

# WORKBOOK

## FOR LAW AND MANAGEMENT STUDENTS

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MYKOLAS ROMERIS UNIVERSITY

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***Visos knygos leidybos teisės saugomos. Ši knyga arba kuri nors jos dalis negali būti dauginama, taisoma arba kitu būdu platinama be leidėjo sutikimo.***

## Pratarmė

Šiuolaikiniame pasaulyje plačiai įsigalėjus anglų kalbai tiek valstybiniame, tiek privačiame sektoriuose, teisininkų ir politikų bei valdininkų bendravimas tampa vis labiau specializuotas. Jau nepakanka mokėti tik bendrąją anglų kalbą. Pavyzdžiui, nepakanka mokėti žodį „lawyer“ (teisininkas), nes tai pernelyg bendras žodis, kuris gali reikšti *Barrister, Solicitor, Prosecutor, Public Defender, Corporate Counsel, Attorney-at-law* arba *Jurist*. Teisininkams net paprasčiausias žodis „work“ (dirbti) gali reikšti *litigate, plead, mediate, practice, advocate, advise, counsel, transact, draft legal documents, convey deeds*. Menkas teisės terminų išmanymas gali ne tik apsunkinti bendravimą, bet ir suklaidinti užsienio partnerius ir turėti skaudžių pasekmių. Teisės anglų kalbos žinios būtinos ne tik teisininkams, bet ir politikams, valdininkams bei verslininkams, nes tiek valstybinio, tiek privataus sektoriaus bendradarbiavimas paremtas tarptautinės ir nacionalinės teisės normomis.

Mokomasis leidinys „Workbook for Law and Management Students“ yra pratybų ir skaitinių knygelė, skirta teisės ir valdymo studijų programos studentams, teisininkams, valdininkams bei visiems, kurie nori pramokti teisės anglų kalbos.

Leidinį sudaro penki skyriai, apimantys įvairias sritis, su kuriomis dažniausiai susiduria teisininkai ir valdininkai. Kiekvienas skyrius pradedamas teisės terminų sąrašu, po kurio eina įvairiausios užduotys: daugybinio parinkimo, žodžių įrašymo, sujungimo pratimai, kryžiažodžiai ir pan.

Užduotys ir savitikros testai padės išmokti daugiau sinonimų, žodžių junginių, tam tikrų prielinksnių ar jungtukų, būdingų tik teisės anglų kalbai. Šiame leidinyje taip pat yra nemažai tekstų, kuriuos skaitydami besimokantieji plės savo anglų kalbos žodyną, ras įdomios ir naudingos informacijos apie anglosaksiškąją teisės bei teisinę sistemas, valstybės sandarą, kai kurių šalių konstituciją. Kartu su tekstais pateikiamos užduotys padės pasitikrinti teksto suvokimą, geriau išmokti teisės terminus.

Tikimės, kad pratybų knygelė „Workbook for Law and Management Students“ bus naudinga mokantis subtilios teisės anglų kalbos. Linkime sėkmės!

Autorės

## Contents

1. Definition of Law. Classification of Law. Law Systems...	5
2. Law Studies and Legal Professions .....	23
3. Constitutional Law.....	40
4. State Governing Bodies of the UK.....	63
5. The European Union .....	83
Texts for Reading Practice .....	99
References.....	130

# 1. DEFINITION OF LAW. CLASSIFICATION OF LAW. LAW SYSTEMS

## ⇒ Wordlist

act (n), ~ *of Parliament*

bind (v); binding (adj)

business (n), *run a ~*

case (n), ~ *law*, *argued ~s*

civil (adj), ~ *law*

codification (n)

compliance (n)

common (adj), ~ *law*

conformity (n)

constitution (n)

continental (adj), ~ *law*

crime (n); criminal (adj), ~ *law*

custom (n); customary (adj)

derive from (v)

deviant (adj), ~ *behaviour*

directive (n)

elect (v); ~*ed representatives*

elections (n)

enforce (v); enforceable (adj)

equality (n)

exercise (v)

fair (adj); fairness (n)

fine (n)

guilt (n)

imprisonment (n)

inherit (v)

just (adj); justice (n)

law (n), *make a ~*, *the rule of ~*, *create ~*, *the body of ~*, *sources of ~*

law enforcement, ~ *mechanism*

legal (adj), ~ *rights*, ~ *duties*, ~ *positivism*

legislation (n)  
litigation (n)  
moral (adj); morality (n)  
mores (n)  
natural law  
record (n), *previous ~s on smth*  
regulation (n)  
reliance (n)  
restrict (v)  
retain (v), *~ power*  
rule (n, v), *body of ~s*  
precedent (n)  
prevent (v)  
private (adj), *~ law*  
procedural (adj), *~ law*  
public (adj), *~ utilities, ~ law*  
sanction (n), *formal ~s*  
sovereign (n, adj); sovereignty (n)  
social control, *informal ~, exercise ~*  
social order, *establish ~*  
society (n), *represent ~*  
statute (n)  
substantive (adj), *~ law*  
treaty (n)

## TASKS

► **Task 1. Match these items (1-10) with their definitions (a – j).**

1. legislation	(a) bringing of a lawsuit against someone to have a dispute settled
2. mores	(b) keep something within strict limits
3. restrict	(c) the rules and practices that determine the composition and functions of the state governing institutions and relationship between the individual and the state
4. treaty	(d) Act of Parliament
5. litigation	(e) the body of law contained in previous judicial decisions as opposed to statute law
6. codify	(f) the traditional practices and moral values of a particular society or group of people
7. constitution	(g) all or part of a country's written law, statute law; also the process of making written law
8. statute	(h) having supreme authority
9. sovereign	(i) to make something part of an organized system, especially an official system of laws
10. case law	(j) a written legally binding agreement between countries

► **Task 2. Complete the following table.**

VERB	NOUN	ADJECTIVE
	regulation	
		restrictive, restricted
	litigation	
		codified
	legislation	
rely		
		elected
imply		



represent		representative
	exclusion	
comply		

► **Task 3. Match these terms (1-10) with their synonyms (a – j).**

1. precedent	(a) act
2. custom	(b) fairness
3. law	(c) example
4. society	(d) habit
5. justice	(e) documentation
6. fine	(f) offence
7. record	(g) civilization
8. crime	(h) voting
9. election	(i) custody
10. imprisonment	(j) charge

► **Task 4. Read the statements and decide if these statements are true or false.**

1.	Law is necessary to regulate everyday life activities in order to avoid anarchy in society.	
2.	Legal rights and duties are always easily understood because they are the same in every legal system.	
3.	There are different opinions on what sources of law are.	
4.	Formally social control is exercised by a society through customs, traditions and other social values.	
5.	Only antidemocratic countries exercise social control through statutes, rules and regulations made by sovereignty.	
6.	Although law is not concerned with moral matters, legal and moral rules overlap each other.	
7.	Precedent as a source of law has the greatest importance not only in common law countries but also in Roman law countries.	
8.	The European Union law is based on codified laws laid down in the Treaties as well as on case law.	

► **Task 5. Complete the passage below using the words in the box.**

case,	jurisdiction,	litigation,	courts,	compliance,	law,
society,	precedent,	identical,	customary,	codification,	statute

Long-held custom, which has traditionally been recognized by (1)..... and judges, is the first kind of precedent. Custom can be so deeply entrenched in the (2)..... at large that it gains the force of law. There need never have been a specific case decided on the same or similar issues in order for a court to take notice of (3)..... or traditional precedent in its deliberations.

The other type of (4)..... is case law. This type of precedent is granted more or less weight in the deliberations of a court according to a number of factors. Most important is whether the precedent is “on point,” that is, does it deal with a circumstance (5)..... or very similar to the circumstance in the instant (6).....? Second, when and where was the precedent decided? A recent decision in the same (7)..... as the instant case will be given great weight. Next in descending order would be recent precedent in jurisdictions whose (8)..... is the same as local law. Least weight would be given to precedent that stems from dissimilar circumstances, older cases that have since been contradicted, or cases in jurisdictions that have dissimilar law.

► **Task 6. Decide which pieces of information refer to private and which to public law.**

1. the defendant was found guilty
2. on the balance of probabilities
3. a family complain that their health is being affected by the noise and dust from a factory
4. the State has the right to prosecute
5. they are referred to as the prosecutors
6. prison, fine, community service, probation etc.
7. claimant
8. a defendant is found liable or not liable
9. to claim compensation
10. beyond reasonable doubt
11. the Crown Court

12. even though there is no contract between them, one person owes a legal responsibility of some kind to another person
13. a conviction could result in a defendant serving a long prison sentence
14. laws relating to land, to copyright and patents
15. A man complains that a newspaper has written an untrue article about him, which has affected his reputation
16. family law

► Task 7. Read the text choosing the more appropriate word.

### Why we need laws

Almost everything we do has a set of rules. There are **rules/agreements** for games, for social clubs, for sports and for the workplace. Rules of morality and custom tell us what we should and should not do. Rules made by government are called “laws.” Laws are meant to control or change our behaviour and, unlike rules of **morality/moral**, they are **enforced/entrenched** by the courts. If you **break/obey** a law - whether you like that law or not - you may have to pay a fine, pay for the damage you have done, or go to **prison/community centre**.

Ever since people began to live together in **family/society**, laws have been necessary to hold that group of people together. Imagine the chaos - and the danger - if drivers just chose which side of the street to drive on. Imagine trying to buy and sell goods if no one had to keep promises or fulfill **consideration/contracts**. Imagine trying to hold onto your personal **wealth/property** or even to keep yourself safe if there were no laws against robbery or assault.

Even in a **well-ordered/deviant** society, people have disagreements, and conflicts arise; the law **provides/seizes** a way to resolve **disputes/quarrels** peacefully. If two people **ask/claim** the same piece of property, rather than fight they turn to the law and the courts to decide who is the real owner and how the owner’s rights are to be **protected/defended**.

Laws help to ensure a safe and peaceful society in which people’s rights are **respected/circumvented**. The legal system of a democratic country respects individual rights, while at the same time ensuring that our society operates in an orderly manner. An essential principle is that the same law **legislates/applies** to everybody, including the police, governments and public officials, who must **restrict/carry out** their public duties according to the law.

► **Task 8. Fill in the gaps with the appropriate vocabulary.**

	CIVIL CASES	CRIMINAL CASES
<b>Purpose of the law</b>	(1).....	To maintain law and order; to protect society
<b>Person starting the case</b>	The individual whose rights have been affected	Usually the State through the police and Crown Prosecution Service
<b>Legal name for that person</b>	(2).....	(3).....
<b>Standard of proof</b>	(4).....	(5).....
<b>Decision</b>	Liable/not liable	(6).....
<b>Powers of the court</b>	Damages, injunction, (7) ..... of a contract, (8)..... or rectification	(9)....., fine, community order, discharge, probation, etc.

► **Task 9. Complete the following sentences.**

1. A criminal case is brought by the \_\_\_\_\_ .
2. The person charged with criminal offence is the \_\_\_\_\_ .
3. The party bringing a civil action is \_\_\_\_\_ .
4. A civil action is brought against the \_\_\_\_\_ .
5. If the defendant loses a civil case, he should pay \_\_\_\_\_ to the plaintiff.
6. In the English law the prosecution must prove the guilt of a suspect \_\_\_\_\_ .
7. The defendant in a civil case is \_\_\_\_\_ by the plaintiff.
8. The plaintiff in a civil case is required to prove his case \_\_\_\_\_ .
9. If the plaintiff is successful, the defendant will be found \_\_\_\_\_ .

► **Task 10. Fill in the gaps with appropriate parts of sentences.**

- a) to implement any penalties or punishments
- b) companies are created and rules regulating how they operate their business

- c) public bodies and how they are controlled
- d) matters relating to the whole country
- e) a right to claim state benefits
- f) all the rights of citizens and the way in which the country is rules and run

### Divisions of Law

Within the English legal system, two distinct areas of law operate. These are public and private law. They both aim to create social order, but have a number of distinct differences. Within public law, different categories exist. These include criminal law, constitutional law, administrative law, social welfare law and all deal with..... (1).

**Private law** is concerned with the law enforced between individuals. This can include contract law, family law and other areas which deal with intellectual property rights (copyrights, designs and patents), land law (and the way in which it is transferred), probate (dealing with wills and how property is distributed after someone dies) and company law (which deals with the ways in which..... (2).

**Public law** is, as we have seen, the way in which the state regulates the actions of the people who live in the U.K. The state must therefore have ways in which rules are made and enforced and methods ..... (3) given when individuals break these rules.

**Constitutional Law** deals with the way in which rules are made to govern the country, such as the way in which we follow certain procedures to elect a Government or pass an Act or law. The U.K. does not have a written constitution as in America or Switzerland, which sets out..... (4). Instead, it has a collection of different rights, laws and customs, rather than one document.

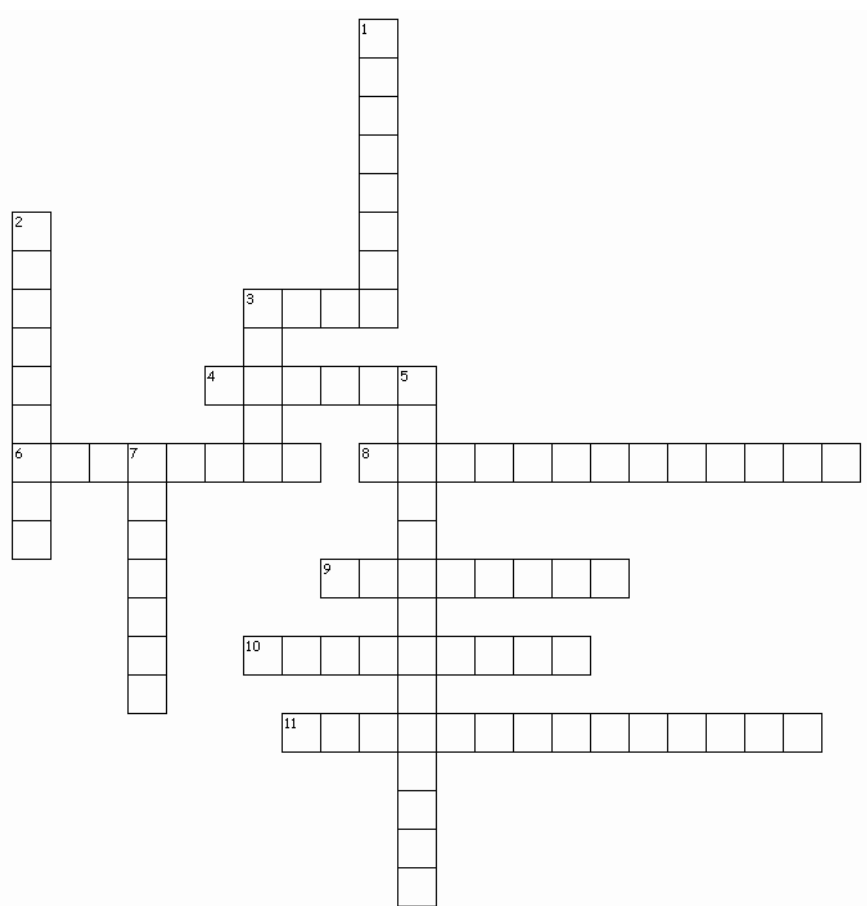
**Administrative Law** deals with the control over the use of public power, and over legislative and judicial procedures. Specifically, it deals with..... (5).

**Social Welfare Law** is a relatively new area of law and concerns the state liability for protecting the rights of individuals to protect their basic rights. The Beveridge Report in 1942 considered the need for changes in the law to ensure

that people have ..... (6) such as child benefit, unemployment benefit or income support. Some benefits are reliant on contributions, which means that National Insurance contributions must be paid out from your wages to go towards the cost of paying for these benefits. Others, such as child benefit are not reliant on paying into the system.

► Task 11. Do the crossword.

**Branches of Private and Public Law**



**Across**

3. .... law deals with civil wrongs which are actionable at the suit of the aggrieved party.
4. .... law deals with the relationship between the citizens and the state.
6. .... law deals with rights over land and other property.
8. .... law is about the relationship between states and the conflicts that result.
9. .... law deals with offences against the state (crimes) calling for prosecution by officials of the state.
10. .... law is imposed by the European Community to achieve its aims.
11. .... law stems from the need for governments to appoint officials to administer various activities.

**Down**

1. .... law deals with agreements which are binding on those who make them.
2. .... law is the law of a 'nation state'.
3. .... law deals with situations where a trustee is required to hold land or other property for the benefit of another- the beneficiary.
5. .... law regulates the relations between the principal organs of government and the citizen.
7. .... law deals with the relationships between citizens, one with another.

