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# PROFESSIONAL ENGLISH FOR LAW STUDENTS

*Навчальний посібник*

*Укладачі:*

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Навчальний посібник містить сучасні автентичні матеріали юридичного профілю. Структура посібника забезпечує формування у студентів широкого тематичного словника, активне засвоєння функціональної лексики, розвиток навичок перекладу, тобто всіх тих вмінь і навичок володіння професійною англійською мовою, які необхідні сучасному фахівцю з правознавства.

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# ПЕРЕДМОВА

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Навчальний посібник “Професійна англійська мова для студентів – юристів: Юридичні системи України, США, Великобританії” (Professional English for Law students) призначається для студентів юридичної спеціальності, а також для тих, хто працює над вдосконаленням рівня володіння англійською загальнолітературною мовою та засвоєнням ділової англійської мови у сферах юриспруденції та державного адміністрування.

В умовах інтеграції української освіти в Європейський та світовий освітній простір дедалі актуальнішим стає завдання створення для кожної навчальної дисципліни посібників та підручників, які відповідали б новим навчальним програмам. Саме в цьому руслі підготовлено цей посібник, метою якого є забезпечення цілісного та послідовного засвоєння англійської лексики і термінології, розширення знань у сфері юридичних дисциплін, вироблення вмінь та навичок як усного мовлення, так і роботи з фаховою літературою.

Посібник складається з трьох частин, в яких розглядаються законодавча, виконавча та судова гілки влади України, Великобританії та США. Ці частини своєю чергою містять додатки з літературою для самостійного опрацювання та глосарій. У посібнику подаються сучасні автентичні українські матеріали юридичного профілю, адаптовані англійською, професійно орієнтовані матеріали з правових та загальнополітичних джерел Великобританії і США, які підібрані для студентів юридичної спеціальності.

Відповідно до вимог учбових програм юридичних вузів, посібник побудовано на принципах комплексності та інтенсивності. Такий підхід та міждисциплінарні зв'язки дозволяють враховувати рівень знайомства з обговорюваною проблематикою на рідній мові. Інтенсивність досягається шляхом подання різноманітних текстів і завдань різного обсягу і ступеня складності. Сучасні методи надають можливість послідовного опрацювання студентами фахової лексики, формування основних навичок роботи з фаховою літературою і застосування набутих знань для мовленнєвої комунікації та дискусії

на теми, що вивчаються. Формат вправ досить різноманітний. Завдання, побудовані на лексиці текстів, варіюються за структурою та способами виконання. Їхня градація за складністю дозволяє викладачеві організувати роботу з урахуванням рівня підготовки студентів, реалізувати принцип індивідуалізації і диференціації у навчальному процесі.

Посібник дозволяє навчати студентів із різним рівнем знань і забезпечує широкі можливості аудиторної та самостійної роботи. Правова лексика вводиться тематично, закріплюється в різноманітних вправах і знаходить своє застосування у дискусіях. Матеріали посібника пройшли апробацію на заняттях зі студентами різних груп та рівнів юридичного факультету ЧНУ.

## **A CONSTITUTION – THE STANDARD OF LEGITIMACY<sup>1</sup>**

Constitution is the body of doctrines and practices that form the fundamental organizing principle of a political state. In some states, such as the United States, the constitution is a specific written document; in others, such as the United Kingdom it is the collection of documents, statutes, and traditional practices that are generally accepted as governing political matters. States that have written constitutions may also have a body of traditional or customary practices that may or may not be considered to be of constitutional standing. Virtually every state claims to have a constitution, but not every government conducts itself in a consistently constitutional manner.

In its wider sense, the term constitution means the whole scheme whereby a country is governed: and this includes much else besides law.

In its narrower sense, “constitution” means the leading legal rules, usually collected into some document that comes to be almost venerated as “The Constitution”. But no country’s constitution can ever be compressed within the compass of one document, and even where the attempt has been made; it is necessary to consider the extralegal rules, customs, and conventions that grow up around the formal document.

*From “Britannica”*

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<sup>1</sup> Законність, легальність.

Part I  
**UKRAINE**

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# UNIT 1

## THE CONSTITUTION

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Governed by the Act of Ukraine's Independence of August 24, 1991, the Verkhovna Rada of Ukraine on behalf of the Ukrainian people adopted the Constitution – the Fundamental Law on June 28, 1996.

The Constitution establishes the country's political system, assures rights, freedoms and duties of citizens, and is the basis for its laws.

The Constitution of Ukraine consists of 15 chapters and 161 articles. It asserts that Ukraine is a sovereign and independent, democratic, social, law-based state. It is a unitary state with single citizenship. The territory of Ukraine within its present border is indivisible and inviolable.

The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. To affirm and ensure human rights and freedoms is the main duty of the State.

Ukraine is a republic.

The people are the bearers of sovereignty and the only source of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government.

The land, its mineral wealth, atmosphere, water and other natural resources within the territory of Ukraine, the natural resources of its continental shelf, and the exclusive (maritime) economic zone, are objects of the right of property of the Ukrainian people

The state language of Ukraine is the Ukrainian language.

The state symbols of Ukraine are the State Flag, the State Emblem and the State Anthem of Ukraine. The State Flag is a blue and a yellow banner made from two equal horizontal stripes. The main element of the Great State Emblem of Ukraine is the Sign of the State of Prince Volodymyr the Great (the Small State Emblem of Ukraine). The State Anthem of Ukraine is the national anthem with the music of M. Verbytsky.

The capital of Ukraine is Kyiv.

The Constitution states that every person has the right to the free development of his or her personality, and has obligations before society where free and full development of the personality is assured.



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.

The articles of the Constitution guarantee the rights to life, personal inviolability and the inviolability of dwelling, non-interference in private and family life, free choice of residence, work, rest, education, social security, housing, health protection, medical care and medical insurance, legal assistance, a safe and healthy environment.

Defence of the independence and territorial integrity of Ukraine, respect for the state's symbols are the duty of citizens. Citizens of Ukraine perform military services in compliance with the Law. No person may damage the environment, cultural heritage. Every person shall pay taxes and duties in the order and amount determined by Law.

The Constitution of Ukraine has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and shall conform to it.

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### **Remember!**

Provisions of the Constitution of Ukraine adopted at the Fifth Session of the Verkhovna Rada of Ukraine on June 28, 1996, as amended by the Laws of Ukraine of December 8, 2004 No. 2222-IV, of February 1, 2011 No. 2952-VI, of September 19, 2013 year N 586-VII, recognized as valid on the territory of Ukraine in accordance with the Law of Ukraine of 21 February 2014 N 742-VII, of 2 June 2016 N 1401-VIII, of 07 February 2019, N 2680-VIII.

### **Active Vocabulary**

- 1. behalf**      (n) 1) допомога; захист; підтримка;  
2) інтерес, вигода, користь;  
for and on behalf – за і від імені когось;  
in behalf – для, заради, на користь будь-кого;

in this behalf – 1. в цьому відношенні; 2. з цього питання; on behalf – за когось; від імені когось.

## 2. adopt

- (v) 1) усиновляти; удочеряти;  
напр.: They adopted the child as their heir. – Вони визнали дитину своїм спадкоємцем;  
2) приймати (офіційно – закон, ухвалу і т. д.);  
to adopt a decision – ухвалити рішення;  
to adopt attitude – зайняти певну позицію у чомусь;  
to adopt a new theory – приймати нову теорію;  
to adopt a condescending manner – прийняти поблажливу манеру поведінки;  
to adopt a constitutional amendment – прийняти поправку до конституції;  
3) переймати, засвоювати;  
to adopt smb's methods — перейняти чийсь методи.  
Syn: take over.  
4) висувати, вибирати когось (as - як); напр.: Local party workers have adopted Julia Green as their representative for coming election.

## 3. establish

- (v) 1) засновувати, створювати, фундувати;  
2) довести, встановити (факт);  
to establish a blockade – встановити блокаду;  
to establish a claim – обґрунтовувати позовні вимоги;  
to establish a credit – відкрити акредитив;  
to establish a crime – встановити або довести факт здійснення злочину;  
to establish a defence – обґрунтовувати заперечення по позову;  
to establish an alibi – встановити або довести алібі;  
to establish evidence – встановити докази;  
to establish circumstantially – встановити (факт) на основі непрямих доказів;  
to establish directly – встановити (факт) на основі прямих доказів;  
to establish law – створити правову норму, закон;

to establish one's case – довести свою правоту (довести або спростувати позов, або звинувачення);

to establish guilt – довести вину;

to establish issue – встановити істину по справі;

to establish to satisfaction court – довести в суді.

**4. maritime** (adj) 1) морський;

maritime insurance – морське страхування;

maritime forces – військово-морські сили.

Syn: sea, naval;

2) приморський;

maritime town – приморське місто;

Syn: coastal, seaside.

**5. indivisible** (adj) неподільний;

**6. inviolable** (adj) недоторканий, що користується недоторканністю.

**7. exclusive** (adj) 1) обмежуючий (межі влади, контролю і т.д.);

Syn: exceptional, extraordinary;

mutually exclusive – що взаємно виключає;

2) а) з обмеженим доступом (про клуб і т.п.);

привілейований, престижний; б) винятковий, особливий

Syn: stylish, fashionable;

3) а) єдиний, один (для всіх);

exclusive jurisdiction – одна юрисдикція (як напр., у фразі “вони знаходилися під однією юрисдикцією”). Syn: only, single, sole;

б) весь, всеосяжний (напр.: her exclusive attention – абсолютна увага з її боку. Syn: whole.

**8. guarantee** (v) 1) доручатися, давати поручительство; 2) давати гарантію;

(n) 1) особа, що приймає поручительство; 2) гарантія;

3) особа, якій дається гарантія;

guarantee counsel – амер. гарантоване конституційною право мати адвоката у кримінальному процесі;

constitutional guarantee – конституційна гарантія;

legal guarantee – юридична гарантія;

self-incrimination guarantee – амер. конституційна гарантія проти примушення подання самозвинувачувачих свідчень;

substantive guarantee – матеріально-правова гарантія.

- 9. integrity** (n) 1) чесність; 2) цілісність;  
territorial integrity – територіальна недоторканність, територіальна цілісність.
- 10. restriction** (n) 1) обмеження;  
jurisdictional restriction – обмеження юрисдикції;  
legal restriction – правове обмеження;  
responsibility restriction – обмеження відповідальності;  
statutory restriction – обмеження згідно із законом;  
travel restrictions – обмеження пересування;  
2) домашній арешт.
- 11. conform** (v) 1) узгоджуватися; відповідати;  
2) підкорятися (правилам); погоджуватися.
- 12. compliance** (n) виконання, дотримання (правових норм);  
law compliance – дотримання закону.
- 13. property status** майновий статус.
- 14. pay taxes and duties** сплачувати податки та мита.
- 15. normative legal act** нормативний правовий акт.

### **I. Answer the questions:**

1. When did the Ukrainian people adopt the Constitution?
2. How many chapters and articles does the Constitution consist of?
3. What are the state symbols of Ukraine?
4. Citizens have equal constitutional rights and freedoms, don't they?
5. What do the articles of the Constitution guarantee?

## **II. Ask 5 questions of your own on the text.**

## **III. Give English equivalents:**

- впроваджувати політичну систему країни;
- непорушний та неподільний кордон;
- забезпечити права людини;
- єдине джерело влади;
- рівні конституційні права і свободи.

## **IV. Quote the sentences where the following phrases are used:**

- to damage cultural heritage;
- normative legal acts;
- privileges based on religious beliefs;
- to exercise power through bodies of local self-government;
- to ensure human rights;
- to be equal before law;
- property status.

## **V. Match each word or expression on the left with the correct definition on the right:**

Independence	a rule or system that limits or controls what you can do;
Sovereign (a)	to be allowed ordered or approved by law;
Security	independent and governing itself;
Legal force	political freedom from control by the government of another country;
Restriction	things that are done in order to keep someone or something safe.

## **VI. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

## **VII. Translate the sentences into Ukrainian.**

1. The authorities could not guarantee the safety of the UN observers.
2. Inviolable right of every American citizen is the right of petition.
3. Removing the chapter destroys the integrity of the book.

4. He managed to gain exclusive control of the company.
5. Compliance with the law is expected of all citizens.

**VIII. Complete the following sentences with the words and expressions: *establish, behalf, restriction, adopt, conform.***

1. The 1996 Law imposed new financial \_\_\_\_\_ on private companies.
2. You must \_\_\_\_\_ to the rules or leave the Committee.
3. The President can't be here today, so I'm going to speak in his \_\_\_\_\_.
4. The courts have been asked to \_\_\_\_\_ more flexible attitude to juvenile offenders.
5. The main function of the Parliament is to \_\_\_\_\_ laws.

**IX. Give short summary of the text.**

**X. Discuss the problems.**

1. Every person is guaranteed the right to "appeal" for the protection of his or her rights to the authorized representative on human rights (ombudsman). People may also "appeal" to the United Nations or the Council of Europe, although it is unclear how those organizations could enforce rights under the Ukrainian Constitution.
2. The issue of dual citizenship was at the center of the citizenship law debate in 1991. Ukrainian officials described preservation of single citizenship as a matter of national interests. Our Constitution establishes single citizenship as a constitutional principle. Is it still a matter for debate?

# UNIT 2

## THE FUNDAMENTAL LAW

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### According to the Constitution of Ukraine

#### 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 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.

## **Active Vocabulary**

- 1. mitigate** (v) пом'якшувати; зменшувати;



to mitigate incapacity – зменшити об’єм ущемлення в правах;  
to mitigate penalty – пом’якшити стягнення (покарання); зменшити суму штрафу;  
to mitigate punishment – пом’якшити покарання.

## **2. responsibility** (n) 1) відповідальність (за щось)

to accept, assume, shoulder, take, take on (a) responsibility - узяти на себе відповідальність;  
to admit, claim responsibility – брати відповідальність за щось;  
to bear, exercise responsibility – нести тягар відповідальності;  
to disclaim responsibility – знімати (з себе) відповідальність, знімати (з себе) повноваження;  
to dodge, evade, shirk responsibility – уникати, ухилятися від відповідальності;  
to share responsibility – розділяти відповідальність;  
judicial responsibility – 1. відповідальність суддів.  
2. судова відповідальність, відповідальність перед судом;  
awesome responsibility – велика відповідальність;  
collective responsibility – колективна відповідальність;  
main responsibility – головна відповідальність (за злочин, вчинений в співучасті);  
grave, great, heavy, terrible responsibility – важкі обов’язки, велика відповідальність;  
personal responsibility – особиста відповідальність;  
responsibility lies with smb. – відповідальність лежить на...  
criminal responsibility – кримінальна відповідальність;  
to bring to responsibility – притягати до відповідальності.  
Syn: amenability, liability.  
2) здатність відповідати за скоєне; осудність;  
diminished responsibility – зменшена [часткова, обмежена] осудність.

3. **deem** (v) думати, мислити, вважати, роздумувати, рахувати; напр.: We deem her worthy support - Ми вважаємо, що їй варто допомогти. Syn: consider.
4. **accusation** (n) звинувачення; офіційне звинувачення (у скоєнні злочину); повідомлення обвинуваченого (про характер і зміст звинувачення);  
 to be under accusation – бути під звинуваченням, звинувачуватися;  
 to bring accusation – висунути звинувачення, звинуватити;  
 to concoct accusation – зготувати звинувачення;  
 to escalate accusation – перейти до більш тяжкого (в порівнянні із спочатку пред’явленим) звинувачення;  
 to exaggerate accusation – звинуватити в більш тяжкому (ніж було фактично здійснено) злочині;  
 to fabricate accusation – сфабрикувати звинувачення;  
 to level accusation – висунути звинувачення;  
 to retaliate accusation – пред’явити зустрічне звинувачення;  
 to swear accusation – звинуватити під присягою;  
 false accusation – неправдиве (помилкове) звинувачення.
5. **evidence** (n) 1) засіб або засоби доведення; доказ, докази; підтвердження;  
 2) свідчення свідка, свідчення свідків;  
 3) надання свідчень, дослідження доказів (як стадія судового процесу); доведення;  
 4) свідок.  
 (v) 1) свідчити, показувати;  
 2) служити доказом, підтверджувати, доводити;  
 evidence for defence – 1. доказ захисту;  
 2. свідчення свідків захисту; evidence for defendant – докази на користь відповідача, підсудного;  
 evidence for plaintiff – докази на користь позивача;

evidence for prosecution - 1. доказ звинувачення, докази;  
2. свідчення свідків обвинувачення.

6. **testify** (v) 1) показувати, свідчити (to – на користь, against – проти), клятвено стверджувати;  
failure to testify – ненадання свідчень;  
to testify upon a trial – свідчити в суді.  
Syn: assert.  
2) урочисто заявляти (про свої переконання, про віру).
7. **suspect** (v) 1) підозрювати; 2) сумніватися в істинності чогось; to suspect in crime – підозрювати в скоєнні злочину;  
3) думати, вважати, припускати, допускати; напр.: I suspect him to be mad. – Я думаю, що він збожеволів.  
Syn: think, suppose.  
1) підозрювана або підозріла людина;  
crime suspect – особа, підозрювана в скоєнні злочину;  
fleeing suspect – підозрюваний, що тікає з місця злочину;  
political suspect – політичний неблагонадійний.
8. **encroach** (v) порушувати (будь-яке право), робити замах (на владу); узурпувати (владу).
9. **exempt** (v) звільняти; вилучати, виключати; надавати пільги, імунітет, привілеї;  
exempt from liability – звільняти від відповідальності;  
(adj) звільнений; вільний; вилучений, імунізований, захищений привілеєм.
10. **abide** (v) 1) виконувати; дотримувати; слідувати;  
to abide laws – дотримуватися законів;  
to abide and satisfy – повністю виконати (присудження);  
2) підкорятися; погодитися з наслідками;  
3) чекати результату;  
to abide court's decision – чекати рішення суду.

