- c. In most European countries motorists must wear a seat belt _____
- d. In Spain, begging on the street with a child is _____
- e. My father is very strict. He is always _____
- f. He was _____ for breach of contract.
- g. Many undergraduates _____ with the intention of practising.
- h. This is the list of subjects students study in _____
- i. Figures released by the British government this year show a rise in the number of people _____
- j. In England the body regulating the conduct of lawyers is the _____

☞ **3.** Match the words from the list below with their correct definitions.

- | | |
|----------------------|-----------------------|
| a. Public law | f. Constitutional law |
| b. Criminal law | g. Administrative law |
| c. International law | h. Labour law |
| d. Company law | i. Civil/Private law |
| e. EC law | j. Family law |

1. The area of law relating to businesses organised as companies. It includes the formation and ending of companies, their legal status and the duties of their members.
2. The system of law created by the European Communities.
3. The part of the law which deals with relations between ordinary individuals, and also between individuals and the State in circumstances where the State has no special rights or powers.
4. The area of law relating to the organisation of the family and the legal relations of its members.
5. The system of law which regulates relations between States.
6. The law relating to illegal conduct for which a person may be prosecuted and punished by the State.
7. The area of law applied to employment, remuneration, conditions of work, etc.
8. The part of the legal system which deals with the State and also with relations between the State and ordinary individuals in circumstances where the State has special rights or powers.
9. The law relating to the legal structure of government in a State. It defines the principal organs of government and their relationship to each other and to individuals.
10. The area of law relating to the functions and powers of government organisations and how they operate in practice to administer government policy.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Text 2

☞ 1. Read the text and fill in the blank spaces using each of the words in the box.

Chambers	constituencies	Parliament	Prime Minister	bills
prerogatives	conventions	acts	clauses	amendments
veto	branch	assent	effect	proceeding

THE LEGISLATIVE, EXECUTIVE AND JUDICIAL ORGANS IN THE U.K.

Britain is described either as a constitutional monarchy (with the monarch as head of the state) or as a parliamentary system. The British political power lies on three main branches: legislature, executive and judiciary. These branches of the governmental system, although distinguishable from each other, are not entirely separate.

The Crown is the most ancient secular institution in the U.K. It is the supreme legislative institution although its power is restricted to reigning not ruling - that is, its political _____ (1) are mainly exercised by the _____ (2), his government and the two other branches already mentioned. The Monarch exercises residual authority by consent of Parliament. The Queen summons, prorogues and dissolves Parliament. She opens new sessions and also gives the Royal Assent before a bill which has passed all its stages in both Houses of Parliament can become a legal enactment (Act of Parliament).

In the legislative sphere Parliament is legally sovereign and master. It means that all the legislative power within the UK is vested in that institution. The British _____ (3), mainly responsible for law making, consists of two _____ (4): the House of Lords, and the House of Commons.

The House of Lords, most of whose members are appointed by the Crown and advised by the Government, is an hereditary body presided over by the Lord Chancellor who is the head of the judiciary _____ (5).

The House of Commons is an elected and representative body constituted by 650 members representing different districts or _____ (6) of England, Scotland, Wales and Northern Ireland.

_____ (7), or proposals, likely to become laws - _____ - (8) are usually first presented in the House of Commons by the government, a private M.P. or by the Lords.

The proceeding at the House of Commons consists of a first and second reading of the bill, the study of the different _____ (9) of the bill which is carried out in commissions and the information stage to the whole Chamber to propose possible

_____ (10). After the third reading and approval, the bill is sent to the House of Lords, where it follows a similar _____ (11) to be passed or rejected. If rejected it can either be discussed in a private committee (formed by members of both Chambers) or the Commons keep the right of creating a special committee with the purpose of convincing the Lord to approve it. If after this the bill is still rejected, then the Lords can keep the _____ (12) for just one year, after which it can be presented for the Royal _____ (13), becoming an Act or law.

The head of the judiciary system in England and Wales is the House of Lords. The Lord Chancellor, its president, is the authority and last instance in all criminal appeals, whereas the High Court of Justice is the last instance in civil law. The judiciary power cannot leave without _____ (14) an Act passed by the Parliament and signed by the Monarch. The judiciary is independent of the legislative and executive branches of government. The judges of the higher courts determine the law and interpret Acts of Parliament and European union law.

Britain has no written constitution contained in any one document. Instead, the constitution consists of statute law (Acts of Parliament); common law or judge-made law; _____ (15) (principles and practices of government which are not legally binding but have the force of law): some ancient documents such as the Magna Carta; and the new addition of the European Union law.

Focus on lexis

Word formation: affixation

New words are formed in three main ways in English: affixation, conversion or compounding. In this unit we will explore the first of these methods.

Affixation consists of adding a prefix, e.g. *un-*, *in-*, *dis-*, *re-*, *pre-* to the beginning of a word, or a suffix e.g. *-ment*, *-ance*, *-ity* to the end of the word.

A **prefix** at the beginning of a word has a meaning of its own that changes the meaning of the word it is joined to. Knowing what the prefix means can help you to understand the meaning of a new word. For example, the prefix *un-* used before the adjective *enacted* means 'not'.

A **suffix** changes the meaning of the word it is added to only by changing its part of speech. For example, we can add *-ence* to the verb *refer* to make the noun *reference*.

Suffixes may help us to recognise the class of words. They are usually classified according to the kind of word they help to form (nouns, adjectives, verbs, adverbs, etc.)