► **Task 12. Revise the topic and fill in the tables.**

**CLASSIFICATION OF LAW**

**International and National law**

<b>Branches of law</b>	<b>Definitions</b>
International law	International law  Treaty
National (Municipal) law	National law

**Public Law and its Branches**

Branches of law	Definitions
Public law	Public law
Constitutional law	Constitutional law  Legislature  Executive  Judiciary
Administrative law	Administrative law  Judicial review
Criminal law	Criminal law  Crime (offence)  Homicide  Murder  Manslaughter  Theft  Burglary  Robbery



**Private (Civil) Law and its Branches**

Branches of law	Definitions
Private (Civil) law	Private law
Contract law	Contract  Types of contracts, examples of contracts and breaches of contracts <ul style="list-style-type: none"> <li>• Sales contract</li> <li>• Lease contract</li> </ul>
Tort law	Tort  Types of torts and examples: <ul style="list-style-type: none"> <li>• Negligence</li> <li>• Nuisance</li> <li>• Defamation</li> </ul>
Family law	Family law
Succession law Probate law	Succession law  Probate law
Company law	Company law
Employment law	Employment law  Dismissal  Redundancy

**Distinctions between Criminal and Civil Actions**

	<b>Criminal cases</b>	<b>Civil cases</b>
Purpose of action		
Parties		
Standard of proof (terms and their definitions)		
Decision		
Penalties and remedies (terms and their definitions)	<p>fine</p> <p>imprisonment</p> <p>community sentence</p>	<p>damages</p> <p>specific performance</p> <p>injunction</p> <p>rescission</p> <p>rectification</p>

**Sources of Law and Law Systems**

Legal terms	Definitions/Examples
Source of law	
Common law system	<p>The primary source of law:</p> <p>Other sources of law:</p> <p>Definition of Common law:</p> <p>Developed by:</p> <p>Adopted by:</p>
Continental law (Civil law) system	<p>Primary source of law:</p> <p>Other sources of law:</p> <p>Definition of Continental law:</p> <p>Developed by:</p> <p>Adopted by:</p>

**DEFINITION OF LAW. CLASSIFICATION OF LAW. LAW SYSTEMS:  
SELF-CHECK TEST**

► **Task 1. Give the legal terms to the definitions.**

1. The branch of law which is concerned with the law enforced between individuals \_\_\_\_\_
2. Laws or written rules which are passed by Parliament and implemented by courts \_\_\_\_\_
3. A person or a party engaged in a lawsuit \_\_\_\_\_
4. A draft of a proposed law presented for approval to a legislative body \_\_\_\_\_
5. A system of law based on judicial precedents rather than statutory laws \_\_\_\_\_
6. The type of remedy of cancellation of a contract or part of it and the return of the parties to the positions they would have had if the contract had not been made \_\_\_\_\_
7. A vote to select the winner of a position or political office \_\_\_\_\_
8. \_\_\_\_\_ law which deals with the way in which rules are made to govern the country, such as the way in which we follow certain procedures to elect a Government or pass an Act or law \_\_\_\_\_
9. The doctrine under which legislative and executive actions are subject to examination (and possible invalidation) by the judiciary; a judicial reexamination of the proceedings of a court (especially by an appellate court) \_\_\_\_\_
10. The supremacy of law, which means that all persons (individuals and government) are subject to law \_\_\_\_\_
11. To present a case in court; to hear a case; to give reasons for or against \_\_\_\_\_
12. The branch of law which deals with the control over the use of public power, and over legislative and judicial procedures \_\_\_\_\_
13. A judicial decision that serves as an authority for deciding a later case \_\_\_\_\_

- **Task 2. Fill in the gaps with the words from the box. There are 6 extra words /phrases.**

award	beyond reasonable doubt	uphold	circumvent
give	punishment	keep	remedies
liable	guilty	on the balance of probabilities	obey

1. The purpose of the law in criminal cases is to \_\_\_\_\_ law and order, to protect society.
  2. The standard of proof in civil cases is called \_\_\_\_\_
  3. If the claimant is successful, the defendant will be found \_\_\_\_\_
  4. The main purpose of the law in civil cases is to \_\_\_\_\_ the rights of individuals.
  5. If the defendant loses a criminal case, he will face \_\_\_\_\_.
  6. The court may \_\_\_\_\_ damages to the claimant.
  7. The court ruled that the businessman tried to \_\_\_\_\_ the law and avoided paying taxes.
- **Task 3. Fill in the gaps with appropriate prepositions where necessary.**
1. even though there is no contract between them, one person owes a legal responsibility of some kind \_\_\_\_\_ another person
  2. some benefits are reliant \_\_\_\_\_ contributions
  3. case law derived \_\_\_\_\_ customs
  4. to sue \_\_\_\_\_ damages
  5. to redress \_\_\_\_\_ damage / loss
- **Task 4. Complete the sentences with the most appropriate legal terms / phrases.**

1. The defendant in a civil case is \_\_\_\_\_ by the claimant.
  - a) sued
  - b) prosecuted
  - c) charged
  - d) accused

2. The law dealing with wills and how property is distributed after someone dies is called \_\_\_\_\_ law.
  - a) contract
  - b) probate
  - c) family
  - d) intellectual property
  
3. Intangible property that is the result of creativity (such as patents or trademarks or copyrights) is \_\_\_\_\_.
  - a) damages
  - b) intellectual property
  - c) statute
  - d) precedent
  
4. A legal proceeding in a court to determine and enforce legal rights is called \_\_\_\_\_.
  - a) litigation
  - b) right of audience
  - c) advocacy
  - d) evidence
  
5. A court order of preventing or redressing a wrong or enforcing a right in a civil case is known as \_\_\_\_\_.
  - a) punishments
  - b) fines
  - c) penalties
  - d) remedies

► **Task 5. Give the synonyms to the legal terms / phrases below.**

1. punishment \_\_\_\_\_
2. responsible (for a crime) \_\_\_\_\_
3. responsible (for a civil wrong) \_\_\_\_\_

4. plaintiff \_\_\_\_\_
5. accuse of \_\_\_\_\_
6. an argument \_\_\_\_\_
7. an Act of Parliament \_\_\_\_\_
8. correction (in a contract) \_\_\_\_\_
9. legally binding agreement \_\_\_\_\_
10. election \_\_\_\_\_

► **Task 6. Translate legal terms / phrases into English.**

1. teisės šaltiniai \_\_\_\_\_
2. teisminiai svarstymai \_\_\_\_\_
3. teisiškai įpareigojantis \_\_\_\_\_
4. precedentų teisė \_\_\_\_\_
5. apriboti teises \_\_\_\_\_
6. apeiti įstatymą \_\_\_\_\_
7. ieškinys \_\_\_\_\_
8. teistumas \_\_\_\_\_
9. autorinės teisės \_\_\_\_\_
10. paveldėti \_\_\_\_\_

**Total:**

	50
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## 2. LAW STUDIES AND LEGAL PROFESSIONS

### ⇒ Wordlist

argue (v), ~ *cases*

advise (v), ~ *clients*

advisor (n)

advocate (n)

apprenticeship (n), *undertake* ~

attorney (n)

Bar (n)

barrister (n)

chamber (n)

counsel (n)

counsellor (n)

conversion (n), ~ *course*

Crown Prosecution Service

degree (n), *law* ~, *primary* ~

dispute (n), ~ *resolution*

fee (n), *a practising* ~

hire (v), ~ *lawyers*

Inns of Court

instruct (v), ~ *a barrister*

investigation (n), *criminal* ~

jurist (n)

Law Society

lawyer (n)

lay (adj), ~ *clients*

legal matters

liable (adj), ~ *to smb*, ~ *for smth*

license (v)

litigant (n)

litigate (v)

notary (n)

on behalf of (prep), ~ *third parties*



paralegal (n)  
 perform (v), ~ *functions*  
 pupil (n)  
 pupillage (n)  
 Queen's Counsel, QC (n)  
 rank (n)  
 represent (v), ~ *litigants*  
 right of audience  
 silk (n)  
 gown (n), *silk* ~  
 solicitor (n)  
 strike off (v)  
 tenancy (n)  
 trade unions  
 trainee (n)  
 undergraduate law degree  
 vocational (adj), *the Bar* ~ *Course*

## TASKS

► **Task 1. Match the words with their definitions. One definition is extra.**

1. Litigation	a) a lawyer or group of lawyers who conduct cases in court
2. The right of audience	b) a payment for professional services of a lawyer
3. Paralegal	c) a person with authority to hear and decide disputes before a court for decision
4. To sue	d) somebody who is being trained to do a job of a lawyer
5. Counsel	e) the process of proceedings against someone in a court action
6. Plaintiff/claimant	f) to take civil legal proceedings against someone
7. Judge	g) an organization of workers that have banded together to achieve common goals such as better working conditions
8. Fee	h) the right to prosecute or defend in court

9. Solicitor	i) somebody with or without specialist legal training who assists a fully qualified lawyer
10. Trainee	j) legal punishment given by a court to a convicted person
11. LLB	k) the party (a person) that starts or carries out civil proceedings
12. Trade union	l) a lawyer who gives legal advice, draws up legal documents, and does preparatory work for barristers
	m) Bachelor of Laws: first degree in law

► **Task 2. True or false? Correct the false statements.**

1. Lawyers provide legal service to their clients.
2. In England, legal advice is rendered by solicitors.
3. Solicitors can speak in front of the judge in higher courts.
4. Barristers argue cases in different courts.
5. Barristers can either prosecute (being the Counsel for the Prosecution) or defend (being the Counsel for the Defence) the suspect in higher courts.
6. The Law Society regulates the work of solicitors and barristers.
7. Barristers can be struck off (disqualified) by the Bar like solicitors by the Law Society.
8. Trainees are supervised by barristers during their apprenticeship period.
9. A pupil is a future barrister.
10. The right of audience is the right to speak in front of the judge during the trial.
11. Senior barristers can be given the title QC (Queen's Counsel).
12. Pupillage lasts longer than apprenticeship for solicitors.

► **Task 3. Which sentences refer to solicitors and which to barristers?**

1. They are called to the Bar.
2. They give advice to the members of the public.
3. They have the right of audience in lower courts.
4. They spend a year in pupillage.
5. They obtain and prepare documents, make investigation, interview witnesses and do other initial preparation of the case.

6. They have the right of audience in all courts in England and Wales.
7. They are referred to as “counsels” in court.
8. They argue a case in front of the judge in higher courts.
9. They spend two years as trainees before practising.
10. Some American firms hire them to draw up contracts.
11. They are generalists who can offer initial advice in any area of the law.
12. They can provide expert advice in the particular area of the law in which they specialize.

► **Task 4. Fill in the gaps with the words from the box in the correct form. There are 2 extra words.**

**admit, authorize, brief, draw up, enter, instruct, negotiate, practice, practise, provide, qualify, supervise**

1. Solicitors \_\_\_\_\_ in England and Wales are controlled by their own professional body, the Law Society.
2. Everyone who aims to \_\_\_\_\_ as a solicitor must complete two distinct stages of training – academic training and vocational training.
3. Academic training \_\_\_\_\_ students with basic knowledge of the law.
4. Vocational training consists of one-year Legal Practice Course at a university or college and two-year training at a solicitors’ firm or other organisation \_\_\_\_\_ as a training establishment.
5. Students have to \_\_\_\_\_ into a training contract with a firm of solicitors under which they work for two years.
6. During the training contract, the trainee’s work is closely \_\_\_\_\_ by an experienced solicitor.
7. At the end of the contract, the trainee is \_\_\_\_\_ as a solicitor by the Law Society and his name is added to the roll of solicitors.
8. The majority of newly-qualified solicitors work in private \_\_\_\_\_ in a solicitors’ firm.
9. Solicitors interview clients and \_\_\_\_\_ on their behalf.

10. A large amount of time they deal with paperwork – write letters on behalf of their clients, draft legal documents, \_\_\_\_\_ wills etc.

- **Task 5. Fill in the gaps with the words from the box in the correct form. There are two extra words.**

**advocacy, audience, Bar, brief, call, chamber, draft, eligible, instruct, pleading, pupillage, self-employed**

1. Barristers are controlled by their own professional body – the General Council of the \_\_\_\_\_.
2. After completing the academic training all student barristers have to pass the Bar Vocational Course which allow them to develop practical skills of drafting \_\_\_\_\_ for use in court, negotiation and advocacy.
3. All student barristers must join one of the four Inns of Court and dine there 12 times before being \_\_\_\_\_ to the Bar.
4. The last stage of barristers' training is \_\_\_\_\_ which usually lasts for one year.
5. Barristers practising at the Bar are \_\_\_\_\_.
6. They usually work in a set of \_\_\_\_\_ where they can share administrative expenses with other barristers.
7. Barristers have rights of \_\_\_\_\_ in all courts in England and Wales.
8. The majority of barristers concentrate on \_\_\_\_\_, although there are some who specialize in areas such as tax and company law and rarely appear in court.
9. In 2004 the Bar granted direct access to everyone who needs a lawyer for a civil case. It is no longer necessary to employ a solicitor in order to \_\_\_\_\_ a barrister for a civil case.
10. However, direct access is still not allowed for criminal cases. Solicitors do the initial preparation for criminal cases and then \_\_\_\_\_ the barristers who represent their clients in court.

► **Task 6. Match the words with their definitions. One definition is extra.**

1. litigation	a) training period of one year after completing studies at university and passing all examinations which a person has to serve before he can practice independently as a barrister
2. the right of audience	b) lack of proper care or not doing a duty (with the result that a person or property is harmed)
3. pupillage	c) a person with authority to hear and decide disputes before a court for decision
4. to sue	d) drawing up the document which legally transfers a property from a seller to a buyer
5. negligence	e) the process of proceedings against someone in a court action
6. plaintiff	f) to take civil legal proceedings against someone
7. judge	g) sending someone to a court or to prison
8. to take silk	h) the right to prosecute or defend in court
9. conveyancing	i) offices of a group of barristers who work together and share the same staff
10. committal	j) to become a Queen's Counsel
11. chambers	k) the party (a person) that starts or carries out civil proceedings
12. to draft pleadings	l) to make a first rough plan of documents setting out the claim of the plaintiff or the defence of the defendant, or giving the arguments which the two sides will use in proceedings
	m) legal punishment given by a court to a convicted person

► **Task 7. Choose the most appropriate word to complete the sentences.**

1. Barristers are ..... legal advisers and court room advocates.
  - a) general
  - b) instructive
  - c) practical
  - d) specialist

2. At ..... the barrister's well-argued case and good cross-examination will impress a judge and, if relevant, a jury, in a civil or criminal action.
  - a) a court
  - b) investigation
  - c) a trial
  - d) interrogation
  
3. A limited number of senior barristers receive '.....' - becoming Queen's Counsel - as a mark of outstanding ability.
  - a) a gown
  - b) silk
  - c) a wig
  - d) robes
  
4. Solicitors usually help clients ineligible for legal aid to negotiate an affordable .....
  - a) fee
  - b) money
  - c) pay
  - d) salary
  
5. Self-employed barristers are individual practitioners who may work as a(n) ..... practitioner or, more commonly, in groups of offices known as chambers.
  - a) alone
  - b) only
  - c) sole
  - d) independent
  
6. Barristers can ..... and send documents for you and can represent you in court, tribunals or mediations.
  - a) draft
  - b) instruct
  - c) arrange
  - d) write

► **Task 8. Derive appropriate adjectives from the nouns to fill the blanks.**

NOUN	ADJECTIVE
1. Law	_____ profession
2. Advice	_____ committee
3. Practice	_____ experience
4. Matrimony	_____ cases
5. Commerce	_____ law
6. Judge	_____ posts
7. Profession	_____ body
8. Residence	_____ course
9. Administration	_____ expenses
10. Ethics	_____ code

- **Task 9. Analyse the Law on the Bar of the Republic of Lithuania on the website [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=368972](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=368972) (Chapters 1, 2, 10, 11) and decide if the following statements are true or false. Correct the false ones.**

**Legal Services Provided by Advocates:**

Lithuanian advocates deal only with the work related to judicial proceedings in court, they do not do any work out of court.

**Recognition of a person as an advocate:**

To become an advocate in Lithuania, one must obtain a Master's degree in law. It is required that a person seeking recognition as an advocate has at least ten years' judicial work experience.

All future advocates must pass professional examinations.

A person who has been convicted of a crime may never become an advocate.

A person who has been dismissed from a judicial office for professional misconduct may be recognised as an advocate only on certain conditions.

A person who misuses intoxicating substances may not become an advocate.

**Self-governance of advocates:**

The activities of the Lithuanian Bar Association are financed by the state.

The Lithuanian Bar Association coordinates the work of advocates and represents their interests before state institutions and international organisations.

**Disciplinary liability of advocates:**

The Court of Honour of Advocates conducts disciplinary actions against advocates who break the Law on the Bar and the Lithuanian Code of Ethics for Advocates.

- ▶ **Task 10. Analyse the Law on Courts of the Republic of Lithuania on the website [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=338141](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=338141) (Chapters 6, 7, 9) and decide if the following statements are true or false. Correct the false ones.**

**Requirements for judicial candidates:**

1. To become a judge in Lithuania, one must meet three requirements: hold a degree in law, have at least five years' experience in legal profession and pass the professional examination.
2. Persons who are convicted of a crime or have been dismissed from a judicial office for professional misconduct may not be held to be of good repute.
3. Judges' work experience in a lower court is necessary for their appointment to a higher court.
4. Doctors in law seeking positions of judges must meet the same requirements as other persons.

**Appointment of judges:**

1. Judges of District and Regional Courts are appointed by the President.
2. Judges of the Court of Appeals are appointed by the Seimas upon the approval of the President.
3. Judges of the Supreme Court are appointed by the President on the recommendation of the Seimas.
4. Judges of Administrative Courts (Regional Administrative Courts and the Supreme Administrative Court) are appointed by the Seimas.



### **Immunity of judges:**

1. Criminal proceedings against the judge may be started only with the consent of the President.
2. The powers of the judge who is suspected of or charge with a crime may be suspended only by the Seimas.
3. The judge may not be sued for damage caused to a party of the proceedings because of an unlawful or ungrounded decision.

### **Liability of judges:**

1. The judges who violate the requirements of the Code of Ethics of Judges or other requirements for judges' work are tried by the Judicial Court of Honour.
2. The Judicial Court of Honour may impose disciplinary sanctions on the judges.
3. The Judicial Court of Honour has the power to dismiss the judge or start impeachment proceedings against the judge.
4. The most usual disciplinary sanction imposed by the Judicial Court of Honour is a fine.

► **Task 11. Match the following terms from the Law on the Bar and the Law on Courts of the Republic of Lithuania with their definitions.**

Conviction, court judgement, disciplinary action, to hear a case, immunity, to institute an action, legal person, natural person, professional misconduct, provision.

1. A clause in a legal instrument, a law, etc., providing for a particular matter.
2. A real human being (as called in jurisprudence).
3. A non-living entity (e.g., corporation or state) regarded by law to have the status of personhood.
4. A judicial decision.
5. A decision of a judge or jury that a person is guilty of a crime.
6. Behaviour outside the bounds of what is considered acceptable or worthy of its membership by the governing body of a profession.
7. A standardised process that an organisation commits to when dealing with its member who has breached the rules of that organisation in some way.



3. Professional bodies – names and functions	Solicitors professional body –  Barristers professional body –	Advocates’ professional body –
	Functions of professional bodies:	
4. Lawsuits and complaints against lawyers	<p>1) Lawsuits against lawyers (What lawsuits may be brought against lawyers by their clients?)</p> <p>2) Complaints against lawyers (What institutions investigate complaints against lawyers and what sanctions may they impose?)</p>	

### JUDGES IN THE UK AND LITHUANIA

	UK	Lithuania
1. Functions		
2. Training		

3. Appointment (who appoints judges?)		
4. Professional bodies – names and functions		
	Functions of professional bodies:	
5. Immunity	(What immunities do judges enjoy and who has the power to withdraw them?)	
6. Complaints against judges	(What institutions investigate complaints against judges and what sanctions may they impose?)	