### **I. Answer the questions:**

1. What does the State do in the event when a court verdict is revoked as unjust?
2. Does an ignorance of the law exempt from legal liability?
3. A suspect has the right to a defence, doesn't he?
4. Can a person be brought twice to legal liability for one and the same offence?
5. Is everyone guaranteed the right to know his or her rights and duties?

### **II. Ask 5 questions of your own on the text.**

### **III. Give English equivalents:**

- скоїти злочин;
- правова допомога;
- необґрунтоване обвинувачення;
- судовий вирок;
- юридична відповідальність.

### **IV. Quote the sentences where the following phrases are used:**

- advocacy acts;
- to be not deemed by law to be an offence;
- manifestly criminal ruling;
- a court verdict of guilty;
- moral damages;
- defendant;
- convicted person.

### **V. Match each word or expression on the left with the correct definition on the right.**

Testify     someone who is thought to be guilty of a crime;

Defence    any form of proof legally presented at a trial through witnesses, records, documents, etc;

Suspect    information given in a court of law to prove that someone is guilty;

Accusation the things said in a courtroom to prove that someone is not guilty;

Evidence   to make a formal statement of what is true in a court of law.

**VI. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

**VII. Translate the sentences into Ukrainian.**

1. The Health Minister has overall responsibility for Britain's hospitals.
2. There isn't a word of truth in your accusations.
3. They deemed that he was not longer capable of managing the business.
4. The volcano is still active, as evidenced by the recent eruption.
5. Can you testify that you saw the defendant at the scene of the crime?

**VIII. Complete the following sentences with the words and expressions: *suspect, abide, testify, exempts, encroaching*.**

1. He agreed to \_\_\_\_\_ for the accused.
2. The evidence against the four Irishmen was highly \_\_\_\_\_.
3. The government that is \_\_\_\_\_ on the rights of individuals is impossible for the state.
4. His bad health \_\_\_\_\_ him from military service.
5. I can't \_\_\_\_\_ that he is so self-satisfied.

**IX. Give short summary of the text.**

**X. Discuss the problems.**

1. All citizens shall have the opportunity to develop their full capacities as individuals and to fully exercise their potential. Comment the Constitutional guarantee to every citizen of the fundamental right to equal education independent of wealth, inheritance, political views, gender, ethnicity, urban or rural origin, or membership in any organization.
2. Contemporary Ukraine has yet to make a clear choice between the American and the European models of guaranteeing freedom of conscience. Purely geographic considerations would suggest that Ukraine follow the examples of its European neighbors. But from the historical viewpoint, Ukrainian society is more closely resembling the American model than the European one.

# UNIT 3

## ELECTIONS

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The expression of the will of the people in Ukraine is exercised through elections, referendums and other forms of direct democracy.

Citizens of Ukraine who have attained the age of eighteen on the day elections and referendums are held, have the right to vote at the elections and referendums.

Elections to bodies of state power and bodies of local self-government are free and are held on the basis of universal, equal and direct suffrage, by secret ballot. Voters are guaranteed the free expression of their will.

An All-Ukrainian referendum is designated by the Verkhovna Rada of Ukraine or by the President of Ukraine, in accordance with their authority established by this Constitution. An All-Ukrainian referendum is called on popular initiative on the request of no less than three million citizens of Ukraine who have the right to vote, on the condition that the signatures in favour of designating the referendum have been collected in no less than two-thirds of the oblasts, with no less than 100 000 signatures in each oblast.

The parliamentary election law has been changed 4 times from 1991 to 2015. Before 1998 all the members of the Parliament were elected by single-seat constituencies (from each electoral district). In 1998 and in 2002 half of the members were elected by proportional representation (faction vote) and the other half by single-seat constituencies. In the 2006 and 2007 parliamentary election, all 450 members of the Verkhovna Rada were elected by party-list proportional representation with closed lists (the same goes for local elections).

From 2012 until the 2019 Ukrainian parliamentary election the Verkhovna Rada was elected using a mixed election system. Half of the representatives were elected from national closed party lists distributed between the parties using the Hare quota with a 5% electoral threshold. The remaining half were elected from constituencies using first-past-the-post voting. This system was adopted for the 2012 elections and was also used for the 2014 election, as a new draft law moving to electing all members using open party lists failed to gather necessary support in the Rada. Because of the ongoing War in Donbass and the unilateral annexation of Crimea by Russia, the 2014 parliamentary elections were not held in Crimea and also not held in parts of Donetsk Oblast and Luhansk Oblast.

According to current law, the election to the Verkhovna Rada shall be held without single-member constituencies and instead deputies can only be elected on a party list in one nationwide constituency with a 5% election threshold with open regional lists of candidates for deputies. A snap poll must have a voter turnout higher than 50%. Ukraine's election law forbids outside financing of political parties or campaigns.

Regular elections to the Verkhovna Rada of Ukraine are held on the last Sunday of the last month of the fifth year of powers of the Verkhovna Rada of Ukraine.

Special elections to the Verkhovna Rada of Ukraine are designated by the President of Ukraine and are held within sixty days from the day of the publication of the decision on the pre-term termination of authority of the Verkhovna Rada of Ukraine. The procedure for conducting elections of National Deputies of Ukraine is established by law. A citizen of Ukraine who has attained the age of twenty-one on the day of elections, has the right to vote, and has resided on the territory of Ukraine for the past five years, may be a National Deputy of Ukraine.

Elections of National Deputies of Ukraine are held with electing of deputies in multimandatory national constituency after electoral rolls of candidates in deputies from political parties and electoral blocks of political parties. Only parties (blocks), electoral rolls of which collected not less than three percents of voters' voices, take part in distributing of deputies' mandates.

A coalition of Deputy factions in the Verkhovna Rada of Ukraine shall be formed within one month from the date of opening the first session of the Verkhovna Rada of Ukraine, which shall be held after scheduled or special elections to the Verkhovna Rada of Ukraine or within one month from the date when the activity of a coalition of Deputy factions in the Verkhovna Rada of Ukraine was terminated.

The President of Ukraine is elected by the citizens of Ukraine for a five-year term, on the basis of universal, equal and direct suffrage, by secret ballot. A citizen of Ukraine who has attained the age of thirty-five, has the right to vote, has resided in Ukraine for the past ten years prior to the day of elections, and has command of the state language, may be elected as the President of Ukraine. One and the same person shall not be the President of Ukraine for more than two consecutive terms.

Regular elections of the President of Ukraine are held on the last Sunday of the last month of the fifth year of powers of the President of Ukraine. In the event of pre-term termination of authority of the President

of Ukraine, elections of the President of Ukraine are held within ninety days from the day of termination of the authority. The newly-elected President of Ukraine assumes office no later than in thirty days after the official announcement of the election results, from the moment of taking the oath to the people at a ceremonial meeting of the Verkhovna Rada of Ukraine.

### Active Vocabulary

1. **referendum** (n) референдум, всенародне опитування;  
to conduct, hold a referendum on –  
проводити референдум по.
2. **election** (n) 1) вибори; 2) (pl) вибори; 3) обрання;  
election on a population basis – вибори пропорційно чисельності населення, пропорційні вибори; to call election – проводити передвиборчу кампанію;  
to hold election – проводити вибори;  
“eye-wash” election – фіктивні вибори;  
general election – загальні вибори;  
legislative election – вибори законодавчим органом;  
popular election – народне голосування;  
regular election – чергові вибори;  
special election – додаткові вибори;  
snap election – дострокові вибори;  
recall election – перевибори;  
by-election – довибори.
3. **democracy** (n) 1) а) демократія, влада народу;  
б) держава з демократичною формою управління.  
participatory democracy – активна участь в управлінні державою;  
constitutional democracy – конституційна демократія;  
parliamentary democracy – парламентська демократія;  
2) прості люди, робочий клас;  
3) демократизм;  
4) (Democracy) амер. демократична партія.



- 4. suffrage** (n) 1) право голосу, виборче право (активне);  
 direct suffrage – пряме виборче право;  
 equal suffrage – рівне виборче право;  
 female suffrage – право голосу для жінок;  
 universal suffrage – загальне виборче право;  
 2) голосування; голос.
- 5. secret ballot** таємне голосування.
- 6. designate** (v) 1) визначати, називати. Syn: name, denominate, entitle;  
 2) призначати. Syn: appoint;  
 3) призначати на посаду;(adj) 1)призначений, але який ще не вступив на посаду  
 minister designate призначений, але ще не затверджений указом міністр.
- 7. authority** (n) 1) влада, повноваження; повнота влади; сфера компетенції;  
 source authority – джерело влади або авторитету;  
 to clothe with authority – облягти владою, повноваженнями;  
 to divest authority – позбавити влади, повноважень, правомочності;  
 authority to punish - 1. право карати;  
 2. юридична підстава для застосування покарання;  
 2) орган влади; орган управління;  
 authority to issue warrants - орган влади, повноважний видавати ордери;  
 3) джерело права; закон; прецедент; присудження; документ;  
 4) авторитетний фахівець; авторитетне твердження;  
 5) авторитетність;  
 6) доказ; підстава;  
 7) довіреність; повноваження; правомочність; дозвіл.  
 to vest with authority - надати владу, повноваження  
 under authority – в силу, на підставі;

without authority – не будучи повноважним;  
without lawful authority – без законного на те права.

**8. consecutive terms** послідовно поточні терміни.

**9. first-past-the-post voting system** мажоритарна система  
голосування простою більшістю.

**10. voter turnout** явка виборців.

**11. announcement** (n) оголошення, сповіщення, повідомлення  
(about,of); to issue/make an announcement –  
зробити оголошення;  
formal/official/public announcement – офіційне  
повідомлення (оголошення);

They made a public announcement that an amnesty  
would be declared. - Вони офіційно заявили, що  
буде оголошена амністія.

**12. oath** (n) клятва; присяга;  
on oath - під присягою;  
oath abjuration - амер. клятвене зречення;  
to make an oath, take an oath, swear an oath - дати  
клятву;  
to put on oath, administer oath to - привести (когось) до  
присяги; Syn: vow.

### **I. Answer the questions:**

1. How is the expression of people's will exercised in Ukraine?
2. What basis are elections to bodies of state power held on?
3. Are voters guaranteed the free expression of their will?
4. When do regular elections to the Verkhovna Rada of Ukraine take place?
5. What term of office is the President of Ukraine elected for?

### **II. Ask 5 questions of your own on the text.**

### **III. Remember the meaning of the terms:**

- The **Hare quota** (also known as the simple quota) is a formula used under some forms of the Single Transferable Vote (STV) system and the largest remainder method of party-list proportional

representation. The quota is the minimum number of votes required for a party or candidate to capture a seat, and the Hare quota is the total number of votes divided by the number of seats.

- The **electoral threshold**, or election threshold, is the minimum share of the primary vote which a candidate or political party requires to achieve before they become entitled to any representation in a legislature. This limit can operate in various ways. For example, in party-list proportional representation systems an electoral threshold requires that a party must receive a specified minimum percentage of votes (e.g. 5%), either nationally or in a particular electoral district, to obtain any seats in the legislature. In multi-member constituencies using preferential voting, besides the electoral threshold, to be awarded a seat, a candidate is also required to achieve a quota, either on the primary vote or after distribution of preferences, which depends on the number of members to be returned from a constituency.
- In a **first-past-the-post** (FPTP or FPP; sometimes formally called single-member plurality voting or SMP; sometimes called choose-one voting for single-member districts, in contrast to ranked choice voting) electoral system, voters cast their vote for a candidate of their choice, and the candidate who receives the most votes wins. FPTP is a plurality voting method, and is primarily used in systems that use single-member electoral divisions.
- A **snap election** is an election that is called earlier than the one that has been scheduled. A snap election differs from a **recall election** in that it is initiated by politicians (usually the head of government or ruling party) rather than voters, and from a **by-election** in that the winners will serve an entire term as opposed to the remainder of an already established term.

#### IV. Give English equivalents:

- виборче право;
- процедура проведення виборів;
- офіційне оголошення результатів виборів;
- прийняти присягу;
- термін повноваження.

**V. Quote the sentences where the following phrases are used:**

- direct democracy;
- to attain the age of eighteen;
- local self-government;
- authority established by the Constitution;
- special elections;
- on the basis of universal suffrage;
- command of the state language.

**VI. Match each word or expression on the left with the correct definition on the right.**

Elections	period of time;
Procedure	determination to do something that you have decided to do;
Secret ballot	an occasion when people vote to choose someone for an official position;
Will	the correct or normal way of doing something;
Term	a system of secret voting or an occasion when you vote in this way.

**VII. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

**VIII. Translate the sentences into Ukrainian.**

1. The Socialists won the 1948 election by a huge majority.
2. She has been designated to take over the position of a treasurer.
3. He spoke with the voice of authority.
4. We were shocked by the announcement that the mayor was resigning.
5. The knights swore the oath of loyalty to their king.

**IX. Complete the following sentences with the words and expressions: *authorities, announcement, referendum, election, secret balloting.***

1. Within three months of his \_\_\_\_\_ he was forced to resign.
2. British police are cooperating with the Malaysian \_\_\_\_\_.
3. We heard the \_\_\_\_\_ of the general strike.
4. The chairman is elected by \_\_\_\_\_ of all the shareholders.

5. \_\_\_\_\_ is an occasion when everyone in a country votes in order to make a decision.

**X. Give short summary of the text.**

**XI. Discuss the problems.**

1. Article 46 provides citizens with the right to vote and to run for public office. What mechanisms can insure electoral fairness or openness of the system to all candidates on an equal basis?
2. Introducing into electoral law changes such as a system of proportional representation instead of a mixed one, and a substantially higher electoral threshold for political parties to enter the parliament, can encourage party mergers and coalition-building. Can it help to consolidate party system in Ukraine?

# UNIT 4

## THE SYSTEM OF GOVERNMENT

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State power in Ukraine is exercised on the principles its division into the legislative, the executive, and the judicial power.

### THE LEGISLATIVE BRANCH

The Ukrainian Parliament – the Verkhovna Rada is the only body of the legislative power in the country. There are 450 people’s deputies who are elected for a term of five years on the basis of universal, equal and direct suffrage by secret ballot.

The Verkhovna Rada of Ukraine works in sessions. Regular sessions of the Verkhovna Rada of Ukraine commence on the first Tuesday of February and on the first Tuesday of September each year. Special sessions of the Verkhovna Rada of Ukraine, with the stipulation of their agenda, are convoked by the Chairman of the Verkhovna Rada of Ukraine, on the demand of no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Verkhovna Rada of Ukraine, or on the demand of the President of Ukraine.

The authority of the Verkhovna Rada of Ukraine comprises:

- 1) Introducing amendments to the Constitution of Ukraine;
- 2) Designating an All-Ukrainian referendum;
- 3) Adopting laws;
- 4) Approving the State Budget of Ukraine and introducing amendments to it; controlling the implementation of the State Budget of Ukraine and adopting decisions in regard to the report on its implementation;
- 5) Determining the principles of domestic and foreign policy;
- 6) Approving national programmes of economic, scientific and technical, social, national and cultural development, and protection of the environment;
- 7) Designating elections of the President of Ukraine within the terms envisaged by the Constitution;
- 8) Hearing annual and special messages of the President of Ukraine on the domestic and foreign situation in Ukraine;

9) declaring war upon the submission of the President of Ukraine and concluding peace, approving the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine;

10) Removing the President of Ukraine from office in accordance with the special procedure (impeachment) established by Article 111 of the Constitution;

11) Considering and adopting the decision in regard to the approval of the Programme of Activity of the Cabinet of Ministers in Ukraine;

12) Giving consent to the appointment of the Prime Minister of Ukraine by the President of Ukraine; etc.

According to the present law, the right of the legislative initiative in the Verkhovna Rada of Ukraine shall belong to the President of Ukraine, People's Deputies of Ukraine and the Cabinet of Ministers of Ukraine.

The Verkhovna Rada of Ukraine adopts laws, resolutions and other acts by the majority of its constitutional composition. Its Committees perform law drafting work. The Chairman of the Verkhovna Rada of Ukraine signs a law and forwards it without delay to the President of Ukraine. Within fifteen days of the receipt of a law, the President of Ukraine signs it, accepting it for execution, and officially promulgates it, or returns it to the Verkhovna Rada of Ukraine with substantiated and formulated proposals for repeat consideration. In the event that the President of Ukraine has not returned a law for repeat consideration within the established term, the law is deemed to be approved by the President of Ukraine and shall be signed and officially promulgated. If a law, during its repeat consideration, is again adopted by the Verkhovna

Rada of Ukraine by no less than two-thirds of its constitutional composition, the President of Ukraine is obliged to sign and to officially promulgate it within ten days. A law enters into force in ten days from the day of its official promulgation, unless otherwise envisaged by the law itself, but not prior to the day of its publication.

The Verkhovna Rada also adopts the State Budget for the period from January 1 to December 31 and controls the execution of it.

A Deputy faction in the Verkhovna Rada of Ukraine that consists of a majority of People's Deputies of Ukraine from the constitutional composition of the Verkhovna Rada of Ukraine shall have the rights of a

coalition of Deputy factions in the Verkhovna Rada of Ukraine envisaged by the present Constitution.

According to the Law, scheduled elections to the Verkhovna Rada of Ukraine shall be held on the last Sunday of the last month of the fifth year of powers of the Verkhovna Rada of Ukraine.

