

**НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ ПРИРОДОКОРИСТУВАННЯ ТА
БІОРЕСУРСІВ УКРАЇНИ**

Кафедра англійської філології

**НАВЧАЛЬНИЙ ПОСІБНИК
«LEGAL ENGLISH»
PART 2**

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Навчальний посібник розрахований на студентів вищих юридичних навчальних закладів та факультетів, а також працівників правоохоронних органів, які бажають поповнити свої знання з англійської мови.

Мета посібника – навчити студентів читати та розуміти оригінальну фахову літературу, отримувати необхідну інформацію з юридичних текстів та відтворювати зміст прочитаного англійською або рідною мовою. Саме розуміння прочитаного оригінального матеріалу є одним з найважливіших завдань при навчанні читанню фахової літератури.

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НАВЧАЛЬНИЙ ПОСІБНИК «Legal English» Part 2

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Introduction

Навчальний посібник призначений для підготовки студентів за спеціальністю «Правознавство». Інтеграція України в європейську освітню систему, рекомендації МОН України з мовної освіти до вивчення та викладання європейських мов висувують нагальну потребу в розробці національних типових програм, навчальних планів, підручників з мовної підготовки, які б задовольняли сучасні освітні потреби в Україні.

Цей курс є складовим елементом програми вищої школи, що має на меті формування висококваліфікованого конкурентоспроможного фахівця у галузі права, який повинен уміти спілкуватися англійською мовою на професійні теми та здобувати інформацію з новітньої фахової англomовної літератури.

Посібник охоплює увесь необхідний матеріал для опанування студентами такого рівня знань, навичок і вмінь, який дасть змогу спілкуватися, читати та перекладати літературу з фаху. Тому не викликає сумніву актуальність матеріалу, викладеного в запропонованому навчальному посібнику, його необхідність та цінність. Він є спробою певною мірою поповнити дефіцит літератури для студентів, які навчаються за спеціальністю «Правознавство».

Велика кількість текстів дозволяє викладачу здійснювати індивідуальний підхід до кожного студента, охоплювати при груповому обговоренні кожної теми широке коло питань, закріплювати поняття як на рівні правових знань, так і на рівні засвоєння іншомовної лексики.

Посібник розділений на 2 частини, які в свою чергу тематично складаються з текстів, тестів з граматики англійської мови, словника термінів з фаху. Лексичні вправи посібника направлені в першу чергу на активізацію мовленнєвих здібностей з фаху. Розроблену авторами структуру посібника, вибір лексичного та текстового матеріалу можна вважати доцільним та методично обґрунтованим. Вправи комунікативного характеру спрямовані на розвиток репродуктивних навичок і призначені для монологічного і діалогічного мовлення, як усного (вміння коментувати прочитаний (переглянутий) матеріал, робити коротке повідомлення, що торкається загальної фахової проблеми), так і писемного (завдання на складання доповідей, резюме, написання есе, коротких ділових листів, рефератів та наукових статей за фахом, project work і т. ін.).

В основу відбору і організації всього навчального матеріалу покладено тематичний принцип. Він містить розробки тем згідно з програмою з англійської мови. Текстовий матеріал запозичено з оригінальних англійських та американських джерел.

Завдання у кожному уроці побудовані на аутентичному матеріалі, спрямовані на інтеграцію змісту мовлення і засобів вираження думки англійською мовою та утворюють методично виправдану систему вправ, що сприяють

досягненню загальної мети - прищепленню навичок спілкування в галузі права. У посібнику поєднується фактична правнича інформація з комунікативними вправами, розрахованими на формування навичок спілкування на професійну тематику.

Сподіваємося, що навчання за цим навчальним посібником приносить Вам задоволення і сприятиме оволодінню англійською правничою термінологією, а сам посібник стане Вашим надійним помічником у спілкуванні фаховою англійською.

UNIT I

HUMAN RIGHTS HISTORY

Activity 1.

Skim through the text and try to understand its contents

Human rights are the rights that one has simply because one is human. Human rights, because they rest on nothing more than being human, are Universal, equal, and inalienable. They are held by all human beings, universally. One either is or is not human and thus has or does not have human rights. And one can no more lose these rights than one can stop being it human being. One is entitled to human rights and is empowered by them. Human rights, being held by every person against the state and society, provide a standard of political legitimacy. In a context in which they are systematically denied, claims of human rights may be positively revolutionary. Even in societies where human rights are generally well respected, they provide constant pressure on governments to meet their standards. In fact, the idea of human rights — the notion that all human brings, simply because they are human, have certain inalienable rights that the may exercise against society and their rulers — did not appear until the end of the 17th century.

Nearly all societies saw rulers as obliged to govern wisely and for the common good. This mandate, however, arose from divine commandment, natural law, tradition, or political arrangements. It did not rest on the rights of nil human beings to be ruled justly. In a well-ordered society, the people were to benefit from the political obligations of rulers. But the people had no natural or human rights that could be exercised against unjust rulers.

John Locke's Second Treatise of Government, published in 1688, presented the first fully developed theory of natural rights.

Locke's theory begins with a pre-social state of nature in which equal individuals have natural rights to life, liberty, and estates. In the absence of government, however, these rights are of little value. They are almost impossible to protect by individual action, and disputes over rights are themselves a powerful cause of conflict

Therefore, people form societies, and societies establish governments, to enable themselves to enjoy their natural rights.

Government, according to Locke, is based on a social contract between rulers and ruled. Citizens are obliged to obey only if the government protects their human rights, which are morally prior to and above the claims and interests of the government. Government is legitimate to the extent that it systematically protects human rights of its citizens.

In the past decades, the revolutionary force of the demand for human rights has become unusually clear. Across the globe, regimes that hail cynically manipulated the language of human rights have been sent packing by citizens that insisted on taking human rights seriously. A significant cause of the collapse of the Soviet empire was the growing unwillingness of Communist bloc citizens to accept the systematic denial of internationally recognized human rights.

The spread of human rights is neither natural nor inevitable. Regression is possible. The world's remaining repressive dictatorships may prove quite long-lived. But the lesson of the past decades proves that if people are given the chance to choose, they choose internationally recognized human rights. And we live in a world in which fewer governments than ever before dare to deny their people that choice.

Activity 2.

Learn the following words and phrases.

human rights	права людини
universal, equal, and inalienable	універсальні (що поширюються на всіх), рівні та невідчужувані
to hold rights	мати права
against the state and society	всупереч державі та суспільству
positively revolutionary	справді революційний
to lose rights	втрачати права
to respect rights	поважати права
to meet the standards.	дотримуватися стандартів
a social contract between rulers and ruled	соціальний договір між правителями та тими, ким вони правлять
to obey	підкорятися
morally prior to and above the claims and interests of the government	морально вагоміші та вищі, ніж вимоги та інтереси уряду
obliged to govern wisely and for the common good	зобов'язані правити мудро та на загальне благо
mandate	зобов'язання
divine commandment	Божа заповідь
Tratise of Government	урядовий трактат
demand for human rights	вимога прав людини
insist on taking human rights seriously	наполягати на серйозному ставленні до прав людини
to obey	слухатися, підкорятися
government is legitimate to the extent	уряд є законним такою мірою
unjust ruler	несправедливий правитель
cause of the collapse of the Soviet empire	причина падіння радянської імперії
natural rights to life, liberty, and estates	природні права на життя, свободу і майно
to accept the systematic denial of internationally recognised human rights	погоджуватися з систематичним запереченням міжнародно визнаних прав людини
spread of human rights	поширення прав людини
inevitable	неминучий
to prove	доводити
unwillingness	небажання

to choose internationally recognised human rights.	обирати міжнародно визнані права людини
lesson of the past decades	урок попередніх десятиліть
to deny rights	відмовляти в правах

Activity 3.

Answer the following questions:

1. Why are human rights held universally?
2. Why may claims of human rights be positively revolutionary?
3. What did the mandate to govern wisely and for the common good arise from?
4. What theory did John Locke present?
5. When was his Treatise of Government published?
6. Why did people begin to establish governments?
7. What is the Activity of a government according to Locke?
8. In what case are citizens obliged to obey the government?
9. What was the cause of the collapse of the Soviet empire?
10. What does the lesson of the past decades prove?

UNIT 2

BEGINNING AND DEVELOPMENT OF LAW-INTERNATIONAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Activity 1.

Skim through the text and try to understand its contents

Throughout the history there were some efforts of the mankind to maintain the human rights by international action - the conclusion of international treaties. It can be traced back to the 17th century, when the Treaty of Westphalia (1648) first established the principle of equal rights for different religions (the Catholics and Protestants in Germany).

In the 19th century, the universal prohibition of the slave trade was an object of international concern which expressed in various treaty arrangements. In 1926 the Assembly of the League of Nations approved the International Slavery Convention leading to complete abolition of slavery in all forms.

It was also in the second half of the 19th century that the conclusion of treaties on the protection of the rights of victims of war began. The Convention for the Amelioration of the Condition of the Wounded in the Time of War provided that military wounded and sick of any side must be cared for and captured wounded must be sent home if they are incapable of military service (1864).

In some of the peace treaties and in declarations created after World War I, a number of states of Europe and one state in the Middle East (Iraq) were made to accept the obligations toward their racial, linguistic, and religious minorities: all of their nationals were to be equal before the law and were to enjoy the same political and civil rights. The result of the Treaty of Versailles (1919) was organizing the League of Nations which was of great importance for the development of international law, and also the protection of the particular rights of minorities.

The Treaty of Versailles also established the International Labour Organization (1919) which after World War II became a specialized agency of the United Nations and contributed to the promotion of such human rights as the abolishing of forced labour, the elimination of discrimination in employment and occupation, freedom of association, etc.

At the end of World War II, the victorious powers established the International Military Tribunal for the Trial of German Major War Criminals. Under its charter, the tribunal had jurisdiction to try not only crimes against peace and war crimes but also "crimes against humanity" committed against any civilian population.

The United Nations Organization was organized in 1945, and proclaimed protection of human rights as one of its leading principles.

In 1946, the United Nations set up the Commission on Human Rights as part of the Economic and Social Council. The Universal Declaration of Human Rights was approved by all member countries of the UN General Assembly in 1948. This declaration expressed the hope that people would learn to respect the rights and dignity

of others.

In 1966 two very important documents on human rights were adopted by the UN - the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Within Europe, there are also some documents on protection of human rights such as the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.

The European Convention for the Protection of Human Rights and Fundamental Freedoms creates the effective mechanism of human rights protection - the European Court of Human Rights which decisions are final and binding upon all parties involved.

Activity 2.

Learn the following words and phrases:

unwillingness	небажання
to choose internationally recognised human rights.	обирати міжнародно визнані права людини
lesson of the past decades	урок попередніх десятиліть
to deny rights	відмовляти в правах
dignity	гідність
exhaustive	вичерпний
to abolish	скасовувати
laws in force	чинні закони
human rights	права людини
universal, equal, and inalienable	універсальні (що поширюються на всіх), рівні та невідчужувані
to hold rights	мати права
against the state and society	всупереч державі та суспільству
positively revolutionary	справді революційний
bodies authorised by law	уповноважені законом органи
temporary preventive measure	тимчасовий запобіжний захід
reasonable grounds	обґрунтованість
detained person	затриманий

Article 3.

Give the definitions for the following terms and expressions or explain in other words.

1. to maintain rights
2. international concern
3. to be binding upon all parties involved
4. minority
5. declaration

6. slave trade

Activity 4.

Answer the following questions using the information from the text:

1. What was the final treaty concerning complete abolition of slavery?
2. How were the rights of victims of war defended in the 19th century?
3. What obligations were accepted by some countries towards minorities?
4. How did the International Labour Organization take part in the protection of human rights?
5. What kinds of crimes did the International Military Tribunal try?
6. When was the Universal Declaration of Human Rights approved?

Activity 5.

Complete the following sentences according to the information from the text:

1. The Treaty of Westphalia (1648) first established...
2. In the 19th century, an object of international concern was...
3. The captured wounded must be...
4. After World War I, a number of states were made to accept the obligations...
5. The International Military Tribunal had jurisdiction to try...
6. The decisions of the European Court of Human Rights are..

UNIT 3

HUMAN RIGHT UNDER THE CONSTITUTION OF UKRAINE

Activity 1.

Study Chapter II of the Constitution consulting the list of words given below and the original text of the Constitution.

Chapter II.

Article 21

All people are free and equal in their dignity and rights.

Human rights and freedoms are inalienable and inviolable.

Article 22

Human and citizens' rights and freedoms affirmed by this Constitution are not exhaustive.

Constitutional rights and freedoms are guaranteed and shall not be abolished.

The content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that or in the amendment of laws that are in force.

Article 23

Every person has the right to free development of his or her personality if the rights and freedoms of other persons are not violated thereby, and has duties before the society in which the free and comprehensive development of his or her personality is ensured.

Article 24

Citizens have equal constitutional rights and freedoms and are equal before the law.

There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

Equality of the rights of women and men is ensured: by providing women with opportunities equal to those of men, in public and political, and cultural activity, in obtaining education and in professional training, in work and its remuneration; by special measures for the protection of work and health of women; by establishing pension privileges, by creating conditions that allow women to combine work and motherhood; by legal protection, material and moral support of motherhood and childhood, including the provision of paid leaves and other privileges to pregnant women and mothers.

Article 25

A citizen of Ukraine shall not be deprived of citizenship and of the right to change citizenship.

A citizen of Ukraine shall not be expelled from Ukraine or surrendered to another state.

Ukraine guarantees care and protection to its citizens who are beyond its borders.

Article 26

Foreigners and stateless persons who are in Ukraine on legal grounds enjoy the same rights and freedoms and also bear the same duties as citizens in Ukraine, with the exceptions established by the Constitution, laws or international treaties of Ukraine.

Foreigners and stateless persons may be granted asylum by the procedure established by law.

Article 27

Every person has the inalienable right to life.

No one shall be arbitrarily deprived of life. The duty of the State is to protect human life.

Everyone has the right to protect his or her life and health, the lives and health of other persons against unlawful encroachments.

Article 28

Everyone has the right to respect of his or her dignity.

No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that violates his or her dignity.

No person shall be subjected to medical, scientific or other experiments without his or her free consent.

Article 29

Every person has the right to freedom and personal inviolability.

No one shall be arrested or held in custody other than pursuant to a substantiated court decision and only on the grounds and in accordance with the procedure established by law.

In the event of an urgent necessity to prevent or stop a crime, bodies authorised by law may hold a person in custody as a temporary preventive measure, the reasonable grounds for which shall be verified by a court within seventy-two hours. The detained person shall be released immediately, if he or she has not been provided, within seventy-two hours from the moment of detention, with a substantiated court decision in regard to the holding in custody.

Everyone arrested or detained shall be informed without delay of the reasons for his or her arrest or detention, apprised of his or her rights, and from the moment of detention shall be given the opportunity to personally defend himself or herself, or to have the legal assistance of a defender.

Everyone detained has the right to challenge his or her detention in court at any

time.

Relatives of an arrested or detained person shall be informed immediately of his or her arrest or detention.

Article 30

Everyone is guaranteed the inviolability of his or her dwelling place

Entry into a dwelling place or other possessions of a person, and the examination or search thereof, shall not be permitted, other than pursuant to a substantiated court decision.

In urgent cases related to the preservation of human life and property or to the direct pursuit of persons suspected of committing a crime, another procedure established by law is possible for entry into a dwelling place or other possessions of a person, and for the examination and search thereof.

Article 31

Everyone is guaranteed privacy of mail, telephone conversations, telegraph and other correspondence. Exceptions shall be established only by a court in cases envisaged by law, with the purpose of preventing crime or ascertaining the truth in the course of the investigation of a criminal case, if it is not possible to obtain information by other means.

Article 32

No one shall be subject to interference in his or her personal and family life, except in cases envisaged by the Constitution of Ukraine.

The collection, storage, use and dissemination of confidential information about a person without his or her consent shall not be permitted, except in cases determined by law, and only in the interests of national security, economic welfare and human rights.

Every citizen has the right to examine information about himself or herself, that is not a state secret or other secret protected by law, at the bodies of state power, bodies of local self-government, institutions and organisations.

Everyone is guaranteed judicial protection of the right to rectify turreted information about himself or herself and members of his or her family, and of the right to demand that any type of information be expunged, and also the right to compensation for material and moral damages inflicted by the collection, storage, use and dissemination of such incorrect information.

Article 33

Everyone who is legally present on the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions established by law.

A citizen of Ukraine may not be deprived of the right to return to Ukraine at any time.

Article 34

Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs.

Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice.

The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

Article 35

Everyone has the right to freedom of personal philosophy and religion. This right includes the freedom to profess or not to profess any religion, to perform alone or collectively and without constraint religious rites and ceremonial rituals, and to conduct religious activity.

The exercise of this right may be restricted by law only in the interests of protecting public order, the health and morality of the population, or protecting the rights and freedoms of other persons.

The Church and religious organisations in Ukraine are separated from the State, and the school — from the Church. No religion shall be recognised by the State as mandatory.

No one shall be relieved of his or her duties before the State or refuse to perform the laws for reasons of religious beliefs. In the event that the performance of military duty is contrary to the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.

Article 36

Citizens of Ukraine have the right to freedom of association in political parties and public organisations for the exercise and protection of their rights and freedoms and for the satisfaction of their political, economic, social, cultural and other interests, with the exception of restrictions established by law in the interests of national security and public order, the protection of the health of the population or the protection of rights and freedoms of other persons.

Political parties in Ukraine promote the formation and expression of the political will of citizens, and participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership in political parties are established exclusively by this Constitution and the laws of Ukraine.

Citizens have the right to take part in trade unions with the purpose of protecting their labour and socio-economic rights and interests. Trade unions are public organisations that unite citizens bound by common interests that accord with the nature of their professional activity. Trade unions are formed without prior permission on the basis of the free choice of their members. All trade unions have equal rights. Restrictions on membership in trade unions are established exclusively by this Constitution and the laws of Ukraine.

No one may be forced to join any association of citizens or be restricted in his or her rights for belonging or not belonging to political parties or public organisations.

All associations of citizens are equal before the law.

Article 37

The establishment and activity of political parties and public associations are prohibited if their programme goals or actions are aimed at the liquidation of the independence of Ukraine, the change of the constitutional order by violent means, the violation of the sovereignty and territorial indivisibility of the State, the undermining of its security, the unlawful seizure of state power, the propaganda of war and of violence, the incitement of inter-ethnic, racial, or religious enmity, and the encroachments on human rights and freedoms and the health of the population.

Political parties and public associations shall not have paramilitary formations.

The creation and activity of organisational structures of political parties shall not be permitted within bodies of executive and judicial power and executive bodies of local self-government, in military formations, and also in state enterprises, educational establishments and other state institutions and organisations.

The prohibition of the activity of associations of citizens is exercised only through judicial procedure.

Article 38

Citizens have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to bodies of state power and bodies of local self-government.

Citizens enjoy the equal right of access to the civil service and to service in bodies of local self-government.

Article 39

Citizens have the right to assemble peacefully without arms and to hold meetings, rallies, processions and demonstrations, upon notifying in advance the bodies of executive power or bodies of local self-government.

Restrictions on the exercise of this right may be established by a court in accordance with the law and only in the interests of national security and public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, or protecting the rights and freedoms of other persons.

Article 40

Everyone has the right to file individual or collective petitions, or to personally appeal to bodies of state power, bodies of local self-government, and to the officials and officers of these bodies, that are obliged to consider the petitions and to provide a substantiated reply within the term established by law.

Article 41

Everyone has the right to own, use and dispose of his or her property, and the results of his or her intellectual and creative activity.

The right of private property is acquired by the procedure determined by law.

In order to satisfy their needs, citizens may use the objects of the right of state and communal property in accordance with the law.

No one shall be unlawfully deprived of the right of property. The right of private property is inviolable.

The expropriation of objects of the right of private property may be applied only as an exception for reasons of social necessity, on the grounds of and by the procedure established by law, and on the condition of advance and complete compensation of their value. The expropriation of such objects with subsequent complete compensation of their value is permitted only under conditions of martial law or a state of emergency.

Confiscation of property may be applied only pursuant to a court decision, in the cases, in the extent and by the procedure established by law.

The use of property shall not cause harm to the rights, freedoms and dignity of citizens, the interests of society, aggravate the ecological situation and the natural qualities of land.

Article 42

Everyone has the right to entrepreneurial activity that is not prohibited by law.

The entrepreneurial activity of deputies, officials and officers of bodies of state power and of bodies of local self-government is restricted by law.

The State ensures the protection of competition in entrepreneurial activity. The abuse of a monopolistic position in the market, the unlawful restriction of competition, and unfair competition, shall not be permitted. The types and limits of monopolies are determined by law.

The State protects the rights of consumers, exercises control over the quality and safety of products and of all types of services and work, and promotes the activity of public consumer associations.

Article 43

Everyone has the right to labour, including the possibility to earn one's living by labour that he or she freely chooses or to which he or she freely agrees.

The State creates conditions for citizens to fully realise their right to labour, guarantees equal opportunities in the choice of profession and of types of labour activity, implements programmes of vocational education, training and retraining of personnel according to the needs of society.

The use of forced labour is prohibited. Military or alternative (non-military) service, and also work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the laws on martial law or on a state of emergency, are not considered to be forced labour.

Everyone has the right to proper, safe and healthy work conditions, and to remuneration no less than the minimum wage as determined by law.

The employment of women and minors for work that is hazardous to their health, is prohibited.

Citizens are guaranteed protection from unlawful dismissal.

The right to timely payment for labour is protected by law.

Article 44

Those who are employed have the right to strike for the protection of their economic and social interests.

The procedure for exercising the right to strike is established by law, taking into account the necessity to ensure national security, health protection, and rights and freedoms of other persons.

No one shall be forced to participate or not to participate in a strike.

The prohibition of a strike is possible only on the basis of the law.

Article 45

Everyone who is employed has the right to rest.

This right is ensured by providing weekly rest days and also paid annual vacation, by establishing a shorter working day for certain professions and industries, and reduced working hours at night.

The maximum number of working hours, the minimum duration of rest and of paid annual vacation, days off and holidays as well as other conditions for exercising this right, are determined by law.

Article 46

Citizens have the right to social protection that includes the right to provision in cases of complete, partial or temporary disability, the loss of the principal wage-earner, unemployment due to circumstances beyond their control and also in old age, and in other cases established by law.

This right is guaranteed by general mandatory state social insurance on account of the insurance payments of citizens, enterprises, institutions and organisations, and also from budgetary and other sources of social security; by the establishment of a network of state, communal and private institutions to care for persons incapable of work.

Pensions and other types of social payments and assistance that are the principal sources of subsistence, shall ensure a standard of living not lower than the minimum living standard established by law.

Article 47

Everyone has the right to housing. The State creates conditions that enable every citizen to build, purchase as property, or to rent housing.

Citizens in need of social protection are provided with housing by the State and bodies of local self-government, free of charge or at a price affordable for them, in accordance with the law.

No one shall be forcibly deprived of housing other than on the basis of the law pursuant to a court decision.

Article 48

Everyone has the right to a standard of living sufficient for himself or herself and his or her family that includes adequate nutrition, clothing and housing.

Article 49

Everyone has the right to health protection, medical care and medical insurance.

Health protection is ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prophylactic programmes.

The State creates conditions for effective medical service accessible to all citizens. State and communal health protection institutions provide medical care free of charge; the existing network of such institutions shall not be reduced. The State promotes the development of medical institutions of all forms of ownership.

The State provides for the development of physical culture and sports, and ensures sanitary-epidemic welfare.

Article 50

Everyone has the right to an environment that is safe for life and health, and to compensation for damages inflicted through the violation of this right.

Everyone is guaranteed the right of free access to information about the environmental situation, the quality of food and consumer goods, and also the right to disseminate such information. No one shall make such information secret.

Article 51

Marriage is based on the free consent of a woman and a man. Each of the spouses has equal rights and duties in the marriage and family.

Parents are obliged to support their children until they attain the age of majority. Adult children are obliged to care for their parents who are incapable of work.

The family, childhood, motherhood and fatherhood are under the protection of the State.

Article 52

Children are equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Any violence against a child, or his or her exploitation, shall be prosecuted by law.

The maintenance and upbringing of orphans and children deprived of parental care is entrusted to the State. The State encourages and supports charitable activity in regard to children.

Article 53

Everyone has the right to education.

Complete general secondary education is compulsory.

The State ensures accessible and free pre-school, complete general secondary, vocational and higher education in state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of instruction; the provision of state scholarships and privileges to pupils and students.

Citizens have the right to obtain free higher education in state and communal educational establishments on a competitive basis.

Citizens who belong to national minorities are guaranteed in accordance with the

law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies.

Article 54

Citizens are guaranteed the freedom of literary, artistic, scientific and technical creativity, protection of intellectual property, their copyrights, moral and material interests that arise with regard to various types of intellectual activity.

Every citizen has the right to the results of his or her intellectual, creative activity; no one shall use or distribute them without his or her consent, with the exceptions established by law.

The State promotes the development of science and the establishment of scientific relations of Ukraine with the world community.

Cultural heritage is protected by law.

The State ensures the preservation of historical monuments and other objects of cultural value, and takes measures to return to Ukraine the cultural treasures of the nation, that are located beyond its borders.

Article 55

Human and citizens' rights and freedoms are protected by the court.

Everyone is guaranteed the right to challenge in court the decisions, actions or omission of bodies of state power, bodies of local self-government, officials and officers.

Everyone has the right to appeal for the protection of his or her rights to the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine.

After exhausting all domestic legal remedies, everyone has the right to appeal for the protection of his or her rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone has the right to protect his or her rights and freedoms from violations and illegal encroachments by any means not prohibited by law.

Article 56

Everyone has the right to compensation, at the expense of the State or bodies of local self-government, for material and moral damages inflicted by unlawful decisions, actions or omission of bodies of state power, bodies of local self-government, their officials and officers during the exercise of their authority.

Article 57

Everyone is guaranteed the right to know his or her rights and duties.

Laws and other normative legal acts that determine the rights and duties of citizens shall be brought to the notice of the population by the procedure established by law.

Laws and other normative legal acts that determine the rights and duties of citizens, but that are not brought to the notice of the population by the procedure established by law, are not in force.

Article 58

Laws and other normative legal acts have no retroactive force, except in cases where they mitigate or annul the responsibility of a person.

No one shall bear responsibility for acts that, at the time they were committed, were not deemed by law to be an offence.

Article 59

Everyone has the right to legal assistance. Such assistance is provided free of charge in cases envisaged by law. Everyone is free to choose the defender of his or her rights.

In Ukraine, the advocacy acts to ensure the right to a defence against accusation and to provide legal assistance in deciding cases in courts and other state bodies.

Article 60

No one is obliged to execute rulings or orders that are manifestly criminal.

For the issuance or execution of a manifestly criminal ruling or order, legal liability arises.

Article 61

For one and the same offence, no one shall be brought twice to legal liability of the same type.

The legal liability of a person is of an individual character.

Article 62

A person is presumed innocent of committing a crime and shall not be subjected to criminal punishment until his or her guilt is proved through legal procedure and established by a court verdict of guilty.

No one is obliged to prove his or her innocence of committing a crime.

An accusation shall not be based on illegally obtained evidence as well as on assumptions. All doubts in regard to the proof of guilt of a person are interpreted in his or her favour.

In the event that a court verdict is revoked as unjust, the State compensates the material and moral damages inflicted by the groundless conviction.

Article 63

A person shall not bear responsibility for refusing to testify or to explain anything about himself or herself, members of his or her family or close relatives in the degree determined by law.

A suspect, an accused, or a defendant has the right to a defence.

A convicted person enjoys all human and citizens' rights, with the exception of restrictions determined by law and established by a court verdict.

Article 64

Constitutional human and citizens' rights and freedoms shall not be restricted,

except in cases envisaged by the Constitution of Ukraine.

Under conditions of martial law or a state of emergency, specific restrictions on rights and freedoms may be established with the indication of the period of effectiveness of these restrictions. The rights and freedoms envisaged in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62 and 63 of this Constitution shall not be restricted.

Article 65

Defence of the Motherland, of the independence and territorial indivisibility of Ukraine, and respect for its state symbols, are the duties of citizens of Ukraine.

Citizens perform military service in accordance with the law.

Article 66

Everyone is obliged not to harm nature, cultural heritage and to compensate for any damage he or she inflicted.

Article 67

Everyone is obliged to pay taxes and levies in accordance with the procedure and in the extent established by law.

All citizens annually file declarations with the tax inspection at their place of residence, on their property status and income for the previous year, by the procedure established by law.

Article 68

Everyone is obliged to strictly abide by the Constitution of Ukraine and the laws of Ukraine, and not to encroach upon the rights and freedoms, honour and dignity of other persons.

Ignorance of the law shall not exempt from legal liability.

Activity 2.

Memorise the following words and phrases.

dignity	гідність
exhaustive	вичерпний
to abolish	скасовувати
laws in force	чинні закони
amendment	поправка, зміни закону
to violate rights	порушувати права
equal before the law	рівні перед законом
privileges or restrictions	привілеї або обмеження
property status	майновий статус
remuneration for work	винагорода за працю
provision of paid leaves	надання оплачуваних відпусток
to deprive of citizenship	позбавити громадянства

to expel from Ukraine	вигнати з України
to surrender to another state	передати іншій державі
in enjoy the same rights and freedoms	користуватися такими самими правами й свободами
in grant asylum	надавати притулок
arbitrarily	свавільно
unlawful encroachment	незаконне посягання
in he subjected to torture	піддавати катуванню
degrading treatment	поводження, що принижує гідність
to hold in custody	тримати під вартою
in accordance with the procedure rutablished by law	у порядку, встановленому законом
in the event of an urgent necessity	у разі нагальної необхідності
in prevent a crime	запобігти злочину
bodies authorised by law	уповноважені законом органи
temporary preventive measure	тимчасовий запобіжний захід
reasonable grounds	обґрунтованість
detained person	затриманий
to release from custody	звільнити з-під варти
substantiated court decision	умотивоване судове рішення
without delay	без затримки, негайно
legal assistance	правова допомога
to challenge detention	оскаржити затримання
examination or search of the dwelling place	огляд чи обшук житла
to suspect of	підозрювати
to commit a crime	вчинити злочин
interference in	втручання
impartiality of justice	безсторонність правосуддя
to permit	дозволяти
to prohibit	забороняти
to own, use and dispose of property	володіти, користуватися, розпоряджатися
to acquire the right	набувати право
under conditions of martial law or a state of emergency	в умовах воєнного чи надзвичайного стану
to abuse	зловживати
equal opportunities in the choice of profession	рівні можливості при виборі професії
forced labour	примусова праця
national security	національна безпека
mandatory	обов'язковий
social insurance	соціальне страхування
complete, partial or temporary disability	повна, часткова або тимчасова

	втрата працездатності
unemployment	безробіття
to exempt from legal liability	звільняти від юридичної відповідальності

Activity 3.

Now try to reproduce articles of the Constitution using Ukrainian text consulting the words and phrases above.

Activity 4.

Answer the following questions asked by foreign students who are visiting your University.

1. What mechanisms for the protection of human rights exist in Ukraine? Are they effective?
2. Which Article of the Constitution ensures protection of the right to life?
3. Has any progress been made in solving the murders of the past such as the killings of journalist Heorhiy Gongadze and others?
4. Your Constitution prohibits torture; however, Amnesty International and other human rights groups receive reports about continued torture and beating of detainees and prisoners. Is there any effective mechanism for obtaining redress (відшкодування) for such actions?
5. Is arbitrary arrest possible in Ukraine? Who issues arrest warrants?
6. What is the maximum period of detention after charges have been filed?
7. What law, if any, limits the time of detention before and during a trial?
8. Are accused persons released on bail pending trial (звільняються під заставу в очікуванні судового розгляду)?
9. The Constitution provides compensation for unlawful or arbitrary arrest, detention, or conviction. Do you know any cases when this provision was applied?
10. Is a suspect, while in custody, allowed to talk with a lawyer in private?
11. Is there independent judicial branch of power in Ukraine?
12. Is it true that in 1999 the Constitutional court ruled that the Government's practice of limiting the judiciary's budget was unconstitutional?
13. According to the Report, the Office of the Prosecutor General practices selective prosecution and initiates investigations against the political or economic opponents of the President and his allies. Can you disprove it?
14. Is wiretapping (прослуховування телефонних розмов) allowed or prohibited in Ukraine?
15. Are there violations of freedom of expression in Ukraine?
16. Does the State create conditions for citizens to fully realise their right to labour?

Activity 5.

I have been invited to the Human Rights Centre of Essex University in the UK. Write a plan of your presentation at the Centre about human rights protection in Ukraine.

Activity 6.

Summing up your human rights protection training write an essay based on the quotation from John Philpot Curran (1750-1817) "Eternal vigilance is the price of liberty. It is the common fate of the indolent (бездіяльний, ледачий) to see their rights become a prey (здобич) to the active". Do you agree with him? Give your reasoning (міркування).

UNIT 4

INALIENABILITY OF HUMAN RIGHTS UNDER THE CONSTITUTION AND THE CIVIL CODE OF UKRAINE

Activity 1.

Skim through the text and try to understand its contents

The Constitution of Ukraine establishes that the rights and freedoms of an individual and their guarantees determine the essence of the spirit of the state. Unlike the slogan "The human being is for the state", the Constitution of Ukraine states that "The state is for the human being". And so the establishment and guarantee of human rights and freedoms is one of the main duties of the state, and this is natural, as the human being, his\her life and health, honour and dignity, inviolability and security are recognized in Ukraine to be the highest social value (Article 3 of the Constitution of Ukraine).

About 30 per cent of the articles of the Fundamental law of Ukraine belong to the chapter "Human Rights and Freedoms and Duties of the Citizen of Ukraine". It is worth recognizing that in the Constitution the very notion of human rights has been changed - from the rights given to him\her by the state to the rights and freedoms that every individual is endowed with just by the fact of his\her birth and existence that makes human rights and freedoms inalienable and natural.

The bodies which guarantee the fundamental rights and freedoms stipulated by the Constitution are: the Verkhovna Rada of Ukraine, the President of Ukraine, the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights, the Cabinet of Ministers, and other bodies of central executive power, the Constitutional Court of Ukraine, offices of the Prosecutor General, courts, local power and local self governments, advocates offices and other law-enforcement bodies.

The Verkhovna Rada of Ukraine adopted the new Civil Code of Ukraine (2003), which came into force in 2004. The Civil Code is the second main law of the country after the Constitution. According to the norms of the new Civil Code, actions of the state executive bodies, bodies of local self government, other institutions, officials and high level civil servants which violate the personal non-property rights, should be considered as actions against the law.

The Civil Code gives the possibility for physical entities to defend their personal non-property rights, in case the latter are violated, indicating that these rights can be protected by all civil and legal means, as envisaged by the existing legislation.

Among others, the following personal non-property rights which provide for the social existence of the physical entity are mentioned: the right to have a

name, right to respect, honour and dignity, right to individuality, right to personal life and its privacy, right to information, right to confidentiality of correspondences, right to a place of residence, right to inviolability of housing, right to freedom of movement, right to freedom of association into unions, right to peaceful meetings, etc.

The issue of human rights is one of the important ones in national legislation. Adherence to the same is an indicator of a state where there is rule of law, and democracy. Respect to every human being should be something natural, and human rights as inalienable should be considered fundamental of all values set forth by the Constitution and other laws of the state.

Activity 2.

Memorise the following words and phrases.

equal and inalienable rights	рівні та невідчужувані права
disregard and contempt for human rights	нехтування та зневажання правами людини
freedom of speech and belief	свобода слова і переконань
to permit	дозволяти
to prohibit	забороняти
to own, use and dispose of property	володіти, користуватися, розпоряджатися
to acquire the right	набувати право
under conditions of martial law or a state of emergency	в умовах воєнного чи надзвичайного стану
reaffirm their faith in fundamental human rights, in the dignity	знову підтверджувати віру в основні права людини, гідність
to pledge oneself	зобов'язатися
universal respect for and observance of human rights	загальна повага до прав людини та їх дотримання
to prevent a crime	запобігти злочину
bodies authorised by law	уповноважені законом органи
temporary preventive measure	тимчасовий запобіжний захід
reasonable grounds	обґрунтованість

Activity 3.

Find in the text the information :

- changing the notion of human rights in the Constitution;
- the bodies which guarantee the fundamental rights and freedoms stipulated

by the Constitution.

Activity 4

- a) Tell what personal non-property rights providing for the social existence of the physical entity are mentioned in the Civil Code of Ukraine;
- b) Explain why it is humane to maintain rights of military wounded and sick of any side.

Activity 5.

Insert one of the following words into the text in an appropriate:

form. to provide for, natural, inviolability, non-property, care, Civil, personal, right

A special part of the ... Code is composed into a book entitled "Personal ... rights of the physical entity, and this shows how important ... non-property rights are in the structure of the Civil Code. A separate chapter in the book is devoted to those rights which ... the ... existence of the individual such as the right to life, health ..., medical assistance, ... to freedom and ... of a person, right to family, etc.

UNIT 5

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted and proclaimed by General Assembly resolution 217 A (III) of
10 December 1948

Activity 1.

Skim through the text of the Declaration

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a

spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration

ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Activity 2.

Study the following words and phrases.

whereas	оскільки
recognition of dignity	визнання гідності
Inherent	притаманний
equal and inalienable rights	рівні та невідчужувані права
disregard and contempt for human rights	нехтування та зневажання правами людини
freedom of speech and belief	свобода слова і переконань
freedom from fear and want	свобода від страху та злиднів
compelled to have recourse as a last resort	вимушений вдаватися до як останній засіб
rule of law	верховенство права
to promote the development of friendly relations between nations	сприяти розвитку дружніх стосунків між народами
reaffirm their faith in fundamental human rights, in the dignity	знову підтверджувати віру в основні права людини, гідність
to pledge oneself	зобов'язатися
universal respect for and observance of human rights	загальна повага до прав людини та їх дотримання
endowed with reason	наділений розумом
to be held in slavery or servitude	утримувати в рабстві чи підневільному стані
to prohibit	забороняти
to be subjected to torture or to cruel,	піддавати катуванню або нелюдському

inhuman or degrading treatment or punishment.	чи такому, що принижує людську гідність, покаранню
equal before the law	рівні перед законом
incitement to such discrimination	підбурювання до дискримінації
right to an effective remedy	право на ефективний правовий захист
competent national tribunal	компетентний національний судовий орган
to be subjected to arbitrary arrest, detention or exile	бути підданим свавільному арешту
fair and public hearing by an independent and impartial tribunal	справедливий та відкритий судовий розгляд незалежним та безстороннім судовим органом
freedom of movement and residence within the borders of each state	свобода пересування та свобода вибору місця проживання
equal access to public service	рівний доступ до державної служби
right to rest and leisure	право на відпочинок
universal and equal suffrage	загальне та рівне виборче право
right to social security	право на соціальне забезпечення
just and favourable conditions of work	справедливі та сприятливі умови праці
standard of living	рівень життя
to be arbitrarily deprived of his property	бути свавільно позбавленим майна
security in the event of unemployment, sickness, disability, widowhood, old age	забезпечення в разі безробіття, хвороби, непрацездатності, удівства, старості
in circumstances beyond his control.	за обставин, що знаходяться поза межами контролю особи
equal pay for equal work	однакова заробітна платня за однакову роботу
to have a prior right	мати пріоритетне право
in the exercise of his rights and freedoms	при здійсненні своїх прав та свобод
solely for the purpose of securing due recognition and respect for rights	виключно з метою забезпечення належного визнання та поваги до прав
contrary to the purposes and principles of the United Nations	всупереч цілям та принципам Організації Об'єднаних Націй
destruction	руйнування
in circumstances beyond his control.	за обставин, що знаходяться поза межами контролю особи
equal pay for equal work	однакова заробітна платня за однакову роботу
to have a prior right	мати пріоритетне право
in the exercise of his rights and freedoms	при здійсненні своїх прав та свобод
solely for the purpose of securing due	виключно з метою забезпечення

recognition and respect for rights	належного визнання та поваги до прав
contrary to the purposes and principles of the United Nations	всупереч цілям та принципам Організації Об'єднаних Націй
destruction	руйнування

Activity 3.

Answer the following questions. Use the prompts in brackets for the formulation of your answers.

1. When was the Universal Declaration of Human Rights adopted ? (10 December 1948).
2. What was the aim of the Universal Declaration ?(to promote respect for human rights and freedoms, to secure their universal and effective recognition and observance).
3. How many states voted in favour of the Declaration? (forty-eight, no against, with eight abstentions).
4. What did the President of the General Assembly point out in the statement following the voting? (a remarkable achievement, a step forward in the great evolutionary process, the first occasion on which the organized community of nations had made a declaration of human rights).
5. How many articles does the Declaration consist of? (the Preamble mid 30 articles).
6. Which article lays down the philosophy upon which the Declaration is based? (Article 1. According to Article 1).
7. Which article sets out the basic principle of equality and nondiscrimination as regards the enjoyment of human rights and fundamental freedoms? (Article 2. According to Article 2....)
8. Which Article proclaims the right to life, liberty and security of person? (Article 3).
9. Which articles set forth economic, social and cultural rights?
10. Which articles set out civil and political rights?

Activity 4.

In the text of the Declaration, find English equivalents of the following expressions.

- 1) Зневажання і нехтування правами людини;
- 2) притаманний;
- 3) визнання гідності;
- 4) рівні та невідчужувані права;
- 5) мати свободу слова і переконань;
- 6) сприяти розвитку дружніх стосунків між народами;
- 7) знову підтвердити свою віру і основні права людини;
- 8) рівні права чоловіків і жінок;
- 9) бути підданим катуванню;

- 10) утримуватися в рабстві чи підневільному стані;
- 11) поводження, що принижує людську гідність;
- 12) бути рівними перед законом;
- 13) мати право на справедливий судовий розгляд;
- 14) права, надані Конституцією або законом;
- 15) мати право на рівний захист законом;
- 16) призначати покарання;
- 17) свавільне втручання в приватне і сімейне життя;
- 18) дія, що суперечить цілям і принципам Організації Об'єднаних Націй;
- 19) у межах кордонів кожної держави;
- 20) право рівного доступу до державної служби;
- 21) право на свободу мирних зібрань;
- 22) незалежно від кордонів;
- 23) свобода змінювати своє віросповідання або переконання.

Activity 5.

Summarize the text of the Declaration using answers to the questions in Activity 3 as the outline plan of your summary.

UNIT 5

INTERNATIONAL AND REGIONAL PROGRAMS ON HUMAN RIGHTS

Activity 1.

Skim through the text and try to understand its contents

International human rights law is considered a post-World War II phenomenon. Although ideas of rights and liberty have existed for much of human history and protection of some human rights at international level can be traced long before World War II. But modern international conceptions of human rights were developed as a result of the monstrous violations of human rights of the Hitler era and to the necessity of creating an effective international system for the protection of human rights. The famous speech "Four Freedoms" made by Franklin D. Roosevelt in 1941 became the call of the nations to found the United Nations. The UN was established on 24 October 1945 by 51 countries committed to preserving peace through international cooperation and collective security. Today nearly every nation in the world belongs to this organization: membership now totals 192 countries. The United Nations has six main organs. Five of them - the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the Trusteeship Council and the Secretariat - are based at the Headquarters in New York. The sixth, the International Court of Justice, is located in the Hague, the Netherlands. The United Nations inaugurated a human rights program, often referred to as the international Bill of Rights. It consists of the following documents, the titles of which generally describe some of the fundamental human rights: the 1948 Universal Declaration of Human Rights (UDHR); the 1966 International Covenant on Civil and Political Rights; the 1966 International Covenant on Economic, Social and Cultural Rights; the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and etc. But the 1945 United Nations Charter is the main document which proclaimed basic principle of human rights protection as one of the principle of international law.

The Universal Declaration is the first comprehensive human rights instrument to be proclaimed by a universal international organization. It is not a treaty. The Declaration was adopted by the UN General Assembly as a resolution having no force of law. It wasn't signed. Its purpose is to provide "a common understanding" of the human rights and fundamental freedoms referred to in the UN Charter and to serve "as a common standard of achievement for all peoples and all nations". The Universal Declaration proclaims two broad categories of rights: civil and political rights, on the one hand, and economic, social and cultural rights on the other. Its catalog of civil and political rights includes the right to life, liberty, and security of person; the prohibition of slavery, of torture and cruel, inhuman or degrading treatment; the right to a fair trial in both civil and criminal matters, the presumption of innocence etc.

Important political rights are proclaimed in Art.21 of the declaration, including the individual's right "to take part in the government of his her country, directly or through freely chosen representatives'. The Declaration then proclaims the individuals freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want, freedom from fear, right to work and to "protection against unemployment', "to rest and leisure" (Art. 24), to "a standard of living adequate for the health and wellbeing" (Art. 25).

Regional systems. There are several regional human rights systems of protection of human rights: in Europe, Latin America and Africa. The Council of Europe represents one of the European organization. It is an intergovernmental regional organization, which was created as a respond to a proposal of W. Churchill by 10 European countries on 5 May 1949 in London. Nowadays the Council of Europe amounts 46 member states (2007). The main aims of the Council are to protect human rights, to work towards "greater unity between its members" through "agreements and common actions in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realization of human rights and fundamental freedoms'. Among the main important legal agreements established within the framework of the Council of Europe are: the European Convention for the Protection of Human Rights and Fundamental Freedoms (the basic instrument which member states sign simultaneously with the Statute of the Council of Europe); the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; the European Social Charter; the Convention for the Protection of National Minorities. The very important mechanism of protection of human rights was created according to the European Convention on Human Rights and Fundamental Freedoms - European Court of Human Rights.

Latin American and African human rights norms are expressed in the Charter of the Organization of American States (OAS), the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights (1978) and in the 1986 African Charter on Human and Peoples' Rights. The human rights provisions of these documents are only statements of moral principles, not specific obligations. They have no enforcement powers.

Activity 2.

Memorise the following words and phrases.

The right to liberty and security person	право на свободу пі особисту недоторканість
procedure prescribed by law	процедура, встановлена законом

competent legal authority	компетентний орган, встановлений
for the prevention of the spreading of infectious diseases	для запобігання поширенню інфекційних захворювань
judge or other officer authorised by law to exercise judicial power	суддя або інша службова особа, яку закон уповноважує здійснювати судову
reasonable suspicion of having committed an offence	розумна підозра
to have a prior right	мати пріоритетне право
in the exercise of his rights and freedoms	при здійсненні своїх прав та свобод
solely for the purpose of securing due recognition and respect for rights	виключно з метою забезпечення належного визнання та поваги до прав
contrary to the purposes and principles of the United Nations	всупереч цілям та принципам Організації Об'єднаних Націй
destruction	руйнування
in circumstances beyond his control.	за обставин, що знаходяться поза межами контролю особи
equal pay for equal work	однакова заробітна платня за однакову роботу
to have a prior right	мати пріоритетне право
in the exercise of his rights and freedoms	при здійсненні своїх прав та свобод
solely for the purpose of securing due recognition and respect for rights	виключно з метою забезпечення належного визнання та поваги до прав
whereas	оскільки
recognition of dignity	визнання гідності
Inherent	притаманний

Activity 3

A. Give the definitions for the following terms and expressions or explain in other words.

1. human rights
- 2... declaration ...
3. treaty

4. fundamental freedoms

B. Answer the following questions using the information from the text:

- Why the protection of human rights has become so important?
- When and why were the UN and the Council of Europe established?
- What are the main purposes of the Council of Europe?
- What are six principal organs of the UN?
- What are the most important legal agreements adopted by the Council of Europe?
- What documents does the UN program of human rights consist of?
- What kind of rights does the Universal Declaration proclaim?

Activity 3.

Complete the following sentences according to the information from the text:

1. The development of the international human rights law can be attributed to ...
2. The international Bill of Rights consists of...
3. The Universal Declaration proclaims ...
4. The Council of Europe is an intergovernmental organization...

The International Court of Justice is located The Declaration was adopted by the UN General Assembly... . Latin American human rights norms are expressed in Today nearly every nation in the world belong to ...

Activity 4.

Match the following legal terms with their definitions:

1. agreement a) an official announcement or a basic governing document
2. declaration b) a legally enforceable contract
3. convention c) a condition incorporated in a document
4. obligation d) a formal agreement or compact esp. international agreement
5. provision e) a moral or legal duty binding two parties to perform their agreement

Activity 5

Choose the right preposition in brackets according to the contents of the sentences (of, in, within, before, for, without, on, between, at).

1. ... order to ensure that the human rights activities of the Council of Europe are

known and promoted, a Human Rights Information centre has been established... the Organization.

2.... 29 June 1995 a new Human Rights Building... the Council of Europe was officially opened in Strasbourg.

3. A range of cases has come ... the Strasbourg organs including the only interstate case to reach the European Court of Human Rights.

4. The UN Charter gives the Security Council primary responsibility ... maintaining international peace and security.

5. The Council of Europe has taken steps... different levels in order to promote equality... women and men.

6. The International Covenants on Human Rights consist ... three separate treaties.

Activity 6.

Give the Ukrainian equivalents for the following word combinations:

human rights, violations of human rights, fundamental freedoms, protection of human rights, declaration, collective security, resolution having no force of law, presumption of innocence, human rights provision, to proclaim individual rights, prohibition of slavery, intergovernmental organization, agreements and common actions, statements of moral principles, specific obligations, enforcement power.

UNIT 6
CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS
A Nîl FUNDAMENTAL FREEDOMS

Rome, 4.XI. 1950

Activity 1.

Read the Convention first trying to understand it without consulting the dictionary and the vocabulary given after the text of the Convention.

The Preamble

The governments signatory hereto, being members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;

Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend;

Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

Have agreed as follows:

Article 1 – Obligation to respect human rights

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

Section I – Rights and freedoms¹

Article 2 – Right to life

Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

in defence of any person from unlawful violence;
in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3 – Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4 – Prohibition of slavery and forced labour

No one shall be held in slavery or servitude.

No one shall be required to perform forced or compulsory labour.

For the purpose of this article the term "forced or compulsory labour" shall not include:

any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

any work or service which forms part of normal civic obligations.

Article 5 – Right to liberty and security

Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

the lawful detention of a person after conviction by a competent court;

the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is

being taken with a view to deportation or extradition.

Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6 – Right to a fair trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

Everyone charged with a criminal offence has the following minimum rights:

- to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

- to have adequate time and facilities for the preparation of his defence;

- to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

- to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

- to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7 – No punishment without law

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty

be imposed than the one that was applicable at the time the criminal offence was committed.

This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

Article 8 – Right to respect for private and family life

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9 – Freedom of thought, conscience and religion

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10 – Freedom of expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 – Freedom of assembly and association

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for

the protection of his interests.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12 – Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13 – Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 15 – Derogation in time of emergency

In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Article 16 – Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17 – Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18 – Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

Activity 2.

Memorise the following phrases.

to secure the rights and freedoms defined in Section I	гарантувати права та свободи, визначені в розділі 1
to everyone within their jurisdiction	кожному, хто перебуває під їхньою юрисдикцією
to be deprived of his life intentionally	бути умисно позбавленим життя
save in the execution of a sentence of a court	інакше ніж на виконання вироку суду
conviction of a crime	визнання винним у вчиненні злочину
deprivation of life	позбавлення життя
to regard as inflicted in contravention of this article	вважати вчиненим на порушення цієї статті
to effect a lawful arrest or to prevent the escape of a person lawfully detained	здійснювати законний арешт або запобігати втечі особи, яка законно тримається під вартою
to be subjected to torture	бути підданим катуванню
prohibition of slavery and forced labour	заборона рабства та примусової праці
to perform forced or compulsory labour	виконувати примусову чи обов'язкову працю
for the purpose of this article	для. цілей цієї статті
detention imposed according to the provisions of Article 5	тримання під вартою, призначене згідно з положеннями статті 5
during conditional release	під час умовного звільнення
in case of conscientious objectors	у випадку, коли особа відмовляється від військової служби з релігійних чи політичних мотивів
an emergency or calamity threatening the life or well-being of the community	надзвичайна ситуація або стихійне лихо, що загрожує життю чи благополуччю суспільства
normal civic obligations	звичайні громадянські обов'язки
to secure the rights and freedoms defined	гарантувати права та свободи,

in Section I	визначені в розділі 1
The right to liberty and security person	право на свободу пі особисту недоторканість
procedure prescribed by law	процедура, встановлена законом
competent legal authority	компетентний орган, встановлений
for the prevention of the spreading of infectious diseases	для запобігання поширенню інфекційних захворювань
judge or other officer authorised by law to exercise judicial power	суддя або інша службова особа, яку закон уповноважує здійснювати судову
reasonable suspicion of having committed an offence	розумна підозра
an enforceable right to compensation	захищене позовом право на відшкодування
to be entitled to a fair and public hearing	мати право на справедливий і
within a reasonable time	в межах розумного часу
an independent and impartial tribunal established by law	незалежний і безсторонній суд, встановлений законом
judgment	остаточне судове рішення (у цивільній справі) / вирок (у кримінальній справі)
in the interests of moralspublic order national security	в інтересах моралігромадський порядок національна безпека
to be informed promptly	бути негайно поінформованим
nature and cause of the accusation	характер і причина обвинувачення
to have adequate time and facilities	мати достатньо часу і можливостей
sufficient means to pay for legal assistance	достатні кошти для оплати правової допомоги захисника
when the interests of justice so require	якщо цього вимагають інтереси правосуддя
to examine witnesses	допитувати свідків
on his behalf	від його імені
under the same conditions as witnesses against him	на тих самих умовах свідків проти нього
free assistance of an interpreter	безоплатна допомога перекладача
no punishment without law	ніякого покарання без закону
act or omission	дія або бездіяльність
to constitute a criminal offence	становити кримінальне правопорушення
to impose a heavier penalty than the one	призначати покарання, суворіше від того, що

applicable at the time the criminal offence was committed	що застосовувалося на час вчинення кримінального правопорушення
to prejudice the trial and punishment	перешкоджати судовому розгляду ^
right to respect for private and family life	право на повагу до приватного і сімейного життя
interference by a public authority	втручання органів державної влади
interference with the exercise of this right	втручання у здійснення цього права
in the interests of national security	в інтересах національної безпеки
public safety	громадська безпека
economic well-being of the country	економічний добробут країни
for the prevention of disorder or crime	для запобігання заворушенням чи злочинам
lawful restrictions on the exercise of these rights	законні обмеження на здійсненні цих прав
to receive and impart information and ideas	одержувати і передавати інформацію та ідеї
territorial integrity	територіальна цілісність
to prevent the disclosure of information received in confidence	запобігати розголошенню конфіденційної інформації
freedom of thought, conscience and religion	свобода думки, совісті і віросповідання
the right to freedom of expression	право на свободу вираження поглядів
freedom of peaceful assembly	свобода мирних зібрань
to found a family	створювати сім'ю
right to an effective remedy	право на ефективний засіб правового захисту
to secure without discrimination	гарантувати без дискримінації
to derogate from obligations under the Convention	відступати від зобов'язань за Конвенцією

High Contracting Party	Висока договірна сторона
to threaten the life of the nation	загрожувати життю нації
to take measures	вживати заходів

Activity 3.

Answer the following questions consulting the table of ratifications

When was the Convention for the Protection of Human Rights ratified by Ukraine?

1. When did Ukraine ratify Protocol N.6?
2. When did Armenia ratify the Convention?
3. What state was the first to ratify the Convention?
4. Has Protocol No 12 been ratified by Ukraine?
5. How many states ratified the Convention?

Activity 4.

1. When did Ukraine sign the Convention?
2. When did Ukraine ratify the Convention?
3. When did the Convention enter into force in respect of Ukraine?
4. Now choose another country and ask similar questions about the status of the Convention in this state.

Activity 6.

Translate the text about the Convention. Prepare it for presentation in class.

The Convention for the Protection of Human Rights and Fundamental Freedoms was drawn up within the Council of Europe. It was opened for signature in Rome on 4 November 1950 and entered into force in September 1953. The object of its authors was to take the first steps for the collective enforcement of certain of the rights stated in the United Nations Universal Declaration of Human Rights of 1948.

Under the 1950 Convention Contracting States and individual applicants (individuals, groups of individuals or non-governmental organisations) could lodge complaints against Contracting States for alleged violations of Convention rights.

The complaints were first the subject of a preliminary examination by the Commission which determined their admissibility. It was taking too long to deal with individual cases. In some cases it took about five and even seven years for a case to be decided by the Commission and then subsequently by the Court. Urgent steps had to be taken to remedy the situation. Moreover, there was a steady growth in the number of High Contracting Parties. The combination of a desire to reduce the length of time that it took to examine cases and a radical increase in the number of High Contracting Parties, which resulted in the increase of the number of cases being brought to the Court, caused the decision

to attack the root of the problem of delay.

Therefore, the 11th Protocol to the Convention was drafted which established a permanent court that would examine cases within a reasonable time.

UNIT 7

THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR or EHR treaty)

Activity 1.

Skim through the text and try to understand its contents

The Convention has been referred to as "the jewel in the crown" of the Council of Europe. New member states are obliged to sign ECHR on becoming members and to ratify within one year.