### LAW STUDIES AND LEGAL PROFESSIONS: SELF-CHECK TEST

► **Task 1. Give the legal term / phrase to the definitions / explanations below.**

1. An official who has the legal authority to say that documents are correctly signed or true or to make an oath (promise) official \_\_\_\_\_
2. Of or relating to applied educational courses concerned with skills needed for an occupation, trade, or profession \_\_\_\_\_

3. \_\_\_\_\_ have always had full rights of audience to appear in all courts, both the highest and the lowest
4. A payment for professional services of a lawyer \_\_\_\_\_ .
5. \_\_\_\_\_ obtain and prepare documents, make investigation, interview witnesses and do other initial preparation of the case
6. The right to speak in front of the judge during the trial \_\_\_\_\_
7. Training period of one year after completing studies at university and passing all examinations which a person has to serve before he can practice independently as a barrister \_\_\_\_\_
8. Drawing up the document which legally transfers a property from a seller to a buyer \_\_\_\_\_
9. Sending someone to a court or to prison \_\_\_\_\_
10. Training period of two years after completing studies and passing all examinations which a person has to serve before he can practice independently as a solicitor \_\_\_\_\_
11. A lawyer or group of lawyers who conduct cases in court \_\_\_\_\_
12. Somebody with or without specialist legal training who assists a fully qualified lawyer \_\_\_\_\_
13. A legal scholar; an individual who is versed or skilled in law \_\_\_\_\_
14. A compulsory period of practical training in a law firm for law graduates before they can qualify as a solicitor in the United Kingdom \_\_\_\_\_
15. A party to a lawsuit \_\_\_\_\_

► **Task 2. Complete the sentences with the most appropriate legal term / phrase.**

1. Solicitors must pay the Law Society a practicing \_\_\_\_\_ each year in order to keep practicing.
  - a) price
  - b) rank
  - c) fine
  - d) fee

2. The Law Society disciplines solicitors for ethical violations and maintains a client compensation fund to repay \_\_\_\_\_ that result from dishonesty by solicitors.
  - a) losses
  - b) damages
  - c) fines
  - d) fees
3. During the training contract, the trainee's work is closely \_\_\_\_\_ by an experienced solicitor.
  - a) supervised
  - b) carried out
  - c) instructed
  - d) struck off
4. There are more solicitors than barristers because most legal work is done outside the \_\_\_\_\_.
  - a) firm
  - b) chambers
  - c) office
  - d) courtroom
5. Possession or occupancy of lands, buildings, or other property under a lease, or on payment of rent is known as \_\_\_\_\_.
  - a) private property
  - b) tenancy
  - c) personal property
  - d) intangible property

► **Task 3. Fill in the gaps with appropriate prepositions where necessary.**

1. Solicitors negotiate \_\_\_\_\_ the client's behalf
2. Solicitors prepare the client's case \_\_\_\_\_ trial
3. Solicitors may appear as legal counsel \_\_\_\_\_ the lower courts
4. The regulation and administration of solicitors is managed \_\_\_\_\_ the Law Society

5. The Law Society sets standards \_\_\_\_\_ professional conduct
6. The solicitor instructs the barrister \_\_\_\_\_ how the client wishes to proceed in court
- 7-8. Solicitors must serve an apprenticeship \_\_\_\_\_ a practicing solicitor \_\_\_\_\_ becoming fully accredited
- 9-10. Barristers depend \_\_\_\_\_ solicitors to provide them \_\_\_\_\_ trial work because they are not allowed to accept work on their own.

► **Task 4. Write the legal term /phrase for the person who:**

1. takes a practical training \_\_\_\_\_
2. spends a definite period of time as a future barrister in the chambers of a member of the Bar \_\_\_\_\_
3. spends a definite period of time as a future solicitor in solicitors' firms \_\_\_\_\_
4. maintains or defends the rights of his client in the same manner as the counselor does in the common law \_\_\_\_\_
5. A barrister or advocate appointed Counsel to the Crown entitled to sit within the bar of the court and to wear a silk gown \_\_\_\_\_
6. is sued \_\_\_\_\_
7. acts in the name of the state in a criminal case \_\_\_\_\_

► **Task 5. Translate the following legal terms / phrases into English.**

1. profesinė sąjunga \_\_\_\_\_
2. teisės bakalauras \_\_\_\_\_
3. ginčo sprendimas \_\_\_\_\_
4. neprofesionalas \_\_\_\_\_
5. teisės laipsnis \_\_\_\_\_
6. kaltinamasis \_\_\_\_\_
7. atstovauti klientų interesams \_\_\_\_\_
8. prokuroras \_\_\_\_\_
9. teikti teisinės paslaugas \_\_\_\_\_

- 10. diskvalifikuoti \_\_\_\_\_
- 11. surašyti testamentą \_\_\_\_\_
- 12. ieškovo ir atsakovo pareiškimas \_\_\_\_\_
- 13. nusikalstamas aplaidumas \_\_\_\_\_

**Total:**

	50
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### 3. CONSTITUTIONAL LAW

#### ⇒ Wordlist

abolish (v), ~ *the principles of the constitution*

abuse (v), ~ *the power*

accede (v), ~ *to the European Convention on Human Rights*

acknowledge (v); acknowledgement (n)

adopt (v), ~ *a constitution*

afford (v), ~ *power to smb/smith*

amend (v), ~ *the constitution*; amendment (n), *constitutional* ~

appeal (n, v), *court of* ~

appoint (v); appointment (n)

approve (v), ~ *a constitution*

assume (v), ~ *a position*

backlash (n), *be met with* ~

bill (n), *government* ~

binding (adj), *be* ~ *in law*

body (n), *legal* ~, *judicial* ~

checks and balances

circumvent (v), ~ *a law*

code (n); codify (v)

codified, uncodified (pp)

compatibility, incompatibility, ~ *with the constitution*

compatible, incompatible (adj), ~ *with the constitution*

comprise (v), *be* ~ *d of smb/smith*

conductive, *be* ~ *to smth*

consensus (n); consensual (adj), ~ *rules*

consolidate (v), *be* ~ *d into one document*; consolidation (n)

constitution (n); constitutional, unconstitutional (adj)

contrary (adj), ~ *to the constitution*

convention (n), *constitutional* ~

custom (n)

customary (adj), ~ *law*

declare (v), ~ *laws unconstitutional*

elect (v); elective (adj), ~ *dictatorship*

elector (n); electorate (n)  
 eligible (adj), *be ~ for appointment*  
 enact (v), *~ a law*; enactment (n)  
 entrench (v); entrenchment (n)  
 establish (v), *~ rules/principles*  
 execute (v); executive (adj, n)  
 hierarchy (n); hierarchical (adj)  
 highlight (v)  
 impeach (v); impeachment (n)  
 impeccable (adj), *~ reputation*  
 incept (v); inception (n)  
 incorporate (v), *~ guarantees of a social safety network*  
 ingrained (adj), *be ~ in the political culture*  
 instrument (n)  
 invalid (adj); invalidate (v), *~ legislation*  
 judge (n, v)  
 judicial (adj); judiciary (n)  
 jurisdiction (n), *original/appellate ~*  
 legislate (v); legislation (n); legislative (adj); legislature (n)  
 nation-state (n)  
 nominate (v), nomination (n)  
 oath (n), *take/break an ~, breach of ~*  
 pass (v), *~ an Act of Parliament*  
 perform (v), *~ a reform*  
 person (n), *natural ~, legal ~*  
 plead (v), *~ guilty/not guilty*  
 power (n), *separation of ~s*  
 preclude (v), *~ smb from smth*  
 prominent (adj)  
 provision (n)  
 qualify (v), *~ for the position*  
 refer (v), *~ to smth*; reference (n)  
 referendum (n)  
 rely (v), *~ on smth*  
 remove (v), *~ from office*

render (v), ~ a law *ineffective*

resort (n), *the court of last* ~

restraint (n), *have ~ on smth*

review (n), *judicial* ~

rule (n, v), *the ~ of law*

ruling (n), *issue a ~*

serve (v), ~ *for 10 years in the legal profession*; service (n), *public* ~

sole (adj); solely (adv), *dedicate smth ~ to smth*

sovereignty (n), *parliamentary* ~

subject (adj), *be ~ to the jurisdiction of European Community law*

supreme (adj), ~ *court*, ~ *power*

term of office, *non-renewable* ~

violate (v); violation (n), *constitutional* ~

## TASKS

- **Task 1. Match the terms/phrases (1-5) with their definitions/ explanations (a-d).**

1. Constitutional Law	<ul style="list-style-type: none"> <li>a) a document</li> <li>b) a law</li> <li>c) a branch of Public Law</li> <li>d) a bill</li> </ul>
2. unwritten constitutions	<ul style="list-style-type: none"> <li>a) Constitution that is not written</li> <li>b) Constitution that has not been put in a single document, but is based on different documents</li> <li>c) Constitution that does not exist</li> <li>d) Constitution that is old and is no longer used</li> </ul>
3. constitutional convention	<ul style="list-style-type: none"> <li>a) a clause in a contract</li> <li>b) a chapter in a constitution</li> <li>c) an informal and uncodified procedural agreement that is followed by the institutions of a state</li> <li>d) the basic law of the country</li> </ul>
4. Acts of Parliament	<ul style="list-style-type: none"> <li>a) activities carried out by Parliament</li> <li>b) behaviour of Members of Parliament</li> <li>c) bills prepared by Parliament</li> <li>d) enacted legislation</li> </ul>

5. sovereignty	a) the exclusive right to exercise supreme political authority b) a king or queen c) freedom of speech d) dependency
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► **Task 2. Make word partnerships.**

1. the rule	a) of nation-states
2. common	b) of sovereignty
3. law	c) of powers
4. consensual	d) laws
5. written	e) of law
6. scope	f) sources
7. concept	g) rules
8. consolidated	h) of the land
9. foundational	i) law
10. customs	j) into document

► **Task 3. Decide if the statements are true or false.**

1. The law making power of governments in the UK is formally limited by constitutional laws.
2. The doctrine of *limited government* means that the power of the government is restricted by the Constitution.
3. “Checks and balances” means that the main powers within the state are formally separated.
4. In the UK the Parliament did not vote for a government bill for the first time in 2005.
5. The principle of the rule of law is a new element in the political system of the UK.

► **Task 4. Match the words (1-10) with their synonyms (a-d).**

1. abolish (v)	a) allow b) permit c) disagree d) prohibit
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2. consensual (adj)	a) agreed b) discriminatory c) traditional d) constitutional
3. afford(v)	a) give b) exclude c) include d) embody
4. conducive (adj)	a) conductive b) conclusive c) contributory d) concurrent
5. doctrine (n)	a) a regulation b) a rule c) a principle, maxim d) a law
6. circumvent (v)	a) draft b) violate c) follow d) obey
7. ingrained (adj)	a) superficial b) deep-rooted c) existing d) usual
8. electorate (n)	a) vote b) suffrage c) electors d) Members of Parliament
9. highlight (v)	a) criticize b) emphasize c) generalize d) summarize
10. prominent (adj)	a) main b) subsidiary c) secondary d) respectful

- Task 5. Complete the text with the most appropriate words and phrases.

judiciary, organic, entrenchment, constitutional conventions,  
 uncodified, litigation, flexibility, the European Union,  
 Parliamentary sovereignty,  
 senior judges, separation of powers, unwritten, looseness,  
 rigid

### The Constitution of the United Kingdom

The Constitution of the United Kingdom is the \_\_\_\_\_ (1) body of law and convention under which the United Kingdom is governed.

Because the UK has no single codified documentary, constitution along the lines of the Constitution of the United States, it is often said that the country has an “\_\_\_\_\_ (2) constitution”. However, the majority of the British constitution does exist in the written form of statutes, court judgments and European treaties. The constitution does have some unwritten sources, including parliamentary \_\_\_\_\_ (3) (more than most countries except New Zealand and Israel) and the royal prerogatives.

The bedrock of the British constitution is the doctrine of \_\_\_\_\_ (4), according to which the statutes passed by Parliament are the UK’s supreme and final source of law. It follows that Parliament can change the constitution simply by passing new Acts of Parliament. However UK membership of \_\_\_\_\_ (5), the European Communities Act 1972, means the UK applies all EU law that it passes in common with other member states. Changing attitudes may also be seen among the \_\_\_\_\_ (6): for example, the judgments of the Court of Appeal and the House of Lords in the *Jackson* \_\_\_\_\_ (7) arising out of the Hunting Act 2004 indicate that \_\_\_\_\_ (8) may no longer necessarily be prepared to view Acts of Parliament as sacrosanct.

The fact that the modern British constitution has emerged from an “\_\_\_\_\_ (9) “process of evolution dating back to the Middle Ages, rather than through revolution and by design, has given it either a valuable \_\_\_\_\_ (10) or a dangerous \_\_\_\_\_ (11). On the one hand, its loose texture arguably makes it responsive to political and social change, especially since many of its principles are simply conventions. On the other hand, the absence of mechanisms for \_\_\_\_\_ (12) means that far-reaching changes could in theory be made without popular support.

- **Task 6. Read the text below. Use the verbs in brackets in the correct tense (Present Simple Active, Past Simple Active, Present Perfect Active, Past Perfect Active).**

### The Constitution of the Republic of Lithuania

Lithuania's first constitution was adopted on May 3, 1791 in an effort to reform the Polish-Lithuanian Commonwealth, consisting of the Grand Duchy of Lithuania and the Kingdom of Poland. It \_\_1\_\_ (be) the first written Constitution in Europe and \_\_2\_\_ (precede) France's Constitution that \_\_3\_\_ (appear) a few months later. Lithuania's first constitution \_\_4\_\_ (lay down) the major principles of the state system that \_\_5\_\_ (correspond) to the European concept of the 18th century. However, it was short-lived and was never completely implemented.

Modern Constitution was adopted after the Restoration of Independence on October 25, 1992. It was approved by the voters in a referendum. Seventy-five percent of those voting \_\_6\_\_ (favour) the document. Although it was adopted by a solid majority, the percentage of voters participating in the referendum was smaller (57 percent) than \_\_7\_\_ (be) the case in most elections until then.

Since that time it \_\_8\_\_ (become) the main document of the land. The Constitution of 1992 \_\_9\_\_ (reflect) the institutions and experiences of the United States, France, and Germany as integrated into Lithuanian tradition. It also \_\_10\_\_ (incorporate) guarantees of a social safety network inherited from the Soviet Union.

- **Task 7. Decide if the statements are true or false.**

1. Constitutional courts do not exist in countries that have unwritten constitutions.
2. Constitutional courts have the exclusive jurisdiction of judicial review.
3. Court rulings of a constitutional court may be further appealed against to the highest court in land.

4. An attempt to pass a law that would contradict the constitution is an instance of a constitutional violation.
5. If a constitution does not have the concept of the supreme law, it means that in that particular country the concept of “constitutionality” has much meaning.
6. The Supreme Court of the USA is part of the judicial system and acts as the highest court in land.
7. The German Constitutional Court performs only the function of the guardian of the constitution.
8. The principle of parliamentary sovereignty means that the British Parliament can pass a law and in this way change any enactment it had passed before.
9. In the UK rights and freedoms are not protected by any court.
10. The UK has signed the Council of Europe’s European Convention on Human Rights.

► **Task 8. Match the legal adjectives or adjectival phrases (1-5) with their synonyms (a-d).**

1. compatible (with)	a) in conformity with b) in relation with c) in disagreement with d) in respect to
2. supreme	a) lowest b) low c) highest d) high
3. last resort (about a court)	a) final b) high c) appeal d) first instance
4. subject (to)	a) free from b) bound (by) c) presented d) represented



5. exclusive	a) numerous b) sole c) infinite d) endless
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- **Task 9.** Read the text below. Complete the sentences using the legal adjectives in the box. There are five extra adjectives.

regular,	judicial,	final,	ineffective,	elected,	lower,
executive,	eligible,	legislative,	notable,	impeccable,	
established,	supreme,	formal,	exclusive,	unconstitutional,	
voting,	non-renewable,	constitutional,	valid		

### The Constitutional Court of the Republic of Lithuania

It is a special court \_\_1\_\_ by the Constitution of the Republic of Lithuania of 1992; it began the activities after the adoption of the Law on Constitutional Court of the Republic of Lithuania on February 3, 1993. Since its inception, the Court has been located in the city of Vilnius, Gediminas Avenue.

The main task of the court is \_\_2\_\_ review. It may therefore declare the acts of the Seimas \_\_3\_\_ and thus render them \_\_4\_\_. As such, it is somewhat similar to the Supreme Court of the United States. However, it differs from it and other \_\_5\_\_ courts in that it is not part of the regular judicial system, but more a unique judicial branch. Most importantly, it does not serve as a \_\_6\_\_ court of appeals from \_\_7\_\_ courts or as a sort of “super appellate court” on any violation of national laws.

Its jurisdiction is focused on \_\_8\_\_ issues, the integrity of the Constitution. Moreover, it attests the conformity of the acts of the Government of the Republic of Lithuania to the laws and takes a \_\_9\_\_ decision on \_\_10\_\_ infringements.

The Court is comprised of nine justices, \_\_11\_\_ by the Seimas, for a nine-year \_\_12\_\_ term of office. Only Lithuanian citizens of an \_\_13\_\_ reputation, who are trained in law, and who have served for at least 10 years in the legal profession, or in an area of legal education are \_\_14\_\_ for appointment. Usually, \_\_15\_\_ legal scholars and highly experienced judges qualify for the

position. The candidates are nominated by the Chairman of the Seimas, the President of Lithuania and the President of the Supreme Court of the Republic of Lithuania, 3 persons each. The Seimas appoints the President of the Court from among the justices upon the nomination by the President of the state.

- **Task 10. Complete the text below using the verbs in brackets in the correct tense (Present Simple, Past Simple, Present Perfect).**

The Constitutional Court of the Republic of Lithuania \_\_1\_\_ (play) a substantial role in the development of the Lithuanian legal system, declaring a number of national laws unconstitutional. On March 31, 2004, it \_\_2\_\_ (issue) a ruling acknowledging the breach of the oath of office by the President Rolandas Paksas. He was removed from office by the Seimas following the impeachment on April 6, 2004; this \_\_3\_\_ (be) the first successful case of impeachment of the head of the state in the history of Europe. The ruling \_\_4\_\_ (interpret) the Constitution as precluding a person, who was pleaded guilty for the breach of oath, from assuming any future position in public service, which \_\_5\_\_ (require) taking an oath.

- **Task 11. Complete the sentences below using legal adjectives in the box. There are five extra adjectives.**

innocent,	compulsory,	codified,	exclusive,	presidential,
inborn,	incompatible,	invalid,	guilty,	civil,
supreme,	executive,	inviolable,	legislative	

1. The Constitutional Court of the Republic of Lithuania ruled that the enactment is \_\_\_\_\_ with the basic law of the land.
2. According to the Constitution of the Republic of Lithuania the \_\_\_\_\_ powers are vested in the government.
3. It is provided for in the Constitution of the Republic of Lithuania that any law or other statute which contradicts the Constitution is \_\_\_\_\_ .
4. According to the Constitution each person and the people have an \_\_\_\_\_ right to live and create freely in the land of their fathers and forefathers.
5. In accordance with Article 18 personal freedom in the Republic of Lithuania is \_\_\_\_\_.

6. The People of Lithuania exercise the \_\_\_\_\_ sovereign power vested in them either directly or through their democratically elected representatives.
7. Article 31 guarantees that every person will be presumed \_\_\_\_\_ until proven guilty according to the procedure established by law.
8. The Constitution guarantees the right of striving for an open, just, and harmonious \_\_\_\_\_ society and law-governed State.
9. In the Republic of Lithuania, the courts have the \_\_\_\_\_ right to administer justice.
10. Article 41 provides that education is \_\_\_\_\_ for persons under the age of 16 in Lithuania.