### **Active Vocabulary**

- 1. Legislative** (adj) 1. законодавчий; введений законом, призначений законом;  
(n) 2. законодавчі органи; законодавча влада;  
Legislative power.
- 2. deputy** (n) 1) а) депутат, представник;  
special deputy - представник з обмеженими повноваженнями;  
Syn: representative, delegate;  
б) заступник, помічник, виконуючий обов'язки;  
Syn: substitute, lieutenant, vicegerent;  
2) представник нижньої палати парламенту (у ряді країн – депутат, конгресмен і т.д.).
- 3. stipulation** (n) 1) обумовлення;  
a stipulation confidence - обумовлення секретності, конфіденційності;  
2) умова, угода;  
under/on stipulation that - за умови, що ...;  
stipulations treaty - за умов договору;  
to agree stipulations of the treaty - схвалювати умови договору;  
to violate stipulations of the treaty - порушувати умови договору;  
to carry out stipulations of the treaty - виконувати умови договору; the only stipulation - єдина умова;  
3) угода між адвокатами сторін;  
4) поручительство за явку відповідача в суд.
- 4. convoke** (v) збирати, скликати (парламент).



- 5. amendment** (n) 1) поправка (до резолюції, законопроекту); amendment to constitution – поправка до конституції; to adopt an amendment - прийняти поправку; to introduce an amendment, propose an amendment - внести поправку; to ratify an amendment - затверджувати поправку; 2) виправлення, коректування, корекція, поправка; Syn: correction, improvement.
- 6. implementation** (n) виконання, здійснення, реалізація; Syn: realization, accomplishment.
- 7. submission** (n) 1) подача (документа); 2) передача на розгляд; угода про передачу суперечки в арбітраж, третейський запис; 3) аргумент; довід; твердження; заява; пояснення, що подається; 4) підкорення; 5) заява про видачу патенту.
- 8. impeachment** (n) 1) заперечування; виявлення сумніву; ганьба, дискредитація; 2) “імпічмент” (процедура притягнення до відповідальності вищих посадових осіб); impeachment for bribery - амер. імпічмент по звинуваченню в хабарництві; impeachment for treason - амер. імпічмент по звинуваченню в державній зраді; presidential impeachment - імпічмент проти президента.
- 9. consent** (n) 1) згода; consent to - згода на; mutual consent - з обоїпольної згоди; common consent, with one consent - із загальної згоди; ineffective consent - згода, що не має юридичного значення; lawful consent - згода, що має юридичне значення; consent of the victim - згода потерпілого; to carry smb's consent - отримати чийсь згоду; half-hearted consent - вимушена згода;

to withhold one's consent, refuse one's consent - не давати згоди;

to give one's consent to - дати згоду на що-небудь;  
common consent, general consent, mutual consent, unanimous consent - одностайне схвалення;

tacit consent - мовчазна згода;

Syn: agreement, compliance, concurrence;

2) дозвіл;

parental consent - батьківське благословення;

Syn: permission

• silence gives consent - присл. мовчання - знак згоди;

age consent - повноліття;

(v) 1) погоджуватися, давати згоду (to); схвалити;

to consent to a proposal - прийняти пропозицію;

She consented to help. - Вона погодилася допомогти.

Syn: accede, agree, assent. Ant: contradict, demur, disagree;

2) допускати, дозволяти, давати дозвіл;

напр.: Will your father consent to marriage? - Твій батько дасть дозвіл на шлюб?

Syn: allow, permit.

**10. promulgate** (v) 1) оголошувати, проголошувати, опубліковувати; оприлюднити;

Syn: publish, proclaim;

2) пропагувати, поширювати;

Syn: propagandize, advocate.

**11. execution** (n) 1) виконання; 2) виконавчий лист, судовий наказ про виконання рішення; 3) здійснення; 4) оформлення; виконання необхідних формальностей; 5) складання документа); 6) приведення у виконання вироку до страти; смертна кара.

## **I. Answer the questions:**

1. What is the body of the legislative power in Ukraine?

2. How does the Verkhovna Rada of Ukraine work?
3. What does the authority of the Verkhovna Rada comprise?
4. Whose authority is approving the State Budget?
5. When does a law enter into force?

## **II. Ask 5 questions of your own on the text.**

### **III. Give English equivalents:**

- скликання всеукраїнського референдуму;
- визначення принципів внутрішньої та зовнішньої політики;
- використання Збройних Сил;
- схвалення програми діяльності кабінету міністрів України;
- обгрунтовані й сформульовані пропозиції.

### **IV. Quote the sentences where the following phrases are used:**

- official promulgation;
- to enter into force;
- to control the execution;
- to declare war and conclude peace;
- to remove from the office;
- to designate referendum.

### **V. Match each word or expression on the left with the correct definition on the right:**

- |               |  |
|---------------|--|
| Approve       | to make a new law come into effect announcing it officially;   |
| Consent       | careful thought and attention;                                 |
| Appointment   | permission to do something especially by someone in authority; |
| Consideration | the choosing of someone for a position;                        |
| Promulgate    | to accept officially a plan, proposal.                         |

### **VI. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

### **VII. Translate the sentences into Ukrainian.**

1. A legislative institution has the power to make laws.

2. She signed the contract with the stipulation that she would get 10% of the profits.
3. Implementation of the peace plan was very important for everybody.
4. The deadline for the submission of proposals is May, 1.
5. The House Judiciary Committee voted that President Nixon should be impeached.

**VIII. Complete the following sentences with the words and expressions: *amendment, deputy, promulgate, consent, convoke.***

1. \_\_\_\_\_ is a person who is directly below a manager in a rank.
2. To \_\_\_\_\_ means to tell people that they must come together for a formal meeting.
3. They agreed to the \_\_\_\_\_ to the resolution.
4. He took the car without the owner's \_\_\_\_\_.
5. To \_\_\_\_\_ means to spread an idea to as many people as possible.

**IX. Give short summary of the text.**

**X. Discuss the problems.**

1. Bicameral legislature, unlike single-chamber parliament, slows law-making by introducing another powerful institutional actor into the legislative process.
2. Under the Constitution, the number of elected representatives to the legislature has dropped by 27 percent, though citizens can vote once every four years for deputies rather than once every fifth year (Articles 128 and 129).

# UNIT 5

## THE EXECUTIVE BRANCH

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The Cabinet of Ministers of Ukraine is the highest body in the system of bodies of executive power. The Cabinet of Ministers of Ukraine is composed of the Prime Minister of Ukraine, the First Vice Prime Minister, three Vice Prime Ministers and the Ministers, who head their assigned Ministries (departments). The Prime Minister of Ukraine manages the work of the Cabinet of Ministers of Ukraine and directs it for the implementation of the Programme of Activity of the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine. All government decisions are being voted for and adopted at the sessions of the Cabinet by ministers only or heads of central offices of executive authority with ministerial status. The Secretariat of Cabinet of Ministers ensures the operations of the Cabinet, while the National Agency of Ukraine for Civil Service provides human resources of government officials.

The Cabinet is responsible to the President of Ukraine and is under the control and being held accountable to the Verkhovna Rada.

The duties of the cabinet of ministers are described in the Article 116 of the Constitution of Ukraine. Members of the Cabinet are citizens of Ukraine, who have the right of vote, higher education, and possess the state Ukrainian language.

The Cabinet of Ministers of Ukraine:

1) ensures the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy of the State, the execution of the Constitution and the laws of Ukraine, and the acts of the President of Ukraine;

2) Takes measures to ensure human and citizens' rights and freedoms;

3) ensures the implementation of financial, pricing, investment and taxation policy; the policy in the spheres of labour and employment of the population, social security, education, science and culture, environmental protection, ecological safety and the utilisation of nature;

4) Elaborates and implements national programmes of economic, scientific and technical, and social and cultural development of Ukraine;

5) Ensures equal conditions of development of all forms of ownership; administers the management of objects of state property in accordance with the law;

6) Elaborates the draft law on the State Budget of Ukraine and ensures the implementation of the State Budget of Ukraine approved by the Verkhovna Rada of Ukraine, and submits a report on its implementation to the Verkhovna Rada of Ukraine;

7) Takes measures to ensure the defence capability and national security of Ukraine, public order and to combat crime;

8) Organises and ensures the implementation of the foreign economic activity of Ukraine, and the operation of customs;

9) Directs and co-ordinates the operation of ministries and other bodies of executive power;

10) Performs other functions determined by the Constitution and the laws of Ukraine, and the acts of the President of Ukraine.

The Cabinet of Ministers of Ukraine, within the limits of its competence, issues resolutions and orders that are mandatory for execution. The Prime Minister of Ukraine signs acts of the Cabinet of Ministers of Ukraine.

Normative legal acts of the Cabinet of Ministers of Ukraine, ministries and other central bodies of executive power, are subject to registration through the procedure established by law.

The executive power in oblasts, districts, and in the Cities of Kyiv and Sevastopol is exercised by local state administrations.

## **THE PRESIDENT OF UKRAINE**

The President of Ukraine is the Head of the State, the guarantor of state sovereignty and territorial indivisibility of the country.

The President of Ukraine:

1) Ensures state independence, national security and the legal succession of the state;

2) Addresses the people with messages and the Verkhovna Rada of Ukraine with annual and special messages on the domestic and foreign situation of Ukraine;

3) Represents the state in international relations, administers the foreign political activity of the State, conducts negotiations and concludes international treaties of Ukraine;

- 4) Adopts decisions on the recognition of foreign states;
  - 5) Appoints and dismisses heads of diplomatic missions of Ukraine to other states and to international organisations; accepts credentials and letters of recall of diplomatic representatives of foreign states;
  - 6) Designates an All-Ukrainian referendum regarding amendments to the Constitution of Ukraine in accordance with Article 156 of this Constitution, proclaims an All-Ukrainian referendum on popular initiative;
  - 7) Designates special elections to the Verkhovna Rada of Ukraine within the terms established by this Constitution;
  - 8) Terminates the authority of the Verkhovna Rada of Ukraine, if the plenary meetings fail to commence within thirty days of one regular session;
  - 9) Submits a proposal for the appointment of the Prime-Minister of Ukraine by the Verkhovna Rada on the basis of the proposal of a coalition of Deputy factions in the Verkhovna Rada of Ukraine, formed according to Article 83 of the Constitution of Ukraine, within a period not exceeding fifteen days from the date of receiving such a proposal;
  - 10) Appoints, on the submission of the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, chief officers of other central bodies of executive power, and also the heads of local state administrations, and terminates their authority in these positions;
  - 11) Submits a proposal to the Verkhovna Rada of Ukraine for the appointment of the Minister of Defense of Ukraine and the Minister of Foreign Affairs of Ukraine;
  - 12) Appoints and dismiss the Prosecutor General of Ukraine upon agreement of the Verkhovna Rada of Ukraine;
  - 13) Appoints and dismiss 50% of the composition of the Council of the National Bank of Ukraine;
  - 14) Appoints and dismiss 50% of the composition of the National Television and Radio Broadcasting Council of Ukraine, etc.
- Scheduled elections of the President of Ukraine shall be held on the last Sunday of the last month of the fifth year of powers of the President of Ukraine. In the instance of pre-term termination of powers of the President of Ukraine, elections of the President of Ukraine shall be held within the period of ninety days from the date of terminating their powers.

## Active Vocabulary

- 1. executive** (adj) 1) а) виконавчий, що належить до структур виконавчої влади;  
to go into executive session – йти на закриті засідання;  
executive secretary – відповідальний секретар;  
управляючий справами (в органах ООН);  
executive agreement – амер. договір, що укладається президентом з іноземною державою і не вимагає затвердження сенату;  
б) амер. Президентський;  
executive personnel – апарат президента; executive order – наказ президента;
- 2) управлінський, організаторський;  
executive duties – адміністративні обов'язки;
- (n) 1) а) (executive) виконавча влада; б) орган виконавчої влади;  
Syn: performer;
- 2) особа, що займає керівний пост в структурах виконавчої влади; а) (Executive) глава виконавчої влади;  
Chief Executive – президент США;  
б) посадовець, керівник, адміністратор;  
в) військ. начальник штабу; помічник командира.
- 2. sovereignty** (n) 1) незалежність, суверенітет, суверенність;  
2) суверенна держава;  
3) верховна влада.
- 3. ensure** (v) 1) гарантувати, забезпечувати, ручатися;  
напр.: This letter will ensure you a hearing. - Цей лист гарантує, що тебе вислухають.  
Syn: assure, guarantee, insure;  
2) застрахувати, страхувати (against, from – від чого-небудь.);  
Syn: insure, secure;  
3) засвідчити (to, for smb. – когось).
- 4. security** (n) 1) безпека; 2) забезпечення; гарантія; застава;  
3) оборотний документ; цінний папір;



4) поручительство; поручитель;  
5) ізоляція, режим (в пенітенціарній установі);  
security for a claim – забезпечення позову;  
security for a loan – поручительство по позиці;  
поручитель по позиці;  
security to bearer – цінний папір на пред'явника;  
to give security – 1. надати забезпечення; 2. дати поручительство.

- 5. elaborate** (v) 1) а) детально розробляти, опрацювати (тему, питання – on); напр.: Please elaborate on this question, we need to know more. – Будь ласка, опрацюйте це питання докладніше, нам потрібні більше даних;  
б) додавати закінчений вигляд (теорії, винаходу, витвору мистецтва);  
2) конкретизувати, розвивати, уточнювати.

**6. draft law** законопроект.

- 7. mandatory** (adj) 1) мандатний; mandatory power – мандатні повноваження;  
2) обов'язковий, примусовий;  
mandatory sentence – остаточний вирок;  
mandatory retirement – примусове звільнення;  
Syn: compulsory;  
(n) 1) мандатарій, утримувач мандата;  
2) повірений; 3) боржник за договором доручення.

**8. guarantor** (n) 1) поручитель; 2) гарант.

**9. legal succession** 1) правонаступництво; 2) спадкоємство згідно із законом.

**10. conduct negotiations** - вести переговори;

- 11. credential** (n) 1) а) мандат; рекомендація; посвідчення особи;  
б) рекомендаційний лист;  
Syn: letters of credence;  
2) рл. вірчі грамоти (посла);  
3) амер. атестат, диплом про освіту;  
Syn: certificate, diploma;

(adj) мандатний; який дає право на довір'я;  
рекомендаційний.

### **I. Answer the questions:**

1. What is the highest body in the system of executive power bodies in Ukraine?
2. What does the Cabinet of Ministers of Ukraine ensure?
3. Does law establish normative legal acts of the Cabinet of Ministers subject to registration through the procedure?
4. Does the President of Ukraine designate an all-Ukrainian referendum?
5. What functions of the President do you know?

### **II. Ask 5 questions of your own on the text.**

### **III. Give English equivalents:**

- центральні органи виконавчої влади;
- забезпечувати державну незалежність;
- призначати членів Кабінету Міністрів;
- представляти державу у міжнародних стосунках;
- приймати заходи для забезпечення прав і свобод громадян.

### **IV. Quote the sentences where the following phrases are used:**

- to terminate the authority;
- the implementation of financial policy;
- to elaborate the draft law;
- the operation of customs;
- to accept credentials of foreign states diplomatic representatives;
- to designate special elections;
- to administer the management of state property objects.

### **V. Match each word or expression on the left with the correct definition on the right:**

- |            |  |
|------------|--|
| Competence | compulsory, obligatory;  |
| Mandatory  | a process in which you do something that has been carefully planned or agreed; |
| Execution  | the ability and skill to do what is needed;                                    |

Elaborate        to take action in an organized way in order to oppose something bad or harmful;

Combat            to give more details or new information about something.

**VI. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

**VII. Translate the sentences into Ukrainian.**

1. He has been given full executive powers on his matter.
2. All the necessary steps had been taken to endure their safety. For the reasons of security, all luggages must be searched.
3. Latter chapters simply elaborate on her original theses.
4. Drug smuggling carried a mandatory death penalty.

**VIII. Complete the following sentences with the words and expressions: *negotiations, guarantor, credentials, sovereignty, ensures.***

1. \_\_\_\_\_ means complete freedom and power.
2. His wife \_\_\_\_\_ that he took all his pills every day.
3. \_\_\_\_\_ is someone who promises that he will pay for something, if the person who should pay for it does not.
4. The treaty was a result of long and complex \_\_\_\_\_.
5. He spent the first hour trying to establish his \_\_\_\_\_ as a financial expert.

**IX. Give short summary of the text.**

**X. Discuss the problems.**

1. The superiority of two democratic regime types: presidential versus parliamentary in terms of regime stability.
2. Building a more consolidated and ideologically structured party system should be a very important goal for all those who are interested in the means of improving the efficiency of executive and legislative institutions in Ukraine.

# UNIT 6

## THE JUDICIAL BRANCH

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Justice in Ukraine is administered exclusively by the courts. The jurisdiction of the courts extends to all legal relations that arise in the State. The Constitutional Court of Ukraine and courts of general jurisdiction perform judicial proceedings. In Ukraine, the system of courts of general jurisdiction is formed in accordance with the territorial principle and the principle of specialization.

The Supreme Court of Ukraine is the highest judicial body in the system of courts of general jurisdiction. The respective high courts are the highest judicial bodies of specialized courts. Courts of appeal and local courts operate in accordance with the law.

Justice is administered by professional judges and, in cases determined by law, people's assessors and jurors. Professional judges shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid positions, and perform other remunerated work except scholarly, teaching and creative activity.

A citizen of Ukraine, not younger than the age of twenty-five, who has a higher legal education and has work experience in the sphere of law for no less than three years, has resided in Ukraine for no less than ten years and has command of the state language, may be recommended for the office of judge by the Qualification Commission of Judges. The President of Ukraine makes the first appointment of a professional judge to office for a five-year term. The Verkhovna Rada of Ukraine elects all other judges, except the judges of the Constitutional Court of Ukraine, for permanent terms by the procedure established by law.