The direct predecessor of the Convention is the Universal Declaration of Human Rights of 1948. Other notable historical precedents include England's Magna Carta of 1215, which asserted the right to a fair trial and a just legal system; the Declaration of Independence of the United States of America of 1776; and the French Declaration of the Rights of Man and the Citizen of 1789. While inadequate for today, these represented important stages on the road towards full and equal rights for all human beings. The ECHR was signed on 4 November, 1950 and entered into force on 3 September, 1953. The European Convention on Human Rights represents the first steps of the collective enforcement of certain of the rights stated in the Universal Declaration. Contracting States undertake to secure to everyone within their jurisdiction a number of civil and political rights and freedoms set out in the Convention. Some of them are: the right to life (Art.2), freedom from torture and from inhuman or degrading treatment or punishment (Art.3), freedom from slavery and servitude (Art. 4), the right to liberty and security of the person (Art. 5), the right to a fair trial (Art. 6), the right to respect for one's private and family life, one's home and one's correspondence (Art. 8), freedom of thought, conscience and religion (Art.9), freedom of assembly and association (Art. 11).

Subsequent protocols have extended the initial list of rights, and the case-law of European Court has reinforced and developed these rights, demonstrating the dynamic and evolutive nature of the system. The first Protocols of 20 March 1952 added the following rights: the right to property (Art 1), the right to free elections (Art. 3). The Fourth Protocol adds some more rights: freedom from imprisonment for debt (Art. 1), liberty of movement and freedom to choose one's residence (Art. 2).

All the Contracting States, with the exception of Ireland, Norway and the United Kingdom, have incorporated the Convention into their own law, enabling the domestic judiciary to take full account of its provisions when considering a grievance. Once domestic judicial remedies have been exhausted, an individual may still seek redress in Strasbourg for a breach of the Convention by a

Contracting State. The Strasbourg machinery is not a substitute for national courts, but is an extension of them. The agreement of sovereign states to allow a supra-national court to review a judgement of the domestic judiciary represented a historic and unprecedented step in international law. It puts into practice the theory of the fundamental nature of human rights, placing rights firmly above the laws and practice of a state. Structure and procedure. The most famous conventional body is the European Court of Human Rights, which enforces the European Convention on Human Rights. The European Court of Human Rights, created under the European Convention on Human Rights of 1950, is composed of a judge from each member state elected for a renewable term of six years by the Parliamentary Assembly and is headed by the elected President of the Court. Since 2007, Jean-Paul Costa from France is the President of the Court. Under the new Protocol No. 14 to the European Convention on Human Rights, the terms of office of judges shall be nine years but nonrenewable. According to the Convention and the Statute the Court deals with cases related to the violation of the Convention and protocols. When a case is referred to the Court, there will be a public hearing. The Court's judgement, reached by majority vote, is final. The Court may require a state to pay financial compensation, including damages and the costs of the proceedings. The Committee of Ministers supervises the execution of the judgement where a violation has been found.

Activity 2.

Learn the following words and phrases

right to respect for private and family life	право на повагу до приватного і сімейного життя
interference by a public authority	втручання органів державної влади
interference with the exercise of this right	втручання у здійснення цього права
in the interests of national security	в інтересах національної безпеки
public safety	громадська безпека
without further examination	без подальшого розгляду
on the merits of the case	щодо суті справи
to relinquish jurisdiction in favour of a Grand Chamber	відмовитися від юрисдикції на користь великої палати

conviction of a crime	визнання винним у вчиненні злочину
deprivation of life	позбавлення життя
to regard as inflicted in contravention of this article	вважати вчиненим на порушення цієї статті

Activity 3.

Mark these statements T(true) or F (False) according to the text.

1. The direct predecessor of the European Convention on Human Rights is the Constitution of the USA.
2. Contracting States undertake to protect human rights set out in the Convention.
3. All the Contracting States have incorporated the Convention into their own law.
4. The Court's judgement reached by majority vote is ultimate.
5. The Strasbourg Court is a substitute for every national court.
6. A Contracting State has no right to bring a case against another Contracting State.
7. The Court may require a state to pay financial compensation, including damages and the costs of the proceedings.

Activity 4.

Make up sentences out of these words and expressions and translate them.

1. Austria / important/modified/off sections/ its codes of concerning/ criminal/ procedures treatment of prisoners/in/ hospitals.
2. Denmark/the amended/laws on custody/ illegitimate children/ of
3. France telephone communications/passed/ a laws of the security/ relating to.
4. Greece/ detention/amended/ the law on /provisional.
5. Sweden's instructions religiously amended/the compulsory law.
6. The UK/in/state / schools/ outlawed/punishment/corporal.

Activity 5.

Prepositions. Choose the right prepositions in brackets according to the content of the sentences. (by, for, with, without, according to, in, on)

1. ... recent years number of cases considered by the Court has increased considerably as the Convention's reputation has grown.
2. The European Convention on Human Rights represents "the first steps... the collective enforcement of certain of the rights stated ... the Universal Declaration'
3. The Convention provides ... a European Court of Human Rights to deal ... individuals petitions and their interstate cases.
4. The right to a fair trial, both in civil and criminal proceedings, is guaranteed...Art. 6 of the ECHR.
5. The Additional Protocol of 1998 included the right to equal opportunities and treatment with regard to employment and careers, ... discrimination based... sex.
6. Everyone charged... a criminal offence shall be presumed innocent until proved guilty... the law (Art. 5 of ECHR).
7. Men and women of marriageable age have the right to marry and found a family ... the national laws governing the exercise of this right. (Art. 12 of ECHR).

Activity 6.

Insert one of the following words in an appropriate form into the text.

convention, detention areas, human rights, force, experts, adopt, access, politics, make up, include

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was... in 1987 and came into ... in 1989. The ... supplements the protection available under the European Convention on Human Rights by establishing a European Committee for the Prevention of Torture (CPT)

This Committee is ... of independent and impartial ... from a variety of backgrounds, including law, medicine, prison affairs and ...

The Committee visits places of detention, which may ... prisons, police stations, aliens' holding centres, ... at army barracks or psychiatric institutions, to see how detainees are treated. The Committee has unlimited ... to places of

detention and can interview, in private, detainees or any other persons who can provide relevant information, including nongovernmental organizations (NGOs) concerned with ... as well as the authorities themselves.

The aim of collecting this information is to strengthen the protecting of detainees against torture and inhuman or degrading treatment or punishment.

Activity 7.

Write down the following abbreviations in full words and compose sentences to illustrate their meaning:

ECHR (EHR treaty), OAS, UN, Art., ECOSOC (of the United Nations), UNDR, CPT.

Activity 8.

Translate these sentences.

Справа Кемпеллі Коданспроти Сполученого Королівства (1982). У цій справі матері скаржників скаржились на застосування тілесних покарань як дисциплінарного заходу в державних школах Шотландії, які відвідували їхні діти. У заявах стверджувалося, зокрема, що застосування тілесних покарань у школах порушує права, які гарантуються у статті 2 Конвенції, в тому, що освіта і навчання їхніх дітей мали відповідати їхнім філософським переконанням. Друга заявниця стверджувала, що виключення її сина зі школи було порушенням права на освіту, яке гарантується в зазначеній статті.

Activity 9.

Discuss some problems connected with serious violations of human rights and express your opinion.

Problem one: It is December 7, 1941. You are the president of the United States. You have just learned that the Japanese had bombed Pearl Harbor. Many American civilians had been killed as a result of unexpected attack. You confer with Senate leaders about possible disloyalty that might exist among some of the Japanese Americans living in the United States. You decide that these U.S. citizens do pose security risks because some may assist Japan in its war efforts against the United States. All Japanese Americans are therefore ordered to report detention centres in the United States where they will stay until the war is over.

Assume that the UN Charter, the Universal Declaration, and the 1966

International Covenants were all in existence before your decision to confine your citizens to “relocation camps. Have you caused your country to incur any legal obligations for violating the human rights of its JapaneseAmerican citizens

Problem two: Child labour is a very serious problem in many third World countries. In general, they are used for low skill and labour intensive jobs, such as agriculture, mining, food processing, and manufacturing good such as carpets, garments and furniture. Employers prefer children, as they are more obedient than their adult counterparts, and less likely to complain about their poor treatment. There have been reports of children not receiving their promised pay. As the children are unable to receive a proper education, it is difficult for them to rectify their situation. As little as the children are earning, it enables them to financially support their families. Many of the child workers are satisfied with their payment, and enjoy the special working status that they hold.

UNIT 8

PROCEDURE BEFORE THE COURT

Activity 1.

Skim through the text without consulting the dictionary.

Any Contracting State (State application) or individual claiming to be a victim of a violation of the Convention (individual application) may lodge directly with the Court in Strasbourg an application alleging a breach by a Contracting State of one of the Convention rights.

The procedure before the new European Court of Human Rights is adversarial and public. Hearings are, in principle, public, unless the Chamber/Grand Chamber decides otherwise on account of exceptional circumstances. Memorials and other documents filed with the Court's Registry by the parties are accessible to the public. •

Individual applicants may submit applications themselves, but legal representation is recommended, and even required for hearings or after a decision declaring an application admissible. The Council of Europe has set up a legal aid scheme for applicants who do not have sufficient means.

The official languages of the Court are English and French, but applications may be drafted in one of the official languages of the Contracting States. Once the application has been declared admissible, one of the Court's official languages must be used, unless the President of the Chamber/Grand Chamber authorises the continued use of the language of the application.

Each individual application is assigned to a Section, whose President designates a rapporteur. After a preliminary examination of the case, the rapporteur decides whether it should be dealt with by a three-member Committee or by a Chamber.

A Committee may decide, by unanimous vote, to declare inadmissible or strike out an application where it can do so without further examination. Individual applications which are not declared inadmissible by Committees or which are referred directly to a Chamber by the rapporteur and State applications are examined by a Chamber. Chambers determine both admissibility and merits, usually in separate decisions but sometimes together.

Chambers may at any time relinquish jurisdiction in favour of a Grand Chamber where a case raises a serious question of interpretation of the Convention or where there is a risk of departing from existing case-law.

The first stage of the procedure is generally written, although the Chamber may decide to hold a hearing, in which case issues arising in relation to the merits will normally also be addressed. Chamber decisions on admissibility, which are taken by majority vote, must contain reasons and be made public.

Once the Chamber has decided to admit the application, it may invite the parties to submit further evidence and written observations, including any claims for "just satisfaction" by the applicant, and to attend a public hearing on the

merits of the case.

The President of the Chamber may, in the interests of the proper administration of justice, invite or grant leave to any Contracting State which is not party to the proceedings, or any person concerned who is not the applicant, to submit written comments, and, in exceptional circumstances, to make representations at the hearing. A Contracting State whose national is an applicant in the case is entitled to intervene as of right.

During the procedure on the merits, negotiations aimed at securing a friendly settlement may be conducted through the intermediary of the Registrar. The friendly settlement negotiations are confidential.

Chambers decide by a majority vote. Any judge who has taken part in the consideration of the case is entitled to append to the judgment a separate opinion, either concurring or dissenting.

Within three months of delivery of the judgment of a Chamber, any party may request that a case be referred to the Grand Chamber if it raises a serious question of interpretation or application or a serious issue of general importance. Such requests are examined by a Grand Chamber panel of five judges composed of the President of the Court, the Section Presidents, with the exception of the Section President who presides over the Section to which the Chamber that gave judgment belongs, and another judge selected by rotation from judges who were not members of the original Chamber.

A Chamber's judgment becomes final at the expiry of the three month period or earlier if the parties announce that they have no intention of requesting a referral or after a decision of the panel rejecting the request for referral to the Grand Chamber. If the panel accepts the request, the Grand Chamber renders its decision on the case in the form of a judgment. The Grand Chamber decides by a majority vote and its judgments are final. All final judgments of the Court are binding on the respondent States concerned.

Responsibility for supervising the execution of judgments lies with the Committee of Ministers of the Council of Europe.

Activity 2.

Study the following words and phrases.

to claim to be a victim of a violation of the Convention	стверджувати, що ви потерпіли від порушення Конвенції
to lodge directly with the Court in Strasbourg an application	подати заяву безпосередньо до Суду в Страсбурзі
to allege a breach of the Convention right	стверджувати про порушення прав згідно з Конвенцією
adversarial and public trial	змагальний і відкритий судовий розгляд

unless the Chamber/Grand Chamber decides otherwise	якщо палата/велика палата не вирішить інакше
on account of exceptional circumstances	у зв'язку з винятковими обставинами
memorials and other documents filed with the Court's Registry by the parties	меморандуми та інші документи, подані сторонами до канцелярії Суду
accessible to	доступний для
to submit applications	подавати заяви
to declare an application admissible	проголосити заяву прийнятною
sufficient means	достатні кошти
to draft an application	складати заяву
to authorise	санкціонувати, дозволити
to assign to a Section	передавати до секції
to designate a rapporteur	призначати суддю-доповідача
preliminary examination of the case	попередній розгляд справи
to deal with cases	розглядати справи
to declare inadmissible or strike out of the list	проголошувати неприйнятною або вилучати з реєстру
to decide by a majority vote	вирішувати більшістю голосів
to append to the judgment a separate opinion	додавати до рішення окрему думку
concurring opinion	окрема думка, що збігається з думкою більшості
dissenting, opinion	окрема думка, що не збігається і думкою більшості
without further examination	без подальшого розгляду
on the merits of the case	щодо суті справи
to relinquish jurisdiction in favour of a Grand Chamber	відмовитися від юрисдикції на користь великої палати
to submit further evidence and written observations	подавати подальші докази та письмові зауваження
claims for just satisfaction	вимоги щодо справедливої сатисфакції
in the interests of the proper administration of justice	в інтересах належного здійснення правосуддя
to grant leave	надавати дозвіл
to attend a public hearing	бути присутнім на відкритому слуханні
to intervene	втручатися
negotiations aimed at securing a friendly settlement	переговори, що мають на меті досягнення дружнього врегулювання

delivery of the judgment	постановлення судового рішення
at the expiry of the three month period	зі спливом тримісячного періоду
through the intermediary of the Registrar	з посередництвом секретаря Суду
panel of judges	колегія суддів
to reject the request for referral to the Grand Chamber	відхилити клопотання щодо передання до великої палати
binding on the respondent States concerned	обов'язкові для держав-відповідачів, яких це стосується
to supervise the execution of judgments	здійснювати нагляд за виконанням рішень
responsibility for supervising the execution of judgments lies with the Committee of Ministers	відповідальність за здійснення нагляду за виконанням рішень покладається на Комітет Міністрів

Activity 3.

Translate the following questions into English and ask your classmates to answer them:

1. Хто може подавати заяви до Європейського суду?
2. Які офіційні мови Європейського суду?
3. Якими мовами можна подавати заяви до Суду?
4. Чи є слухання публічними?
5. У яких випадках слухання не є публічними?
6. Хто призначає суддю-доповідача?
7. Що вирішує суддя-доповідач?
8. Які заяви розглядаються палатою?
9. Кому в інтересах належного здійснення правосуддя голова палати може дозволити подати письмові зауваження?
10. Чи є рішення Суду обов'язковими для держави-відповідача?
11. На кого покладається відповідальність за нагляд за виконанням рішень Суду?

Activity 4.

Study the summary on the European Court of Human Rights.

1. The European Court of Human Rights is an international institution which can receive complaints from persons claiming that their rights under the European Convention on Human Rights have been violated. This Convention is a treaty by which a number of European States have agreed to secure certain fundamental rights. The rights guaranteed are set out in the Convention itself, and in four supplementary Protocols, 1,4,6 and 7 which most States have accepted.

2. If you consider that one of the States on the enclosed sheet (Appendix 2) has violated one of these fundamental rights, you may complain to the Court. However, the Court can only deal with complaints relating to the rights listed in the Convention and Protocols. It is not a court of appeal from national courts and cannot annul or modify their decisions. Nor can it intervene directly on your behalf with the authority you complain about.

3. The Court can only receive complaints against the States listed on the enclosed sheet (Appendix 2) and cannot deal with complaints about events before the dates of ratification. The date varies according to the State concerned and according to whether the complaint concerns a right cited in the Convention itself or in one of the Protocols.

4. You can only complain to the Court about matters which are the responsibility of a public authority (legislature, administration, courts of law, etc.) of one of these States. The Court cannot deal with complaints against private individuals or private organisations.

Before applying to the Court you must have exhausted all remedies in the State concerned. This includes bringing your complaint before the highest court which can deal with it. You should make correct use of the available remedies and comply with the time limits and procedural rules. If, for instance, your appeal is rejected because it is too late or because you have not used the proper procedure, the Court probably could not examine your case.

5. After decision of the highest competent national court or authority has been given, you have a six month period within which you may apply to the Court. Unless you have submitted details of your complaint, at least in summary form, within the six month period, the Court will not be able to examine your case.

II. HOW TO APPLY TO THE COURT

6. If you consider that your complaint concerns one of the rights guaranteed by the Convention or its Protocols, and that the conditions referred to above are satisfied, you should first send a letter containing the information mentioned below to the Registrar of the Court at the following address:

The Registrar
European Court of Human Rights
Council of Europe
F-67075 STRASBOURG CEDEX

7. In your letter you should:

- (a) give a brief summary of your complaints;
- (b) indicate which of your Convention rights you think have been violated;
- (c) state what remedies you have used;
- (d) list the official decisions in your case, giving the date of each decision, the court or authority which took it, and brief details of the decision

itself.

Attach to your letter a copy of these decisions. No documents will be returned to you. Thus it is in your interest only to submit copies, not the originals.

8. The Registrar will reply to your letter. You may be asked for more information or documents or for further explanation of your complaints. You may be informed how the Convention has previously been interpreted in similar cases. However, the Registrar cannot advise you about the law of the State against which you complain.

9. If it appears from your correspondence with the Registrar that your complaint is one which could be registered as an application and you wish this to be done, you will be sent the necessary document on which to submit your formal application. After you have completed and submitted this, it will be brought to the attention of the Court.

10. You will be informed by the Registrar of the progress of your case. The proceedings are in writing at the initial stage. There is no point, therefore, in coming yourself to the-Court's offices.

11. If possible, instruct a lawyers to present your case for you. At a later stage in the proceedings, if you have insufficient means to pay a lawyer's fees, you may be eligible for free legal aid. But legal aid cannot be granted at the time when you lodge your application. It may be granted only if your application is found admissible.

UNIT 9

THE EUROPEAN UNION: A NEW TYPE OF INTEGRATION

Activity 1.

Skim through the text and try to understand its contents

The European Union is a family of democratic European countries committed to working together for peace and prosperity. Its population amounted to 487.297.627 people in 2007 when 27 countries became the EU Member States. The territory comes to 4.328,903 km.

The European Union is now regarded as a supranational legal and political entity, that is, in fact, unique. It is not a State intended to replace the existing states, but it is more than any international organization, it also contains some features of federation. The Community method involves a constant balancing of national and common interests, respect for the diversity of national traditions and the forging of a separate identity. It is an advanced form of integration. Its competence extends to the economy, industry, politics, citizen's rights and foreign policy. The Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. This pooling of sovereignty is also called "European integration".

The historical roots of the European Union lie in the Second World War. The idea of European integration was conceived to prevent such killing and destruction from ever happening again. It was first proposed by the French Foreign Minister Robert Schuman in his speech on May, 9, 1950. This date, the "birthday" of what is now the European Union, is celebrated annually as the Europe Day.

The EU was first and foremost created as an economic union. It was founded as European Economic Community. Creation and maintaining the EU's single market has been a prominent goal of the Community, ensuring the "four freedoms": free movements of people, goods, services and capital. Considered as a single economy the European Union is the largest in the world with a nominal gross domestic product (GDP) amounting to 31% of World economic output.

Politically the European Union is built around a common foreign and security policy. The objectives are as follows: 1) to safeguard the common values, fundamental interests and independence of the Union; 2) to strengthen the security of the Union and its Member States in all the ways; 3) to preserve peace and strengthen international security; 4) to promote international cooperation; 5) to develop-and consolidate democracy and the rule of law, and the respect for human rights and fundamental freedoms. These objectives can be successfully achieved in two ways: by cooperation between the Member States

in conducting their policy defining common positions and by gradually implementing common measures in the areas where the Member States share common interests.

Peace and reconciliation are central to the process of European integration. Not once since the end of the Second World War has Europe sought to impose its ideas on the rest of the world, other than by setting an example of how to solve problems by negotiation. The European Union is increasingly called upon to act as a mediator and a stabilizing force in world affairs. Almost a half century of European integration has had a profound effect on the development of the continent and the attitudes of its inhabitants. It also has changed the balance of power. All governments, regardless of political complexion, now recognize that the era of absolute national sovereignty has gone. Only by joining forces and working towards a "destiny henceforward shared" can Europe's old nations continue to enjoy economic and social progress and maintain their influence in the world.

Activity 2.

Study the following words and phrases.

to encourage	заохочувати, підтримувати
cultural identity and diversity	культурна самобутність та розмаїття
to seek solutions to problems facing European society	шукати вирішення проблем, що постають перед європейським суспільством
without further examination	без подальшого розгляду
on the merits of the case	щодо суті справи
to relinquish jurisdiction in favour of a Grand Chamber	відмовитися від юрисдикції на користь великої палати
to submit further evidence and written observations	подавати подальші докази та письмові зауваження
claims for just satisfaction	вимоги щодо справедливої сатисфакції
in the interests of the proper administration of justice	в інтересах належного здійснення правосуддя
subsequently	у подальшому
to harmonise and amend their own ' legislation	гармонізувати і змінювати своє власне законодавство
to comply with	дотримуватися

Activity 3.

Answer the following questions using the information from the text:

- 1) Why is the European Union unique?
- 2) Why do the European Union Member States "pool their sovereignty"?
- 3) How long has the European Union been developing (since, for)?
- 4) Can we make a conclusion that the European Union is one of the most powerful economic players at the global market?
- 5) What are the main political objectives of the European Union? How can the Member states achieve them?
- 6) What is the most effective way of solving intercontinental and international problems according to the text
- 7) How has the global balance of power changed with the European Union development?

Activity 4.

Complete the following sentences according to the information from the text:

1. The European Union can be defined as...
2. "A new type of integration" means ...
3. All European countries celebrate the EU "birthday" on ... because...
4. The European Union's single market ensures...
5. Common foreign and security policy is aimed...
6. The process of European integration has influenced ...
7. Joining their forces Europeans can ...

Activity 5.

Put the following statements in order as they are mentioned in the text:

1. In 1949 in Brussels W. Churchill said "The Europe we seek to unite is all Europe."
2. The European Union helps to secure a global balance of power.
3. The European Union operation is a hybrid of intergovernmentalism and supranationalism.
4. The European Union - comprising 27 states (as of January 2007)- is Europe's largest state entity in area and population.

5. Common foreign and security policy is one of the most important responsibilities of the European Union.

6. The original aim of the Community was economic integration: to create a common market, later defined as a Single Internal Market, in which there could be free movement of goods, persons, services and capital.

Activity 6.

Which words and phrases in the text have the following meaning:

- a) pooling of interests and giving full civil and membership rights;
- b) a state having indisputable right to make decisions and act accordingly;
- c) supremacy of law;
- d) organization that is beyond the authority and jurisdiction of one national government;
- e) discussion to bring about an agreement or result;
- f) the condition that exists when nations or other groups are not fighting;
- g) external policy;
- h) rights of individuals to liberty, justice etc.

Activity 7.

Choose the word or phrase that best complete the sentence:

1. European Union countries have common institutions to which they delegate some of their sovereignty.

- | | |
|-----------------------|-----------------------|
| (a) <i>set back</i> ; | (c) <i>set up</i> ; |
| (b) <i>set down</i> ; | (d) <i>set with</i> . |

2. The is fundamental to the European Union.

- | | |
|----------------------------|-------------------------------|
| (a) <i>rule of law</i> ; | (c) <i>golden rule</i> ; |
| (b) <i>standing rule</i> ; | (d) <i>rule of the road</i> . |

3. All European Union decisions and procedures are based on the , which are agreed by all the EU countries.

- | | |
|-----------------------|-----------------------|
| (a) <i>Commands</i> ; | (c) <i>Treaties</i> ; |
| (b) <i>Orders</i> ; | (d) <i>Decrees</i> ; |

4. In the early years, much of the between EU countries was about trade and the economy.

(a) *cooperation*;

(c) *cooperative*;

(b) *cooperate*;

(d) *cooperator*.

5. The EU treaties lay down the basic aims of the Community, establish the and their powers.

(a) *institutions*;

(c) *colleges*;

(b) *universities*;

(d) *firms*.

6. The is the main trend of development of the European communities and the Union.

(a) *federalization*;

(c) *consolidation*;

(b) *globalization*;

(d) *collaboration*.

7. The Member States created the Schengen area and introduced a single for foreigners on the basis of Schengen Agreements.

(a) *citizenship*;

(c) *visa*;

(b) *passport*;

(d) *license*.

Activity 8.

Translate the following sentences into English:

1. Європейський Союз є наднаціональним міжурядовим об'єднанням незалежних, демократичних держав.

2. Конституційний договір Євросоюзу був підписаний у Римі 29 жовтня 2004 року представниками всіх країн-учасниць.

3. Діяльність Євросоюзу охоплює майже всі сфери громадського життя: від економічної політики до закордонних справ, оборони, сільського господарства й торгівлі. Найважливішими установами Європейського Союзу є Рада Європейського Союзу, Європейська комісія, Європейський суд, Парламент Європейського Союзу, Європейський центральний банк, Європейська рада, Рахункова палата.

4. Найпершою метою Європейського Союзу була економічна інтеграція — створення спільного ринку.

5. Єдиний ринок, що існує в наші дні, охоплює митний союз, єдину валюту — євро, керовану Європейським центральним банком, єдину сільськогосподарську політику, єдину торговельну політику.

6. Європейський Союз покликаний оберігати спільні цінності та інтереси, зміцнювати безпеку всіх країн-членів, охороняти мир і зміцнювати міжнародну безпеку, сприяти міжнародному співробітництву, розвитку демократії та поваги до прав людини.

UNIT 10

COUNCIL OF EUROPE

Activity 1.

Skim through the text and try to understand its contents

Any European state can become a member of the Council of Europe provided it accepts the principle of the rule of law and guarantees human rights and fundamental freedoms to everyone under its jurisdiction.

The Council of Europe is an intergovernmental organisation which aims:
to protect human rights, pluralist democracy and the rule of law;

to promote awareness and encourage the development of Europe's cultural identity and diversity ;

to seek solutions to problems facing European society (discrimination against minorities, xenophobia, intolerance, environmental protection, human cloning, AIDS, drugs, organised crime, etc.);

to help consolidate democratic stability in Europe by backing political, legislative and constitutional reform.

The Council of Europe should not be confused with the European Union. The two organisations are quite distinct. The 25 European Union states, however, are all members of the Council of Europe. The Palace of Europe in Strasbourg (France) is the Council of Europe's headquarters.

The Council of Europe covers all major issues facing European society other than defence. Its work programme includes the following fields of activity: human rights, media, legal co-operation, social and economic questions, health, education, culture, heritage, sport, youth, local democracy and transfrontier co-operation, the environment and regional planning.

The Committee of Ministers is the Council of Europe's decision making body, and is composed of the Foreign Ministers of the 46 member states (or their Permanent Representatives). The Parliamentary Assembly is the Organisation's deliberative body, the members of which are appointed by national parliaments. The Congress of Local and Regional Authorities of Europe is a consultative body representing local and regional authorities. Governments, national parliaments and local and regional authorities are thus represented separately.

The Council of Europe periodically organises conferences of specialised ministers (for justice, education, family affairs, health, environment, local authorities, migration, equality between women and men, labour, mass media, culture, sport, youth, etc.).

The conferences analyse the major problems arising in their sectors and foster ongoing contact between ministries dealing with the same subject in member states. They work out projects to be implemented jointly, and propose activities for the Council's work programme.

The Council of Europe's work leads to European conventions and agreements in the light of which member states may subsequently harmonise and

amend their own legislation to comply with them.

Some conventions and agreements are also open for adoption by non member states. The results of studies and activities are available to governments in order to foster co-operation and social progress in Europe.

Activity 2.

Study the following words and phrases.

Council of Europe	Рада Європи
provided	за умови що
to accept	визнавати
the principle of the rule of law	принцип верховенства права
to guarantee human rights and fundamental freedoms to everyone under its jurisdiction	гарантувати права людини і основні свободи кожному, хто перебуває під її юрисдикцією
to aim	мати на меті
to promote awareness	сприяти обізнаності
to encourage	заохочувати, підтримувати
cultural identity and diversity	культурна самобутність та розмаїття
to seek solutions to problems facing European society	шукати вирішення проблем, що постають перед європейським суспільством
discrimination against minorities	дискримінація проти меншин
xenophobia	ксенофобія, ненависть до іноземців
intolerance	нетерпимість
environmental protection	захист довкілля
AIDS (acquired immune deficiency syndrome)	снід
to consolidate democratic stability	зміцнювати демократичну стабільність
to back	підтримувати
should not be confused with	не слід плутати з
to be distinct	відрізнятися, бути відмінним
headquarters	штаб-квартира
to cover all major issues facing European society	охоплювати всі основні проблеми, що постають перед суспільством
other than defence	крім оборони
heritage	спадщина
transfrontier co-operation	трансгранична співпраця

Permanent Representatives	постійні представники
Parliamentary Assembly	Парламентська асамблея
deliberative body	дорадчий орган
to be appointed by national parliaments	призначатися національними парламентами
to foster ongoing contact between ministries	зміцнювати постійні контакти між міністерствами
subsequently	у подальшому
to harmonise and amend their own ' legislation	гармонізувати і змінювати своє власне законодавство
to comply with	дотримуватися
to be available to governments	бути доступним для урядів

Activity 3.

Answer the following questions.

1. What requirements shall a state meet in order to become a member-state of the Council of Europe?
2. What problems does the Council of Europe seek solutions to?
3. What major issues facing European society does the Council of Europe cover?
4. What fields of activity does its work programme include?
5. How many states are members of the Council of Europe?
6. How many states are members of the European Union?
7. Is Ukraine a member of the Council of Europe or European Union?
8. Are members of the Parliamentary Assembly elected or appointed?
9. Who are they appointed by?
10. Which body of the Council of Europe is composed of Foreign Ministers of all member states?

UNIT 11

INSTITUTIONS OF THE COUNCIL OF EUROPE: COMMITTEE OF MINISTERS

Activity 1.

Skim through the text and try to understand its contents.

The Committee of Ministers is the Council of Europe's decision making body. It comprises the Foreign Affairs Ministers of all the member states, or their permanent diplomatic representatives in Strasbourg. It is both a governmental body, where national approaches to problems facing European society can be discussed on an equal footing, and a collective forum, where Europe's -wide responses to such challenges are formulated. In collaboration with the Parliamentary Assembly, it is the guardian of the Council's fundamental values, and monitors member states' compliance with their undertakings.

The Committee of Ministers' activities cover all questions of common political interest except defence: the political aspects of European integration, developing co-operation, safeguarding democratic institutions and protecting human rights - in other words, all problems which require concerted pan European solutions.

The Foreign Ministers of the member states meet at least twice a year to review political issues and matters of European co-operation and to give the necessary political impetus to the Council's activities. Their Deputies are, in practice, the governments' permanent representatives to the Council of Europe. They have the same decision-making powers as the Ministers and supervise the Council's activities. They meet once a week at ambassador level and their deliberations are supplemented by meetings of rapporteur groups and working groups which consider certain issues in depth before decisions are taken. Each minister chairs the Committee for a six-month term of office which traditionally changes in May and November. When projects are not supported by all member states, the Committee of Ministers has the option of launching them under partial agreements which allow some members to pursue joint activities in certain areas. On the other hand, enlarged agreements enable member states (or some of them) to work with certain non-member countries, offering them the benefit of the Council's permanent structure. The Committee of Ministers' decisions are sent to governments in the form of recommendations, or are embodied in European conventions and agreements which are legally binding on states that ratify them. The Committee also adopts declarations and resolutions on current political issues. Over 170 conventions have been drawn up. They are concerned mainly with human rights but cover other areas which affirm and strengthen the Council of Europe's democratic, social and cultural cohesion. Most decisions require a two-thirds majority of votes cast but a simple majority is sufficient for procedural questions. Conventions and recommendations are drafted by government experts responsible to the Committee of Ministers, thereby

providing for the interaction of political interests with technical and sectoral considerations. Many political initiatives are also taken at regular conferences of specialised ministers. The Council of Europe has set up programmes of co-operation and assistance for the new member states to allow them

to draw on the Council's experience. The programmes are based on the results of intergovernmental collaboration at the Council - its reference texts, networks of experts and co-operation structures. Their purpose is to consolidate, strengthen and accelerate democratic reform in these countries so that they can integrate gradually and harmoniously into the processes and structures of European co-operation, above all the Council of Europe. The Confidence-Building Measures Programme has been established with a view to supporting civil society initiatives aimed at improving reciprocal knowledge and co-operation between majority and minority communities.

Countries joining the Council undertake to accept the principles of the rule of law and their people's prerogative to basic human rights and fundamental freedoms. They also undertake to collaborate sincerely and effectively to achieve greater unity, and to facilitate their economic and social progress. Each member state is responsible for honouring these commitments and the Committee of Ministers ensures that they do so. In the event of a serious violation, the Committee of Ministers can suspend a member state's right of representation, invite it to withdraw or even decide that it has ceased to be a member of the Council.

The Committee of Ministers also ensures that conventions and agreements between member states are implemented. This is crucial in the case of human rights texts, the most important of which (the European Convention on Human Rights, the European Social Charter, the European Convention for the Prevention of Torture and the Framework Convention for the Protection of National Minorities) provide for supervisory machinery. The Committee of Ministers' responsibilities with regard to the European Convention on Human Rights reflect the importance of this convention, which is the cornerstone of the system of human rights protection in Europe. In supervising the execution by member states of the judgments of the European Court of Human Rights, the Committee of Ministers plays an essential role in maintaining the credibility of a system that is unparalleled in the world.

In accordance with the philosophy that has governed the Council's enlargement since the fall of the Berlin Wall, the Committee of Ministers has exercised its responsibilities in an impartial and constructive spirit, emphasising dialogue and the gradual establishment of political and material conditions conducive to positive development. To this end, the Committee has introduced a monitoring system, which ensures that all member states respect their obligations. It offers all members the conditions and resources needed to nurture the Council's founding values. The enlargement of the Council of Europe has led to significant changes in the organisation and role of the Committee of Ministers, with considerable development in the political aspect of its work.

The Council of Europe has strengthened its dialogue with Europe's elected representatives at national and local levels and extended its political discussions to non-member states, including a number of non-European states with observer status (the United States, Canada, Japan and Mexico). It has intensified its co-operation with other European organisations, particularly the European Union and the OSCE.

Activity 2.

Study the following words and phrases. Translate the text in writing.

approaches to problems facing European community	підходи до проблем, що постають перед європейським співтовариством
in collaboration with	у співпраці з
guardian of the Council's fundamental values	охоронець основних цінностей Ради
to monitor member states' compliance with their undertakings	здійснювати моніторинг дотримання державами-членами їхніх зобов'язань
to require concerted solutions	вимагати узгоджених рішень
to give the necessary political impetus to the Council's activities	надавати необхідний політичний стимул діяльності Ради
ambassador	посол
to supplement	доповнювати
binding on states that ratify them	обов'язкові для держав, що ратифікували їх
to affirm and strengthen cohesion	підтверджувати і зміцнювати згуртованість
to provide for	передбачати
responsible to the Committee of Ministers	відповідальний перед Комітетом Міністрів
to draw on experience	набувати досвід
intergovernmental collaboration	міжурядова співпраця
to integrate gradually and harmoniously	інтегруватися поступово і гармонійно
above all	передусім
with a view to supporting civil society initiatives	з метою підтримки ініціатив громадянського суспільства
to facilitate	полегшувати, сприяти
responsible for honouring these commitments	відповідальний за виконання зобов'язань
in the event of a serious violation	у випадку серйозного порушення
to suspend a member state's right of representation	призупинити право держави-члена на представництво
to invite it to withdraw	запропонувати їй відмовитись
Crucial	вирішальний
European Social Charter	Європейська соціальна хартія

Convention for the Prevention of Torture	Конвенція про запобігання катуванням
Framework Convention for the Protection of National Minorities	Рамкова конвенція про захист національних меншин
cornerstone	наріжний камінь
conducive to	сприятливий
to this end	з цією метою
to nurture the Council's values	плекати цінності Ради
observer status	статус спостерігача
OSCE	ОБСЄ

Activity 3.

Answer the following questions:

1. What body of the Council of Europe is the Committee of Ministers?
2. What issues do the Committee of Ministers' activities cover?
3. What does the Committee of Ministers monitor?
4. How often do Foreign Ministers of the member states meet?
5. What issues do Foreign Ministers discuss during the meetings?
6. Who chairs the Committee of Ministers?
7. How many votes do most decisions require?
8. What's the purpose of programmes of co-operation and assistance for the new member states?
9. What states enjoy observer status?
10. What can happen in the event of a serious violation if a member state fails to honour its commitments before the Council of Europe?

Activity 4.

Write a summary of the text.

UNIT 12

INSTITUTIONS OF EUROPEAN UNION

Activity 1.

Skim through the text and elucidate its meaning.

What sets the European Union apart from more traditional international organizations is its unique institutional structure. In accepting the European Treaties which are the basis for all EU decisions and procedures, Member States relinquish a measure of sovereignty to independent institutions representing national and shared interests. The institutions complement one another, each having a part to play in the decision-making process.

The Council of the European Union is the main decision-making and coordination institution. It is made of ministers from the Member States. Depending on the agenda each country is represented by the minister responsible for the subject (foreign affairs, finance, agriculture, etc.).

The Council enacts EU legislation. It is the Union's Legislature, although it shares this function with the European Parliament. The Council and the Parliament also have joint control over the Union's budget. The Council is responsible for coordinating the general economic policies of the Member States.

The Presidency of the Council rotates, changing hands every six months. The ground for the Council's decisions is prepared by the Coreper - a committee of Member States' permanent representatives to the EU. There is also a General Secretariat, based in Brussels.

The European Council is regular meetings of the Heads of Governments of the Member States and Heads of the Commission. The European Council meets at least twice a year, plays the role of the launch pad for EU's major political initiatives and a forum for settling controversial issues not resolved in the Council of European Union. It also deals with current international issues through the common foreign and security policy (CFSP), a mechanism devised to allow the Member States to align their diplomatic positions and present a united front.

The European Parliament provides a democratic forum for debate. It has a watchdog function and also plays a part in the legislative process.

The Parliament currently has maximum 750 seats. Directly elected every five years, the members of Parliament sit not in national blocks but in seven political groups. Each group reflects the political ideology of the national parties which its members belong to. Some members are not attached to any political group. Parliament's principle roles are as follows: examine and adopt European legislation under the co-decision procedure; this power is shared with the Council of European Union;

approve the EU budget; exercise democratic control over the other EU institutions; assent to important international agreements. Parliament normally meets in Strasbourg. Its 20 committees work in Brussels, Parliament's Secretariat is in Luxembourg.

As the guardian of the Treaties the European Commission represents the EU interests and ensures that regulations and directives are properly implemented. It can bring a case before the Court of Justice to ensure that the EU law is enforced. The Commission has sole right of initiative and can intervene at any stage in the legislative process to facilitate agreement within the Council or between the Council and Parliament. The European Commission consists of 27 representatives assisted by about 24000 civil servants, most of its staff work in Brussels.

The European Central Bank is in charge of the single currency, the EURO, and independently manages European monetary policy - deciding, for example, what the interest rates should be. The main objective is to ensure price stability, so that the European Economy will not be damaged by inflation. The bank issues binding acts. It is based in Frankfurt, Germany. The judicial system of the European Union consists of the European Court, the General Court and specialized courts. They are to ensure that EU law is interpreted and implemented in line with the Treaties, also check that EU instruments respect fundamental rights. The European Court is the main judicial organ and the only body with the power to give an opinion on the correct interpretation of the Treaties or the validity and interpretation of instruments enacted by the Community institutions.

The Court sits in Luxemburg and comprises 27 judges and 8 Advocates General appointed for a renewable six-year term by agreement between the Member States, which select them "from persons whose independence is beyond doubt".

The Court of Auditors checks if the funds available to the EU are used legally, economically and for the intended purpose. It is an independent body located in Luxembourg. The Auditors help European taxpayers to get better value for the money that has been channeled into the EU budget.

Activity 2

Choose the word or phrase that best complete the sentence:

1. European Central Bank is responsible for policy and managing the euro.

(a) *foreign;*

(c) *military;*

(b) *monetary;*

(d) *internal.*

2. The European Commission drafts proposals for new European laws, which it

presents to the and the Council.

- | | |
|--|-----------------------------------|
| (a) <i>European Court of Auditors;</i> | (c) <i>European Central Bank;</i> |
| (b) <i>European Parliament;</i> | (d) <i>Committee of Rights.</i> |

3. European Ombudsman deals citizens' complaints about maladministration by any EU institution or body.

- | | |
|------------------|-------------------|
| (a) <i>with;</i> | (c) <i>at;</i> |
| (b) <i>of;</i> | (d) <i>about.</i> |

4. The Council of the European Union - together with the European Parliament - sets the rules for all activities of the (EC).

- | | |
|---------------------------------|-----------------------------------|
| (a) <i>European Commission;</i> | (c) <i>European Central Bank;</i> |
| (b) <i>European Union;</i> | (d) <i>European Court.</i> |

5. The European Central Bank is the single currency, the euro.

- | | |
|--------------------------|-------------------------------|
| (a) <i>in charge of;</i> | (c) <i>to charge down;</i> |
| (b) <i>charged with;</i> | (d) <i>to charge against.</i> |

6. The European Court consists of one independent from each EU country and located in Luxembourg.

- | | |
|--------------------------|------------------------|
| (a) <i>investigator;</i> | (c) <i>prosecutor;</i> |
| (b) <i>notary;</i> | (d) <i>judge.</i> |

7. The European Investment Bank money for investment projects of European interest.

- | | |
|--------------------|--------------------|
| (a) <i>pays;</i> | (c) <i>lends;</i> |
| (b) <i>borrow;</i> | (d) <i>wastes.</i> |

8. The European Commission is appointed for a five-year term, but can be by Parliament.

- | | |
|-------------------------|--------------------------|
| (a) <i>discouraged;</i> | (c) <i>dissolved;</i> |
| (b) <i>dismissed;</i> | (d) <i>disappointed.</i> |

9. The main objective of the European Central Bank is price stability.

- | | |
|------------------------|--------------------|
| (a) <i>to ensure;</i> | (c) <i>engage;</i> |
| (b) <i>to enlarge;</i> | (d) <i>enrich.</i> |

Activity 3.

Translate the following passage into English:

Мови Європейського Союзу

Євросоюз має 23 офіційні і робочі мови: болгарську, чеську, датську,

голландську, англійську, естонську, фінську, французьку, німецьку, грецьку, угорську, італійську, ірландську, латвійську, литовську, мальтійську, польську, португальську, румунську, словацьку, словенську, іспанську, шведську. Важливі документи, такі як законодавство, перекладаються всіма офіційними мовами. Європарламент забезпечує переклад важливих документів, а також своїх пленарних сесій.

За мовну політику відповідає кожна з країн-членів, але установи Євросоюзу сприяють вивченню мов.

Найбільша кількість людей у Європі розмовляє німецькою (близько 88,7 млн у 2007 р.), наступними є англійська, французька, італійська. Найбільш уживаною іноземною мовою є англійська. 56 % громадян Європи здатні підтримати діалог другою мовою, відмінною від рідної.

Окрім 23 офіційних мов, існують близько 150 регіональних мов та мов національних меншин, якими розмовляють майже 50 млн. людей.

UNIT 13 TWENTY NINE AN ASSEMBLY FOR THE WHOLE OF EUROPE

Activity 1.

Skim through the text and elucidate its meaning.

The Parliamentary Assembly of the Council of Europe (PACE), which held its first session on 10 August 1949, can be considered the oldest international parliamentary Assembly with a pluralistic composition of democratically elected members of parliament established on the basis of an intergovernmental treaty. The Assembly is one of the two statutory organs of the Council of Europe, which is composed of the Committee of Ministers (the Ministers of Foreign Affairs, meeting usually at the level of their deputies) and the Assembly representing the political forces in its member states.

The statutory aim of the Council of Europe, which started with ten member states and now has 46, is to achieve greater unity among its members through common action, agreements and debates. The conditions for membership are pluralistic democracy, the rule of law and respect for human rights. Only those countries, which fulfill these criteria, can accede. Consequently some countries were only able to join the Organisation at a subsequent stage; i.e. Portugal in 1976, Spain in 1977. Greece was obliged to withdraw from the Council of Europe in 1970 for a period of four years.

The Knesset of Israel has participated in the work of the Parliamentary Assembly as an Observer since 1957, the Parliament of Canada since May 1997 and the Parliament of Mexico since November 1999.

The United States of America were granted Observer status with the Council of Europe on 10 January, Canada on 29 May, Japan on 21 November 1996 and Mexico on 7 December 1999.

The democratisation process in Central and Eastern Europe led to Hungary's accession in 1990, Poland's in 1991, Bulgaria's in 1992 and Estonia, Lithuania, Slovenia and Romania in 1993. That of the Czech Republic and the Slovak Republic replaced Czechoslovakia's accession from 1991 in 1993. Latvia joined the Council of Europe on 10 February, Moldova and Albania on 13 July and Ukraine and the former Yugoslav Republic of Macedonia on 9 November 1995. The Russian Federation acceded on 28 February, Croatia on 6 November 1996, Georgia on 27 April 1999, Armenia and Azerbaijan on 25 January 2001, Bosnia and Herzegovina on 24 April 2002 and Serbia and Montenegro on 3 April 2003.

The accession process usually begins with a request to the Secretary General of the Council of Europe, who transmits it to the Committee of Ministers for consideration. The latter consults the Parliamentary Assembly, which in turn examines whether the candidate fulfills all the necessary requirements. This is done by an on-the-spot visit by parliamentary committees and also, since the 90s, by fact-finding missions by eminent jurists. Although not

a statutory provision, it has also become customary to require the acceptance of the European Convention on Human Rights and Fundamental Freedoms by any new candidate. The Opinion adopted by the PACE then determines the invitation from the Committee of Ministers to the State to become a full member.

In order to facilitate the process of accession of the countries from Central and Eastern Europe, the Assembly introduced in 1989 a so-called special guest status, applicable to all national legislative assemblies of European non-member states, which have signed the Helsinki Final Act and the Charter of Paris for a New Europe. The decision to grant special guest status is taken by the Bureau of the PACE.

The National Assembly of Belarus obtained the status on 16 September 1992 but it was suspended on 13 January 1997 by a decision of the Bureau. The number of seats allocated to each special guest delegation is the same (although without substitutes) as that likely to be attributed when becoming a full member.

Special guests have many rights in the Assembly and in committees (except in the Joint Committee, the Monitoring Committee and the Committee on Rules of Procedure and Immunities), with the exception of the right to vote or to stand for election.

The Parliamentary Assembly is the Council of Europe's deliberative body. Its 582 member (291 representatives and 291 substitutes) are drawn from the 46 national parliaments.

The Council of Europe's Parliamentary Assembly was the first European assembly to be created in the history of our continent. With delegations from 46 national parliaments, it is the most widely-based European assembly.

The Assembly is free to choose its own agenda; it deals with topics of current or potential importance including problems of contemporary society and aspects of international politics.

Its deliberations are important in guiding the activities of the Committee of Ministers. These deliberations also influence governments when members relay them to their national parliaments.

The historic events in central and eastern Europe at the end of the century set the Assembly a unique challenge, that of helping to bring these countries into the fold of European democracies and encouraging genuine parliamentary co-operation between all European nations. Thus, the special guest status created by the Parliamentary Assembly in 1989 allowed parliamentary delegations from the emerging pluralist democracies of central and eastern Europe, which were not full members of the Organisation, to attend the Assembly's plenary sessions and committee meetings. The contacts and exchanges thus established encouraged the process of democratisation in these countries and facilitated their accession to the Council of Europe. Parliaments of four countries currently benefit from special guest status.

The Parliamentary Assembly's members and their 291 substitutes are elected or appointed by national parliaments from among their own members.

Such country has between 2 and 18 representatives depending on the size

of its population: Albania (4), Andorra (2), Austria (6), Belgium (7), Bulgaria (A), Croatia (5), Cyprus (3), Czech Republic (7), Denmark (5), Estonia (3),

I inland (5), France (18), Georgia (5), Germany (18), Greece (7), Hungary (7), Iceland (3), Ireland (4), Italy (18), Latvia (3), Liechtenstein (2), Lithuania (4), Luxembourg (3), Malta (3), Moldova (5), Netherlands (7), Norway (5), Poland (12), Portugal (7), Romania (10), Russia (18), San Marino (2), Slovakia (5), Slovenia (3), Spain (12), Sweden (6), Switzerland (6), "the lormer Yugoslav Republic of Macedonia" (3), Turkey (12), Ukraine (12), United Kingdom (18)

All the main national political parties should be represented.

The Assembly meets quarterly for a week in plenary session in the Chamber of the Palaisde l'Europe in Strasbourg. Sitzings are public. It also holds a spring meeting in one of the member states. The Assembly elects its president from among its members, traditionally for three consecutive one- year terms. The President, Vice-Presidents (17 at present) and the Chair of the 5 political groups form the Bureau of the Assembly. The Assembly also elects the Council of Europe's Secretary General and Deputy Secretary (general, the Secretary General of the Assembly and the judges of the European Court of Human Rights.

Its work is prepared by specialist committees dealing with: political affairs, legal affairs and human rights, social, health and family questions, culture and education, environment, regional planning and local authorities, science and technology, agriculture and rural development, economic affairs and development, migration, refugees and demography, relations with national parliaments and the public; equal opportunities for women and men; and the honouring of obligations and commitments by member states.

The Assembly provides a discussion forum for other international organisations such as the OECD, the European Bank for Reconstruction and Development (EBRD), the European Space Agency and several specialised agencies of the United Nations. Non-governmental organisations take part in a certain number of committees as observers and provide a valuable input to important events organised by the Assembly.

The texts adopted by the Assembly provide guidelines for the Committee of Ministers, national governments, parliaments and politic.il parties. The Assembly has also initiated many international treaties, known us European conventions, which form the basis of a truly European system of legislation. The best known of these is the European Convention on Human Rights, opened for signature in 1950.

The Assembly also holds regular conferences, symposia and public parliamentary hearings on major topical issues such as: violence, intolerance, the environment, immigration, drugs, bioethics and the media. These hearings take the form of a dialogue between parliamentarians and specialists.

The Council of Europe plays an important part in shaping common European legislation. Its work is in three main areas:

modernising and harmonising national legislation in line with the

principles of democracy, human rights and the rule of law ;

improving justice by simple and flexible judicial procedures ; seeking common solutions to the legal and ethical problems arising from scientific and technical progress by adopting regulations to cover the problems facing modern societies.

The Council of Europe has been the driving force behind many European treaties and has been directly instrumental in harmonising European legal systems.

Two forms of legal instrument result from the Council of Europe's work in this field: conventions and recommendations.

Conventions are essential instruments of legal co-operation between states. They are binding on states which ratify them.

Council of Europe multilateral conventions are instruments not only of co-operation but also of simplification: one such convention can replace dozens of bilateral conventions between member states.

Not all questions need to be regulated by conventions. The Committee of Ministers also adopts recommendations which are addressed to governments of the member states, giving guidelines for national legislation or administrative practice. These represent, for the governments, a means of proposing effective and practical solutions to new problems.

Most Council of Europe conventions are open to non-member states, so this form of international legal co-operation has extended beyond its members.

The conventions in question relate, for example, to: extradition;
protection of wildlife and natural habitats ;
the laundering of the proceeds of crime ; doping in sport; bioethics and cloning, etc.

The principle Activity of PACE Secretariat is to serve, in its best possible way, the Parliamentary Assembly.

The Council of Europe's Secretariat has a permanent staff of about 1 300 drawn from the 46 member states. It is headed by the Secretary General - currently Terry Davis (UK) - who is elected for a five-year term by the Parliamentary Assembly and who co-ordinates and directs the Council's activities.

Activity 2.

Study the following words and phrases and translate the text consulting the list of Ukrainian equivalents.

to achieve greater unity among its members	досягти більшого єднання між її членами
to accede	приєднатись
to withdraw from the Council of Europe	вийти із Ради Європи
to grant observer status	надати статус спостерігача
accession process	процес приєднання

consecutive terms	послідовні строки
to transmit to the Committee of Ministers for consideration	передавати Комітетові Міністрів на розгляд
to allocate	виділяти
fact-finding missions by eminent jurists	місії, під час яких видатні юристи з'ясовують факти
guidelines	основні напрямки
to meet quarterly	зустрічатися щоквартально
science and technology	наука і техніка
agriculture and rural development	сільське господарство і розвиток села
refugees	біженці
European Bank for Reconstruction and Development	Європейський банк реконструкції та розвитку
non-governmental organisations	неурядові організації
equal opportunities for women and men	рівні можливості для жінок і дітей
to harmonise national legislation in line with the principles of democracy	гармонізувати національне законодавство у відповідності з засадами демократії
to improve justice	удосконалювати правосуддя
to seek common solutions	шукати спільних рішень
instrumental	важливим
simplification	спрощення
dozens of bilateral conventions	десятки двосторонніх конвенцій
extradition	екстрадиція
protection of wildlife and natural habitats	захист дикої природи і середовищ перебування диких тварин і рослин
laundering of the proceeds of crime	відмивання прибутків від злочинів
багатосторонні конвенції	multilateral conventions
permanent staff	постійний штат

Activity 3

Answer the following questions.

1. What is the statutory aim of the Council of Europe?
2. Which countries can accede to the Council of Europe?
3. What countries enjoy the observer status?

4. What does the number of representatives from each country depend on?
How many countries have 18 representatives?
5. What is the smallest number of representatives to the Parliamentary Assembly?
6. Who are representatives appointed or elected by?
7. How many representatives were elected from Ukraine?
8. What international treaties has the Assembly initiated?
9. What does the Committee of Ministers also adopt giving guidelines for national legislation or administrative practice?
10. sumir.

Activity 4.

Give a summary of the text.

UNIT 14

EUROPEAN UNION LAW

Activity 1.

Skim through the text and try to understand it without a dictionary.

The Law of the European Union is the unique legal system which operates alongside the laws of Member States of the European Union (EU).

The EU law has direct effect within the legal systems of its Member States, and overrides national law in many areas, especially in terms of economic and social policy.

The European Union is not a federal government, nor is it an intergovernmental organization. It constitutes a new legal order in international law for the mutual social and economic benefit of the Member States. It is sometimes classified as supranational law.

The European Union law has evolved gradually over the last 56 years. When the Treaty of Paris was signed in 1951, it established the European Coal and Steel Community (ECSC), and comprised just six Member States.

Five years later the European Economic Community (EC) was founded by the same six Member States, and then they signed EUROATOM (European Atomic Energy Community Treaty).

The original aim of the Community was economic integration: to create a common market, later defined as a Single Internal Market, in which there could be free movement of goods, persons, services and capital. This was to be achieved by the creation of a free trade area, where Member States agreed to remove all customs duties and quotas (restrictions on the amount of goods imported across Member States frontiers) between themselves, and a customs union, in which all members agreed to impose on goods coming into the area from non-member states a common level of duty (the Common Customs Tariff).

Now there are around 500 million EU citizens in 27 Member States subject to the EU law, making it one of the most encompassing modern legal systems in the world.

The sources of the EU law are: 1. the Treaties - primary legislation (the Treaty on the Functioning of the European Union (Lisbon Treaty), the Treaty on the European Union Maastricht Treaty;

2. secondary legislation enacted by the European Union (such as regulations and directives);

3. general principles, including fundamental human rights, and citizenship of the EU for every national of a Member State;

4. decisions of the European Court. The EU Treaties are directly applicable in every Member State. Accession to the Community limits the power of national

governments

and affects national sovereignty - the power to govern. The European Union law has supremacy over, that is, overrides national law.

There are five types of legal acts the European Union uses: - Treaties - directly applicable. - Regulations - have general applications and are binding in their entirety on all Member States and have direct effect, meaning they automatically become law in Member States.

- Directives - are binding on Member States as to their result but do not bind individuals until they have been transposed into national law (implemented).

- Decisions of the European Court - are binding on those to whom they are addressed.

- Recommendations and opinions - have no binding force but may be persuasive, that is, have influence.

Activity 2.

Study the following words and phrases

within the framework of joint programmes	в межах спільних програм
fair and lawful collection and use	справедливе і законне збирання та використання
electronic transfer of personal information	електронне передавання особистої інформації
to grant observer status	надати статус спостерігача
accession process	процес приєднання
consecutive terms	попередні строки
to transmit to the Committee of Ministers for consideration	передавати Комітетові Міністрів на розгляд
to allocate	виділяти
fact-finding missions by eminent jurists	місії, під час яких видатні юристи з'ясовують факти
guidelines	основні напрямки
to meet quarterly	зустрічатися щоквартально
science and technology	наука і техніка
agriculture and rural development	сільське господарство і розвиток села
refugees	біженці
European Bank for Reconstruction and Development	Європейський банк реконструкції та розвитку
non-governmental organisations	неурядові організації

equal opportunities for women and men	рівні можливості для жінок і дітей
to harmonise national legislation in line with the principles of democracy	гармонізувати національне законодавство у відповідності з засадами демократії
to improve justice	удосконалювати правосуддя
to seek common solutions	шукати спільних рішень

Activity 3.