► **Task 12. Match the terms/phrases (1-5) with their definitions/ explanations (a-d).**

1. enactments	a) unwritten laws b) laws passed by parliament c) uncodified laws d) codified laws
2. petition	a) a claim b) a bill c) a formal application in writing made to a court asking for some specific judicial action d) a statement
3. in conformity with	a) in accordance with b) in contradiction with c) in contrast to d) the same as
4. entity	a) any person b) any institution, company, corporation, partnership, government agency, university, or any other organisation which is distinguished from individuals c) a group of people d) any private institution

- Task 13. Read the text below and fill in the gaps with the most appropriate legal terms / phrases from the box.

the conformity	hearing	to file a petition
rules	single document	ensures
vested	summoned persons	constitutional courts
promulgated	parties to the case	invited people
written	rulings	deliberation room
	adopted	subject to appeal

### The Constitutional Court of the Republic of Lithuania: Functions and Powers

The Constitutional Court of the Republic of Lithuania \_\_1\_\_ the supremacy of the Constitution within the legal system as well as constitutional justice by deciding whether the laws and other legal acts \_\_2\_\_ by the Seimas are in line with the Constitution, and whether the acts adopted by the President or the Government of the Republic are in compliance with the Constitution and laws. The Constitutional Court decides the constitutionality issues of enacted laws and other legal acts. The Constitutional Court examines a case only when the entities prescribed by the Constitution address the Constitutional Court with a petition requesting to determine \_\_3\_\_ of a law or a legal act with the Constitution.

The right \_\_3\_\_ with the Constitutional Court concerning the constitutionality of a legal act is \_\_4\_\_ in: (1) the Government, groups consisting of at least 1/5 of all Seimas members, and the courts for cases concerning a law or other act adopted by the Seimas; (2) groups consisting of at least 1/5 of all Seimas members and the courts for cases concerning an act of the President of the Republic; and (3) groups consisting of at least 1/5 of all Seimas members, the courts, and the President of the Republic for cases concerning governmental acts. The Constitutional Court passes \_\_5\_\_ on these issues.

The case for the Constitutional Court \_\_6\_\_ is prepared by the justice-rapporteur appointed by the President. At the beginning of Constitutional Court hearings the Court announces which of the \_\_7\_\_ are present, informs \_\_8\_\_ of their rights and duties, hears and settles requests of parties to the case. The justice-rapporteur delivers his report in which the essence of the case is presented. After this, the statements of the parties to the case are heard, the evidence is examined and court pleadings take place. The ruling must be adopted within one month after the end of the investigation of the case. After the court hearing the Constitutional Court retires to the \_\_9\_\_ to pass a ruling.

Rulings of the Constitutional Court are \_\_\_10\_\_\_ on behalf of the Republic of Lithuania. The decisions of the Constitutional Court ascribed to its competence by the Constitution are final and not \_\_\_11\_\_\_. Constitutional Court rulings have the power of law and are obligatory for all institutions of authority, courts, all enterprises, establishments and organisations, officials and citizens.

► **Task 14. Read Part 2 of the text.**

The force of a Constitutional Court ruling recognizing a legal act unconstitutional may not be overcome by repeated enactment of an equivalent legal act. The Constitutional Court also presents the following conclusions: (1) whether violations of the laws on elections occurred during the elections of the President of the Republic or the Seimas; (2) whether the capacity of the President of the Republic to continue in office is limited by reason of health; (3) whether international agreements of the Republic of Lithuania are in conformity with the Constitution; (4) whether the concrete actions of the Seimas members or state officials against whom impeachment proceedings have been initiated contradict the Constitution.

The Seimas may request the Constitutional Court to draw a conclusion. The President of the Republic may address the Constitutional Court to draw a conclusion concerning the election of Seimas members and regarding international treaties. The conclusion concerning international treaties may be requested already prior to its ratification in the Seimas. The Seimas, conforming to the Constitutional Court conclusions, adopts the final decision.

The Constitutional Court investigates cases and arrives at conclusions collectively, provided that not less than two-thirds of all the justices of the Constitutional Court are participating. Rulings and decisions are passed by majority vote of at least half of the justices participating in the sitting. In the case of a tie, the vote of the President is decisive. Constitutional Court hearings are open.

The Constitutional Court investigates and decides only legal issues and refuses to consider petitions for the examination of the constitutionality of a legal act if the petition is grounded upon non-legal motives.

► **Task 15. Use the preposition where necessary.**

1. to file a petition \_\_\_ a Constitutional Court
2. to inform a person \_\_\_ his / her rights and duties
3. pass a ruling \_\_\_ some issues
4. be grounded \_\_\_ legal motives
5. to address the Constitutional Court \_\_\_ a petition
6. to pass a decision \_\_\_ majority vote
- 7-8. to promulgate \_\_\_ behalf \_\_\_ the government

► **Task 16. Give the synonym to the legal terms / phrases below.**

1. pass a ruling \_\_\_\_\_
2. draw a conclusion \_\_\_\_\_
3. a law, an Act of Parliament \_\_\_\_\_
4. a draw \_\_\_\_\_

► **Task 17. Translate the following legal terms / phrases into English.**

1. bylos šalys \_\_\_\_\_
2. bylos esmė \_\_\_\_\_
3. šalių pareiškimai \_\_\_\_\_
4. Konstitucinio Teismo teisėjas \_\_\_\_\_
5. Konstitucinio Teismo nutartis \_\_\_\_\_
6. Konstitucinio Teismo sprendimas \_\_\_\_\_
7. balsų dauguma \_\_\_\_\_
8. (prezidento) nušalinimo procedūra \_\_\_\_\_
9. prezidento veiksnumas \_\_\_\_\_
10. priimti sprendimą \_\_\_\_\_
11. lemiamas balsas \_\_\_\_\_
12. lygus balsų pasiskirstymas (balsuojant Konstitucinio Teismo teisėjams) \_\_\_\_\_

► Task 18. Revise the topic and fill in the tables.

**CONSTITUTIONAL LAW**

**Definition of a Constitution**

Legal terms	Tasks
Constitutional law	Definition
Constitution of a country	Definition  Functions of a constitution: 1. 2. 3.  Types of constitutions 1. 2.

**Constitutional Courts**

Functions of a constitutional court	1.  2.
Judicial review	Explanation of the term

Constitutional violation	Explanation of the term
Constitutional amendment process	Explanation of the term
Types of constitutional courts	<ol style="list-style-type: none"> <li>1. USA</li> <li>2. Germany</li> <li>3. France</li> </ol>
International institutions which have the power to interpret the national legislation	

### The Constitution of the United Kingdom

Terms	Tasks
Features of the Constitution	Characterize the following features of the UK Constitution: <ol style="list-style-type: none"> <li>1. form</li> <li>2. flexibility</li> </ol>



<p>Source of the Constitution</p>	<p>Characterize the following sources of the UK Constitution:</p> <ol style="list-style-type: none"><li>1. Statutes:<ul style="list-style-type: none"><li>• Magna Carta</li><li>• Bill of Rights</li><li>• Parliament Acts 1911 and 1949</li><li>• Constitutional Reform Act 2005</li></ul></li><li>2. Case law:<ul style="list-style-type: none"><li>• Entick v. Carrington</li></ul></li><li>3. Constitutional conventions</li><li>4. Royal Prerogative</li><li>5. Academic writings (Works of authority)</li><li>6. EU law and international law</li></ol>
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<p>Basic principles of the Constitution</p>	<p>Characterize the following principles of the UK Constitution:</p> <ol style="list-style-type: none"> <li>1. The rule of law</li>   <li>2. The sovereignty of Parliament</li> </ol>
<p>Separation of powers / the system of checks and balances</p>	<p>Explain the terms <i>separation of powers, checks and balances</i></p> <p>How does the system of checks and balances function in the UK?</p>
<p>Judicial review of the UK legislation</p>	<p>Do the English courts have the power to perform judicial review of the UK legislation?</p> <p>Why?</p> <p>What international institutions have the power to invalidate and interpret the UK legislation?</p>

## The Constitution of the Republic of Lithuania

<p>Historic facts about the Constitution</p>	<ol style="list-style-type: none"> <li>1. 1791</li> <li>2. 1922; 1928, 1938</li> <li>3. 1940, 1978</li> <li>4. 1992</li> </ol>
<p>Features of the Constitution</p>	<p>Characterize the following features of the Lithuanian Constitution:</p> <ol style="list-style-type: none"> <li>1. form</li> <li>2. flexibility</li> </ol>
<p>Characteristics of the Constitution</p>	<ol style="list-style-type: none"> <li>1. What does the first chapter of the Constitution define?</li> <li>2. What human rights are enshrined in the Constitution?</li> <li>3. How are the governing powers divided in the Constitution?</li> </ol>

The Constitutional Court	<ol style="list-style-type: none"> <li>1. Jurisdiction of the Court</li> <li>2. Composition of the Court</li> <li>3. Requirements for candidates to Justices of the Court</li> <li>4. Nomination and appointment of Justices of the Court</li> </ol>
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### CONSTITUTIONAL LAW: SELF-CHECK TEST

► **Task 1. Give the legal term / phrase to the definitions / explanations below.**

1. Unwritten old, established practices that are followed by the institutions of the state and lead to a smooth operation of government  
\_\_\_\_\_
2. The main document of a country \_\_\_\_\_
3. The power of a court to review a law or an official act of a government for constitutionality or for the violation of basic principles of justice  
\_\_\_\_\_
4. The process of making changes in a constitution \_\_\_\_\_
5. A constitution that has not been put in a single document, but is based on different documents \_\_\_\_\_

- **Task 2.** Read the text below and fill in the gaps with an appropriate legal term / phrase from the box. There are five extra legal terms.

Laws, rules, constitutional courts, written,	body of rules, single document, gives assent, individual citizens,	to define, adopts, conventions,	sovereign, uncodified constitutions, basic law, codified constitution
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Most states in the world have a \_\_\_1\_\_\_. Only three nations, Israel, New Zealand and the United Kingdom, have \_\_\_2\_\_\_. In countries having uncodified constitutions, especially in the UK, \_\_\_3\_\_\_ play an important role in the machinery of the state ruling.

Codified constitutions are usually the product of dramatic political change, such as a revolution. For example, the US constitution was written and subsequently ratified less than 25 years after the American Revolution. The process by which a country \_\_\_4\_\_\_ a constitution is closely tied to the historical and political context driving this fundamental change.

The most obvious advantage of a codified constitution is the coherent and easily understood \_\_\_5\_\_\_. A codified constitution at the least is simple to read, being a \_\_\_6\_\_\_. Although (entrenched) codified constitutions are relatively rigid, codified constitutions still yield a potentially wide range of interpretations by \_\_\_7\_\_\_.

Most constitutions attempt \_\_\_8\_\_\_ the relationship between individuals and the state, and to establish the broad rights of \_\_\_9\_\_\_. It is thus the most \_\_\_10\_\_\_ of a territory from which all the other laws and rules are hierarchically derived.

- **Task 3.** Fill in the gaps with the correct legal adjective from the box. There are five extra legal adjectives.

Legislative impeccable elective	compulsory supreme executive	unconstitutional judicial exclusive eligible
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1. The phrase \_\_\_\_\_ dictatorship was introduced in the UK in 1976 to highlight the enormous potential power of government afforded by the constitution.

2. In Lithuania only judges whose reputation is \_\_\_\_\_ are appointed as constitutional court justices.
3. Who is \_\_\_\_\_ for the appointment to the Constitutional Court in Lithuania?
4. A constitutional court is normally the highest \_\_\_\_\_ body in the government.
5. Most constitutional courts have the power to declare laws \_\_\_\_\_.

► **Task 4. Insert the appropriate prepositions where necessary.**

1. The president of the Republic of Lithuania was removed \_\_\_\_\_ office by the Seimas following the impeachment on April 6, 2004.
2. According to the Constitution of the Republic of Lithuania the executive powers are vested \_\_\_\_\_ the government.
3. The Constitutional Court of the Republic of Lithuania ruled that the enactment is incompatible \_\_\_\_\_ the main law of the land.
4. Some principles of the constitution are ingrained \_\_\_\_\_ the UK's political culture.
5. This act is contrary \_\_\_\_\_ the constitution.
6. To qualify \_\_\_\_\_ the appointment candidates must meet the established requirements.
7. The Constitution was adopted \_\_\_\_\_ a solid majority.
- 8-10. The Constitutional Court comprises nine justices, appointed \_\_\_\_\_ the Seimas, \_\_\_\_\_ a nine-year term \_\_\_\_\_ office.

► **Task 5. Give the synonym to the legal terms / phrases below.**

1. exclusively, only (adv) \_\_\_\_\_
2. final (about the court) \_\_\_\_\_
3. to pass a constitution/laws \_\_\_\_\_
4. voters \_\_\_\_\_
5. a document \_\_\_\_\_
6. to make a decision (about a court) \_\_\_\_\_
7. supremacy of the law \_\_\_\_\_
8. perfect reputation \_\_\_\_\_

9. based on agreement (adj) \_\_\_\_\_

10. court system \_\_\_\_\_

► **Task 6. Translate the following legal terms / phrases into English.**

1. neatnaujinama kadencija (apie pareigas) \_\_\_\_\_

2. prisipažinti kaltu \_\_\_\_\_

3. valdžių atskyrimas \_\_\_\_\_

4. fizinis asmuo \_\_\_\_\_

5. duoti priesaiką \_\_\_\_\_

6. juridinis asmuo \_\_\_\_\_

7. priesaikos sulaužymas \_\_\_\_\_

8. neliečiamas (apie asmens teises, šalies teritoriją) \_\_\_\_\_

9. vykdomoji valdžia \_\_\_\_\_

10. balsavimo teisė \_\_\_\_\_

**Total:**

	50
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## 4. STATE GOVERNING BODIES OF THE UK

### ⇒ Wordlist

accountable (adj), ~ to *Parliament*

Act of Parliament

affairs (n), *domestic and foreign* ~

affiliate (v)

affiliation (n)

allegiance (n), *an oath of* ~, *swear* ~ to the *Crown*

amendment (n), ~ to *legislative proposals*

assent (n), *the Royal* ~, *grant/give the Royal* ~ to a *Bill*

assert (v), ~ *the supremacy of the House*

bicameral (adj), ~ *Parliament*

bill (n), *Money* ~, *Public* ~, *approve a* ~, *draft a* ~, *introduce a* ~

chairman (n), ~ *of the House*

chancellor (n), ~ *of the Exchequer*, *Lord* ~

civil servant

collective responsibility

Commonwealth of Nations

confer (v), ~ *powers*

consent (n)

constitutional (adj), ~ *convention*, ~ *monarchy*, ~ *safeguard*

*/the/ Crown* (n)

dissolve (v), ~ *Parliament*

dissolution (n), ~ *of Parliament*

election (n), *general* ~

electoral (adj), ~ *district*

endorse (v), ~ *policy*

*/the/ executive* (n)

exercise (v), ~ *authority*, ~ *powers*

ex-officio (adj), ~ *members of the House*

“first past the post” voting system

grievance (n), *redress* ~s

HM Treasury (n)

impartial (adj); impartiality (n)



implement (v), ~ *policies*  
 initiate (v), ~ *policies*  
 /the/ judiciary (n)  
 legislation (n)  
 legislative (adj), *supreme ~ authority*  
 /the/ legislature (n)  
 lord (n), ~ *Spiritual*, ~ *Temporal*  
 Ministry of Justice  
 monarch (n)  
 oath (n), *swear an ~*  
 office (n), *Foreign ~, Home ~, take ~*  
 override (v), ~ *the domestic law*  
 passage (n), ~ *of Money Bills*, ~ *of Public Bills*  
 peer (n), *hereditary ~, life ~*  
 plurality voting system  
 policy (n), *government ~, implement ~*  
 prerogative (n), *the Royal ~*  
 preside (v), ~ *over meetings*  
 prorogue (v), ~ *Parliament*  
 power (n), *constitutional ~s, legislative ~s*  
 Prime Minister  
 renounce (v)  
 scrutinise (v), ~ *expenditure*, ~ *European legislation*, ~ *policy*  
 Sovereign (n)  
 Speaker (n), *the Lord ~*  
 spokesman (n), ~ *for the government*  
 subordinate (adj), ~ *to the House of Commons*  
 suffrage (n), *universal adult ~*  
 summon (v), ~ *Parliament*  
 sit (v), sitting (n)  
 taxation (n)  
 undermine (v), ~ *the basic rights*  
 veto (v), ~ *a Bill*

## TASKS

## ► Task 1. Match these terms with their definitions.

1. Sovereign	a) the head of the Cabinet and, usually, chief executive
2. Royal Prerogative	b) the act of signing of a bill by the Queen, confirming that the bill is to become law as an Act of Parliament
3. to summon	c) to end a session of parliament and to force a general election
4. Royal Assent	d) to call together, to convene
5. to prorogue	e) being in close connection as a member
6. to dissolve	f) to end a session of parliament
7. bill	g) a king or queen
8. civil servant	h) to be president or chairman of something
9. Home Secretary	i) the right to vote in elections
10. spokesman	j) someone who has become a member of the House of Lords because their parent was a member
11. allegiance	k) loyalty and support for a ruler, country, group or belief
12. amendment	l) a special right of the monarch to do something
13. Prime Minister	m) the British government politician who controls the internal affairs of the state
14. to preside (over)	n) a draft of a new law to be discussed by the legislature
15. constitutional convention	o) a change proposed to a Bill which is being discussed in Parliament
16. suffrage	p) someone who works for the government department
17. Speaker	q) someone who is chosen by a group or organization to speak officially to the public for them
18. peer	r) unwritten old, established practices whose very existence over the years has invariably led to smooth operation of government
19. affiliation	s) someone who presides over a meeting of parliament
20. hereditary peer	t) someone who is from a high social class in the UK and has a title such as "Lord"

► **Task 2. Choose the most appropriate word to complete the sentences.**

1. The House of Commons is \_\_\_\_\_ over by the Speaker of the House of Commons.
  - a) deliberated
  - b) presided
  - c) debated
  
2. MPs holds their seats until Parliament is \_\_\_\_\_ .
  - a) prorogued
  - b) summoned
  - c) dissolved
  
3. The United Kingdom uses a single member constituency and plurality voting system which is commonly referred to as “first \_\_\_\_\_ the post” system.
  - a) to
  - b) past
  - c) at
  
4. The spiritual members of the House of Lords \_\_\_\_\_ as “independents” as they are independent of any political party.
  - a) participate
  - b) arrive
  - c) sit
  
5. A Bill becomes an Act of Parliament only after it is granted the \_\_\_\_\_ .
  - a) Royal Assent
  - b) Royal Prerogative
  - c) Royal Consent
  
6. Parliament is a \_\_\_\_\_ body.
  - a) legislation
  - b) legislature
  - c) legislative

7. The House of Commons has the \_\_\_\_\_ legislative authority.
  - a) higher
  - b) supreme
  - c) lowest
  
8. The Government lost the confidence of the House of Commons, Parliament was dissolved and a/an \_\_\_\_\_ was called.
  - a) election campaign
  - b) general election
  - c) electoral roll
  
9. The \_\_\_\_\_ consent is required before a Cabinet can be formed.
  - a) Prime Minister's
  - b) monarch's
  - c) Speaker's
  
10. The UK Parliament is \_\_\_\_\_ .
  - a) bicameral
  - b) unicameral
  - c) pre-eminent
  
11. \_\_\_\_\_ ends a parliamentary term and is followed by a general election for all seats in the House of Commons.
  - a) Prorogation
  - b) Dissolution
  - c) Summons
  
12. The queen is, in practice, obliged to give the job of the Prime Minister to the person who can command a majority in the \_\_\_\_\_ .
  - a) House of Lords
  - b) Parliament
  - c) House of Commons

13. The Minister presented the new Housing \_\_\_\_\_ to the House of Commons for reading and debate.
- a) Act
  - b) code
  - c) Bill
14. Although under the prerogative it is the monarch who formally \_\_\_\_\_ the Prime Minister, the practical reality is that following constitutional convention she will appoint the party leader that has secured the majority of seats in the House of Commons.
- a) exercises
  - b) appoints
  - c) elects
15. The House of Commons is the \_\_\_\_\_, but pre-eminent chamber of Parliament.
- a) higher
  - b) lower
  - c) more important

► **Task 3. Insert the appropriate prepositions.**

1. The House of Commons is a democratically elected body consisting \_\_\_\_\_ about 650 members.
2. The Government is primarily responsible \_\_\_\_\_ the House of Commons.
3. Almost all government ministers and the Prime Minister are drawn \_\_\_\_\_ the House of Commons.
4. The House of Commons is presided \_\_\_\_\_ by the Speaker.
5. The position of hereditary peers is also \_\_\_\_\_ change.
6. By voting \_\_\_\_\_ taxation, Parliament enables the administration of government to be carried out.