1. The commonest suffixes added to verbs to form abstract nouns are: *-age*, *-ance*, *-al*, *-ence*, *-ment*, *-ing*, *-tion*, *-ery*.

e.g. *break* > *breakage*, *assist* > *assistance*, *try* > *trial*, *interfere* > *interference*, *agree* > *agreement*, *break* > *breaking*, *react* > *reaction*, *bribe* > *bribery*.

2. The commonest suffixes added to nouns to form adjectives are: **-y**, **-al**, **-ial**, **-ous**, **-ic**, **-less**, **-ful**, **-able**, **-ive**, etc.

e.g. *risk* > *risky*, *logic* > *logical*, *profession* > *professional*, *danger* > *dangerous*,
strategy > *strategic*, *power* > *powerless*, *hope* > *hopeful*,
honour > *honourable*, *defence* > *defensive*.

3. The commonest suffixes added to nouns and adjectives to form verbs are: **-ify** and **-ise** (Br.E)/ **-ize** (Am.E).

e.g. *diverse* > *diversify*, *note* > *notify*, *simply* > *simplify*
modern > *modernise*, *general* > *generalise*, *private* > *privatise*.

- ☞ 1. Form nouns from the following verbs by adding the appropriate suffix: **-tion**, **-ence**, **-ment**, **-ance**, **-al**. Be careful! Sometimes minor changes in spelling have to be made.

VERB	NOUN
1. regulate	<i>regulation</i>
2. appear	_____
3. refer	_____
4. govern	_____
5. suggest	_____
6. limit	_____
7. develop	_____
8. exist	_____
9. deny	_____
10. organise	_____

- ☞ 2. Form adjectives from the following nouns by adding the appropriate suffix: **-al**, **-y**, **-able**, **-y**, **-ous**, **-ful**, **-ive**, **-ic**.

NOUN	ADJECTIVE
1. crime	<i>criminal</i>
2. success	_____
3. guilt	_____
4. intention	_____
5. abuse	_____
6. hero	_____
7. reason	_____
8. mystery	_____
9. president	_____
10. harm	_____

☞ 3. Build up verbal forms with the following meanings. The first one has been done for you as an example.

- | | | |
|------------------------------------|--------------------|-------|
| a. to make something more rational | <i>rationalise</i> | _____ |
| b. to make something legal | | _____ |
| c. to make something more modern | | _____ |
| d. to make a summary of something | | _____ |
| e. to make a general statement | | _____ |
| f. to make something more simple | | _____ |
| g. to make something democratic | | _____ |
| h. to make something equal | | _____ |
| i. to make feel terror | | _____ |
| j. to have a special knowledge | | _____ |

Word building

A good way to increase your vocabulary is to see if you can find other forms of a word you already know.

☞ 4. Complete each sentence with the correct form of the word given at the end in capital letters. Think about the kind of word that is needed in each sentence: verb, noun or adjective.

- | | |
|--|--------------------|
| 1. Lawyers must make important decisions in the _____ of their professional activity. | PERFORM |
| 2. _____ is on the rise as consumers become more conscious of their rights. | LITIGATE |
| 3. That man is a witness for the _____ | PROSECUTE |
| 4. The lawyer was _____ to act on behalf of his client. | AUTHORITY |
| 5. The judge made some _____ remarks and then passed sentence. | INTRODUCE |
| 6. A constitutional _____ can only be carried if a very substantial majority approve it. | AMEND |
| 7. _____ bills are first introduced in the House of Lords for discussion and amendment before being sent to the Commons. | CONTROVERSY |
| 8. Certain _____ bodies are given power by Parliament to make rules governing the conduct of their members. | PROFESSION |
| 9. _____ codes are drafted much more loosely than English statutes. | CONTINENT |
| 10. Statute law must be as _____ as possible to all who need to know it. | ACCESS |
| 11. Last year an act was passed to _____ abortion. | LEGAL |
| 12. Some countries have recently _____ new forms of punishment. | INSTITUTION |

Pronunciation

Word stress

All English words with more than one syllable have a stress (the extra force used in speaking on a certain syllable). Adding suffixes to a root can sometimes change the main stress of a word and consequently words from the same lexical family may have different stress patterns.

Most two syllable English nouns and adjectives have the main stress on the first syllable. Sometimes the stress does not shift when a word changes from an adjective to a noun, even if a syllable is added.

e.g. *serious/seriousness*
honest/honesty

Sometimes, though, the stress does change.

e.g. *responsible/responsibility*
independent/independency

- ☞ 1. Try to pronounce the following pairs of words and decide if the stress is on the first, the second, the third or the fourth syllable. Then underline the stressed syllables. The first pair of words has been done for you as an example.

e.g. *refer* *reference*
 . • • .

- | | |
|--------------------------------------|-------------------------------------|
| 1. <i>liable/liability</i> | 6. <i>administer/administration</i> |
| 2. <i>responsible/responsibility</i> | 7. <i>flexible/flexibility</i> |
| 3. <i>continent/continental</i> | 8. <i>limit/limitation</i> |
| 4. <i>compatible/compatibility</i> | 9. <i>inform/information</i> |
| 5. <i>method/methodical</i> | 10. <i>strategy/strategic</i> |

- ☞ 2. What is the effect on the word stress when you change a verb into a noun by adding the suffix *-tion*?

- ☞ 3. What is the effect on the word stress when you form a noun from an adjective by adding *-ity*?