Answer the following questions using the information from the text:

1. Why is the EU legal system thought to be unique?
2. How did the EU law develop?
3. What are the sources of the EU law
4. What types of legal documents are used by the European Union?

Activity 4.

Are the following statements true or false? Find reasons for your answers in the text

1. Member States are required to incorporate the European legislation into national law and to recognize the jurisdiction of the European Court in matters of the EU law.
2. The national legislation of Member States takes precedence over Union rtils.
3. National sovereignty is not affected by the membership of the European Union.
4. Recommendations and opinions have neither binding force nor influence national governments.
5. Directives bind individuals of Member States after implementation into national law.

Activity 5.

Find in the TEXT the names of LEGAL ACTS for the following definitions:

- 1) a formal agreement made and signed between nations; lays down the basic aims of the European Union, establishes the institutions and their powers,

formulates the policies of the European Union;

2) a normative act that lays down general rules which are binding both at the European Union and national level, replaces any existing and conflicting rule in domestic legal system, automatically becomes a part of law of any Member State.

3) a general or detailed instruction addressed only to each Member State to bring its legal system into exact conformity with the objectives specified in this act, binding only as to result to be achieved';

4) a conclusion, judgment binding in its entirety upon those to whom it is addressed (may be addressed either to states or individuals), not intended to have general application;

5) an act proposing some actions to be performed, not binding for Member States;

6) a judgment or instruction given by experts or institutions, not binding for Member States.

UNIT 15

DEMOCRACY THROUGH LAW

Activity 1.

Skim through the text and try to understand it without a dictionary.

The European Commission for Democracy through Law, also known as the Venice Commission, is a Partial Agreement of the Council of Europe and was established in May 1990. In October 1999, the Commission totalled 39 member states, 5 associate members and 8 observers.

The Commission studies constitutional, legislative and administrative measures which serve to establish the basic principles of the Council of Europe. Member states are able to consult it when developing their constitution processes.

The main issues currently on the Commission's agenda are: constitutional justice and constitutional reform, in particular activities aimed at developing and consolidating democratic stability ;

the participation of persons belonging to minorities in public life ;

federal and regional states ;

constitutional law and European integration ;

the legal foundation of foreign policy.

Venice Commission studies on themes of comparative law are usually published in the series "Science and Technique of Democracy". The Commission edits the Bulletin on Constitutional Case-Law, which contains summaries of the most important decisions from constitutional courts and equivalent bodies of around 46 countries, as well as the European Court of Human Rights and the Court of Justice of the European Communities.

The Demo-droit and Themis programmes are concerned with developing and consolidating democratic stability, assisting with the reform of legal systems according to the rule of law, and helping the countries involved to integrate into the structures of European co-operation, in particular the Council of Europe.

Different activities are organised, such as multilateral and bilateral seminars, workshops, expert opinions on legislation and assistance in setting up training institutions for legal and judicial professions and study visits. A number of co-operation activities have been set up within the framework of joint programmes with the European Commission.

The European Convention on Data Protection defines a number of principles for the fair and lawful collection and use of personal information. This is a topical question in view of the increasing possibilities for the electronic transfer of personal information worldwide ;il high speeds, forexample on the Internet.

Two examples of direct results of Council of Europe conventions: the Council of Europe's European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities has greatly improved

co-operation in towns and villages on either side of Europe's frontiers ;

the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children ensures that children of divorced parents can be returned to their legal guardian quickly.

Activity 3.

Study the following words and phrases :

Agenda	порядок денний
summaries of the most important decisions	стислі виклади найважливіших рішень
workshops	семінари
constitutional courts and equivalent bodies	конституційні суди та еквівалентні органи
Demo-droit	демократія через право (франц. мовою)
expert opinions on legislation	висновки експертів щодо законодавства
study visits	ознайомчі візити
within the framework of joint programmes	в межах спільних програм
fair and lawful collection and use	справедливе і законне збирання та використання
electronic transfer of personal information	електронне передавання особистої інформації
Transfrontier Co-operation	Трансгранична співпраця
Recognition and Enforcement of Decisions concerning Custody of Children	визнання і виконання рішень стосовно опіки над дітьми
Restoration of Custody of Children	поновлення опіки
divorced parents	розлучені батьки

Activity 3.

1. When was the European Commission for Democracy through Law established?
2. What are the main issues currently on the Commission's agenda?
3. What summaries does the Bulletin on Constitutional Law contain?
4. What programmes are concerned with developing and consolidating democratic stability, assisting with the reform of legal systems according to the rule of law?
5. Could you give examples of direct results of Council of Europe conventions?

6. What principles does the European Convention on Data Protection define?

Activity 4.

Write a summary of the text.

UNIT 16

THE EUROPEAN COURT

Activity 1.

Skim through the text and try to understand it without a dictionary.

The European Court is the highest court in the European Union. The Court was established in 1952 by the Treaty of Paris (1951) and is based in Luxembourg City-unlike most other Union institutions which are based in Brussels. The EC is the highest court of the European Union in matters of European Union law, but not national law with each Member having its own legal system. It makes sure that EU-level legislation is interpreted and applied in the same manner across the whole European Union. This is to avoid national courts interpreting the same legislation differently. Its decisions are binding, ensuring Member States, and institutions follow the law. For example if a state fails to implement a directive or the Commission acts outside its power. The Court can also settle legal disputes between states, institutions, businesses and individuals. It is the responsibility of the European Court to ensure that the law is observed in the interpretation and application of the Treaties of the European Union and of the provisions laid down by the competent European Union institutions. To enable it to carry out that Activity, the Court has wide jurisdiction to hear various types of action.

The European Court is composed of one judge per Member State and eight Advocates General. The Court is led by a President. The President of the European Court is elected from among the judges every three years. The President presides over hearings and deliberations, directing judicial business and administration (for example, the time table of the Court). The Judges and Advocates General are appointed by common accord of the governments of the Member States and hold office for a term of six years. They are chosen from legal experts whose independence is "beyond doubt" and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are of recognized competence. However, as the European Court can only sit with an uneven number of judges, additional judges have been appointed at times when there was an even number of Member States.

The European Court sits as a full Court, in a Grand Chamber (13 Judges), or in chambers of three or five Judges. It sits in a Grand Chamber when a Member State or a Community institution that is a party to the proceedings so requests, or in particularly complex or important cases. Other cases are heard by a chamber of three or five Judges. The quorum for the full Court is 15. The Court acts as a collegiate body: decisions are made by the Court rather than by individual judges.

There are other courts that consider legal problems in the European Union. The other body of the European Union judicial system is the General Court

which give rulings on certain cases, particularly those brought by private individuals, companies and some organizations. It also deals with competition law.

The Civil Service Tribunal deals with disputes between the European Union and the European civil service, and Court of Auditors considers problems of the Union's accounts.

The European Court should not be confused with the European Court of Human Rights in Strasbourg, which is part of the Council of Europe, which supervises compliance with the European Convention on Human Rights and functions as the highest European court for human rights and fundamental freedoms.

Activity 2.

Answer the following questions:

- 1) How long has the European Court considered the EU cases and problems?
- 2) What country is the European Court located in?
- 3) What does the Court ensure
- 4) Why are the European Court decisions binding for all Member States?
- 5) How is the Court organized?
- 6) What are the responsibilities of the European Court President?
- 7) Who can become a judge of the European Court?
- 8) What other Courts are mentioned in the Text?

UNIT 17

Crimes Against Property

Activity 1.

Read and translate the text.

The category of crimes against property includes two groups—crimes in which property is destroyed and crimes in which property is stolen or taken against the owner's will. During the late 1990s, there were fewer crimes against property, in part because Americans developed better ways to prevent these crimes.

Arson and vandalism are examples of crimes involving the destruction of property. Arson is the intentional and malicious burning of another person's property. In most states it is a crime to burn any building or structure, even if the person setting the fire is the owner. Vandalism is the wilful destruction of or damage to another person's property. Effects of vandalism include broken windows, graffiti, and damage to cars.

There are many other categories of crimes that involve taking property against the will of the owner. Larceny is the unlawful taking and carrying away of another person's property with the intent never to return it to the owner. Most states identify larceny as either grand or petty. Grand larceny—which is a felony—occurs when anything above a certain value is stolen. Petty larceny is a misdemeanour that involves the theft of anything of small value.

Robbery is the taking of property from a person's immediate possession by using force or threats, while burglary is the unlawful entry into any dwelling or structure with the intention to commit a crime. A person who is entrusted with property but then takes it unlawfully is guilty of embezzlement. Extortion, which is also called blackmail, takes place when one person uses threats to obtain another person's property. The threats may include harm to the victim's body, property, reputation, or loved ones.

Other crimes against property include forgery, receiving stolen property, and unauthorized use of a vehicle. The Internet has led to an increase in computer crime, which is any unlawful use of a computer or computer technology. It can involve such acts as the use of a computer to make fake identifications or the intentional spreading of a computer virus.

Activity 2.

Study the following words and phrases

crimes against property	злочини проти власності
to destroy	нищити, руйнувати
to steal (stole, stolen)	красти

Stolen	Крадений
Stealage	Крадіжка
Stealer	Крадій
arson	Підпал
vandalism	вандалізм
destruction	нищення, руйнування
Intentional	Умисний
Malicious	Зловмисний
damage	Пошкодження
Larceny	Крадіжка
Thievery	Крадіжка
Thieve	красти
Thief	Крадій
to return	Повертати

Activity 3.

Summarize what you have read. Give the gist of the text.

Activity 4.

Give a list of crimes against property.

UNIT 18

The Shoplifter

Activity 1.

The paragraphs in this text are given in the wrong order. Find the right order. Read and translate the text.

1. At that moment, he felt a hand on his shoulder. «Young man,» said the owner of the shop, «I saw you steal a bracelet. I'll have to call the police.» Joe went pale. «Oh, no. Don't do that. I'll pay for the bracelet. Yes, I'll pay for it.))
2. On the day he left prison, first he had a good meal in a restaurant, after that he went to the cinema. He enjoyed being free again. He took a long walk looking at the windows. He had a few dollars and he wanted to buy a present for his girlfriend. He saw a pretty silk dressing gown in one window but he didn't like the colour, he saw a green and white striped cotton blouse in another shop window but he didn't like the pattern.
3. John Smith was a thief. He had been in prison several times. Last time he was sentenced to ten months in prison for shoplifting when he tried to steal a silver necklace for his girlfriend.
4. Then he went into a jeweller's shop. There he saw a nice gold bracelet on the counter. He has always wanted a present like that. He had a quick look around and saw nobody was watching him. The assistant was showing a diamond engagement ring to a customer. The next minute the gold bracelet was in Joe's pocket and he started for the door.
5. He looked at a fur cap in another shop but it was too expensive. Then he saw a nice leather belt and first he thought that his girlfriend would also like it. He was just going to buy it but he changed his mind and thought it would make a poor present.
6. The owner of the shop then took a look at the gold bracelet and said "All right. It'll be \$600.» «Well,» said Joe, (wouldn't you show me anything cheaper? I really can't afford to spend that much.»

Activity 2.

Study the following words and phrases

felony	кримінальний злочин
value	Вартість
misdemeanor	Проступок
robbery	Пограбування

to use force or threats	застосувати силу чи погрози
burglary	берглері (крадіжка зі зі взломом в приміщенні)
unlawful entry	незаконне проникнення
to commit a crime	скоїти злочин
embezzlement	розкрадання
extortion	злочинне вимагання
Blackmail	Шантаж
Forgery	підробка, фальсифікація
computer crimes	комп'ютерні злочини
Data	Дані
attempted robbery	спроба пограбування
completed robbery	здійснене пограбування
victim	Жертва
to be injured	бути пораненим
to require hospital treatment	потребувати лікування у лікарні

Activity 3.

Now that you have the paragraphs arranged in the right order make a plan of the story.

Activity 4.

Delete unessential details and give a summary of the story.

UNIT 19

Robbery

Activity 1.

Skim through the text

Statistically, robberies have reached alarming numbers in the United States. The United States Bureau of Justice Statistics, drawing from data provided by the National Crime Survey, reports that:

1. Sixty-three percent of the 14,681,000 robberies attempted between 1973 and 1974 were completed. They cost \$4.4 billion in stolen cash and property. One in three victims was injured, one in 10 so seriously that they required hospital treatment. Almost a quarter (23 percent) both lost property and were injured.
2. The average theft loss was \$447.
3. Most robberies were committed by a stranger, and half - by more than one offender.
4. Offenders displayed weapons in almost half of all robberies.
5. Robbery victims were much more likely than rape or assault victims to face two or more offenders.
6. Robbery offenders were more likely than other violent offenders to use weapons.
7. Slightly more than half of all robberies were reported to the police.
8. In almost 90 percent of robberies the suspects are male. Not surprisingly, most robberies occur in metropolitan areas.

Black males tend to be robbed at twice the rate of black females and at two and a half times the rate of white males. In about half the cases the suspects use weapons, with guns being the weapon of choice in more than 20 percent of the cases. Statistics also indicate that offenders using guns have a higher probability of carrying out the robbery than those using other weapons.

Most robberies occur on the street after dark. About 60 percent of robberies in which an injury occurs happen during evening hours. However, most purse snatchings (66 percent) occur during the day. Most victims do not perceive that they are about to be robbed. The actual event takes place in a relatively short period of time. In such cases the victim may tend to perceive things that did not occur, and care should be taken to walk the victim through a reconstruction of events. This may prove helpful in developing an MO (modus operandi) and in searching through files for similar cases.

The investigator should be aware that victimization studies indicate that a significant number of robberies (36 percent of completed robberies and 63 percent of attempted robberies) are never reported to the police. This fact can be

important because the investigator may want to use the media and other community resources to ask victims who have not reported the crime to come forward in order to develop information about suspects and their description.

Activity 2.

Study the following words and phrases

to report to the police	повідомляти до поліції
Suspect	Підозрюваний
to suspect	Підозрювати
to carry out the robbery	здійснити пограбування
purse snatching	вихоплення сумочок
modus operandi (MO)	спосіб скоєння злочину
Investigator	Слідчий
victimization studies	Віктимологія
Definition	Визначення

Activity 3.

Find the sentences that comprise the most important information.

Activity 4.

Render the text according to the following scheme:

This text is entitled It deals with At the beginning of the text the author says that.... He focuses on He also gives a description of the work of... . Then he proceeds with In conclusion he writes....

UNIT 20

Definitions

Activity 1.

Read and translate the text.

Generally, robbery involves the taking of property from a person by the use or the fear of force. The Model Penal Code offers the following definition:

A person is guilty of robbery if, in the course of committing a theft, he/she:

- (a) inflicts serious bodily harm upon another; or
- (b) threatens another with or purposely puts him in fear of serious bodily injury; or
- (c) commits or threatens to commit any felony of the first or second degree.

An act shall be deemed «in the course of committing a theft» if it occurs in an attempt to commit theft or in flight after the attempt or commission.

Robbery is generally defined for statistical purposes as:

The unlawful taking or attempted taking of property that is in the immediate possession of another, by force or threat of force.

Because theft or attempted theft is an important element of robbery, the investigator should be familiar with the definitions of theft and related offences. The definitions from the Model Penal Code provide general information. However, the investigator must be thoroughly familiar with the definitions of the jurisdiction in which he/she works.

When a victim has been robbed before, he/she may be able to provide details resulting from that unique experience. Sometimes victims (particularly males) experience problems because they did not act as they felt they should. Care should be taken to assure the individual that a lack of action or resistance was a wise course. In addition to information provided by victims and witnesses, the investigator should identify and gather any physical evidence.

Activity 2.

Study the following words and phrases

Theft	Крадіжка
to inflict seriously bodily	наносити серйозні тілесні

harm upon another	пошкодження іншому
to threaten	погрожувати
to commit a felony	скоїти кримінальний злочин
to be in the immediate possession of another	перебувати в прямому (безпосередньому) володінні іншим
Resistance	опір, спротив
physical evidence	речові докази
average age	середній вік

Activity 3.

Summarise what you have read. Give the gist of the text.

UNIT 21

Robbery Suspect

Activity 1.

Read and translate the text.

The average age of arrest for robbery suspects is 24. Younger suspects tend to operate within a geographical radius of two miles from their residence. Blacks and males are over-represented in robbery arrest statistics, with males making up more than 90 percent of the offenders and blacks making up more than 60 percent. For the most part, these offenders are also likely to commit street and commercial robberies with relatively little advance planning. They also are likely to commit multiple offenses in a relatively short period of time, frequently under the influence of alcohol or drugs.

Most robberies involve more than one offender operating against a single victim. About one-third of robberies involve three or more offenders. The number of offenders is usually age related. Young robbers tend to act in groups, whereas older robbers frequently operate alone or with a partner.

Investigation of youthful robbers will focus largely on patterns and modus operandi. Although these suspects may have prior arrest records, they may be difficult to retrieve because they were handled in a juvenile court and are unobtainable. Nevertheless, the frequency of events is in the investigator's favor. Information should be sought from youth investigators, informants, neighborhood residents, and others who have access to possible suspects.

Professional robbers are more likely to be older and to have a prior arrest record. Frequently they have been convicted of a crime. Of those paroled for robbery, 64 percent are rearrested for some crime, 45 percent are convicted, and 40 percent return to prison. Older offenders are more likely to plan the act. Well-planned and executed robberies will usually be obvious to the investigator and will involve large sums of money or merchandise. The professional robber is also much more likely to operate over a wide geographic area, in some cases across jurisdictional boundaries and even state lines. He is also more likely to use firearms, automobiles, masks or disguises. In some instances, professionals use hand-held radios for communication and monitor police radio frequencies.

The professional robber represents a different challenge than the so-called opportunist robber who selects victims by chance. Because this type of robbery is executed less frequently and over a wider geographic area, it is much more difficult to establish a pattern or useful MO. In these cases the investigator must

resort to the use of records, physical evidence, and robbery analysis techniques to be successful.

Activity 2.

Study the following words and phrases

offender	злочинець, правопорушник
to commit multiple offenses	вчинити численні злочини
under the influence of alcohol or drugs	під впливом алкоголю чи наркотиків
to have prior arrest records	мати записи про попередні арешти
juvenile court	суд для неповнолітніх
to be unobtainable	бути недосяжним
to be paroled for	бути засудженим за

Activity 3.

Find the most important facts in the text you have read. Delete the unessential information.

Activity 4.

Write a summary of the text using the following key words:

average age;	to focus on; prior arrest records;
tend to operate;	to have access to;
over-represented;	to convict of a crime;
to make up more than;	to be paroled for robbery;
are likely to commit;	to involve large sums of money;
multiple offenses;	professional robber;
under the influence of alcohol or drugs;	so-called opportunist robber;
a single victim; to act in groups;	to use firearms, masks or disguises;
to operate alone or with a partner;	to resort to the use of records.

UNIT 22

Physical Evidence

Activity 1.

Read the text.

General crime scene protection and search measures should be observed at the robbery scene and in other key locations, such as a vehicle recovered after use in the crime. Some specific types of physical evidence should be considered at robbery scenes:

1. Footprints may be present.
2. Fingerprints may be left in proximate locations. For example, the suspect in a store robbery may have handled merchandise prior to carrying out the robbery; in a bar there may be fingerprints on the glass or bottle used; in a handbag snatching in which the item is recovered there may be fingerprints on the handbag or its contents, or footprints where it was recovered. There may also be fiber traces on recovered material.
3. Saliva may be present on discarded facial masks.
4. Body secretions, fiber evidence, or other trace materials may be present on the victim's clothing if there was a scuffle or the use of force.

Activity 2.

Study the following words and phrases

crime scene protection	захист місця злочину
search measures	пошукові заходи
footprints	відбитки слідів ніг
fingerprints	відбитки пальців
fiber traces	залишки волокна
saliva	Слина
body secretions	секреція
Scuffle	бійка, сутичка
to deprive	Позбавляти
large segment of society	значний прошарок суспільства

Activity 3.

Find the most important facts in the text above. Delete the unessential information.

Activity 4.

Render the text using the following key words:

crime scene protection;

search measures;

to consider physical evidence;

footprints;

fingerprints;

to handle merchandise;

prior to carrying out the robbery;

handbag snatching;

fiber traces;

discarded facial masks;

scuffle or use of force.

UNIT 23

Burglary

Activity 1.

Read and translate the text.

Although burglary may not appear serious in terms of its dollar value, it may deprive a family of its most valued possessions. Burglary affects a large segment of society. It is estimated that more than 70 percent of all households will be burglarized at least once over a 20-year period, and almost half of all urban residences will be victimized two or more times.

According to the Bureau of Justice Statistics, the probability of being a household burglary victim is higher in the central city, in homes headed by younger people, in residences where six or more people live, and in homes where the head of the household is black. In 1985 there were more than 3 million reported burglaries; about one-third were of businesses. However, victimization surveys for the same year indicate that there were more than 5.5 million burglaries, which means that almost half of all burglaries are not reported to the police. There were also about 100,000 attempted burglaries of businesses reported.

There has been a 39 per cent fall in burglary since 1997, as measured by the BCS. The one per cent rise between the 2001/02 interviews and 2002/03 interviews is not statistically significant, but suggests a levelling off of the steep falls since 1995.

Overall, 3.4 per cent of households in England and Wales interviewed in 2002/03 had experienced at least one domestic burglary or attempted burglary in the previous 12 months. This is similar to levels in recent years, but substantially below the figure of 6.4 per cent in 1995. The average household in England and Wales might expect to become a victim of a completed burglary once every 50 years. This, of course, is the risk across the whole of England and Wales, in some types of areas and for different groups of people, the risks are considerably higher.

Burglaries resulting in the loss of video recorders (14%) were much less common in 2002/03 than in 1997 (34%), and there have been similar falls over time for televisions, hi-fis, and jewellery. However, burglaries of computer equipment were twice as common in 2002/03 (14%) as they were in the mid-1990s, and similarly burglaries resulting in the loss of items such as bags, credit cards and cheque books, and mobile phones, became more common in 2002/03. Vehicle-related theft has fallen by 31 per cent since 1997, as measured by the BCS. It has continued to fall, and the fall between the 2001/02 and 2002/03 interviews was a statistically significant five per cent. The National Crime Survey

indicates that three-fifths of all rapes in the home; three-fifths of all robberies in the home and about one-third of all aggravated and simple assaults in the home occurred during an illegal entry. Burglary is also a seasonal crime, occurring more frequently in the summer months. Although difficult to investigate, burglary usually offers a relatively large number of clues. Research indicates that the preliminary analysis of a burglary case can provide «solvability factors» that make it possible to focus on those cases with the highest probability of being solved. Burglary investigation can bring a high degree of satisfaction to the person who is truly interested in the elements of solving a mystery.

The Model Penal Code of the American Law Institute defines burglary as follows:

A person is guilty of burglary if he enters a building or occupied structure, or separately secured or occupied portion thereof, with purpose to commit a crime therein, unless premises are at the time open to the public or the actor is licensed or privileged to enter.

Activity 2.

Study the following words and phrases

most valued possessions	найбільш цінні речі
Probability	вірогідність
Rape	Зґвалтування
aggravated assaults	ускладнений напад
simple assaults	простий напад
questioning the victim	опитування жертви
dispose of stolen items through a fence	позбуватися крадених предметів через посередників

Activity 3.

Find the sentences comprising the most essential information with regard to burglaries.

Activity 4.

Give a summary of the text according to the following scheme:

This text is entitled ... It deals with ... At the beginning the author says that... He focuses on ... He also gives a description of the work of... Then he proceeds with... In conclusion he writes... .

UNIT 24

The Burglary Suspect

Activity 1.

Skim through the text.

Professional burglaries represent different challenges. When large amounts of merchandise or warehouse goods are taken, identification of the truck or other vehicle used is important. Here again, witnesses may have seen the truck at or near the scene. Witnesses should be asked about vehicles that were out of place, such as a van where tractor trailers usually park, or whether there was an inordinate number of people on the truck. Usually, a truck only has a driver and loader on it.

A sympathetic and unhurried approach to questioning the victim is important, not only because it helps alleviate much of the stress associated with victimization, but also because details provided about what has been stolen, the *modus operandi* of the burglar, or other aspects of the case may become critical as the investigation proceeds. Stolen items overlooked in the initial report may provide the link that helps solve the case; items with serial numbers or individual marks, custom-made jewelry, or original artwork, documents such as checkbooks or stocks, and even keys or personal tools taken by the burglar may be recovered later. In most cases the burglar will dispose of stolen items through a fence or even directly on the street, but some items may be kept for personal use.

In addition to stealing property, the offender may do things at the scene of the crime that can help identify or link him or her to the scene of the crime at a later date. One burglar thought it clever to leave disparaging notes on the walls of his victims' homes. When he was eventually apprehended he was surprised to learn that handwriting analysis helped add several years to his sentence because the prosecution was able to charge him with multiple crimes. Other burglars may take food from the refrigerator, use the victim's facilities (perhaps to make phone calls), or display other forms of aberrational behavior that help establish a *modus operandi*.

Harry O'Reilly, a former New York City burglary detective who is something of a legend for his ability to solve cases, identifies some of the more common techniques used by burglars to gain entry:

Prying - the use of a jimmy, screwdriver, fire iron, pry bar or knife to force a door, window, or lock. The perpetrator may leave tool impressions on the point of entry.

Picking - using a knife or professional locksmith's picks to open the cylinder of a lock.

Pulling - using an auto body repair tool called a dent puller or «slap hammer» to pull the cylinder

Smash and crash - simply breaking a window to gain entry, and in the case of a store, reaching in and grabbing articles on display.

Cutting glass - using a glass cutter to make a hole in order to reach in and open a lock or unfasten the latch. A small suction cup may be used, such as a toy dart, to keep the glass from falling inside and making noise. After the cut is made around the suction cup, the burglar simply pulls the glass out. Slipping lock or «*loiding*» - originally celluloid strips were used, hence the term *hiding*, but they are frequently replaced now by credit cards and pocket knives (the knife may be filed down to make it narrower) or other thin objects, such as nail files, that are less identifiable as a burglar's tools. The card is slipped between the lock and the door jamb where there is no «dead bolt» or other latch.

Brute force - kicking, breaking, or forcing a door with the body or an instrument. Where a door has been kicked in, the perpetrator may leave shoe or sneaker impressions.

Removing door panel - kicking in or breaking the door panel, or unscrewing the panel on an aluminum door.

Skylight entry - shattering skylight and lowering oneself by rope into the premises.

Transom entry - breaking or removing the air conditioner and climbing through a transom.

Window/door entry - simply passing through an open door or window. Surprisingly, this is one of the most common forms of entry in a burglary. - In more than 40 percent of residential burglaries the burglar entered without force, and more than one-third occur between 6 a.m. and 6 p.m.]

Key entry - locating a key hidden by owner or using a duplicate key made on a previous visit (a technique commonly used in hotels that have not upgraded to more modern card or lock change technology), or duplicating a key that has been left with garage attendant, or using a key taken in a purse snatching.

Lock-in - entering the facility before closing and hiding in the premises until after closing.

Removing hinge pins - interior doors, and some exterior doors are installed in a way that makes it possible to remove the hinge pins and pry the door out.

Spreading door jamb - using an automobile jack or similar instrument to push the door away from jamb.

Cutting wall - sawing, chiseling, chopping through wall of adjoining apartment, building, or hallway to gain entry. **Cutting screens and locks** - by knife or jacksaw

«**Beeping**» **garage door** - using an electronic door opener on the correct frequency to open door while owner is out.

«**Partying**' - entering a residence where a barbecue, pool, or interior party is being held and stealing fur coats or other «loose» items. "**Fishing**"* - breaking a hole in a window and reaching in by hand or with a pole to remove items.

Alarm bypass - bypassing or neutralizing alarm system. **Safecracking** - a very specialized form of burglary which may involve burning, blasting, punching, chopping (through the bottom), ripping, cutting, or peeling a safe.

«**Second-story**» **job** - gaining entry to warehouses, factories, and other businesses through upper floor windows or roof.

Activity 2.

Study the following words and phrases

retrieval of prior arrest records	відстеження записів про попередні арешти
to apprehend	затримувати, заарештовувати
handwriting analysis	графологічна експертиза
add several years to one's sentence	додати кілька років до вироку
to charge smb. with smth.	обвинуватити когось у чомусь
Prying	зламування дверей валежем

Activity 3.

Find sentences comprising the most essential information about burglary suspects.

Activity 4.

List the ways of gaining entry to premises and the most common techniques used by burglars to gain entry.

Activity 5.

Give a summary of the text using the following key words:

identification of the truck or other vehicle; approach to questioning the victim; to establish a modus operandi; more common techniques used by burglars to gain entry; prying, picking, pulling; smash and crash; cutting glass, brute force, skylight entry; transom or window entry, spreading door jamb; cutting wall; partying; fishing, alarm bypass, safecracking.

UNIT 25

Arson

Activity 1.

Read and translate the text.

In the decades of the 1970s and early 1980s, arson was the fastest growing crime in the United States. It remains the most costly in economic and human terms. Each year arson fires kill about 800 (including some 50 firefighters); cause untold injuries; and incur economic losses between one and a half to two billion dollars. More precise data on the number of structural fires, either incendiary or suspicious in origin;

<i>Year</i>	<i>Number of Fires</i>	<i>Number of Civilian Deaths Loss</i>	<i>Direct Property (in dollars)</i>
1980	146,000	770	1.76 billion
1987	105,000	730	1.59 billion

An estimated 3 to 6 percent of all structural fires in the United States are incendiary (i.e., intentionally set), or of suspicious origin. Many go undetected. Of those recognized as arson, about 20 percent result in arrest, yet the conviction rate is only 1 to 2 percent. This poor showing is inevitable, given the limited number of trained investigators.

In many areas of the country, authority for arson investigation is in the hands of state and local fire marshals, and in some, the police have concurrent jurisdiction. A fire has to be investigated, in certain cases extensively, before there is proof that a crime was committed - that the fire was of incendiary origin. Some unusual aspects of the crime of arson contribute to the difficulty of obtaining evidence to convict. They are:

1. The fire may consume all traces of its incendiary origin, especially if detecting and extinguishing it were delayed.
2. Rather than remaining undisturbed until recorded properly and the physical evidence collected, the crime scene may be hosed down with powerful streams of water, or its contents moved outdoors.
3. The perpetrator can use a timing device to delay the start of the fire, thus allowing an interim for an alibi.
4. Falling debris or the collapse of a building may cover or destroy evidence.

5. Freezing weather makes searching for evidence more difficult; if everything becomes caked with ice, search and recovery are further delayed. Extremely hot weather can evaporate volatile accelerants.

The elements of the crime of arson differ more from state to state than do the elements of any other crime. Such words borrowed from the common law as «willful», «malicious», and «intentional» appear in combination or separately in the various statutory definitions of arson. More recently, some states have included «the use of explosives to injure property»), and, rather than having to rely on a charge of «attempted arson»), they added «the preparation of a building for burning)) to the arson statute per se. The degree of arson is keyed to the endangerment to life; as deadly as any gun, arson is a weapon against people as well as property. The fire started at night is considered more life-threatening than one set when most people are awake or unlikely to be present. Therefore, the question is asked: When the fire was started, was a person in the structure, or was it reasonable to expect anyone to be?

Activity 2.

Study the following words and phrases

door jamb	одвірок, лутка
alarm bypass	відключення сигналізації
Safecracking	зламування сейфів
door hinge	дверна завіса
to slip (loid) the lock	відімкнути замок відмичкою
incur economic losses	зазнавати економічних втрат

Activity 3.

Find the most important facts in the text above. Delete the unessential information.

Activity 4.

Give a summary of the text using the following key words:

to cause untold injuries;

the conviction rate;

to incur economic losses;

to consume all traces;

incendiary or suspicious in origin;

to hose down;

number of civilian deaths;

to use a timing device;

undetected fires;

collapse of a building;

definition of the crime of arson;

the degree of arson.

UNIT 26

Motives

Activity 1.

Read and translate the text.

After a fire has come under suspicion (based on information obtained from people and crime scene evidence) a knowledge of the wide differences both in motive and modus operandi of arsonists facilitates the search for the individual responsible. Property owners looking to collect insurance want everything completely burned down. They often take measures to ensure the fire's spread to all parts of the premises, and do so with little fear of being in the building since they are in control of it. Hence, a disabled alarm or sprinkler suggests the arsonist is an owner or holds another financial interest. Those looking for thrills rarely go to such lengths; it is sufficient that they see the flames and hear the fire engines. The kind of person whose name would crop up on a list of individuals seeking to collect insurance is unlikely to resemble the thrill seeker in age and business background. Likewise, an attempt to make the cause of a fire seem accidental is not expected when the motivation is vandalism, spite, revenge, or hatred; rather, it suggests insurance fraud. Because the nature of a fire can provide clues to motive, the following discussion is designed to enhance the investigator's understanding and skill in dealing with this crime.

Financial gain

Arson can result when a business or person gains financially, e.g., by eliminating competition, through insurance fraud, or through welfare fraud (following the destruction of home and possessions). Obviously, the greatest benefit accrues from swindling an insurance company.

Insurance Fraud

Liquidating a large inventory of unsold or obsolete merchandise «selling» it to the insurance company by means of a set fire - is most likely when the goods are seasonal or produced by an industry that has suffered a severe downturn. Other scenarios include the need for: extensive renovation to meet new safety standards; costly retooling, or replacing of an outmoded plant, in order to remain competitive; capital which is tied up (e.g., in a long-vacant building, whose sale would mean taking a great loss). In cases where insurance fraud is suspected, the careful inspection of business, personal, and especially financial records is an obvious first step. If thorough inventory of the firm's assets was kept, it will often become apparent why arson was seen as a solution.

Elimination of Competition

A strategically-timed fire can undoubtedly benefit a surviving firm when its competitor is forced out of business by arson. For example, many companies rely on Christmas buying to ensure adequate annual profits. If, as the season is launched, its inventory is received and then destroyed by a set fire, the business may be hard put to survive. Arson is intimidating at any time, but especially so for a struggling new business. When arson is suspected or proved, the victim more likely than not is able to suggest who might benefit. Because fire setters are often hired professionals, a list of the calls - local, and particularly long distance - charged to a suspect's business and residence telephones can be very useful to the investigator. If the records of several months prior to and following the fire are studied, a particular number may be noted that appears abruptly, then vanishes. Next, a background check on the recipient may turn up an individual with an arrest record or reputation as a fire setter. Since professionals usually demand ready money, cash is the most likely form of payment; therefore, an investigator's failure to examine bank statements for cash withdrawals and checks written is inexcusable. Surveillance may be called for; if the suspect is subsequently caught red-handed, a confession should be obtained for the first fire.

Moving and Resettlement Allowance

People who do not live below the poverty line cannot know the hardships endured by those who live on the edge. For the middle class a home fire is regarded as a calamity, the emotional impact of which is partially offset by insurance coverage. For the poor a fire may be seen as a way out. Possessions good for the junk heap can be replaced and the rundown house left behind. With the homeless given priority for public housing, and charitable organizations helping families to resettle, arson is sometimes seen as a viable option. It is resorted to from time to time, therefore, and should not be ruled out. When there is evidence to prove that the fire was set, and the family agrees to be interrogated, a confession is extremely likely.

Intimidation

Arson has been used to:

- 1) instill fear regarding the safety of one's person or family;
- 2) threaten economic loss; or
- 3) effect a desired change in government or business policy.

Fear for Safety

The threat of arson has caused individuals to fear for their safety. It may be used either to prevent or force them to do something. Witnesses may be threatened with the

torching of their home or business should they come forth with testimony in an upcoming criminal trial. Sometimes, owing to racial hostility, a home is burned when a new family moving into the neighborhood is not welcomed by the dominant group. In the event of witness intimidation, the motive is clear after a threat has been made. Before the fire is set, surveillance of the targeted property, the suspect, and associates is an effective strategy. Although there might seem to be too many suspects in a racially tense neighborhood, if the property and those who seem capable of disregarding the civil rights of others can be kept under surveillance, the offender(s) could be caught in the act.

Threatened Economic Loss

Arson has been used to intimidate management in labor disputes, especially when the settlement of a strike seems unlikely. Mobsters have sometimes extorted money from business concerns by torching a company vehicle as a signal that more serious repercussions will take place should compliance not be forthcoming.

Change of Policy

Arson has been used to press for a change in governmental policy. During the Vietnam war, government and quasi-military installations were set afire or bombed. It has also been used to induce action for the alleviation of other problems: for example, banks believed to be «redlining» a community (not approving mortgage loans for housing in the area) have received arson threats. In these cases informants can be helpful by indicating promising suspects to be placed under surveillance.

Emotional Reasons

Jealousy, spite, revenge, and hatred are strong enough to cause some individuals to resort to arson to relieve the malaise produced by these emotions. In such arson cases, the victim usually is aware of the aggrieved individual and can provide the investigator with the name of the likely perpetrator.

Jealousy

Jealousy can cause a jilted sexual partner to resort to arson, by setting the property of the former lover or new lover afire. It is not uncommon for an unrequited lover to throw a Molotov cocktail against the front door of the person who has rejected him or her. Although similar to jealousy, envy is less useful in suggesting a possible suspect.

Spite

Domestic quarrels and feuds between neighbors are often marked by arson. Some property of value to the other party to the conflict is burned. In rural areas a barn may be targeted; in cities, a vehicle. Revenge

A relationship between employer and employee also can become so embittered as to cause the firm's business or equipment to be set afire. Family feuds and gang warfare provide excuses for revenge fires as well.

Hatred

Hatred is another strong emotion that sometimes is relieved through arson. The target may be the commercial property, automobile, or residence of the intended victim. Those so motivated have probably let others know of their feelings, or the victim may be aware of the animosity and furnish the names of possible suspects. The list can be pared down if necessary by considering who had the opportunity and who might be foolhardy enough to commit arson.

Dislike of an assigned Activity (a mild form of hatred) has caused arson to be employed as a diversionary tactic. The disruption, it is hoped, will eliminate the need to fulfill an obligation. For example, to force the postponement of a test, a student may start a diversionary fire in a dormitory or classroom. Such fires usually are set with material readily available - pages torn from a phone book, curtains, draperies, upholstered cushions, a waste basket. If a series of small fires (sometimes the first one or two won't be reported) is extinguished before they do extensive damage, an analysis of the time, day of the week, and the period separating them may be profitable. In one case, a chemistry class held a monthly examination, always on a Thursday; over a three-month period, several fires were set late at night on the Wednesday preceding the test. After the pattern was recognized, a course list of students who were faring poorly was obtained. Questioning each one separately led to a confession.

Concealment of Another Crime

Sometimes arson serves to conceal a homicide, account for an inventory shortage, destroy incriminating records, or distract police from another felony being committed simultaneously in the area. When the investigator realizes that arson was put to such use, heed should be given to whoever may have had a motive to commit the other offense.

Homicide

Attempts have been made to conceal a criminal homicide by having it appear that a person fell asleep while smoking and then died. Such attempts are doomed if a proper autopsy is conducted. The carbon monoxide level, soot inhalation, and burn patterns on the body must be consistent with the hypothesized reconstruction. The possibility of suicide by fire must not be overlooked; fires and even explosions have been set in structures and vehicles as a means of self-destruction.

Larceny

Sound business practice requires that an inventory count be taken regularly to ferret out theft. An employee who is periodically stealing from a firm can attempt to conceal a shortage through an apparent destruction by fire. When a fire occurs shortly before inventory time, the possibility that arson was a cover-up for larceny must be considered. When the resale value of a residence has dropped, owing perhaps to market conditions, a home owner may decide to «sell it» to the insurance company through arson. To maximize the reimbursement, expensive items are replaced by cheaper ones. An arson investigator must check to verify that the remaining contents (and ashes) are what would be expected from the inventory provided by the insured.

Fraud, Forgery, Embezzlement

These crimes generally involve documents, some of which are needed to prove the *corpus delicti*. If such documents are unavailable because they were destroyed in a fire, crucial evidence will be missing and the prosecution made more difficult.

Other Crimes

A substantial fire requires the presence of the police to redirect traffic and see to it that spectators do not interfere with firefighters and are kept at a safe distance. With police so preoccupied, the criminal or an accomplice, having set the fire, is at liberty to commit another crime - a burglary or robbery, for instance - elsewhere in the jurisdiction.

Pyromania

Pyromania is defined as an irresistible impulse or compulsion to start a fire or set something on fire. Even though excitement or sensual gratification makes the motive clear, this kind of arson may be considered motiveless from an investigative viewpoint. In any event, because all pyromaniacs have the same inner drive, the term pyromania is too general to be useful in identifying an offender.

Modus operandi, however, can be a telltale sign; the investigator armed with this information can take the necessary steps to apprehend the pyromaniac. The arsonist motivated by profit wants to do maximum damage by penetrating deep inside the structure to set the fire. The pyromaniac, a creature of impulse who seldom forms any plans, must make do with material on hand: old newspapers, garbage chute refuse, the mattress from a baby carriage standing in a hallway, trash underneath a staircase, etc. In other words, the fire is set wherever the fuel is found. When, for instance, many such fires occur in urban areas in the late evening hours when neighborhood bars are emptying, a pattern may be recognized: Are the fires set on the same day of the week? About the same time of

night? Is there a linkage between them and payday? What local bars are within walking distance of the fire? Is the same kind of structure being attacked apartment building, factory, garage, barn? Are they along the same route; if so, how does this relate to the locations of the local bars? If a fire setting pattern becomes clear, the use of surveillance - fixed (of possible targets) and moving (of possible suspects) - is an obvious strategy, albeit an expensive one, in terms of work hours.

Recognition as a Hero

Some arsonists will set a fire in order to «discover» it and then «save» the inhabitants or contents. These so-called heroes tend to fall into certain, not necessarily exclusive, classes: volunteer firefighters, babysitters, volunteer librarians, night watchmen. True heroes certainly exist - people who risk their own lives to save others, but when an individual manages to make a second heroic rescue not too long after the first, it is feasible that he/she is an arsonist. Questioning the suspect, then homing in on the details of the «discovery/rescue» during questioning, will expose discrepancies and ultimately produce an admission or confession.

Activity 2.

Study the following words and phrases

incendiary in origin	підпального походженням
suspicious in origin;	підозрілого походження
Extensively	Умисно
to consume traces	знищувати сліди
detection	розслідування
Extinguishing	гасіння
to delay	відкладати

Activity 3.

Give a list of possible motives for setting afire.

Activity 4.

Find the key words in the paragraph dealing with each of the motives.

Activity 5.

Render the text according to the following scheme:

This text is entitled... . It deals with At the beginning the author says that...
He focuses on He also gives a description of... . Then he proceeds with... . In
conclusion he writes... .

UNIT 27

Vandalism

Activity 1.

Read and translate the text.

Run down or vacant buildings in deteriorating neighborhoods can become the target of adolescent gangs looking to vent anger or simply to relieve monotony. A set fire is good for a certain amount of excitement. Sometimes gang members «graduate» to setting fires for landlords of rent-controlled properties; having driven the tenants out, the owners realize increased revenues by subdividing the large flats. Motives varying widely in these situations, it would facilitate the investigation if a suspect gang member can be turned into an informant.

Churches and schools are vandalized and even torched from time to time. Often the individuals responsible are (or were) closely associated with the institution or congregation. But just as often, they are mischievous or malicious juveniles. Some are people who, feeling they have been unfairly treated, vandalize to redress a slight or recover self-esteem. The investigator must follow all leads, even those that seem trivial. When religious property is the target, bigotry and hatred are usually the underlying motives, especially of older offenders; on the other hand, neo-Nazis, a younger group, also vandalize to express bigotry. Identifying the culprits can be difficult at best, unless an informant can be developed or an extensive surveillance conducted to catch them red-handed. A reward offered by church members may be helpful.

Activity 2.

Study the following words and phrases

to be hosed down	бути змитим
to use a timing device	використовувати таймер
falling debris	падаючі уламки
collapse of a building	руйнування будівлі
searching for evidence	пошук доказів
evaporate volatile accelerants	випаровування летких каталізаторів
the use of explosives	використання вибухівки

Activity 3.

Give a list of possible motives for vandalism

Activity 4.

Find the key words in the paragraph dealing with each of the motives.

Activity 5.

Render the text using the following key words:

vacant buildings;

to relieve monotony;

excitement;

to torch;

mischievous or malicious juveniles;

to redress a slight;

to recover self-esteem;

to identify the culprits.

UNIT 28

Sex Crimes Statistics

Activity 1.

Read and translate the text.

Sex crimes arouse the concern of the community, and there is likely to be political and public pressure on the police to solve the case. Statistically, we know that most rapes are committed by a single individual acting alone; almost one-third occur in or near the home; almost three-fourths occur between 6 p.m. and 6 a.m.; and more than half of the victims are under the age of 25.

According to victimization surveys, a large percentage of rapes are never reported. For example, in 1985, 87,340 forcible rapes were reported to the police, whereas 138,000 were reported in a 1985 Bureau of Justice survey. Many law enforcement officials feel that even these figures are low. Divorced or separated women are victimized more frequently than those never married (2 rapes per 1,000 divorced and separated, and 1 per 1,000 never married). Less than one in 1000 married women is a rape victim. Statistically, lower income women are more likely to be raped. Location makes little difference in rape statistics; urban, suburban, and rural locations account for approximately the same number of rapes per 1,000 residents. Understanding the definition and elements of the various kinds of sex crimes is important, for in many cases the offender maintains that the victim consented to the act.

In 2004, there were 209,880 victims of rape, attempted rape or sexual assaults according to the 2004 Victimization Survey.

Of the average annual 204,370 victims in 2003-2004, about 65,510 were victims of completed rape, 43/ attempted rape, and 95,420 were victims of sexual assault.

Contrary to the belief that rapists are hiding in the bushes or in the shadows of the parking garage, almost two-thirds of all rapes were committed by someone who is known to the victim. 67% of sexual assaults were perpetrated by a non-stranger - 47% of perpetrators were a friend or acquaintance of the victim, 17% were an intimate and 3% were another relative. ***National Crime Victimization Survey, 2004***

Draws on more than two dozen statistical datasets maintained by the Bureau of Justice Statistics and on data from the Uniform Crime Reporting (UCR) Program of the FBI to provide a comprehensive overview of current knowledge about the incidence and prevalence of violent victimization by sexual assault, the response of the criminal justice system to such crimes, and the

characteristics of those who commit sexual assault or rape. Findings include the following:

- Convicted rape and sexual assault offenders serving time in State prisons report that two-thirds of their victims were under the age of 18, and 58% of those-or nearly 4 in 10 imprisoned violent sex offenders-said their victims were aged 12 or younger.
- In 90% of the rapes of children less than 12 years old, the child knew the offender, according to police-recorded incident data.
- Among victims 18 to 29 years old, two-thirds had a prior relationship with the rapist.
- Four datasets (the FBI's UCR arrests, State felony court convictions, prison admissions, and the National Crime Victimization Survey) all point to a sex offender who is older than other violent offenders, generally in his early 30's, and more likely to be white than other violent offenders.

Key Facts

- *Every two and a half minutes*, somewhere in America, someone is sexually assaulted.
- *One in six American women* has been the victim of an attempted or completed rape, and 10% of victims are men.
- In 2003-2004, there were an average annual **204,370 victims** of rape, attempted rape or sexual assault.
- About 44% of rape victims are under age 18, and 80% are under age 30.
- Since 1993, rape/sexual assault has fallen by over 64%.

Activity 2.

Study the following words and phrases

sex crimes	сексуальні злочини
attempted rape	здійснене зґвалтування
assault	напад
completed rape	спроба зґвалтування
to commit rape	вчинити зґвалтування
to perpetrate rape	вчинити зґвалтування
to report rape	повідомляти про зґвалтування
rapist	гвалтівник
mutual consent	взаємна згода

Activity 3.

Complete the sentences from the text above:

- 1) Statistically, we know that...
- 2) According to victimization surveys ...
- 3) Divorced or separated women...
- 4) Less than one in 1000 married women...
- 5) Statistically, lower income women...
- 6) Contrary to the belief that...
- 7) 67% of sexual assault...
- 8) 44% of perpetrators ...
- 9) Two third of their victims...
- 10)** In 90% of rapes of children...

Activity 4.

Find the most important facts in the text above.

Activity 5.

Write a summary of the text using the following key words:

to arouse the concern; public pressure on the police; to commit a rape; according to surveys; forcible rapes; to report; law enforcement officials; divorced or separated women; lower income women; to consent to the act.

Activity 6.

Render the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes ...

UNIT 29

Definitions

Activity 1.

Read and translate the text.

Sex crimes cover a multitude of offenses ranging from indecent exposure to forcible rape. The issue of mutual consent is frequently a key defense contention. However, it should be noted at the outset that the concept of mutual consent is not well defined in the law, and what may be perceived as consent may not in fact be the case. A prostitute can be raped. An individual under the influence of liquor or drugs may not be in a position to psychologically (and legally) consent. Minor children cannot generally give consent. Plus, the phenomenon known as "date rape" has generated new case law.

In one study, 13% of surveyed American women of ages 18 and older reported having been the victim of at least one rape. Defined as "an event that occurred without the woman's consent, involved the use of force or threat of force, and involved sexual penetration of the victim's vagina, mouth or rectum." (Kilpatrick et al. 1992, p. i).

Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault can occur without regard to gender or spousal relationship or age of victim. Sexual assault is a crime. Sexual assault includes:

- Rape,
- Nonconsensual sodomy (oral or anal sex),
- Indecent assault (unwanted, inappropriate sexual contact or fondling),
- or attempts to commit these acts.

Within the rubric of mutual consent lies a number of acts that may involve full consent between the parties, but which nevertheless are illegal within a particular jurisdiction. Examples of these include prostitution, adultery, homosexual acts, and other sex acts, such as anal intercourse. These crimes are rarely handled by investigative units. According to victimization surveys, a large percentage of rapes are never reported. For example, in 1985, 87,340 forcible rapes were reported to the police, whereas 138,000 were reported in a 1985 Bureau of Justice survey. Many law enforcement officials feel that even these figures are low. Divorced or separated women are victimized more frequently than those never married (2 rapes per 1,000 divorced and separated, and 1 per 1,000 never married). Less than one in 1000 married women is a rape victim. Statistically, lower income women are more likely to be raped. Location makes little difference in rape statistics; urban, suburban, and rural locations account for

approximately the same number of rapes per 1,000 residents. Understanding the definition and elements of the various kinds of sex crimes is important, for in many cases the offender maintains that the victim consented to the act.

Activity 2.

Study the following words and phrases

consent to sexual intercourse	згода на статеві стосунки
separated spouses	подружжя, що живуть окремо (але ще не розлучені)
incidence	сфера дії
indecent	непристойний
forcible rape	згвалтування із застосуванням сили

Activity 3.

Complete the sentences from the text above:

1. Sex crimes cover...
2. The issue of mutual consent...
3. However, it should be noted...
4. An individual under the influence of liquor or drugs...
5. Minor children...
6. Within the rubric of mutual consent ...
7. According to victimization surveys...
8. In 1985, 37,340 forcible rapes...
9. Divorced or separated women...
10. Statistically, lower income women...

Activity 4..

Find the sentences that answer the following questions:

- 1) What concept is not well defined in law?
- 2) What acts are considered illegal even though there was mutual consent between the parties?
- 3) Does mutual consent' always imply the same?

Activity 5.

Write a summary of the text using the following key words:

sex crimes; indecent exposure; forcible rape; mutual consent; a key defence contention; to be well defined in the law; under the influence of liquor or drugs; full consent between the parties; to be illegal; jurisdiction; large percentage of rapes; to be reported; understanding the definition and elements; to consent to the act.

Activity 6

Write a summary of the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 30

Rape Suspect

Activity 1.

Read and translate the text.

60% of 234,000 sexual offenders in 1994 convicted of rape or sexual assault were under conditional supervision in the community. Bureau of Justice Standards

Roy Hazelwood, from FBI's Investigative Support Unit, identifies Caucasian European as the most common serial sex offender.

Hazelwood differentiates between organized or disorganized sexual predators:

Disorganized predators don't plan their attacks. They are opportunistic victimizing children and women they know, using whatever weapons are available and do not conceal their crimes.

Organized predators seek out strangers far from home. Bringing tools and weapons, they plan carefully and take great efforts to conceal evidence.

Serial sex offenders are acting out their sadistic fantasies they experience. Sadism, bondage, cruelty, restraints, ritualism, manipulation, and mind control stemming from an intense hatred of females are common with serial sex offenders. Methodical Anger-Excitation Rapist is plan may even practice on intimate partner but they save the kill for strangers.

Activity 2.

Study the following words and phrases

non-consensual	без згоди
sodomy	содомія
inappropriate sexual contact	неприродний статевий контакт
fondlings	пестощі
adultery	подружня зрада

Activity 3.

Write a summary of the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

Unit 31

Assault and Battery

Activity 1.

Read and translate the text

An assault (sometimes called common assault) is an unlawful attempt or offer by force or violence to do a bodily injury to another in such a way as to cause reasonable fear in the mind of that person. A battery consists in the actual application of unlawful force to another. Assault and battery are offences at common law and by statute, that is, the Offences Against the Person Act, 1861.

It is a defense to prove that the assault or battery was accidental, e. g. mere jostling in a crowd, provided the action was unintentional. Justification is also a common defense, as where a person is requested to leave one's land and refuses, the occupier is entitled to use reasonable force (a battery) to remove the trespasser. As already noted, players who partake in games such as football must be prepared to run the risks or personal knocks which is a lawful incident to such pastimes.

The maximum punishment for assault and battery is 12 months' imprisonment. Where a person has been convicted summarily of an offence no proceedings in respect of either assault or battery may be brought in a civil court subsequently for the same offence.

Aggravated assaults are those made worse in respect of violence, where an adult assaults and beats a boy under 14 or any female. These are punishable under the Offences Against the Person Act, 1861. Causing grievous bodily harm and wounding are punishable under the same Act.

Sexual offences and assaults are now dealt with under the Sexual Offences Act, 1956. Homosexual offences used formerly to be dealt with severely, but under the Sexual Offences Act, 1967, such practices committed in private between consenting males over 21 are not illegal.

Activity 2.

Study the following words and phrases

actual application of unlawful force	фактичне незаконне застосування сили
intentional	умисний
to run the risk	наражатися на ризик

aggravating circumstances	обтяжуючі обставини
mitigating circumstances	пом'якшуючі обставини
maximum punishment for rape	максимальне покарання за зґвалтування

Activity 3.

Complete the sentences from the text above:

1. An assault is an unlawful attempt...
2. A battery consists...
3. It is a defense to prove that ...
4. Justification is also a common defense...
5. The maximum punishment for assault...
6. Where a person has been convicted...
7. Aggravated assault are those...
8. Causing grievous bodily harm and wounding...
9. Homosexual offences used formerly to be dealt with...

Activity 4.

Answer the following questions:

1. In what way does the Offences Against the Person Act, 1861 define assault and battery?
2. What is the maximum punishment for assault and battery?
3. What are aggravated assaults?
4. When was the Sexual Offences Act adopted?

Activity 5.

Write a summary of the text using the following key words:

an assault; to do a bodily injure; to cause reasonable fear; a battery; actual application; unlawful force; offence; common law and statute; defense; to prove; to be accidental; an action; to be unintentional; justification; common defense; to use reasonable force; to remove the trespasser; maximum punishment; to be convicted of an offence; civil court; aggravated assault; violence; to cause grievous bodily harm; to be punishable.

Activity 6.

Write a summary of the text according to the following scheme:

This text is entitled... . It deals with... . At the beginning the author says that.... He focuses on He also gives a description of... . Then he proceeds with In conclusion he writes

UNIT 32

Rape as a Statutory Offence

Activity 1.

Read and translate the text.

The Sexual Offences Act, 1956, s.1, makes rape an arrestable offence. It is defined as the unlawful carnal knowledge of a female by force, or fraud, against her will. Carnal knowledge means penetration to any degree.

Where a husband and wife are living apart under a judicial separation or a separation order, the husband may be convicted of rape of his wife. Where the parties are cohabiting as man and wife the husband may be convicted of assault upon her if he uses force to have sexual relations against his wife's will given and not induced by fraud, threats, etc. The maximum punishment for rape is imprisonment for life. A boy under 14 cannot be convicted of rape, but he may be convicted of indecent assault.

Activity 2.

Study the following words and phrases

bodily injure	тілесні пошкодження
battery	побої
aggravated assault	тяжкий напад
grievous bodily harm	тяжкі тілесні ушкодження
wounding	нанесення ран
carnal knowledge	статеві стосунки
fraud	обман, шахрайство
penetration	проникнення

Activity 3.

Answer the following questions:

1. What Act makes rape an arrestable offence?
2. In what cases may a husband be convicted of an assault upon his wife?
3. What is the maximum punishment for rape?
4. Can a boy under 14 be convicted of rape?

Activity 4.

Write a summary of the text using the following key words:

the Sexual Offences Act, 1956; rape; an arrestable offence; unlawful carnal knowledge; force; fraud; against one's will; penetration; husband and wife; judicial separation; to be convicted; to cohabit; to use force; to have sexual relationship; to be induced by fraud; threats; maximum punishment for rape; indecent assault.

Activity 5.

Write a summary of the text according to the following scheme:

*This text is entitled... . It deals with... . At the beginning the author says that....
He focuses onThen he proceeds with In conclusion he writes*

UNIT 33

Human Trafficking Definition

Activity 1.