7. It is the House of Commons which has control \_\_\_\_\_ financial matters, e.g. scrutinizing expenditure and authorizing spending as well as taxation.
8. The Cabinet comprises the most senior ministers who discuss, debate and collectively agree \_\_\_\_\_ government policy.
9. The Monarch opens new sessions of Parliament \_\_\_\_\_ the speech from the throne.
10. The House of Lords has evolved \_\_\_\_\_ many hundreds of years.
11. The Cabinet is regulated \_\_\_\_\_ a number of constitutional conventions.
12. The Prime Minister acts as the principal spokesman \_\_\_\_\_ the government in the House of Commons.
13. Parliament acts as a constitutional check \_\_\_\_\_ the exercise of executive powers.
14. Civil servants account directly \_\_\_\_\_ their ministerial head.
15. Central government departments can be subdivided \_\_\_\_\_ the following two elements: the political element and the non-political element.

- **Task 4. Complete the sentences below using the words from the box. There are some extra words in the box.**

**dissolution, constituent, Act of Parliament, prorogation, scrutinize, House of Commons, executive, House of Lords, allegiance, consent, Bill, responsibility, Parliament**

1. Civil servants owe \_\_\_\_\_ to the government of the day irrespective of its political persuasion.
2. A Bill becomes an \_\_\_\_\_ only after it is granted the Royal Assent.
3. The Monarch is a \_\_\_\_\_ element of Parliament.
4. Bills require the \_\_\_\_\_ of both Houses of Parliament in order to become law.
5. Government ministers are individually and collectively responsible to \_\_\_\_\_ for the operation of government policy.

6. One of the constitutional functions of Parliament is to \_\_\_\_\_ government ministers in respect of their policy, administration and actions.
7. Parliament acts as a constitutional check on the \_\_\_\_\_.
8. The Prime Minister must either recommend the \_\_\_\_\_ of Parliament or offer his resignation with that of the government.
9. The Prime Minister must be drawn from the \_\_\_\_\_.
10. The Monarch must give the Royal Assent before a \_\_\_\_\_ which has passed all its stages in both Houses of Parliament can become an Act of Parliament.

► **Task 5. Match the words to make word collocations.**

1. to swear	a) legislation
2. to dissolve	b) legislative proposals
3. to grant	c) the Royal Assent
4. to determine and execute	d) new sessions of Parliament
5. to veto	e) Parliament
6. to vote for	f) public policy
7. to make amendments to	g) laws
8. to draft and initiate	h) taxation
9. to pass	i) by the Speaker
10. to open	j) an oath of allegiance
11. to sit	k) the supremacy of the House of Commons
12. to agree	l) from the office
13. to assert	m) on government policy
14. to be presided over	n) in the House of Commons
15. to retire	o) an Act of Parliament

► **Task 6. Decide if the statements are true or false.**

**How Much do you Know about MPs?**

1. MP stands for Member of Politics.

*True*                      *False*

2. An MP gets to represent her/his area of the country (known as a constituency) by being elected (voted for) by the people who live in that area of the country (known as the constituents).

*True*                      *False*

3. An MP will take every issue brought to her/him by the constituents to be debated by everyone in the House of Commons.

*True*                      *False*

4. The House of Commons is one part of the Houses of Parliament.

*True*                      *False*

5. MPs from all the different parties meet up in the House of Commons to debate issues.

*True*                      *False*

6. Anyone can try to be an MP.

*True*                      *False*

7. The Prime Minister is not an MP.

*True*                      *False*

8. There are about 659 MPs in the House of Commons.

*True*                      *False*

9. In Parliament, all MPs are on the same side as the government.

*True*                      *False*

10. All MPs are able to oppose the government by voting against its proposed laws.

*True*                      *False*



► **Task 7. Revise the topic and fill in the tables.**

**STATE ORGANS OF THE UK**

**I. THE MONARCH**

**Definition of a Constitutional Monarchy**

Constitutional monarchy	What is a constitutional monarchy?
Powers of the Sovereign	<p>What are the powers of the Sovereign in the present-day UK?</p> <p>What is the Royal Prerogative? What are the main royal prerogative powers of the Sovereign in the UK?</p>

**II. PARLIAMENT**

**Definition of Parliament**

The Parliament of the United Kingdom of Great Britain and Northern Ireland	Define the main function of Parliament.
--	---

## Composition of Parliament

Constituent elements of Parliament	Characteristics of the constituent elements of Parliament
The Queen	What are the constitutional roles of the Queen in Parliament?
House of Commons	<ul style="list-style-type: none"> <li data-bbox="380 540 886 631">• The Chairman of the House of Commons (what is the title of the chairman? what must he renounce while in office?)</li>   <li data-bbox="380 733 956 824">• Members of Parliament (MPs) (how are they elected? what electoral system is used to elect them?)</li> </ul>

<p>House of Lords</p>	<p>Characterize the composition of the House of Lords:</p> <ul style="list-style-type: none"> <li>• The Chairman of the House of Lords (what is and what was the title of the chairman?)</li>   <li>• Lords Spiritual (who become Lords Spiritual? how long do they keep the position?)</li>   <li>• Lords Temporal (1) life peers (who become life peers? how long do they keep the position?)</li>   <li>(2) hereditary peers (who become hereditary peers? how will their position be reformed?)</li> </ul>
-----------------------	--

**Functions of Parliament**

Functions	Characteristics of the functions of Parliament
<p>Legislation</p>	<p>How are laws passed in the UK (who initiates, drafts and passes laws, how does a Bill become an Act of Parliament?)?</p>

Scrutiny of the executive	How does Parliament scrutinise the work of the executive? Why is it necessary?
Control of finance	How does Parliament control finance of the country?
Safeguarding rights of individuals	How does each of the Houses safeguard the rights of individuals?
Recruitment of the government	How is Parliament related to recruitment of government?
Scrutiny of European legislation	How does Parliament scrutinise the EU legislation?
Forum for debate	What role does Parliament play in debates of the major issues of the day?

**The Relationship between the House of Commons and the House of Lords**

Historical facts	Comments
Original powers of the Houses	
Constitutional convention related to the relationship between the Houses	
Parliament Acts 1911 and 1949	

**III. THE EXECUTIVE****Definition of the Executive**

The Executive (Her Majesty's Government and Civil Service)	Define the main functions of the executive.
---	---

**Composition of the Executive**

Constituent parts of the Executive	Characteristics of the constituent parts of the Executive
The Monarch	The role of the Monarch in the executive:
The Prime Minister	The main functions of the Prime Minister: 1. 2. 3. 4.

The Cabinet	<p>Composition of the Cabinet:</p> <p>The main functions of the Cabinet:</p> <p>Constitutional conventions regulating the work of the Cabinet:</p>
Central government departments	<p>Functions of the following government departments:</p> <p>HM Treasury (headed by .....)</p> <p>The Home Office (headed by .....)</p> <p>The Foreign Office (headed by .....)</p> <p>Ministry of Justice (headed by .....)</p>
The political element of government departments (ministers)	<p>Types of ministers:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol> <p>The main function of ministers:</p>
The non-political element of government departments (Civil Service)	<p>Types of civil servants:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol> <p>The main function of civil servants and the main principle of their work:</p>

**Functions of the Executive**

<b>Functions</b>	<b>Characteristics of the functions of the executive</b>
To formulate domestic and foreign policy	Who formulates domestic and foreign policy?
To initiate legislative proposals	Who introduces and drafts most of the bills? What do these bills embody?
To implement the law	Who is responsible for implementation laws?  Who is responsible for enforcement of laws?
To provide political leadership	Who acts as a political leader of the country?
To make appointments	Who makes appointment to important offices?

**Relationship between Parliament and the Executive**

<b>Factors regulating the relationship</b>	<b>Comments</b>
Parliamentary system of government	What is characteristic of parliamentary system of government?
Constitutional conventions regulating the relationship between the Parliament and the executive	

The importance of ministerial responsibility to Parliament	Why is the convention of ministerial responsibility so important in the UK constitution?
--	--

### COMPARISON OF THE STATE GOVERNING BODIES OF THE UK AND LITHUANIA

	UK	LITHUANIA
Head of State	Title:  Powers and functions:	Title:  Powers and functions:
Parliament	Composition:  Functions:	Composition:  Functions:





9. A special right of the monarch to do something \_\_\_\_\_
10. An association of nations consisting of the United Kingdom and several former British colonies that are now sovereign states but still pay allegiance to the British Crown \_\_\_\_\_

► **Task 2. Write the legal term / phrase for the person who:**

1. is chosen by a group or organisation to speak officially to the public for them \_\_\_\_\_
2. is the head of the of the Cabinet and, usually, chief executive \_\_\_\_\_
3. works for the government department \_\_\_\_\_
4. has the right to elect \_\_\_\_\_
5. presides over a meeting of parliament \_\_\_\_\_
6. has a seat in the House of Commons \_\_\_\_\_
7. is a resident of a district or member of a group represented by an elected official \_\_\_\_\_
8. is a member of the House of Lords \_\_\_\_\_

► **Task 3. Insert the appropriate preposition where necessary.**

1. The House of Commons is presided \_\_\_\_\_ by the Speaker.
2. The Monarch opens new sessions of parliament \_\_\_\_\_ a speech from the throne.
3. In the UK the government has no restraint \_\_\_\_\_ the legislative power of the Parliament.
4. The Prime Minister in the UK must be drawn \_\_\_\_\_ the House of Commons.
5. Civil servants account directly \_\_\_\_\_ their ministerial head.
6. The Cabinet is regulated \_\_\_\_\_ a number of constitutional conventions.
7. He retired \_\_\_\_\_ the office at the age of 65.
8. By voting \_\_\_\_\_ taxation, Parliament enables the administration of government to be carried out.
- 9-10. The UK is now subject \_\_\_\_\_ the jurisdiction \_\_\_\_\_ the European Union.

► **Task 4. Give the legal synonym to the words / phrases below.**

1. meeting \_\_\_\_\_
2. consent \_\_\_\_\_
3. changing (a law, constitution) \_\_\_\_\_
4. formally connected or joined \_\_\_\_\_
5. is king or queen \_\_\_\_\_

► **Task 5. Translate the following legal terms / phrases into English.**

1. posėdžiauti parlamente \_\_\_\_\_
2. pirmininkauti \_\_\_\_\_
3. karališkasis pritarimas \_\_\_\_\_
4. detaliai analizuoti \_\_\_\_\_
5. dviejų rūmų parlamentas \_\_\_\_\_
6. duoti ištikimybės priesaiką \_\_\_\_\_
7. prarasti pasitikėjimą \_\_\_\_\_
8. išlaidos \_\_\_\_\_
9. kolektyvinė atsakomybė \_\_\_\_\_
10. nešališkumas \_\_\_\_\_
11. įždas \_\_\_\_\_
12. apmokestinimas \_\_\_\_\_

**Total:**

	45
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## 5. THE EUROPEAN UNION

### ⇒ Wordlist

accordance (n), *do smth in ~ with smth*  
 accountable (adj), *be ~ to*  
 address (v), *directives are ~ed to the Member States*  
 adjust (v); adjustment (n), *necessary ~s to the treaties*  
 adopt (v), *~ the budget*  
 agenda (n), *subjects on ~*  
 align (v) *~ legislation*  
 alter (v), *~ a treaty*; alteration (n)  
 amend (v); amendment (n), *~ to a treaty*  
 apply (v), *~ laws properly*  
 appoint (v), *~ upon approval of smb*  
 binding, non-binding (adj), *~ legal instruments, be ~ on smb*  
 bring about (v), *~ integration*  
 censure (n), *motion of ~*  
 conclude (v), *~ an agreement*  
 confer (v), *~ rights*  
 conjunction (n), *in ~ with smth*  
 consumer (n), *~ affairs*  
 cooperate (v); cooperation(n)  
 currency (n)  
 decision-making (n), *~ process*  
 directive (n)  
 dismiss (v), *be ~ed by smb*  
 draft (v), *~ proposals for new laws*  
 economic (adj), *~ matters/policy*  
 exercise (v), *~ democratic supervision*  
 expenditure (n)  
 expire (v), *the treaty ~d in 2002*  
 extend (v), *be ~ed to other areas*  
 force (n), *come/enter into ~*  
 impose (v), *~ obligations*  
 intergovernmental (adj), *~ cooperation/method*  
 joint (adj), *take ~ decisions on smth*

jointly (adv), *pass laws ~*  
lay down (v), *~ principles/terms*  
legislation (n), *primary/secondary ~*  
legislative (adj), *the right of ~ initiative*  
market (n), *common/single ~*  
matter (n), *criminal/military ~s*  
negotiate (v), *~ an agreement*  
nominate (v), *~ smb*  
personality (n), *legal ~*  
policy (n), *foreign/security ~ , manage and implement ~s*  
pool (v), *~ the steel and coal resources*  
pursuant (adj), *~ to smth*  
pursue (v), *~ an objective*  
ratify (v); ratification (n)  
recipient (n)  
regulation (n)  
revenue (n)  
set out (v), *~ the constitutional basis*  
set up (v), *~ a community*  
sign (v), signatory (n)  
submit (v), *~ smth to smb*  
supranational (adj); supranationalism (n)  
trade (n), *~ barriers*  
treaty (n), *founding/amending/accession ~*  
union (n), *customs ~ , economic and monetary ~*  
uphold (v), *~ the interests of smb*

## TASKS

► **Task 1. Write the defined words.**

1. to combine, to bring together for the advantage of everyone in a group;
2. a group of people living together and/or united by shared interests, etc.;
3. an agreement made between countries and formally signed by their representatives;

4. separate, considered by itself;
5. to combine or cause (two or more things) to combine, esp. gradually, so as to become a single thing;
6. an area or country where there is a demand for goods;
7. the system by which a country's wealth is produced and used;
8. a course of action for dealing with a particular matter or situation, esp. as chosen by a political party, government, business company;
9. the struggle between several groups to win something or gain an advantage;
10. to talk with another person or group on order to try to come to an agreement or settle an argument;
11. a place where travellers' belongings are searched when leaving or entering a country;
12. working well, quickly and without waste;
13. to declare or state firmly or officially.

► **Task 2. Write the necessary prepositions**

1. to place smth ..... the hands of smb
2. to remove the trade barriers ..... the member states
3. to be based ..... four freedoms
4. to vote ..... the candidate
5. co-operation ..... the governments
6. to take decisions ..... matters
7. the focus ..... smth
8. to take ..... account
9. .... the end of 1992
10. with support ..... the EU
11. to go ..... economic and monetary union
12. .... 1 January 2002
13. to lay ..... new rules
14. to come ..... force
15. to be replaced ..... smth

► **Task 3. Match the words to make word collocations.**

1. to guarantee	a) the work of the Committee
2. to reject	b) asylum
3. to place something	c) competition between companies
4. to consult	d) the budget in its entirety
5. to monitor	e) the law null and void
6. to come	f) the sovereignty of member states
7. to conclude	g) civil justice
8. to pool	h) for implementing decisions
9. to have access to	i) the EU law
10. to seek	j) the legitimacy of law
11. to police	k) into force
12. to be responsible	l) maximum value for money
13. to prohibit	m) Parliament in some fields
14. to distort	n) international agreements and treaties
15. to infringe	o) a complaint
16. to impose	p) legal disputes (out of court)
17. to negotiate	q) external borders
18. to give	r) on an equal footing
19. to settle	s) the obligations
20. to fulfill	t) merger of companies
21. to declare	u) penalties/fines/sanctions
22. to lodge	v) an agreement
23. to get	w) different rulings

► **Task 4. Write the defined words.**

1. the state of being allowed by law
2. something that encourages action, stimulus
3. to break a law or a right
4. happening every year or once a year
5. the act of giving up a position or a job

6. to watch carefully over a certain period of time for a special purpose
7. a list of subjects to be talked about or dealt with at a meeting
8. to combine, to share, to bring together for the advantage of everyone in a group
9. to control the place (as if) using police
10. protection and shelter, esp. given by one country to people who have left another for political reasons
11. concept that powers to deal with certain matters should remain with individual states and assumed by the EC Commission
12. statement, which is not supported by proof, that someone has done something bad or criminal

► **Task 5. Match the verbs with their definitions.**

1. to transfer	a) to approve officially (e.g. a treaty)
2. to ratify	b) to agree not to do something which you were doing previously
3. to amend	c) to pass to someone else
4. to set up	d) to transfer into national law
5. to extend	e) to make an urgent request to (something) for help
6. to align	f) to establish
7. to transpose	g) to bring into agreement with
8. to invoke	h) to change
9. to refrain	i) to make greater, esp. so as to reach a desired point

► **Task 6. Are the statements about the EU legislation true or false? Correct the false ones.**

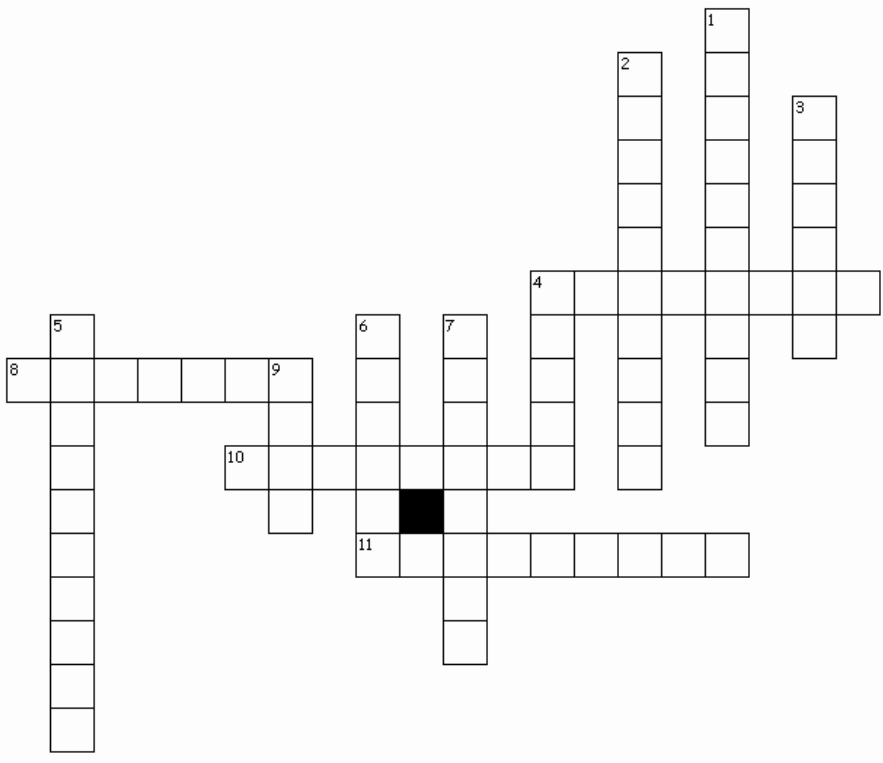
1. There are four founding treaties of the EC.
2. Directives constitute the EU primary legislation.
3. Decisions are binding on every member state.
4. Regulations are addressed to the member states.