In the administration of justice, judges are independent and subject only to the law. Judicial proceedings are conducted by a single judge, by a panel of judges, or by a court of the jury.

The main principles of judicial proceedings are:

- 1) Legality;
- 2) Equality before the law and the court of all participants in a trial;
- 3) Ensuring that the guilt is proved;
- 4) Adversarial procedure and freedom of the parties to present their evidence to the court and to prove the weight of evidence before the court;

- 5) Prosecution by the procurator in court on behalf of the State;
- 6) Ensuring the right of an accused person to a defence;
- 7) Openness of a trial and its complete recording by technical means;
- 8) Ensuring complaint of a court decision by appeal and cassation, except in cases established by law;
- 9) The mandatory nature of court decisions.

The law may also determine other principles of judicial proceedings in courts of specific judicial jurisdiction. Persons guilty of contempt of court or of showing disrespect toward the judge are brought to legal liability.

The High Council of Justice is a collective independent constitutional body of public authority and judicial governance which functions in Ukraine on a permanent basis to guarantee the independence of the judiciary and its functioning on the grounds of responsibility, accountability before the society, to guarantee establishing of an honest and highly professional judicial corps in compliance with the provisions of the Constitution and the laws of Ukraine, as well as with the professional ethics in the functioning of judges and prosecutors. The High Council of Justice is a legal entity with a separate funding line in the state budget of Ukraine.

The High Council of Justice shall consist of twenty one members, including ten members elected by the Congress of Judges of Ukraine from among judges or retired judges, two members appointed by the President of Ukraine, two members elected by the Verkhovna Rada of Ukraine, two members elected by the Congress of Advocates of Ukraine, two members elected by the Ukrainian National Conference of Prosecutors, and two members elected by the Congress of Representatives of higher education and research institutions in the area of law. The President of the Supreme Court shall be the member of the High Council of Justice *ex officio*.

Members of the High Council of Justice shall be elected (appointed) for a term of four years. The same person may not hold the office of a member of the High Council of Justice for two subsequent terms. Members of the High Council of Justice, except the President of the Supreme Court, shall perform their functions on a permanent basis.

To be eligible for the election (appointment) to the High Council of Justice, a candidate must be a citizen of Ukraine who has attained the age of thirty five, has

command of the state language, has a university degree in law and not less than fifteen years of working experience in the area of law, belongs to the legal profession and meets the criteria of political neutrality.

Ukrainian courts are increasingly using new tools to respond to the abuse of rights by the parties, which should enhance the culture of litigation. Since 2014, Ukraine has allowed videotaping of court sessions without obtaining the specific permission of the judge, within the limitations established by law. In addition, the implementation of “e-justice” has begun. The Council of Judges of Ukraine, together with the State Judicial Administration of Ukraine, is gradually implementing the Single Judicial Information and Telecommunication System into courts of all instances and jurisdictions for the submission of procedural documents and evidence in electronic form, summons and communications to the official e-mail addresses of participants in proceedings.

### **Active Vocabulary**

- 1. judicial** (adj) 1) а) судовий; законний, що належить закону;  
judicial murder – узаконене вбивство, виголошення смертного вироку невинному;  
judicial processes – судові процеси, розгляди;  
judicial law – мирський закон, устрій (у зіставленні з офіційним і т.д.)  
Judicial Committee Privy Council – Арбітражна Комісія Таємної Ради (один з двох апеляційних судів у Великобританії, заснований у 1832 р.);  
б) Syn: legal, forensic;  
2) а) суддівський (що відноситься до судді, до його компетенції); властивий судді;  
б) винесений, прийнятий судом, судовою комісією (про рішення, вирок) judicial decision - судовий вирок;

3) законодавчий (про владу, гілку влади);  
4) що ухвалює прямі рішення; виносить вирок;  
осуджує, критикує *judicial fairness* - суворота  
прямота;  
Syn: *critical*

**2. justice** (n) 1) правосуддя; 2) справедливість.

**3. jurisdiction** (n) 1) відправлення правосуддя; юрисдикція;  
2) підсудність; підвідомчість; перебування під  
слідством;  
3) судова практика;  
4) судовий округ;  
5) орган влади;  
6) територія, підвідомча органу влади;  
*jurisdiction in rem* - наочна підсудність;  
*to acquire jurisdiction* - прийняти на себе  
юрисдикцію, визнати себе компетентним  
розглядати справу;  
*to come/fall within jurisdiction* - підпадати під  
юрисдикцію; відноситися до юрисдикції;  
*to exercise jurisdiction* - здійснювати юрисдикцію;  
*within jurisdiction* - в межах юрисдикції.

**4. assessor** (n) 1) податковий урядовець;  
2) експерт-консультант суду;  
3) засідатель, асесор;  
*claim assessor* – експерт за оцінкою істинної суми  
позовів, що заявляються.

**5. juror** (n) 1) присяжний засідатель, член складу присяжних;  
2) що дає присягу;  
*trial juror* – член колегії присяжних, присяжний в  
судовому процесі;  
*partial juror* – упереджений присяжний;  
*impartial juror* – неупереджений присяжний;  
*juvenile juror* – член суду присяжних у справах  
неповнолітніх.

**6. judge** (n) суддя;

judge in chambers – про дії судді поза судовим засіданням;

judge in court – суддя у судовому засіданні;

judge in lunacy – суддя у справах психічно хворих;

judge ordinary – англ. іст. Суддя суду у справах про розлучення і сімейних справах;

(v) судити, розглядати справу.

**7. legality** (n) законність; легальність.

**8. guilt** (n) вина; винність;  
guilt association – вина в співучасті;  
to point finger guilt – звинувачувати;  
accessorial guilt – винність співучасника злочину;  
contributory guilt – вина потерпілого;  
criminal guilt – винність у скоєнні злочину;  
single-handed guilt – винність у злочині, скоєному без співучасників.

**9. prosecution** (n) 1) ведення (війни, судової справи і т.д.);  
2) судове переслідування; кримінальне переслідування; звинувачення;  
3) звинувачення (як сторона у кримінальному процесі);  
4) відстоювання (позовних вимог);  
prosecution complaint – кримінальне переслідування за скаргою (потерпілого);  
coroner's inquisition – коронерське переслідування;  
prosecution indictment – кримінальне переслідування по звинувачувальному акту;  
prosecution information – кримінальне переслідування за заявою про скоєння злочину.

**10. court** (n) 1) суд; суддя; судді; судова присутність;  
2) двір (королівський);  
3) законодавча рада; засідання законодавчої ради;  
4) час, призначений для слухання справи у суді;  
court and jury – суд і присяжні;



arm court – відділення, орган суду;  
court in camera – суд в закритому засіданні;  
in open court – у відкритому судовому засіданні;  
court in session – засідання суду;  
court in term time – суд під час відправлення своїх функцій;  
to appear in court – з'явитися перед судом;  
to attend court – 1. з'явитися у суд, на судовий процес, з'явитися до слухання справи; 2. присутній на судовому засіданні, на судовому процесі;  
to hold court – здійснювати правосуддя;  
to refer to court – передати у суд.

- 11. trial** (n) судовий розгляд; судовий процес; слухання справи (судом першої інстанції);  
after trial – після розгляду справи у суді;  
trial at bar – розгляд справи повним складом суду;  
trial at common law – судовий розгляд за нормами звичаєвого права; trial at equity – судовий розгляд за нормами права справедливості;  
to send for trial – передати справу для слухання у суд;  
to stand trial – відповідати перед судом;  
to warrant trial – служити підставою для передачі справи у суд;  
(up)on trial – в час або після судового розгляду;  
trial with assessors – розгляд справи з участю експертів-консультантів.

### **I. Answer the questions:**

1. How many members does the High Council of Justice consist of?
2. What are the main principles of judicial proceedings?
3. Who conducts judicial proceedings?
4. Can professional judges belong to political parties and trade unions?
5. How do courts of appeal and local courts operate?

## **II. Ask 5 questions of your own on the text.**

### **III. Give English equivalents:**

- юридична процедура;
- давати свідчення у суді;
- судові рішення;
- найвищий судовий орган;
- юридичні відносини.

### **IV. Quote the sentences where the following phrases are used:**

- openness of a trial;
- legal liability;
- High Council of Justice;
- mandatory nature;
- adversarial procedure;
- panel of judges.

### **V. Match each word or expression on the left with the correct definition on the right:**

- Accused      the official in control of a court who decides on the sentence;
- Complaint    the things that are said in a court of law to prove that someone is not guilty of a crime;
- Prosecution a document, which states the claim against the defendant;
- Defence      the process of bringing a charge against someone for a crime;
- Judge         the person who has been officially charged with a crime or offence in a court of law.

### **VI. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

### **VII. Translate the sentences into Ukrainian.**

1. Sometimes I wonder if there's any justice in this world.
2. That area is not within the State Police's jurisdiction.
3. Teachers tend to be judged by their student's exam grades.
4. Don't you have any feelings of guilt about leaving David to die?
5. There was a large group of reporters gathered outside the court.

**VIII. Complete the following sentences with the words and expressions: *justice, guilt, judges, juror, trial.***

1. He will not rest until her killer is brought to\_\_\_\_\_.
2. \_\_\_\_\_ is a member of a jury.
3. The panel of \_\_\_\_\_included several well-known people.
4. It's up to the prosecution to establish the defendant's \_\_\_\_\_.
5. By the time the case comes to \_\_\_\_\_ he will have spent a year behind bars (in jail).

**IX. Give short summary of the text.**

**X. Discuss the problem.**

By creating a separate and autonomous judicial institution, nations that create constitutional courts seek to give special emphasis to the protection of the constitution and arguably to the protection of democracy and the rights of citizens. Does it work in Ukraine?

# UNIT 7

## UKRAINE'S COURT SYSTEM

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In accordance with the constitutional principles of separation of powers, the judicial power in Ukraine is exercised by independent and impartial courts formed in accordance with the law. The administration of justice in Ukraine functions on the grounds of the rule of law under European standards and ensures the right of everyone to fair trial.

The Ukrainian court system consists of **the Constitutional Court**, the only court of constitutional jurisdiction, as well as **the Court of General Jurisdiction (General Court)**, divided into the following categories by specialization: **common courts** that hear civil and criminal cases, as well as cases relating to certain administrative offences; **commercial courts** that deal with disputes between legal entities and individual entrepreneurs; appeals from decisions of the Antimonopoly Committee of Ukraine relating to protection of economic competition; corporate disputes and bankruptcy cases; and **administrative courts** that adjudicate disputes with governmental agencies.

### THE CONSTITUTIONAL COURT

The Constitutional Court of Ukraine acts as a body of constitutional jurisdiction, which ensures the supremacy of the Constitution of Ukraine, decides on compliance with the regulations contained in the Constitution of Ukraine, laws, other acts, international treaties signed by Ukraine, issues proposed for adoption at an all-Ukrainian referendum at the initiative of the people, carries out official interpretation of the Constitution of Ukraine and certain other functions. The Constitutional Court of Ukraine has a Grand Chamber, two senates and six colleges.

The Constitutional Court of Ukraine is a special body with authority to assess whether legislative acts of the Parliament, President, Cabinet or Crimean Parliament are in line with the Constitution of Ukraine. This Court also gives commentaries to certain norms of the Constitution or laws of Ukraine (superior acts of Parliament).

The Constitutional Court draws conclusions and renders decisions in matters regarding: the constitutional legality of laws and legal acts

passed by the Verkhovna Rada, acts of the President, acts of the Cabinet of Ministers and acts of the Verkhovna Rada of the Autonomous Republic of Crimea; on the relationship of the Constitution of Ukraine to international treaties signed by Ukraine; on the legality of draft laws on changing the Constitution of Ukraine as delineated in its statutes; etc.

Its authority does not include questions on the legal aspect of acts of government organs, government organs of the Crimea, organs of city government or the competence of judges of the General Court of Competence.

The Constitutional Court by law does not have the right to change its decisions; it can only review a decision if new factors arise that were not known earlier. Decisions of the Constitutional Court are binding, final, and cannot be appealed.

The Constitutional court consists of 18 judges. The judges are appointed by various sectors of the Ukrainian government. The President appoints six, the Verkhovna Rada six and the Congress of Judges six. By the Constitution, a judge's term of office is nine years. He can work until he is 65 years old. A judge must be a citizen of Ukraine and must have attained the age of forty; must have a higher legal education and professional experience of no less than 10 years; resided in Ukraine for the last twenty years; has a command of the state language.

The Chairman of the Court is elected by secret ballot for a single three-year term from and by the members of the Court. Each Constitutional Court judge must vote for or against a case (he does not have the right to abstain).

If during a criminal or a civil case, a question is raised about the constitutional merits of the proceeding or on constitutional rights, it should be referred to the plenum of the Supreme Court, whether at the time the matter is before a district court, a city court, an oblast court or the Supreme Court. The plenum has the responsibility to decide whether a constitutional question does exist in the case.

## THE GENERAL COURT OF COMPETENCE

The judiciary in Ukraine is based on the territorial principle and the principles of specialization and instance hierarchy. The system of the judiciary includes: **trial courts, courts of appeal and the Supreme Court** as the highest court. To consider some categories of cases **high specialized courts** operate in the system of the judiciary.

**Trial courts** specialize in civil, criminal, commercial, administrative cases and cases of administrative offenses. A trial court is the court of first instance and administer justice in the manner stipulated by the procedural law. Generally, all disputes should initially be submitted to trial courts. However, there are a few types of administrative cases (e.g., challenge of legislative acts, cases related to voting procedure, etc.), as well as civil cases against judges that are adjudicated by appellate or higher specialized courts as courts of first instance. In total, there are 27 local commercial courts and 27 local administrative courts as these specialized courts are created in each region (oblast), the cities of Kyiv and Sevastopol, and in the Autonomous Republic of Crimea. Also, there are over 700 local common courts.

Trial courts are circuit courts which are established in one or several rayons or disctricts or in a city or in a rayon (rayons) and city (cities). A trial court consists of trial court judges, one of whom is appointed as Chief Judge of the court and, in cases determined by law, Deputy Chief Judge or Deputy Chief Judges.

The defendant has the option of having defence counsel, which occurs in about half the cases. There are cases when defence counsel is mandatory and assigned by the court.

Concerning commercial and administrative matters the court is an independent body responsible for reviewing and settling contractual disputes among legal entities, government bodies and other official organs. Essentially, its job is to determine whether terms exist for breaking a contract and what they are; to decide whether a contract exists and what are the promises offered by the parties to the dispute; and then to rule in favour of one of the parties. In the proceeding the court does not dole out punishment, it upholds the remedy offered by the winning party. Today a typical case before the court is a disagreement over the terms of lease contracts for buildings and apartments. The court also rules on disputes between government administrative bodies and legal individuals.

It is the lawyer's responsibility to determine the facts, properly prepare the documents, and be aware of applicable laws.

The rayon courts handle civil matters, with certain exceptions, including inter-confessional religious disagreements, which fall under the jurisdiction of the oblast court. The rayon court handles administrative complaints also. These are lesser legal matters in which

there is usually no harm done to another person: prostitution, minor hooliganism, public drunkenness, unruly behaviour, etc.

Parties in criminal or civil matters have the ability to file appeals on judgments rendered by the rayon courts to the oblast court. In civil matters, the appealing party has seven days to submit all relevant documents; in criminal matters 10 days are allowed.

The oblast court's responsibility is to review matters on appeal from the rayon courts for their legal and procedural soundness. Oblast judges can abandon the verdict of the lower court and return the case for retrial, they can uphold the verdict, or they can change the verdict. The court cannot, however, hand down a harsher ruling. Decisions are not often changed. There have to be unusual circumstances. The oblast court hears criminal complaints of the first instance in serious crimes as well, which include murder, burglary, rape and treason, among other charges.

**Appellate courts** operate as courts of appeals and in cases determined by procedural law – as courts of first instance for consideration of civil, criminal, commercial, administrative cases and cases of administrative offenses. Common appellate courts are created in each region, Kyiv, Sevastopol, and Crimea. There are fewer commercial and administrative appellate courts, and their jurisdiction usually encompasses several regions.

An appellate court may establish judicial chambers for consideration of different categories of cases. A judicial chamber shall be headed by the Secretary of the judicial chamber, elected from among the judges of that court for a three-year term. The decision on establishment of a judicial chamber, its personal composition and on election of the Secretary of the judicial chamber shall be taken by the meeting of judges of the appellate court upon the proposal by Chief Judge of the court. The Chief judge of the court of appeals shall represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities. The Chief judge of the appellate court shall issue orders and instructions on matters within their administrative authority.

Trial general courts and appellate courts apply specialization of judges for criminal proceedings in regard of juveniles.

Within the system of the judiciary, **high specialized courts** function as courts of first instance for consideration of some categories of cases. The high specialized courts are as follows: the High Court on Intellectual Issues and the High Anti-Corruption Court. Cases

concerning corruption in Ukraine are to be brought directly to the High Anti-Corruption Court of Ukraine established in 2019. Appeals are considered by a completely separate Appeal Chamber of the **High Anti-Corruption Court**.

**The Supreme Court** – the highest court in the system of the judiciary of Ukraine – administers justice as a court of cassation instance and in cases stipulated by procedural law – as a court of first or appellate instance within the procedure established by procedural law. Its objective is to form unanimous and consistent court practice. Within the Supreme Court there are: Grand Chamber of the Supreme Court; Administrative Cassation Court; Commercial Cassation Court; Criminal Cassation Court; and Civil Cassation Court. Each cassation court includes judges of the respective specialization.