Read and translate the text.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines “trafficking in persons” at Article 3:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Types of Human Trafficking:

Bonded Labor One form of force or coercion is the use of a bond, or debt, to keep a person in subjugation. This is referred to in law and policy as "bonded labor" or "debt bondage." It is criminalized under U.S. law and included as a form of exploitation related to trafficking in the United Nations protocol on trafficking in persons. Many workers around the world fall victim to debt bondage when they assume an initial debt as part of the terms of employment, or inherent debt in more traditional systems of bonded labor. In South Asia, this phenomenon exists in huge numbers as traditional bonded labor in which people are enslaved from generation to generation.

Involuntary Servitude. People become trapped in involuntary servitude when they believe an attempted escape from their conditions would result in serious physical harm or the use of legal coercion, such as the threat of deportation. Victims are often economic migrants and low-skilled laborers who are trafficked from less developed communities to more prosperous and developed places. Many victims experience physical and verbal abuse, breach of an employment contract, and may perceive themselves to be in captivity—and too often they are.

Domestic Servitude. Domestic workers may be trapped in servitude through the use of force or coercion, such as physical (including sexual) or emotional abuse. Children are particularly vulnerable to domestic servitude which occurs in private homes, and is often unregulated by public authorities.

For example, there is great demand in some wealthier countries of Asia and the Persian Gulf for domestic servants who sometimes fall victim to conditions of involuntary servitude.

Child Labor. Most international organizations and national laws indicate that children may legally engage in light work.³ By contrast, the worst forms of child labor are being targeted for eradication by nations across the globe. The sale and trafficking of children and their entrapment in bonded and forced labor are particularly hazardous types of child labor. Forced conscription into armed conflict is another brutal practice affecting children, as armed militias recruit some children by kidnapping, threat, and promise of survival in war-ravaged areas.

Activity 2.

Study the following words and phrases

to cohabit	проживати разом
to induce	спонукати
Victim	потерпілий
Genitals	статеві органи
sexual exploitation	сексуальна експлуатація
pornography	порнографія
to possess and distribute indecent images	володіти та розповсюджувати непристойні зображення
HIV	ВІЛ

Activity 3.

Give examples of each types of human trafficking.

Activity 4.

Find the most important facts leaving out the unessential details.

Activity 5.

Write a summary of the text according to the following scheme:

This text is entitled... . It deals with... . At the beginning the author says that.... He focuses on He also gives a description of... . Then he proceeds with In conclusion he writes

UNIT 34

The Trafficking of Women for Sexual Exploitation

Activity 1.

Read and translate the text.

The trafficking of women for sexual exploitation is an international, organized, criminal phenomenon that has grave consequences for the safety, welfare and human rights of its victims.

Trafficking in women is a criminal phenomenon that violates basic human rights, and totally destroying victims' lives. Countries are affected in various ways. Some see their young women being lured to leave their home country and ending up in the sex industry abroad. Other countries act mainly as transit countries, while several other receive foreign women who become victims of sexual exploitation. It is a global problem in which Interpol actively seeks to increase and improve international law enforcement co-operation in order to help combat this crime. Interpol derives its actions from such conventions as the United Nations Convention against Transnational Organized Crime, and the additional Protocol to Prevent, Suppress and Punish Trafficking in Persons. They give guidelines for law enforcement action and the following are some examples of those actions: The protocol urges an increase in the information exchange between states in order to determine:

- whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons,
- the types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons, and
- the means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible means for detecting them.

Activity 2.

Answer the following questions:

1. What can you say about the phenomenon of women trafficking? Give short definition of it.
2. What the consequences of women trafficking?
3. In what ways are countries that deal with women trafficking affected?

4. What does the Interpol do in order to combat the crime of women trafficking?
5. What does the Protocol to Prevent, Suppress and Punish Trafficking in Persons urges? For what purpose?
6. For what purpose should the informational exchange between states be increased?

Activity 3.

Write a summary of the text using the following key words:

the trafficking of women for sexual exploitation; criminal phenomenon; grave consequences; global problem; Interpol; increase and improve international law enforcement cooperation; to combat the crime; to give guidelines for law enforcement actions; an increase in the information exchange; to determine; to cross an international border with travel documents; types of travel documents; means and methods; recruitment and transportation of victim; routes; to be engaged in trafficking; detecting.

Activity 4.

Render the text according to the following scheme:

This text is entitled... . It deals with... . At the beginning the author says that.... He focuses on He also gives a description of... . Then he proceeds with In conclusion he writes

UNIT 35

Crimes against Children

Activity 1.

Read and translate the text.

Children are the most vulnerable individuals in our society; they are also the most precious commodity that the world has and have a right to be protected from all forms of abuse. Interpol as an organization is also committed to eradicating the sexual abuse of children and has passed several resolutions making crimes against children one of International policing top priorities.

Interpol's involvement in the investigation of offences against children began in 1989 following the adoption of the United Nations Convention on the Rights of the Child. To prevent a crime and especially prevent a child from being abused is the goal of all law enforcement agencies. To reach this goal, Interpol is working globally with several partners raising awareness and focuses on the need to act locally and think globally addressing the abuse of children committed by those who travel beyond borders. Interpol's Specialist Group on Crimes against Children focuses on four different arenas; commercial exploitation and trafficking in Children; sex offenders; serious violent crimes against children and child pornography, and represent a worldwide forum of specialist dealing with this type of crimes.

Interpol also have activities in the different regions of the world to ensure that law enforcement officers understand the need to act upon requests involving children at risk, and create a global understanding on how to address victim identification and help rescue children being sexually abused and pornographically exploited.

Operationally, Interpol support member states in carrying out large operations investigating the commercial exploitation of children, paedophile networks and also support ongoing cases. The end result of the work undertaken by Interpol should be that member states see the need of sharing information and issue Green Notices on the offenders that travel to commit their crime.

Activity 2.

- 1) What does the Interpol do in order to protect children from all forms of abuse?
- 2) When did Interpol's involvement in the investigation of offences against children begin?

- 3) What goal have all of law enforcement agencies?
- 4) What does the Interpol do in order to reach this goal?
- 5) In what arenas does Interpol's Specialist Group on Crimes against Children focus?
- 6) What can you say about other Interpol's activity in this sphere?

Activity 3.

Write a summary of the text using the following key words:

children; to be the most vulnerable; to have a right to be protected; all forms of abuse; eradicating the sexual abuse of the children; to pass resolution; crimes against children; International policies top priorities; Interpol's involvement in the investigation; to prevent a child from being abused; the goal of all law enforcement agencies; to act locally and to think globally.

Activity 4.

Render the text according to the following scheme:

This text is entitled... . It deals with... . At the beginning the author says that.... He focuses on He also gives a description of... . Then he proceeds with In conclusion he writes

UNIT 36

Sexual Abuse of Children

Activity 1.

Read and translate the text.

The vast majority of children who are sexually abused are the victims of people that they know; parents, step parents, relatives, teachers etc. However, there are a considerable number of sex offenders who are prepared to spend a significant period of their lifetime infiltrating organisations or orchestrating opportunities to work with children or qualify in professions which afford them substantial access to children and young persons in order that they are able to abuse them.

People who sexually offend against children operate in different ways and fit into different categories. They come from all Countries, all cultures and all religions. They are anonymous to the general population and work and live alongside colleagues and neighbours who generally accept them as 'normal' people.

The general conception is that all sex offenders are predatory offenders who will covertly target a victim abduct them and sexually abuse them. This type of offender is the exception rather than the rule, however, they are the most dangerous and are often reported in the media as abductions which can and often do lead to murder of a child.

In general predatory child sex offenders tend to be male, less than average intelligent and are incapable of undertaking any prolonged period of grooming. They generally fit into a stereotypical offender profile, living alone or with a parent, unemployed or in low paid work and unable to form adult relationships.

Their cycle of offending is also typical and begins with the basic attraction and sexual arousal by thoughts of children. He (the vast majority are men) will typically be in possession of either child erotica or child pornography with which he will fantasize and masturbate. At this stage he can certainly be described as, and fits the definition of, a paedophile. However, other than possessing child pornography, which is not an offence in many countries, he does not commit any offences. The reason why this type of person does not proceed beyond this stage is as a result of internal and external inhibitors or both.

Internal inhibitors are personal factors which control a person's behaviour. The knowledge that it is morally wrong to sexually abuse a child or that sexual

activity with a child can seriously damage the mental welfare of his victim in the future.

External inhibitors are far more basic and evolve around the fear of being caught and going to prison linked with the knowledge that their personal lifestyle would be seriously affected if it became public that they were sexually attracted to children.

Once the internal and external inhibitors have been removed, possible by a period of stress or boredom then the paedophile moves into the cycle of offending. He begins by going out to places where children frequent, a play park or swimming pool for example.

He then identifies a child who is either alone or appears vulnerable and begins to make contact, possibly offering gifts, a cigarette or a ride in a car. At this time nothing further may happen, the offender will go home and masturbate thinking of the child and what might have happened.

These initial stages of the cycle are then followed by a period of guilt as a result of the internal and external inhibitors and a personal promise that it will never happen again. As time passes the inhibitors are broken down and the cycle starts one again continuing until the paedophile offends against the child. There are many paedophiles in society who we do not know the identity of who fit these criteria but have never offended.

The majority of sex offenders groom their victims, this can take many months, even years, and often begins with the process of grooming the parents of the child.

The paedophile may recognize that a family were having difficulty in managing the logistics and finances of the household and befriend them with offers of assistance, both financial and in kind. Eventually having gained the trust of the parent the offender then offers to baby sit or take the child on outings during which time he then moves on to begin the process of grooming the child victim.

This part of the grooming process is the most crucial. The paedophile knows that he has to be able to control the child to the extent that he can sexually abuse him or her with the knowledge that the child will not disclose to another adult the fact that they have been sexually abused.

This control is obtained in many different ways, fear, oppression, favours, threats against either the child or their parent, making the child feel guilty about what has happened or by using a combination of these methods.

A typical example of how a paedophile operates would be the initial identification of a vulnerable parent who has either one or a number of children. It may be a single mother who having gone through an acrimonious divorce has had to move to accommodation that is smaller or of a lesser standard than her and the children are used to residing in. Family finances are stretched and there is less money available in the household for food, clothing and leisure activities.

Once the new family unit is stable, the paedophile will then make his move, typically he may as part of his grooming process slowly introduced the family into accepting communal nudity within the home by, and for example, leaving bathroom doors open whilst in use.

Eventually the paedophile will sexually abuse his victim, he will have perfected a strategy to ensure their silence utilizing one or a number of the methods previously outlined.

In this example it isn't difficult to comprehend the dilemma that the child has been put in. Her mother has found a new partner in life, she is very happy, the paedophile will have told his victim that if she 'tells' then he will go to prison, there will be no extra money coming into the household, there will be no more nice holidays for her and her mother. Her mother won't believe her and will not love her anymore as a result. In order to protect her mother's happiness and the new family the victim remains silent.

This example is typical of how a paedophile may identify and ultimately abuse a child anywhere in the world, however, there are many other scenarios which could be used to describe how paedophiles infiltrate families, communities or organizations with the sole intent of sexually abusing children.

Interpol has recently increased the number of Specialised Officers directly involved in combating child sexual abuse and intends to continue to raise the growing awareness to the international problem surrounding the sexual exploitation of children throughout the world, the eradication of which is the responsibility of all governments and all law enforcement agencies. Let us not forget, the future of the world is in the hands of tomorrow's adults who are today's children. They are the most precious commodity that the world has. They not only deserve, but have a right to all the protection which we can afford.

Activity 2.

Study the following words and phrases

murder charge	обвинувачення у вбивстві
arraignment	пред'явлення звинувачення

to trail smb. along	вистежувати
to find smb. not guilty	визнавати не винним
to be abandoning the case	відмовлятися від справи
to complain to the police	заявляти в поліцію

Activity 3.

Find the most important information in the text. Give a gist of the text.

Activity 4.

Write a summary of the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 37

Police Swoop on Internet Pedophiles

Activity 1.

Read and translate the text

British police said Tuesday they had arrested at least 22 people—including a 13-year-old boy—in a nationwide crackdown on Internet child pornography. Operation leader Terry Jones of the Greater Manchester Police, northwest England, said police from 25 forces all over England, Scotland and Wales simultaneously raided 43 homes at dawn, seizing more than 40 computers. “The operation follows a four-month investigation into pedophile internet activity focusing on people who possess and distribute indecent images of children,” inspector Jones said. Jones said that because of the widespread operation, it was too early to say exactly how many people had been arrested or would eventually be charged.

Reports on 28 of the 43 raids indicated at least 22 people were being held and that number was expected to rise sharply, he said. Many of those being held were not previously known to police.

Jones said the raids had already produced some very disturbing results—including the involvement of children and teenagers in the spread of child pornography via email.

“One case involved a 13-year-old boy, which is clearly disturbing for many reasons, not least that he could be a victim himself,” Jones said. One man had been arrested earlier because police believed he posed a direct risk to children. Another being held was a youth worker.

Police would examine the contents of the computers over the next few months and it was highly likely further arrests would be made, he said. The operation is the latest in a series of crackdowns on Internet pedophiles and one of the largest in Britain to date, Jones said.

Last month seven British men were jailed for a combined total of 13-1/2 years after being caught in the largest-ever international police operation against Internet child pornography.

The operation led to the arrest of 107 men in 12 countries suspected of being involved in the child pornography ring known as the Wonderland Club.

Monday U.S. and Russian police arrested nine people in an international child pornography video ring that operated from a Russian web site called “Blue Orchid.”

Investigations were also underway in Sweden, Denmark and the Netherlands with more arrests expected.

The FBI and Postal Inspection Service set up an undercover operation that led to the arrests of Patterson's ex-wife, Shirley Blaney, and others: Jim Nain of Wisconsin Rapids, Wis.; Brewton, Ala. elementary school teacher Gordon Harrison Murray; retired chauffeur Donald Fletcher of Lehigh Acres, Fla.; former Scoutmaster Richard Roll of Jamestown, N.Y.; Sunday school teacher George Kelly of Lombard, Ill.; bank security guard John Francis McDonnell of Mineola, N.Y.; and David Bradner of Vanceburg, Ky.

All have pleaded guilty and most have been sentenced.

Activity 2.

Answer the following questions:

1. How many people were arrested in a national wide crackdown on internet child pornography?
2. What kind of preparations were made before the operation?
3. What comments did the operational leader make about arrests and operation itself?
4. What next action would be borne by the police?
5. What were the purposes of the operation?

Activity 3.

Write a summary of the text using the following key words:

nationalwide crackdown; to arrest; internet child pornography; four months investigation; to possess and distribute indecent images of children; to plead guilty; to be sentenced.

Activity 4.

Render the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 38

Spreading AIDS to be a Crime

Activity 1.

Read and translate the text

People with HIV who deliberately spread the AIDS virus face life in jail, under a new law to be proposed by the Government. The changes are part of a major modernization of the criminal laws, which will result in the abolition of offences such as grievous bodily harm. But the most controversial proposal is the introduction of a new offence aimed at people who intentionally transmit a disease to cause harm. This follows a number of incidents in which assailants have stabbed people with syringes filled with HIV-infected blood.

It also comes after the case of Janette Pink, a British woman infected with the Aids virus by her Cypriot lover Paul Georgiou, who knew he was carrying the disease. He was jailed for 15 months by a Cyprus court last August. Home Office officials will be keen to stress, however, that the new offence is not aimed at people with Aids who may behave recklessly, but at people who deliberately and calculatingly intend to cause harm. At least one Aids support group has already attacked the plans, which they believe will criminalize HIV sufferers and discourage people from having blood tests. However, the influential Terrence Higgins Trust has given its conditional support for a new law. Later this month the Home Office will publish its proposals to replace the 1861 Offences against the Persons Act, which covers cases of wounding, grievous bodily harm and threats to kill. The current laws are considered too complicated, expensive and confusing. The consultation document includes plans to introduce the offence of "intentional transmission of a disease with intent to cause serious harm". The maximum penalty will be life in jail. The offence could also cover examples such as a person who deliberately released anthrax spores into the atmosphere or injected meat with salmonella. On the Aids side the new offence will be used in the rare incidents in which a person deliberately passes on the virus during sex. Janette Pink urged a change in the law following the conviction of her ex-lover. It can also be used in assaults with a syringe filled with HIV-positive blood. There are concerns that these types of attacks are on the increase. In July 1996 a 15-year-old girl was stabbed in the face with a blood-filled syringe by a man who said he had Aids. He attacked the girl in Edinburgh after sticking a needle into his arm saying he had contracted the virus. Four months later, two prison officers were stabbed in jail by an inmate, who was a heroin addict, with a bloody syringe. At present there is no specific offence which covers the transmission of the HIV virus, or any other disease. An HIV-infected person who had tried to pass on the virus out of malice could be charged with GBH with intent, but it is extremely hard to prove. In 1992, the authorities were proved to

be powerless when a 24-year-old married hemophiliac, Roy Cornes, was accused of deliberately infecting four lovers with HIV, one of whom died. While the case prompted calls for legislation, no action was taken against him before he died in 1994. Nick Partridge, chief executive of the Terrence Higgins Trust, said: "There's a huge difference between someone with a syringe of HIV-infected blood and the transmission of an infection through a consenting act such as sex. The key is that there has to be a clear intention to transmit disease, rather than just recklessness. "We are not opposed to having a specific offence of intentionally infecting someone, such as in a rape case, but the changes must not backfire and drive people with HIV underground."

Activity 2.

Study the following words and phrases

deliberately spread the AIDS virus	навмисно розповсюджувати вірус СНІДу
assailant	противник, супротивник
to stab people with syringes filled with HIV-infected blood	колоти людей шприцем наповненим ВІЛ – інфікованою кров'ю
HIV-infected person	ВІЛ інфікована особа
HIV positive person	ВІЛ позитивна особа
person infected with the Aids virus	особа інфікована вірусом СНІДу
transmission of an infection through a consenting act	розповсюдження інфекції через добровільний (статевий) акт
anthrax spores	пори чуми
deliberately pass on the virus during sex	навмисне розповсюдження вірусу під час сексу
recklessness	недбальство
to infect someone with smth.	інфікувати (заразити) когось (чимось)

Activity 3.

Answer the following questions:

1. What changes were made in criminal laws?
2. What punishment should be imposed on people with HIV who deliberately spread the AIDS according to new law?
3. What is the most controversial proposal?

4. What acts were committed by people with HIV in order to spread the AIDS virus?
5. What are the difficulties in applying the new law?

Activity 4.

Write a summary of the text using the following key words:

deliberately spread the AIDS virus; new law; modernization of the criminal laws; the abolition of offences; grievous bodily harm; the introduction of a new offence; intentionally transmit a disease; to cause harm; a number of incidents; to stab people with syringes filled with HIV- infected blood; may behave recklessly; deliberately and calculating by intent to cause harm; maximum punishment; to be hard to prove; to discourage people from having blood test; deliberately pass on the virus during sex; recklessness; to infect someone.

Activity 5.

Render the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 39

Protect Young Girls from Forced Sex with HIV-Positive Men

Activity 1.

Read and translate the text

As the international Aids conference continues in Barcelona, Janet Fleischman of Human Rights Watch contributes this personal view on the special and urgent need to protect young girls and women from HIV infection.

Aids in Africa ravages millions of lives, those infected as well as those affected. Increased international mobilization, particularly the XIV International Conference on AIDS in Barcelona, is crucial, but one acutely vulnerable group continues to suffer in silence - adolescent girls at risk of infection by sexual violence and other abuses.

With prevalence rates in several heavily affected countries five times higher than for boys, protecting girls should be a prime objective. Decisive steps now at the national and international level could have real impact, with relatively minimal financial cost.

Alarming numbers of girls are targets of sexual violence, frequently by HIV-positive men. Some men seek out younger and younger girls in the hope that they will be Aids-free; others look for young girls based on the myth that having sex with a virgin will cure them of the disease. The low social and legal status of women and girls makes it exceedingly difficult for them to negotiate safe sex and to take steps to protect themselves from HIV infection. The perpetrators of these abuses are not only unscrupulous older men, referred to as "sugar daddies," who coerce girls into sexual relations with offers of gifts and money. The tragic reality is that many abusers are precisely the adults with responsibility for caring for these children, such as close relatives and teachers. They use their power and status to compel girls to comply, underscored by threats of violence or abandonment if they refuse. In most cases, victimized girls remain silent in the face of a legal and social system that fails to act to protect the girls' rights. Indeed, the obstacles that a girl would have to overcome in Zambia to report a case of rape or defilement appear overwhelming: she would face a police department that is rarely child or gender sensitive, a medical establishment that often scolds her for being promiscuous, a court system lacking any facilities for youths, and a societal structure that teaches girls to be submissive to men. Even if she did report an abuse, chances that officials would act against the abuser are minimal. As a result, the perpetrators remain free to abuse, and to infect, again. Tragically, the spread of HIV/Aids to girls is the

result of more than just shortcomings in the justice system. In the worst affected areas of southern Africa, hundreds of thousands of children are Aids orphans, with girls bearing the brunt of the burden of caring for ailing parents and taking responsibility for their siblings. These girls are usually the first to drop out of school, which further reduces their access to information and their economic and social ability to protect themselves against HIV infection. All too often, they end up on the streets and engage in high-risk sex work as their only economic alternative.

To a large extent, the remedies required to protect millions of other girls in Africa are not outrageously expensive, nor do they require a massive overhaul of the justice system. In most African countries, the laws are on the books - they need to be enforced. The police need special training in gender violence and child abuse, as do medical professionals and educators. Abuses against girls must be investigated and prosecuted, and stiffer punishments meted out.

Preventive administration of a short course of anti-Aids drugs should be given to rape victims, as it is in many countries. Communities need to be empowered to recognize and act upon signs of abuse. Governments, schools and communities should increase programs to keep girls in school and in a safe environment.

Allowing girls to suffer in silence not only perpetuates serious human rights violations, it facilitates the transmission of HIV. International and national policymakers meeting in Barcelona should muster the political will and take the steps necessary to break this cycle of abuse and transmission.

Activity 2.

Answer the following questions:

1. What can you say about spreading HIV infection and AIDS in Africa?
2. What can you say about girls impacted by HIV / AIDS?
3. In what way it is possible to protect them?
4. What should be done to improve the situation with HIV / AIDS in Africa?

Activity 3.

Write a summary of the text using the following key words:

HIV infection and AIDS; to ravage millions of lives; risk of infection by sexual violence; to remain silence; to protect rights; perpetrator; to be free to abuse and to infect; spread of HIV / AIDS; shortcoming in the justice system; AIDS orphans; remedies required; outrageously experience; massive overhaul of the

justice system; preventive administration; rape victims; to be empowered to recognize; to act upon signs of abuse; safe environment; to suffer in silence; to perpetuate serious human rights violations; to facilitate the transmission of HIV; to take steps; to break this cycle of abuse and transmission.

Activity 4.

Render the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 40

Two Rape Cases

Activity 1.

Read and translate the text

Walking home from a movie with two female companions, a woman was forced at gun point into an automobile which had pulled alongside, taken to the basement of a building, and gang-raped. Later, while the men quarreled about whether to kill or free their victim, she maneuvered close enough to a bank of utility company meters on the basement wall to memorize one serial number. Much later, deciding to spare her life, they drove to a deserted street and abandoned her. The investigators located the basement from the utility company's meter records, but further inquiries in the neighborhood were hampered by residents' fear of retaliation. The rapists' reputation ensured their control of the area and the basement hideout. Nonetheless, a persuasive, sympathetic interviewing of area residents eventually elicited the information needed for their apprehension. The importance of memory is illustrated by the fact that the victim was resolved to remain calm enough to focus all her attention on one detail -the number on the gas meter. Such close attention to a circumstance or circumstances is not as unusual as it might seem. It characterized another rape case in which the victim was blindfolded and driven around for hours, then assaulted in the car. At first, she was only able to make out the word «Cadillac» on the dashboard; when the blindfold worked itself loose, she could read the city sticker on the windshield. She memorized the two-letter, four-digit number. A determination to bring her attacker to justice helped the victim keep her wits about her, thus permitting police to trace the vehicle's owner.

Activity 2.

Find the most important facts in each of the two paragraphs.

Activity 3.

Write a summary of the text according to the following scheme:

This text is entitled ... It deals with First the author says that... . He focuses on He also gives a description of... Then he proceeds with In conclusion he writes...

UNIT 41

Assault on a Baby

Activity 1.

Read and translate the text

In this case, the mother of an infant daughter awakened one morning, surprised that the baby had not demanded her 6 a.m. feeding. Going to the crib, she found the child bleeding profusely from the vagina: Medical examination disclosed extensive damage to the genital orifice, such as might be caused by the insertion of an object too large for the opening. The mother had last seen her child at the 2 a.m. feeding; she heard nothing after the baby went back to sleep. There were no obvious signs of entry into the one-family house. A few hours later, the next door neighbor reported to detectives that the electricity had been turned off in the basement during the night, the turn-off occurring at 3:20 a.m., as indicated by an electric clock. A partially consumed bottle of beer was noted on a workbench close to the fuse box in the basement. The brand was unfamiliar to the investigator and the occupants of both houses. Although no usable fingerprints were to be found on the bottle, the criminalist at the scene discovered a number inside the label. Observing the number required that the bottle be held up to strong light directed at the front of the label. It was ascertained from the brewery that this number indicated a distribution area, and the name of the local distributor was furnished.

Checking with the distributor, the investigators learned that the brand in question was handled by that distributor alone and was sold only by case lots for home delivery. A search of the records on case deliveries for that month produced two names. One family lived five miles from the crime scene; the other, within half a mile. The latter had a teenage son who claimed to know nothing of the incident; however, after a brief interrogation, his preoccupation with sex became apparent, and he revealed that he had «examined» the baby. He then confirmed the method of entry into the house (through the pantry window) which had been suggested by the criminalist but scoffed at by the investigating officer. The clue for the criminalist had been the slight disturbance of dust, revealed by means of oblique illumination on a small ledge under the pantry window.

Activity 2.

Find answers to the following questions in the first paragraph:

1. Why was the baby's mother surprised?
2. What did medical examination disclose?
3. When did the mother see her child last?
4. How many families lived in the house?
5. What did the investigator notice in the basement?
6. In what way did the criminalist discover the number inside the bottle?
7. What did the number indicate?

Activity 3.

Write a summary of the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 42

Sixth Victim in London Train Sex Attacks

Activity 1.

Read and translate the text

The consent to sexual intercourse must be real consent. Consent must be freely, another rail passenger has been assaulted in the latest in a string of sex attacks on commuter train routes between London and the South Coast.

Detectives today tried to calm passenger fears by denying there was a serial rail attacker after a 30-year-old woman became the sixth victim of assaults on trains in many weeks.

Transport police have stepped up patrols and Connex, the train operator involved in all the incidents, has extended its own security guard patrols on trains.

In the latest attack, a woman from Essex was assaulted in the lavatory of the 7.55 a.m. train between London Bridge and Haywards Heath on Wednesday. She is recovering from her ordeal and has been questioned by police. British Transport Police today said they were studying all the rail line attacks but do not believe they are connected. Police also issued an E-fit picture of a man suspected of sexually assaulting three boys, aged 11, eight and six, in Sussex earlier this month.

Connex has offered a reward of 5,000 pounds for information. Superintendent John Garratt, of the Transport Police, said "These isolated incidents must be seen in context. Trains are in general a very safe way to travel".

Activity 2.

Find answers to the following questions:

1. Where was a passenger assaulted?
2. How many sex attacks were there on commuter trains?
3. Do the police believe the assaults are connected?
4. What reward has been offered for information?

Activity 3.

Write a summary of the article using the following key words:

to assault; commuter train routes; to calm passenger fears; to extend security guard patrols; to be recovering from her ordeal; an E-flt of a suspect; to offer a reward; isolated incidents.

UNIT 43

Weekend Assault

Activity 1.

Skim through the text.

On Friday September 16 a young woman named Dorcas Callen was confronted by a soldier on an Anchorage street. She stood on the street near a tavern, and the soldier seemed intoxicated, although it was only eleven o'clock in the morning. When the man asked Dorcas to take a ride with him, she refused and turned away.

"Hey," the man continued. "I mink I know you maybe."

"Please go away," Dorcas pleaded. "You don't know me."

She was frightened now. She knew that a woman had been beaten to death in the neighborhood only weeks before. But the husky soldier was angered by her refusal, and she could not get away from him. Before she could move, the man grabbed her and began to drag her away from the street. They fell into a ditch beside the road, and he was all over her, tearing at her clothing, his hands touching her on her breasts, between her legs. In another minute, he would rape her.

Dorcas fought him, fighting frantically to find a handhold in the soft dirt walls of the ditch. He was very strong, almost inhumanly strong. Screaming, she managed to climb out of the pit. She ran across the street toward the tavern. Dorcas Callen was more fortunate than Laura Showalter had been; she managed to get away from the would-be rapist, bruised and bleeding - but alive.

She immediately reported the assault to the Anchorage police. She was able to give them an accurate description, right down to the deep dimple in the rapist's chin. Police searched the area, and later on that afternoon, they found a young soldier who resembled Dorcas' attacker even to the dimple in his chin. They brought Harvey Louis Carignan, twenty-two, into the station.

Carignan, who gave his address as the barracks at Fort Richardson, was placed in a lineup with four other men of similar size and coloring. Dorcas Callen viewed the lineup and searched the faces of the men standing there. She picked Harvey Carignan at once. Her statement on the attempted rape sounded familiar to the detectives working on the Showalter murder. Someone had killed Laura Showalter in a sexual assault, and she too had been beaten with bare fists. The M.O. was almost identical to the Callen assault. Both women had been approached by their attacker on a weekend day, and both men had been big,

young, and brown-haired. It sounded close enough to arrange for John Keith to come in and view the lineup. Keith looked the five men over and then picked Harvey Carignan as the man who “looked nearer like the man I saw there (next to Laura Showalter's body) than any man I have seen”. And so Harvey Carignan, three years out of the Mandan eformatory, was placed under arrest on the charge of assault to commit rape on Dorcas Callen. He was booked into the Anchorage city bail. Carignan admitted the attempted rape, but he did not want about to talk about the Showalter case.

Although the Miranda decision regarding the reading of rights to a suspect - his right to counsel, his right to remain silent, and his right to end an interrogation whenever he chooses - did not come into law until 1958, there were guidelines established for the prisoner's right to speedy arraignment and for interrogation procedure in 1949. Harvey Carignan was just beginning his jousting with the justice system in America. As the years passed, he would become more and more adept at sidestepping the law.

On Saturday morning, September 17, 1949, the Anchorage police were frustrated with Harvey in their efforts to discuss the death of Laura Showalter. They took him to the office of US Marshal Herring. Herring's reputation as a skilled interrogator was well established. If anyone could extract the truth about Laura Showalter's murder from Harvey, the consensus was that it would be Herring.

But the law is such a delicately balanced entity, and so many criteria must be met for judgments to survive the processes of appeal. Already, a vital step had been omitted. Carignan had been swiftly brought before a magistrate and given a hearing on the Callen rape charge, and he had been advised of his rights in that case. A second hearing, however, had not been held regarding the murder charge. Indeed, he had not been charged in the death of Laura Showalter when he was taken to Herring's office. And Herring made him confess. Harvey Carignan went on trial for first-degree murder, was convicted and sentenced to die on the gallows.

Activity 2.

Choose the sentences in the text that answer the following questions:

1. What did the soldier look like?
2. Why was Dorcas frightened?
3. How did Dorcas manage to get away from the attacker?
4. Why did Dorcas' statement sound familiar to the detectives?
5. When did the Miranda decision come into law?

6. Who made Carignan confess?

Activity 3.

Write a summary of the text.

UNIT 44

Cruel Assault

Activity 1.

Skim through the text.

Very early on the morning of Sunday 23 July, the victim, a 48-year-old mother, was returning home from Exeter city centre after a night out with a friend.

Sometime between 3.17 and 3.30am she was attacked, beaten, raped, stripped, robbed, and left for dead with a fractured skull. She was left unconscious and naked, wedged between the wheels of a pickup truck and the kerb in Redlands Close, Whipton. Redlands Close is a quiet area and she was not found until nine hours later, at around midday the following day. Her clothes were scattered all over the cul-de-sac.

52 days later the victim is still in a critical condition. She may never recover.

CCTV on the night shows a man following the victim as she walks home. He trails her along Sidwell Street and Pinhoe Road, before approaching her by Wilkie's Store. A little later, he comes back, carrying the victim's bag, which was later found half a mile away from the scene. Police are still looking for her phone, a blue Nokia 3310.

Appeal points

- The attacker is 1.80 to 1.82m (5.9 to 6.0ft) tall, with dark hair. He was wearing dark trousers (possibly jeans with turn-ups) and very light footwear.
- Crucially, he was wearing a red and white striped Exeter city football shirt, with a number 8 in white on the back as well as some writing in black. Police believe this is a 1999-2000 unofficial shirt reading 'We 8 Argyle', a dig at local rivals Plymouth Argyle. Fewer than 100 of these shirts were made. Do you know anyone who owns or who has recently got rid of a shirt like this?
- On the afternoon before the rape, Saturday 22 July, Exeter city played a pre-season friendly against Bristol Rovers. About 2000 fans watched the match. Were you there? Did you see the attacker?
- Did you see him or were you approached by him later that evening in Exeter city centre?
- Crime stoppers are offering a £10,000 reward for information leading to a conviction.
- DNA and fingerprint evidence can be used to confirm the identity of the

attacker.

Activity 2.

Choose the sentences in the text that answer the following questions:

1. Who was the victim?
2. When she was attacked?
3. What happened with her?
4. How did the police describe the attacker?
5. What reward has been offered for information?

Activity 3.

Write a summary of the article using the following key words:

to be attacked, beaten, raped, stripped, robbed; to leave; unconscious; to be found; to recover; to follow the victim; to be found away from the scene; DNA and fingerprints; to confirm the identity.

UNIT 45

Definitions of Terrorism

Activity 1.

Read and translate the text.

Terrorism is an elusive concept. «Terrorist» is an emotionally laden word in our vocabulary that has an immediate negative connotation. Neither «terrorist» nor «freedom fighter» carries much weight from an investigative or legal standpoint. Unfortunately, the political aspect of a terrorist act creates a strong public reaction and produces consequent pressure on the law enforcement community to make an early arrest. If the act falls within certain guidelines, it comes under the jurisdiction of the Federal Bureau of Investigation. It is important to keep in mind that most true terrorist acts would be investigated not by local law enforcement, but by the FBI - frequently through a terrorism Activity force. These Activity forces, comprised of federal, state, and local law enforcement officials, are found in most major cities of the United States.

Responsibility for crime scene protection and preliminary investigation rests with local law enforcement simply because they are the first to respond. The success of terrorist-related investigations in the recent past has been due largely to the high level of cooperation between local, state, and federal officials, something that unfortunately does not always occur in investigations involving multiple jurisdictions.

Within the United States, terrorism itself is generally not a crime, although some states have enacted laws that attempt to define terrorist activity. Contemporary terrorism is a worldwide phenomenon with modern-day roots in the United States during the period of the Vietnam War. It evolved into the tool of a relatively few misguided political activists who believed that it is morally right to use illegal means to promote their own ends. In carrying out criminal acts - usually bombings or assaults - these small groups of individuals, frequently allied with a larger protest movement having similar goals but operating within the law, created a new problem for law enforcement. During the late 1960s and 1970s, terrorist acts were frequently identified with anti-war activists, those opposed to the civil rights movement, and those protesting university involvement with the military. However, it should be recognized that terror as a political weapon has a long history even in the United States. Terrorist tactics were frequently employed by racist groups such as the Ku Klux Klan, by organized labor in its attempts to unionize employees, and by businesses who employed individuals to carry out terrorist acts against union leaders and strikers.

Thus, there are many definitions of terrorism that, from an investigative standpoint, are virtually meaningless because they are often vague and do not provide a clear *corpus delicti* for the crime. For purposes of this text, terrorism can be defined as the use of force or the fear of force to achieve a political end. Another definition, offered by the Vice President's Activity force on Combating Terrorism provides some clarification:

Terrorism is the unlawful use or threat of violence against persons or property to further political or social objectives. It is generally intended to intimidate or coerce a government, individuals or groups to modify their behavior or policies. These definitions encompass a general consensus in the United States that terrorism itself is not a crime, but rather a phenomenon that accompanies traditional crime (such as murder, bombing, or kidnapping) that is to create a climate of terror within a community or a particular group.

In this regard, law enforcement's investigative activities focus on the traditional crime carried out by terrorists. The most common types of crime in this area include:

Conspiracy

Murder (assassination)

Kidnapping

Hijacking (skyjacking)

Bombing/Arson

Robbery Extortion

What makes these crimes different is that they are frequently carried out by groups or individuals within a group; motive is not usually monetary gain, except as a means to support the movement; they are frequently well planned; and the act itself is designed to achieve some political aim.

Activity 2.

Study the following words and phrases

terrorism	тероризм
elusive concept	ілюзорне поняття
terrorist	тероризм
emotionally laden word	слово з емоційним вантажем
negative connotation	негативний зв'язок (асоціація)
consequent	подальший
pressure	тиск

jurisdiction	юрисдикція
to carry out terrorist act	здійснювати терористичні акти

Activity 3.

Complete the sentences from the text above:

1. Terrorism is an elusive concept. «Terrorist» is an emotionally laden word in our vocabulary that...
2. Neither «terrorist» nor «freedom fighter»...
3. Unfortunately, the political aspect of a terrorist act creates...
4. If the act falls within certain guidelines...
5. It is important to keep in mind that...
6. These Activity forces, comprised of...
7. Responsibility for crime scene protection and preliminary investigation...
8. The success of terrorist-related investigations...
9. Within the United States, terrorism itself...
10. During the late 1960s and 1970s, terrorist acts...
11. However, it should be recognized that terror...
12. Thus, there are many definitions of terrorism that...
13. For purposes of this text, terrorism can be defined as...
14. Another definition, offered by ...
15. These definitions encompass a general consensus in the United States that...
16. In this regard, law enforcement's investigative activities focus on...
 1. The most common types of crime in this area include...
 2. What makes these crimes different is that...
 3. ... motive is not usually...
 4. ... they are frequently ... and the act itself...

Activity 3.

Find the most important information in the text you have read.

Activity 4.

Render the text using the following key words:

from an investigative or legal standpoint; political aspect of a terrorist act; to come under the jurisdiction; Federal Bureau of Investigation; to keep in mind; a

terrorism Activity force; responsibility for; the high level of cooperation; a worldwide phenomenon; to use illegal means; to promote their own ends; bombings or assaults; a new problem for law enforcement; to further political or social objectives; to intimidate or coerce a government; kidnapping; extortion; to achieve some political aim.

UNIT 46

Terrorist Acts

Activity 1.

Read and translate the text.

In more recent years terrorism has become the choice of a relatively few fanatics who adopt violence in support of legitimate social causes such as the protection of animal rights. There has also been a significant increase in terrorism associated with racial, ethnic, and religious bigotry.

The initial response to combating modern-day terrorism by law enforcement was to compile massive data bases on legitimate protest groups. Harassment of individuals involved in legitimate protest activities was not uncommon. Also during this period, the federal government, through the FBI and other agencies, used extralegal means - including electronic surveillance, misinformation, and character assassination - to combat the perceived threat. The end result of these activities was legislative action that placed restrictions on the manner in which investigations of individuals could be carried out. The Right to Privacy and the Freedom of Information Acts were designed to provide individuals a means of recourse against illegal invasions of privacy by government. An understanding of these restrictions, which were brought about largely by overzealous investigators, provides an historical framework which should be understood by the investigator today.

International terrorism added another dimension that has had an impact on the United States. As liberation movements and other conflicts throughout the world have grown over the past two decades, many of the activities of these groups have taken place within the United States, or have been directed against United States citizens or interests abroad. In many cases the conflicts have had very little to do with the politics of this country. Often they were attacks on individuals and interests located in the United States that were affiliated with other countries. Because these criminal acts occurred within United States boundaries, responsibility for their investigation rested there.

An added dimension of international terrorism in the United States directed against citizens and interests from abroad was brought about by groups that committed crimes in an effort to change American policies. Some of these acts were carried out by representatives of foreign governments, thus raising the notion of state-sponsored terrorism.

The high incidence of terrorist activity has resulted in numerous theories, books, and government actions placing great emphasis on law enforcement's role

in combating the phenomenon. Also, because a terrorist 3Ct has a low probability of occurrence, but has a major impact when it does occur, it is incumbent upon investigators to be familiar with this phenomenon.

The United States Congress has passed legislation that relates specifically to terrorism. This legislation makes it a federal crime to:

- Hijack or destroy a foreign aircraft outside the United States and take refuge in the United States.
- Use violence against any passenger on board a civilian or government aircraft.
- Commit a crime against a federal official.
- Travel interstate or use foreign transportation to commit murder or assassination.
- Train foreign nationals in the use of firearms, munitions, or explosives.
- Murder a hostage.
- Kidnap, assault, or murder a United States citizen outside the country, if the suspect is returned to the United States.

Activity 2.

Study the following words and phrases

law enforcement bodies	правоохоронні органи
crime scene protection	захист (збереження) місця злочину
investigation	Розслідування
preliminary investigation	попереднє розслідування
religious (ethnic) bigotry	релігійний (етнічний) фанатизм
responsibility	відповідальність
coercive measures	примусові заходи
assassination	вбивство політичного діяча
kidnapping	викрадення (дитини або іншої особи)

Activity 3.

Complete the sentences from the text above:

1. In recent year terrorism...
2. There has also been a significant increase in...
3. The initial response to combating modern day terrorism by law enforcement

was...

4. Also during this period, the federal government, through FBI and other agencies...

5. The end result of these activities was...

Activity 4.

In the text above find answers to the following questions:

1. What means did the federal government use for combating terrorism?
2. What were the Right to Privacy and Freedom of Information Acts designed to provide?
3. Where do the activities of terrorist groups take place?
4. What are terrorist acts aimed at?

Activity 4.

Render the text

UNIT 47

Assassination

Activity 1.

Read and translate the text.

Assassination attempts are often made through bomb attacks. In the United States, however, the trend in political assassination has involved firearms. Where an attempt is made with a handgun and the perpetrator is apprehended immediately, the evidentiary requirements can be handled in a relatively routine fashion. Attacks using a rifle or automatic weapon represent a greater problem. Perhaps the most infamous assassination in the United States was the murder of President John F. Kennedy in Dallas, Texas. Although the crime scene in the Texas Book Depository from which Lee Harvey Oswald fired was protected, a number of items were overlooked in the initial crime scene search. Perhaps more important was the failure to protect other potential sites where later speculation suggested that there may have been a second or even a third gunman. The way in which this case was handled has created a national mystery which leaves unanswered questions in the minds of many Americans.

Assassination attempts carried out by terrorist groups are generally planned in advance. The scene has been analyzed and avenues of escape have been plotted. The crime scene may actually be in several locations, and the investigator in making the initial assessment should take time to explore the various possibilities that may exist. The terrorist will frequently try to disguise or mislead in a variety of ways.

Activity 2.

Study the following words and phrases

extortion	злочинне вимагання
hijacking (skyjacking)	викрадення літака
to use violence	застосовувати насильство
Hostage	заручник
to murder a hostage	вбити заручника
to further political or social objectives	сприяти здійсненню політичних та соціальних цілей
to intimidate or coerce	залякувати або присилувати
to modify behavior or policies	змінити поведінку чи політику

Activity 3.

Complete the sentences from the text above:

1. Assassination attempts are often made by ...
2. In the USA, however, ...
3. Where an attempt is made with a handgun ...
4. Attacks using a rifle or automatic weapon ...
5. Perhaps, the most infamous assassination in the USA was ...
6. Assassination attempts carried out by terrorist group are...
7. The scene has been analyzed and ...
8. The crime scene may actually be...
9. The terrorist will ...

Activity 4.

Choose the answer that best completes the sentence:

1. In the United States assassination attempts _____

- A) are often made through bomb attacks
- B) never involve bomb attacks
- C) frequently involve firearms

2. The terrorist will _____

- A) never try to disguise or mislead
- B) will frequently try to analyze the crime scene
- C) will frequently try to disguise and mislead in a variety of ways.

3. The way the case of John F. Kennedy's assassination was handled _____

- A) has created a national mystery which unanswered questions
- B) has created a national mystery which leaves unanswered questions in the minds of many Americans
- C) answered questions in the minds of many Americans.

Activity 5.

Delete the unessential information.

Activity 6.

Give a summary of the text using the following key words:

assassination attempt; involve firearms; the most infamous assassination in the US; the crime scene; to handle the case; national mystery; unanswered questions; to plan in advance; to explore the various possibilities; to disguise or mislead in a variety of ways; to trace the activities of the suspects, additional physical evidence; to jump to conclusions.

UNIT 48

Why is Bioterrorism such a Threat?

Activity 1.

Read and translate the text.

Bioterrorism is terrorism by intentional release or dissemination of biological agents (bacteria, viruses or toxins); these may be in a naturally-occurring or in a human-modified form.

The world is largely unaware of, and therefore largely unprepared for, bioterrorist attacks. Bio-weapons threaten thousands of casualties in addition to other disastrous long term consequences. Criminal networks can covertly transport lethal agents across borders and terrorists have already proven that anthrax can be fatally deployed. Bio-technology is undergoing rapid evolution. This process, and the wide dissemination of developments, is already proving difficult to manage. There is evidence that terrorist organizations have a heightened interest in the use of biological weapons, establishing terrorist support cells in different regions around the world with the ability and motivation to carry out attacks.

An effective biological weapon is potentially devastating and much easier to make and transport than a nuclear weapon. Bio-weapons are, however, relatively safe for the terrorist. Pathogens (biological agents or germs) are virtually undetectable and can be brought reasonably easily into a country by an individual and can then be propagated in large quantities.

Recognising the imminent dangers represented by this lethal form of crime is the first step in countering the threat. Thereafter it is vital to put in place the tools which will enable society to take appropriate measures.

In many countries, criminal justice systems are constrained by inadequate legal frameworks governing the detection and repression of bio-weapons. Frequently, no law is violated until the disease or biological agent is actually deployed. Law enforcement officers are therefore unable to begin preliminary investigations into the development of such weapons. Without laws which criminalise activity relating to bio-weapons, there is no basis for legal assistance or co-operation to prevent their production and transport.

There is therefore an urgent need to ensure that countries are adequately prepared for, protected from, and able to respond to bioterrorism attacks. Law enforcement agencies have a crucial role to play, with significant support from, and in collaboration with a range of other national and international bodies.

Activity 2.

Study the following words and phrases

general consensus	загальне поняття
to create a climate of terror	створити атмосферу терору
phenomenon that accompanies traditional crime	феномен, що супроводжує традиційні злочини
to support the movement	підтримувати рух
monetary gain	матеріальна вигода
in support of	на підтримку
legitimate social cause	законні соціальні

Activity 3.

Complete the sentences from the text above:

1. Bioterrorism is terrorism by...
2. The world is largely unaware of, and therefore...
3. Bio-weapons threaten...
4. Criminal networks can covertly...
5. Bio-technology is undergoing...
6. There is evidence that terrorist organizations have...
7. An effective biological weapon is potentially devastating and...
8. Bio-weapons are, however...
9. Recognising the imminent dangers represented by this lethal form of crime...
10. In many countries, criminal justice systems are constrained...
11. Frequently, no law is violated until...
12. Law enforcement officers are therefore unable to...
13. Without laws which criminalise activity relating to bio-weapons...
14. There is therefore an urgent need...
15. Law enforcement agencies have a crucial role to play...

Activity 4.

Give a summary of the text using the following key words:

bioterrorism; intentional release; dissemination; biological agents; to be in a naturally-occurring form; to be in a human-modified form; to be unaware of; to be unprepared for; bioterrorist attacks; bio-weapons; to threaten; criminal

networks; bio-technology; to be difficult to manage; terrorist organizations; a nuclear weapon; pathogens; the imminent dangers; to take appropriate measures; criminal justice systems; the disease; biological agent; law enforcement officers; preliminary investigations; legal assistance; co-operation; an urgent need; bioterrorism attacks; law enforcement agencies; significant support; in collaboration with a range.

Activity 5.

Render the text according to the following scheme:

This text is entitled... . It deals with At the beginning of the text the author says that.... He focuses onHe also comments on... . Then he proceeds with In conclusion he writes

UNIT 49

Eco – terrorism

Activity 1.

Read and translate the text.

"The FBI defines eco-terrorism as *the use or threatened use of violence of a criminal nature against innocent victims or property by an environmentally-oriented, sub national group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature.*" James F. Jarboe, Domestic Terrorism Section Chief, Counterterrorism Division, FBI; Feb. 12, 2002.

The term eco-terrorism is also used to describe threats and/or acts of violence (both against people and against property), sabotage, vandalism, property damage and intimidation committed in the name of environmentalism. The FBI's Domestic Terrorism Section defines eco-terrorism as "the use or threatened use of violence of a criminal nature against innocent victims or property by an environmentally-oriented, subnational group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature."

The term is considered to be controversial, particularly by those to whom it is applied. Many of the arguments in this respect concern what may be considered violence, and in particular whether acts which are destructive to property but avoid harm to human beings may be considered terrorism. As a pejorative term, "eco-terrorism" has also been used to describe legal forms of nonviolent protest enacted by environmentalists. This is generally seen as an attempt to associate any environmentalist activism with illegal acts of eco-terrorism.

The term may have been coined by Ron Arnold, an executive at the Center for the Defense of Free Enterprise and author of *Ecoterror: The Violent Agenda to Save Nature*. Some authors have noted that the damage caused by environmentalist sabotage from 1980 to 1999 amounted to \$42.8 million.

Eco-terrorism has also been referred to as "an act that terrorizes other species and threatens the ecological systems of the planet" in a commentary by Paul Watson criticizing the media.

Activity 2.

Study the following words and phrases

significant increase	значне підвищення
to combat terrorism	боротися з тероризмом
to compile data bases	збирати бази даних
illegal invasions of privacy	незаконне вторгнення в приватність
restriction	Обмеження
overzealous	старанний
corpus delicti	склад злочину
assassination attempt	замах на вбивство

Activity 3.

Complete the sentences from the text above:

1. The FBI defines eco-terrorism as...
2. The term eco-terrorism is also used to describe ...
3. The FBI's Domestic Terrorism Section defines eco-terrorism as ...
4. The term is considered to be controversial, particularly by ...
5. Many of the arguments in this respect concern what ...
6. As a pejorative term, "eco-terrorism" has also been used to describe...
7. This is generally seen as an attempt to ...
8. Eco-terrorism has also been referred to...

Activity 4.

Give a summary of the text using the following key words:

eco-terrorism; the use or threatened use of violence; the term eco-terrorism; to describe threats; acts of violence; sabotage; vandalism; property damage; intimidation; the FBI's Domestic Terrorism Section; to be controversial; the arguments; to consider; violence; terrorism; legal forms; nonviolent protest; environmentalists;

UNIT 50

Agroterrorism

Activity 1.

Read and translate the text.

Agroterrorism, also known as Agriterrorism, is "the malicious use of plant or animal pathogens to cause devastating disease in the agricultural sector. It may also take the form of hoaxes and threats intended to create public fear of such events".

From a BBC article on the subject: *When Tommy Thompson stood down as US health secretary in 2004, he delivered a stark warning. "I, for the life of me, cannot understand why the terrorists have not attacked our food supply, because it is so easy to do," he said.* In the same article, Larry Wein from Stanford University describes the scenario of poisoning a milk tanker with 10 grams of botulinum toxin, and is quoted concluding: *"If we didn't realize what was happening, half a million people would drink this milk... most of these would be poisoned, roughly half of them would die"*

A terrorist attack on the food chain on that scale has never happened. The purported ease with which such an attack could be executed is controversial. Historically, there have been at least five acts of agro-terrorism in the United States and 17 worldwide. In one attack, a radical group released Mediterranean fruit flies in California. The Medfly attacks more than 250 varieties of fruits, nuts and vegetables. A similar attack with a corn or soybean pest could devastate South Dakota's agriculture industry.

Activity 2.

Complete the sentences from the text above:

1. Agroterrorism, also known as Agriterrorism...
2. It may also take the form of...
3. A terrorist attack on the food chain on that scale...
4. The purported ease with which such an attack could be executed...
5. Historically, there have been at least five acts of...

Activity 3.

Give a summary of the text using the following key words:

agroterrorism; the malicious use; to cause devastating disease; intended to create public fear; scenario of poisoning; botulinum toxin; terrorist attack; the food chain; acts of agro-terrorism; devastate; agriculture industry.

UNIT 51

HIJACKERS' DEMANDS

Activity 1.

Read and translate the text.

The hijackers of an Indian Airlines plane dropped demands for a ransom and the body of a Kashmiri militant in what could be a breakthrough in negotiations aimed at ending the six-day hijacking, the Taliban's foreign minister said.

The Taliban intervened at Indian negotiators' request, convincing the hijackers to back off the \$200 million ransom demand. The Taliban reminded the hijackers that the ransom and removing a body from its burial ground were against Islam, he said.

In exchange for the release of 155 people being kept captive aboard the plane, the hijackers demanded the ransom, the release of 35 militants and a Pakistani cleric from Indian prisons, and the body of a militant Kashmiri killed earlier this year. Talks between Indian negotiators and the hijackers began late December 27 - four days after the plane was seized - after the captors threatened to start killing hostages. Negotiators were communicating with the hijackers by radio from the control tower at the Kandahar airport, Afghanistan.

The five hijackers - armed with grenades, pistols and knives - seized the New Delhi-bound Flight 804 some 40 minutes after it took off from Katmandu, Nepal.

Activity 2.

Study the following words and phrases

terrorism task force	оперативна група по боротьбі з тероризмом
conspiracy	злочинна змова
electronic surveillance	електронне спостереження
designed to achieve some political aim	розрахований на досягнення певної політичної мети
explosive	вибухова речовина
initial assessment	попереднє оцінювання
to disguise	маскуватися, змінювати зовнішність
to mislead (<i>past and p.p.</i> mislead)	вводити в оману
to release people being	звільнити людей, що тримаються

kept captive aboard the plane	в полоні на борту літака
to demand ransom	вимагати викуп
to terrorize	тероризувати

Activity 3.

In the text above find the sentences that contain answers to the following questions:

1. What did the hijackers of an Indian Airlines plane drop?
2. What did the Taliban remind the hijackers?
3. What did the hijackers demand in exchange of the people kept captive aboard the plane?
4. When did talks between Indian negotiators and the hijackers begin?

Activity 3.

Delete the unessential information, leave the most important details.

Activity 4.

Give a summary of the text.

UNIT 52

A Hijacker Yields to French Police

Activity 1.

Read and translate the text.

An Italian who hijacked an Air France plane to Charle de Gaulle airport on Tuesday surrendered shortly after 7 p.m., after freeing all the passengers.

Stefano Savorani gave himself up to gendarmes three hours after diverting the plane from Orly, south of Paris, to Charle de Gaulle, north of the capital during a flight from Marseille.

He said by mobile phone that he was acting in the name of an Italian group called 'Vitalunismo'. Italian authorities said they did not know of any such group.

He said: 'I don't want money. I only want my movement to be recognized.'

Activity 2.

Study the following words and phrases

to deploy	розгортати, розчленовувати
collaboration	співпраця
eco-terrorism	екотероризм
Sabotage	саботаж, диверсія
property damage	пошкодження власності

Activity 3.

Find the most important facts in each paragraph. Delete the unessential information.

UNIT 53

Britain's Suicide Bombers

Activity 1.

Read and translate the text.

A BBC program has discovered that despite the actions of the police and security forces some Muslims resident in Britain are preparing to take up arms, many influenced by leader of the controversial al Muhajiroun group.

The radical leader has recently defended the Madrid bombers and told young British Muslims, some as young as ten, that they must "kill and be killed" for Islam; that "suicide bombers would be guaranteed a place in paradise"; and even that they should consider "flying a plane into 10 Downing Street".

Referring to the continued presence of British, Spanish and US forces in

Iraq he told the audience: "What happened in Madrid is all (revenge) Eye for eye, tooth for tooth, and life for life. Anybody (that) commits a crime and should be punished - that's exactly what happened in relation to Spain."

"Objective number' one - break the psychology of the occupier) by hitting back in their homeland. To be worried about their own wives and loved ones."

He instructs his followers to take direct action.

"Prepare as much as you can from strength and from force to terrorize)- because terrorism it is part of Islam."

At an earlier meeting the BBC recorded Omar Bakri encouraging members of his British pupils to become suicide bombers.

"Martyrdoms what you want. Do the effort. Clear your intention. Go toward never look backwards. Make sure you have nothing left behind you to think about or cry for and fight in the name of Allah."

He refers to suicide missions as self sacrifice operations. "So what is self sacrifice operation? It's got to be the following scenario. Somebody fly airplane and he decide to land the aero plane over 10 Downing Street, for example, or over the White House. This is a form of self-sacrifice operation." Omar Bakri's version of Islam is disputed by most Muslims. But some of his former students have translated his words into action.

Omar Sharif from Derby was part of the two man suicide operation responsible last year for a suicide bomb attack in Tel Aviv. Three people were murdered.