5. Regulations are equal to national law.
6. Regulations are binding in most of their parts.
7. Directives leave the freedom of choice of the form and method for member states.
8. EU primary legislation should be ratified in national parliaments.
9. The Treaty of Rome expired on July 23, 2002.
10. The third pillar ensures the cooperation of police and courts of the member states.
11. The first pillar consists of common foreign and security policy.
12. There have been four enlargements in the EU during the last century.
13. International agreements comprise agreements with third countries and agreements between member states.
14. The Accession Treaties are primary legislation.
15. Norway, Switzerland and Luxembourg are not EU member states.
16. The EC Treaty established a common market founded on the four freedoms of movement.

► Task 7. Do the crossword.

### The European Union



#### Across

4. The purpose of the EEC was to establish a customs union among the six founding members, based on the „four freedoms“: freedom of movement of goods, ....., capital and people.
8. Police and judicial co-operation in criminal matters brought together cooperation in the fight against crime. This pillar was originally named ..... and Home Affairs.
10. The Treaty of Maastricht (1992) introduced new areas of cooperation – cooperation in foreign policy and ..... matters.

11. The EEC was by far the most important of the three communities, so much so that it was later renamed simply the European .....

**Down**

1. The EU has grown in size with successive waves of .....
2. The ..... Treaty created the European Union (EU).
3. The Single ..... was formally completed at the end of 1992.
4. In 1950, in a speech inspired by Jean Monnet, the French Foreign Minister Robert Schuman proposed integrating the coal and steel industries of Western Europe. As a result, in 1951, the European Coal and ..... Community (ECSC) was set up.
5. The first six member states which signed the treaty uniting their heavy industries were Belgium, West Germany, ....., France, Italy and the Netherlands.
6. In 1957 the six countries signed the Treaty of Rome, creating the European ..... Energy Community (EURATOM).
7. The European Community (EC) dealt mainly with ..... and trade matters
9. The single currency - the ..... - became a reality on 1 January 2002, when new notes and coins replaced national currencies in 12 countries of the European Union.

► **Task 8. Revise the topic and fill in the tables.**

**EU LAW**

**Main Characteristics of the EU**

Aims of the Union	
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Member states of the EU	<p>Founders of the EU (1951):</p> <p>Countries which joined the EU in the 1980s – 1990s:</p> <p>Countries which joined the EU in 2004:</p> <p>Countries which joined the EU in 2007:</p>
Member states of EFTA and EEA (European Free Trade Association and European Economic Area)	
EU candidates	

### Reasons for Establishing the EU

Historical conditions for establishment	
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## Institutions of the EU

### Legislative Institutions

Institutions	Characteristics of the institutions
The European Parliament	<p>Composition</p> <p>Functions</p>
The Council of the EU	<p>Composition</p> <p>Functions</p>
The European Council	<p>Composition</p> <p>Functions</p>







**THE EUROPEAN UNION: SELF-CHECK TEST**

► **Task 1. Give the legal term / phrase to the definitions / explanations below.**

1. A market consisting of a number of nations, esp. those of the European Union, in which goods, capital, and currencies can move freely across borders without tariffs or restrictions \_\_\_\_\_
2. Protection and shelter, esp. given by one country to people who have left another for political reasons \_\_\_\_\_
3. Legislation that is not binding \_\_\_\_\_
4. The process of becoming bigger in size \_\_\_\_\_
5. The treaty establishing a community \_\_\_\_\_
6. The treaty allowing a country to become a member of a union \_\_\_\_\_
7. The treaty changing the existing treaty or part of it \_\_\_\_\_

► **Task 2. Read the text below and fill in the gaps with an appropriate legal term / phrase from the box. There are five extra words.**

rules,	conditions,	apply,	
reject,	the rule of law,	developed,	unanimously,
	ratification,	consequences,	
founded,	negotiations,	dismiss,	principles,
	accession,	discussion	

**Enlargement of the European Union**

The Enlargement of the European Union is the process of expanding the European Union (EU) through the \_\_\_1\_\_\_ of new member states. This process began with the Inner Six, who \_\_\_2\_\_\_ the European Coal and Steel Community in 1952. Since then, the EU’s membership has grown to twenty-seven with the most recent expansion to Bulgaria and Romania in 2007.

To join the European Union, a state needs to fulfill economic and political \_\_\_3\_\_\_ called the Copenhagen criteria (established by the European Council in 1993), which require a stable democratic government that respects \_\_\_4\_\_\_,

and its corresponding freedoms and institutions. According to the Maastricht Treaty, each current member state and the European Parliament must agree to any enlargement.

Today the accession process follows a series of formal steps, from a pre-accession agreement to the \_\_\_5\_\_\_ of the final accession treaty. These steps are primarily presided over by the European Commission, but the actual \_\_\_6\_\_\_ are technically conducted between the Union's Member States and the candidate country.

Any European country could in theory \_\_\_7\_\_\_ to join the EU, at which point the Council would consult with the Commission and the European Parliament on beginning accession negotiations. The Council would either accept or \_\_\_8\_\_\_ the recommendation \_\_\_9\_\_\_. To receive a positive recommendation, the country must meet the following criteria: it must be a "European State", must respect the \_\_\_10\_\_\_ of liberty, democracy, respect for human rights and fundamental freedoms.

► **Task 3. Write the synonyms to the legal terms / phrases below.**

1. to violate (an agreement) \_\_\_\_\_
2. EU primary legislation \_\_\_\_\_
3. income into the budget \_\_\_\_\_
4. to name smb. as a candidate \_\_\_\_\_
5. give rights \_\_\_\_\_
6. to try to achieve (an objective) \_\_\_\_\_
7. a document \_\_\_\_\_
8. establish a community \_\_\_\_\_
9. to end (about the term of validity) \_\_\_\_\_
10. to be responsible to smb \_\_\_\_\_

► **Task 4. Insert the appropriate preposition where necessary.**

1. to come \_\_ force
2. subjects \_\_ agenda

3. to be binding \_\_ smb
4. to adopt \_\_ the budget
5. to be accountable \_\_
- 6-7. do smth \_\_ accordance \_\_ smth
- 8-9. to appoint a minister \_\_\_\_ approval \_\_ smb
10. to vote \_\_ the candidate

► **Task 5. Translate the following legal terms / phrases into English.**

1. patvirtinti (sutartį) šalies parlamente \_\_\_\_\_
2. patvirtinti biudžetą \_\_\_\_\_
3. iš ES biudžeto daugiau lėšų gaunanti nei į jį įnešanti šalis \_\_\_\_\_
4. pinigų sąjunga \_\_\_\_\_
5. muitų sąjunga \_\_\_\_\_
6. sutelkti resursus \_\_\_\_\_
7. įstatymų teisėtumas \_\_\_\_\_
8. išorinės (valstybės) sienos \_\_\_\_\_
9. pateikti skundą \_\_\_\_\_
10. išspręsti ginčą neteisiminiu keliu \_\_\_\_\_
11. įvykdyti įsipareigojimus \_\_\_\_\_
12. bendra saugumo politika \_\_\_\_\_
13. vartotojų reikalai \_\_\_\_\_

**Total:**

	50
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## TEXTS FOR READING PRACTICE

### THE DEVELOPMENT OF COMMON LAW

Before the institutional stability imposed on England by William the Conqueror in 1066, English residents, like those of many other societies, particularly the Germanic cultures of continental Europe, were governed by unwritten local customs that varied from community to community and were enforced in often arbitrary fashion. For example, courts generally consisted of informal public assemblies that weighed conflicting claims in a case and, if unable to reach a decision, might require an accused to test guilt or innocence by carrying a red-hot iron or snatching a stone from a cauldron of boiling water or some other “test” of veracity (trial by ordeal). If the defendant’s wound healed within a prescribed period, he was set free as innocent; if not, execution usually followed.

In 1154, Henry II became the king. Among many achievements, Henry institutionalized common law by creating a unified system of law “common” to the country through incorporating and elevating local custom to the national level, ending local control and peculiarities, eliminating arbitrary remedies and reinstating a jury system – citizens sworn on oath to investigate reliable criminal accusations and civil claims. The jury reached its verdict through evaluating common local knowledge, not necessarily through the presentation of evidence, a distinguishing factor from today’s civil and criminal court systems.

Henry II developed the practice of sending travelling judges from his own central court to hear the various disputes throughout the country. His judges would resolve disputes on an ad hoc basis according to what they interpreted the customs to be. The king’s judges would then return to London and often discuss their cases and the decisions they made with the other judges. These decisions would be recorded and filed.

In time, a rule, known as *stare decisis* (also commonly known as precedent) developed, which is where a judge would be bound to follow the decision of an earlier judge; he was required to adopt the earlier judge’s interpretation of the law and apply the same principles promulgated by that earlier judge if the two cases had similar facts to one another. By this system of precedent,

decisions ‘stuck’ and so the pre-Norman system of local customs was replaced by an elaborate and consistent system of laws that was common throughout the whole country, hence the name, “common law.”

Henry II’s creation of a powerful and unified court system, which curbed somewhat the power of canonical (church) courts, brought him (and England) into conflict with the church, most famously with Thomas Becket, the Archbishop of Canterbury. Eventually, Becket was murdered inside Canterbury Cathedral by four knights who believed themselves to be acting on Henry’s behalf.

Judge-made common law endured for centuries as the primary source of criminal and civil laws throughout the country. Later, after Parliament acquired legislative powers, statutory law began to limit the scope of the common law in some areas. Even today, however, common law retains its status as an essential element of the British legal system.

► **Task. Decide if the statements are true or false.**

1. Trial by ordeal was a test of guilt or innocence in early Britain.
2. Henry II institutionalized common law by creating a unified system of law “common” to the country through incorporating and elevating local custom to the national level, ending local control and peculiarities.
3. Travelling judges were sent from London’s central court to hear the various disputes throughout the country and to impose the King’s judgments.
4. According to stare decisis, a judge would be bound to follow the decision of an earlier judge; he was required to adopt the earlier judge’s interpretation of the law and apply the same principles promulgated by that earlier judge if he liked that decision.
5. Thomas Becket, the Archbishop of Canterbury, was murdered because the King’s created common law sometimes contradicted the canon law.
6. Today in Britain common law has lost its powerful status as an essential element of the British legal system and has been replaced by continental law.

## LEGAL PROFESSION IN THE USA

### Legal Specializations

Many American lawyers eventually specialize in a particular area. Lawyers may specialize in trial law (civil or criminal), appellate law (helping clients who seek to reverse or to uphold lower court decisions), bankruptcy law, trusts and estates, tax law, corporate law, environmental law, intellectual property, communication law, elder law, employment and labour law, entertainment law, health care law, education law, international law, etc. The list of specializations is almost endless and is always changing in response to new laws and novel legal issues.

### Private Practice

The majority of lawyers of the USA work in private practice. Some work as solo practitioners, others in small or “boutique” law firms. Many work in firms that have several hundred lawyers in cities across the world. Lawyers usually join firms as “associates” and work toward becoming “partners.” The road to partnership is long and full of hurdles. In recent years it has become increasingly common for associates to join a law firm with the expectation that they will gain experience for a number of years but not stick around for a partnership decision. To retain more lawyers, some law firms now allow for “non-equity partnerships” or promote a few attorneys to non-partnership “of counsel” or “special counsel” positions. Life at a law firm, especially a large law firm, is influenced by “billable hours.” Each lawyer has a “billable rate” that is used to charge clients for time spent on client matters. In order to bill clients and to get credit for work performed, firm lawyers keep track of the activities they perform each day.

### In-House

Other attorneys are employed by a single client and work “in-house” for that client, usually a large corporation. An in-house attorney advises the company on legal activities related to the company’s business. Large companies often have correspondingly large legal departments and a number of in-house attorneys who specialize in specific issues. For example, one might supervise litigation being handled by an outside firm, another might address the company’s employment issues, and a third might work as a lobbyist who monitors and tries to influence legislation related to the company’s business. Traditionally, many in-house attorneys obtain their positions when they are working in

a law firm and are asked by a client to join the company. In-house lawyers often report that they enjoy greater control over their time than their law firm counterparts. Also, because in-house lawyers represent one client, they are not beholden to the “billable hour.”

### **Government**

Most government lawyers work at the local level, but state governments and the federal government also hire lawyers to perform a multitude of tasks. Government lawyers include prosecutors (district attorneys, State Attorney Generals, and federal prosecutors who work at the Department of Justice here in D.C. and at U.S. Attorney’s Offices throughout the country) and public defenders (who represent those who cannot afford an attorney). Lawyers also work for the Environmental Protection Agency, the Office of Homeland Security, the Security Exchange Commission, the Consumer Product Safety Commission, the Patent and Trademark Office, and just about every other government agency that you can name. In addition, state legislative bodies and the United States Congress offer many exciting opportunities for lawyers to develop and help pass legislation.

### **Judicial Clerkship**

Judicial clerks are a subset of government lawyers, but warrant separate mention. Judicial clerks research and draft memoranda and opinions for judges. Often, these intellectually stimulating and prestigious positions are short term. Frequently, recent law graduates will spend a year or two clerking before embarking on their legal careers. There are, however, some “permanent clerk” positions that allow for long-term employment.

### **Public Interest**

Many public interest lawyers work for legal-aid societies, which are private, non-profit agencies designed to serve disadvantaged people. These lawyers might seek medical benefits for AIDS patients, represent the poor in landlord-tenant disagreements, or negotiate child visitation rights for individuals who cannot afford private attorneys. Other public interest lawyers work for non-profit organizations that seek to change the law. Lawyers might strive to strengthen environmental laws, to protect the rights of children in foster care, to promote civil rights of gays and lesbians, or to advocate for racial and religious tolerance. Public interest lawyers work on both the “left” and

the “right”. Some work to abolish abortion, while others work to strengthen abortion rights; some promote “victim’s rights” and advocate in favour of the death penalty, while others strive to abolish the death penalty. Non-profit organizations often struggle for funding. As a result, many are willing to provide (non-paying) internships to interested college students. Even after law school, public interest lawyer positions are not high paying. But because they offer other rewards, these positions are often highly competitive.

### Academia

Lawyers teach in law schools, colleges, and at other educational levels. Many lawyers who hope to become professors first gain teaching experience by working as an adjunct professor and teaching one course while working elsewhere full time. Practicing lawyers who want to teach also often look for publishing opportunities.

#### ► Task 1. Complete the sentences with the most appropriate ending.

1. Lawyers usually join law firms as ..... .
  - a) associates
  - b) partners
  - c) in-house attorney
  
2. In private practice, lawyers’ fees usually depend on ..... .
  - a) the seriousness of the case
  - b) the state of being a partner of the law firm
  - c) the time spent on client matters
  
3. Which lawyers enjoy greater control over their time?
  - a) Lawyers working in private practice.
  - b) In-house lawyers.
  - c) Lawyers specializing in trial law.
  
4. Government lawyers include ..... .
  - a) in-house lawyers
  - b) district attorneys
  - c) lawyers specializing in trusts and estates



5. Memoranda and opinions for judges are frequently drafted by .....
  - a) State Attorney Generals
  - b) lawyers to develop and help pass legislation
  - c) judicial clerks

► **Task 2. Match the definitions with the legal terms from the text.**

1. The accepted rules and law that govern countries in their relations with other countries.
2. A single practitioner, a lawyer working alone.
3. The act or process of bringing about or contesting a lawsuit or all lawsuits collectively.
4. The lawyer that initiates and carries out a legal action, especially in criminal proceedings.
5. Laws passed by an official body, such as Parliament.
6. One who has received an academic degree or a diploma.
7. To try to obtain or reach.
8. One who is harmed or killed by another.

## THE CONSTITUTION OF THE UNITED STATES OF AMERICA

The Constitution of the United States of America is the supreme law of the United States. It is the foundation and source of the legal authority underlying the existence of the United States of America; the Federal Government of the United States; and all the State and local governments and Territorial Administrative bodies contained therein. It provides the framework for the organization of the United States Government. The document defines the three main branches of the government: The legislative branch with a bicameral Congress, an executive branch led by the President, and a judicial branch headed by the Supreme Court. Besides providing for the organization of these branches, the Constitution carefully outlines which powers each branch may exercise. It also reserves numerous rights for the individual states, thereby establishing the United States' federal system of government. It is the shortest and oldest written constitution of any major sovereign state. The most important influence from the European continent was from Montesquieu, who emphasized the need to have balanced forces pushing against each other to prevent tyranny.

The United States Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania, and later ratified by conventions in each U.S. state in the name of “The People”.

## **Articles of the Constitution**

The Constitution consists of a preamble, seven original articles, twenty-seven amendments, and a paragraph certifying its enactment by the constitutional convention.

The Preamble states: „We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.“ The Preamble does not grant any particular authority to the federal government and it does not prohibit any particular authority. It establishes the fact that the federal government has no authority outside of what follows the preamble, as amended. “We the people”, is one of the most-quoted sections of the Constitution.

Article One describes the congress, the legislative branch of the federal government. The United States Congress is a bicameral body consisting of the lower house of the House of Representatives and the Senate as the upper house. The article establishes the manner of election and the qualifications of members of each body. Representatives must be at least 25 years old, have been a citizen of the United States for seven years, and live in the state they represent. Senators must be at least 30 years old, have been a citizen for nine years, and live in the state they represent. In Article I Section I, the Constitution reads “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” This gives Congress more than simply the responsibility to establish the rules governing its proceedings and for the punishment of its members; it places the power of the government primarily in Congress.