The Supreme Court issues conclusions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the system of the judiciary. It also shall issue an opinion on presence or absence in actions charged against the President of Ukraine of signs of treason or other crimes; upon request of the Verkhovna Rada of Ukraine, present a written motion on incapability of the President of Ukraine to exercise their powers for health reasons.

The Supreme Court shall address the Constitutional Court of Ukraine regarding constitutionality of laws and other legal acts, as well as regarding the official interpretation of the Constitution of Ukraine.

The Supreme Court of Ukraine also hears cases in exceptional circumstances, such as if an international jurisdiction body recognized by Ukraine (such as the European Court of Human Rights) determines that Ukraine has breached its international obligations while adjudicating the case in its courts.

Ukraine has introduced special rules on administration of justice in Crimea and Sevastopol that have the status of temporary occupied territories under Ukrainian law, as well as the rebel-held parts of eastern regions of Donetsk and Luhansk, i.e., the 'anti-terrorist' operation zone ("ATO zone"). As regards the ATO zone courts, their territorial jurisdiction has been transferred to the courts in neighboring regions. Also, efforts are made to physically relocate courts from Donetsk and Luhansk to other cities under the control of Ukrainian authorities.



## Active Vocabulary

1. **The Constitutional Court** – Конституційний суд;
2. **The General Court of Competence** – Суд загальної юрисдикції;
3. **Trial Court** – Суд першої інстанції;
4. **The High Anti-Corruption Court** – Вищий антикорупційний суд;
5. **The Supreme Court** – Верховний суд.

**6. handle** (v) 1) вирішувати, управлятися, справлятися;  
розм.: The lawyer handles all my affairs – адвокат вирішує всі мої проблеми;  
Syn: cope;  
2) управляти, завідувати; контролювати; командувати;  
to learn how to handle one's feelings – навчитися контролювати свої почуття;  
Syn: manage, conduct, direct, control;  
3) мати справу; стикатися.

**7. dispute** (n) 1) диспут, дискусія, дебати, полеміка (about, over; with);  
to stir up a dispute about – викликати суперечки про;  
bitter dispute – уїдлива полеміка;  
heated dispute, sharp dispute – гаряча суперечка;  
public dispute – суспільна полеміка;  
beyond dispute, out dispute, past dispute, without dispute – поза сумнівом, безперечно;  
Syn: controversy, debate;  
2) суперечка, розбіжності; сперечання, сварка;  
to arbitrate, resolve, settle a dispute – вирішувати суперечку;  
Syn: controversy, quarre.

**8. legal entity** юридична особа;  
Syn. legal individual, legal person.

**9. punishment** (n) покарання;

punishment as a deterrent – покарання як засіб страхання;  
 punishment endured – відбуте покарання;  
 on pain punishment – під страхом покарання;  
 to commute punishment – пом'якшувати покарання;  
 to give punishment – карати;  
 to make punishment fit crime – призначити покарання пропорційно вчиненому злочину;  
 to mitigate punishment – пом'якшувати покарання.

- 10. uphold** (v) надавати (засіб правового захисту); підтримувати; задовольняти (скаргу, позов та ін.).
- 11. remedy** (n) 1) засіб судового захисту, засіб захисту права; remedy at law – 1. засіб правового, судового захисту; 2. засіб судового захисту по загальному праву; remedy over – право регресу;  
 (v) 1) надавати засіб правового захисту; to remedy a grievance – вживати заходів за скаргою, задовольняти скаргу.
- 12. lease** (n) 1. а) оренда, наймання; to cancel a lease – припинити оренду; a lease expires, runs out – оренда кінчається; under (a) lease – в оренді; to hold land under lease – орендувати землю; напр.: He has a flat on a long lease. – Він знімає квартиру на довгий термін. to renew a lease – відновити оренду; to take on lease – орендувати;  
 б) lease contract – договір про оренду; в) термін оренди.
- 13. decision** (n) 1) рішення; 2) рішення суду; рішення арбітражу; decision in action – рішення по позову; decision in X v. Y – рішення по позову X проти Y; decision on merits (on substance) – рішення по суті (справи);

decision is pending – рішення ще не винесено;  
to reach a decision – 1. прийти до рішення 2.  
добитися рішення;  
decision under statute – рішення, винесене на  
підставі (даного) статуту.

- 14. abstain** (v) утримуватися (від здійснення дії);  
to abstain from force – утримуватися від  
застосування сили;  
to abstain from voting – утримуватися від  
голосування.
- 15. implement** (v) виконувати, здійснювати; вводити в дію.
- 16. defendant** (n) 1) відповідач; 2) обвинувачений; 3) підсудний;  
defendant in a criminal prosecution – 1.  
обвинувачений 2. підсудний; defendant in  
attendance – присутній в суді відповідач або  
підсудний; defendant in custody – підсудний, що  
знаходиться під вартою;  
defendant in error – відповідач по апеляції;  
defendants joined for trial – відповідачі або  
підсудні, справи яких об'єднані для сумісного  
розгляду в суді;  
defendant not in custody – підсудний, що  
знаходиться на волі; defendant pending appeal –  
підсудний, який чекає результатів розгляду  
апеляційної скарги на ухвалений по його справі  
вирок.
- 17. defence counsel** - адвокат відповідача; адвокат захисту, захисник.
- 18. complaint** (n) 1) скарга; рекламація; претензія; 2) позов;  
3) офіційне звинувачення;  
to address a complaint – звернутися зі скаргою;  
to lodge [to make] a complaint – принести [подати]  
скаргу  
civil complaint – позов;  
criminal complaint – звинувачення у скоєнні  
злочину;  
cross complaint – зустрічна скарга.

**19. verdict** (n) рішення присяжних, вердикт;  
verdict against evidence – вердикт, винесений в суперечності з доказами; verdict is in – вердикт винесений;  
to arrive at a verdict – зробити висновок, необхідний і достатній для вердикту;  
to attain a verdict – винести вердикт;  
verdict to be unanimous – вимога одноголосності при винесенні вердикту;  
to reach a verdict – винести вердикт;  
to receive a verdict – отримати вердикт.

**20. charge** (n) 1) звинувачення; пункт звинувачення;  
2) заключне звернення судді до присяжних (перед винесенням ними вердикту);  
3) завідування; керівництво; ведення; піклування;  
4) особа, що знаходиться під опікою;  
5) ціна; витрата; нарахування; збір; податок;  
on a false charge – по помилковому звинуваченню(у злочині);  
on a charge – по звинуваченню (у злочині);  
charge on oath – звинувачення під присягою;  
charge on merits – звинувачення по суті справи;  
charge on trial – звинувачення на розгляді суду; to bring a charge – висунути звинувачення;  
to deny a charge – 1. заперечувати, відкидати або спросто-вувати звинувачення; 2. відмовитися від (пред'явленого) звинувачення;  
to detail a charge – конкретизувати звинувачення;  
to dismiss a charge – відхилити звинувачення;  
to drop a charge – відмовитися від звинувачення;  
to face a charge – бути звинуваченим, піддатися звинуваченню;  
to file a charge – висунути звинувачення;  
to charge forward – накласти платіж; стягнути післяплатою;  
to give smb in charge – здати когось поліції, передати в руки поліції.

- to be in charge – знаходитися під арештом;  
 (v) 1) звинувачувати;  
 2) призначити ціну; покладати витрату на когось;  
 нараховувати; обкладати;  
 3) бути під опікою, знаходитися на зберіганні у  
 когось;  
 to be in charge – 1. відати чимось ; мати когось під  
 опікою або щось на зберіганні;
- 21. murder** (n) 1) вбивство;  
 brutal, grisly, heinous, vicious, wanton murder –  
 жахливе, звіряче, безглузде вбивство;  
 multiple murders, serial murders – серія вбивств;  
 to commit murder – скоїти вбивство;  
 cold-blooded murder – навмисне вбивство;  
 холоднокрровне вбивство; premeditated murder —  
 навмисне вбивство;  
 ritual murder – ритуальне вбивство;  
 mass murder – масова різанина;  
 Syn: assassination.
- 22. burglary** (n) нічна крадіжка зі зломом;  
 to commit (a) burglary – вчинити крадіжку зі зломом;  
 Syn: robbery.
- 23. rape** (n) зґвалтування;  
 rape at common law – зґвалтування по звичаєвому  
 праву;  
 rape deceit – зґвалтування із застосуванням обману;  
 rape impersonation – зґвалтування із застосуванням  
 імперсонації (видачі себе за чоловіка потерпілої).  
 (v) насилувати, зґвалтувати;
- 24. treason** (n) 1) зрада (державна) – high treason; 2) розм. подружняя  
 зрада; 3) рl зрадницькі дії.
- 25. suit** (n) 1) позов; переслідування по суду; судова справа;  
 судова тяжба; судовий процес; судочинство;  
 suit at common law – позов, що розглядається по  
 нормах звичаєвого права;  
 suit at law – судовий процес; правова суперечка;

suit for alimony – позов про аліменти;  
suit for pardon – клопотання про помилування;  
suit for support – позов про надання матеріальної підтримки; позов про аліменти;  
suit in equity – позов, що розглядається по нормах права справедливості; suit in law – позов, що розглядається по нормах звичаєвого або статутного права;  
suit in rem – речовий позов;  
to lose a suit – програти судовий процес;  
to mount a suit – пред’явити позов;  
to press a suit – чинити тиск на хід судового процесу;  
to win a suit – виграти судовий процес.

### **I. Answer the questions:**

1. What does the Constitutional Court draw and render?
2. Does any Constitutional Court judge have the right to abstain?
3. What categories by specialization is the General Court divided into?
4. How do the functions of trial, appellate and specialized courts differ?
5. What kinds of cases does the Court of General Jurisdiction handle?
6. What is the structure and responsibilities of the Supreme Court? Ask 5 questions of your own on the text.

### **II. Give English equivalents:**

- скарги по кримінальним справам;
- адвокат (захисник);
- цивільні справи;
- суд першої інстанції;
- виплата боргів.

### **III. Quote the sentences where the following phrases are used:**

- legal aspect of acts;
- to adjudicate disputes;
- legal entity;
- Constitutional Court judge;

- disagreements on contractual responsibilities;
- lawyer's responsibility;
- applicable law;
- to vote for or against a case.

**IV. Match each word or expression on the left with the correct definition on the right:**

Dispute	the crime of killing someone;
Legality	the crime of getting into a building at night to steal;
Burglary	the crime of being disloyal to your country or its government;
Treason	situation in which people disagree with each other;
Murder	the fact of being allowed by law.

**V. Use the words and word combinations given in the Active Vocabulary to make up the sentences of your own.**

**VI. Translate the sentences into Ukrainian.**

1. My lawyer will handle all the details.
2. Few would dispute that travel broadens the mind.
3. We are determined that terrorism will not escape punishment.
4. They want to uphold traditional family values.
5. Pilots must abstain from alcohol for 24 hours before flying.

**VII. Complete the following sentences with the words and expressions: *complaints, charge, defendant, decision, punishment.***

1. A \_\_\_\_\_ is a formal accusation of having committed a criminal offence.
2. One of the purposes of \_\_\_\_\_ is to correct the offender's moral attitudes and anti-social behaviour.
3. The judges' \_\_\_\_\_ is final.
4. The jury found the \_\_\_\_\_ not guilty.
5. All \_\_\_\_\_ against police officers are carefully investigated.

**VIII. Give short summary of the text.**

## **IX. Discuss the problems.**

1. The Constitution provides that judges are immune from prosecution for their decisions, which should enhance their ability to render impartial decisions. But the attainment of such impartiality is threatened by other provisions, such as the finite term of appointment to the Court. As a result of this term limit, some judges will face the prospect of seeking future employment and, with that in mind, may favor one resolution over another.
2. Despite the constitutional provision for a unified system of courts of general jurisdiction, the Constitution, in fact, prevents the establishment of a truly unified judiciary, because divisions between the courts of general jurisdiction and the Constitutional Court are not clear. This lack of unity becomes apparent when the jurisdiction of the courts of general jurisdiction is compared with that of the Court.
3. The future of the Constitutional Court depends on its judges' collective and singular credibility.



## CONSTITUTION OF UKRAINE

### Chapter II

#### Human and Citizens' Rights, Freedoms and Duties

##### 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 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 of 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 incorrect 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.

## **Chapter IV**

### **Verkhovna Rada of Ukraine**

#### **Article 75**

- The sole body of legislative power in Ukraine is the Parliament – the Verkhovna Rada of Ukraine.

#### **Article 76**

- The constitutional composition of the Verkhovna Rada of Ukraine consists of 450 National Deputies of Ukraine who are elected for a five-year term on the basis of universal, equal and direct suffrage, by secret ballot.
- A citizen of Ukraine who has attained the age of twenty-one on the day of elections, has the right to vote, and has resided on the territory of Ukraine for the past five years, may be a National Deputy of Ukraine.
- A citizen who has a criminal record for committing an intentional crime shall not be elected to the Verkhovna Rada of Ukraine if the record is not cancelled and erased by the procedure established by law.
- The authority of National Deputies of Ukraine is determined by the Constitution and the laws of Ukraine.

#### **Article 77**

- Regular elections to the Verkhovna Rada of Ukraine are held on the last Sunday of the last month of the fifth year of powers of the Verkhovna Rada of Ukraine.
- Special elections to the Verkhovna Rada of Ukraine are designated by the President of Ukraine and are held within sixty days from the day of the publication of the decision on the pre-term termination of authority of the Verkhovna Rada of Ukraine.
- The procedure for conducting elections of National Deputies of Ukraine is established by law.

#### **Article 78**

- National Deputies of Ukraine shall not have another representative mandate or be in the civil service.
- Requirements concerning the incompatibility of the mandate of the deputy with other types of activity are established by law

## **Article 79**

- Before assuming office, National Deputies of Ukraine take the following oath before the Verkhovna Rada of Ukraine:
- “I swear allegiance to Ukraine. I commit myself with all my deeds to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and for the welfare of the Ukrainian people.
- I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to carry out my duties in the interests of all compatriots.”
- The oath is read by the eldest National Deputy of Ukraine before the opening of the first session of the newly-elected Verkhovna Rada of Ukraine, after which the deputies affirm the oath with their signatures below its text.
- The refusal to take the oath results in the loss of the mandate of the deputy.
- The authority of National Deputies of Ukraine commences from the moment of the taking of the oath.

## **Article 80**

- National Deputies of Ukraine are guaranteed parliamentary immunity.
- National Deputies of Ukraine are not legally liable for the results of voting or for statements made in Parliament and in its bodies, with the exception of liability for insult or defamation.
- National Deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine.

## **Article 81**

- The authority of National Deputies of Ukraine terminates simultaneously with the termination of authority of the Verkhovna Rada of Ukraine.
- The authority of a National Deputy of Ukraine terminates prior to the expiration of the term in the event of:
  - 1) his or her resignation through a personal statement;
  - 2) a guilty verdict against him or her entering into legal force;
  - 3) a court declaring him or her incompetent or missing;



- 4) termination of his or her citizenship or his or her departure from Ukraine for permanent residence abroad;
- 5) his or her death.
- The decision about the pre-term termination of authority of a National Deputy of Ukraine is adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine.
- In the event a requirement concerning incompatibility of the mandate of the deputy with other types of activity is not fulfilled, the authority of the National Deputy of Ukraine terminates prior to the expiration of the term on the basis of the law or to a court decision.

### **Article 82**

- The Verkhovna Rada of Ukraine works in sessions.
- The Verkhovna Rada of Ukraine is competent on the condition that no less than two-thirds of its constitutional composition has been elected.
- The Verkhovna Rada of Ukraine assembles for its first session no later than on the thirtieth day after the official announcement of the election results.
- The first meeting of the Verkhovna Rada of Ukraine is opened by the eldest National Deputy of Ukraine.
- The operational procedure of the Verkhovna Rada of Ukraine is established by the Constitution of Ukraine and the law on the Rules of Procedure of the Verkhovna Rada of Ukraine.

### **Article 83**

- Regular sessions of the Verkhovna Rada of Ukraine commence on the first Tuesday of February and on the first Tuesday of September each year.
- Special sessions of the Verkhovna Rada of Ukraine, with the stipulation of their agenda, are convoked by the Chairman of the Verkhovna Rada of Ukraine, on the demand of no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Verkhovna Rada of Ukraine, or on the demand of the President of Ukraine.
- In the event of the introduction of martial law or of a state of emergency in Ukraine, the Verkhovna Rada of Ukraine assembles within a period of two days without convocation.

- In the event that the term of authority of the Verkhovna Rada of Ukraine expires while martial law or a state of emergency is in effect, its authority is extended until the day of the first meeting of the first session of the Verkhovna Rada of Ukraine , elected after the cancellation of martial law or of the state of emergency.

#### **Article 84**

- Meetings of the Verkhovna Rada of Ukraine are conducted openly. A closed meeting is conducted on the decision of the majority of the constitutional composition of the Verkhovna Rada of Ukraine.
- Decisions of the Verkhovna Rada of Ukraine are adopted exclusively at its plenary meetings by voting.
- Voting at the meetings of the Verkhovna Rada of Ukraine is performed by a National Deputy of Ukraine in person.