One of Omar Balm's followers, 24-year-old Hassan Butt from Manchester, tells the program that he ("envies 3 the Madrid bombers and that he too would like to become a martyr")

"It is my hope that by the age of 40 I am a martyr - and if I hadn't I would probably be a bit dejected in not being among the martyrs of Islam," says Butt.

He's already been arrested twice under the Terrorism Act.

Asked if he's prepared to follow other British Muslims to a terror training camp, Hassan Butt says he'd be "honoured" and that he would have his mother's support.

Conservative Home Affairs spokesman Patrick Mercer, himself a former army intelligence officer, has studied the BBC recordings of Omar Sheik.

He believes that Omar Bakri's preaching is very worrying.

"We do have freedom of speech but to a limit, here's a man praising what went on in Madrid a few days ago, praising the death of 200 and the injuries of over 1,000.

"If that sort of tosh is being said to youngsters who are impressionable then it is bound to encourage violence and murder," says Patrick Mercer MP.

Activity 2.

Study the following words and phrases

Sabotage	саботаж, диверсія
property damage	пошкодження власності
agroterrorism	агротероризм
malicious	зловмисний
Poison	отрута
to be poisoned	бути отруєним

Activity 3.

Give a gist of the text. Delete the unessential information.,

Activity 4.

Give a summary of the text using the following key words:

to discover; despite the actions of the police and security forces; to take up arms; influenced by; controversial; preferring to; presence of British, Spanish, and US forces; revenge; to commit a crime; to break the psychology; to terrorise; to encourage; preaching; freedom of speech; praising; to encourage violence and murder.

UNIT 54. SMILING ASSASSIN

Activity 1.

Read and translate the text.

He smiled when the guilty verdict was read out and turned around to the courtroom and gave the thumbs-up sign when the judge handed down the death sentence. Mr Ellwood was speaking on behalf of the victim's families. The 36-year-old said: "For us we are pleased that we are getting it (the trial) out of the way. We are going to Bali In October and we did not want this to be in the way."

The BBC's Rachel Harvey, who was in court, said as the judge announced his verdict his final words were "almost drowned out by the applause from the relatives and survivors) of the bombings". Amrozi faces death by firing squad but it could be some time before the sentence is Carried out. His lawyers are expected to appeal the decision.

Police said Amrozi, one of three brothers arrested in connection with the Bali operation, had admitted buying the explosives and the minivan used in last October's blast.

The 41-year-old mechanic denied the attack was the work of the regional militant Muslim group, Jemaah Islamiah, which has been linked to Osama Bin Laden's al-Qaeda network.

Amrozi has said he is not worried at the prospect of a possible death sentence.

Activity 2.

Give a summary of the text using the following key words:

to smile; guilty verdict; court room; to give the thumbs up sign; the death itence; to announce the verdict; final words; to face death; to appeal the decision; to v the explosives; to deny; to worry; prospect of a possible death sentence.

UNIT 55

UK 'PLOT' TERRORIST CHARGE DROPPED

Activity 1.

Read and translate the text.

A Pakistani judge has ruled there is not enough evidence to try a key suspect in an alleged airline bomb plot on terrorism charges. He has moved the case of Rashid Rauf, a Briton, from, an-anti-terrorism court to a regular court, where he faces lesser charges such as forgery.

Pakistan has presented Rauf as one of the ringleaders behind the alleged plan to blow up flights out of London. The British authorities say they foiled it with Pakistan's help in August. They say proceedings against suspects arrested in Britain will go ahead. The arrest of Rashid Rauf in Pakistan triggered arrests in the United Kingdom of a number of suspects allegedly plotting to blow up transatlantic flights.

The Pakistani authorities described him as a key figure.

But an anti-terrorism court in Rawalpindi found no evidence that he had been involved in terrorist activities or that he belonged to a terrorist organization.

As well as forgery charges, Mr Rauf has also been charged with carrying explosives.

But his lawyer says police evidence amounts only to bottles of hydrogen peroxide found in his possession.

Hydrogen peroxide is a disinfectant that can be used for bomb-making if other chemicals are added.

The BBC's Barbara Plett in Islamabad says the judge's decision has reinforced the already widespread skepticism there about the airliner plot.

Several commentators said the threat was deliberately exaggerated to bolster the anti-terror credentials of Pakistani President Pervez Musharraf and that it helped to demonise British Muslims of Pakistani origin.

The Crown Prosecution Service in the UK said the dropping of charges against Mr Rauf in Pakistan would "make no difference" to the case against the men charged in Britain. In August, the British government requested the extradition of Mr Rauf, a Briton of Pakistani origin who returned to Pakistan four years ago, in connection with a 2002 murder. He has been described by Pakistan's government as a "key person" in the "suspected conspiracy".

The August arrests led to increased airport security around the world, causing major disruption. Passengers on many flights were forbidden to take liquids aboard aircraft.

Activity 2.

Give a summary of the text using the following key words:

judge; evidence; key suspect; terrorism charges; proceeding against suspect; key figure; to find no evidence; terrorist activities; to be charged with; carrying explosives; dropping of charges; request the extradition; in connection with; suspected conspiracy; to increase airport security.

UNIT 56

"No Terrorism Activity" at School

Activity 1.

Read and translate the text.

A teacher at the East Sussex school being, searched in connection with an antiterrorism inquiryjhas denied all knowledge of any illegal activity.

Habib Nipon said he did not believe terrorists would go to the Jameah Islameah Islamic school at Marks Cross.

"The first time (was when) I saw their face in the newspaper. It is actually a nightmare because the school's future is our future," he told BBC News.

Police said searches at the school near Crowborough could take weeks.

In an exclusive interview with BBC South East Today, Mr Nipon, a science and maths teacher, said he was woken up by the police search.

"They told me we had to go to a big hold room. Suddenly the police inspection is going on and we were surrounded by the police.

"We went down to a room and we were held there. We were Accompanied to the toilet for washing and having some food."

He said he did not know if any members of staff knew anything about allegations that terrorists had visiting the school.

"Personally I did not see anything. The police said there were some terrorists and Islamic militants and they also mentioned some names which I'd never heard before."

Mr Nipon said 11 students were registered at the independent school. Sussex Police said no arrests had been made there.

Activity 3.

Give a summary of the text using the following key words:

teacher; being search; in connection with; to deny; illegal activity; to be woken up by the police search; to make no arrest.

GRAMMAR TESTS

Test 1. Present tenses

Test 1 A

Read the conversation between two students. Then look at the answers below and write the correct answer in each space.

Lisa: Who (►) is Michelle talking to?

Amy: I can't see Michelle.

Lisa: You (1) ... looking in the right place. She's over there.

Amy: Oh, that's Adrian. He's new here.

Lisa: Really? Where (2) ... he live? (3) you know?

Amy: No, I (4) ... know anything else about him.

Lisa: What (5) ... they talking about, I wonder?

Amy: Well, he (6) ... look very interested. He's got a very bored expression on his face. And he (7) ... saying anything.

► a) are b) do c) does d) is

1 a) aren't b) doesn't c) don't d) isn't

2 a) are b) do c) does d) is

3 a) Are b) Do c) Does d) Is

4 a) aren't b) doesn't c) don't d) 'm not

5 a) are b) do c) does d) is

6 a) aren't b) doesn't c) don't d) isn't

7 a) aren't b) doesn't c) don't d) isn't

Test 1 B

Read Tessa's postcard to Angela and write the missing words. Use one word only in each space.

We're (►) *having* a great time here. It's beautiful, and the sun (1) ... shining.

Yesterday I went water-skiing! What (2) ... you think of that?

I'm (3) ... at a table in our hotel room and writing a few postcards. The room is fine, but we (4) ... like the food very much. But it (5) ... matter because we (6) ... out to a restaurant every evening.

We're both (7) ... very lazy at the moment. I (8) ... up quite late in the morning, and Nigel (9) ... up even later. You know of course how much Nigel's work (10) ... to him and how he's (11) ... talking about it. Well, the holiday is so good that

he's forgotten all about work. So it's the perfect holiday. The only problem is that it's (12) ... us a lot of money. But we'll worry about that later.

Test 1 C

Each of these sentences has a mistake in it. Write the correct sentence.

► The children is doing their homework now.

The children are doing their homework now.

1 The girls are play tennis at the moment.

2 Both my brothers likes sport.

3 Anna wearing her new coat today.

4 What colour you like best?

5 My suitcase is weighing ten kilos-

6 At the moment I stay at a hotel.

7 Robert catch the same bus every morning.

8 What is this word here mean?

Test 1 D

Complete the conversations. Put in the correct form of each verb. Use the present continuous or the present simple.

► A: Is Janet in, please?

B: Yes, but I think (I / think) she's busy at the moment. *She's washing* (she / wash) her hair.

1 A: ... (I / think) of buying a new computer.

B: But computers ... (cost) so much money. What's wrong with the one we've got?

A: ... (it/ get) out of date now.

2 A: Your new trousers ... (look) nice.

B: Thank you. The trouble is ... (they/ not/ fit) properly.

... (I / not / know) why I bought them, really.

3 A: What ... (you / do)?

B: ... (I / weigh) this letter ... (I / need) to know how many stamps to put on it.

4 A: ... (I / think) this road is really dangerous. Look how fast that lorry ... (go).

B: ... (I / agree). People shouldn't go so fast.

5 A: ... (I / like) musicals. And this is a great show, isn't it?

... (you / enjoy) it?

B: Yes, I am ... (I /love) every minute of it.

6 A: ... (I / always/ fall) asleep. I just can't keep awake.

B: What time ... (you / go) to bed?

A: About ten o'clock usually. But ... (it / not / make) any difference.

7 A: Could you post the goods to me, please?

B: Yes, certainly.

A: ... (I /live) at a guest house at the moment as ... (I/look) for a flat. So could you send it to my work address?

B: Yes, of course. And you'll have the goods by the end of the week, ... (I / promise).

8 A: Why ... (you / want) to change the whole plan?

B: I'm just not happy with it.

A: And ... (I / not / understand) why ... (you / be) so difficult about it.

Test 2 Past simple and past continuous

Test 2 A

Put in the past simple of the verbs in brackets.

► The car *stopped* (stop) at the lights.

1 We ... (leave) the cinema before the end of the film.

2 The streets ... (be) crowded with people.

3 My grandmother ... (die) last year.

4 Everyone ... (have) a marvellous time.

5 We ... (not / like) the food they gave us.

6 Claire ... (go) to Egypt last month.

7 The accident ... (happen) last weekend.

8 It ... (not / be) a very comfortable journey.

9 I ... (know) that ages ago.

Test 2 B

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

► There were lights on the spacecraft. (had)

The spacecraft had lights on it.

1 I had my old coat on. (wearing)

2 I was on holiday, and you were on holiday, too. (we)

3 It isn't true that I made a mistake. (didn't)

4 The boys were in the middle of a game of cards. (playing)

5 No one told me about the change of plan. (know)

6 My friend was the winner of the competition. (won)

7 Is it a fact that the Romans built this wall? (did)

Test 2 C

Lorna Bright is a long-distance walker. Look at this part of her diary describing a morning's walk along the coast. Write the missing words. Use one word only in each space.

It was a fine day (►) *when* I started out on the last part of my walk around the coast of Britain. The sun was (1) ..., and a light wind (2) ... blowing from the southwest. I was pleased that it (3) ... raining. I knew by now that I (4) ... like rain. In fact I (5) ... it. I (6) ... along the cliff top and then down into the lovely little fishing village of Wellburn, past a cafe where people (7) ... having morning coffee. Three miles past Wellburn I (8) ... down for five minutes and (9) ... a drink. Now it (10) ... getting warmer, so I (11) ... off one of my sweaters. I (12) ... stop for long because I (13) ... to reach Seabury by munch-time. (14) ... I finally got there, it (15) ... just after half past twelve.

Test 2 D

Each of these sentences has a mistake in it. Write the correct sentence.

► The hotel were very quiet.

The hotel was very quiet.

1 It was peaceful, and the birds were sing.

2 I washed my hair when the phone rang.

3 You came not to the club last night.

4 It talked ages to get home.

5 We tried to keep quiet because the baby sleeping.

6 As I was watching him, the man was suddenly running away.

7 We pass a petrol station two minutes ago.

8 Everything was seeming OK.

9 Where bought you that bag?

10 When I heard the alarm, I was leaving the room immediately.

Test 2 E

Complete the sentences. Put in the correct form of each verb. Use the past continuous or past simple.

► When Martin arrived (arrive) home, Anna was talking (talk) to someone on the phone. Martin started (start) to get the tea.

1 I ... (lie) in the bath when the phone ... (ring). It ... (stop) after a few rings.

2 It ... (be) cold when we ... (leave) the house that day, and a light snow ... (fall).

3 Your friend who ... (come) here the other day ... (seem) very nice. I ... (enjoy) meeting her.

4 When I ... (see) the man, he ... (stand) outside the bank. He ... (have) a black baseball cap on.

5 When I ... (open) the cupboard door, a pile of books ... (fall) out.

6 I ... (walk) along the street when I suddenly ... (feel) something hit me in the back. I ... (not / know) what it was.

7 We ... (go) to London yesterday, but on the way we ... (hear) about a bomb scare in Oxford Street. So we ... (drive) back home straightaway.

8 Something very strange ... (happen) to me on my way home from work yesterday afternoon. I ... (drive) along the bypass at the time. Suddenly I ... (see) my mother in the seat beside me. But she died three years ago.

Test 3 Present perfect and past simple

Test 3 A

Put in the past participles of the verbs in brackets.

► We've *found* (find) all the answers.

1 Have you ... (wash) the car?

2 You haven't ... (eat) very much.

3 They've ... (open) a new supermarket.

4 You've ... (write) it in pencil.

5 I've ... (make) the sandwiches.

6 We've ... (have) our lunch.

7 United have ... (score) a goal.

- 8 The balloon has ... (land) in a field.
9 Who's ... (break) this glass?
10 It's warm because the heating has ... (be) on.
11 Have you ... (sell) your flat yet?
12 I've ... (finish) that job at last.

Test 3 B

Complete the second sentence so that it follows on from the first. Use the present perfect.

- My hair is tidy now. I've *brushed* my hair.
1 The door is open. Someone ... the door.
2 This is Oliver's drawing, look. Oliver ... a picture.
3 The calculator is broken. Someone ... the calculator.
4 United are the winners. United ... the game.
5 There's no more wine in the bottle. We ... all the wine.
6 The floor is clean now. I ... the floor.
7 I know my number now. I ... my number by heart.
8 The guests are here now. The guests
9 I'm still working on the computer. I ... with the computer yet.

Test 3 C

Decide which word is correct.

- I'd like to borrow this book. Has Anna read it *yet*?
1 Ben writes very quickly. He's ... finished his essay.
2 What are you going to do? ~ I don't know. I haven't decided
3 I've ... to London. I went there in June.
4 Have you ... done any skiing?
5 My boyfriend hasn't rung ... week.
6 I haven't seen that coat before. How ... have you had it?
7 The girls have ... to the cinema. They won't be back until ten o'clock.
8 I haven't seen my parents ... last Christmas.
9 This is the first ... I've ever lived away from home.
10 This programme must be new. I've ... seen it before.

- | | | | | |
|-----|------------|-----------|----------|----------|
| | a) done | b) for | c) just | d) yet |
| 1. | a) already | b) been | c) for | d) yet |
| 2. | a) just | b) long | c) since | d) yet |
| 3. | a) been | b) gone | c) just | d) yet |
| 4. | a) ever | b) for | c) just | d) long |
| 5. | a) for | b) last | c) since | d) this |
| 6. | a) already | b) for | c) long | d) since |
| 7. | a) already | b) been | c) gone | d) just |
| 8. | a) already | b) before | c) for | d) since |
| 9. | a) already | b) since | c) that | d) time |
| 10. | a) ever | b) never | c) since | d) yet |

Test 3 D

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary have or has out of the sentence and write it in the space.

► Susan has lost her keys. She can't find them anywhere. ✓

Christopher ~~has~~ hurt his hand, but it's OK now. *has*

1 The directors have arrived half an hour ago, but they didn't stay long.

2 It's raining, and Peter has left his umbrella behind, look.

3 It's a long time since your friends have last visited us.

4 None of you have called me for weeks. Aren't we friends anymore?

5 We can play tennis now. The others have finished.

6 The company has bought some land, but then it sold it.

7 The computer isn't on now. Someone has turned it off.

8 Tessa has posted the parcel. It's on its way to you.

9 Several bombs have gone off in the city centre. It has happened ... an hour ago.

10 Simon has left. He and Oliver have left after lunch.

Test 3 E

Put in the present perfect or past simple of the verbs in brackets.

► I've had (have) these shoes since my eighteenth birthday.

► I tidied (tidy) my desk, but now it's in a mess again.

1 The last time I ... (go) to Brighton was in August.

2 I'd like to meet a ghost, but I ... (never / see) one.

3 I've finished my homework. I ... (do) it before tea.

4 And the race is over! And Micky Simpson ... (win) in a record time!

5 I ... (work) for a computer company for a year. That was after college.

6 What time ... (you / get) to work this morning?

7 Martin ... (be) to Greece five times. He loves the place.

8 The President ... (come) out of the building and is going to make a speech.

9 You won't believe this, but I've got some tickets for the concert. ~ Oh, well done. How ... (you / get) them?

10 Of course I can ride a bike. But I ... (not / ride) one for years.

- 11 Marilyn Monroe ... (be) in about thirty films.
 12 ... (you / ever / bake) your own bread? ~ No, but I might try it some time.
 13 Janet ... (be) very ill three years ago.
 14 Rupert has left a message for you. He ... (ring) last night.
 15 ... (you/ see) the news today? ~ No, not yet. I'll watch it at ten.
 16 We moved here in 1993. We ... (be) here a long time now.

Test 4 Past and perfect tenses

Test 4 A

Read the conversation. Then look at the answers below and write the correct answer in each space.

Tessa: Hello, Robert. I (►) *haven't* seen you for ages.

Robert: Hello, Tessa. Great to see you. What have you (1) ... doing lately?

Tessa: (2) ... just started a new job in computer software.

Robert: You (3) ... working for Tuffex Plastics when we last met.

Tessa: That's right. I hadn't (4) ... working there long before I got fed up. I (5) ... realized what a horrible job it would be. But what about you? (6) ... you found a job?

Robert: Well, six months ago I (7) ... working for a car hire company, but then they (8) ... bankrupt. So I'm out of work now. (9) ... been looking around for another job.

Tessa: Well, I'm sure you'll find one soon.

► a) didn't b) hadn't c) haven't d) wasn't

1 a) been b) had c) has d) was

2 a) I'd b) I'll c) I'm d) I've

3 a) did b) had c) have d) were

4 a) be b) been c) done d) had

5 a) didn't b) hadn't c) haven't d) wasn't

6 a) Did b) Had c) Have d) Were

7 a) been b) had c) have d) was

8 a) go b) going c) gone d) went

9 a) I'd b) I'll c) I'm d) I've

Test 4 B

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

- Susan had a green dress on. (wearing) *Susan was wearing a green dress.*
- 1 The doctor began work at six o'clock and is still working. (has)
- 2 Rupert didn't have his credit card. (forgotten)
- 3 I didn't want to go without taking a photo. (until)
- 4 Nancy has been writing the report. It is finished now. (written)
- 5 My wait in the queue has lasted forty minutes so far. (I)
- 6 When we arrived, everyone was on the dance floor. (dancing)
- 7 The computer has been mine for four years. (had)
- 8 In the middle of our lunch there was a knock at the door. (when)
- 9 Nigel felt sick from eating too many cakes. (because)

Test 4 C

Write the sentences correctly.

- I like this CD. I've been having it for ages. I've had it for ages.
- 1 It was my first day back at work. I was on holiday.
- 2 I'm quite tired now. I play badminton.
- 3 I had to sit down. I'd. been having a shock.
- 4 You need a rest. How much have you been working?
- 5 The robbery happened at midday. Lots of people walked along the street outside.
- 6 My sister speaks good English. She is practising her English since last summer.
- 7 At last I have my qualification. I've been passing my exam.
- 8 Michelle looked really sunburnt. She'd lie in the sun for too long.
- 9 We got to the coach stop at nine yesterday. But the coach has already gone.

Test 4 D

Complete the conversations. Put in the correct form of each verb.

- A: Did you buy (you / buy) anything at the antiques sale yesterday?

B: No. I wanted (I / want) to buy some jewellery, but I'd left (I / leave) my credit card at home.

1 A: Are you still copying those addresses?

B: No, that's all of them ... (I / finish) now.

2 A: The train is never going to get here.

B: How long ... (we / wait) now?

A: At least half an hour ... (we / be) here since ten to five.

3 A: Did you have a nice chat with Tessa?

B: No, not really. When ... (we / drink) our coffee, ... (she / hurry) off home.

4 A: It's terrible about that plane crash, isn't it?

B: Yes, awful ... (I / have) breakfast when (I / hear) the news.

5 A: So you sing in a rock band, do you? How long ... (you / do) that?

B: Oh, since I was sixteen ... (we / do) about a dozen concerts.

6 A: Do you know what Polly was so upset about yesterday?

B: No, I don't. But I'm sure ... (she / cry). Her eyes looked red.

A: Perhaps ... (she / have) some bad news.

7 A: The shooting was very frightening, I suppose.

B: It certainly was. When we ... (hear) the shot, we all ... (throw) ourselves to the floor.

Test 5 Present and past tenses

Test 5 A

Complete the conversations. Put in the correct form of each verb.

► A: Are you ready?

B: I won't be a moment. I'm doing (I / do) my hair.

1 A: Could you tell me your address?

B: Well, ... (I / live) in a friend's house at the moment. Luckily ... (I / find) a place of my own now, but I can't move in until next week.

2 A: Is this your CD?

B: No, it isn't mine ... (I / think) ... (it / belong) to Peter.

3 A: Can I borrow your calculator, please?

B: Well, ... (I / use) it to work out these figures at the moment ... (I / want) to finish doing them, now that ... (I/start).

4 A: Why can't you wash your dirty plates sometimes? ... (you / leave) them in the sink most of the time.

B: OK, sorry. The last few weeks ... (I / have) so little time ... (I / rush) around all the time.

Test 5 B

Read the story and write the missing words. Use one word only in each space.

One day a man was (►) walking past a house in Bournemouth when he (1) ... a woman's voice shouting for help. The man (2) ... someone (3) ... probably trying to murder her. He ran to a phone box and (4) ... the police. The police came quite quickly, but by now the shouting had (5) However, the man (6) ... quite sure that he (7) ... heard cries for help. When the police (8) ... on the door, there was no answer. So they broke down the door and went in. Inside the house was a woman who had just (9) ... out of the shower. She explained to the police that she had (10) ... singing along to the Beatles song "Help!"

Test 5 C

Write a second sentence so that it has a similar meaning to the first. Begin with the word in brackets.

► Our trip to Africa was in October. (We ...) *We went to Africa in October.*

1 We've had ten hours of rain. (It...)

2 It's the right thing to do in my opinion. (I...)

3 Our sofa is in a different place now. (We ...)

4 It was breakfast-time when Susan rang. (I...)

5 Their game of badminton is always on Tuesday. (They ...)

Test 5 D

Write the correct answer in each space.

► This isn't my first visit to London. *I've been* here before.

1 I've got my key. I found it when ... for something else.

2 Sorry, I can't stop now ... to an important meeting.

3 I can't get Tessa on the phone ... all afternoon.

4 The bank told me last week there was no money in my account ... it all.

5 There's a new road to the motorway ... it yesterday.

a) I'm b) I've been c) I was

1. a) I looked b) I've looked c) I was looking

2. a) I go b) I'm going c) I've gone

3. a) I'm trying b) I try c) I've been trying

4. a) I'd spent b) I spent c) I was spending

5. a) They'd opened b) They opened c) They've opened

Test 5 E

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

► Martin has changed his mind about next weekend. ✓

► We were enjoyed the holiday very much. *were*

1 Nancy is practising on the piano

2 It was lucky that we had been decided to buy our tickets in advance

3 We were riding our bikes when suddenly I was felt a pain in my leg

4 We are go camping for three weeks every summer.

5 They have planted some new trees last year.

6 I suddenly realized I had been walking in the wrong direction.

7 Did you know that Anna has been won a prize?

8 No one told me that the goods had arrived the week before.

Test 5 F

Complete the news report. Put each verb into the correct form.

The actress Vanessa Kemp (►) has disappeared (disappear). Yesterday she (1) ... (fail) to arrive at the Prince Charles Theatre in London's West End for her leading role in the comedy "Don't look now!". Ms Kemp, who (2) ... (live) in Hampstead, (3) ... (leave) home at four o'clock yesterday afternoon for the theatre, a journey she (4) ... (make) several times the week before. Two people who (5) ... (walk) past her home at the time (6) ... (see) her leave. But no one (7) ... (see) her since then. At half past seven she still (8) ... (not / arrive) at the theatre. At eight o'clock the theatre manager had to break the news to the audience, who (9) ... (wait) patiently for the play to start. Since yesterday, theatre staff and friends (10) ... (try) to contact Ms Kemp, but they (11) ... (have) no success so far. The police (12) ... (take) the matter seriously, but they (13) ...

(believe) that she is unlikely to be in any danger. Her friends all (14) ... (want) to hear from her soon.

Test 6 The future with will, be going to and present tenses

Test 6 A

Put in the missing words. Use one word only in each space.

► I don't want a steak. I think I'll have the chicken.

1 There's a fireworks display tomorrow. Janet is ... to watch it.

2 We're at that table in the corner ... you join us?

3 I'm seeing the boss this afternoon. But I must study this report before I ... her.

4 There will be drinks at the reception, but there will ... be any food.

5 The European heads of state are ... meet in Brussels on 3 October.

6 It's a lovely day! ... we go for a walk?

7 My birthday ... on a Sunday next year.

8 My brother is engaged. He's ... married in June.

9 You won't be allowed to go to your seat after the play ... started.

10 Martin's got his coat on. I think he's ... to go out.

Test 6 B

Write the sentences correctly.

► I'm hungry. I think I have something to eat. I think I'll have something to eat.

1 You say you're getting a coach at nine. What time is it getting to London?

2 I'll give Polly the news. I'll tell her when I'll see her this evening.

3 Rupert looks really tired. He's about falling asleep.

4 We've arranged to go out. We meet in town later.

5 I'm going to Spain next week. I send you a postcard.

6 I'm going to get to the airport early. I can read a book while I'll be waiting.

7 I feel a bit tired. I go to lie down.

8 Why not come to the party? All your friends shall be there.

9 There's been a bomb warning. No one can go into the building until the police will have searched it.

Test 6 C

Read the news report and write the missing words. Use one word only in each space.

The Maxi-Shop company is (►) *going* to build a huge new shopping centre on the edge of Millingham, it was announced yesterday. There (1) ... be at least three hundred shops, including some big department stores. When the project (2) ... complete, there (3) ... be hundreds of new jobs for local people. But not everyone is happy. 'We're (4) ... to fight this plan,' said a spokesperson for the local Environment Group. 'Just think what is going (5) ... happen to our countryside. When shopping malls (6) ... covered the whole country, there (7) ... be no green fields left. So we're (8) ... a protest meeting tomorrow evening at the town hall. It (9) ... at half past seven.' Owners of shops in the town centre are also unhappy. 'The new centre (10) ... take our customers away,' said one of them.

Test 6 D

Look at the answers below and write the correct answer in each space.

► A: Let's go to the carnival, shall we?

B: Yes, good idea. I expect it'll be fun.

a) it'll be b) it's c) it's being

1 A: Could I have a word with you, please?

B: Sorry, I'm in a big hurry. My train ... in fifteen minutes.

a) is going to leave b) leaves c) will leave

2 A: Have you decided about the course?

B: Yes, I decided last weekend ... for a place.

a) I apply b) I am to apply c) I'm going to apply

3 A: I'm trying to move this cupboard, but it's very heavy.

B: Well, ... you, then.

a) I help b) I'll help c) I'm going to help

4 A: Is the shop open yet?

B: No, but there's someone inside. I think

- a) it opens b) it's about to open c) it will open

5 A: Do you mind not leaving your papers all over the table?

B: Oh, sorry. I'll take them all with me when

- a) I go b) I'll go c) I'm going

6 A: It's a public holiday next Monday.

B: Yes, I know. ... anything special?

- a) Are you doing b) Do you do c) Will you do

Test 6 E

Write the sentences using a future form of the verb. Use the word in brackets.

► Express your instant decision to take a taxi. (I'll) I'll take a taxi.

1 Express your intention to have a rest. (going)

2 Express the idea that the timetable shows the start of term on 6 September.
(starts)

3 Predict a world war in five years' time. (there)

4 Express the idea that you and Judy have arranged a game of tennis for tomorrow. (playing)

5 Give your prediction of a probable fall in prices. (probably)

6 Warn your passenger about the car crashing. (going)

Test 7 The future

Test 7 A

Read the telephone conversation. Then look at the answers below and write the correct answer in each space.

Amy: When (►) will I see you again?

Simon: I don't know. I'm (1) ... to be busy this week. And I'll (2) ... going to London on Saturday.

Amy: Oh. But you (3) ... be here for my party, won't you?

Simon: No, I (4) ... get back until Sunday evening.

Amy: I (5) ... going to invite you.

Simon: Well, I'm sorry I can't come.

Amy: What (6) ... you doing in London?

Simon: Oh, I'm just going (7) ... see one or two people. Look, I must go. I'm cooking something that I think is (8) ... to boil over.

- a) Am b) do c) going d) will
- 1 a) Being b) going c) shall d) will
- 2 a) Be b) do c) for d) to
- 3 a) Are b) do c) was d) will
- 4 a) About b) aren't c) be d) don't
- 5 a) be b) have c) was d) will
- 6 a) are b) going c) to d) will
- 7 a) be b) for c) is d) to
- 8 a) about b) might c) probably d) will

Test 7 B

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

- They're probably going to knock the building down. ✓
- We are be going to get a dog soon. *be*
- 1 The bus is leaves at eight twenty.
- 2 The doors of the theatre are about to open.
- 3 The meeting will be start at half past seven.
- 4 The festival is for to take place in June.
- 5 My friend will be calling here tomorrow morning.
- 6 We were going to eat in the restaurant, but it was full.
- 7 I have to register for my course before the classes will begin.
- 8 I will to have finished lunch by two o'clock.

Test 7 C

Put in a form of the verb. Use the future continuous (will be doing), the future perfect (will have done) or was/were going to.

► It's quite a long way, isn't it? We'll *have walked* (walk) about five miles by the time we get back, I'd say.

1 It'll be better if you don't ring at one o'clock. We ... (have) lunch then.

2 I ... (drive) over and see you, but there's something wrong with the car.

3 I've got loads of work. I expect I ... (work) all night. And I'm not looking forward to it.

4 I'll have much more time next week because I ... (do) all my exams then.

5 We ... (buy) that computer game, but they don't make it for the kind of computer we've got.

6 I know you'll put on a wonderful show. You ... (have) so much practice by the time you perform it that it's sure to be brilliant.

Test 7 D

Complete the conversation. Use will/be going to or a present tense. Choose the best form. Sometimes more than one answer is correct.

Peter: Hello. Where are you going?

Polly: To my evening class. I'm learning Swedish. And next week (►) I'll *have* (I / have) a chance to speak it for real. (1) ... (I / go) to Sweden for three weeks. (2) ... (I / leave) on Friday. (3) ... (I / visit) some friends there.

Peter: (4) ... (that / be) nice.

Polly: Well, I'd better hurry. My lesson (5) ... (start) at half past seven, and it's twenty-five past now.

Peter: OK. Come and see me when (6) ... (you / get) back from Sweden.

Polly: Thanks. (7) ... (I / send) you a postcard.

Test 7 E

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

► We have decided to help with the project, (going) We are going to help with the project

1 We're willing to wait for you. ('11)

2 You can get off this train at Bath. (stops)

- 3 My friend intended to meet us. (going)
- 4 Adrian's job interview is on 17 October. (having)
- 5 Our meal will be over by eight o'clock. (finished)
- 6 I think I'm going to go on the trip. (might)
- 7 The fire hasn't gone out yet, but it will in a minute. (about)

Test 7 F

Choose the correct form.

- A: I'd better go. I'm cycling home, and I haven't got any lights on my bike.
B: Oh, yes. It'll be/It'll have been dark soon.
- 1 A: I hear the rent on your flat is very expensive.
B: Yes it is. I'll move/I'm going to move, I've decided.
- 2 A: I'd like a photo of Martin and me.
B: I'll take/I'm going to take one with your camera, then.
- 3 A: Have you booked a holiday yet?
B: Yes, we go/we're going to Spain.
- 4 A: What's that man doing up there?
B: Oh no! He'll jump/He's going to jump!
- 5 A: Can I borrow your bike on Monday?
B: I'm sorry, but I'll be using/I'll have used it. I always cycle to work.

Test 8 Questions

Test 8 A

Put the words in the right order and ask the question.

- everyone / is / ready Is everyone ready?
- 1 been / have / where / you
- 2 do / postcards / sell / you
- 3 belong / calculator / does / this / to / who
- 4 are / here / how / long / staying / you
- 5 is / like / new / office / what / your

- 6 are / flights / full / of / the / which
7 carnival / does / start / the / time / what
8 decided / has / holiday / Nancy / on / what

Test 8 B

Put in the correct question word or phrase.

- What did you buy? ~ A box of chocolates.
- 1 ... is this building? ~ It's about two hundred years old.
2 ... does your team play in? ~ Red.
3 ... bag are you carrying? ~ Judy's.
4 ... money do you earn? ~ About £250 a week.
5 ... hand do you write with? ~ My right hand.
6 ... of shop do you work in? ~ A toy shop.
7 ... first stepped on the moon? ~ Neil Armstrong, wasn't it?
8 ... is your mother? ~ She's much better, thank you.
9 ... is it to the post office? ~ About two hundred metres.
10 ... do you take a holiday? ~ Once a year.
11 ... name will you give the baby? ~ We haven't thought of one yet.

Test 8 C

Write the sentences correctly.

- Would like you to go sailing?
Would you like to go sailing ?
- 1 Do you be a student here?
2 How many cakes have eaten you?
3 Enjoyed you your walk?
4 Where your friends have gone?
5 What kind music do you like?
6 Does Peter plays tennis?
7 About what are you talking?
8 What has it happened?

Test 8 D

Read about each situation and write down the question.

- You want to know if it is raining. Is it raining?
- You need to ask Polly where she lives. Where do you live?

1 You would like to ask Nancy where she bought her coat.

2 You want to ask Susan if Amy can swim.

3 You want to ask Simon which band he likes best.

4 On the phone you want to know who you are speaking to.

5 You need to know how much video recorders cost.

6 You are asking permission to come in.

7 You need to find out how long the journey takes.

8 You want to ask Adrian what he locked the door for.

9 You want to ask what happens next.

10 You want to suggest that you all go out together.

Test 8 E

Write the questions to which the underlined words are the answers.

► Christopher is going to London by train. How is Christopher going to London?

1 The Smiths have got three cars.

2 Janet works at the supermarket.

3 Andrea is learning English because she will need it in her job.

4 The film was really romantic.

5 The meeting will take place next Tuesday.

6 Tessa switched off the computer.

7 Mr Johnson's burglar alarm was ringing.

8 Anna went to the dance with Martin.

Test 9 Questions, negatives and answers

Test 9 A

Read the conversation. Then look at the answers below and write the correct answer in each space.

Judy: (►) *Shall* we go to the party tonight?

Lisa: (1) ... giving a party?

Judy: Susan. You know her, (2) ... you?

Lisa: I'm (3) ... sure. Has she got long dark hair?

Judy: Yes, she (4) ... And she's quite tall. (5) ... you spoken to her?

Lisa: No, I don't think (6) ... But I know who you mean. There are two sisters, Susan and Janet. They're twins, aren't (7) ... ?

Judy: Yes, that's right.

Lisa: (8) ... one is Susan?

Judy: Oh, I (9) ... know. They both look the same. I can't always tell them apart.

Lisa: No, (10) ... can I. In any case, I haven't been invited to the party.

Judy: That (11) ... matter.

Lisa: OK. (12) ... go to it then, shall we?

► a) Do b) Shall c) Would

1 a) What's b) Who's c) Whose

2 a) don't b) know c) so

3 a) isn't b) no c) not

4 a) got b) has c) so

5 a) Haven't b) Having c) Not

6 a) it b) neither c) so

7 a) it b) not c) they

8 a) What b) Which c) Who

9 a) don't b) no c) not

10 a) neither b) not c) so

11 a) doesn't b) isn't c) not

12 a) Could b) Let's c) Shall

Test 9 B

What would you say? Use the word in brackets, and use a question form in each sentence.

- You want to suggest a game of cards. (have) Shall we have a game of cards?
- 1 You are asking Tessa where her house is. (live)
- 2 You want Janet to tell you what she is thinking. (about)
- 3 You are inviting a friend to come to your room. (like)
- 4 You are surprised that your friend missed the football match on television. (watch)
- 5 You are asking permission to take a photo. (may)
- 6 You are looking for Polly. You are asking her friend for information. (seen)
- 7 You are asking Nigel about the number of letters he has written. (how)
- 8 You are asking Nancy about the people coming to her party. (who)

- 9 You are asking Martin's wife if he cooks every day or once a week. (often)
- 10 You are asking about the weather tomorrow. (will)

Test 9 C

Each of these replies is wrong. Write the correct reply.

- Is it going to snow? ~ I'm not thinking it. *I don't think so.*
- 1 Has the computer arrived? ~ No, not
- 2 Don't you like curry? ~ Yes, I hate it
- 3 Will you be in tonight? ~ Yes, I expect.
- 4 Horrible weather. ~ It isn't very nice, isn't it?
- 5 Would you like a sweet? ~ Yes, right.
- 6 I'm quite tired now. ~ Too am I.
- 7 You might catch my cold. ~ I don't hope to.
- 8 The first train didn't stop. ~ Neither the second

Test 9 D

Rupert is at a job interview. Someone is asking him questions. Write the questions.

- Interviewer: Where do you live?

Rupert: Oh, I live in Longtown.

1 Interviewer:

Rupert: I'm twenty-three.

2 Interviewer:

Rupert: Yes, I went to college.

3 Interviewer:

Rupert: My interests? I don't have any, really.

4 Interviewer:

Rupert: Which company? Oh, I work for BX Electric.

5 Interviewer:

Rupert: Nothing. There's nothing I don't like about my job.

Test 9 E

Put in the missing word.

► How does this phone work? -You press this button.

1 The new building looks awful. ~ I agree. It ... look very nice.

2 Could you give me a receipt, please? ~ Yes, of

3 This chair isn't very comfortable. ~ And ... is this bed.

4 Didn't you watch "Frankenstein" last night? ~ ... , I hate horror films.

5 What's this wood ... ? ~ I'm going to make a table.

6 I didn't say the wrong thing, ... I? ~ Well, you weren't very polite.

7 Will there be any free gifts? ~ No, there

8 Have they sent you some money? ~ No, I'm afraid

9 Don't drop those plates, ... you? ~ OK, I'll be careful.

10 How ... is it to the station? ~ About half a mile.

11 Do those shoes fit you? ~ Yes, I think

12 Why ... we have a picnic? ~ Yes, good idea.

13 ... foot is hurting? ~ My right one.

14 I feel a bit cold actually. ~ Yes, ... do I.

15 Who ... eaten their ice-cream? ~ Oh, it's mine. I'm just going to eat it.

16 ... of these magazines would you like? ~ This one, please

Test 10 Modal verbs

Test 10

Decide which word is correct.

► Could I have some more tea, please?

1 Everyone's asleep. We ... make a noise.

2 ... you like to go for a ride with us?

3 I wonder if this is the right way. It ... not be.

4 I don't think I want to see this film. ~ Oh, I think you ... enjoy it.

5 I'm quite happy to walk. You ... drive me home.

6 ... I show you the way? ~ Oh, thank you.

7 It's late. I think we ... better go.

8 We all tried to push the van, but it ... move.

a) Could b) Shall c) Will d) Would

1. a) couldn't b) mustn't c) needn't d) wouldn't

2. a) Do b) Should c) Will d) Would

3. a) can b) could c) might d) must

4. a) can b) shall c) will d) would

5. a) don't b) haven't c) mustn't d) needn't

6. a) Do b) Shall c) Will d) Would

7. a) had b) have c) should d) would

8. a) can't b) couldn't c) won't d) wouldn't

Test 10 B

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

► I won't be able to come to the meeting. ✓

► We didn't needn't have watered the garden because it's raining. *didn't*

1 Would you like to be in the team?

2 Did people have to bring their own sleeping-bags?

3 I could to ski when I was quite young.

4 Would you mind for checking these figures?

- 5 We maybe go swimming tomorrow.
6 I knew that I would be sorry later.
7 If you had fallen, you could have been hurt yourself.
8 We're not supposed to use this entrance.
9 You don't have to do all the work yourself.
10 Anna wasn't be allowed to take photos.

Test 10 C

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

- Perhaps Susan knows the address. (may)

Susan may know the address.

- 1 We should be careful. (ought)
2 I managed to finish all my work. (able)
3 I realize that it was a terrible experience for you. (must)
4 It's against the rules for players to have a drink. (allowed)
5 The best thing for you to do is sit down. (better)
6 The report must be on my desk tomorrow morning. (has)
7 It is possible that Joanne did not receive my message. (might)
8 It's impossible for Martin to be jogging in this weather. (can't)
9 Tessa wants a cup of coffee. (like)
10 It was not necessary for Nancy to clean the flat. (didn't)

Test 10 D

Say what the speaker is doing. After each sentence write one of the phrases from the box.

asking for advice
asking permission
expressing a wish
giving an order
inviting
making a request
making a suggestion

offering food

offering to help

refusing permission

► Will you have a piece of cake? offering food

1 May I sit down?

2 You must report to me every day.

3 What jobs should I apply for?

4 Would you like to spend the day with us?

5 Shall I do the washing-up?

6 Shall we sit outside?

7 I'm sorry. You can't park here.

8 Could you fill in this form, please?

9 We really must have a nice big party.

Test 10 E

Here is some information for visitors to New York City. Write the missing words. Use one word only in each space.

► Before you travel to the US, you must find out what documents you need.

British people do not (1) ... to get a visa, but there are different rules for different nationalities. For example, you (2) ... need to show that you have enough money with you. But there's one rule you can be sure about: everyone (3) ... to show their passport. The roads in New York are very busy, but don't worry — you (4) ... get around cheaply and easily by subway. Remember that you are not (5) ... to smoke on public transport or in shops. And don't forget either that you are (6) ... to tip taxi drivers and waiters. New York is not the most dangerous city in the US, but you really (7) ... walk along empty streets at night. And it is safer if you are (8) ... to travel around in a group.

Test 11 The passive

Test 11 A

Rewrite these sentences beginning with the underlined words.

► Thieves robbed a woman. A woman was robbed.

1 They may ban the film.

2 They offered Nancy a pay increase.

- 3 We need to correct the mistakes.
- 4 Someone reported that the situation was under control.
- 5 They are testing the new drug.
- 6 We haven't used the machine for ages.

Test 11 B

Read the story and write the missing words. Use one word only in each space.

During periods of terrorist activity by the IRA, people in Britain are always (►) being warned to look out for bombs. Any bag or parcel without an owner (1) ... seen as a risk to the public. Some time ago a cardboard box was found at the entrance to Bristol Zoo one day. It was noticed (2) ... a visitor and reported to the director. Clearly, if it was a bomb and it went off, people might (3) ... killed. So army bomb experts (4) ... called in, and the box was safely blown up in a controlled explosion. Soon afterwards (5) ... was reported that the box had (6) ... left there by a boy wanting to find a new home for his pet rat. He was tired of the rat, he explained, but he was unwilling to (7) ... it put to sleep by a vet, so he left it in a box outside the zoo. The director of the zoo is thought (8) ... be unenthusiastic about looking after people's unwanted pets. No one knows what the rat thought about (9) ... blown up.

Test 11 C

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

- We have to test these products. (be) These products have to be tested.
- 1 Pavarotti sang the song. (by)
 - 2 Nigel's passport was stolen. (had)
 - 3 They pay doctors a lot of money. (are)
 - 4 I hope they'll interview me for the job. (to)
 - 5 Someone was cleaning the floor. (being)
 - 6 A mechanic is repairing Judy's car. (having)
 - 7 Tessa lost her way. (got)
 - 8 Everyone agreed that the plan should go ahead. (it)
 - 9 When did they decorate your kitchen? (get)
 - 10 They say exercise is good for you. (be)

Test 11 D

Which of the two sentences follows on best?

► There's going to be a big art exhibition.

a) A lot of visitors will be attracted to it.

b) It will attract a lot of visitors.

1 Our neighbours have got a cat and a dog.

a) A lot of mice are caught by the cat.

b) The cat catches a lot of mice.

2 Last night Martin dreamt he saw his dead grandmother.

a) A white dress was being worn by the ghost.

b) The ghost was wearing a white dress.

3 We've bought a new computer.

a) It can do the job much more quickly.

b) The job can be done much more quickly.

4 My grandfather is very ill.

a) He's being looked after in the local hospital.

b) The local hospital is looking after him.

5 We've completed the experiment.

a) The newspapers will publish the results.

b) The results will be published in the newspapers.

Test 11 E

Each of these sentences is incorrect. Write the correct sentence.

► Those nice glasses got break. *Those nice glasses got broken.*

1 The story was written Agatha Christie.

2 Baseball do play at this stadium.

3 This shirt needs iron.

4 I got cut my hair yesterday.

5 It believes that there is going to be a war.

- 6 My parents divorce themselves last year.
7 I've got a report to be written.
8 To the winner was given a prize.
9 This man on TV supposes to be the tallest person in the world.

Test 12 Verb + to-infinitive or ing-form

Test 12 A

Complete the conversations. Put in a to-infinitive or an ing-form.

- A: I hear you sometimes sail to France in your boat.
B: That's right. I really enjoy sailing.
- 1 A: Are you going to organize our trip?
B: Yes, of course. I've agreed ... it.
- 2 A: You wear a uniform at work, don't you?
B: Yes, I have to, although I dislike ... it.
- 3 A: Do you think they'll approve the plan?
B: Yes, I'm quite sure they'll decide ... it.
- 4 A: What time will you be back?
B: Oh, I expect ... back some time around nine.
- 5 A: Did I remind you about the dinner tonight?
B: Yes, thank you. You keep ... me.
- 6 A: Was your decision the right one, do you think?
B: Yes, luckily. In the end it proved ... the best thing for everyone.
- 7 A: Do you still work at the post office?
B: No, I gave up ... there last year.
- 8 A: Have ICM bought the company?
B: Well, they've offered ... it.
- 9 A: I'm sorry you had to wait all that time.
B: Oh, it's all right. I didn't mind

Test 12 B

Make sentences from the notes.

► Tessa / want / buy / a new coat / soon. Tessa wants to buy a new coat soon.

1 we / must / avoid / waste / so much time

2 sometimes / a country / refuse / take part / in the Olympics

3 I / like / see / the Rocky Mountains / some day

4 I / mean / give / Judy / a nice welcome / yesterday

5 I / always / like / see / my doctor / once a year

6 the buses / usually / stop / run / before midnight

7 I / can't face / get up / at five / tomorrow

8 last year / we / make / an agreement / work / together

9 yesterday / you / promise / carry on / shoot / the film

10 my father / seem / get / better / now

Test 12 C

Read the conversation and write the missing words. Use one word only in each space.

Anna: I hear you're preparing to (►) *leave* for Australia.

Lisa: That's right. And I'm really looking forward to it. I can't (1) ... to get there. I'm hoping (2) ... see all my friends while I'm there. I'm going to enjoy (3) ... them again after so long.

Anna: Martin and I (4) ... like to go away, but we can't manage it this year.

Lisa: There's just one problem that I (5) ... to sort out. My tickets haven't arrived. I've tried to ring the travel agency, but I can't get through. I'm beginning to regret (6) ... going there myself to pick them up.

Anna: I expect they'll be here tomorrow.

Lisa: That's really leaving it to the last minute. It's such a worry.

Anna: Well, I know you. You can't (7) ... worrying, can you?

Lisa: No, I can't. I hope this holiday isn't going to turn out (8) ... be a disaster.

Anna: Of course it isn't. Just keep (9) ... trying to get through.

Test 12 D

Each of these sentences has a mistake in it. Write the correct sentence.

► The man kept ask us for money. The man kept asking us for money.

1 We've finished to decorate the flat.

2 I regret say what I did.

- 3 Tessa decided go not to work.
- 4 Do you mind help me?
- 5 I'm beginning getting worried.
- 6 I can't afford buy a new car.
- 7 I hope to avoid to make things worse.
- 8 Peter seems gone away already.

Test 12 E

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

- I wish I hadn't sold my bike. (regret) I regret selling my bike.
- 1 The children were eager to see their presents. (wait)
- 2 I hate to get up in the dark. (stand)
- 3 By chance I saw your brother yesterday. (happened)
- 4 The shop usually opens ten minutes late. (tends)
- 5 Would you like to go for a walk? (fancy)
- 6 The police continued to watch the house. (carried)
- 7 Seeing Nelson Mandela will always stay in my memory. (forget)

Test 13 The infinitive and the ing-form

Test 13 A

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross out the unnecessary word and write it in the space.

- I'm used to driving in heavy traffic every day. ✓
- Although of feeling tired, Polly didn't want to go to bed. of
- 1 It's important for to sign the form.
- 2 Peter broke his arm in playing rugby.
- 3 A woman accused Martin of stealing her money.
- 4 I wasn't sure whether to write a letter of thanks.
- 5 Do you remember a young man bumping into you?
- 6 The girl's parents wouldn't let her to stay out so late.

- 7 The book is too difficult enough for children to understand
8 Police found the woman for lying dead on the floor.
9 Cars are always expensive to repair them.
10 The man died as a result of falling asleep while driving.

Test 13 B

This is an advertisement for the book "Winning in Business". Put in the correct form of each verb.

Are you fed up with (►) being (be) a failure in your job? Wouldn't you rather (►) succeed (succeed)? Do you want (►) *to earn* (earn) more money? Are you anxious (1) ... (get) ahead? Do you believe in (2) ... (make) the most of your talents? Do you sometimes dream about (3) ... (reach) the top? If the answer is yes, read on. Just imagine yourself (4) ... (run) a big successful company. And now you can do something about it instead of (5) ... (dream). It'll happen if you want it (6) ... (happen). Make it a reality by (7) ... (order) your copy of the best-selling "Winning in Business". It has a ten-point plan for you (8) ... (follow). Do it and you're certain (9) ... (be) a success. You'll know what (10) ... (do) in business. You can make other people (11) ... (respect) you and persuade them (12) ... (do) what you want. Experts recommend (13) ... (buy) this marvellous book. You'd better (14) ... (order) your copy today.

Test 13 C

Combine each pair of sentences. Use a to-infinitive or an ing-form. Sometimes you also need a preposition.

- We've advised Nancy. She should get a lawyer. We've advised Nancy to get a lawyer.
- I'm getting bored. I've been sitting on the beach. I'm getting bored with sitting on the beach.
- 1 We saw Rupert. He was looking in a shop window.
2 I remember the clown. He fell over.
3 Tessa wasn't sure. Which way should she go?
4 The porter just stood there. He expected a tip.
- 5 How about it? Shall we go to the barbecue?
6 Susan is used to it. She's always lived in the country.
7 I'm afraid. I might hurt myself.

- 8 Christopher apologized. He'd forgotten to pay.
9 The food was too cold. Michelle couldn't eat it.
10 Polly was silly. She gave away the secret.

Test 13 D

Read the story and write the missing words. Use one word only in each space.

Calvin Coolidge was elected US President in 1924. He didn't believe (►) *in* doing too much, and his slogan was "Keep cool with Coolidge". Soon (1) ... moving into the White House, Coolidge invited some old friends (2) ... have dinner with him there. They were all people he (3) ... to know in the old days, and they were simple country people. They were interested (4) ... see inside the White House, and they were looking forward to (5) ... dinner with the President. They thought it was nice (6) ... him (7) ... invite them. But there was one problem. They weren't used (8) ... attending formal dinners, and they were worried that they wouldn't know (9) ... to behave. They were afraid (10) ... looking foolish. So they decided it would be best (11) ... everyone to copy exactly what Coolidge did.

At last the day came. During the dinner, when Coolidge picked up his knife and fork, everyone did the same. When he drank, everyone drank, and so on. Finally Coolidge decided to amuse himself (12) ... playing a little trick on his visitors. He tipped some coffee into his saucer. Everyone did the same. (13) ... done this, he added a little cream and sugar. Everyone did the same. Then, horrified, they watched Coolidge bend down and (14) ... the saucer on the carpet for his cat.

Test 13 E

Complete the conversations. Put in the correct form of each verb.

► A: I'm annoyed about *being* (be) late.

B: Well, I told you *to set* (set) off in good time, didn't I?

1 A: Did you accuse Nigel of ... (break) a plate?

B: Well, it was an accident, but he did break it. I saw him ... (knock) it off the table with his elbow.

2 A: I came here ... (see) Janet. She must have forgotten I was coming.

B: It seems rather careless of her ... (forget).

3 A: Are you going to have a rest now after ... (do) all the cleaning?

B: No, I've got some letters ... (write).

4 A: You say you need some advice?

B: Yes, I'm sorry ... (bother) you, but I don't know who ... (ask).

5 A: Do you like Scrabble?

B: Well, I used ... (play) it quite a lot, but I got fed up with it. I'd rather ... (watch) television, actually.

Match up the words below to make evocations from the text.

1. bargaining
2. business
3. competitive
4. cost
5. inter-firm
6. market
7. new
8. production
- a. advantage
- b. costs
- c. entrants
- d. leadership
- e. power
- f. rivalry
- g. segment
- h. units

What are the verbs related to the following nouns and adjectives, all found in the text above? For example advertising > advertise

1. competitive _____
2. constraints _____
3. consumers _____
4. deterrent _____
5. differentiation _____
6. diversification _____
7. entrants _____
8. influential _____

9. investment _____
10. leadership _____
11. optimum _____
12. production _____
13. success _____
14. suppliers _____
15. sustainable _____
16. threat _____

Test 14 Nouns and agreement

Test 14 A

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

- Would you like a piece of chocolate? ✓
- I like a classical music very much. *a*
- 1 That's a wonderful news!
- 2 Do you own a computer?
- 3 I heard an interesting piece of information today.
- 4 I saw your friend playing a golf.
- 5 There's some luggage in the car.
- 6 I bought a carton of some milk.
- 7 The gates were made of an iron.
- 8 You need an experience to run a business like this.

Test 14 B

Tessa is talking about her shopping trip. Write the missing words. Use one word only in each space.

I spent (►) some time looking round the shops in Oxford Street yesterday. I spent far too (1) ... money, of course. I bought some (2) ...: three dresses, a sweater, a blouse, two (3) ... of trousers and a skirt. I enjoyed myself — it was great (4) The skirt is really nice. A hundred pounds (5) ... quite expensive, but I couldn't resist it. Anyway, it was reduced from a hundred and twenty

pounds, so I made a (6) ... of twenty pounds. One of the dresses (7) ... fit, I've discovered, but I can take it back next time I go. I had a wonderful time and bought all these lovely things. But it was very crowded. Everyone (8) ... rushing about. And the traffic (9) ... terrible. I usually have a coffee and a (10) ... of cake, but the cafes were all full, so I didn't bother.

Test 14 C

*Complete the second sentence so that it has a similar meaning to the first.
Use the word in brackets.*

► Could I have some bread, please? (piece) Could I have a piece of bread, please?

1 All the windows were broken. (every)

2 The money I earn isn't enough to live on. (earnings)

3 There were bits of paper everywhere. (litter)

4 We went to the hotel to get a meal. (food)

5 Judy bought some binoculars. (pair)

6 I need a new book of cheques. (cheque)

7 I'll have some orange juice, please. (glass)

8 The reporter needed some information. (two)

Test 14 D

Each of these sentences has a mistake in it. Write the correct sentence.

► Can you lend me some pen to write this cheque? Can you lend me a pen to write this cheque?

1 We can't sit here because the grass are wet.

2 Do you want a butter on your bread?

3 All my belonging was stolen.

4 Do you have any informations about hotels?

5 The police is questioning two men.

6 Can we have two coffee, please?

7 The news aren't very good, Im afraid.

8 I just want to go into this shoes shop.

9 It's only a short travel by train.

Test 14 E

Choose the correct form.

- The house is built of stone/~~a stone~~.
- 1 Each team wear/wears a different colour.
- 2 Let me give you an advice/a piece of advice.
- 3 Everyone was watching the football match/the match of football.
- 4 We had to take our luggage through customs/a customs.
- 5 The band is/are proud of their success.
- 6 I haven't got many/much friends.
- 7 Three hours is/are long enough to look round the museum.
- 8 I wear this glass/these glasses when I go out.
- 9 My father had a job at the steelwork/steelworks.
- 10 We couldn't find an/any accommodation.
- 11 Do you eat meat/a meat?
- 12 The contents of the box was/were thrown away.
- 13 Noise/A noise woke me up in the middle of the night.
- 14 Cattle was/were driven hundreds of miles by the cowboys.
- 15 One of the windows is/are open.
- 16 What would it be like to travel at the speed of light/a light?
- 17 Is there a sport club/sports club near here?
- 18 E-mail is a relatively new mean/means of communication.
- 19 We make furniture out of many different wood/woods.
- 20 Someone has/have kidnapped the President!