Article Two describes the presidency (the executive branch). The article establishes the manner of election and qualifications of the President, the oath to be affirmed and the powers and duties of the office. The President must be a

natural born citizen of the United States, be at least 35 years old, and a resident of the United States for at least 14 years. It also provides for the office of Vice President, and specifies that the Vice President succeeds to the presidency if the President is removed, unable to discharge the powers and duties of office, dies while in office, or resigns.

Article Three describes the court system (the judicial branch), including the Supreme Court. The article requires that there be one court called the Supreme Court; Congress, at its discretion, can create lower courts, whose judgments and orders are reviewable by the Supreme Court. Article Three also creates the right to trial by jury in all criminal cases, defines the crime of treason, and charges Congress with providing for a punishment for it. This Article also sets the kinds of cases that may be heard by the federal judiciary, which cases the Supreme Court may hear first (called original jurisdiction), and that all other cases heard by the Supreme Court are by appeal under such regulations as the Congress shall make.

Once proposed — whether submitted by Congress or by a national convention — amendments must then be ratified by three-fourths of the states to take effect. Article Five gives Congress the option of requiring ratification by state legislatures or by special convention.

## **Amendments**

The authors of the Constitution were clearly aware that changes would be necessary from time to time if the Constitution was to endure and cope with the effects of the anticipated growth of the nation. However, they were also conscious that such change should not be easy, lest it permit ill-conceived and hastily passed amendments. Balancing this, they also wanted to ensure that an over-rigid requirement of unanimity would not block action desired by the vast majority of the population. Their solution was to devise a dual process by which the Constitution could be altered.

Amending the Constitution is a two-part process: amendments must be proposed and then they must be ratified. Amendments can be proposed one of two ways. The only way that has been used to date is through a two-thirds majority vote in both houses of Congress. Alternatively, two-thirds of the legislatures of the States can call a Constitutional Convention to consider

one or more amendments. This second method has never been used, and it is unclear exactly how, in practice, such a Constitutional Convention would work.

Regardless of how the amendment is proposed, the amendment must be approved by three-fourths of states, a process called ratification. The amendments that became the Bill of Rights were actually the last ten of the twelve amendments proposed in 1789. The second of the twelve proposed amendments, regarding the compensation of members of Congress, remained unratified until 1992, when the legislatures of enough states finally approved it and, as a result, it became the Twenty-seventh Amendment despite more than two centuries of pendency. The Bill of Rights plays a central role in American law and government, and remains a fundamental symbol of the freedoms and culture of the nation.

### **Judicial review**

The way the Constitution is understood is also influenced by the decisions of the court system, and especially the Supreme Court. These decisions are referred to, collectively, as precedents. The ability of the courts to interpret the Constitution was decided early in the history of the United States, in the 1803 case of *Marbury v. Madison*. In that case, the Supreme Court established the doctrine of judicial review, which is the power of the Court to examine legislation and other acts of Congress and to decide their constitutionality. The doctrine also embraces the power of the Court to explain the meaning of various sections of the Constitution as they apply to particular cases brought before the Court. Over the years, a series of Court decisions, on issues ranging from governmental regulation of radio and television to the rights of the accused in criminal cases, has affected a change in the way many Constitutional clauses are interpreted, without amendment to the actual text of the Constitution.

► **Task 1. Match the definitions with the legal terms from the text.**

1. An addition or alteration to a motion, bill, or constitution.
2. Having two separate and distinct lawmaking assemblies, e.g. the Senate and the House of Representatives in the United States.
3. A formal or legally binding pledge to do something such as tell the truth in a court of law, made formally and often naming God or a loved one as a witness.

4. A permanent or long-term dweller in a place.
5. To give up a paid or unpaid position voluntarily.
6. A violation of the allegiance owed by somebody to his or her own country, e.g. by aiding an enemy.
7. The freedom or authority to judge something or make a decision about it.
8. A critical examination by a higher court of a decision taken by a lower court.

► **Task 2. Complete the sentences with the most appropriate ending.**

1. An executive branch is led by .....
  - a) the Congress.
  - b) the President.
  - c) the Vice President.
  
2. Montesquieu emphasized the need to have balanced forces of government pushing against each other .....
  - a) to prevent the abuse of power.
  - b) to establish the United States' federal system of government.
  - c) to establish the manner of election and the qualifications of members of the government.
  
3. The United States parliament is called .....
  - a) the Congress.
  - b) the Senate.
  - c) The House of Representatives.
  
4. The judgments and orders of lower courts can be reviewed by .....
  - a) the Senate.
  - b) the President.
  - c) the Supreme Court.

5. Amendments of the Constitution can be proposed by .....
  - a) a two-thirds majority vote in both houses of Congress.
  - b) a ruling of the Supreme Court.
  - c) the President's and the Vice President's decision.
  
6. The 1803 case of Marbury v. Madison .....
  - a) described the manner of election and qualifications of the President.
  - b) established the doctrine of judicial review.
  - c) ratified the second of the twelve proposed amendments.

## HISTORICAL BACKGROUND OF THE CONSTITUTION OF THE USA

The first plan of national government of the United States was not the Constitution but a plan called the Articles of Confederation and Perpetual Union. The name was soon shortened to the Articles of Confederation by most people. The Confederation turned out to be the wrong type of government for the thirteen states that then made up the United States of America. It did not work very well and lasted only a short time. The Articles of Confederation was drawn up in 1777, and the last state did not ratify it until 1781. It went out of existence in 1789, when the Constitution was adopted.

Until the Declaration was signed in 1776, the states had been under the rule of England, and at the time were fighting the Revolutionary War to remain free. The reason they first chose the Confederation was that they were afraid if the central government was given too much power, they would be trading their newly found freedom for another kind of tyranny of their own making. When the Constitution was adopted, these fears were seen to have been unnecessary, but after their experience with English rule, the states could not be blamed for having had them. The plan of government called for no central power except an assembly. There was no executive and there was no judiciary.

The assembly was called Congress but had none of legislative powers the Congress has today. Congress could not tax; it could only ask for money. It could not raise an army; it could only ask the states for troops to defend the country. In fact, the members of Congress could not be made to attend meetings, and often so few came that a quorum could not be had. When a quorum could be had, each state had only one vote, regardless of its size, and these votes were meaningless because Congress could not make either the states or individuals to obey its commands. It was powerless.

The states were slow to send troops for George Washington's Continental Army: they felt they needed them at home for their own protection. They were even slower to send money to support the government and the army.

After the Revolutionary War, things went from bad to worse. The states began printing paper money that was not backed by gold or silver, and paper money soon became worthless. The states set up tariffs on goods crossing their borders, and trade slowed down. Some states even signed treaties with foreign governments.

Thinking men all over the United States began to feel that something had to be done.

In 1787 a convention was called in Philadelphia to revise the Articles of Confederation. Instead of changing the articles of Confederation, the delegates, under the leadership of such great Americans as James Madison, Gouverneur Morris, Benjamin Franklin, Alexander Hamilton, and George Washington, decided on a bold new plan - one that no other country had ever tried - to write a constitution setting up a federal government for the states.

This federal government would have three branches: a legislative branch responsible for making the laws; An executive branch responsible for seeing that the laws are carried out; and a judicial branch responsible for explaining the laws and providing just courts of law.

It would also be a government of "checks and balances": each branch is given powers to check the action of the other two, so that no one branch may become more powerful than the others and attempt to take over the government. This balances (divides evenly), or very nearly balances, the powers of the three branches.

The writing of the Constitution was difficult. There were many opposing ideas as to what should be done. These ideas were settled to compromise. The three main issues that had to be compromised were:

**1 The Great Compromise.** The large states wanted representation in Congress to be according to each state's population, while the small states wanted equal representation for each state. This was settled by giving Congress two houses. The House of Representatives has representation by population, and the Senate has equal representation.

**2 The Commercial Compromise.** To please both the agricultural southern states, and the industrial northern states, the Congress was given power to regulate commerce with foreign countries and among the states, but Congress could not make laws against bringing slaves into the country before 1808; it could not tax exports; and to ratify a treaty with a foreign country, a two-thirds vote of the Senate would be needed.

**3 The Three-Fifths Compromise.** The South wanted slaves to count as population toward representation in the House of Representatives. The North did not. This was settled by allowing each slave to count as three fifths of a person. In other words, only three fifths of a state's slaves could be counted as population for the purpose of representation.

Another problem that had to be solved was how to set up a strong federal government and at the same time let the states keep important powers. This was done by dividing the powers of government. Certain powers were to be powers held by Congress only (exclusive federal powers). Some were to be powers held by both state and federal governments (concurrent powers), and other powers were forbidden to either government (denied powers). Any powers not mentioned by the Constitution as falling into one of these two groups would be considered powers of the states and of the people.

Before the Constitution could become law, it had to be ratified by three fourths (nine out of thirteen) of the states. When it was offered to the people for this purpose, two opposing sides began to form: the Federalists and Anti-Federalists. As is the American way, each group argued against the ideas of the other and tried to persuade the people to its way of thinking by making speeches and writing in the newspapers. The best known of these writings and perhaps the most important are **The Federalists Papers** by Alexander Hamilton, James Madison, and John Jay, written in favour of the Constitution, and **Lee's Letters from the Federal Farmer to the Republican** by Richard Henry Lee, written against ratifying the Constitution.

These two opposing groups later became the foundation blocks for the first political parties (groups that attempt to control government by winning elections and holding offices).

By July 2, 1788, ten states had ratified the Constitution and it was adopted. It did not go into effect, however, until March 4, 1789, and it was not until 1790 that all the thirteen states had accepted it as the supreme law of the United States.

► **Task 1. Find a word or phrase in the text that has a similar meaning**

1. A loosely joint group of states that gives only limited powers to a central government, with each state keeping the most important powers for itself
2. The supreme of the United States
3. To agree to; adopt; accept



4. US national legislature
5. An agreement reached by each opposing side giving in on some points
6. Representatives
7. Person who seeks that laws are carried out; an administrator
8. Number of people in a given place
9. A gathering of persons
10. Money paid to the government and used for its operation
11. Meeting held for a special reason
12. The first plan of national government in the United States

► **Task 2. Mark these statements T (true) or F (false) according to the information in the text.**

1. The system of Confederation was the most suitable form of governing and it appeared to a successful one.
2. The assembly called Congress supplanted the English ruling and got unlimited power in governing the state.
3. After the revolutionary war the situation in the states deteriorated.
4. A plan to write a constitution setting up a federal government for the states was borrowed from ancient Greece.
5. The system of “checks and balances” had to ensure the main principles of democracy.
6. All the states enthusiastically greeted the idea of the Constitution and supported its creation without any reservations.
7. Any powers not defined in the Constitution belonged to separate states.
8. The roots of first political parties go back to the time of ratification of the Constitution.
9. Ratification of the Constitution was a long process.
10. It took three years for a written constitution to become the supreme law of the United States.

## THE SCOTTISH PARLIAMENT

The Scottish Parliament is the devolved national, unicameral legislature of Scotland, located in the Holyrood area of the capital, Edinburgh. The Parliament, informally referred to as “Holyrood”, is a democratically elected body comprising 129 members known as Members of the Scottish Parliament (MSPs). Members are elected for four-year terms under the mixed member proportional representation system. As a result, 73 MSPs represent individual geographical constituencies elected by the plurality (“first past the post”) system, with a further 56 returned from eight additional member regions, each electing seven MSPs. The most recent general election to the Parliament was held on 5 May 2011.

The original Parliament of Scotland (or “Estates of Scotland”) was the national legislature of the independent Kingdom of Scotland, and existed from the early 13th century until the Kingdom of Scotland merged with the Kingdom of England under the Acts of Union 1707 to form the Kingdom of Great Britain. As a consequence, the Parliament of Scotland merged with the Parliament of England to form the Parliament of Great Britain, which sat at Westminster in London.

Following a referendum in 1997, in which the Scottish electorate gave their consent, the current Parliament was established by the Scotland Act 1998, which sets out its powers as a devolved legislature. The Act delineates the legislative competence of the Parliament – the areas in which it can make laws – by explicitly specifying powers that are “reserved” to the Parliament of the United Kingdom: all matters that are not explicitly reserved are automatically the responsibility of the Scottish Parliament. The British Parliament retains the ability to amend the terms of reference of the Scottish Parliament, and can extend or reduce the areas in which it can make laws. The first meeting of the new Parliament took place on 12 May 1999.

After each election to the Scottish Parliament, at the beginning of each parliamentary session, Parliament elects one MSP to serve as Presiding Officer, the equivalent of the speaker, and two MSPs to serve as deputies. The Presiding Officer and deputies are elected by a secret ballot of the 129 MSPs, which is the only secret ballot conducted in the Scottish Parliament. Principally, the

role of the Presiding Officer is to chair chamber proceedings and the Scottish Parliamentary Corporate Body. When chairing meetings of the Parliament, the Presiding Officer and his deputies must be politically impartial. During debates, the Presiding Officer (or the deputy) is assisted by the parliamentary clerks, who give advice on how to interpret the standing orders that govern the proceedings of meetings. A vote clerk sits in front of the Presiding Officer and operates the electronic voting equipment and chamber clocks.

Parliament typically sits Tuesdays, Wednesdays and Thursdays from early January to late June and from early September to mid December, with two-week recesses in April and October. Plenary meetings in the debating chamber usually take place on Wednesday afternoons from 2 pm to 6 pm and on Thursdays from 9:15 am to 6 pm. Chamber debates and committee meetings are open to the public. Entry is free, but booking in advance is recommended due to limited space. Meetings are broadcast on the Parliament's own channel Holyrood.tv and on the BBC's parliamentary channel BBC Parliament. Proceedings are also recorded in text form, in print and online, in the Official Report.

The Scotland Act 1998, which was passed by the Parliament of the United Kingdom and given Royal Assent by Queen Elizabeth II on 19 November 1998, governs the functions and role of the Scottish Parliament and delimits its legislative competence. For the purposes of parliamentary sovereignty, the Parliament of the United Kingdom at Westminster continues to constitute the supreme legislature of Scotland; however, under the terms of the Scotland Act, Westminster agreed to devolve some of its responsibilities over the domestic policy of Scotland to a new directly elected Scottish Parliament. Such matters are known as “devolved matters” and include education, health, agriculture and justice. The Scotland Act enabled the Scottish Parliament to pass primary legislation on these issues. A degree of domestic authority and all foreign policy remain with the UK Parliament in Westminster. The Scottish Parliament has the power to pass laws and has limited tax-varying capability.

The specific devolved matters are all subjects which are not explicitly stated in Schedule 5 to the Scotland Act as reserved matters. All matters that are not specifically reserved are automatically devolved to the Scottish Parliament. Most importantly, this includes agriculture, fisheries and forestry, economic

development, education, environment, food standards, health, home affairs, Scots law – courts, police and fire services, local government, sport and the arts, transport, training, tourism, research and statistics and social work. The Scottish Parliament is unable to legislate on such issues that are reserved to, and dealt with at, Westminster (and where Ministerial functions usually lie with UK Government ministers). These include abortion, broadcasting policy, civil service, common markets for UK goods and services, constitution, electricity, coal, oil, gas, nuclear energy, defence and national security, drug policy, employment, foreign policy and relations with Europe, most aspects of transport safety and regulation, National Lottery, protection of borders, social security and stability of UK's fiscal, economic and monetary system.

The party, or parties, that hold the majority of seats in the Parliament forms the Scottish Government. In contrast to many other parliamentary systems, Parliament elects a First Minister from a number of candidates at the beginning of each parliamentary term (after a general election) Any member can put their name forward to be First Minister, and a vote is taken by all members of Parliament. Normally, the leader of the largest party is returned as First Minister, and head of the Scottish Government. Theoretically, Parliament also elects the Scottish Ministers who form the government of Scotland and sit in the Scottish cabinet, but such ministers are, in practice, appointed to their roles by the First Minister. Junior ministers, who do not attend cabinet, are also appointed to assist Scottish ministers in their departments. Most ministers and their juniors are drawn from amongst the elected MSPs, with the exception of Scotland's Chief Law Officers: the Lord Advocate and the Solicitor General. Whilst the First Minister chooses the ministers - and may decide to remove them at any time - the formal appointment or dismissal is made by the Sovereign.

Popular arguments against the Parliament before the UK general election of 1997, levelled by the Conservative Party, were that the Parliament would create a "slippery slope" to Scottish independence, and provide the pro-independence Scottish National Party with a route to power. John Major, the Conservative Prime Minister before May 1997, famously claimed the Parliament would end "1000 years of British history", although the Acts of Union uniting the two countries were still less than 300 years old at the time. The Labour Party met these criticisms by claiming that devolution would remedy the long-felt desire of Scots for a measure of self-government.

► **Task 1. Decide if the statements are true or false.**

1. MSPs represent individual geographical constituencies elected by the plurality (“first past the post”) system.
2. The Scottish Parliament was merged with the English Parliament under the Acts of Union 1707 to form the Parliament of Great Britain.
3. The British Parliament has no capacity to extend or reduce the areas in which The Scottish Parliament can make laws.
4. Members of the general public can buy a ticket and attend Chamber debates and committee meetings.
5. The British Parliament agreed to devolve some of its responsibilities over the domestic policy of Scotland to a directly elected Scottish Parliament.
6. The Scottish Parliament has limited power to pass laws and impose tax.
7. One of the “devolved matters” that the Scottish Parliament can deal with is foreign policy.
8. The leader of the largest party is returned as Prime Minister, and head of the Scottish Government.
9. The Scottish cabinet is comprised of the Scottish Ministers and Junior ministers.
10. The Sovereign formally appoints or dismisses the Scottish ministers.

► **Task 2. Match the definitions with the legal terms from the text.**

1. A nation’s legislative body, made up of elected and sometimes non-elected representatives.
2. One of the areas into which a country is divided for election purposes, and from which a representative is elected to serve in a legislative body.
3. A vote by the whole of an electorate on a specific question or questions put to it by a government or similar body.
4. To revise or alter formally a bill or constitution.
5. To transfer power, responsibility, or rights to somebody or something, e.g. from a central government to a regional government.
6. To make laws or rules designed to bring about an action or condition.
7. A program of actions adopted by a person, group, or government, or the set of principles on which they are based.
8. To put something right, or get rid of something undesirable.

## FUTURE OF THE EUROPEAN UNION – ENLARGED OR BROKEN

Try to imagine what historians will write about Europe in the year 2100 about the Future of the European Union - does it still exist?

Did integration succeed in preventing a Third World War - as was the hope of the founders of the European Union? How stable was the Union after expansion to include many former Eastern bloc nations? What happened following the economic crisis of 2009 - 2011 and the threat to the Euro? What was the outcome of major showdowns between The Federal States of Europe and America through 2020-2030? How did the European Union cope with massive influx of foreign nationals? What happened to national parliaments, laws, markets, languages and cultures?