#### **Article 85**

- The authority of the Verkhovna Rada of Ukraine comprises:
- 1) introducing amendments to the Constitution of Ukraine within the limits and by the procedure envisaged by Chapter XIII of this Constitution;
- 2) designating an All-Ukrainian referendum on issues determined by Article 73 of this Constitution;
- 3) adopting laws;
- 4) approving the State Budget of Ukraine and introducing amendments to it; controlling the implementation of the State Budget of Ukraine and adopting decisions in regard to the report on its implementation;
- 5) determining the principles of domestic and foreign policy;
- 6) approving national programmes of economic, scientific and technical, social, national and cultural development, and the protection of the environment;
- 7) designating elections of the President of Ukraine within the terms envisaged by this Constitution;
- 8) hearing annual and special messages of the President of Ukraine on the domestic and foreign situation of Ukraine;
- 9) declaring war upon the submission of the President of Ukraine and concluding peace, approving the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other

military formations in the event of armed aggression against Ukraine;

- 10) removing the President of Ukraine from office in accordance with the special procedure (impeachment) established by Article 111 of this Constitution;
- 11) considering and adopting the decision in regard to the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine;
- 12) giving consent to the appointment of the Prime Minister of Ukraine by the President of Ukraine;
- 13) exercising control over the activity of the Cabinet of Ministers of Ukraine in accordance with this Constitution;
- 14) confirming decisions on granting loans and economic aid by Ukraine to foreign states and international organisations and also decisions on Ukraine receiving loans not envisaged by the State Budget of Ukraine from foreign states, banks and international financial organisations, exercising control over their use;
- 15) appointing or electing to office, dismissing from office, granting consent to the appointment to and the dismissal from office of persons in cases envisaged by this Constitution;
- 16) appointing to office and dismissing from office the Chairman and other members of the Chamber of Accounting;
- 17) appointing to office and dismissing from office the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine; hearing his or her annual reports on the situation of the observance and protection of human rights and freedoms in Ukraine;
- 18) appointing to office and dismissing from office the Chairman of the National Bank of Ukraine on the submission of the President of Ukraine;
- 19) appointing and dismissing one-half of the composition of the Council of the National Bank of Ukraine;
- 20) appointing one-half of the composition of the National Council of Ukraine on Television and Radio Broadcasting;
- 21) appointing to office and terminating the authority of the members of the Central Electoral Commission on the submission of the President of Ukraine;

- 22) confirming the general structure and numerical strength, and defining the functions of the Armed Forces of Ukraine, the Security Service of Ukraine and other military formations created in accordance with the laws of Ukraine, and also the Ministry of Internal Affairs of Ukraine;
- 23) approving decisions on providing military assistance to other states, on sending units of the Armed Forces of Ukraine to another state, or on admitting units of armed forces of other states on to the territory of Ukraine;
- 24) granting consent for the appointment to office and the dismissal from office by the President of Ukraine of the Chairman of the Antimonopoly Committee of Ukraine, the Chairman of the State Property Fund of Ukraine and the Chairman of the State Committee on Television and Radio Broadcasting of Ukraine;
- 25) granting consent for the appointment to office by the President of Ukraine of the Procurator General of Ukraine; declaring no confidence in the Procurator General of Ukraine that has the result of his or her resignation from office;
- 26) appointing one-third of the composition of the Constitutional Court of Ukraine;
- 27) electing judges for permanent terms;
- 28) terminating prior to the expiration of the term of authority of the Verkhovna Rada of the Autonomous Republic of Crimea, based on the opinion of the Constitutional Court of Ukraine that the Constitution of Ukraine or the laws of Ukraine have been violated by the Verkhovna Rada of the Autonomous Republic of Crimea; designating special elections to the Verkhovna Rada of the Autonomous Republic of Crimea;
- 29) establishing and abolishing districts, establishing and altering the boundaries of districts and cities, assigning inhabited localities to the category of cities, naming and renaming inhabited localities and districts;
- 30) designating regular and special elections to bodies of local self-government;
- 31) confirming, within two days from the moment of the address by the President of Ukraine, decrees on the introduction of

martial law or of a state of emergency in Ukraine or in its particular areas, on total or partial mobilisation, and on the announcement of particular areas as zones of an ecological emergency situation;

- 32) granting consent to the binding character of international treaties of Ukraine within the term established by law, and denouncing international treaties of Ukraine;
- 33) exercising parliamentary control within the limits determined by this Constitution;
- 34) adopting decisions on forwarding an inquiry to the President of Ukraine on the demand of a National Deputy of Ukraine, a group of National Deputies or a Committee of the Verkhovna Rada of Ukraine, previously supported by no less than one-third of the constitutional composition of the Verkhovna Rada of Ukraine;
- 35) appointing to office and dismissing from office the Head of Staff of the Verkhovna Rada of Ukraine; approving the budget of the Verkhovna Rada of Ukraine and the structure of its staff;
- 36) confirming the list of objects of the right of state property that are not subject to privatisation; determining the legal principles for the expropriation of objects of the right of private property.
- The Verkhovna Rada of Ukraine exercises other powers ascribed to its competence in accordance with the Constitution of Ukraine.

#### **Article 86**

- At a session of the Verkhovna Rada of Ukraine, a National Deputy of Ukraine has the right to present an inquiry to the bodies of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, chief officers of other bodies of state power and bodies of local self-government, and also to the chief executives of enterprises, institutions and organisations located on the territory of Ukraine, irrespective of their subordination and forms of ownership.
- Chief officers of bodies of state power and bodies of local self-government, chief executives of enterprises, institutions and organisations are obliged to notify a National Deputy of Ukraine of the results of the consideration of his or her inquiry.

### **Article 87**

- The Verkhovna Rada of Ukraine, on the proposal of no fewer National Deputies of Ukraine than one-third of its constitutional composition, may consider the issue of responsibility of the Cabinet of Ministers of Ukraine and adopt a resolution of no confidence in the Cabinet of Ministers of Ukraine by the majority of the constitutional composition of the Verkhovna Rada of Ukraine.
- The issue of responsibility of the Cabinet of Ministers of Ukraine shall not be considered by the Verkhovna Rada of Ukraine more than once during one regular session, and also within one year after the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine.

### **Article 88**

- The Verkhovna Rada of Ukraine elects from among its members the Chairman of the Verkhovna Rada of Ukraine, the First Deputy Chairman and the Deputy Chairman of the Verkhovna Rada of Ukraine, and recalls them.
- The Chairman of the Verkhovna Rada of Ukraine:
  - 1) presides at meetings of the Verkhovna Rada of Ukraine;
  - 2) organises the preparation of issues for consideration at the meetings of the Verkhovna Rada of Ukraine;
  - 3) signs acts adopted by the Verkhovna Rada of Ukraine;
  - 4) represents the Verkhovna Rada of Ukraine in relations with other bodies of state power of Ukraine and with the bodies of power of other states;
  - 5) organises the work of the staff of the Verkhovna Rada of Ukraine.
- The Chairman of the Verkhovna Rada of Ukraine exercises authority envisaged by this Constitution, by the procedure established by law on the Rules of Procedure of the Verkhovna Rada of Ukraine.

### **Article 89**

- The Verkhovna Rada of Ukraine confirms the list of Committees of the Verkhovna Rada of Ukraine, and elects Chairmen to these Committees.
- The Committees of the Verkhovna Rada of Ukraine perform the work of legislative drafting, prepare and conduct the

preliminary consideration of issues ascribed to the authority of the Verkhovna Rada of Ukraine.

- The Verkhovna Rada of Ukraine, within the limits of its authority, may establish temporary special commissions for the preparation and the preliminary consideration of issues.
- To investigate issues of public interest, the Verkhovna Rada of Ukraine establishes temporary investigatory commissions, if no less than one-third of the constitutional composition of the Verkhovna Rada of Ukraine has voted in favour thereof.
- The conclusions and proposals of temporary investigatory commissions are not decisive for investigation and court.
- The organisation and operational procedure of Committees of the Verkhovna Rada of Ukraine, and also its temporary special and temporary investigatory commissions, are established by law.

#### **Article 90**

- The authority of the Verkhovna Rada of Ukraine is terminated on the day of the opening of the first meeting of the Verkhovna Rada of Ukraine of a new convocation.
- The President of Ukraine may terminate the authority of the Verkhovna Rada of Ukraine prior to the expiration of term, if within thirty days of a single regular session the plenary meetings fail to commence.
- The authority of the Verkhovna Rada of Ukraine, that is elected at special elections conducted after the pre-term termination by the President of Ukraine of authority of the Verkhovna Rada of Ukraine of the previous convocation, shall not be terminated within one year from the day of its election.
- The authority of the Verkhovna Rada of Ukraine shall not be terminated prior to the expiration of term within the last six months of the term of authority of the President of Ukraine.

#### **Article 91**

- The Verkhovna Rada of Ukraine adopts laws, resolutions and other acts by the majority of its constitutional composition, except in cases envisaged by this Constitution.

#### **Article 92**

- The following are determined exclusively by the laws of Ukraine:

- 1) human and citizens' rights and freedoms, the guarantees of these rights and freedoms; the main duties of the citizen;
- 2) citizenship, the legal personality of citizens, the status of foreigners and stateless persons;
- 3) the rights of indigenous peoples and national minorities;
- 4) the procedure for the use of languages;
- 5) the principles of the use of natural resources, the exclusive (maritime) economic zone and the continental shelf, the exploration of outer space, the organisation and operation of power supply systems, transportation and communications;
- 6) the fundamentals of social protection, the forms and types of pension provision; the principles of the regulation of labour and employment, marriage, family, the protection of childhood, motherhood and fatherhood; upbringing, education, culture and health care; ecological safety;
- 7) the legal regime of property;
- 8) the legal principles and guarantees of entrepreneurship; the rules of competition and the norms of antimonopoly regulation;
- 9) the principles of foreign relations, foreign economic activity and customs;
- 10) the principles of the regulation of demographic and migration processes;
- 11) the principles of the establishment and activity of political parties, other associations of citizens, and the mass media;
- 12) the organisation and activity of bodies of executive power, the fundamentals of civil service, the organisation of state statistics and informatics;
- 13) the territorial structure of Ukraine;
- 14) the judicial system, judicial proceedings, the status of judges, the principles of judicial expertise, the organisation and operation of the procuracy, the bodies of inquiry and investigation, the notary, the bodies and institutions for the execution of punishments; the fundamentals of the organisation and activity of the advocacy;
- 15) the principles of local self-government;
- 16) the status of the capital of Ukraine; the special status of other cities;



- 17) the fundamentals of national security, the organisation of the Armed Forces of Ukraine and ensuring public order;
- 18) the legal regime of the state border;
- 19) the legal regime of martial law and a state of emergency, zones of an ecological emergency situation;
- 20) the organisation and procedure for conducting elections and referendums;
- 21) the organisation and operational procedure of the Verkhovna Rada of Ukraine, the status of National Deputies of Ukraine;
- 22) the principles of civil legal liability; acts that are crimes, administrative or disciplinary offences, and liability for them.
- The following are established exclusively by the laws of Ukraine:
  - 1) the State Budget of Ukraine and the budgetary system of Ukraine; the system of taxation, taxes and levies; the principles of the formation and operation of financial, monetary, credit and investment markets; the status of the national currency and also the status of foreign currencies on the territory of Ukraine; the procedure for the formation and payment of state domestic and foreign debt; the procedure for the issuance and circulation of state securities, their types and forms;
  - 2) the procedure for deploying units of the Armed Forces of Ukraine to other states; the procedure for admitting and the terms for stationing units of armed forces of other states on the territory of Ukraine;
  - 3) units of weight, measure and time; the procedure for establishing state standards;
  - 4) the procedure for the use and protection of state symbols;
  - 5) state awards;
  - 6) military ranks, diplomatic and other special ranks;
  - 7) state holidays;
  - 8) the procedure for the establishment and functioning of free and other special zones that have an economic and migration regime different from the general regime.
- Amnesty is declared by the law of Ukraine.

### **Article 93**

- The right of legislative initiative in the Verkhovna Rada of Ukraine belongs to the President of Ukraine, the National

Deputies of Ukraine, the Cabinet of Ministers of Ukraine and the National Bank of Ukraine.

- Draft laws defined by the President of Ukraine as not postponable, are considered out of turn by the Verkhovna Rada of Ukraine.

#### **Article 94**

- The Chairman of the Verkhovna Rada of Ukraine signs a law and forwards it without delay to the President of Ukraine.
- Within fifteen days of the receipt of a law, the President of Ukraine signs it, accepting it for execution, and officially promulgates it, or returns it to the Verkhovna Rada of Ukraine with substantiated and formulated proposals for repeat consideration.
- In the event that the President of Ukraine has not returned a law for repeat consideration within the established term, the law is deemed to be approved by the President of Ukraine and shall be signed and officially promulgated.
- If a law, during its repeat consideration, is again adopted by the Verkhovna Rada of Ukraine by no less than two-thirds of its constitutional composition, the President of Ukraine is obliged to sign and to officially promulgate it within ten days.
- A law enters into force in ten days from the day of its official promulgation, unless otherwise envisaged by the law itself, but not prior to the day of its publication.

#### **Article 95**

- The budgetary system of Ukraine is built on the principles of just and impartial distribution of social wealth among citizens and territorial communities.
- Any state expenditures for the needs of the entire society, the extent and purposes of these expenditures, are determined exclusively by the law on the State Budget of Ukraine.
- The State aspires to a balanced budget of Ukraine.
- Regular reports on revenues and expenditures of the State Budget of Ukraine shall be made public.

#### **Article 96**

- The State Budget of Ukraine is annually approved by the Verkhovna Rada of Ukraine for the period from 1 January to 31

December, and under special circumstances for a different period.

- The Cabinet of Ministers of Ukraine submits the draft law on the State Budget of Ukraine for the following year to the Verkhovna Rada of Ukraine no later than on 15 September of each year. The report on the course of the implementation of the State Budget of Ukraine in the current year is submitted together with the draft law.

**Article 97**

- The Cabinet of Ministers of Ukraine submits the report on the implementation of the State Budget of Ukraine to the Verkhovna Rada of Ukraine in accordance with the law.
- The submitted report shall be made public.

**Article 98**

- The Chamber of Accounting exercises control over the use of finances of the State Budget of Ukraine on behalf of the Verkhovna Rada of Ukraine.

**Article 99**

- The monetary unit of Ukraine is the hryvnia.
- To ensure the stability of the monetary unit is the major function of the central bank of the State — the National Bank of Ukraine.

**Article 100**

- The Council of the National Bank of Ukraine elaborates the basic principles of monetary and credit policy and exercises control over its execution.
- The legal status of the Council of the National Bank of Ukraine is determined by law.

**Article 101**

- The Authorised Human Rights Representative of the Verkhovna Rada of Ukraine exercises parliamentary control over the observance of constitutional human and citizens' rights and freedoms.

## II JUDICIAL REFORM IN UKRAINE

In order to bring the provisions of the legislation of Ukraine in line with the Decision of the CCU as of 11.03.2020 № 4-r / 2020 (hereinafter - the Decision), as well as improving the procedure of formation and operation of judicial authorities, taking into account consideration clauses, Venice Commission regarding certain provisions of the Law “On Amendments to the Law “On the Judiciary and the Status of Judges”” 16.10.2019 № 193-IX and certain Laws regarding activities of judicial authorities, 22.06.2020 the President of Ukraine submitted to the Verkhovna Rada and defined as urgent the draft Law “**On amendments to the Law “On the Judiciary and the Status of Judges” and some laws of Ukraine on the activities of the Supreme Court and judicial authorities** (Reg. № 3711) (hereinafter – draft Law № 3711).

04.11.2020 the draft Law № 3711 was reviewed at the session of the Verkhovna Rada Committee on Legal Policy, as a result of which the Committee recommended the Verkhovna Rada to adopt the draft Law based on the results of the consideration in the first reading.

05.11.2020 the Verkhovna Rada decided to send to the Verkhovna Rada Committee on Legal Policy to finalize the draft Law № 3711 and to prepare it for the repeated first reading.

On January 29, 2021, by the MP’s (Kostin A.E., Stefanchuk M.O. and others), according to the results of the finalization by the Verkhovna Rada Committee on Legal Policy, the draft Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges”” and some laws of Ukraine on resumption of the High Qualification Commission of Judges of Ukraine work (Reg. No. 3711-d) was submitted to the Verkhovna Rada of Ukraine.

In order to resump the work of the HQCJ, this draft Law, in particular, propose:

- define the procedure for forming the HQCJ, in particular, it is proposed to include 3 persons to the Selection board on Integrity among judges or retired judges, who proposed by the Council of Judges, and 3 persons nominated by the Council of Prosecutors, the Bar Council, the National Academy of Legal Sciences Presidium. At the same time, it is proposed the first Selection board on Integrity to form a new board of the HQCJ and will work during the year, to form

from 3 persons among judges or retired judges proposed by the Council of Judges of Ukraine and 3 persons from international experts proposed by international and foreign organizations with which Ukraine cooperates in the sphere of preventing and combating corruption in accordance with international agreements of Ukraine.

- establish clear deadlines for submitting proposals for candidates to the Selection Board on Integrity, its formation, determine the requirements for candidates to this commission, the rights and responsibilities of its members;
- define the procedure for selection and appointing a member of the HCJ.
- On March 03, 2021, the abovementioned draft Law was adopted in the first reading. On June 29, 2021, the draft Law was adopted by the Verkhovna Rada of Ukraine.

Pursuant of the abovementioned Decision of the Constitutional Court of Ukraine and the requirements of the Memorandum of Economic and Financial Policies on a new 18 months Stand-by Arrangement for Ukraine as of 02.06.2020 and Memorandum of Understanding between Ukraine as a Borrower and the European Union as a Lender on receiving by Ukraine of macro-financial assistance from the European Union in the amount of up to EUR 1 billion 200 million, ratified by Ukraine according to the Law of Ukraine as of 25.08.2020 №825-IX, the draft Law of Ukraine “**On making amendments to certain laws of Ukraine regarding the procedure of election (appointment) to positions members of the High Council of Justice and the activity of disciplinary inspectors of the High Council of Justice**”, was submitted to the consideration of the Verkhovna Rada of Ukraine in the order of legal initiative of the President of Ukraine and defined as urgent. By the draft Law it is proposed to define:

- the procedure for the formation, powers and activities of the Ethics Council to establish compliance of the candidate for the position of HJC member with the criteria of professional ethics and integrity;
- competitive principles of selection of candidates for implementation by the relevant body of election (appointment) of a HJC member;

- assessment by the Ethics Council within 3 months from the date of approval of its personnel of conformity of HJC members (except for the Chairman of the Supreme Court) elected (appointed) before the entry into force of this Law, the criteria of professional ethics and integrity;
- the order of activity of the Service of disciplinary inspectors of HJC, as an independent structural subdivision, appointment of disciplinary inspectors based on the results of the election, their legal status and scope of powers.