Test 15 A/an and the

Test 15 A

Complete the story about the theft of a river barge. Put in a, an, one or the.

This is (►) *a* true story about (1) ... man who chose (2) ... worst possible time for his crime. It happened in London in (3) ... summer of 1972. (4) ... man stole a barge on (5) ... Hiver Thames (in case you don't know, (6) ... barge is a river boat used for carrying goods). (7) ... owner of (8) ... barge soon discovered that it was missing and immediately informed (9) ... police so that they could look for it. Normally (10) ... river is quite (11) ... busy place, and it would be difficult to

find what you were looking for. On this day, however, there was (12) ... dock strike, and so there was only (13) ... barge on (14) ... river. (15) ... thief was quickly found and arrested.

Test 15 B

Decide which word or words are correct.

► I think that's an awful thing to say.

1 Judy goes to ... on the bus.

2 I don't know what to do. It's ... problem.

3 ... is my favourite sport.

4 ... starts at nine o'clock.

5 We had ... time at the disco yesterday.

6 Nigel opened a drawer and took out

7 Did you learn to play ... ?

8 We can finish the rest of the bread for

9 While I was in hospital, they gave me

10 I might listen to

11 We need to protect ... from pollution.

12 Why do they always play ... music?

a) a awful b) *an awful* c) awful

1. a) work b) a work c) the work

2. a) quite difficult b) a quite difficult c) quite a difficult

3. a) Golf b) A golf c) The golf

4. a) School b) A school c) The school.

5. a) really nice b) a really nice c) really a nice

6. a) photos b) a photos c) some photos

7. a) violin b) a violin c) the violin

8. a) breakfast b) a breakfast c) the breakfast

9. a) X-ray b) a X-ray c) an X-ray

10. a) radio b) radios c) the radio

11. a) environment b) some environment c) the environment

12. a) so terrible b) such terrible c) such a terrible

Test 15 C

Read the story about a silly mistake and decide if a word needs to go in the space. If a word is missing, write the word. If no word is missing, write X.

This is also (►) a true story. It shows how (►) X plans can sometimes go wrong and how (1) ... people can make silly mistakes. This too happened quite (2) ... long time ago — in (3) ... 1979, in fact. The scene was (4) ... old people's home in (5) ... small town in (6) ... north of England called (7) ... Otley. The owners of the home wanted to put (8) ... fence around it to make it more private. The work began soon after (9) ... Christmas when (10) ... workmen arrived in (11) ... lorry with planks of wood which they put up around the building. "It was (12) ... very nice fence," said (13) ... of the old people. But there was (14) ... problem. The workmen forgot to leave a gap for the lorry to drive out through. They had to come back the next day to knock down part of (15) ... fence. "(16)a silly mistake!" said another resident. "It was (17) ... funny we had to laugh. In fact it was (18) ... most fun we've had for a long time."

Test 15 D

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

► The space capsule came down in the Pacific. (✓)

► My new job starts in ~~the~~ April. *the*

1 I was so tired I went to bed at nine.

2 We had a very good lunch in the company canteen.

3 The life just isn't fair sometimes.

4 What the clever children you have!

5 We went out and bought some pictures.

6 Tessa was still working at the midnight.

7 I drive past the hospital every morning.

8 A one boy was much taller than all the others.

9 It costs such a lot of money, you know.

10 I'll meet you outside the National Gallery.

11 Have you any idea who invented the fridge?

Test 15 E

Complete the conversation. Put in the words and decide if you need a, an, some or the.

Martin: I think we ought to book (►) a holiday (holiday). Where shall we go?

Anna: What about (►) Scotland (Scotland)? I think Edinburgh is (1) ... (beautiful city). I love going there.

Martin: (2) ... (weather) might not be very good. We went there at (3) ... (Easter), and it was freezing, remember.

Anna: We could have a walk along (4) ... (Princes Street) and up to the castle. And I wanted to go to (5) ... (Royal Scottish Museum), but we never found time.

Martin: Can't we go somewhere different?

Anna: We could spend some time in (6) ... (Highlands), I suppose.

Martin: When I go on holiday, I want to do something more relaxing than climbing (7) ... (mountains). And I find it pretty boring.

Anna: How can you say such (8) ... (thing)?

Martin: Actually, I'd prefer somewhere warmer and by (9) ... (sea). I think (10) ... (Corfu) would be nice. We might get (11) ... (sunshine) there. I just want to lie on a beach.

Anna: Martin, you know I'm not at all keen on (12) ... (beach holidays).

Match up these words to make collocations:

- | | |
|------------------|-----------------|
| 1. human | a. companies |
| 2. lead | b. laboratories |
| 3. manufacturing | c. management |
| 4. operations | d. materials |
| 5. raw | e. on assets |
| 6. research | t. resources |
| 7. return | g. time |
| 8. staff | h. training |

Match up the following verbs and nouns:

- | | |
|-------------|-------------|
| 1. do | 4. hire |
| 2. make | 5. purchase |
| 3. forecast | 6. raise |

- | | |
|--------------|------------------|
| 7. serve | d. a product |
| 8. utilize | e. research |
| a. capital | f. sales |
| b. customers | g. staff |
| c. a plant | h. raw materials |

Test 16 This, my, some, a lot of, all, etc

Test 16 A

Look at what people are saying and choose the correct meaning.

► Polly: Let's sit under these trees, shall we?

The trees are

1 Martin: My friend and I ate a whole loaf.

Martin and his friend ate

2 Nigel: The girls' dog has gone missing.

The dog belongs to

3 Tessa: My brother has got his own office.

Tessa's brother

4 Nancy: The weather looks a little better, I think.

How does Nancy feel about the weather?

5 Ben: I can't answer either of these questions.

How many questions is Ben talking about?

6 Adrian: The children can keep any tennis balls they find.

Will they find any tennis balls?

a) near Polly b) a long way away from Polly.

1. a) part of the loaf b) all the loaf.

2. a) one girl b) more than one girl.

3. a) works alone in the office

b) shares the office with another person.

4. a) Hopeful b) Not very hopeful.

5. a) One. b) Two c) More than two.

6. Yes. b) No. c) Adrian doesn't know.

Test 16 B

Decide which word is correct.

► What colour shall we have? — I don't mind. Pick *any* colour you like.

1 Peter has two brothers, but he doesn't speak to ... of them.

2 ... has left a bicycle outside.

3 I like ... pictures here. ~ Yes, so do I.

4 Would you mind waiting ... minutes?

5 ... countries still have a king or a queen, don't they?

6 Safety should come first ... lives shouldn't be put at risk.

7 Nigel isn't very well. ~ Oh, I'm sorry to hear

8 Mr Jones is an uncle of .

a) any b) some c) that d) what

1. a) any b) both c) either d) neither

2. a) Anyone b) Anything c) Someone d) Something

3. a) that b) these c) this d) those

4. a) a few b) a little c) few d) little

5. a) Any b) Half c) Part d) Some

6. a) People b) Peoples c) People's d) Peoples'

7. a) so b) that c) this d) you

8. a) Polly b) Pollys c) Polly's d) Pollys'

Test 16 C

Tessa is walking along the street when she sees her old friend Angela. Read the conversation and write the missing words. Use one word only in each space.

Tessa: Hello, Angela. How are you?

Angela: Tessa! Hello! Shall we have lunch together?

Tessa: I was just going to the bank to get (►) *some* money. I have to be back at the office in (1) ... few minutes. My life's one mad rush.

Angela: So is (2) ... I'm working for Tuff ex Plastics now. And my daughter has invited three friends (3) ... hers to stay. I wish I didn't have so (4) ... things to do at once.

Tessa: I'm glad I've run into you. I never see (5) ... else from our old gang. (6) ... of them seem to be around any more.

Angela: I think they've (7) ... moved away, except us two. Carol went to Japan.

Tessa: Angela, would you like to come for a meal some time?

Angela: Oh, that would be lovely. We'll certainly have a (8) ... to talk about.

Tessa: Maybe we'll need a (9) ... day. What about the Saturday after next?

Test 16 D

Each of the sentences has a mistake in it. Write the correct sentence.

► Are you going on holiday that year? Are you going on holiday this year?

1 That was a very good idea of you.

2 You've got a lot books, haven't you?

3 I don't know the meeting's time.

4 Nigel has hurt the leg.

5 All rooms in the house were cold.

6 Wear every thing-it doesn't matter what.

7 Every of the four doors was locked.

8 I live my life, and my sister lives her.

9 The both socks have got holes in them.

10 Here's a copy of this week magazine.

11 This sweater is losing it's colour.

12 I want some paper, but there's no in here.

Test 16 E

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

► When I was on holiday, it rained all week. (whole) When I was on holiday, it rained the whole week.

1 I've lived here more than half my life. (most)

2 All the hotels were full. (every)

3 The house on the corner is bigger than our house. (ours)

4 I've forgotten my doctor's name. (of)

5 We haven't had much warning of the changes. (little)

- 6 Such a large number of people have applied for the job. (so)
7 I met one of your old boyfriends at a party. (an)
8 Both the chairs are uncomfortable. (neither)
9 My holiday starts ten days from now. (time)

Test 17 Pronouns

Test 17 A

A group of friends are going on a coach trip together. They're meeting at the coach stop. Complete the conversation. Put in a personal pronoun (I, me, you, etc) or a reflexive pronoun [myself, yourself etc].

Polly: Where's Martin?

Rupert: He's ill. I spoke to (►) him yesterday. He was feeling a bit sorry for (1)

Polly: Oh, poor Martin. And what about the twins?

Peter: (2) ... came with Janet and me. (3) ... gave (4) ... a lift.

Janet: Yes, the twins came with (5) ... in the car.

Tessa: I hope they're going to behave (6)

Janet: Oh, I'm sure they will.

Rupert: (7) ... 'll be nice to have a day out. (8) ... say it's going to stay sunny.

Polly: I'm sure we'll all enjoy (9)

Peter: Where's Anna?

Tessa: Oh, she's here somewhere. I spoke to (10) ... a moment ago. She was standing right next to (11)

Test 17 B

Decide which word is correct.

► I can't go to a party. I haven't got anything to wear.

1 Take care, won't you, Anna? Look after

2 Yes, ... would be lovely to see you again.

3 If you want some apples, I'll get you ... at the shop.

4 We've brought some food with

5 Who does this CD belong to? ~ ... I've just bought it.

6 The shop doesn't sell new books. It only sells old ...

7 Is ... a post office near here, please?

8 The two girls often wear ... clothes.

9 Have you had enough to eat, or would you like something ...?

a) anything b) everything c) something d) nothing

1. a) you b) your c) yours d) yourself

2. a) it b) that c) there d) you

3. a) any b) it c) one d) some

4. a) me b) ourselves c) us d) we

5. a) I b) Me c) Mine d) Myself

6. a) of them b) ones c) some d) them

7. a) here b) it c) there d) this

8. a) each other b) each other's c) themselves d) themselves'

9. a) another b) else c) new d) other

Test 17 C

Use a pronoun instead of the words in brackets.

► Michelle is in hospital. *She* (Michelle) isn't very well.

1 I lost my watch, but it was only a cheap ... (watch).

2 I have to make tea for ... (all the people).

3 Tessa took a photo of ... (Tessa).

4 My flat is the ... (flat) at the top.

5 The phone rang ... (The caller) was Alex.

6 There was ... (a thing) worrying me.

7 I've got some sweets. Would you like ... (a sweet)?

8 ... (People in general) can't make an omelette without breaking eggs.

9 We decorated the whole house ... (without help).

Test 17 D

Complete the text. Write the missing words. Use one word only in each space.

(►) It was on 20 September 1973 that Bobby Riggs met Billie Jean King on the tennis court. Of all the tennis matches until then, this was probably the (1) ... that attracted the most attention. Riggs had once been a champion, but at 55 he was

getting rather old for top-class tennis. But he considered (2) ... a better player than any woman. In fact, he thought women should go home and find (3) ... useful to do in the kitchen. Billie Jean King, on the other hand, was a 29-year-old star of women's tennis and a feminist. Riggs thought that (4) ... would be a good idea to play King. He was sure he could beat (5) ... King agreed to play. (6) ... was a lot of interest in the match, and more or less (7) ... in the country was looking forward to (8)On the night of the match, (9) ... were over 30,000 people in the Houston Astrodome. When Riggs and King came face to face with (10) ... other, they had 50 million people watching (11) ... on TV. The match didn't work out for Riggs, because Billie Jean King defeated (12) ..., 6-4, 6-3, 6-3.

Test 17 E

Each of these sentences has a mistake in it. Write the correct sentence.

► I didn't want the fridge, so I sold him. I didn't want the fridge, so I sold it.

1 It's a train leaving in ten minutes.

2 I think someone are coming up the stairs.

3 Let's meet ourselves at eight o'clock, shall we?

4 We haven't got a camcorder, but we'd like a.

5 Let's do a different something today.

6 One is going to build a new motorway through here.

7 I'm afraid I haven't done something all day.

8 Everyone enjoyed themself at the barbecue.

9 If you're buying a loaf, get a nice fresh.

10 I've looked in all places for my credit card.

11 The two friends still see themselves occasionally.

Test 18 Adjectives and adverbs

Test 18 A

Choose the correct word or phrase.

► We walked ~~slew~~/slowly back to the hotel.

1 We could walk free/freely around the aircraft during the flight.

2 The young/The young man with dark hair is my sister's boyfriend.

3 I'm getting quite hungry/hungrily.

- 4 The man looked thoughtful/thoughtfully around the room.
- 5 Have I filled this form in right/rightly?
- 6 I think Egypt is a fascinated/fascinating country.
- 7 The two sisters do alike/similar jobs.
- 8 I'm pleased the plan worked so good/goodly/well.
- 9 She invented a new kind of wheelchair for the disabled/the disabled people.
- 10 I'm very confused/confusing about what to do.
- 11 They performed the experiment scientifically/scientificly.
- 12 The hostages must be very afraid/frightened people.

Test 18 B

Put the words in the right order to form a statement.

► a / bought / coat / I / new / red. I bought a new red coat.

1 a / is / nice / place / this

2 biscuit / can't / find / I / large / the / tin

3 a / behaved / in / silly / Tessa / way

4 coffee / cold / getting / is / your

5 a / house / in / live / lovely / old / stone / they

6 for / hospital / ill / is / mentally / the / this

Test 18 C

Write the words in brackets and add ly, ing or ed only if you need to.

Janet: Is this the (►) *new* (new ...) car you've just bought?

Nigel: That's right. Well, it's second-hand of course.

Janet: It's (►) *exciting* (excit ...) buying a car, isn't it?

Nigel: Well, it was a bit of a problem actually because I didn't have much money to spend. But I managed to find one that wasn't very (1) ... (expensive ...).

Janet: It looks very (2) ... (nice...), I must say.

Nigel: It's ten years old, so I was (3) ... (surpris ...) what good condition it's in. The man I bought it from is over eighty, and he always drove it very (4) ... (careful ...), he said. He never took it out if it was raining, which I find (5) ... (amus ...).

Janet: I think (6) ... (elder ...) people look after their cars better than young people.

Nigel: He was a (7) ... (friend ...) old chap. He even gave me all these maps (8) ... (free ...).

Test 18 D

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

► Jonathan was stupid, (behaved) *Jonathan behaved stupidly.*

1 The drink had a strange taste. (tasted)

2 Obviously, sick people need to be looked after. (the)

3 The dog slept. (asleep)

4 The young woman was polite. (spoke)

5 The train was late. (arrived)

6 The film's ending is dramatic. (ends)

7 Polly gave an angry shout. (shouted)

8 Billiards is a game for indoors. (indoor)

9 The clown amused people. (amusing)

10 There was almost no time left. (any)

Test 18 E

Some of these sentences are correct, but most have a mistake. If the sentence is correct, put a tick (✓). If it is incorrect, cross the sentence out and write it correctly.

► Your friend looked rather ill. ✓

► It was a steel long pipe. It was a long steel pipe.

1 I tasted the soup careful.

2 It's a beautiful old English church.

3 Are they asleep children?

4 It's a school for the deaf people.

5 It's a leather new nice jacket.

6 The riches are very lucky

7 You handled the situation well.

8 He used a green paper thick towel.

9 Our future lies with the young.

- 10 The course I started was bored.
11 I often talk to the two old next door.
12 The smoke rose highly into the air
13 It feels warm in here.
14 We felt disappointing when we lost
15 Everyone seemed very nervously.
16 Tessa drives too fastly.
17 This scenery is really depressing.

Test 19 Comparative and superlative

Test 19 A

Write the comparative form of the words in brackets.

- They've made these chocolate bars smaller (small).
 - Sport is more interesting (interesting) than politics.
- 1 Can't you think of anything ... (intelligent) to say?
2 Well, the place looks ... (clean) now.
3 Janet looks ... (thin) than she did.
4 You need to draw it ... (carefully).
5 The weather is getting ... (bad).
6 The programme will be shown at a ... (late) date.
7 I can't stay ... (long) than half an hour.
8 A mobile phone would be a ... (useful) present.
9 I'll try to finish the job ... (soon).
10 It was ... (busy) than usual in town today.
11 I'll be even ... (annoyed) if you do that again.
12 Since the break-in I feel ... (nervous).

Test 19 B

Write the superlative form of the words in brackets.

- It's the shortest (short) day of the year.
- It's the most beautiful (beautiful) building in the world.

- 1 That was the ... (funny) film I've ever seen.
- 2 It was the ... (horrible) feeling I've ever had.
- 3 Have you read her ... (recent) book?
- 4 It's the ... (large) company in the country.
- 5 It was the ... (boring) speech I've ever heard.
- 6 You've got the ... (far) to travel.
- 7 That's the ... (helpful) idea so far.
- 8 The factory uses the ... (modern) production methods.
- 9 This is the ... (early) I've ever got up.
- 10 It was the ... (sad) day of my life.

Test 19 C

Some of these sentences are correct, and some have a word which should not be there. If a sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

- ▶ I've got the least powerful computer in the world. ✓
 - ▶ London is ~~more~~ bigger than Birmingham. *more*
- 1 Silver isn't as expensive as gold.
 - 2 Indian food is the nicer than Chinese, I think.
 - 3 The telephone is one of the most useful inventions ever
 - 4 I feel a much better now, thank you.
 - 5 The longer you wait, so the harder it'll be.
 - 6 The piano is heavier than the sofa.
 - 7 This is the most quickest way to the hotel.
 - 8 You're taller than he is.
 - 9 Who is the cleverest student in of the class?
 - 10 The weather is getting hotter and more hotter.

Test 19 D

Read this part of Tessa's letter to her friend Angela about her new job. Then look at the answers after the letter and write the correct answer in each space.

My new job is great. I like it (▶) much better than my old one. The people here are (1) ... than I expected. Luckily my new boss isn't as rude (2) ... my old boss,

Mrs Crossley, was. I hated her. She was the (3) ... friendly person I've ever met. Everyone here is older (4) In fact I'm the youngest person (5) ... the office. But I don't mind.

The good thing about the job is that I get a (6) ... more money, although not much more than I did before. The bad thing is that the journey isn't (7) ... simple as it was in my old job, where the bus took me straight there. Now I have to change buses. But I'm allowed to start work early: The earlier I leave home, (8) ... the journey is because the buses aren't so crowded.

► a) more b) most c) much d) very

1 a) more nice b) most nice c) nicer d) nicest

2 a) as b) so c) than d) that

3 a) least b) less c) less and less d) so

4 a) as I b) as me c) than I d) than me

5 a) from b) in c) of d) out of

6 a) bit b) less c) lot d) much

7 a) as b) less c) more d) same

8 a) more easier b) more easy c) the easier d) the easy

Test 19 E

Complete the second sentence so that it has a similar meaning to the first.

Use the word in brackets.

► This train is more convenient than all the others. (most) This train is the most convenient.

1 The living-room isn't as big as the kitchen. (bigger)
The kitchen.

2 I'm not as fit as you. (am)
You're

3 The table and the desk are the same size. (big)
The table / the desk

4 Prices just get higher all the time. (and)
Prices

5 The dress is cheaper than the skirt. (expensive)
The skirt / the dress

- 6 This crossword is the easiest. (difficult)
This crossword
- 7 Their excitement was increasing all the time. (excited)
They were getting
8. I've never read a more romantic story. (most)
It's the read

Test 20 Adverbs and word order

Test 20 A

Put each word in brackets into the sentence.

- Anna arrives for work. (late) Anna arrives late for work.
- 1 I like old cowboy films. (quite)
- 2 Have you finished this magazine? (yet)
- 3 This coat is big. (too)
- 4 Have the children had their tea? (already)
- 5 You don't look ill. (certainly)
- 6 We don't go out. (much)
- 7 I think everyone works hard. (fairly)
- 8 I don't know the date of the meeting. (still)
- 9 The others are getting ready. (just)
- 10 I have to go to work. (on Saturdays)

Test 20 B

Put the words in the right order to form a statement.

- I / love / really / these trousers
I really love these trousers.
- 1 is / rather / silly / this game
- 2 already / I've / paid / the bill
- 3 enough / isn't / loud / the alarm
- 4 easily / Jonathan / passed / the test
- 5 a lot / cards / play / the children

- 6 didn't / enough / sell / they / tickets
7 ask / many / questions / too / you
8 a member / any more / of the club / I'm / not
9 enough / it's / outside / to sit / warm

Test 20 C

Read the conversation. Then look at the answers below and write the correct answer in each space.

Martin: Hello, Nancy. (►) *How* are you? Have you found a job (1) ...?

Nancy: No, I'm afraid not, but I'm (2) ... looking. It's taking (3) ... longer than I expected. The problem is there just aren't (4) ... jobs. And there are too (5) ... people looking for jobs.

Martin: I'm old enough (6) ... remember when there was plenty of work.

Nancy: There used to be lots of work, but there isn't (7) ... more. I'm afraid I'm (8) ... longer as optimistic as I was a few weeks ago. In fact I feel a (9) ... depressed about it sometimes.

Martin: Don't worry. You'll (10) ... find something, I expect.

► a) How b) What c) Who d) Why

1 a) longer b) soon c) still d) yet

2 a) already b) more c) still d) yet

3 a) more b) quite c) rather d) some

4 a) enough b) plenty c) right d) several

5 a) big b) lot c) many d) much

6 a) for b) of c) that d) to

7 a) any b) no c) now d) some

8 a) any b) never c) no d) not

9 a) bit b) piece c) quite d) slightly

10 a) already b) yet c) soon d) before very long

Test 20 D

Each of these sentences has a mistake in it. Write the correct sentence.

► My friend calls always for me. My friend always calls for me.

1 I didn't last night sleep very well.

- 2 I think I need to rest little.
- 3 I don't work for the company longer.
- 4 The article is fair interesting.
- 5 Tessa locked carefully the door.
- 6 You aren't enough tall to play basketball.
- 7 We went yesterday to town.
- 8 I like this music much.

Test 20 E

Write a second sentence so that it has a similar meaning to the first. Use the word in brackets.

- It's probable that the strike will be over soon. (probably)

The strike will probably be over soon.

- 1 We often go to the cinema. (a lot)
- 2 Adrian wears jeans all the time. (always)
- 3 These shoes are too small. (big)
- 4 I don't live in Birmingham any more. (no)
- 5 Polly spent more money than she should have done in the sales. (too)

Test 21 Prepositions

Test 21 A

Write the sentences correctly.

- I'll see you at Monday. I'll see you on Monday.

- 1 The doctor has been working since twelve hours.
- 2 We had a great time in the disco.
- 3 The woman was getting from the car.
- 4 The players had numbers at their shirts.
- 5 The new manager takes over at two weeks' time.
- 6 Anna drove at the garage to get some petrol.
- 7 We were sitting in the back of the room.

Test 21 B

Read Polly's postcard and write the missing words. Use one word only in each space. Sometimes more than one answer is correct.

This is our first real holiday (►) for ages, and I'm enjoying it tremendously. I love being (1) ... an island. We arrived here almost a week (2) ..., and I can't believe the time is going so fast. We finally completed the journey here (3) Friday evening (4) ... about eleven o'clock. The journey wasn't too bad, but we had to wait ages (5) ... the airport for our flight.

Our apartment here is fine. It's (6) ... the top floor. The beach isn't far away — we can walk there (7) ... five minutes. The only problem is that we have to get (8) ... a busy main road, which can be difficult.

We don't do much (9) ... the day, but we go out every evening. Last night's disco went on very late, and today we slept (10) ... eleven.

Test 21 C

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

► The cat was sitting on top of the shed. ✓

► Coventry is near ~~by~~ Birmingham. *by*

1 Luckily our train arrived on the time.

2 People were running away from the gunman.

3 It sounds as if the company is in trouble.

4 The car was in the front of a bus.

5 There's a meeting on next Tuesday.

6 Lisa drew a plan on the back of an envelope.

7 I'll be exhausted by the time I get home.

Test 21 E

Complete the second sentence so that it has a similar meaning to the first. Use the word in brackets.

► This is the Glasgow train. (going)

This train is going to Glasgow.

1 Scott is a resident of Washington. (lives)

2 I'm travelling to Italy as part of my job. (business)

- 3 Friday morning is a busy time for me. (I'm)
- 4 They started playing an hour ago. (been)
- 5 Jonathan can play tennis very well. (good)
- 6 I'm rather busy now. (moment)
- 7 We took a plane to Budapest. (air)
- 8 Nigel passes the newsagent's every day. (goes)
- 9 The company is planning to reduce the workforce. (reduction)
- 10 We got to our guest-house early enough for a meal. (time)

Test 21 D

Decide which word is correct.

► I saw a really funny programme *on* television.

- 1 You can see all the information ... the screen.
- 2 Are these pictures ... sale?
- 3 Could you let me know ... Friday at the latest?
- 4 The audience clapped ... the end of the show.
- 5 I've lived here ... last year.
- 6 What's the matter ... your car?
- 7 We could see the balloon high ... the town.
- 8 There was a fall ... ten per cent in prices.
- 9 The house was burgled ... we were out.
- 10 What's the difference ... a boat and a ship?
- 11 Rupert's new car looks more ... an aeroplane.
- 12 We're all bored ... this game.
- 13 I can't find my keys. I had them a minute
- 14 We get lots of requests ... help.
- 15 The babysitter will stay there ... we get home.
- 16 I'm going to be late ... the meeting.
- 17 We do most of our business ... summer.
- 18 The job is similar ... my old one.

a) at b) from c) in d) on

1. a) at b) in c) inside d) on

2. a) at b) for c) in d) to
3. a) by b) to c) up to d) until
4. a) at b) for c) in d) to
5. a) after b) by c) for d) since
6. a) by b) for c) on d) with
7. a) above b) on c) onto d) up
8. at b) by c) in d) of
9. a) at b) during c) time d) while
10. between b) from c) under d) with
11. a) as b) like c) near d) similar
12. a) about b) at c) for d) with
13. a) ago b) before c) behind d) back
14. a) at b) for c) of d) on
15. a) by b) for c) to d) until
16. a) at b) for c) in d) to
17. a) along b) at c) in d) on
18. a) as b) at c) to d) with

Test 22 Verbs with prepositions and adverbs

Test 22 A

Put the words in the right order to form a statement.

► I won't forget the titles of the books, down / I've / them / written I've written them down.

1 I'll give you the money, for / I / must / my ticket / pay

2 I have to look smart, going to / I'm / on / put / that expensive grey coat I bought

3 Anna rang, invited / lunch / she's / to / us

4 Peter's got the photos, at / he's / looking / them

5 I wasn't allowed to go. from / leaving / me / prevented / the police

6 This programme is boring, going to / I'm / it / off / turn

Test 22 B

Decide which word is correct.

► I'm not speaking to Oliver. I've fallen *out* with him.

1 Everyone complained ... the awful food.

2 You don't need this word. You should cross it

3 It's late. How much longer are you going to go ... working?

4 My shoes are dirty. I'd better take them ... before I come in.

5 The bus journey costs more now. They've put the fares

6 We all laughed ... the cartoon.

7 We'd all decided to go on holiday together, but the plan fell ..., I'm afraid.

8 I suppose you're being nice to make ... the awful way you behaved yesterday.

a) away b) back c) out d) through

1. a) about b) for c) on d) over

2. a) down b) out c) over d) up

3. a) along b) on c) through d) with

4. a) away b) off c) on d) up

5. a) down b) out c) over d) up

6. a) at b) for c) on d) to

7. a) away b) back c) out d) through.

8. a) away of b) down on c) in with d) up for

Test 22 C

Write the correct sentence.

► Could you be a little quieter, please? I'm trying to concentrate at my work.

I'm trying to concentrate on my work.

1 You haven't answered all the questions. You've left one away.

2 Where is Bigbury? I've never heard about it.

3 The children were frightened of the dog. They ran out of it.

4 Michelle has got the job. You must congratulate her for her success.

5 My sister is in computers. She's going to set out her own company.

6 I like Peter. He reminds me about an old school friend of mine.

7 Adrian has a suggestion. He wants to put it ahead at the meeting.

Test 22 D

Read the story and write the missing words. Use one word only in each space.

This true story is about a policeman in New York City who had a girlfriend he cared (►) for very much. I don't know if you regard New York City (1) ... a dangerous place, but the hero of our story certainly did, and he warned his girlfriend (2) ... the danger of walking the streets alone and the need to (3) ... out for muggers. But as he also believed (4) ... being prepared for the worst, he bought a can of gas that would protect his girlfriend (5) ... muggers. It certainly seemed worth spending a few dollars (6) The idea is that you point the thing (7) ... your attacker and spray him with the gas, which knocks him (8) On the day he bought the gas, the policeman and his girlfriend had arranged to go (9) ... for the evening. So he was looking (10) ... to giving her the can later on. When he got home from work, he had a bath and then sprayed some deodorant on himself. He knew nothing more until he (11) ... up in hospital the next day. He had picked (12) ... the wrong can and sprayed himself with the gas.

Test 22 E

*Complete the second sentence so that it has a similar meaning to the first.
Use the word in brackets.*

► I'm trying to find my diary. (looking)

I'm looking for my diary.

1 You're too young to stop working. (give)

2 This bag is Janet's. (belongs)

3 Everyone continued working as usual. (carried)

4 They talked about the plan. (discussed)

5 I haven't got any money left. (run)

6 I told the police what the problem was. (explained)

7 I wouldn't tolerate such terrible conditions. (put)

8 They'll have to postpone the game. (off)

Test 23 Reported speech

Test 23 A

Some of these sentences are correct, and some have a word which should not be there. If the sentence is correct, put a tick (✓). If it is incorrect, cross the unnecessary word out of the sentence and write it in the space.

- ▶ You promised you wouldn't be late. ✓
- ▶ Susan thought. "~~That~~ I can't understand what's happening." *that*
- 1 Do you know me what time the coach leaves?
- 2 Robert wanted to know if did the price included breakfast
- 3 Anna insisted on showing us her photos.
- 4 Someone asked us whether that we had eaten lunch.
- 5 Nancy told me she had started the job the week before.
- 6 Nigel said me he wanted to come with us.
- 7 My friend said she did liked her new flat.
- 8 Martin asked us for not to wake the baby.

Test 23 B

Decide which word is correct.

- ▶ What did that man say to you?
 - 1 I rang my friend in Australia yesterday, and she said it ... raining there.
 - 2 The last time I saw Jonathan, he looked very relaxed. He explained that he'd been on holiday the ... week.
 - 3 I wonder ... the tickets are on sale yet.
 - 4 I told you ... switch off the computer, didn't I?
 - 5 Someone ... me there's been an accident on the motorway.
 - 6 When I rang Tessa some time last week, she said she was busy ... day.
 - 7 When he was at Oliver's flat yesterday, Martin asked if he ... use the phone.
 - 8 Judy ... going for a walk, but no one else wanted to.
- a) at you b) for you c) to you d) you
1. a) is b) should be c) to be d) was
 2. a) earlier b) following c) next d) previous
 3. a) what b) when c) where d) whether

4. a) don't b) not c) not to d) to not
5. a) asked b) said c) spoke d) told
6. a) that b) the c) then d) this
7. a) can b) could c) may d) must
8. a) admitted b) offered c) promised d) suggested

Test 23 C

Read the news report and write the missing words. Use one word only in each space. Sometimes there is more than one possible answer.

Police have warned people (►) *to* watch out for two men who have tricked their way into an old woman's home and stolen money. The men called on Mrs Iris Raine and said (1) ... were from the water company and wanted to check (2) ... her water was OK. They asked if (3) ... would mind letting them into her house. The woman didn't ask (4) ... see their identity cards. She said she (5) ... know about any problem with the water. The men explained that they (6) ... just discovered the problem but that it was very simple and (7) ... take long to check. The woman asked (8) ... the service was free, and they said yes. They (9) ... to know where the water tank was. While one man ran water in the kitchen, the other went upstairs and took several hundred pounds from a drawer in a bedroom. The men then left saying that they would return the (10) ... day to have another look.

Test 23 D

Complete each sentence by reporting what was said to you yesterday. Use said and change the tense in the reported speech.

► Polly: I'm really tired.

When I saw Polly yesterday, *she said she was really tired.*

1 Tessa: I feel quite excited.

When I saw Tessa yesterday,

2 Nigel: I can't remember the code word.

When I saw Nigel yesterday,

3 Robert: I won't be at the next meeting.

When I saw Robert yesterday,

4 The twins: We've got a problem.

When I saw the twins yesterday,

5 Michelle: I've been swimming.

When I saw Michelle yesterday,

6 Your friends: We would like to be in the show.

When I saw my friends yesterday,

7 Adrian: I don't need any help.

When I saw Adrian yesterday,

8 Susan: My sister is coming to see me.

When I saw Susan yesterday,

Test 23 E

Report the sentences. They were all spoken last week. Use the verbs in brackets.

► Anna to Janet: Don't forget to sign the form. (remind)

Anna reminded Janet to sign the form.

► Robert: What time will the office close this evening? (ask)

Robert asked what time the office would close that evening.

1 A policeman to Christopher: Stop shouting. (tell)

2 Tessa: It was me. I ate all the cake yesterday. (admit)

3 Adrian: I'm sorry I was rude. (apologize)

4 Simon to Susan: Would you like to join me for lunch? (invite)

5 Martin to Nancy: Did someone ring you an hour ago? (ask)

6 Peter: I really must leave. (insist)

Test 24 Relative clauses

Test 24 A

Decide which word or phrase is correct.

► *What* I really need is a long holiday.

1 At last I've found the information that I was looking

2 Everyone ... the building was searched by the police.

3 The plane ... has just taken off is an hour late.

4 I had just one reply. Abco was the ... company to reply to my letter.

5 My friend Nigel, ... works in the City, earns much more than I do.

- 6 Martin is someone with ... I usually agree.
- 7 I'd like to see the photo
- 8 Atlanta is the city ... the Olympic Games were held in 1996.
- 9 It rained all the time, ... was a great pity.
- 10 We passed shops ... windows were decorated for Christmas.
- a) that b) what c) which d) who
1. a) for b) for it c) for that d) it
2. a) enter b) entered c) entering d) enters
3. a) it b) what c) which d) who
4. a) last b) most c) only d) second
5. a) that b) which c) who d) whose
6. a) him b) that c) who d) whom
7. a) took b) you took it
- c) that you took d) that you took it
8. a) that b) when c) where d) which
9. a) that b) what c) which d) who
10. a) the b) their c) which d) whose

Test 24 B

Each of these sentences has a mistake in it. Write the correct sentence.

- I've found the magazine who was missing.
- I've found the magazine that was missing.
- 1 This isn't the train on that I normally travel.
- 2 The letter that I opened it wasn't for me.
- 3 The reason because I didn't know was that no one had told me.
- 4 That we should do is ring the police.
- 5 I didn't know the name of the man helped me.
- 6 Rupert knows the family who's house is for sale.
- 7 Einstein who failed his university entrance exam discovered relativity.
- 8 The person we talked to were very friendly.
- 9 It's the President makes the important decisions.
- 10 I can't find my diary what is a real nuisance.

11 Outside the door was a pair of boots covering in mud.

12 Lake Superior, that lies on the US Canadian border, is the largest lake in North America.

Test 24 C

*Complete the story about a thief's punishment. Write the missing words.
Use one word only in each space.*

This is a true story (►) which is supposed to have happened somewhere in the US. A man (1) ... was accused of housebreaking appeared in court. He had put his arm through the window of a house and stolen some money (2) ... was lying on a table inside. The argument (3) ... the man's lawyer put forward wasn't very impressive. He said that (4) ... was the man's arm (5) ... had committed the crime and not the man himself. "You cannot punish a man for (6) ... his arm has done," said the lawyer. Now the judge in (7) ... court the man was appearing wanted to show how stupid the lawyer's argument was. Instead of finding the man guilty, he found the man's arm guilty and sent it to prison. "He can go with his arm or not, as he chooses," the judge added, (8) ... made everyone laugh. But (9) ... the judge didn't know was that the man had an artificial arm. He took the arm off, gave it to the judge — (10) ... could hardly believe his eyes — and walked out of the court.

Test 24 D

Combine the two sentences into one.

► That man was Anna's brother. He just walked past. The man who just walked past was Anna's brother.

1 The plane was twenty-five years old. It crashed.

The plane ... twenty-five years old.

2 One day Tessa was ill in bed. Martin rang.

The day ... ill in bed.

3 Our offices are in Queen Street. They are new.

Our ... in Queen Street.

4 Some documents have been found. They were stolen from a car.

The documents ... found.

5 That map is out of date. You were looking at it.

The map ... out of date.

6 The King's Theatre is in the centre of town. It dates from 1896.

The King's ... in the centre of town.

7 A woman was terribly upset. Her dog was run over.

The woman ... terribly upset.

8 Janet solved the puzzle. She did it before everyone else.

Janet was ... the puzzle.

9 A man was standing outside the building. He was selling newspapers.

A man ... outside the building.

10 The talk was very interesting. Judy gave it.

The talk ... very interesting.

11 The house is empty now. I used to live there.

The house ... is empty now.

Test 25 A

Complete the news report about a protest against a new road. Put in the correct form of the verbs. Sometimes you need will or would.

Yesterday protesters managed to hold up work on the Oldbury bypass. Protest leader Alison Compton

defended the action by members of the Green World group. "If we don't protest, soon (►) there'll be (there / be) no countryside left," she told reporters. The bypass is now well behind schedule, and if the protesters had not held up the work so often, (1) ... (it / open) two months ago. "If these fields (2) ... (disappear), we'll never see them again," said Ms Compton.

"Why can't we use public transport? If more people (3) ... (travel) on buses and trains, we wouldn't need new roads. If the motor car had never existed, the world (4) ... (be) a more pleasant place today."

But many people in Oldbury want their new bypass. "If (5) ... (they / not build) it soon, the traffic jams in the town will get worse," said Asif Mohammed, whose house is beside the busy A34. "We just can't leave things as they are. If things remained the same, people's health (6) ... (suffer) even more from all the pollution here. It's terrible. If we don't get the traffic out of the town, (7) ... (I / go) mad. If (8) ... (I / know) earlier how bad this problem would get, (9) ... (I / move) out years ago. But now it has become impossible to sell this house because of the traffic. The government waited too long. If (10) ... (they / do) something sooner, there would be less traffic today." And the protest is making the new road even more expensive. "If this goes on, (11) ... (there / not / be) enough money left to finish the road," says the Transport Minister.

Test 25 B

Look at the answers below and write the correct answer in each space.

► A: There's always something going wrong with this car.

B: If you had any sense, you'd have sold it long ago.

1 A: It's a pity the lake wasn't frozen yesterday.

B: Yes, it is. If it ... frozen, we could have gone skating.

2 A: Haven't you got enough money for a holiday?

B: Oh yes. I've got some saved up ... I suddenly need it.

3 A: What are you going to do next year?

B: I wish I ... the answer to that question.

4 A: These figures are too complicated to work out in your head.

B: Yes, if ... we had a calculator.

5 A: What are you doing later this afternoon?

B: Oh, ... the game finishes, I'll go home, I expect.

6 A: Do you think I should take the job?

B: You shouldn't do anything ... you think it's the right thing to do.

b) have sold

c) sell

a) be selling

d) sold

1. a) had been

c) would be

b) was

d) would have been

2. a) if

c) that

b) in case

d) unless

3. a) knew

c) could know

b) know

d) would know

4. a) better

c) really

b) only

d) that

5. a) if

c) unless

b) in case

d) when

6. a) if

c) unless

b) in case

d) when

Test 25 C

Write a second sentence so that it has a similar meaning to the first. Begin with If...

► I haven't got a key, so I can't get in. If I had a key, I could get in.

1 You talk about football and I'm going to be very bored.

2 The baby didn't cry, so we had a good sleep.

3 You may want a chat, so just give me a ring.

4 Nigel hasn't got satellite TV, so he can't watch the game.

5 You go away and I'll miss you.

6 I'm not rich or I'd have given up working long ago.

7 We should have bought that picture five years ago because it would be quite valuable now.

8 Throw a stone into water and it sinks.

Test 25 D

Write the sentences correctly.

► There aren't any eggs. If we have some eggs, I could make an omelette.

If we had some eggs, I could make an omelette.

1 The weather doesn't look very good. If it'll rain, I'll stay here.

2 The programme is starting soon. Can you tell me if it starts?

3 Could you just listen? I didn't need to repeat things all the time if you listened.

4 It's a simple law of science. If air will get warmer, it rises.

5 There's only one key. I'd better get another one made if I lose it.

6 We were really late. I wish we left home earlier.

7 I hope the parcel comes today. If it won't arrive today, we'll have to complain.

8 That radio is on loud. I wish someone turns it down.

9 We must do something. Until we act quickly, it'll be too late.

10 Of course Martin was angry. But he hadn't been angry if you hadn't damaged his stereo.

Appendix 1: Word formation

Look at these examples.

Lots of people believe that God **exists**.

Lots of people believe in the **existence** of God.

***Exist** is a verb and **existence** is a noun. The word **existence** has two parts: **exist** and **ence**. We call **ence** a “suffix”. We add it to end of the verb **exist** to form a noun.*

We can also use suffixes to form verbs, adjectives and adverbs.

The system is being **modernized**. (= made modern)

I grew up in an **industrial** town. (= a town where there is a lot of industry)

The man was behaving **strangely**. (= in a strange way)

*There are many different suffixes, such as **ence**, **ize**, **al**, **ly**, **tion** and **ment**. Some of them can be used to form many different words. For example, there are a lot of nouns ending in **tion**: **action**, **education**, **explanation**, **information**, **instruction**, etc. There are no exact rules about which suffix you can add to which word.*

Adding a suffix can also involve other changes to the form of a word.

industry → industrial repeat → repetition science → scientist

Now look at these examples.

They’re going to **play** the match on Wednesday.

They’re going to **replay** the match on Wednesday.

*We can add **re** to the beginning of the verb **play**. We call **re** a “prefix”. A prefix adds something to the meaning of a word. The verb **replay** means “play again”. We can also add prefixes to nouns and adjectives.*

Noun suffixes

ment	ty/ity
ion/tion/sion	ness
ation/ition	ing
ence/ance	

the prospects for **employment** reach an **agreement**
take part in a **discussion** increase steel **production** ask for **permission**
an **invitation** to a party people's **opposition** to the idea
a **preference** for houses rather than flats a **distance** of ten miles
no **certainty** that we shall succeed keep the door locked for **security**
people's **willingness** to help recovering from an **illness**
enter a **building** reach an **understanding**

Nouns for people

er/or	an/ian
ist	ee
ant/ent	

the **driver** of the car a newspaper **editor**
a place full of **tourists** a **scientist** doing an experiment
an **assistant** to help with my work **students** at the university
Republicans and Democrats the **electrician** rewiring the house
an **employee** of the company (= someone employed)
notes for **examinees** (= people taking an exam)
*We also use **er** for things, especially machines.*
a hair-**dryer** a food **mixer** a cassette **player**

Verb suffixes

*Many verbs are formed by adding **ize** or **ise** to an adjective. Some are formed by adding **en**.*

ize

en

European safety rules are being **standardized**. They **privatized** the company.

They're **widening** the road here. Meeting you has really **brightened** my day.

Adjective suffixes

Most of these adjectives are formed from nouns.

al

ous

ic

y

ive

ly

ful

able/ible

less

a **professional** musician

Britain's **coastal** waters

a **metallic** sound

a **scientific** inquiry

an **informative** guidebook

an offer **exclusive** to our readers

a **successful** career

feeling **hopeful** about the future

feeling hopeless about the future (= without hope) **powerless** to do anything about it

guilty of **dangerous** driving

luxurious holiday apartments

a **rocky** path

the **salty** taste of sea water

a **friendly** smile

a very **lively** person

an **acceptable** error (= an error that can be accepted) a comprehensible explanation

a **valuable** painting (= worth a lot of money)

a **comfortable** chair

Adverbs

ly

He looked around **nervously**.

I moved here quite **recently**.

Some common prefixes

anti (= against)

inter (= between)

mini (= small)

mis (= wrongly)

multi (= many)

over (= too much)

post (= after)

pre (= before)

re (= again)

semi (= half)

super (= big)

under (= too little)

anti-roads protestors

an international match

a minicomputer

mishear what someone says

multicoloured lights

too fond of *overeating*

the *post-war* world

pre-match entertainment

a reunion of old friends

semi-skilled work

a huge new *superstore*

thin and *underweight*

anti-government troops

interstate highways in the US

the *minibar* in your hotel room

miscalculate the amount

a multimillionaire

overcrowded roads

a postgraduate student

in *prehistoric* times

reread a favourite book

sitting in a *semicircle*

a supertanker carrying oil

underpaid work

Negative prefixes

*We can also use a prefix to form an opposite. For example, the opposite of **clear** is **unclear** (= not clear). **Un** is the most common negative prefix.*

dis

il (+ 1)

im (+ m or p)

in

ir (+ r)

non

un

<i>a dishonest way to behave</i>	<i>can't help being disorganized</i>	<i>dislike the idea</i>
<i>disappear from the scene</i>	<i>a disadvantage of the plan</i>	
<i>an illegal drug</i>	<i>an illiberal attitude</i>	
<i>an impossible Activity</i>	<i>an impolite question</i>	
<i>an indirect route</i>	<i>the invisible man</i>	<i>a great injustice</i>
<i>an irregular shape</i>	<i>an irrelevant remark</i>	
<i>non-alcoholic drinks</i>	<i>a non-stop flight</i>	
<i>an uncomfortable chair</i>	<i>an unusual event</i>	<i>an undated letter</i>
<i>uncertain what to do</i>	<i>unpack your suitcase</i>	<i>unzip the bag</i>

Appendix 2: The spelling of endings

Plural nouns

We add s to a noun to form the plural.

a car → two cars a name → some names

1 After **s**, **sh**, **ch** and **x** we add **es**.

glass → glasses dish → dishes match → matches

box → boxes

2 A few nouns ending in **o** have **es**.

heroes potatoes tomatoes

But most have **s**.

discos kilos photos pianos radios stereos studios zoos

3 When a noun ends in a consonant + **y**, the **y** changes to **ies**.

penny → pennies story → stories

We do not change **y** after a vowel.

day → days journey → journeys

The present simple s ending

In the third person singular, a present simple verb ends in s.

I know → he knows I work → she works

1 After **s**, **sh**, **ch** and **x** we add **es**.

pass → passes wash → washes catch → catches mix → mixes

2 Some verbs ending in **o** have **es**.

go → goes do → does

3 When a verb ends in a consonant + **y**, the **y** changes to **ies**.

hurry → hurries copy → copies

We do not change **y** after a vowel

stay → stays enjoy → enjoys

The *ed* ending

*Most verbs have **ed** in the past tense. Most past participles also end in **ed**.*

look → looked call → called

1 If the verb ends in **e**, we add **d**.

hope → hoped save → saved

2 When a verb ends in a consonant + **y**, the **y** changes to **ied**.

hurry → hurried copy → copied

3 Sometimes we double a final consonant. This happens when a one-syllable verb ends with one vowel and one consonant, e.g. *beg*, *plan*.

beg → begged plan → planned

The *ing*-form

1 We normally leave out **e** when we add **ing** to a verb.

take → taking drive → driving

But we keep a double **e** before **ing**.

see → seeing agree → > agreeing

2 When a verb ends in **ie**, it changes to **ying**.

die → dying lie → lying

But **y** does not change.

hurry > hurrying

3 Sometimes we double a final consonant. This happens when a one-syllable verb ends with one vowel and one consonant, e.g. *win*, *put*.

win → winning put → putting

Adverbs

We form many adverbs from an adjective + **ly**.

slow → *slowly* *calm* → *calmly*

1 We do not leave out e before **ly**.

safe → *safely* *strange* → *strangely*

But there are a few exceptions.

due → *duly* *true* → *truly* *whole* → *wholly*

2 When an adjective ends in a consonant + **y**, the **y** changes to **ily**.

angry → *angrily* *happy* → *happily*

An exception is *shy* → *shyly*.

3 When an adjective ends in a consonant + **le**, the **e** changes to **y**.

probable → *probably* *sensible* → *sensibly*

4 When an adjective ends in **ic**, we add **ally**.

automatic → *automatically* *romantic* → *romantically*

But there is one exception.

public → *publicly*

The comparison of adjectives

We form the comparative and superlative of short adjectives with **er** and **est**.

old → *older, oldest* *quick* → *quicker, quickest*

1 If the adjective ends in e, we add **r** and **st**.

late → *later, latest* *fine* → *finer, finest*

2 When an adjective ends in a consonant + **y**, the **y** changes to **ier** or **iest**.

heavy → *heavier, heaviest* *lucky* → *luckier, luckiest*

3 Sometimes we double a final consonant. This happens when a one-syllable adjective ends with one vowel and one consonant, e.g. **big**, **flat**.

big → *bigger, biggest* *flat* → *flatter, flattest*

The doubling of consonants

1 When we add **ed**, **ing**, **er** or **est** to a word, we sometimes double a final consonant. This happens when a one-syllable word ends with one vowel and one consonant, e.g. **stop**, **get**, **thin**, **sad**.

stop → *stopped* *get* → *getting* *thin* → *thinner* *sad* → *saddest*

2 We do not double **y**, **w** or **x**.

play → *played* *new* → *newest* *fax* → *faxing*

We do not double when there are two consonants.

ask → *asking* *short* → *shortest* *rich* → *richer*

And we do not double when there are two vowels.

seem → *seemed* *shout* → *shouting* *fair* → *fairest*

3 The rule about doubling is also true for words of more than one syllable (e.g. *permit* = *per* + *mit*), but only if the last syllable is stressed.

per'mit → *per'mitted* *pre'fer* → *pre'ferring*

We do not usually double a consonant when the syllable is unstressed.

'open → *opened* *'enter* → *entering*

An exception is that in British English l is usually doubled, even if the syllable is unstressed.

travel → *travelled* (US: *traveled*)

Appendix 3: Punctuation

Full stop (.), question mark (?) and exclamation mark (!)

A sentence ends with one of these punctuation marks.

Full stop:

It's cold today. The office was closed. Please be careful

Question mark:

Who's that? Did you see the show? Could you wait, please?

Exclamation mark:

Oh, no! I don't believe it!

In the US a full stop is called a 'period'.

Semi-colon (;)

We can use a semi-colon between two separate statements which are linked in meaning.

Melanie is a very kind person; she visits David in hospital every day.

We could also use a full stop here.

Colon (:)

We can use a colon before an explanation or before a list.

There wasn't much in the fridge: a couple of sausages, some butter, half a bottle of milk.

Vicky felt nervous: she hated the dark.

Dash (—)

A dash is rather informal. It is sometimes used instead of a colon or a semi-colon.

I'm having a great time - there's much to do here. Vicky felt nervous - she hated the dark.

Comma (,)

*We often use a comma when we link two statements with **and**, **but** or **or**.*

Daniel was tired, and his feet were hurting. It's a really good camera, but I can't afford it.

Note the two subjects in each sentence: Daniel ... his feet and It... I.

When there is only one subject, we do not use a comma.

Daniel sat down and took his shoes off.

*We can also use a comma when a sentence has a linking word like **when** or **although**.*

When the office is busy, Sarah has to work late.

Sometimes a comma can separate off an adverb or a phrase.

Sarah, unfortunately, has to work late. On busy days, Sarah has to work late.

Here the commas separate off on busy days and unfortunately.

The rules about commas are not very exact. In general, commas are more likely around longer phrases. With a short phrase there is often no comma.

On busy days Sarah has to work late. Sometimes she has to work late.

It is less usual to separate off something at the end of the sentence.

Sarah has to work late when the office is busy. She stayed late to get the work done.

*We do not usually put a comma before **to** expressing purpose.*

*We also use commas in a list of more than two. The last two are linked by **and**, often without a comma.*

I went out with Rachel, Vicky, Emma and Matthew.

Quotation marks (“)

We put direct speech in quotation marks.

Laura said, “You haven't put those shelves up yet.” I haven't had time” replied Trevor.

We normally use a comma to separate the direct speech from the rest of the sentence. The comma comes before the quotation mark. Quotation marks are also called “quotes” or “inverted commas”.

Double quotation marks are sometimes used.

Laura said, “You haven't put those shelves up yet.”

We can put quotation marks around titles.

Do you watch that American comedy series called “Roseanne”?

We often use quotation marks when we mention a word or phrase.

What does “punctuation” mean? Rap music is also called “hip hop”.

Hyphen (-)

We sometimes use hyphens in these structures.

Compound noun: eating ice-cream

Compound expression before a noun: an oven-ready meal

Noun formed from a phrasal verb: ready for take-off

Noun + ing-form: interested in rock-climbing

Before the last word of a compound number: a hundred and twenty-six people

After some prefixes: anti-aircraft guns

Letter + noun: sending an e-mail

*The rules about hyphens are not very exact. For example, you may see a compound noun written as **phonecard**, **phone-card** or **phone card**. Hyphens are not very frequent in British English, and they are used even less in American English. If you are unsure, it is usually safer to write two separate words.*

Apostrophe (')

Look at these examples.

Today we're going for a drive in the country. Everyone is looking at Nick's car.

*We use an apostrophe (') in short forms, when there is a missing letter, e.g. **we're** (= we are). We also use an apostrophe with s to form the possessive of a noun, e.g. **Nick's car**.*

Capital letters

There are two capital letters (big letters) in this sentence.

The boss said **I** could leave early.

*We use a capital letter at the beginning of a sentence and for the word **I**.*

We also use a capital letter to begin the names of people, places, companies, etc.

Mark and **Sarah** **New Orleans** the **H**igh **S**treet **S**omerset **H**ouse **G**eneral **M**otors

This includes the names of books, films, magazines, etc. All the important words start with a capital letter.

The Spy Who Loved Me **Four Weddings and a Funeral**

We also use a capital letter for days of the week, months of the year, holidays and festivals, historical times, nationalities and most abbreviations.

Monday **August** **Easter** the **N**ew **Y**ear the **I**ndustrial **R**evolution some **I**talian wine

the **UN** (= the United Nations)

Appendix 4: Pronunciation

Key to phonetic symbols

Stress

In books about English, the symbol ' is used before a stressed syllable, the part of the word which is spoken with greater force.

midnight about exercise belonging

*Here the syllables **mid**, **bout**, **ex** and **long** are stressed. It is important to get the stress on the right part of the word. Stressing a word incorrectly can make it difficult to understand.*

Now look at these two sentences.

We want to **protest** against experiments on live animals.

We want to make a **protest** against experiments on live animals.

***Protest** as a verb is stressed on the second syllable. As a noun it is stressed on the first syllable. There are a number of words like this, e.g. **conflict**, **contrast**, **export**, **import**, **increase**, **insult**, **produce**, **progress**, **protest**, **record**, **suspect**, **transfer**, **transport**. Sometimes a change of stress means a change of vowel sound.*

Verbs: produce, progress, record

Nouns: produce, progress, record

We also use stress to show which are the important words in a sentence.

“Claire's got a 'lovely 'flat. She 'bought it last 'year. It's 'right in the 'centre of 'town.

*Here the important words are **Claire**, **lovely**, **flat** and so on. We do not usually stress “grammatical words” like **a**, **she**, **the** and **of**.*

Intonation

The voice usually falls or rises on the most important word in the sentence. This word is usually at or near the end of the sentence.

Claire's got a lovely ↘ flat.

*Here the voice falls when saying **flat**, which is the key word.*

The symbol ↘ is used for a falling intonation and ↗ for a rising intonation.

Everything is more or less ↘ ready, (a statement)

Everything is more or less ↗ ready?, (a question)

The voice usually goes down in a statement and up in a yes/no question. In general, a fall means that what we say is complete. A rise means that what we say is incomplete, or it needs an answer.

The voice often rises in the first part of a sentence and falls at the end.

If you don't ↗ mind, I ought to be ↘ going.

There is always a fall or rise on the important part of the message. Which word is the key word depends on the meaning.

Voicing

Sounds can be voiced or voiceless. Voiced sounds are like those you make when you sing. All the vowels are voiced and some of the consonants. Voiceless sounds are like those you make when you whisper. Some of the consonants are voiceless.

The sending

*We sometimes add the ending **s** or **es** to a word. For example we can do this to form the plural or the possessive of a noun.*

some chairs the bushes

Mark's car

the woman's name

*We can also add **s** or **es** to a verb.*

It looks nice and sunny
afternoons.