Major challenges to the future of Europe lie ahead. If the great experiment succeeds, it will create an economic, political and military force to pose real challenges to the United States, with its enlargement to twenty – seven countries and a population approaching 500 million. Recent expansion has already added 23% to the EU's land area and had included 75 million additional citizens, with a combined economy of \$9.3 trillion, approaching that of the U.S.

Expansion is a costly business: EU subsidies to the Eastern countries were \$40 billion between 2004 and 2006, a large slice of the annual \$97 billion Brussels budget - unlikely to scratch the surface in future. Anyone following the decline of Germany's economy following the years of integration had to recognise the immense investment of resources by old West Germany into the East, for little economic return.

Just visit smaller towns and cities in places like Slovakia or the Czech Republic, dominated still by Stalin-influenced mass-housing projects and decaying ex-communist infrastructure. Many of those 75 million new Euro citizens are existing on average incomes of no more than \$450 a month, yet have an expectation of the same kinds of economic and social rights that those in France, Germany and Britain take for granted. They also find themselves bound by tens of thousands of EU directives, such as rules on food preparation and hygiene in restaurants, which are impossibly expensive to implement without help.

Deutsche Bank studies of GDP growth, productivity and other factors suggest it will take Slovenia, the most developed country, up to a decade to catch up

with the EU average. The problem is most acute for Poland, the largest country in the new group, with a population of 39 million. The economy ground to a halt in 2002 with unemployment of 17% in early 2003. At current rates it could take forty years for Poland to reach average EU living standards.

Tensions may grow if workers in the West feel their jobs are not only moving East, but also their own tax money, which is being used to rebuild nations they care little about.

If the future of the European Union continues as planned, a Greater Europe will rebalance unequal power struggles on the world stage, currently dominated by America even though America is consistently out-voted on many issues. But if the European experiment fails, it will disintegrate eventually into conflict and chaos.

The most likely scenario for the future of the European Union over the next decade and a half will be slow but steady progress towards integration, held back by the rich diversity of cultures and economic crises. A Greater Europe cannot be built without strong EU governance and visionary leadership, yet these are the two issues which are notably missing at present.

The European Parliament does not command the same sense of respect as national Parliaments, nor the connection with ordinary people. This is a serious problem. Who makes decisions in Europe anyway? Is it EU councils of Ministers who are appointed by their own governments? Is it elected representatives of the people (MEPs)? And that is the heart of the problem.

What happens when an economic crisis unfolds rapidly - affecting different nations in conflicting ways? What happens if a nation behaves irresponsibly, in ways that create instabilities and liabilities for other members of the Euro Zone?

Culture differences are profound and deeply sensitive to the future of the European Union. Take language for example. In France there is great resentment about the dominance of the English language and it is illegal to play too many English songs on the radio. It is hard to imagine such a profound division between different States of America.

Passions of large numbers of people within the EU can be easily inflamed by insensitive decrees from Brussels, or by "unfair" treatment by one country of another. Disputes over budget deficits, overspending, beef, lamb, asylum

seekers, chocolate, Iraq and so on are not just superficial. They often hide very long, historical issues and profound resentments. Finding a way through will mean finding a common EU voice, a clear moral lead from a commanding EU figurehead who will bring confidence and clarity. The current system of a six monthly rotating leader is unsustainable, confusing, destabilising and makes effective leadership impossible.

The European model is changing forever with rapid expansion to the East, doubling the number of countries and embracing nations that are extremely poor in comparison. Governance will be complex (we don't even have an elected President), and so will be the culture mix. Face the facts: ethnic cleansing is a daily reality in Europe - even in the UK. Every night somewhere in Belfast we see sectarian attacks and every morning the removal vans arrive to take another family away to another location. It is the same in Bosnia, and Kosovo, both part of old Yugoslavia, yet another part of the same old nation is entering the EU: Slovenia.

So here we have nations rushing to become one, who cannot even stop people in the same street butchering each other because they want to be so different. So expect growth, extension, vast economic trading areas, and with it growing tensions, economic tensions, xenophobia and resentment.

► **Task 1. Decide if the statements are true or false.**

1. The European Union might face the problem of dealing with huge numbers of people arriving from different countries.
2. Old West Germany's input into the revitalization of the Eastern economy returned with great results.
3. The economic development of the EU member states is very much alike.
4. It is absolutely clear who in Europe is the most important and final in decision making process.
5. Cultural diversity might be one of the causes of tense situations in the European Union.
6. The system when leaders change every half a year is trustworthy and satisfactory.
7. The most possible forthcoming sequence of events in the EU is related with further integration.



► **Task 2. Match the definitions with the legal terms from the text.**

1. An act of increase, expansion, addition, growth;
2. A legal instrument binding on member states as to the result to be achieved but not methods or forms to be chosen;
3. The system by which a country's money supply, industry and trade are organized;
4. A point in question or a matter that is in dispute; subject or problem which people are thinking and talking about;
5. The combining of two or more things so that they work together effectively; bringing together into one whole;
6. Someone who speaks or does something officially for another person or group of people;
7. Someone who leaves their own country for their safety, often for political reasons or because of war, who travels to another country hoping that the government will protect them and allow them to live there.

► **Task 3. Complete the sentences with the most appropriate ending.**

1. The economic crisis of 2009 – 2011 caused .....
  - a) danger to euro.
  - b) the enlargement of the EU.
  - c) the growth of Germany's economy.
2. Majority of new Euro citizens live on very low income .....
  - a) and want to secede from the EU.
  - b) but have hopes of economic and social rights the same as in highly developed EU countries.
  - c) therefore they are not subject to various EU directives.
3. According to Deutsche bank research of productivity, GDP growth and other factors.....
  - a) it will take Slovenia up to ten years to catch up with the EU average.
  - b) it could take forty years for Poland to accede the euro zone.
  - c) the EU will last for a decade.

4. In France where playing English songs on the radio is regulated by law, there is an expression of ..... .
  - a) an economic instability in the euro zone.
  - b) the similar situation in the States of America.
  - c) animosity about the supremacy of the English language.
  
5. In former Soviet countries like Slovakia and Czech Republic decaying ex-communist infrastructure ..... .
  - a) is predominant.
  - b) is of no importance.
  - c) is under discussion.
  
6. There are many nations who want to be members of the EU, however they seek to preserve ..... .
  - a) the same number of the member states.
  - b) their distinctness.
  - c) the attacks against their governments.

#### EXTRACT FROM “FIRST AMONG EQUALS”

Once the counters and scrutineers had finished they sat in front of their piles and waited for the slips to be collected and taken to the Sheriff. When Sheriff had added up his little columns of figures for the final time he found that no votes had changed hands.

He explained to Andrew and Frank Boyle the procedure he intended to adopt in view of the outcome. He told both candidates that he had spoken to Lord Wylie at nine that morning and the Lord Advocate had read out the relevant statute in election law that was to be followed in such circumstances. Both candidates agreed on which of the two choices they preferred.

The Sheriff walked upon to the stage with Andrew Fraser and Frank Boyle in his wake, both looking anxious.

Everyone in the room stood to be sure of a better view of the proceedings. When the pushing back of chairs, the coughing and the nervous chattering had stopped, the Sheriff began. First he tapped the microphone that stood in front of him to be sure it was working. The metallic scratch was audible through the silent room. Satisfied, he began to speak.

“I, the returning officer for the district of Edinburgh Carlton, hereby declare the total number of votes cast each candidate to be as follows:

Frank Boyle	18,437
Jamie Lomax	5,714
Andrew Fraser	18,437

The supporters of both the leading candidates erupted into a noisy frenzy. It was several minutes before the Sheriff’s voice could be heard above the babble of Scottish burrs.

“In accordance with section sixteen of the Representation of the People Act 1949 and rule fifty of the Parliamentary Election Rules in the second schedule to that Act, I am obliged to decide between tied candidates by lot,” he announced. “I have spoken with the Lord Advocate of Scotland, and have confirmed that the drawing of straws or the toss of a coin may constitute decision by lot for this purpose. Both candidates have agreed to the latter course of action.”

Pandemonium broke out again as Andrew and Boyle stood motionless on each side of the Sheriff waiting for their fate to be determined.

“I have borrowed from the Royal Bank of Scotland,” continued the Sheriff, aware that twenty million people were watching him on television for the first and probably the last time in his life, “a golden sovereign. On one side is the head of King George III, on the other Britannia. I shall invite the sitting member, Mr Fraser, to call his preference.” Boyle curtly nodded his agreement. Both men inspected the coin.

The Sheriff rested the golden sovereign on his thumb, Andrew and Boyle still standing on either side of him. He turned to Andrew and said, “You will call, Mr Fraser, while the coin is in the air.”

The silence was such that they might have been the only three people in the room. Andrew could feel his heart thumping in his chest as the Sheriff spun the coin high above him.

“Tails,” he said clearly when the coin was at its zenith. The sovereign hit the floor and bounced, turning over several times before settling at the feet of the Sheriff.

Andrew stared down at the lady and sighed audibly. The Sheriff cleared his throat before declaring, “Following the decision by lot, I declare the aforementioned Mr Andrew Fraser to be duly elected Member of Parliament for Edinburgh Carlton.”

Andrew's supporters charged forward and on to the stage and carried him on their shoulders out of the city hall and through the streets of Edinburgh. Andrew searched for Louise and Clarissa, but they were lost in the crush.

The Royal Bank of Scotland presented the golden sovereign to the member the next day, and the editor of the *Scotsman* rang to ask if there had been any particular reason why he had selected tails.

"Naturally," Andrew replied. "George III lost America for us. I wasn't going to let him lose Edinburgh for me."

*Jeffry Archer*

► **Task 1. Match the following terms (1-15) with their definitions (a-o).**

1. Counter
2. Sheriff
3. Supporter
4. Pandemonium
5. Duly
6. Editor
7. Scrutineer
8. Outcome
9. Lord Advocate
10. Relevant
11. Returning officer
12. Frenzy
13. By lot
14. Constitute
15. Tail

- a) wild and noisy disorder
- b) person who agrees with and encourages someone
- c) properly
- d) making of a selection or decision by methods depending upon chance
- e) side of a coin opposite to that in which there is the head of somebody
- f) person in charge of a newspaper or a section of a newspaper

- g) to give legal authority to
- h) violent excitement
- i) person who is officially appointed to count votes at the election
- j) official (usually a High Sheriff or mayor) who superintends a parliamentary election in a constituency, receives the nominations of candidates and announces the result of the vote
- k) (i) official appointed as the government's representative in a county;(ii) (in Scotland) chief judge in a district
- l) official who examines ballot paper to see that they are not filled in irregularly
- m) which has to do with what is being discussed
- n) member of the government who is one of the two Law Officers in Scotland
- o) result

► **Task 2. Match the following words (as they occur in the text) to make collocations.**

- |               |             |
|---------------|-------------|
| 1) duly       | a) Advocate |
| 2) relevant   | b) by lot   |
| 3) toss       | c) statute  |
| 4) noisy      | d) law      |
| 5) returning  | e) elected  |
| 6) decision   | f) a coin   |
| 7) constitute | g) frenzy   |
| 8) votes      | h) officer  |
| 9) election   | i) cast     |
| 10) Lord      | j) decision |

## EXTRACT FROM “ANIMAL FARM”

On Sundays there was no work. Breakfast was an hour later than usual, and after breakfast there was a ceremony which was observed every week without fail. First came the hoisting of the flag. Snowball had found in the harness-room an old green tablecloth of Mrs. Jones's and had painted on it a hoof and a horn in white. This was run up the flagstaff in the farmhouse garden every Sunday morning. The flag was green. Snowball explained, to represent the green fields of England, while the hoof and horn signified the future Republic of the Animals which would arise when the human race had been finally overthrown. After the hoisting of the flag all the animals trooped into the big barn for a general assembly which was known as the Meeting. Here the work of the coming week was planned out and resolutions were put forward and debated. It was always the pigs who put forward the resolutions. The other animals understood how to vote, but could never think of any resolutions of their own. Snowball and Napoleon were by far the most active in the debates. But it was noticed that these two were never in agreement: whatever suggestion either of them made, the other could be counted on to oppose it. Even when it was resolved - a thing no one could object to in itself - to set aside the small paddock behind the orchard as a home of rest for animals who were past work, there was a stormy debate over the correct retiring age for each class of animal. The Meeting always ended with the singing of “Beasts of England”, and the afternoon was given up to recreation.

In January there came bitterly hard weather. The earth was like iron, and nothing could be done in the fields. Many meetings were held in the big barn, and the pigs occupied themselves with planning out the work of the coming season. It had come to be accepted that the pigs, who were manifestly cleverer than the other animals, should decide all questions of farm policy, though their decisions had to be ratified by a majority vote. This arrangement would have worked well enough if it had not been for the disputes between Snowball and Napoleon. These two disagreed at every point where disagreement was possible. If one of them suggested sowing a bigger acreage with barley, the other was certain to demand a bigger acreage of oats, and if one of them said that such a field was just right for cabbages, the other would declare that it was useless for anything except roots. Each had his own following, and there were some violent debates. At the Meetings Snowball often won over the majority by his brilliant speeches, but Napoleon was better at canvassing support for himself in between times. He was especially successful with the sheep. Of late

the sheep had taken to bleating “Four legs good, two legs bad” both in and out of season, and they often interrupted the Meeting with this. It was noticed that they were especially liable to break into “Four legs good, two legs bad” at crucial moments in Snowball’s speeches.

The whole farm was deeply divided on the subject of the windmill. Snowball did not deny that to build it would be a difficult business. Stone would have to be quarried and built up into walls, then the sails would have to be made and after that there would be need for dynamos and cables. (How these were to be procured, Snowball did not say.) But he maintained that it could all be done in a year. And thereafter, he declared, so much labor would be saved that the animals would only need to work three days a week. Napoleon, on the other hand, argued that the great need of the moment was to increase food production, and that if they wasted time on the windmill they would all starve to death. The animals formed themselves into two factions under the slogans, “Vote for Snowball and the three-day week” and “Vote for Napoleon and the full manger” Benjamin was the only animal who did not side with either faction. He refused to believe either that food would become more plentiful or that the windmill would save work. Windmill or no windmill, he said, life would go on as it had always gone on — that is, badly.

At last the day came when Snowball’s plans were completed. At the Meeting on the following Sunday the question of whether or not to begin work on the windmill was to be put to the vote. When the animals had assembled in the big room, Snowball stood up and, though occasionally interrupted by bleating from the sheep, set forth his reasons for advocating the building of the windmill. Then Napoleon stood up to reply. He said very quietly that the windmill was nonsense and that he advised nobody to vote for it, and promptly sat down again; he had spoken for barely thirty seconds, and seemed almost indifferent as to the effect he produced. At this Snowball sprang to his feet, and shouting down the sheep, who had begun bleating again, broke into a passionate appeal in favour of the windmill. Until now the animals had been about equally divided in their sympathies, but in a moment Snowball’s eloquence had carried them away. In glowing sentences he painted a picture of Animal Farm as it might be when sordid labour was lifted from the animals’ backs. His imagination had now run far beyond chaff-cutters and turnip-slicers. Electricity, he said, could operate threshing machines, ploughs, harrows, rollers and reapers and binders, besides supplying every stall with its own electric light, hot and cold water, and an electric heater. By the time he had finished speaking, there was no doubt as to which way the vote would go. But just at this moment Napoleon stood up and,

casting a peculiar sidelong look at Snowball, uttered a high-pitched whimper of a kind no one had ever heard him utter before.

At this there was a terrible baying sound outside, and nine enormous dogs wearing brass-studded collars came bounding into the barn. They dashed straight for Snowball, who only sprang from his place just in time to escape their snapping jaws. In a moment he was out of the door and they were after him. Too amazed and frightened to speak, all the animals crowded through the door to watch the chase. Snowball was racing across the long pasture that led to the road. He was running as only a pig can run, but the dogs were close on his heels. Suddenly he slipped and it seemed certain they had him. Then he was up again, running faster than ever, then the dogs were gaining on him again. One of them all but closed his jaws on Snowball's tail, but Snowball whisked it free just in time. Then he put on an extra spurt and, with a few inches to spare, slipped through a hole in the hedge and was seen no more.

*George Orwell*

► **Task 1. Match the beginnings of the sentences with their endings.**

1. ...the hoof and horn signified the future Republic of the Animals which would
  2. The animals understood how to vote, but
  3. But it was noticed that these two were never in agreement: whatever suggestion either of them made,
  4. It had come to be accepted that the pigs should decide all questions of farm policy, though their decisions had
  5. If one of them suggested sowing a bigger acreage with barley,
  6. It was noticed that they were especially liable
  7. The animals formed themselves into two factions
  8. ...he had spoken for barely thirty seconds, and
  9. In glowing sentences he painted a picture of Animal farm as it might be
  10. By the time he had finished speaking, there was no doubt
- a) ...under the slogans, "Vote for Snowball and the three - day week" and "Vote for Napoleon and the full manger".
- b) ...as to which way the vote would go.



- c) ...to break into "Four legs good, two legs bad" at crucial moments in Snowball's speeches.
- d) ...when sordid labour was lifted from animals backs.
- e) ...seemed almost indifferent as to the effect he produced.
- f) ...arise when the human race had been finally overthrown.
- g) ...to be ratified by a majority vote.
- h) ...the other could be counted on to oppose it.
- i) ...the other was certain to demand a bigger acreage of oats.
- j) ...could never think of any resolutions of their own.

► **Task 2. Decide if the statements are true or false.**

1. The pigs were the animals that could participate at the Meeting and make decisions.
2. The Meeting always finished with the hoisting of the flag and preparing ropes for the next day work.
3. The biggest disagreements were related to the age of retirement of the animals.
4. The questions of the farm policy were decided in the most democratic way, which was supported by all community members.
5. Snowball and Napoleon represented two opponent parties.
6. Snowball and Napoleon provided the same arguments but used different methods of presenting them.
7. All animals backed either one or another party and sincerely believed that the windmill would make their life better.
8. Snowball's skillful use of language persuaded all animals in favor of the windmill but for one.

► **Task 3. Choose the best explanation for each of these words from the text.**

- 1) Pigs were *manifestly* cleverer than the other animals.
  - a) clearly and obviously
  - b) according to a list
  - c) by public declaration of principles

- 2) Their decisions had to be *ratified* by a majority vote.
  - a) judge the value or qualities
  - b) confirm by signature or other formality
  - c) placing in a certain class
  
- 3) Napoleon was better at *canvassing* support for himself in between times.
  - a) cover by strong, coarse cloth, used for tents
  - b) ask people to support him
  - c) discuss thoroughly
  
- 4) It was noticed that the sheep were especially *liable* to break into “Four legs good, two legs bad” at crucial moments in Snowball” speeches.
  - a) legally responsible for
  - b) be subject to
  - c) have a tendency to
  
- 5) How these were to be *procured*, Snowball did not say.
  - a) bring about, cause
  - b) obtain clients for a prostitute
  - c) obtain, especially with care and effort

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