15.03.2021 the Chairman of the Verkhovna Rada of Ukraine appealed to the Venice Commission for an opinion on the draft Law № 5068.

05.05.2021 The Venice Commission issued an opinion in which the Venice Commission generally welcomed the draft Law № 5068, as it implements one of the key recommendations of the previous joint opinion on integrity and ethics in the High Council of Justice.

13.05.2021, based on the results of session of the Verkhovna Rada Committee on Legal Policy, it was decided to recommend the Verkhovna Rada to adopt the draft Law № 5068 as a basis based on the results of consideration in the first reading.

In addition, the Verkhovna Rada Committee on Legal Policy in its conclusion proposed to address the Speaker of the Verkhovna Rada a proposal to invite the subjects of legislative initiative to issue recommendations of the Venice Commission and the Directorate General for Human Rights and Rule of Law of the Council of Europe as amendments and proposals to the draft Law № 5068.

On May 19, 2021 the draft Law No. 5068 was adopted in the first reading.

Also, by the Decree of the President of Ukraine dated 11.06.2021 № 231/2021 was approved **the Strategy for the Development of the Justice system and Constitutional Judiciary for 2021-2023** (hereinafter - the Strategy), which defines the basic principles and directions of further sustainable functioning and development of the justice system taking into account the best international standards and practices.

The objectives of the Strategy for improving the Justice System are:

- outlining the range of issues related to the legislation on the judiciary system, the status of judges, the judiciary and the institutions of justice;
- identification of improvement areas of the provisions of the Constitution and Laws of Ukraine, priority measures to modernize the judiciary system, the status of judges, the judiciary and the institutions of justice;
- ensuring coordination and balance of the improvement process taking into account further harmonization of national legislation with the legislation of the European Union;
- increasing the efficiency of the organization of the judiciary and institutions of justice, strengthening public confidence to them.

Clause 2 of the above-mentioned Decree instructs the Commission on Legal Reform under the President of Ukraine to ensure the development with the participation of representatives of state bodies, local governments, civil society institutions, leading experts in various fields of law and international experts and approval of the Action Plan for the implementation of the Strategy.

## GLOSSARY

- Abduct** (v) to take someone away by force; kidnap.
- Abide** (v) to accept and obey a decision, rule, agreement etc.
- Abstain** (v) 1. to not vote either for or against something in an election.  
2. formal to not do something, especially something enjoyable.
- Accuse** (v) (of) to charge with an offence, crime; to blame.
- Accused** (adj) a person charged with an offence, the defendant in a criminal case.
- Accuser** (n) a person who accuses.
- Accusation** (n) a charge of wrongdoing; an allegation.
- Advocate** (n) 1. a person who defends or supports a cause or proposal;  
2. a professional pleader before a court.
- Advocacy** (n) 1. active support or pleading;  
2. defence.
- Act** (n) a statute, a formal record.
- Action** (n) proceeding taken in a court of law; also case, suit, lawsuit.
- Adopt** (v) 1. to legally make another person's child part of your family.  
2. to formally approve a proposal, especially by voting.
- Amend** (v) to change or modify for better, to improve.
- Amendment** (n) a written change or improvement to a law or document.
- Announce** (v) to officially tell people about a decision or something that will happen; to declare.
- Announcement** (n) 1. an important or official statement.  
2. the act of telling people something important is going to happen.
- Arson** (n) the criminal act of setting fire to property in order to cause destruction.
- Arsonist** (n) a criminal setting fire to property.
- Appeal** (v) to take a case to a higher court for a new decision.
- Appeal** (n) a legal proceeding by which a case is brought to a higher court for review.
- Appoint** (v) 1. to fix or name officially;  
2. to select for an office or position.
- Appointment** (n) selecting for an office.
- Appointee** (n) a person who is appointed.



- Argue** (v) to consider arguments for and against; to discuss.
- Assent** (v) to agree to smth.
- Assent** (n) an agreement.
- Assessor** (n) someone who knows a lot about a subject or activity and who advises a judge or an official committee.
- Authority** (n) the power you have because of your official position or because people respect you
- Authorize** (v) to give official or legal permission for something
- Branch** (n) 1. a division of an organisation of government (the legislative, the executive, the judicial);  
2. a distinct area of law (civil, criminal, etc.).
- Burglar** (n) one who breaks into houses to steal.
- Burglary** (n) act of breaking into houses to steal.
- Case** (n) any proceeding, action, cause, lawsuit or controversy initiated through the court system by filling a complaint, petition, indictment or information.
- Charge** (n) formal accusation of having committed a criminal offence.
- Civil** (adj) relating to private rights and remedies sought by civil actions.
- Civil rights** powers or privileges guaranteed to individuals and protected by the constitution.
- Claim** (n) the assertion of a right to money or property.
- Claimant** (n) someone who claims something, especially money, from the government, a court etc because he thinks he has a right to it.
- Client** (n) someone who pays for services or advice from a person or organization.
- Commit** (v) to carry out (a crime); to do something wrong or illegal : commit murder/rape/adultery/suicide.
- Complainant** (n) one who makes a complaint; also a plaintiff.
- Complaint** (n) 1. (crim.) formal written charge that a person has committed a criminal offence; 2. (civ.) initial document entered by the plaintiff which states the claim against the defendant.
- Compulsory** (adj) obligatory, mandatory, enforced
- Consent** (n) 1. compliance in or approval of what is done or proposed.  
2. permission.
- Consent** (v) 1. to approve, to agree. 2. to allow, to permit.

**Convict** (v) (of) to find a person guilty of a charge.  
**Convict** (n) a person serving a prison sentence.  
**Convoke** (v) to tell people that they must come together for a formal meeting.  
**Courtroom** (n) the portion of a courthouse in which the actual proceedings take place.  
**Crime** (n) a violation of law, a grave offence.  
**Criminal** (adj) relating to crime or its punishment.  
**Criminal** (n) a person who has committed a crime.  
**Criminalize** (v) to make something illegal  
**Criminal law** laws or the study of laws concerning crimes and their punishments.  
**Criminal record** an official record kept by the police of any crimes a person has committed  
**Credentials** (n) the things that show people that you have the ability to do something.  
**Damage(s)** (n) a compensation recovered in the courts by a person who has suffered loss through the unlawful act or negligence of another.  
**Debate** (v) to discuss a subject formally when you are trying to make a decision or find a solution.  
**Debate** (n) 1 a discussion or an argument on a subject that people have different opinions about. 2 a formal discussion.  
**Decision** (n) a choice or judgment that you make after a period of discussion or thought.  
**Deem** (v) to suppose, to think, to consider.  
**Defend** (v) to act as a legal representative in court.  
**Defence** (n) 1 the things that are said in a court of law to prove that someone is not guilty of a crime 2 a defending party in a court; (US defense).  
**Defence counsel** a lawyer, an advocate.  
**Defendant** (n) a person, company, etc. against whom a criminal charge or civil claim is made.  
**Democracy** (n) 1 a system of government in which everyone in the country can vote to elect its members. 2 a country that has a government which has been elected by the people of the country.

- Deputy** (n) representative, delegate.
- Designate** (v) to choose someone or something for a particular job or purpose.
- Deter** (v) to persuade someone not to do something, by making them realize it will be difficult or will have unpleasant results.
- Dispute** (v) to argue, to call into question.
- Dispute** (n) a legal controversy, a debate.
- Dissolve** (v) to terminate, cancel, annul.
- Draft law** a formal proposal for a new law.
- Elaborate** (v) to give more details or new information about something.
- Elect** (v) to choose one candidate over others competing for the same office.
- Elector** (n) a voter.
- Election** (n) a formal procedure for voting.
- Embezzle** (v) to appropriate (property entrusted to one's care).
- Encroach** (v) to gradually take more control of smth.
- Enforce** (v) to put into execution.
- Enforced** (adj) made to happen or exist by law, or by conditions that you cannot control.
- Ensure** (v) to assure, to guarantee, to insure.
- Establish** (v) to start smth that is intended to exist or continue for a long time.
- Evidence** (n) any form of proof legally presented at a trial through witnesses, records, documents, etc.
- Exclusive** (adj) 1. exceptional, extraordinary. 2. only, single. 3. whole.
- Execute** (v) 1. to give effect to; to make legally binding.  
2. to put to death (legally) as punishment.
- Executive** (adj) the branch of government in charge with the detail of carrying the laws into effect and securing their due observance.
- Fine** (v) to sentence a person convicted of an offence to pay a penalty in money.
- Fine** (n) 1. a sum payable as punishment for an offence.  
2. a forfeiture or penalty paid to an injured party in a civil action.
- Fingerprints** (n) impression of the lines of a fingertip taken for purposes of identification.

**Forge** (v) to fabricate by false imitation, to counterfeit.

**Forger** (n) a person who makes counterfeit money, signatures, etc.

**Forgery** (n) 1. an act of making a false or counterfeit document, money, etc 2. forged document, banknote, etc.

**Fraud** (n) 1. smth. that is not what it seems to be.  
2. anything intentionally calculated to deceive.

**Fraudulent** (adj) intended to deceive.

**Guarantee** (n) 1 a formal and firm promise that something will be done or will happen.  
2 an agreement to be responsible for someone else's promise, especially a promise to pay a debt.

**Guarantee** (v) to ensure, to make yourself legally responsible for the payment of money.

**Guarantor** (n) 1. a person who ensures smth. 2. is someone who promises to pay for something if the person who should pay for it does not.

**Guard** (v) 1. to protect from danger, to make secure.  
2. to watch over to prevent escape, entry, theft, etc.

**Guard** (n) a person or a body of men whose duty is to protect a place, people, etc.

**Guilt** (n) a responsibility for an offence.

**Guilty** (adj) (of) 1. having committed a crime, or other breach of conduct.  
2. responsible for a crime or tort, or other offence or fault.

**Handle** (v) to deal with.

**Harm** (n) damage, injury, or trouble caused by someone's actions or by an event.

**Harm** (v) 1 to damage something. 2 to hurt someone.

**Hearing** (n) a trial in a court.

**Homicide** (n) the act of killing a human being.

**Illegal** (adj) not authorized by law.

**Impartial** (adj) treating all alike, fair and just.

**Impeach** (v) to proceed against a public officer (e.g. President) for a crime or misfeasance, before a proper court, by the presentation of a written accusation (articles of impeachment).

**Impeachment** (n) the formal charging of a government official with any high crimes.

**Implementation** (n) realisation, accomplishment.

**Indivisible** (adj) something that cannot be separated or divided into parts.

**Innocence** (n) being free from guilt of sin.

**Innocent** (adj) not guilty.

**Integrity** (n) the state of being united as one complete thing.

**Imprison** (v) to put into prison.

**Introduce** (v) 1. to present formally. 2. to announce by official reading.

**Inquire** (v) (into) to investigate.

**Investigate** (v) 1. to make a systematic examination or study.  
2. to conduct an official inquiry.

**Jail** (n) a prison; also a gaol.

**Judge** (n) a public official authorized to decide questions brought before a court.

**Judicial** (adj) relating to the branch of government that interprets laws.

**Judiciary** (n) 1. the branch of government invested with the judicial power.  
2. the system of courts in a country. 3. the body of judges.

**Jurisdiction** (n) the power, right or authority to apply the law.

**Juror** (n) a member of a jury.

**Jury** (n) specific number of people (usually six or twelve), selected as a prescribed by law to render a decision (verdict) in a trial.

**Justice** (n) proper administration of laws, fairness.

**Juvenile** (adj) concerning offenders under seventeen.

**Kidnap** (v) to seize or detain a person by force and often for ransom.

**Kill** (v) to murder, to take away one's life.

**Killer** (n) a person, or thing that kills.

**Law** (n) 1. a rule of conduct formally recognized as binding or enforced by authority. 2. the whole body of such rules.

**Lawbreaker** (n) a person who violates law.

**Lawful** (adj) allowed by law, legal.

**Lawsuit** (n) a non-criminal case, civil case.

**Lawyer** (n) a person licensed to practice law.

**Legal** (adj) recognised and permitted by law.

**Legal entity** legal person, legal individual.

**Legislative** (adj) the branch of government in charge with making laws.

**Legitimate** (adj) correct, allowable, or operating according to the law

**Litigation** (n) a lawsuit.

**Mandatory** (adj) something that must be done because the law says it; compulsory, obligatory.

**Majority** (n) the number (of votes) greater than half of any total.

**Manslaughter** (n) the unlawful killing of a human without any malicious intent or deliberation, which may be involuntary.

**Matrimonial** (adj) relating to marriage.

**Minority** (n) the smaller number (of votes).

**Mitigate** (v) to make a situation or the effects of something less unpleasant, harmful, or serious.

**Mug** (v) to assault, esp. in the street with intent to rob.

**Mugger** (n) an offender who attacks and robs people, often in the street.

**Murder** (v) to kill smb unlawfully and intentionally.

**Murder** (n) an act of killing a person.

**Negotiation** (n) official discussions between the representatives of opposing groups, who are trying to reach an agreement, especially in business or politics

**Nominate** (v) to designate as an official candidate.

**Nominee** (n) a person who has been nominated.

**Offence** (n) an illegal act or omission punishable under law; (US offense).

**Offender** (n) a person who has committed an offence.

**Oath** (n) a solemn promise to tell the truth.

**Penalty** (n) punishment legally imposed.

**Perjury** (n) a criminal offence of making intentionally false statements under oath.

**Petition** (n) a formal written request to a superior.

**Pickpocket** (n) one who steals from pockets or bags.

**Plaintiff** (n) the party who begins an action, the party who complains or sues; also a petitioner.

**Plead** (v) 1. to argue a case as an advocate in a court.  
2. to make or answer an allegation made by a party in a legal action.

**Preside** (v) to exercise guidance, authority or control over.

**Probation** (n) a method of dealing with (young) offenders by which a sentence is suspended.

**Proceedings** (n) the form and manner of conducting judicial business in a court.

- Promulgate** (v) 1 to spread an idea or belief to as many people as possible. 2 to make a new law come into effect by announcing it officially.
- Property** (n) 1. possessions, things owned.  
2. the unrestricted and exclusive right to a thing.
- Prosecute** (v) 1. to pursue a trial; 2. to criminate.
- Prosecution** (n) 1. act of pursuing a lawsuit or a criminal trial  
2. the party that initiates a criminal case.
- Prosecutor** (n) the public officer who is a lawyer and who represents the interests of the state in criminal trials.
- Punish** (v) to impose a penalty on an offender or for an offence.
- Punishment** (n) penalty, penance, correction.
- Rape** (n) the crime of forcing smb, esp. a woman to have intercourse against her will.
- Reading** (n) an act of formal presentation of a bill that constitutes any of three successive stages of approval by a legislature.
- Recover** (v) to get back, regain possession or use of.
- Referendum** (n) an election on a policy issue.
- Responsibility** (n) liability, amenability.
- Restriction** (n) limitation.
- Rob** (v) to steal smth. from (a person or place), esp. by violence or threat.
- Robber** (n) steals money, etc. by force from people or places.
- Robbery** (n) usually armed attack for getting money, etc. by force or threat.
- Security service** a government organization that protects a country's secrets against enemy countries or protects the government against attempts to take away its power.
- Seizure** (n) the act of taking possession of property, e.g. for a violation of law.
- Sentence** (n) the judgement formally pronounced by the court or by a judge upon the defendant after his conviction in a criminal prosecution, imposing the punishment to be inflicted.
- Shelve** (v) to remove from active service, to put off or aside; e.g. to shelve a draft.
- Shoplifter** (n) one who steals from the shops.
- Sovereignty** (n) the power that an independent country has to govern itself.
- Stab** (v) to pierce or wound with a pointed weapon.

- Stipulation** (n) a specific condition that is stated as part of an agreement.
- Submission** (n) 1 the act of giving a plan, piece of writing etc to someone in authority for them to consider or approve.  
2 a request or suggestion that is given to a judge to consider.
- Suffrage** (n) the right to vote in national elections.
- Suspect** (n) someone who is thought to be guilty of a crime.
- Suspect** (v) 1 to think that someone is probably guilty.  
2 to think that something is probably true or likely, especially something bad.
- Suit** (n) a case.
- Tax** (n) a charge by the government on the income of an individual, corporation, or on the value of an estate, gift or property.
- Taxation** (n) the process of taxing or imposing a tax.
- Term of office** the period during which elected officer or appointee is entitled to hold office, perform its functions and enjoy its privileges.
- Testify** (v) to witness, to present evidence to the court.
- Testimony** (n) any statement made by a witness under oath in a legal proceeding.
- Theft** (n) the act of stealing.
- Tort** (n) an injury or wrong committed to a person or property of another, which gives rise to a claim for damages.
- Treason** (n) the act of betraying the country to another state.
- Trial** (n) the presentation of evidence in court to the jury (or a judge in a non-jury trial) that applies the applicable law to those facts and then decides a case.
- Violate** (v) to break (a law, a treaty, an oath, etc.).
- Violation** (n) the act of breaching of right, duty or law.
- Verdict** (n) formal decision made by the jury (a judge).
- Veto** (n) the President's disapproval of a draft law.
- Vote** (n) right to give an expression of opinion or will by ballot.
- Witness** (v) to testify, to act as a legal witness.
- Witness** (n) a person who testifies under oath before a court regarding what he has seen, heard or otherwise observed.