Tom watches the football on Saturday

The pronunciation of s/es depends on the sound which is before it. The ending is pronounced s after a voiceless sound, z after a voiced sound, and iz after a sibilant sound.

Voiceless + s

shops **ps** gets **ts** takes **ks**

Voiced + z

jobs **bz** hides **dz** bags **gz** Laura's days **eiz** knows

Sibilant + iz

buses **siz** loses **ziz** crashes

The *ed* ending

*We add **ed** or **d** to a regular verb to form the past tense or past participle.*

We all **walked** home.

They've **closed** the gates.

*The pronunciation of **ed** depends on the sound coming before it. The ending is pronounced t after a voiceless sound, d after a voiced sound, and id after t or d.*

Voiceless + t

hoped **pt** worked **kt** increased **st**

Voiced + d

robbed **bd** begged **gd** raised **zd** played **eid** allowed cared

t or d + id

wanted **tid** landed **did**

Weak forms

*We are using a weak form when we pronounce **is** as s rather than iz, or we pronounce **from** as rather than . Normally a word like **is** or **from** is not stressed, and so we can use a weak form.*

Notes on weak forms:

1 (r) means that an r-sound is pronounced before a vowel. In the phrase **for a minute**, the words for a are pronounced .

2 **A**, **an** and **the** are normally spoken in their weak form.

3 **Some** does not have a weak form when it means “some but not all”.

4 **That** normally has a weak form when it is a linking word, e.g. I knew **that** it was true. It does not have a weak form when it means something at a distance from the speaker, e.g. Look at **that** car. (See Unit 91.)

5 **There** normally has a weak form in a sentence like **There's** a bookshop in town. It does not have a weak form when it means “is that place”, e.g. The bookshop is over **there** .

6 A verb does not have a weak form in a short answer with **yes**.

Are you tired? ~ Yes, **I am** .

Appendix 5: American English

The differences between British and American English are mainly matters of pronunciation and vocabulary. There are also a few spelling differences such as British centre and colour and American center and color. There are some grammatical differences. Although they are not very great, those points that are most relevant to learners of English are explained here.

Seem, look, etc

Compare these examples.

*In British English there can be a noun (e.g. **pilot**) after **appear**, **feel**, **look**, **seem** and **sound**.*

She **seemed (to be)** a good pilot

It **looks (to be)** a lovely evening.

I **felt** a fool

*Americans do not say She seemed a good pilot. They use **to be** or **like** after these verbs.*

She **seemed to be** a good pilot.

or She **seemed like** a good pilot.

It **looks to be** a lovely evening.

or It **looks like** a lovely evening.

I felt like a fool.

Present perfect and past simple

*The British use the present perfect for recent actions, and especially with **just**, **already** and **yet**.*

Bob **has washed** the dishes, look.

We've already **eaten** our lunch.

I've just **seen** Elaine.

Have you **corrected** your work yet?

*The British normally use the present perfect with **ever** and **never**, not the past simple.*

Have you ever **played** cricket?

The child **has** never **seen** snow before.

Americans can use either the present perfect or the past simple in these sentences.

Bob **has washed** the dishes, look.

or Bob **washed** the dishes, look.

We've already **eaten** our lunch.

or We already **ate** our lunch.

I've just **seen** Elaine.

or I just **saw** Elaine.

Have you **corrected** your work yet?

or **Did** you **correct** your work yet?

*Americans normally use the past simple with **ever** and **never**, but the present perfect is possible.*

Did you ever **play** baseball?

or **Have** you ever **played** baseball?

The child never **saw** snow before.

or The child **has** never **seen** snow before.

Shall

*The British use **will** for the future, but they can also use **shall** in the first person.*

I **will/I shall** be here tomorrow.

We **will/We shall** contact you.

*The British use **shall** to make an offer.*

Shall I make the coffee?

*The British can use **Shall we ... ?** for a suggestion.*

Shall we go for a walk?

*Americans do not normally use **shall** for the future.*

I **will** be here tomorrow.

We **will** contact you.

*Americans normally use **should**.*

Should I make the coffee?

*Americans do not normally use **shall** in suggestions.*

How about a walk?

Would you like to take a walk?

Got and gotten

*Both **have** and **have got** are used in Britain and in the US.*

He has a lot of money./He's **got** a lot of money. (= He is rich.)

*The British do not use **gotten**.*

He's **made** a lot of money from his business activities.

Your driving has **got** better.

*In the US, **have gotten** expresses an action.*

He's **gotten/made** a lot of money from his business activities.

*Americans also use **gotten** meaning "become".*

Your driving has **gotten** better.

Negatives and questions with have

In Britain there are two different structures.

I **haven't (got)** enough time.

or I **don't have** enough time.

Has Carol **got** a computer?

or **Does** Carol **have** a computer?

*Americans normally use the auxiliary **do**.*

I **don't have** enough time.

Does Carol **have** a computer?

*In the past tense, **did** is usual in both countries.*

We **didn't have** tickets.

Emphatic *do*

*The British can use **do** with an imperative for emphasis.*

Have a piece of cake.

or **Do** have a piece of cake.

***Do** with an imperative is less common in the US.*

Have a piece of cake.

Do for an action

*The British can use **do** to refer to an action already mentioned.*

I don't practise as often as I should (**do**).

You'd better take your pill. ~ / already have (**done**).

*Americans do not use **do** in this way.*

I don't practice as often as I should.

You'd better take your pill ~ I already have

Question tags

Both the British and the Americans can use question tags when talking about facts.

Blackpool is in Lancashire, **isn't it**?

Las Vegas is in Nevada, **isn't it**?

*But in general Americans use tags much less often than the British. They do not use tags to persuade or to argue. A sentence like You aren't listening to me, are you? is British but not American. But Americans often use **right**? and **OK**? as tags.*

I'll bring the luggage in, **shall I**?

I'll bring the baggage in, **OK**?

Can't and mustn't

*The British use **can't** to say that something is impossible.*

I rang, but there's no reply. They **can't** be at home.

*Americans can also use **mustn't** to say that something is impossible.*

I called, but there's no reply. They **can't** be home./They **mustn't** be home.

Needn't and don't need to

The British can use either form.

You **needn't** see the inspector.

or You **don't need** to see the inspector.

*Americans do not normally use **needn't**.*

You **don't need** to see the inspector.

Group nouns

In Britain a group noun can usually take either a singular or a plural verb.

The crowd **was/were** getting restless.

Sweden **plays/play** Germany tomorrow.

In the US a group noun takes a singular verb.

The crowd **was** getting restless.

Sweden **plays** Germany tomorrow.

The

*The British use **the** with a musical instrument.*

I can play **the** piano.

*The British say **in hospital**.*

My sister is still **in hospital**.

*Americans can leave out **the**.*

I can play piano/play **the** piano.

*Americans say **in the hospital**.*

My sister is still **in the hospital**.

Numbers

*The British use **and** between **hundred** and the rest of the number.*

six hundred **and** twenty

*Americans can leave out **and**.*

six hundred twenty

or six hundred **and** twenty

Dates

There are a number of different ways of writing and saying dates, but these are the most common.

BRITISH

23 June

“the twenty-third of June”

“June the twenty-third”

AMERICAN

June 23

“June twenty-third”

The British write 23.6.98, and Americans write 6.23.98.

You and one

*The British use **you** for people in general, including the speaker. In more formal English they can use **one**.*

You/One can't be too careful.

*Americans use **you** for people in general. **One** is unusual.*

You can't be too careful

Somewhere and someplace

*In informal American English, **everyplace**, **someplace**, **anyplace** and **no place** can be used as well as **everywhere**, **somewhere**, etc.*

Let's find **somewhere** to eat.

Let's find **somewhere/someplace** to eat.

Adjectives and adverbs

In informal speech we can sometimes use an adjective form instead of an adverb. Americans do this more than the British.

We had some **really** nice weather.

It **certainly** doesn't make things any easier.

We had some **really** nice/some **real** nice weather.

It **certainly/sure** doesn't make things any easier.

Prepositions

There are some differences in prepositions.

BRITISH

round/around the village

towards/toward the west

outside the town

looking **out of** the window

AMERICAN

around the village

toward the west

looking **out** the window/**out of** the window

outside the town/**outside** of the town

*In American English there is a special use of **through** as a preposition of time.*

He'll be on the road from Tuesday **to/till** Friday.

They will stay in Brighton **until** the end of April.

He'll be on the road (**from**) Tuesday **through** Friday.

They will stay in Miami **through** April.

*Note the prepositions after **different**.*

BRITISH

This cup is different **from/to** the others.

AMERICAN

This cup is different **from/than** the others.

Compare these expressions.

BRITISH

in Bond Street

at the weekend, **at** weekends

stay **at** home

a player **in** the team

ten minutes **past** four

twenty **to** seven

write **to** me

talk **to** someone

meet someone

AMERICAN

on Fifth Avenue

on the weekend, **on** weekends

stay home

a player **on** the team

ten minutes **past/after** four

twenty **to/of** seven

write **me**/write **to** me

talk **to/with** someone

meet **with** someone

The subjunctive

*We can use expressions like **I suggest that ...** and **It's important that ...** to talk about what we want to happen. Look at these examples.*

BRITISH

Tim's parents have suggested that he **gets** a job/that he **should** get a job.

It's important that everything **goes**/every thing **should** go according to plan.

*The British normally use the present simple or **should**. (They use the subjunctive only in formal English.)*

AMERICAN

Tim's parents have suggested that he **get** a job.

It's important that everything **go** according to plan.

*Americans normally use a form called the "subjunctive", e.g. **get**, **go**.*

Go and ...

*Americans can leave out **and** from this structure.*

I'll go **and** buy the tickets.

I'll go buy/I'll go **and** buy the tickets.

In case

***In case** can have different meanings.*

BRITISH

Take an umbrella **in case** it rains. (= because it may rain)

AMERICAN

In case you're sick, you should call the office.

(= if you're sick)

Irregular verbs

*In the past tense some verbs can have either an irregular **t** ending or the regular **ed** ending. These verbs are **burn**, **learn**, **smell**, **spell**, **spill** and **spoil**.*

*The British prefer the **t** ending, although **ed** is also possible.*

They **burnt/burned** the old sofa.

You've **spelt/spelled** this word wrong.

*Americans normally use the **ed** ending.*

They **burned** the old sofa.

You've **spelled** this word wrong.

*But we say e.g. a slice of **burnt** toast in both British and American English.*

*In Britain the verbs **dream**, **lean** and **leap** can be regular, or they can have a **t** ending.*

I **dreamt/dreamed** about you.

I **dreamed** about you.

*The verb **dive** is regular in Britain but can be irregular in the US.*

Craig **dived** into the water.

Craig **dived/dove** into the water.

Ministries, Departments, Committees and Institutions

Агентство з питань банкрутства	Bankruptcy Agency
Агентство з питань спеціальних (вільних) економічних зон	Agency for Special (Free) Economic Zones
Антимонопольний комітет України	Antimonopoly Committee of Ukraine
Асоціація міст України	Association of Ukrainian Cities
Вища атестаційна комісія України	Higher Certification Commission of Ukraine
Головне управління державної служби України	Main Civil Service Administration of Ukraine

Головне контрольно-ревізійне управління України	Main Auditing Administration of Ukraine
Головне управління геодезії, картографії та кадастру	Main Administration for Geodesy, Cartography, and Cadastre
Головне управління Командувача Національної гвардії України	Main Administration of the Commander of the National Guard of Ukraine
Державна адміністрація ядерного регулювання України	State Nuclear Regulatory Administration of Ukraine
Державна адміністрація залізничного транспорту України	State Railway Administration of Ukraine
Державна адміністрація морського і річкового транспорту України	State Administration of Ukraine for Sea and River Transport
Державна адміністрація автомобільного транспорту України	State Motor Transport Administration of Ukraine
Державна комісія з цінних паперів та фондового ринку України	Securities and Stock Market State Commission of Ukraine
Державна авіаційна адміністрація України	State Aviation Administration of Ukraine
Державна гідрографічна служба України	State Hydrographic Service of Ukraine
Державна комісія у справах випробувань і реєстрації засобів захисту та регуляторів росту рослин і добрив	State Commission for the Testing and Registration of Fertilizers and Agents to Protect and Regulate the Growth of Plants
Державна митна служба України	State Customs Service of Ukraine
Державна податкова адміністрація України	State Tax Administration of Ukraine
Державна пробірна палата	State Assay Office
Державна служба експортного контролю України	State Export Control Service of Ukraine
Державне казначейство України	State Treasury of Ukraine
Державний департамент ветеринарної медицини	State Department of Veterinary Medicine
Державний департамент виробництва та переробки дорогоцінних металів	State Department for the Production and Refining of Precious Metals
Державний департамент тракторного і сільськогосподарського машинобудування	State Department for Tractor and Agricultural Machine-building
Державний департамент України з питань виконання покарань	State Department of Ukraine for the Enforcement of Penalties
Державний інвестиційно- кліринговий комітет	State Investments and Clearing Committee
Державний інноваційний фонд	State Innovation Fund

Державний комітет архівів України	State Committee of the Archives of Ukraine
Державний комітет будівництва, архітектури та житлової політики України	State Committee of Ukraine for Construction, Architecture, and Housing Policy
Державний комітет зв'язку та інформатизації України	State Committee of Ukraine for Communications and Informatization
Державний комітет інформаційної політики, телебачення та радіомовлення України	State Committee of Ukraine for Information Policy, Television and Radio Broadcasting
Державний комітет лісового господарства України	State Forestry Committee of Ukraine
Державний комітет молодіжної політики, спорту і туризму України	State Committee of Ukraine for Youth Policy, Sports and Tourism
Державний комітет промислової політики України	State Committee of Ukraine for Industrial Policy
Державний комітет стандартизації, метрології та сертифікації України	State Committee of Ukraine for Standardization, Metrology, and Certification
Державний комітет статистики України	State Statistics Committee of Ukraine
Державний комітет у справах охорони державного кордону України	State Committee of Ukraine for Guarding the State Border
Державний комітет України з енергозбереження	State Committee of Ukraine for Energy Conservation
Державний комітет України з питань регуляторної політики та підприємництва	State Committee of Ukraine for Regulatory Policy and Entrepreneurship
Державний комітет України по водному господарству	State Committee of Ukraine for Water Economy
Державний комітет України по земельних ресурсах	State Committee of Ukraine for Land Resources
Державний комітет України по матеріальних резервах	State Committee of Ukraine for Material Resources
Державний комітет України у справах ветеранів	State Committee of Ukraine for the Affairs of War Veterans
Державний комітет України у справах захисту прав споживачів	State Committee of Ukraine for the Protection of Consumer Rights
Державний комітет України у справах національностей та міграції	State Committee of Ukraine for Nationalities and Migration
Державний комітет України у справах релігій	State Committee of Ukraine for Religions
Комітет водного господарства України	Committee of Ukraine for Water

	Management
Комітет з медичної та мікробіологічної промисловості України	Committee for the Medical and Microbiological Industry of Ukraine
Комітет з питань садівництва, виноградарства та виноробної промисловості України	Committee for Horticulture, Viticulture, and the Wine Industry of Ukraine
Комітет по нагляду за охороною праці	Committee for the Oversight of Labour Protection
Комітет у справах нагляду за страховою діяльністю	Committee of Ukraine for Supervising Insurance Activities
Комітет України з монополії на виробництво та обіг спирту, алкогольних напоїв і тютюнових виробів	Committee of Ukraine for Monopolies on the Production and Turnover of Alcohol, Alcoholic Beverages, and Tobacco Products
Комітет України з питань геології та використання надр	Committee of Ukraine for Geology and Utilization of Mineral Resources
Комітет України з питань гідрометеорології	Committee of Ukraine for Hydrometeorology
Комітет харчової промисловості України	Committee for the Food Industry of Ukraine
Ліцензійна палата	Licensing Chamber
Міністерство аграрної політики України	Ministry of the Agrarian Policy of Ukraine
Міністерство внутрішніх справ України	Ministry of Internal Affairs of Ukraine
Міністерство екології та природних ресурсів України	Ministry of the Environment and Natural Resources of Ukraine
Міністерство економіки України	Ministry of Economy of Ukraine
Міністерство закордонних справ України	Ministry of Foreign Affairs of Ukraine
Міністерство культури і мистецтв України	Ministry of Culture and the Arts of Ukraine
Міністерство оборони України	Ministry of Defence of Ukraine
Міністерство освіти і науки України	Ministry of Education and Science of Ukraine
Міністерство охорони здоров'я України	Ministry of Health of Ukraine
Міністерство палива та енергетики України	Ministry of Fuel and Energy of Ukraine
Міністерство праці та соціальної політики України	Ministry of Labour and Social Policy of Ukraine
Міністерство транспорту України	Ministry of Transport of Ukraine
Міністерство України з питань надзвичайних ситуацій та у справах захисту населення від наслідків	Ministry for Emergency Situations and Protection of the Population from the Consequences of the Chornobyl Accident

Чорнобильської катастрофи	of Ukraine
Міністерство фінансів України	Ministry of Finance of Ukraine
Міністерство юстиції України	Ministry of Justice of Ukraine
Національна комісія з питань повернення в Україну культурних цінностей	National Commission for the Return to Ukraine of Cultural Treasures
Національна комісія регулювання електроенергетики України	National Electricity Regulatory Commission of Ukraine
Національне агентство з контролю за якістю та безпекою продуктів харчування, лікарських засобів та виробів медичного призначення	National Agency for Quality Control and Safety of Food, Medicines, and Medical Products
Національне агентство України з питань розвитку та європейської інтеграції	National Agency for Development and European Integration (NADEI)
Національне агентство України з управління державними корпоративними правами	National Agency of Ukraine for the Management of State Corporate Rights
Національне бюро розслідувань України	National Bureau of Investigation of Ukraine
Національне космічне агентство України	National Space Agency of Ukraine
Пенсійний фонд України	Pension Fund of Ukraine
Служба безпеки України	Security Service of Ukraine
Спілка композиторів України	Ukraine Composers' Union
Спілка письменників України	Writers Union of Ukraine
Спілка театральних діячів України	Union of Theatre Artists of Ukraine
Українська асоціація якості	Ukrainian Association for Quality
Український союз промисловців і підприємців	Ukrainian League of Industrialists and Entrepreneurs
Управління державної охорони України	State Guard Department of Ukraine
Фонд державного майна України	State Property Fund of Ukraine

Appendix 10: Glossary of terms related to land and land legislation

земельно-кадастрова документація	land cadastre documentation
визначення територій та використання земель для містобудівних потреб	Identification of territories and use of lands for city construction needs
вилучення із сільськогосподарського обігу земель, що зазнали радіоактивного забруднення	withdrawal of lands exposed to radioactive contamination from agricultural circulation
використання земель	use of lands
використання земель водного фонду	use of lands of water fund
використання земель лісового фонду	use of lands of forest fund
використання земельної ділянки способами, що призводять до зниження родючості ґрунтів	use of a land parcel in the ways resulting in decreasing of soil fertility
використання земельної ділянки способами, що призводять до погіршення екологічної обстановки	use of a land parcel in the ways leading to impairment of environmental situation
використання коштів, що надходять у порядку відшкодування втрат сільськогосподарського і лісгосподарського виробництва	use of funds obtained as recovery of losses of agricultural and forestry production
вилучення(викуп)земель	withdrawal (redemption) of lands
виникнення права власності на земельну ділянку	origin of the right of ownership of a land parcel
виникнення права на користування земельною ділянкою	origin of the right to use a land parcel
вирішення земельних спорів	settlement of land disputes
відмежування в натурі (на місцевості) вилучених (викуплених) і відведених земельних ділянок	delimitation in kind (on site) of withdrawn (redeemed) and allotted land parcels
віднесення земель до категорій	assignment of lands to categories
відповідальність за порушення земельного законодавства	liability for breaches of land legislation
Відтворення родючості ґрунтів	soil fertility restoration
Відчуження земельних ділянок	alienation of land parcels
відшкодування втрат сільськогосподарського і лісгосподарського виробництва	recovery of losses of agricultural and forestry production
відшкодування збитків власникам землі та землекористувачам	damage recovery to land owners and land users
відшкодування збитків, заподіяних	recovery of damages caused by a breach of

порушенням земельного законодавства	land legislation
власність на землю	ownership of land
гарантії прав власників земельних ділянок і землекористувачів	guarantees of rights of land owners and land users
грунтозахисні насадження	soil protection plantations
дачна ділянка	summer cottage land parcel
державний акт на право приватної власності на землю	state deed certifying the right of private ownership of land
державний акт на право колективної власності на землю	state deed certifying the right of ownership of land
державний акт на право постійного користування землею	state deed certifying the right of permanent use of land
державний земельний кадастр	state land cadastre
державний комітет України по земельних ресурсах	State Committee of Ukraine for Land Resources
Добровільна відмова від земельної ділянки	voluntary refusal from a land parcel
договір оренди землі	contract of land lease
документи, що посвідчують право на земельну ділянку	title deeds certifying the right to a land parcel
Дотримання правил добросусідства	observance of rules of good -neighbour relations
дотримання режиму територій, що особливо охороняються	observance of the regime of especially protected areas
екологічні та санітарно-технічні вимоги щодо розміщення нових і реконструйованих об'єктів, будівель і споруд, впровадження нових технологій	ecological and sanitary-technical requirements concerning the siting of new and reconstructed units, buildings and structures, introduction of new technologies
ерозія ґрунтів	soil erosion
заболочення земель	lands bogging up
забруднення земель хімічними та радіоактивними речовинами, виробничими відходами і стічними водами	land pollution with chemical and radioactive substances, industrial waste and sewage
завдання державного контролю за використанням і охороною земель	Activities of state control of land use and protection
завдання і зміст економічного стимулювання раціонального використання та охорони земель	objectives and essence of economic stimulation of land sustainable use and protection
закінчення строку, на який було надано земельну ділянку	expiry of the term for which a land parcel was granted

засоленість ґрунтів	soils salinity
запобігання негативному впливу на сільськогосподарські, лісові та інші угіддя, розташовані за межами земельних ділянок, переданих у власність або наданих у користування	prevention of adverse effect on agricultural lands, forests and other lands situated beyond the boundaries of land parcels conveyed for ownership or granted for use
застава земельних ділянок	Mortgage of land parcels
захист ґрунтів від ерозії	soils protection from erosion
захист прав власників земельних ділянок і землекористувачів	protection of landowners' and land users' rights
збереження права на земельну ділянку	retention of the title to a land parcel
здійснення державного контролю за використанням і охороною земель	exercising state control over the use and protection of lands
здійснення державного контролю за додержанням земельного законодавства	exercising state control over land legislation observance
земельна реформа	land reform
земельне законодавство	land legislation
земельне право	land law
земельний Кодекс України	Land Code of Ukraine
земельний податок	land tax
земельні ділянки гаражно-будівельних кооперативів	garage construction co-operatives land parcels
земельні ділянки дачно-будівельних кооперативів	summer cottage building cooperatives land parcels
земельні ділянки для городництва	land parcels for vegetable gardening
земельні ділянки для індивідуального гаражного будівництва	land parcels for individual garage construction
земельні ділянки для індивідуального дачного будівництва	land parcels for individual summer cottage construction
земельні ділянки для індивідуального житлового будівництва	land parcels for individual housing construction
земельні ділянки для особистого підсобного господарства	land parcels for individual subsidiary farming
земельні ділянки для садівництва	land parcels for gardening
земельні ділянки, на яких знаходяться автозаправні станції, що реалізують паливно-мастильні матеріали	land parcels on which filling stations selling fuel and lubricants are situated
земельні ділянки для сінокосіння і випасання худоби	land parcels for haymaking and cattle grazing
земельні ділянки для традиційних народних промислів	land parcels for traditional folk handicrafts
земельні ділянки житлових	housing cooperative land parcels

кооперативів	
земельні ділянки житлово-будівельних кооперативів	housing construction cooperative land parcels
земельні ділянки, зайняті територіями будинків відпочинку	land parcels occupied by territories of rest homes
Пансіонатів	boarding houses
Кемпінгів	Campings
туристських баз	tourist centres
стаціонарних туристсько-оздоровчих таборів	stationary tourist health camps
наметових туристсько-оздоровчих таборів	tourist health tent camps
будинків рибалок і мисливців	anglers' and hunters' homes
дитячих туристських станцій	children's tourist centres
Парків	Parks
зелених зон навколо міст та інших населених пунктів	green zones around cities and other settlements
навчально-туристських стежок	tourist study paths
маркірованих трас	marked routes
дитячих і спортивних таборів	children's and sport camps'
земельні правовідносини	land law relations
земельні спори, які виникають з права власності на жилий будинок і будівлі	land disputes arising from the right of ownership of a house and outbuildings
Землеустрій	land use planning
землі автомобільного і дорожнього транспорту	lands of motor and road transport
землі археологічних пам'яток	lands of archaeological monuments
землі архітектурних пам'яток	lands of architectural monuments
землі архітектурно-ландшафтних комплексів	lands of architectural and landscape complexes
землі ботанічних садів	lands of botanical gardens
землі внутрішнього водного транспорту	lands of internal water transport
землі водного фонду	lands of water fund
землі водогосподарського і лісгосподарського використання	lands of water economy and forestry use
землі господарств по вирощуванню ефірно-олійних рослин	lands for volatile oil plants growing
землі господарств по вирощуванню лікарських рослин	lands of farms growing medicinal herbs
землі господарств по вирощуванню фруктів і винограду	lands of farms growing fruit and grapes
землі господарств по вирощуванню	land of farms growing hops

хмелю	
землі громадських об'єднань	lands of public associations
землі дендрологічних парків	lands of dendrological parks
землі державних сільськогосподарських підприємств, установ, організацій	lands of state agricultural enterprises, institutions and organisations
землі державних сортовипробувальних станцій	lands of state brand testing stations
землі для будівництва і експлуатації: а)повітряних ліній зв'язку та проводового мовлення; б)морських кабельних ліній зв'язку	lands for the construction and operation of communication airways and cable telecasting marine communication cable lines
землі для потреб оборони	lands for defence purposes
землі для селянських (фермерських) господарств	lands for peasant (farmers') homesteads
землі елітно-насінницьких господарств	lands of elite seed farms
землі єдиної енергетичної системи	lands of unified power grid
землі єдиної космічної системи	lands of unified space system
землі житлової та громадської забудови	lands of housing and public construction
землі загального використання	lands for common use
землі загального користування населених пунктів:	lands of populated areas for common use:
Майдани	Squares
Вулиці	Streets
Проїзди	Passages
Шляхи	Roads
Пасовища	Pastures
Сінокоси	-hayfields
Набережні	Embankments
Парки	Parks
міські ліси	municipal forests
Сквери	public gardens
Бульвари	Boulevards
Кладовища	Cemeteries
місця знешкодження та утилізації відходів	places of waste disposal and utilisation
землі заказників	nature reserve lands
землі залізничного транспорту	railway transport lands
землі запасу	reserve lands
землі заповідників	lands of sanctuaries
землі заповідних урочищ	lands of specially protected forest areas
землі зв'язку	communication lands
землі зоологічних парків	lands of zoological parks

землі іноземних держав	lands of foreign states
землі іноземних юридичних осіб	lands of foreign legal entities
землі історико-культурних заповідників	lands of historical and cultural conservation areas
землі історико-культурного призначення	lands of cultural and historical designation
землі колективних сільськогосподарських підприємств	lands of collective agricultural enterprises
землі коней заводів	lands of horse-breeding farms
землі лісового фонду	lands of forest fund
землі міжнародних об'єднань і	lands of international associations
землі міжнародних організацій	lands of international organisations
землі міст	lands of towns and cities
землі морського транспорту	marine transport lands
землі навчальних господарств навчальних закладів	lands of training farms of educational establishments
землі населених пунктів	lands of populated areas (settlements)
землі насінницьких господарств	lands of seed growing farms
землі національних парків	lands of national parks
землі об'єктів комунального господарства	lands of public utilities
землі пам'яток природи	lands of monuments of nature
землі парків-пам'яток садово-паркового мистецтва	lands of parks - monuments of landscape architecture
землі під кабелі зв'язку при переходах через судноплавні та сплавні річки, озера, водосховища і канали	lands for communication cables in crossing navigable and floatable rivers, lakes, water reservoirs and channels /canals/
землі під надземні й підземні підсилювальні (регенеративні) пункти	lands for overhead and underground amplifying (regenerative) stations
землі під споруди радіорелейних, тропосферних, супутникових ліній зв'язку	lands for construction of radio relays, troposphere, satellite communication lines
землі підприємств поштового зв'язку	lands for postal communication enterprises
землі підприємств, установ і організацій	lands of enterprises, institutions and organizations
землі підприємств, що повністю належать іноземним інвесторам	lands of enterprises fully belonging to foreign investors
землі племінних заводів	lands of pedigree farms
землі племінних радгоспів	lands of pedigree state farms
землі повітряного транспорту	air transport lands
землі поховань	lands of burial places

землі природоохоронних, рекреаційних, історико-культурних об'єктів	lands of nature protection, recreation, historical and cultural sites
землі природоохоронного призначення	nature conservation lands
землі промисловості	industry lands
землі транспорту	lands of transport
землі зв'язку	lands of communication
землі оборони	lands of defence
землі радгоспів	state farm lands
землі рекреаційного призначення	lands for recreation purposes
землі релігійних організацій	lands of religious organisations
землі селищ міського типу	lands of urban settlements
землі сільських населених пунктів	lands of rural settlements
землі сільськогосподарських акціонерних товариств	lands of agricultural joint stock companies
землі сільськогосподарських кооперативів	lands of farming co-operatives
землі сільськогосподарських навчальних закладів та їх дослідних господарств	lands of agricultural educational establishments and their pilot farms
землі сільськогосподарських науково-дослідних установ	lands of agricultural research institutions
землі спільних підприємств	lands of joint ventures
землі меморіальних парків	lands of memorial parks
землі транспорту	transport lands
землі трубопровідного транспорту	pipeline transport lands
землі фізичних осіб без громадянства	lands of stateless natural persons
землі, виділені по берегах водойм під смуги відведення	lands on water bodies banks apportioned for allotment zones
землі, зайняті болотами	lands occupied by marshes
землі, зайняті водогосподарськими спорудами	lands of water supply structures
землі, зайняті водоймами	lands occupied by water bodies
землі, зайняті озерами	lands occupied by lakes
землі, зайняті ріками	lands occupied by rivers
зміна цільового призначення земель	change of lands designation
зміст державного земельного кадастру	contents of state land cadastre
знищення або пошкодження гідротехнічних або протиерозійних споруд	destruction of or damage to hydrotechnical or antierosive structures
знищення або пошкодження захисних насаджень	destruction of or damage to protective plantations
знищення межових знаків	demolishing landmarks

зупинення або відстрочення виконання рішень щодо земельних спорів	suspension or deferment of executing decisions concerning land disputes
книга записів (реєстрації) державних актів на право колективної власності на землю	register of state acts certifying the right of collective ownership of land
книга записів (реєстрації) державних актів на право приватної власності на землю	register of state acts certifying the right of private ownership of land
книга записів (реєстрації) державних актів на право постійного користування землею (громадянами)	register of state acts certifying the right to permanent use of land (by citizens)
книга записів (реєстрації) державних актів на право тимчасового користування землею (в тому числі на умовах оренди)	register of state acts certifying the right to temporary use of land (including the right on the terms of lease)
регулювання земельних відносин	land relations regulation
компетенція України у галузі регулювання земельних відносин	competence of Ukraine in the sphere of land relations regulation
контроль за використанням земель	control of land use
контроль за охороною земель	control of land protection
користування землею	land use
майнові спори, пов'язані з земельними відносинами	property disputes pertaining to land relations
методика грошової оцінки земель сільськогосподарського призначення та населених пунктів	pecuniary evaluation technique for agricultural lands and lands of populated areas
містобудівний кадастр населених пунктів	city construction cadastre of populated areas
Моніторинг земель	land monitoring
надання земель для несільськогосподарських потреб	land allotment for non-farming purposes
надання земель сільськогосподарського призначення	allotment of farm /agricultural /lands
надання земельних ділянок у власність, користування	allotment of land parcels for ownership, use
невиконання умов знімання, зберігання і нанесення родючого шару ґрунту	failure to comply with the terms of taking off, preserving and distributing fertile layer of soil
невикористання протягом двох років земельної ділянки, наданої для несільськогосподарських потреб	failure to use a land parcel granted for other than farming purposes within a year

невикористання протягом одного року земельної ділянки, наданої для сільськогосподарського виробництва	failure to use a land parcel granted for farming purposes, within a year
недопустимість вилучення земель, зайнятих природними та історико-культурними об'єктами	inadmissibility of withdrawal of lands occupied by natural, historical and cultural sites
недопустимість вилучення особливо цінних продуктивних земель	inadmissibility of withdrawal of especially valuable productive lands
неправильна експлуатація протиерозійних і гідротехнічних споруд	faulty operation of anti-erosive and hydrotechnical structures
нераціональне використання земельної ділянки	non-sustainable use of a land parcel
нормативи гранично допустимих концентрацій хімічних, радіоактивних та інших шкідливих речовин у ґрунті і порядок їх визначення	standards of maximum admissible concentrations of chemical, radioactive and other harmful substances in soil and procedure for their determination
обов'язки власників земельних ділянок і землекористувачів	duties of land owners and land users
обов'язки підприємств, установ і організацій, що проводять розвідувальні роботи	duties of enterprises, institutions and organisations that conduct prospecting
органи, що здійснюють державне управління у галузі використання і охорони земель	state bodies exercising state administration in the sphere of use and protection of lands
органи, які здійснюють державний контроль за використанням і охороною земель	bodies exercising state control of land use and protection
органи, які розглядають земельні спори	bodies dealing with land disputes
організація раціонального використання земель	organisation of sustainable use of lands
оренда землі	land lease
оскарження рішень Рад щодо земельних спорів	appeals against Radas' decisions on land disputes
особливий порядок вилучення земель для державних і громадських потреб	special procedure for land withdrawal for state and public needs
охорона земель	land protection
паювання земель	lands sharing out
переважне надання земельних ділянок для потреб сільського господарства	pre-emptive granting of lands for farming purposes
переведення земель з однієї категорії до іншої	transference of lands from one category to another one
передача земельних ділянок у власність	chargeable allotment of land parcels for

громадянам за плату	citizens' ownership
передача земельних ділянок у власність громадянам безплатно	allotment of land parcels for citizens' ownership free of charge
передача земельних ділянок у власність	transference of land parcels for ownership
перекручення даних державного земельного кадастру	distortion of the data of the state land cadastre
перехід права на земельну ділянку при переході права власності на майно селянського (фермерського) господарства	conveyance of the title to a land parcel in the event of transference of the right of ownership of a peasant (farmers') homestead property
перехід права на земельну ділянку при переході права на будівлю і споруду	conveyance of the title to the land parcel in the event of transference of the right to own the building and structure
пільги щодо плати за землю	privileges /exemptions/ with regard to payment for land
план зовнішніх меж земель, переданих у колективну власність	plan of external boundaries of lands conveyed for collective ownership
план зовнішніх меж земельної ділянки	plan of external boundaries of a land parcel
план зовнішніх меж землекористування	plan of external boundaries of land use
плата за використання землі	payment for the use of land
плата за придбання землі	Payment for land acquisition
повернення самовільно зайнятих земельних ділянок	return of land parcels occupied without authorization
Погодження проектів землеустрою	approval of projects of land use organization
поновлення порушених прав власників земельних ділянок і землекористувачів	restoration of violated rights of land owners and land users
порушення строків вирішення питань про передачу та надання земельних ділянок	breach of terms of making decisions on conveyance and granting of land parcels
порушення строків повернення тимчасово займаних земель	breach of the terms for returning temporarily occupied lands
порушення строків розгляду заяв громадян про передачу та набуття земельних ділянок	breach of terms for considering citizens' applications with regard to conveyance and acquisition of land parcels
порядок ведення державного земельного кадастру	procedure for keeping state land cadastre
порядок визначення та відшкодування збитків власникам землі і землекористувачам	procedure for the determination and recovery of damage to land owners and land users
порядок використання земельних	procedure for the use of land parcels for

ділянок для розвідувальних робіт	prospecting
порядок встановлення та закріплення меж прибудинкових територій існуючого житлового фонду	procedure for determination and establishment of building sites of the available housing fund
порядок надання у спільне користування або спільну сумісну власність земельних ділянок для спорудження житлових будинків	procedure for granting of land parcels for housing construction for common use or common co- ownership
порядок економічного стимулювання раціонального використання та охорони земель	procedure for economic stimulation of sustainable use of lands and their protection
порядок здійснення державного контролю за використанням і охороною земель	procedure for exercising state control of land use and protection
порядок надання земель для ведення селянського (фермерського) господарства	procedure for granting lands for peasant (farmers') homesteads
порядок оформлення тимчасового користування землею	registration procedure for temporary land use
порядок паювання земель, переданих у колективну власність сільськогосподарським підприємствам і організаціям	procedure for sharing out lands transferred for collective ownership to agricultural enterprises and organisations
порядок погодження питань, пов'язаних з вилученням (викупом) земель	procedure for reaching agreement on matters pertaining to land withdrawal (redemption)
порядок припинення права власності на землю	procedure for the termination of the right of ownership of land
порядок припинення права користування земельною ділянкою	procedure for the termination of the right to use a land parcel
порядок розгляду спорів з приводу суміжного землекористування	procedure for settling disputes with regard to the use of adjacent land parcels
порядок розпорядження і використання земельних ділянок громадянами, яким житловий будинок, господарські будівлі та споруди належать на праві спільної (часткової або сумісної) власності	procedure for disposition and use of land parcels by citizens owning a house, outbuildings and other structures by right of (shared or joint) co-ownership
порушення правил використання земель	breach of land use regulations
постійне користування землею	permanent use of land
права власників земельних ділянок і землекористувачів	rights of land parcel owners and land users
права і обов'язки сторін при розгляді	rights and duties of parties in hearing land

земельних спорів	disputes
право громадян, які ведуть селянське (фермерське) господарство, на надання земельної ділянки у тимчасове користування іншим особам	right of citizens keeping peasant (farmers') homesteads to grant land parcels to other persons for temporary use
право громадян, які ведуть селянське (фермерське) господарство, на компенсацію	right of citizens keeping peasant (farmers') homesteads to compensation
право державної власності на землю	right of state ownership of land
право колективної власності на землю	right of collective ownership of land
право на забудову земельних ділянок, наданих для містобудівних потреб	right to build on land parcels allotted for city construction needs
право приватної власності громадян на землю	right of private ownership of land
приватизація земель	land privatization
приватизація земельних ділянок під об'єктами незавершеного будівництва	privatisation of land parcels occupied by uncompleted construction sites
придбання земельних ділянок у власність	acquisition of land parcels for ownership
землі запасу	reserve lands
Землеустрій	land use planning
спори з приводу суміжного землекористування	disputes with regard to adjacent land use
припинення права колективної та приватної власності на землю	termination of the right of collective and private ownership of land
Припинення права користування землею	termination of the right to use land
приховування або перекручення відомостей про стан екологічної, у тому числі радіаційної обстановки, пов'язаної з забрудненням землі	concealment or distortion of information on environmental situation including the radiation situation pertaining to land pollution
приховування або перекручення даних земельного кадастру	concealment or distortion of land cadastre information
приховування інформації про наявність земель запасу	concealment of information with regard to the availability of reserve lands
псування і забруднення сільськогосподарських та інших земель	deterioration and contamination of agricultural and other lands
Раціональне використання земель	sustainable use of lands
регулювання земельних відносин у містобудуванні	regulation of land relations in city construction
реєстрація договорів оренди землі	registration of contracts of land lease
реєстрація права власності на землю	registration of the right to land ownership

реєстрація права користування землею	registration of the right to land use
резервний фонд земель	reserve land fund
Рілля	Tillage
розмір середньої земельної частки (паю)	size of an average land share
розміри земельних ділянок селянських (фермерських) господарств	sizes of land parcels of peasant (farmers') homesteads
розміри і порядок визначення втрат сільськогосподарського і лісогосподарського виробництва, що підлягають відшкодуванню	amount of losses of agricultural and forestry production subject to recovery and procedure for their determination
розміщення об'єктів внутрігосподарського будівництва сільськогосподарських підприємств, установ і організацій	placement of units of internal construction of agricultural enterprises, institutions and organizations
самовільне відхилення від проектів внутрігосподарського землеустрою	unauthorised deviation from projects of internal land use planning
самовільне зайняття земельних ділянок	unauthorised occupation of land parcels
сертифікат на право на земельну частку (пай)	certifying the right to a land share
систематичне невнесення земельного податку у строки, встановлені законодавством України	regular arrears on land tax payments within the terms established by the legislation of Ukraine
систематичне невнесення орендної плати у строки, визначені договором оренди	regular arrears on land rent within the terms established by the contract of lease
складання проектів відведення земельних ділянок у власність або користування	drawing up drafts of land parcels allotment for ownership or use
складання проектів створення нових і впорядкування існуючих землеволодінь і землекористувань із урахуванням контурної організації території	drawing up drafts of creation of new land holdings and land uses and arrangement of the available ones with an account of the territory contour organisation
складання схем землеустрою	drawing up schemes of land use planning
спори про розмежування земель населених пунктів	controversies over delimitation of lands of populated areas
стягування плати за землю	levying payments for land
суцільна агрохімічна паспортизація земель сільськогосподарського призначення	comprehensive agrochemical certification of farm lands
тимчасове користування землею	temporary use of land

угоди щодо землі, які визнаються недійсними	land transactions deemed invalid/null and void/
умови відшкодування збитків	terms of damage recovery
умови надання земель для ведення селянського (фермерського) господарства	terms of land allotment for keeping peasant (farmers') homesteads
успадкування земельних ділянок	inheritance of land parcels
здійснення заходів щодо використання і охорони земель	implementing measures designed to use and protect lands
форми власності на землю	forms of ownership of land
якість земель	quality of lands

GLOSSARY

A

Absentia - Absent; proceeding without the defendant present.

Abstract of Title - A chronological summary of all official records and recorded documents affecting the title to a parcel of real property.

Abuse of Process – Tort no longer recognized in New Mexico. It has been combined with “Malicious Prosecution” to form a new tort, “Malicious Abuse of Process.” See Malicious Abuse of Process.

Acceptance – An unambiguous communication that the offer has been accepted. For contracts controlled by the UCC, contracts involving the sales of goods need not mirror the offer’s terms. For other contracts, the acceptance must mirror the offer’s terms without omitting, adding, or altering terms. In other words, under the UCC, the acceptance may alter the terms of the offer without becoming a counteroffer.

Accomplice – (1) A partner in a crime. (2) A person who knowingly and voluntarily participates with another in a criminal activity.

Accord and Satisfaction – Compromise and settlement. A way to discharge a claim whereby the parties agree to give and accept something in settlement of the claim that will replace the terms of the parties’ original agreement. Accord is the new agreement; satisfaction is performance of the new agreement.

Acknowledgment – (1) A statement of acceptance of responsibility. (2) The short declaration at the end of a legal paper showing that the paper was duly executed and acknowledged.

Acquit, Acquittal - A finding of not guilty by a judge or jury.

Action - Case, cause, suit, or controversy disputed or contested before a court.

Additur - An increase by a judge in the amount of damages awarded by a jury.

Adjudication - Judgment rendered by the court after a determination of the issues.

Ad Litem - A Latin term meaning “for the purpose of the lawsuit.” For example, a guardian “ad litem” is a person appointed by the court to protect the interests of a minor or legally incompetent person in a lawsuit.

Administrator - (1) One who administers the estate of a person who dies without a will. (2) An official who manages a court.

Administrative Revocation - The taking of a driver's license by the Motor Vehicle Division, through law enforcement agents and administrative law judges without involvement by the courts.

Admissible Evidence - Evidence that can be legally and properly introduced in a civil or criminal trial.

Admonish - To advise or caution. For example the court may caution or admonish counsel or a witness for improper courtroom conduct.

Adversary System - The trial method used in the U.S. and some other countries. This system is based on the belief that truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries. This is done under the established rules of procedure before an impartial judge and/or jury.

Advisement – The process by which a judge takes time to consider, deliberate and/or consult on a matter prior to ruling.

Affiant - The person who makes and signs an affidavit.

Affidavit - A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths. For example, in criminal cases affidavits are often used by police officers asking courts to issue search or arrest warrants. In civil cases, affidavits of witnesses are often used to support motions for summary judgment.

Affidavit of Insolvency - A detailed form signed by the defendant, under oath, attesting to his/her indigency (inability to pay for private legal counsel).

Affirmative Defense - Apart from denying a charge or claim, a defendant may assert affirmative defenses such as insanity, self-defense or entrapment to avoid criminal responsibility, or assert the statute of limitations or bankruptcy to avoid civil liability.

Affirmed - A decision by an appellate court stating that the decision of the trial court is correct.

Aid and Abet - To actively, knowingly or intentionally assist another person in the commission or attempted commission of a crime.

Alford Plea - A plea to a criminal charge that does not admit guilt, but admits that sufficient evidence exists to obtain a conviction.

Allegation - A statement of the issues in a written document (a pleading) that a person is prepared to prove in court. For example, an indictment contains allegations of crimes against the defendant.

Alleged - Stated; claimed; asserted; charged.

Alternative Dispute Resolution - Settling a dispute without a full or formal trial. Methods include mediation, conciliation, arbitration, and settlement facilitation, among others.

Amend – Improve, correct or change a complaint or other pleading.

Amicus Curiae - A friend of the court. One not a party to a case who volunteers, or is asked by the court, to offer information on a point of law or some other aspect of the case to assist the court in deciding a matter before it.

Answer - The defendant's response to the plaintiff's allegations as stated in a civil complaint. An item-by-item, paragraph-by-paragraph response to points made in a complaint; part of the pleadings.

Appeal - An application to a higher court for review of an order of conviction or of a civil judgment against a party.

Appeal Bond - A sum of money posted by a person appealing a judicial decision (appellant).

Appearance – (1) The formal proceeding by which a defendant submits to the jurisdiction of the court. (2) A written notification to the plaintiff by an attorney stating that s/he is representing the defendant.

Appellant - The party who takes an appeal from one court or jurisdiction to another.

Appellate Court - A court having jurisdiction to hear appeals and review a trial court's decision.

Appellee - The party against whom an appeal is taken. Sometimes called a respondent.

Arbitration - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party and agree to abide by his/her decision. In arbitration there is a hearing at which both parties have an opportunity to be heard.

Arraignment - Appearance of the defendant in criminal court to be advised of rights and enter a plea to the charges.

Arrest – The official taking of a person to answer criminal charges. This involves at least temporarily denying a person of liberty and may involve the use of force.

Arrest Warrant – An order by a judge that gives permission for a police officer to arrest a person for allegedly committing a crime.

Assault - Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force that would give the victim reason to fear or expect immediate bodily harm.

Asylum State - The state holding a fugitive from justice in another state.

Attachment - Taking and holding a person's property during proceedings to ensure satisfaction of a judgment not yet rendered.

At Issue – Matters are “at issue” when the complaining party has stated his/her claim, the other side has responded with a denial, and the matter is ready to be tried.

Attempt – A person attempts to commit a crime when: (1) that person intended to commit the crime; and (2) began to do an act that constituted a substantial part of the crime, but failed to commit or complete the crime.

Attorney-at-Law – A licensed advocate or counsel authorized by the courts to prepare, manage and try cases in court, to prepare legal documents, or otherwise represent the interests of citizens.

Attorney-in-Fact - A private person (who is not necessarily a lawyer) authorized by another to act in his/her place, either for some particular purpose, as to do a specified act; or for the transaction of business in general, not of legal character. This authority is conferred by an instrument in writing, called a letter of attorney, or more commonly a power of attorney.

Attorney of Record - The attorney retained or assigned to represent a client.

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B

Bail - Cash or surety posted to procure the release of a defendant in a criminal proceeding by insuring his/her future attendance in court, and compelling him/her to remain within the jurisdiction of the court.

Bail Bond – A document through which one agrees to accept responsibility for a defendant and insure his/her appearance in court. By signing the form, the person posting the bond agrees to forfeit the bond if the defendant fails to appear in court as ordered.

Bailiff - A court attendant who keeps order in the courtroom and has responsibility for the jury.

Bankruptcy - Refers to statutes and judicial proceedings involving persons or businesses that cannot pay their debts and seek the assistance of the court in getting a fresh start. Under the protection of the bankruptcy court, debtors may be released (“discharged”) from their debts completely or allowed to repay them in whole or in part on a manageable schedule. Federal bankruptcy judges preside over these proceedings. The person with the debts is called the debtor and the people or companies to whom the debtor owes money are called creditors.

Bar – (1) Historically, the partition separating the general public from the space occupied by the judges, lawyers, and other participants in a trial. (2) More commonly, the body of lawyers within a jurisdiction.

Bar Examination - A state examination taken by prospective lawyers, qualifying them to be admitted to the bar and licensed to practice law.

Battery - A beating or other wrongful touching of a person. The threat to use force is an assault; actual use of force is a battery, which usually includes an assault.

Bench - The seat occupied by the judge; more broadly, the court or judicial branch itself.

Bench Trial - Trial without a jury in which a judge decides the facts as well as the law.

Bench Warrant - An order issued by a judge to arrest a person based on his/her failure to obey a court order. A bench warrant may be issued when a person fails to pay a fine, appear, or attend DWI School.

Beneficiary - Someone named to receive property or benefits in a will, trust, insurance policy, or other such document.

Bequeath - To give a gift to someone through a will.

Bequests - Gifts made in a will.

Best Evidence - Primary evidence; the best form of evidence available. Evidence short of this is “secondary.” For example, the original of a letter is the “best evidence,” while a photocopy is “secondary evidence.”

Best Evidence Rule – Rule requiring parties to proffer the original writing, recording, or photograph when attempting to prove the contents thereof. However, a duplicate is admissible in place of an original unless there is a genuine question about the authenticity of the original or it would be unfair under the circumstances of the case to admit the duplicate instead of the original. Also, an original is not required if it is lost or destroyed, if it cannot be obtained through a subpoena, if it is in the possession of the opposing party, and if the original is not closely related to a controlling issue in the case.

Beyond a Reasonable Doubt - The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be sufficiently conclusive that all reasonable doubts are removed from the mind of the ordinary person.

Bind over - To hold a person for trial on bond (bail) or in jail. If the judicial official conducting a preliminary hearing finds probable cause to believe the accused committed a crime, the official will bind over the accused, normally by setting bail for the accused’s appearance at trial.

Bond (supersedeas) - The bond set by the court during the appeal procedure and posted with the Clerk of Court. It ensures payment to the winner at the trial court level if the appeal is unsuccessful.

Bond (surety) - A certificate posted by a bonding company to the law enforcement agency to secure the appearance in court of a criminal defendant.

Booking - The process of photographing, fingerprinting and recording identifying data of a suspect after arrest.

Breach - The breaking or violating of a law, right, or duty, either by the commission or omission of an act.

Breach of Contract – Failure by one party to abide by the terms of a contract without lawful excuse.

Brief - A written statement prepared by one side in a lawsuit to explain to the court its view of the facts of a case and the applicable law.

Burden of Proof - In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a lawsuit. The responsibility of proving a point or points: The level of the burden of proof for a type of case indicates the degree to which the point must be proven. For example, in a civil case the burden of proof rests with the plaintiff, who must establish his/her case by such standards of proof as a preponderance of evidence or clear and convincing evidence. In a criminal case, the burden on the prosecutor is to establish the defendant's guilty beyond a reasonable doubt, a much stricter standard.

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Calendar - List of cases scheduled for hearing in court.

Calendaring - Assigning & scheduling of court appearances.

Capital Crime - A crime possibly punishable by death.

Caption - The heading on a legal document listing the parties, the court, the case number, and related information.

Case Law - Law established by previous decisions of appellate courts.

Cause - A lawsuit, litigation, or action. Any question, civil or criminal, litigated or contested before a court of justice.

Caveat - A warning; a note of caution.

Certified Copy – A copy of a document with a certificate attesting to its accuracy and completeness by the officer who has custody of the original.

Cert. Denied - Stands for "certiorari denied"; a writ of certiorari is a discretionary method by which a superior court chooses the cases it wishes to hear. "Cert. denied" means that the court has decided not to hear the case.

Certiorari - A means of getting an appellate court to review a lower court's decision when it is not required to do so. If an appellate court grants a writ of certiorari, it agrees to take the appeal. This is often referred to as "granting cert.," and results in an order to the lower court to convey the record of the case to the appellate court and to certify it as accurate and complete. Usually refers to a request for the Supreme Court to review a decision of the Court of Appeals.

Challenge - Term used in a jury trial for an attempt to exclude a potential juror.

Challenge for Cause - Objection to the seating of a particular juror for a stated reason (usually bias or prejudice for or against one of the parties in the lawsuit). The judge has the discretion to deny the challenge. Distinguished from peremptory challenge, which they party can usually exercise as a matter of right.

Chambers - A judge's private office. A hearing in chambers takes place in the judge's office outside of the presence of the jury and the public.

Change of Venue - Moving a lawsuit or criminal trial to another place for trial. Venue may be changed when a cases has received so much local publicity as to create a likelihood of bias in the jury pool.

Charge to the Jury - The judge's instructions to the jury explaining the law that applies to the facts of the case on trial.

Charges (multiple) - A case with more than one count or offense listed on the court file.

Charging Document - A citation, information, indictment or notice to appear, indicating that the named person committed a specific criminal offense or civil infraction.

Chief Judge - Presiding or administrative judge in a court.

Circumstantial Evidence - All evidence except eyewitness testimony. Evidence from which an inference must be drawn. Examples include documents, photographs, and physical evidence, such as fingerprints.

Citation - A written notice to appear in court, usually to answer a violation of traffic law or other minor criminal laws.

Civil Action - Non-criminal cases in which one private individual, business, or government sues another to protect, enforce, or redress private or civil rights.

Civil Contempt – Contempt can be civil or criminal depending on the purpose the court seeks to achieve through its punishment. Contempt is civil when the purpose of punishment is to coerce the defendant to perform an act previously ordered by the court, which the defendant has not done, such as paying child support. Compare with Criminal Contempt.

Civil Procedure - The set of rules and process by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.

Class Action - A lawsuit brought by one or more persons on behalf of a larger group.

Clear and Convincing Evidence - Standard of proof commonly used in civil lawsuits and in regulatory agency appeals. It governs the amount of proof that must be offered in order for the plaintiff to win the case. It imposes a greater burden than the preponderance of evidence standard, but less than the criminal standard “beyond a reasonable doubt.”

Clemency or Executive Clemency - Act of grace or mercy by the president or governor to ease the consequences of a criminal act, accusation, or conviction. It may take the form of commutation or pardon.

Closing Argument - The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.

Codicil - An amendment to a will.

Collateral Estoppel – Rule that bars relitigation between the same parties of a particular issue or determinative fact when there is a prior judgment.

Commit - To send a person to prison, asylum, or reformatory by a court order.

Common Law - The legal system that originated in England and is now in use in the United States. It derives legal principles from the statements by judges in their written opinions, rather than from statutes enacted by legislative bodies.

Commutation - The reduction of a sentence, as from death to life imprisonment.

Co-Defendants - More than one person arrested and charged on the same criminal incident.

Comparative Negligence - A legal doctrine effective in New Mexico, by which acts of the opposing parties in a tort case are compared to determine the liability of each party, making each liable only for his/her percentage of fault. See also contributory negligence.

Compensatory Damages – Damages awarded to compensate the nonbreaching or injured party.

Competency to Stand Trial - In order to be competent to stand trial, a person must have the capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing his/her defense. Due process prohibits the government from prosecuting a defendant who is not competent to stand trial.

Competent Witness – Every person is considered competent to be a witness. When a party questions the competency of a witness, the judge must determine the witness's capacity to observe, recall, and communicate what he or she witnessed, and that the witness understands the duty to be truthful.

Complainant - The party who complains or sues; one who applies to the court for legal redress. Also called the plaintiff.

Complaint – [Civil] The initial paperwork filed in a civil action that states the claim for which relief is sought; in the complaint the plaintiff states the wrongs allegedly committed by the defendant. [Criminal] A sworn written statement showing that the complaining person has reason to believe that the defendant has violated a criminal law.

Conciliation - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions. Conciliation is similar to mediation, but it may be less formal.

Concurrent Jurisdiction – Authority vested in more than one court to hear and resolve specific types of disputes.

Concurrent Sentences - Sentences of imprisonment for conviction of more than one crime, to be served at the same time, rather than one after the other.

Condemnation - The legal process by which the government takes private land for a public use, paying the owners a fair price as determined by the court.

Conditions of Release - Conditions upon which an arrested person is released pending trial.

Consecutive Sentences - Successive sentences of imprisonment, one beginning at the expiration of another, imposed against a person convicted of two or more crimes.

Conservatorship - Legal right given to a person to manage the property and financial affairs of a person deemed incapable of doing that for himself/herself. (See also guardianship. Conservators have somewhat less responsibility than guardians.)

Consideration – A bargained-for benefit or right. Consideration may be a promise to perform a certain act – for example, a promise to deliver goods, a promise not to do something, payment, or a promise to pay money, among other things. Whatever its

particulars, consideration must be something of value to the people who are making the contract.

Consolidation - Joinder of two or more separately filed criminal or civil complaints, so that the charges may be tried together.

Contempt of Court –Behavior intended to lessen the dignity of a court. Also, a willful act of disobedience of a judge’s verbal or written order. There are two types of contempt, direct and indirect. When the contumacious (contemptuous) conduct occurs before the judge, the contempt is direct and may be punished summarily. All other conduct not witnessed by the judge is indirect contempt. Before punishing indirect contempt, the court must give the accused party notice and an opportunity to be heard. See also Civil Contempt and Criminal Contempt.

Continuance - Deferment of a trial or hearing to a later date.

Contraband - Articles, the possession of which is prohibited by law.

Contract - An agreement between two or more persons that creates an obligation to do or not to do a particular thing. A contract must have something of value promised or given, and a reasonable amount of agreement between the parties as to what the contract means. The parties must be legally capable of making binding agreements.

Contributory Negligence - A legal doctrine that prevents the plaintiff in a civil action from recovering against a defendant for his/her negligence if the plaintiff was also negligent. New Mexico has abandoned the doctrine of contributory negligence in favor of comparative negligence.

Conviction - A judgment of guilt against a criminal defendant.

Corpus Delicti - Body of the crime. The objective proof that a crime has been committed. It sometimes refers to the body of the victim of a homicide or to the charred shell of a burned house, but the term has a broader meaning. For the state to introduce a confession or to convict the accused, it must prove a corpus delicti, that is, the occurrence of a specific injury or loss and a criminal act as the source of that particular injury or loss.

Corroborating Evidence - Supplementary evidence that tends to strengthen or confirm the initial evidence.

Costs - Fees required in the course of a law suit, beginning with the docketing or filing fee, and may include service fees, witness fees, publication fees, etc. Does not include attorney fees.

Counsel - Legal adviser; a term used to refer to lawyers in a case.

Counterclaim - A claim made by the defendant in a civil lawsuit against the plaintiff. In essence, a counter lawsuit within a lawsuit.

Court - Government entity authorized to resolve legal disputes. Judges sometimes use “court” to refer to themselves in the third person, as in “the court has read the brief.”

Court Administrator/Clerk of Court -An officer appointed by the court to oversee the administrative, non-judicial activities of the court.

Court Costs - The expenses of prosecuting or defending a lawsuit, other than the attorneys’ fees. When permitted by law, a court may award an amount of money to the successful party, to be paid by the losing party, as reimbursement for the winner’s court costs.

Court Recorder - A deputy clerk who maintains the verbatim record of court proceedings on tape.

Court Reporter - A certified person who maintains the verbatim record of court proceedings.

Court Rules – Procedural rules adopted by a court that govern the litigation process. Court rules often govern the format and style of documents submitted to the court.

Criminal Contempt - A criminal contempt is an act done in disrespect of the court or its process or which obstructs the administration of justice or tends to bring the court into disrepute. Criminal contempt can be direct or indirect. Direct contempt involves disorderly or insolent behavior in the presence of the judge that interferes with the course of a judicial proceeding; it is punishable summarily (i.e. without a hearing) by fine or imprisonment. Indirect contempt involves willful disobedience of court orders away from the court, which tend to impede justice. For example, refusing to carry out lawful court orders, preventing service of process, withholding evidence, and bribing a witness are all considered indirect criminal contempt. A person charged with indirect contempt is entitled to notice and a hearing.

Cross-Claim - A claim by codefendants or coplaintiffs in a civil case against each other and not against persons on the opposite side of the lawsuit.

Cross-Examination - The questioning of a witness produced by the other side.

Cumulative Sentences - Sentences for two or more crimes to run consecutively, rather than concurrently.

Custody - Detaining of a person by lawful process or authority to assure his/her appearance at any hearing; the jailing or imprisonment of a person convicted of a crime.

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D

Damages - Money awarded by a court to a person injured by the unlawful act or negligence of another person.

Decision - The judgment reached or given by a court of law.

Declaratory Judgment - A judgment of the court that explains what the existing law is or expresses the opinion of the court as to the rights and status of the parties, but which does not award relief or provide enforcement.

Decree - An order of the court. A final decree is one that fully and finally disposes of the litigation. An interlocutory decree is a preliminary order that often disposes of only part of a lawsuit.

Defamation - That which tends to injure a person's reputation. Libel is published defamation, whereas slander is spoken.

Default - A failure to respond to a lawsuit within the specified time.

Default Judgment - A judgment entered against a party who fails to appear in court or respond to the civil complaint or petition.

Defendant - In a civil case, the person being sued. In a criminal case, the person charged with a crime.

Deferred Sentence – A sentence that is postponed to a future time. After conviction, the judge does not announce or impose a sentence, but defers sentencing to a future date so that the defendant will complete certain conditions, such as attending driving school or completing a probationary period. If the person completes the requirements, the case will be dismissed and will not be part of the defendant's criminal record.

Deficiency Judgment – Judgment for a creditor for an amount equal to the difference between the amount owed by the debtor and the amount collected from sale of the collateral.

Demand for Discovery - Demand by the defense attorney to the prosecutor to furnish material information on a case.

Demanding State - The state seeking return of a fugitive.

De Novo - “Anew.” A trial de novo is a new trial of a case, such as a district court trial de novo of a magistrate court case.

Deposition - An oral statement made before an officer authorized by law to administer oaths. Such statements are taken to examine potential witnesses, to obtain discovery to be used later in trial. Testimony of a witness other than in open court.

Descent and Distribution Statutes - State laws that provide for the distribution of estate property of a person who dies without a will. Same as intestacy laws.

Designee - A person appointed by a judge to act for the court to set conditions of release for any person arrested at a time when the judge is not available.

Direct Evidence - Proof of facts by witnesses who saw acts done or heard words spoken.

Direct Examination - The first questioning of witnesses by the party on whose behalf they are called.

Directed Verdict - Now called judgment as a matter of law. An instruction by the judge to the jury to return a specific verdict.

Disbarment - Form of discipline of a lawyer resulting in the loss (often permanently) of that lawyer's right to practice law. It is more severe than censure (an official reprimand or condemnation) and suspension (a temporary loss of the right to practice law.)

Discharge of bond - A court order to release a bond.

Disclaim - To refuse a gift made in a will.

Discovery – Investigation and gathering of information by opposing parties prior to going to trial. The tools of discovery include: interrogatories, depositions, production of documents or things, permission to enter land or other property, physical and mental examinations, and requests for admission.

Discretion - A power or right conferred on a judge to act according to the dictates of his own judgment and conscience, uncontrolled by the judgment or conscience of others.

Dismissal – An order or judgment disposing of a case without a trial.

With prejudice – In criminal cases, the defendant may not be charged with the specific crime again. A case is usually dismissed with prejudice when the court has not pursued action within the six-month time limit. In civil cases, the complainant is barred from bringing the same claim or cause of action against the same defendant.

Without prejudice - the person may be charged with the specific crime again. A case is usually dismissed without prejudice when more evidence is needed in a case or the case needs to be filed in another court because of jurisdictional issues. In civil cases, the plaintiff is entitled to bring the same claim or cause of action again.

Disposition - The sentencing or other final settlement of a case.

Dissent – (Verb) To disagree. (Noun) An appellate court opinion setting forth the minority view and outlining the disagreement of one or more judges with the decision of the majority.

Diversion - The process of removing some minor offenses from the full judicial process, on the condition that the accused undergo some sort of rehabilitation or make restitution for damages.

DOC - The Department of Corrections - state prison facility.

Docket - A list of cases to be heard by a court or a log containing brief entries of court proceedings.

Docket Call - The proceeding in which a judge assigns trial dates or takes pleas.

Docket Number – The numerical designation assigned to each case by the court.

Domicile - The place where a person has his/her permanent legal home. A person may have several residences, but only one domicile.

Double Jeopardy - Putting a person on trial more than once for the same crime. It is forbidden by the Fifth Amendment to the U.S. Constitution and by Article II, E of the NM Constitution.

Due Process of Law - The right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as adequate notice of legal proceedings, opportunity to be heard by the judge, assistance of counsel, and the defendants' rights to remain silent, to a speedy and public trial, to an impartial jury and to confront and secure witnesses.

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E

Elements of a Crime - Specific factors that define a crime and which the prosecution must prove beyond a reasonable doubt in order to obtain a conviction.

Eminent Domain - The power of the government to take private property for public use through condemnation.

En Banc - All the judges of a court sitting together. Appellate courts can consist of a dozen or more judges, but often they hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

Endorsed - Stamped with the seal of the court indicating the date and time of filing with the court.

Enjoining - An order by the court telling a person to stop performing a specific act.

Entrapment - A defense to criminal charges alleging that agents of the government induced a person to commit a crime he/she otherwise would not have committed.

Entry of Judgment or Order - The filing of a written, dated and signed judgment or order.

Equal Protection of the Law - The guarantee in the Fourteenth Amendment to the U.S. Constitution Article III, and Article II, Section 18, of the NM Constitution, that the law treat all persons equally. Court decisions have established that this guarantee requires that courts be open to all persons on the same conditions, with like rules of evidence and modes of procedure; that persons be subject to no restrictions in the acquisition of property, the enjoyment of personal liberty, and the pursuit of happiness, which do not generally affect others; that persons are liable to no other or greater burdens than those are laid upon others; and that no different or greater punishment is enforced against them for a violation of the laws.

Equity - Generally, justice or fairness. Historically, equity refers to a separate body of law developed in England in reaction to the inability of the common-law courts, in their strict adherence to rigid writs and forms of action, to consider or provide a remedy for every injury. The king therefore established the court of chancery to do justice between parties in cases where the common law would give inadequate redress. The principle of this system of law is that equity will find a way to achieve a lawful result when legal procedure is inadequate. Remedies such as restraining orders and injunctions are equitable remedies. Equity and law courts are now merged in NM.

Escheat - The process by which a deceased person's property goes to the state if no heir can be found.

Escrow - Money or a written instrument such as a deed that, by agreement between two parties, is held by a neutral third party (held in escrow) until all conditions of the agreement are met.

Estate - An estate consists of personal property (car, household items, and other tangible items), real property and intangible property, such as stock certificates and bank accounts, owned in the individual name of a person at the time of the person's death. It does not include life insurance proceeds (unless the estate was made the beneficiary) or other assets that pass outside the estate (like a joint tenancy asset.)

Estate Tax - Generally, a tax on the privilege of transferring property to others after a person's death. In addition to federal estate taxes, many states, including New Mexico, have their own estate taxes.

Estoppel - A person's own act, or acceptance of facts, which preclude his or her later making claims to the contrary.

Et al. - "And others."

Et Seq. - "And the following."

Evidence - Testimony or exhibits received by the court at any stage of court proceedings.

Examination – The questioning of a witness under oath.

Exceptions - Declarations by either side in a civil or criminal case reserving the right to appeal a judge's ruling upon a motion or objection. These are no longer required to preserve error in New Mexico courts. Also, in regulatory cases, objections by either side to points made by the other side or to rulings by the agency or one of its hearing officers.

Exclusionary Rule - The rule preventing illegally obtained evidence, such as property found during an illegal search, from being used in any trial.

Execute - To complete the legal requirements (such as signing before witnesses) that make a will valid. Also, to execute a judgment or decree means to put the final judgment of the court into effect.

Executor - A personal representative, named in a will, who administers an estate.

Exempt Property – In collection, execution, and bankruptcy proceedings, this refers to certain property protected by law from the reach of creditors.

Exhibits – A document or item which is formally introduced in court and which, when accepted, is made part of the case file.

Exigent Circumstances - An emergency, demand, or need calling for immediate action or remedy that, for instance, would justify a warrantless search.

Exonerate - Removal of a charge, responsibility or duty.

Ex Parte - On behalf of only one party, without notice to any other party. For example, a request for a search warrant is an ex parte proceeding, since the person subject to the search is not notified of the proceeding and is not present at the hearing.

Ex Parte Communication – Communication about a lawsuit between a judge and one party, witness, attorney, or other person interested in the litigation when all of the parties are not present and the absent party did not have notice.

Ex Parte Proceeding - The legal procedure in which only one side is present or represented. It differs from the adversary system or adversary proceeding, and is only lawful in limited circumstances. For example, a hearing for a temporary restraining order.

Ex Post Facto - After the fact. The Constitution prohibits the enactment of ex post facto laws. These are laws that permit conviction and punishment for an act that was lawful at the time it was performed.

Express Warranty - An affirmation of fact or promise made by the seller to the buyer that is relied upon by the buyer in agreeing to the contract.

Expungement - Official and formal erasure of a record or partial contents of a record.

Extenuating Circumstances - Circumstances that render a crime less aggravated, heinous, or reprehensible than it would otherwise be.

Extradition - Surrender by one state to another of a person accused or convicted of an offense outside its own territory and within territorial jurisdiction of the other, with the other state which is competent to try him/her, demanding his/her surrender.

Extrinsic - Foreign, from outside sources.

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F

Family Allowance - A small amount of money set aside from the estate of the deceased. Its purpose is to provide for the surviving family members during the administration of the estate.

Felony – A crime that allows a defendant to be imprisoned for more than one year upon being found guilty.

Fiduciary - A person having a legal relationship of trust and confidence to another and having a duty to act primarily for the other's benefit: i.e., a guardian, trustee or executor.

File - To place a paper in the official custody of the clerk of court/court administrator to enter into the files or records of a case.

Filed in Open Court - Court documents entered into the file in court during legal proceedings.

Final Order – An order that ends the lawsuit between the parties, resolves the merits of the case, and leaves nothing to be done but enforcement.

Finding - Formal conclusion by a judge or regulatory agency on issues of fact. Also, a conclusion by a jury regarding a fact.

First Appearance - The initial appearance of an arrested person before a judge to determine whether or not there is probable cause for his/her arrest. Generally, the person comes before a judge within hours of the arrest. Also called initial appearance.

Foundation - Preliminary questions to a witness to establish admissibility of evidence; i.e., "laying a foundation" for admissibility.

Fraud - Intentional deception to deprive another person of property or to injure that person in some way.

Fruit of the Crime - Property acquired by means and in consequence of the commission of a crime, and sometimes constituting the subject matter of the crime.

Fruit of the Poisonous Tree - Property seized or statements made subsequent to and because of an illegal search or interrogation. Fruit of the poisonous tree is generally not admissible in evidence because it is tainted by the illegal search or interrogation.

Fugitive - A person who flees from one state to another to avoid prosecution.

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Garnishment - A legal proceeding in which a debtor's money, which is in the possession of another (called the garnishee), is applied to the debts of the debtor, such as when an employer garnishes a debtor's wages.

General Damages - Compensation for the loss directly and necessarily incurred by a breach of contract.

General Jurisdiction - Refers to courts that have no limit on the types of criminal and civil cases they may hear.

Good Faith – Honest intent to act without taking an unfair advantage over another person. This term is applied to many kinds of transactions.

Good Time - A reduction in sentenced time in prison as a reward for good behavior. It usually is one-third to one-half off the maximum sentence.

Grand Jury - A jury of inquiry convened to determine whether evidence against a defendant justifies issuing an indictment; comprised of not more than 18 and not less than 15 persons, with at least 12 concurring before an indictment may be returned.

Grantor or Settlor - The person who sets up a trust. Also known as "trustor."

Guardian - A person appointed by will or by law to assume responsibility for incompetent adults or minor children. If one parent dies, the children's guardian will usually be the other parent. If both die, it usually will be a close relative.

Guardianship - Legal right given to a person to be responsible for the food, housing, health care, and other necessities of a person deemed incapable of providing these necessities for himself/herself. A guardian also may be given responsibility for the person's financial affairs, and thus perform additionally as a conservator. See also Conservatorship.

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H

Habeas Corpus - A writ used as a means to bring a person before the court to determine whether he/she is being detained unlawfully.

Harmless Error - An error committed during a trial that was corrected or was not serious enough to affect the outcome of the trial and therefore was not sufficiently harmful (prejudicial) to require that the judgment be reversed on appeal.

Hearing -A proceeding, generally public, at which an issue of fact or law is discussed and either party has the right to be heard.

Hearsay – Testimony by a witness concerning events about which the witness has no personal knowledge. Hearsay testimony conveys not what the witness observed personally, but what others told the witness or what the witness heard others say. Hearsay is usually not admissible as evidence in court because of its unreliability.

Hung jury - Jury unable to reach a verdict. A trial ending in a hung jury results in a retrial with a new jury.

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I

Immunity - A grant by the court assuring someone that they will not face prosecution in return for their providing criminal evidence.

Impeachment of a Witness - An attack on the credibility (believability) of a witness, through evidence introduced for that purpose.

Implied Consent – Knowing indirectly (through conduct or inaction) that a person would agree or give permission. For example, in New Mexico a person who gets a driver's license has given implied consent to allow a police officer to conduct an alcohol breath or blood test, when the police suspects the person is driving while intoxicated.

Implied Warranty of Merchantability – An assumption in law that the goods are fit for the ordinary purposes for which such goods are used. This implied warranty applies to every sale by a merchant who deals in goods of the kind sold. However, if there is a warning that the goods are sold “as is,” the implied warranty does not apply.

Inadmissible - That which, under the rules of evidence, cannot be admitted or received as evidence.

In Camera - In chambers or in private. A hearing in camera takes place in the judge's office outside of the presence of the jury and the public.

Incarcerate - To confine in jail.

In-Custody Arraignments (jail cases) – Arraignment while the defendant remains in jail because defendant has not been released on bond or by other means.

Indeterminate Sentence - A sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by a parole board or other authorized agency after the prisoner has served the minimum term.

Indicia - Signs, indications.

Indictment – The written accusation by a grand jury that charges a person named in the indictment with the violation of a law. Indictments are used for felony charges, not misdemeanors.

Indigency - Financial inability to hire a lawyer or pay court costs.

Indigent - Needy or impoverished. A defendant who can demonstrate his/her indigence to the court may be assigned a court-appointed attorney at public expense in criminal and child abuse/neglect cases, but not in other civil cases.

In Forma Pauperis – “In the manner of a pauper.” Permission given to a person to sue without payment of court costs because of indigence or poverty.

Information - An accusation against a person for a criminal offense, without an indictment; presented by the prosecution instead of a grand jury. Informations are used for felony charges, not misdemeanors.

Infra - Below.

Infraction - A violation of law not punishable by imprisonment. Minor traffic offenses generally are considered infractions.

Inheritance Tax - A state tax on property that an heir or beneficiary under a will receives from a deceased person’s estate. The heir or beneficiary pays this tax.

Initial Appearance - In criminal law, the hearing at which a judge determines whether there is sufficient evidence against a person charged with a crime to hold him/her for trial. The Constitution bans secret accusations, so initial appearances are public unless the defendant asks otherwise; the accused must be present, though he/she usually does not offer evidence. Also called first appearance.

Injunction - Writ or order by a court prohibiting a specific action from being carried out by a person or group. A preliminary injunction is granted provisionally, until a full hearing can be held to determine if it should be made permanent.

Inspectorial Search - An entry into and examination of premises or vehicles by an inspector for the identification and correction of conditions dangerous to health or safety.

Instructions - Judge’s explanation to the jury before it begins deliberations of the questions it must answer and the applicable law governing the case. Also called charge to the jury.

Intangible assets - Nonphysical items that have value, such as stock certificates, bonds, bank accounts, and pension benefits. Intangible assets must be taken into account in estate planning and divorce.

Interlocutory - Provisional; not final. An interlocutory order or an interlocutory appeal concerns only a part of the issues raised in a lawsuit.

Interpleader – An action in which a third person asks the Court to determine the rights of others to property held—but not owned—by the third person.

Interrogatories - Written questions asked by one party in a lawsuit for which the opposing party must provide written answers.

Intervention - An action by which a third person that may be affected by a lawsuit is permitted to become a party to the suit.

Inter Vivos Gift - A gift made during the giver's life.

Inter Vivos Trust - Another name for living trust.

Intestacy Laws - See Descent and Distribution Statutes.

Intestate - Dying without having a will.

Intestate Succession - The process by which the property of a person who has died without a will passes on to others according to the state's descent and distribution statutes. If someone dies without a will and the court uses the state's intestate succession laws, an heir who receives some of the deceased's property is an intestate heir.

Invoke the Rule - Separation and exclusion of witnesses (other than parties) from the courtroom.

Irrevocable Trust - A trust that, once set up, the grantor may not revoke.

Issue - 1. The disputed point in a disagreement between parties in a lawsuit. 2. To send out officially, as in to issue an order.

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Joinder – Combining charges or defendants on the same complaint. Where a crime is committed by two people, both may be charged on one complaint. Joinder also applies in civil cases, where parties and claims may be joined in one complaint.

Joint and Several Liability - A legal doctrine that makes each of the parties who are responsible for an injury liable for all the damages awarded in a lawsuit if the other responsible parties cannot pay.

Joint Tenancy - A form of legal co-ownership of property (also known as survivorship). At the death of one co-owner, the surviving co-owner becomes sole

owner of the property. Tenancy by the entirety is a special form of joint tenancy between a husband and wife.

Judge - An elected or appointed public official with authority to hear and decide cases in a court of law. A judge Pro Tem is a temporary judge.

Judgment - The first disposition of a lawsuit.

Consent Judgment - Occurs when the provisions and terms of the judgment are agreed on by the parties and submitted to the court for its sanction and approval.

Default Judgment - A judgment rendered because of the defendant's failure to answer or appear.

Judgment Notwithstanding the Verdict – Judgment entered by order of the court for one party notwithstanding the jury's verdict in favor of the other party. A judgment notwithstanding the verdict may only arise after a motion for a directed verdict.

Judgment on the Pleadings – Judgment based on the pleadings alone. It is used when there is no dispute as to the facts of the case and one party is entitled to a judgment as a matter of law.

Summary Judgment - Judgment given on the basis of pleadings, affidavits, and exhibits presented for the record without any need for a trial. As with Judgment on the Pleadings, it is used when there is no dispute as to the facts of the case and one party is entitled to a judgment as a matter of law.

Judgment and Sentence - The official document of a judge's disposition of a case sentencing a defendant to the Department of Corrections or jail custody.

Judicial Review - The authority of a court to review the official actions of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.

Jurat - Certificate of officer or person whom writing was sworn before. Typically, "jurat" is used to mean the certificate of the competent administering officer that writing was sworn to by person who signed it.

Jurisdiction - The court's legal authority to hear and resolve specific disputes. Jurisdiction is usually composed of personal jurisdiction (authority over persons) and subject matter jurisdiction (authority over types of cases.)

Jurisprudence - The study of law and the structure of the legal system.

Juror Disqualified - Juror excused from a trial.

Jury - Persons selected according to law and sworn to inquire into and declare a verdict on matters of fact. A petit jury is a trial jury, composed of 6 to 12 persons, which hears either civil or criminal cases.

Jury Array - The whole body of prospective jurors summoned to court from which the jury will be selected. Also called "Jury Panel."

Jury List - A list containing the names of jurors empanelled to try a cause or containing the names of all the jurors summoned to attend court.

Jury Polling - The procedure by which each individual juror is asked to affirm his or her verdict in open court at the conclusion of a trial.

Jury Trial - A trial in which the jury judges the facts and the judge rules on the law.

Justiciable - Issues and claims capable of being properly examined in court.

Juvenile - A person under 18 years of age.

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K

Kangaroo Court - Term descriptive of a sham legal proceeding in which a person's rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal.

Knowingly and Willfully - This phrase, in reference to violation of a statute, means consciously and intentionally.

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L

Lapsed Gift - A gift made in a will to a person who has died prior to the will-maker's death.

Larceny - Obtaining property by fraud or deceit.

Law - The enforceable rules that govern individual and group conduct in a society. The law establishes standards of conduct, the procedures governing standards of conduct, and the remedies available when the standards are not adhered to.

Law Clerks - Persons trained in the law who assist judges in researching legal opinions.

Leading Question - A question that suggests the answer desired of the witness. A party generally may not ask one's own witness leading questions. Leading questions may be asked only of adverse witnesses and on cross-examination.

Legal Aid - Professional legal services available usually to persons or organizations unable to afford such services.

Leniency - Recommendation for a sentence less than the maximum allowed.

Lesser Included Offense - Any lesser offense included within the statute defining the original charge, such as a lower grade of an offense. An offense composed of some, but not all of the elements of a greater offense and which does not have any additional elements not included in the greater offense, so that it is impossible to commit the greater offense without also committing the lesser.

Letters of Administration - Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name. Used when the deceased died without a will.

Letters Testamentary - Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name. Used when the deceased left a will.

Liable - Legally responsible.

Libel - Published words or pictures that falsely and maliciously defame a person. Libel is published defamation; slander is spoken.

Lien - A legal claim against another person's property as security for a debt. A lien does not convey ownership of the property, but gives the lien-holder a right to have his or her debt satisfied out of the proceeds of the property if the debt is not otherwise paid.

Limited Jurisdiction – Courts with limited jurisdiction may hear only certain kinds of cases and are precluded from hearing anything else. For example, small claims court may only decide cases in which the amount in controversy is below a set figure.

Lis Pendens - A pending suit. Jurisdiction, power, or control that courts acquire over property in a suit pending action and until final judgment.

Litigant - A party to a lawsuit. Litigation refers to a case, controversy, or lawsuit.

Living Trust - A trust set up and in effect during the lifetime of the grantor. Also called inter vivos trust.

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M

Magistrate – A judge whose civil and criminal jurisdiction is limited by law. In federal court, a judicial officer who is assigned numerous trial and pretrial responsibilities.

Malfeasance - Evil doing, ill conduct; the commission of some act which is positively prohibited by law.

Malicious Abuse of Process – Tort involving a litigant's malicious misuse of the power of the judiciary. The elements of this tort are: (1) initiation of judicial proceedings against the plaintiff by the defendant; (2) an act by the defendant in the use of process that would not be proper in the regular prosecution of the claim; (3) a primary motive by the defendant in misusing the process to achieve an illegitimate end; and (4) damages.

Malicious Prosecution – In New Mexico, the tort of “Malicious Prosecution” no longer exists. It has been combined with “Abuse of Process” to form a new tort, “Malicious Abuse of Process.” See Malicious Abuse of Process.

Mandamus - A writ issued by a court ordering a public official to perform an act that s/he is required to do by law under the existing state of facts.

Mandate - The official decree by a court of appeal.

Manslaughter - The unlawful killing of another without intent to kill; either voluntary (upon a sudden impulse); or involuntary (during the commission of an unlawful act not ordinarily expected to result in great bodily harm.)

Mediation - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who helps them reach a resolution.

Memorialized - In writing.

Mens Rea - The “guilty mind” necessary to establish criminal responsibility.

Merchant – A person who regularly deals in goods of the kind being sold or who otherwise holds himself out as having a special knowledge of the goods sold. For example, Bob owns a clock shop and sells clocks, so he would be considered a merchant of clocks. However, if Bob sold his car to someone, he would not be considered a merchant of cars.

Merger Clause – Merger clauses state that the written document contains the entire understanding of the parties. The purpose of merger clauses is to ensure that evidence outside the written document will not be admissible in court to contradict or supplement the express terms of the written agreement.

Merits - The substantive claims and defenses raised by the parties to an action.

Minor – A person under 18 years of age.

Miranda Warning – Prior to any custodial interrogation (that is, questioning by police after a person has been deprived of his or her freedom in a significant way), a person must be advised that: (1) he has a right to remain silent; (2) any statement he does make may be used in evidence against him; (3) he has the right to the presence of an attorney; and (4) if cannot afford an attorney, one will be appointed for him prior to any questioning, if he so desires.

Misdemeanor - An offense punishable by not more than one year in county jail and/or \$1,000 fine.

Mistrial - An invalid trial, caused by fundamental error or inability of a jury to reach a verdict. When a mistrial is declared, the trial must start again from the selection of the jury.

Mitigating Circumstances - Those facts which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

Mitigation – Reduction of penalty or punishment.

Moot - A moot case or a moot point is one not subject to a judicial determination because it involves an abstract question, because there is no actual controversy, or because the issues no longer exist. Mootness usually refers to a court's refusal to consider a case because the issue involved has been resolved prior to the court's decision, leaving nothing that would be affected by the court's decision.

Motion - Oral or written request made by a party to an action before, during, or after a trial, upon which a court issues a ruling or order.

Motion in Limine - A motion made outside the presence of a jury requesting that the court not allow certain evidence that might prejudice the jury. Usually heard before trial begins.

Motion to Expunge – A motion to delete material from official court records, such as a record of juvenile conviction.

Motion to Mitigate Sentence - A motion to reduce the sentence.

Motion to Seal - A motion to close records to public inspection.

Motion to Suppress - A motion to prevent admission of evidence in a case.

Murder - The unlawful killing of a human being with deliberate intent to kill. Murder in the first degree is characterized by premeditation; murder in the second degree is

characterized by a sudden and instantaneous intent to kill or to cause injury without caring whether the injury kills or not.

Mutuality – A meeting of the minds of contracting parties regarding the material terms of the agreement.

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N

Necessarily Included Offense - Where an offense cannot be committed without necessarily committing another offense, the latter is a necessarily included offense; sometimes referred to as lesser included offense.

Negligence - Failure to exercise the degree of care that a reasonable person would exercise under the same circumstances.

Next Friend - One acting without formal appointment as guardian for the benefit of an infant, a person of unsound mind not judicially declared incompetent, or other person under some disability.

No-Contest Clause - Language in a will providing that a person who makes a legal challenge to the will's validity will be disinherited.

No Contest Plea – See Nolo Contendere.

No-Fault Proceedings - A civil case in which parties may resolve their dispute without a formal finding of error or fault.

Nolle Prosequi – The prosecutor declines to prosecute, but may still initiate prosecution within the time allowed by law.

Nolo Contendere - No contest. A plea through which the defendant does not admit guilt, but which has the same legal effect as a plea of guilty in a criminal case. However, the no contest plea may not be used in a civil action related to the criminal charge to prove the defendant's civil liability. For example, a plea of nolo contendere for a traffic citation that resulted from an accident cannot be used to convince a judge in a civil case that the defendant is guilty of causing an accident.

Non-jury trial - A case tried by a judge on the facts as well as the law.

No Probable Cause - Insufficient grounds to hold the person who was arrested.

Notice - Formal notification to the party that has been sued that a civil lawsuit has been filed. Also, any form of notification of a legal proceeding or filing of a document.

Notice of Lis Pendens - A notice filed on public records to warn all persons that the title to certain property is in litigation, and that if they purchase or lease that property

they are in danger of being bound by an adverse judgment. The notice is for the purpose of preserving rights pending litigation.

Nuisance – An unreasonable, unwarranted, or unlawful use of one’s property that annoys, disturbs, or inconveniences another in the use of his or her property. Violation of an ordinance that forbids annoyance of the public in general.

Nunc Pro Tunc - An entry made now for an act done previously and to have the effect as if it were done on a prior date.

Nuncupative Will - An oral (unwritten) will.

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O

Oaths - Sworn attestations required in court, usually administered by the in-court clerk.

Objection - The process by which one party tries to prevent the introduction of evidence or the use of a procedure at a hearing. An objection is either sustained (allowed) or overruled by the judge.

Offense - A violation of a municipal ordinance or state statute.

Offer – An expression of willingness to enter into a bargain that is definite and certain in its terms and that is communicated to the offeree. Once accepted, the offer is transformed into a contractual obligation.

Offeree – The person to whom an offer is made.

Offeror – The person who makes an offer.

Opening Statement - The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

Opinion - A judge’s written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment or different reasoning. A per curiam opinion is an unsigned opinion “of the court.”

Oral Argument - An opportunity for lawyers to summarize their positions before the court and also to answer the judges’ questions.

Order - A written or oral command from a court directing or forbidding an action.

Ordinance – A law adopted by the governing body of a municipality or county.

Overrule - A judge's decision not to allow an objection. Also, a decision by a higher court finding that a lower court decision was in error.

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P

Parens Patriae - The doctrine under which the court protects the interests of a juvenile.

Parol Evidence – Oral evidence.

Parol Evidence Rule – When a written agreement is intended to be a complete and final document, then the terms of the agreement cannot be altered by evidence of oral (parol) agreements that purport to change, explain, or contradict the written agreement.

Parole - The supervised conditional release of a prisoner before the expiration of his/her sentence. If the parolee observes the conditions, he/she need not serve the rest of his/her term.

Party - A person, business, organization or government agency involved in the prosecution or defense of a legal proceeding.

Patent - A government grant giving an inventor the exclusive right to make or sell his/her invention for a term of years.

Penalty Assessment - Procedure in which traffic offender is allowed to mail in a fine (plead guilty by mail). Points may be assessed against the person's driving record for penalty assessment offenses.

Peremptory Challenge - The right to challenge a judge or prospective juror without assigning a reason for the challenge.

Perjury - The criminal offense of making a false statement under oath.

Permanent Injunction - A court order requiring that some action be taken or that some party refrain from taking action for an indefinite period.

Personal Jurisdiction - Power which a court has over the defendant's person and which a court must have before it can enter a judgment affecting the defendant's rights.

Per Se Law - In the Motor Vehicle Code, the per se crime is driving with a blood alcohol level of .08 or greater, as established through a valid testing procedure. No proof is required to show that the defendant was under the influence since the law concludes that driving with a blood alcohol content (BAC) of .08 or greater is driving

while intoxicated. (DWI can be proved by other evidence even if a defendant's BAC is less than .08.)

Personal Property - Tangible physical property (such as cars, clothing, furniture and jewelry) and intangible personal property (such as bank accounts). This does not include real property such as land or rights in land.

Personal Recognizance - In criminal proceedings, the pretrial release of a defendant without bail upon his/her promise to return to court. See also Release on Own Recognizance.

Personal Representative - The person that administers an estate. If named in a will, that person's title is an executor. If there is no valid will, that person's title is an administrator.

Petitioner - The person filing an action in a court of original jurisdiction. Also, the person who appeals the judgment of a lower court. The opposing party is called the respondent.

Petty Misdemeanor – A crime that allows less than six months of jail time upon conviction.

Plaintiff - The person/business/organization/agency that files the complaint in a civil lawsuit. Also called the complainant.

Plain View Doctrine - The doctrine that permits a law enforcement officer to lawfully seize incriminating evidence not specifically sought but readily visible in the course of a valid search.

Plea - (1) Defendant's answer to the charge - guilty, not guilty, nolo contendere or Alford plea.
(2) In a criminal proceeding, the defendant's declaration in open court that he or she is guilty or not guilty. The defendant's answer to the charges made in the indictment or information.

Plea Agreement - An agreement between the prosecutor and the defendant, presented for the court's approval, regarding the sentence the defendant should serve upon a plea of guilty, an Alford plea, or a no contest plea. Typically, the defendant pleads guilty in exchange for some form of leniency. For example, the defendant may plead to lesser charges so that the penalties are diminished. Or, the defendant may plead to some, but not all of the charges so that others are dropped. The agreement may include sentencing recommendations. Such bargains are not binding on the court.

Plea Bargaining or Plea Negotiating - The process through which an accused person and a prosecutor negotiate a mutually satisfactory disposition of a case. The Court is not privy to the actual negotiations, but is presented with a plea agreement for its approval or rejection.

Pleadings - The written statements of fact and law filed by the parties to a lawsuit.

Points or Point Information - Penalty points imposed by the Motor Vehicles Division after conviction of a traffic offense.

Polling the Jury - The act, after a jury verdict has been announced, of asking jurors individually whether they agree with the verdict.

Pour-Over Will - A will that leaves some or all estate assets to a trust established before the will-maker's death.

Prejudice - Unfair harm to one party.

Power of Attorney – Formal authorization of a person to act in the interests of another who is incapable of managing his or her own affairs or property.

Preliminary Hearing – See “Initial Appearance.”

Preliminary Injunction - Court order requiring action or forbidding action until a decision can be made whether to issue a permanent injunction. It differs from a temporary restraining order.

Pre-Sentence Investigation - A background investigation of the defendant by the Department of Corrections, returnable to the sentencing judge on or before a certain date.

Pre-Sentence Report - A report designed to assist the judge in passing sentence on a convicted defendant. Such reports should contain at least the following: (1) complete description of the situation surrounding the criminal activity; (2) offender's educational background; (3) offender's employment background; (4) offender's social history; (5) residence history of the offender; (6) offender's medical history; (7) information about environment to which the offender will return; (8) information about any resources available to assist the offender; (9) probation officer's view of the offender's motivations and ambitions; (10) full description of the offender's criminal record; and (11) recommendation as to disposition.

Pretermitted Child - A child born after a will is executed, who is not provided for by the will. New Mexico law provides for a share of estate property to go to such children.

Pretrial Conference - A meeting between the judge and the lawyers involved in a lawsuit to narrow the issues in the suit, agree on what will be presented at the trial, and explore the possibility of settling the case without a trial.

Pretrial Intervention - Programs to aid certain qualifying criminal defendants by diverting them from prosecution and enrolling them in rehabilitative programs. Upon successful completion of the required program(s), the criminal case is dismissed.

Pretrial intervention is most often used in substance abuse and domestic violence where the crime charged is the defendant's first offense.

Pretrial Release - Release by sheriff's personnel after arrest and before any court appearance, but with a court appearance date.

Precedent - A previously decided case that guides the decision of future cases; source of common law.

Preponderance of the evidence - Evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it. The amount of evidence that must be presented to prevail in most civil actions.

Presentment - Declaration or document issued by a grand jury that either makes a neutral report or notes misdeeds by officials charged with specified public duties. It ordinarily does not include formal criminal charges.

Prima Facie – Presumably. A fact presumed to be true unless disproved by some evidence to the contrary. Evidence that will prevail until contradicted and overcome by other evidence. A prima facie case is one in which the plaintiff has presented sufficient evidence to require the defendant to go forward with his or her case. In other words, the plaintiff will prevail if the defendant does not rebut the plaintiff's case.

Principal - The person primarily liable; the person for whom performance of an obligation a surety has become bound.

Privilege - A right, power, or immunity held by a person or class beyond the course of law, such as the privilege against self-incrimination under the Fifth Amendment.

Probable Cause – The evidence required before a person or property may be searched or seized by law enforcement and before a search or arrest warrant may be issued.

Probable Cause to Arrest exists when the facts and circumstances within the officers' knowledge and of which the officers had reasonably trustworthy information are sufficient to warrant a person of reasonable caution to believe that the suspect has committed or is committing a crime.

Probable Cause to search exists when the facts and circumstances within the officers' knowledge and of which the officers had reasonably trustworthy information are sufficient to warrant a person of reasonable caution to believe that evidence of a crime will be found in the location identified.

Probate - The court-supervised process by which a will is determined to be the will-maker's final statement regarding how the will maker wants his/her property distributed. It also confirms the appointment of the personal representative of the estate. Probate also means the process by which assets are gathered; applied to pay

debts, taxes, and the expenses of administration; and distributed to those designated as beneficiaries in the will.

In Chapter 12 of our Probate Judges Manual is the Probate Glossary that includes legal terms specific to probate court in New Mexico.

Probate Court - The court with jurisdiction to supervise estate administration.

Probate Estate - Estate property that may be disposed of by a will.

Probation - A procedure under which a defendant convicted of a crime is released by the court without imprisonment under a suspended or deferred sentence and subject to conditions.

Probative Value - Evidence has "probative value" if it tends to prove an issue. It is evidence that furnishes, establishes, or contributes toward proof.

Pro Bono Publico - For the public good. Lawyers representing clients without a fee are said to be working pro bono publico.

Promissory Estoppel – Equitable doctrine allowing the court to enforce a promise even though a valid contract was not formed when a person reasonably acted in reliance on that promise. Promissory Estoppel allows the court to compensate the person for their expenditures and/or to avoid the unjust enrichment of the other party.

Property Bond - A signature bond secured by mortgage or real property.

Pro Se - In one's own behalf, commonly used to refer to a party representing himself or herself in a court action, instead of being represented by an attorney.

Prosecutor - A trial lawyer representing the government in a criminal case and the interests of the state in civil matters. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute.

Proximate Cause - The act that caused an event to occur. A person generally is liable only if an injury was proximately caused by his/her action or by his/her failure to act when he/she had a duty to act.

Public Defender - A court-appointed attorney for those defendants who are declared indigent.

Punitive Damages – Damages awarded over and above compensatory damages in order to punish the defendant for malicious, wanton, willful, reckless, oppressive, or fraudulent conduct. Punitive damages are imposed to compensate the Plaintiff for mental anguish, shame, degradation, or other aggravations beyond actual damages.

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Quash - To vacate or void a summons, subpoena, etc.

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Real Property - Land, buildings, and other improvements affixed to the land.

Reasonable Belief - Probable cause. The facts and circumstances within an arresting officer's knowledge, and of which s/he had reasonably trustworthy information, sufficient in themselves to justify a person of average caution in believing that a crime has been or is being committed. Facts sufficient to justify a warrantless arrest.

Reasonable Doubt - Such a doubt as would cause a careful person to hesitate before acting in matters of importance to himself/herself.

Reasonable Person - A phrase used to denote a hypothetical person who exercises the qualities of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own interest and the interests of others. This term is commonly used in torts, where the test of negligence is based on either a failure to do something that a reasonable person, guided by considerations that ordinarily regulate conduct, would do, or on the doing of something that a reasonable and prudent (wise) person would not do.

Reasonable Suspicion - Level of suspicion required to justify law enforcement investigation, but not arrest or search. A lower level of suspicion or evidence than probable cause. An officer has reasonable suspicion when the officer is aware of specific, articulable facts, together with rational inferences from those facts, which, when judged objectively, would lead a reasonable person to believe that criminal activity occurred or was occurring.

Rebut - To introduce evidence disproving other evidence previously given or reestablishing the credibility of challenged evidence.

Rebuttal - Evidence that is offered by a party after he has rested his case and after the opponent has rested in order to contradict and explain the opponent's evidence.

Rebuttal Witnesses - Witnesses introduced to explain, repel, counteract, or disprove facts given in evidence by the adverse party.

Recall Order - Court order recalling a warrant or capias (writ requiring an officer to take a named defendant into custody).

Record - All the documents and evidence plus transcripts of oral proceedings in a case.

Recusal - The voluntary action by a judge to remove himself or herself from presiding in a given case because of self-interest, bias, conflict, or prejudice. Also, the process by which a judge is disqualified from a case because a party objects.

Redirect Examination - Opportunity to present rebuttal evidence after one's evidence has been subjected to cross-examination.

Redress - To set right; to remedy; to compensate; to remove the causes of a grievance.

Referee - A person to whom the court refers a pending case to take testimony, hear the parties, and report back to the court. A referee is an officer with judicial powers who serves as an arm of the court, but whose final decision is subject to court approval. Also called "special master," "special commissioner," or "hearing officer."

Rehearing - Another hearing of a civil or criminal case or motion by the same court in which the matter was originally decided in order to bring to the court's attention an error, omission, or oversight in the first consideration.

Release - Discharge from confinement or custody.

Release On Own Recognizance - Release of a person from custody without the payment of any bail or posting of bond, upon the promise to return to court.

Remand - To send a dispute back to the court where it was originally heard. Usually it is an appellate court that remands a case for proceedings in the trial court consistent with the appellate court's ruling.

Remedy - Legal or judicial means by which a right or privilege is enforced or the violation of a right or privilege is prevented, redressed, or compensated.

Remittitur - The reduction by a judge of the damages awarded by a jury.

Removal - The transfer of a state case to federal court for trial.

Rendition - Transfer of a fugitive from the asylum state to the demanding state.

Replevin - A legal action for the recovery of a possession that has been wrongfully taken.

Reply - The response by a party to charges raised in a pleading by the other party.

Request for Production - A formal court process by which one party requests that another produce certain documents or other tangible items.

Rescission - Cancellation of a contract.

Res Judicata – A thing or matter already decided by a court. A final judgment on the merits is conclusive as to the rights of the parties and is an absolute bar to a later action involving the same claim, demand, or cause of action. Res judicata bars relitigation of the same cause of action between the same parties where there is a prior judgment. By comparison, collateral estoppel bars relitigation of a particular issue or determinative fact. Compare Collateral Estoppel.

Respondent - The person against whom an appeal is taken. See Petitioner.

Rest - A party is said to rest or rest its case when it has presented all the evidence it intends to offer.

Restitution – Either financial reimbursement to the victim or community service imposed by the court for a crime committed.

Retainer - Act of the client in employing the attorney or counsel; also denotes the fee which the client pays when he/she retains the attorney.

Return of service - A certificate of affidavit by the person who has served process upon a party to an action, reflecting the date and place of service.

Reversal - An action of a higher court in setting aside or revoking a lower court decision.

Reversible Error - An error during a trial or hearing sufficiently harmful to justify reversing the judgment of a lower court.

Revocable Trust - A trust that the grantor may change or revoke.

Revocation (of Driver's License) – Judicial termination of a driver's license and privilege to drive after conviction of DWI. The license shall not be renewed or restored for the duration of the revocation, except that an application for a new license may be presented and acted upon by the division after the expiration of at least one year after date of revocation. This kind of revocation is distinguished from an administrative revocation, in which the Motor Vehicle Division may terminate a driver's license for up to one year.

Revoke - To cancel or nullify a legal document.

Robbery - Felonious taking of another's property, from his or her person or immediate presence and against his or her will, by means of force or fear.

Rules of Evidence - Standards governing whether evidence in civil or criminal case is admissible.

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Satisfaction of Judgment – Payment of all monies determined to be owed pursuant to a court judgment.

Seal - The Clerk of Court symbol of authenticity.

Search - Examination of a person's house or other building or premises, or of his person, or vehicle, with a view to discovery of contraband, illicit or stolen property, or some evidence of guilt to be used in the prosecution of a criminal action.

Search Warrant - A written order issued by a judge that directs a law enforcement officer to search a specific area for a specific piece of evidence.

Secured Debt - In collection or bankruptcy proceedings, a debt is secured if the debtor gave the creditor a right to repossess the property or goods used as collateral.

Self Defense - Claim that an act otherwise criminal was legally justifiable because it was necessary to protect a person or property from the threat or action of another.

Self-Incrimination (privilege against) - The constitutional right of people to refuse to give testimony against themselves that could subject them to criminal prosecution. The right is guaranteed in the Fifth Amendment to the U.S. Constitution. Asserting the right is often referred to as “Taking the Fifth.”

Self-Proving Will - A will whose validity does not have to be testified to in court by the witnesses to it, since the witnesses executed an affidavit reflecting proper execution of the will prior to the maker’s death.

Sentence - The punishment ordered by a court for a defendant convicted of a crime. A concurrent sentence means that two or more sentences would run at the same time. A consecutive sentence means that two or more sentences would run one after another.

Sentence Report - A document containing background material on a convicted person. It is prepared to guide the judge in the imposition of a sentence. Sometimes called a pre-sentence investigation.

Sequester - To separate. Sometimes juries are separated from outside influences during their deliberations. For example, this may occur during a highly publicized trial.

Sequestration of Witnesses - Keeping all witnesses (except plaintiff and defendant) out of the courtroom except for their time on the stand, and cautioning them not to discuss their testimony with other witnesses. Also called exclusion of witnesses. This prevents a witness from being influenced by the testimony of a prior witness.

Service - The delivery of a legal document, or of a requirement to appear in court, by an officially authorized person in accordance with the formal requirements of the applicable laws. Service is required, unless waived, for complaints, summonses, or subpoenas, to notify a person of a lawsuit or other legal action taken against him/her.

Settlement - An agreement between the parties disposing of a lawsuit.

Settlor - The person who sets up a trust. Also called the grantor or trustor.

Severance - The separation of offenses or defendants into different trials.

Show Cause Order - Court order requiring a person to appear and show why some action should not be taken.

Sidebar - A conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators.

Slander - False and defamatory spoken words tending to harm another's reputation, business or means of livelihood. Slander is spoken defamation; libel is published.

Sovereign Immunity - The doctrine that the government, state or federal, is immune to lawsuit unless it gives its consent, generally through legislation.

Special Damages - Damages that are the actual, but not necessary, consequence of a breach of contract or injury. In contract law, special damages must have been reasonably foreseeable and must flow directly and immediately from the breach, or they are not enforceable.

Specific Performance - A remedy by which a court orders a person who has breached an agreement to perform specifically what he or she has agreed to do. Specific performance is ordered when damages alone would be inadequate compensation.

Speedy Trial - A rule of law wherein the defendant must be brought to trial within 180 days.

Spendthrift Trust - A trust set up for the benefit of someone whom the grantor believes would be incapable of managing his/her own financial affairs.

Standing - The legal right to bring a lawsuit. Only a person with some legally recognized interest at stake has standing to bring a lawsuit.

Stare Decisis - The doctrine that courts will follow principles of law laid down in previous cases. Similar to precedent.

Statement - A writing made by a person and signed or otherwise adopted or approved by such person; any mechanical, electrical or other recording or a transcription thereof, which is a recital of an oral utterance; and stenographic or written statements or notes which are in substance recitals of an oral statement.

Statute – Law passed by a legislative body declaring rights and duties, or commanding or prohibiting certain conduct.

Statute of Frauds – Law which requires that certain documents be in writing, such as leases for more than one year. Under the UCC, contracts for the sale of goods for more than \$500 must be in writing to be enforced.

Statute of Limitations - The time within which a plaintiff must begin a lawsuit (in civil cases) or a prosecutor must bring charges (in criminal cases). There are different statutes of limitations at both the federal and state levels for different kinds of lawsuits or crimes.

Statutory Construction - Process by which a court seeks to interpret the meaning and scope of legislation.

Statutory Law – The body of law enacted by the legislative branch of government, as distinguished from case law or common law.

Stay - A court order halting a judicial proceeding.

Stipulation - An agreement by attorneys on both sides of a civil or criminal case about some aspect of the case; e.g. to extend the time to answer, to adjourn the trial date, or to admit certain facts at the trial.

Strict Liability Statutes – Statutes criminalizing specific conduct without regard to the actor's intent. The only question for a judge or jury in a strict-liability case is whether the defendant did the prohibited act.

Strike - Highlighting evidence, in the record of case, that has been improperly offered and will not be relied upon.

Sua Sponte - A Latin phrase which means on one's own behalf, voluntary, without prompting or suggestion.

Subject Matter Jurisdiction - Power of a court to hear the type of case that is before it. Example: a municipal court has subject matter jurisdiction for cases involving violation of that municipality's ordinances, but does not have subject matter jurisdiction over felonies.

Subpoena – A process directing a witness to appear and give testimony at a certain time and in a certain place.

Subpoena Duces Tecum - A court order commanding a witness to bring certain documents or records to court.

Summary Judgment - A decision made on the basis of statements and evidence presented for the record without a trial. It is used when there is no dispute as to the material facts of the case, and one party is entitled to judgment as a matter of law.

Summons - A document signed by a deputy clerk ordering a person to appear before the court to respond to a complaint.

Support Trust - A trust that instructs the trustee to spend only as much income and principal (the assets held in the trust) as needed for the beneficiary's support.

Suppress - To forbid the use of evidence at a trial because it is improper or was improperly obtained. See also exclusionary rule.

Supra - Latin for above.

Surety - One who signs a bond and guarantees to pay money if the defendant fails to appear in court as ordered.

Surety Bond - A bond purchased at the expense of the estate to insure the executor's proper performance.

Survivorship - Another name for joint tenancy, in which one owner becomes entitled to property because he or she has survived all other owners.

Suspended Sentence - Postponed execution of sentence; sentence is imposed, and execution of sentence is suspended, postponed, or stayed for a period and on conditions set by the judge.

Suspension (of driver's license) - The driver's license and privilege to drive are temporarily withdrawn, but only during the period of such suspension. No reapplication is necessary to obtain license.

Sustain - A court ruling upholding an objection or a motion.

Sworn Complaint Affidavit - A sworn, witnessed complaint filed with the Clerk of the Court.

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Temporary Relief - Any form of action by a court granting one of the parties an order designed to protect its interest pending further action by the court.

Temporary Restraining Order - A judge's order forbidding certain actions until a full hearing can be held. Usually of short duration. Often referred to as a TRO.

Testamentary Capacity - The legal ability to make a will.

Testamentary Trust - A trust set up by a will. This trust becomes effective only upon the death of the testator.

Testator - Person who makes a will (female: testatrix)

Testimony - The evidence given by a witness under oath. It does not include evidence from documents and other physical evidence.

Third Party - A person, business, organization or government agency not actively involved in a legal proceeding, agreement, or transaction, but affected by it.

Third-Party Claim - An action by the defendant that brings a third party into a lawsuit.

Time served - Actual number of days already served in jail on a charge or offense before conviction.

Title - Legal ownership of property, usually real property or automobiles.

Tort - An injury or wrong committed on the person or property of another. A tort is an infringement on the rights of an individual, but not founded in a contract. The most common tort action is a suit for personal and/or property damages sustained in an automobile accident.

Transcript - A written, word-for-word record of what was said, either in a proceeding such as a trial or during some other conversation, as in a transcript of a hearing or oral deposition.

Transfer cases - Cases going from one court or one jurisdiction to another.

Trial - Examination of any issue of fact or law before a competent court to determine the rights of the parties.

Trial by Jury – Trial by a body of persons selected from the citizens of a particular district and brought before the court where they are sworn to try one or more questions of fact and determine them by their verdict.

Trial de Novo - A retrial in district court that is conducted as if no trial had occurred in the lower court.

True Bill - A finding by a grand jury that there is sufficient evidence to warrant a criminal charge; allows trial to proceed. An indictment.

True Copy - An exact copy of a written instrument.

Trust - A legal device used to manage real or personal property, established by one person (the grantor or settlor) for the benefit of another (the beneficiary). A third person (the trustee) or the grantor manages the trust.

Trust Agreement or Declaration - The legal document that sets up a living trust. Testamentary trusts are set up in a will.

Trustee - The person or institution that manages the property put in trust.

Trustor – Grantor, settlor; one who establishes a trust.

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UCC - Uniform Commercial Code. The UCC applies to the sale of movable goods to or by a merchant. New Mexico's UCC statutes are encoded at NMSA 1978, §§ 55-1-101 to -12-109.

Unenforceable Contract – A valid contract is unenforceable when some defense exists that is extraneous to the formation of the contract, such as when the contract violates the Statute of Frauds or the Statute of Limitations has passed.

Unjust Enrichment - Occurs when a person has unfairly gained at the expense of another (such as by mistake), and principles of justice and equity require the person to return or pay for the property or benefits received.

Unlawful Detainer – An unjustifiable retention of real estate without the consent of the owner or other person entitled to its possession; may occur when a tenant refuses to leave premises after the right of occupancy has ended.

Unlawful Search - Examination or inspection of premises or persons without authority of the law and in violation of the immunity from unreasonable search and seizure under the Fourth Amendment to the U.S. Constitution and Article II, Section 10 of the New Mexico Constitution.

Unsecured - In collection or bankruptcy proceedings, a debt or a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.

Usury - Charging a higher interest rate or higher fees than the law allows.

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Vacate - To set aside, as a judgment.

Venire - A writ summoning persons to court to act as jurors, also refers to the people summoned for jury duty, as in the “jury venire” or “jury panel.”

Venue – The place in which prosecution is brought; venue may be in the county of the defendant's residence or in the county in which the offense is alleged to have been committed.

Vested - Fixed; accrued; settled; absolute.

Verdict - The findings of a judge or jury at the end of the trial.

Void Contract – A contract that does not have any legal effect and cannot be enforced under any circumstances. For example, a contract to commit an illegal act is void.

Voidable Contract – A valid contract that a party may cancel upon request. For example, a contract made by a minor is voidable by the minor or his or her legal guardian.

Voir Dire - A form of questioning designed to establish the qualifications of prospective jurors to serve in a case.

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Waive - To give up a known right voluntarily. Example: To give up the right to an attorney.

Waiver – In extradition proceedings, a form signed before a judge whereby a defendant voluntarily submits to pick-up by a foreign jurisdiction, waiving his/her rights as guaranteed under the Constitution.

Waiver of Immunity - A means authorized by statute by which a witness, before testifying or producing evidence, may relinquish the right to refuse to testify against himself or herself, thereby making it possible for his or her testimony to be used against him or her in future proceedings.

Warrant - Most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. An affidavit seeking a warrant must establish probable cause by detailing the facts upon which the request is based.

Warrantless Search - Examination of a person or premises without first obtaining a warrant, which may be lawful under such limited circumstances as a domestic violence situation, emergency, hot pursuit, consent, or threat of immediate removal of contraband.

Warranty – A legal promise that certain facts are true.

Will - A legal declaration that disposes of a person's property when that person dies.

Without Prejudice - A claim or cause dismissed without prejudice may be the subject of a new lawsuit.

With Prejudice - Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from bringing a lawsuit on the same claim or cause.

Witness - A person who testifies to what he/she has seen, heard, or otherwise experienced. Also, a person who observes the signing of a will and is competent to testify that it is the will-maker's intended last will and testament.

Writ - A judicial order directing a person to do something.

Writ of Attachment - A writ of the court ordering the sheriff to seize or hold a debtor's property and bring the property before the court.

Writ of Certiorari - An order by the appellate court used when the court has the discretion on whether or not to hear an appeal.

Writ of Mandamus - A writ to compel performance of one's responsibilities as set forth by law.

Writ of Prohibition – A writ used by a superior court to prevent an inferior court from exceeding its jurisdiction.

Writ of Superintending Control – A writ issued to prevent a gross miscarriage of justice by correcting the erroneous ruling of a lower court that is acting within its jurisdiction but is making mistakes of law or is acting in willful disregard of the law. The writ is issued when there is no appeal or when an appeal cannot provide adequate relief.