Part II  
**THE UNITED STATES  
OF AMERICA**

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# UNIT 1

## OVERVIEW OF NATIONAL, STATE, AND LOCAL GOVERNMENTS IN THE UNITED STATES

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The American system of government, begun as an experiment in liberty and democracy in 1776, has proven to be remarkably resilient and adaptable.

While often categorized as a democracy, the United States is more accurately defined as a constitutional federal republic. What does this mean? “Constitutional” refers to the fact that government in the United States is based on a Constitution which is the supreme law of the United States. The Constitution not only provides the framework for how the federal and state governments are structured, but also places significant limits on their powers. “Federal” means that there is both a national government and governments of the 50 states. A “republic” is a form of government in which the people hold power, but elect representatives to exercise that power.

To a visiting observer, the U.S. government may seem straightforward: the Congress makes the laws and the President implements them. A closer inspection reveals a much more complex system of interactions and influences.

As a republic, the ultimate power within the American system rests with the people. This power is exercised through regular, scheduled elections in which voters select the President, members of Congress, and various state and local officials. These officials and their staffs formulate policy, make laws, and direct the day-to-day operations of government.

### **Active Vocabulary**

overview – огляд

resilient – гнучкий, еластичний

adaptable – що легко пристосовується, прилаштовується

Supreme law – головний закон  
framework – структура рамки  
straightforward – відвертий, простий  
to implement laws – виконувати, запроваджувати закони  
interaction – взаємодія  
to exercise power – здійснювати повноваження  
ultimate power – кінцева влада, повноваження  
depository – скарбниця

### **I. Answer the following questions.**

1. What do “constitutional”, “federal” and “republic” mean?
2. When did the American system of government begin?
3. Where does the ultimate power within the American system rest?
4. Who formulates policy, makes laws and directs the day-to-day operations of government?

### **II. Translate into English.**

Посадові особи; створювати закони; урядова система; виконувати повноваження; верховний закон; впроваджувати закони; значно обмежувати; гнучка(i); конституційна федеральна республіка.

### **III. Translate into Ukrainian.**

System of government; resilient and adaptable; constitutional federal republic; supreme law; framework; to place significant limits; to exercise power; straightforward; to implement laws.

### **IV. Read, translate and learn the definitions below.**

Democracy – a system of government in which everyone in the country votes to elect its members.

Constitution – the system of basic laws and principles that a democratic country is governed by; which cannot easily be changed by the political party in power.

Voter (n) – a person expressing an opinion or choice for or against someone or something especially by ballot or by raising up of hands.

Election (n) – a formal procedure for voting.

**V. Match the words with their definitions.**

1. resilient	a) the ability to quickly become healthy or happy again after an illness, difficulty or change.
2. to categorize	b) to put people or things into groups according to what type they are or to say in which group they belong.
3. framework	c) the ability or right to control people and events.
4. power	d) a set of facts and ideas from which more complicated ideas are developed, or on which decisions are based.
5. representative	e) a person who has been chosen to speak, vote or make decisions for someone else.

**VI. Speak on the following topics:**

1. American democracy as a constitutional federal republic.
2. Speak on the point of how ultimate power within the American system is exercised.

# **UNIT 2**

## **THE ROLE OF THE U.S. CONSTITUTION.**

### **HOW FEDERAL, STATE AND LOCAL GOVERNMENTS INTERACT**

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The U.S. Constitution is the blueprint for the American system of government. Ratified in 1788, the Constitution defines three separate branches of government (legislative, executive, and judicial), their powers, and how positions in each are to be filled.

One defining characteristic of the Constitution is the system of checks and balances it created to distribute power among the three branches. Each branch exercises some form of power over the others. For example, justices of the Supreme Court (judiciary) are appointed by the President (executive), but subject to the consent of the U.S. Senate (legislative). Likewise, the judiciary can strike down as unconstitutional laws passed by Congress and signed by the President. These and other checks and balances ensure that no single branch of government exercises too much power.

Because the government may exercise only those powers specifically granted to it in the Constitution, the Constitution is an important protection of the rights and powers of the people. The first ten amendments to the Constitution are collectively known as the Bill of Rights. The Bill of Rights guarantees important freedoms to every American, including freedom of speech, press, and religion, and the right to be free from unreasonable searches, and the right to have a trial by jury.

The Constitution, as the supreme law of the land, limits the legislative and executive powers of all levels of government. Any law or portion of a law that is deemed by the courts to be in conflict with the Constitution is nullified, with the U.S. Supreme Court having the final say in such matters.

Amendments to the Constitution are adopted when proposed by two-thirds of the House and Senate and ratified by three-fourths of the states.

This is a difficult process, with only 27 amendments having been made since the Constitution was ratified. Of these, only 16 have been adopted since 1800.

The Constitution not only defines the structure and powers of the federal government, but also contains general provisions regarding state government. Each state, in turn, has its own constitution which contains provisions for local governments within the state. Local governments may include cities, counties, towns, school districts, and special-purpose districts, which govern such matters as local natural resources or transportation networks.

The federal government is limited to the powers and responsibilities specifically granted to it by the U.S. Constitution. Some of the powers listed in the Constitution include regulating commerce between the states, providing for national defense, creating money, regulating immigration and naturalization, and entering into treaties with foreign countries.

Over time, however, the Constitution has been interpreted and amended to adapt to changing circumstances, and the powers exercised by the federal government have changed with it. Working with the states, the federal government creates certain laws and programs that are funded federally, but administered by the states. Education, social welfare, assisted housing and nutrition, homeland security, transportation, and emergency response are key areas where states deliver services using federal funds and subject to federal guidelines.

This gives the federal government the power to influence the states. For example, in the 1970s, the federal government wanted to lower highway speed limits to reduce energy consumption. Rather than simply legislate a lower speed limit, the federal government threatened to withhold money for road projects from states that did not themselves lower the speed limit in their states. In many cases, the states must also partially fund the programs to qualify for federal funds.

A local government is chartered according to its state's constitution. Just as the policies enacted by the state government must not conflict with federal law, a local government is subject to the legal environment created by the state's constitution and statutes.

## Active Vocabulary

checks and balances system – система стримування і протипаги

blueprint – ескіз

to ratify – ратифікувати

branch of power – гілка влади

legislative – законодавчий

executive – виконавчий

judicial – судовий

Supreme Court – Верховний Суд

to subject – підкоряти (ся)

amendment – поправка

the Bill of Rights – Білль про права

trial – суд; судовий процес

jury – суд присяжних

final say – вирішальне слово

to adopt – приймати

provision – умови; забезпечення

to reduce – зменшувати(ся)

to charter – надавати право, привілеї

environment – навколишнє середовище

to interact – взаємодіяти

### **I. Answer the following questions.**

1. When was the U.S. Constitution ratified?
2. What are the three branches of power in the United States?
3. Does the Bill of Rights guarantee important freedoms to every American?
4. How can amendments to the Constitution be adopted?
5. What power does the U.S. Constitution grant to the federal government?
6. Is the federal government in power to influence the states? Give an example.
7. Comment on the role of a local government.

## II. Match the words with their definitions.

1. to adopt	a) to make a written agreement official by signing it.
2. to ratify	b) to formally approve a proposal, especially by voting.
3. amendment	c) a part of a government or other organization that deals with one particular part of its work.
4. branch	d) a written change or improvement to a law or document.
5. blueprint	e) a plan for achieving smth.
6. trial	f) a legal process in which a court of law examines a case to decide whether someone is guilty of a crime.

## III. Translate into Ukrainian.

The blueprint for the American system of government; checks and balances system; to exercise forms of power; to appoint justice of the Supreme Court; amendments to the Constitution; the Bill of Rights; to be free from unreasonable searches; to be subject to the legal environment; to enter into treaties with foreign countries.

## IV. Translate into English.

Анулювати закон; прийняти поправку двома третинами сенату; останнє слово; свобода слова. Преси та релігії; визначати структуру та повноваження федерального уряду; регулювання процесу імміграції та натуралізації; адаптуватися до обставин; соціальний добробут; ключові сфери діяльності; впливати на керівництво штату; споживання енергії; фінансувати програму.

## V. Make up sentences by arranging the words in proper order.

1. Defines, the Constitution, branches of government, separate, three.
2. Branch, exercises, form of power, over, some, the others, each.
3. The Supreme Court, are subject, justices, of, the consent, to, of the U.S. senate.
4. The Constitution, protection, an important, of, is, the rights, of the people, and powers.
5. Important, every American, to, freedoms, the Bill of Rights, guarantees.

## VI. Speak on the following topics:

1. The interaction of federal, state and local governments.
2. The system of checks and balances as a defining characteristic of the U.S. Constitution.



# UNIT 3

## SIMILARITIES AND DIFFERENCES BETWEEN THE U.S. SYSTEM OF GOVERNMENT AND OTHER FORMS OF DEMOCRATIC GOVERNMENT

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As a constitutional federal republic, the United States is not unique. Many “democracies” are in fact constitutional republics, and share with the United States long traditions of democratic representation, the rule of law, and constitutional protections.

One significant difference between the United States and some other major democracies is the selection and role of the head of government. In parliamentary systems, the head of government is a prime minister selected from the parliament, and is typically the leader of the majority political party or coalition. The prime minister appoints a cabinet of ministers often consisting of other members of parliament. A separate head of state may be a monarch or an elected President (or comparable official).

In the United States, the President is both head of government and head of state. The President is elected separately from the legislature and may or may not be of the legislature’s majority political party. The President’s cabinet consists of individuals who are constitutionally prohibited from being members of Congress at the same time.

The United States is primarily a two-party system, in stark contrast to many parliamentary systems where there may be ten or more parties represented in the legislature. This results in clearly defined political lines in the United States, without the formal need for coalition-building often required to create a ruling majority in a parliamentary system. One factor contributing to the two-party system in the United States is the single-member district system of electing Representatives. In some parliamentary systems, proportional representation is used, which allows many parties to be represented in parliament.

One other significant difference is that elected officials in the United States serve for a defined period of time before facing reelection. In many parliamentary systems, elections may be called suddenly by the ruling party or if there is a vote of no confidence in the government. In some parliamentary systems, parliament may be dissolved by the head of state and new elections ordered.

Differences in the judicial system are not as significant as in the legislative, because the United States legal system is based predominantly on English common law. Defendants in criminal cases have the right to a public trial by jury and the right to be represented by counsel. One major difference in the judiciary, however, is the power of the U.S. Supreme Court to declare laws unconstitutional, thereby nullifying them. Few other countries vest such authority in their judiciaries.

Finally, the revenues and expenditures of the U.S. government are much smaller than most of its counterparts in other industrialized nations when measured as a percentage of gross domestic product. Much of the difference is due to the social services and benefits (such as health care and old-age pensions) that governments in some other nations pay for. In the United States, many of these services are delivered by the private sector or are not funded to the same extent by the government, and thus are not counted in government expenditures.

### **Active Vocabulary**

protection – захист

major – головний

selection – вибір

majority – більшість

to appoint – призначати

separate – окремих

to elect – вибирати

comparable – відповідного рівня

to prohibit – забороняти

legislature – законодавча влада

coalition – коаліція  
to contribute – сприяти  
a single-member district – одномандатний округ  
confidence – довір'я  
counsel – адвокат; юрисконсульт  
to vest – наділяти (владою)  
revenue – річний дохід  
gross – валовий (продукт)  
expenditures – видатки

### **I. Answer the following questions.**

1. What are the significant differences between the United States and some other major democracies?
2. Who is the head of government in parliamentary systems?
3. Is the President of the United States both head of government and head of state? What party is the President from?
4. How many parties are represented in the legislature of the U.S.? What is the system of electing Representatives?
5. Why are the revenues and expenditures of the U.S. government much smaller than most of its counterparts in other industrialized nations?
6. What are the three distinct branches that make up the federal government?

### **II. Translate into Ukrainian.**

Constitutional protection, comparable official, to be prohibited, a two-party system, stark contrast, the single-member district system, to face reelection, to dissolve parliament, to be based predominantly on English common law, a public trial by jury, the revenues and expenditures, gross domestic product, to vest authority.

### **III. Find English equivalents in the text.**

Глава уряду; призначати кабінет міністрів; монарх; заборона; двопартійна система; законодавство; одномандатний округ; перевибори; внутрішній продукт; пенсія по старості; урядові видатки.

#### **IV. Match the words with their definitions.**

1. to elect      a) to officially stop an activity making it illegal or against the rules.
2. to prohibit   b) to choose someone for a position or a job.
3. to appoint   c) to choose someone for an official position by voting.
4. protection   d) a feeling of trust in someone so that you can tell them not to disclose something and be sure they will not tell other people.
5. confidence   e) the act of protecting or state of being protected.

#### **V. Find in the text all word combinations with following words.**

- system
- official
- head

Reproduce the contexts in which they were used and make up your own sentences with these words.

#### **VI. Work with an English dictionary. Find definitions of the following terms and use each word in sentences of your own.**

- protection
- law
- authority

#### **VII. Speak on the point:**

1. The significant differences between the United States and other major democracies.
2. The advantages of a two-party system in the United States.
3. The reason why the revenues and expenditures of the U.S. government are smaller than in other industrialized nations.

# UNIT 4

## THE FEDERAL GOVERNMENT

### THE LEGISLATIVE BRANCH

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#### **THE LEGISLATIVE BRANCH**

The legislative branch of the federal government is comprised of two chambers of Congress: the U.S. Senate and the U.S. House of Representatives. Legislation must pass both houses before it is presented to the President to be signed into law.

#### **How a bill becomes law**

Each year, thousands of bills are introduced in Congress, but only a few hundred are passed into law. The following is a summary of how a bill makes its way from a draft to being signed into law by the President.

1. A bill is written. A Senator or Representative may draft original legislation, or a trade association or private citizen may request that a bill be prepared and may assist in its writing. Only a Senator or Representative, however, can actually introduce a bill. Once written, the author of the bill will seek cosponsors from among his or her colleagues to add greater credibility to the initiative.

#### **THE LEGISLATIVE PROCESS**

2. The bill is introduced in the Senate and/or House. It is assigned a number and its title and sponsors are published in the Congressional Record.

3. The Parliamentarians of the House and Senate assign the bill to the committee with appropriate jurisdiction. The chair of the committee may then assign the bill to the most appropriate subcommittee. It is important to note that the committee and subcommittee chairs have a great deal of power over how a bill assigned to them is considered. If the chair opposes the legislation, he or she may simply not act on it.

4. The subcommittee may hold hearings on the bill and invite testimony from public and private witnesses. Many witnesses are Executive Branch officials, experts, or affected parties from trade

associations, labor unions, academia, public interest groups, or the business community. Individuals may also make their views known by testifying, by providing a written statement, or by allowing interest groups to represent their views.

5. Once the hearings are completed, the subcommittee may meet to “mark up” the bill, which is the process of proposing and considering amendments to the bill as written. It then votes on whether to report the bill favorably to the full committee. If not favorably reported, the bill dies.

6. The full committee may repeat any or all of the subcommittee’s actions: hearings, markup, and vote. If the committee votes favorably on the bill, it is ordered reported to either the full House of Representatives or the full Senate, depending on which chamber is considering the bill.

7. When the bill reaches the floor of the House or Senate, the membership of the entire body may debate it. At this point, the bill may be further amended, referred back to committee, or voted on.

8. If the bill is passed by the House or Senate, it is referred to the other chamber. A House-passed bill may be placed directly on the Senate Calendar, bypassing the subcommittee and committee reviews. Usually, however, the subcommittees and committees in both bodies have an opportunity to hold hearings, and amend the bill. Related or identical legislation often proceeds through the House and Senate simultaneously.

9. If a bill is passed in identical form by the House and Senate, it is delivered to the President. If there are differences between the House and Senate versions of the bill, a conference committee is appointed by the President of the Senate and the Speaker of the House to resolve the differences. If the conferees are unable to reach agreement, the legislation dies. If they do reach an agreement, the bill is sent back to both chambers to vote on it without further amendment.

If both chambers approve the conference committee bill, it goes to the President for signature. The President has four options: (1) sign the bill into law; (2) take no action while the Congress is in session, in which case the bill becomes law after ten days; (3) take no action while a Congress is in final adjournment, in which case the bill dies; or (4) veto the bill.

If the President vetoes a bill, Congress may attempt to override the veto. This requires a two-thirds vote by both the House and Senate. If

either fails to achieve a two-thirds majority in favor of the legislation, the bill dies. If both succeed, the bill becomes law.

In addition to creating laws, one of the most important activities of Congress is oversight of the Executive Branch. Congress may hold hearings to investigate the operations and actions of the Executive Branch to ensure that it is carrying out the law with integrity.

### **The Senate**

- Considered the “Upper Chamber,” it is considered more deliberative than the House.

- Comprised of 100 Senators (two from each state).

- Senators serve six-year terms, with no limit on the number of terms they may serve.

- For election purposes, senators are divided into three classes; one class stands for election every two years. This ensures that there are always experienced legislators serving in Congress.

- Vacancies in the Senate are generally filled by appointment by the governor of the state where the vacancy exists.

- The Vice President of the United States serves as President of the Senate, voting only in cases of a tie.

While sharing broad legislative powers with the House of Representatives, the Senate has several unique powers to itself:

- The Senate must confirm presidential appointments to the Supreme Court, lower federal courts, and key positions within the Executive Branch before the appointees can take office.

- The Senate approves or rejects international treaties negotiated by the President.

- In cases of impeachment of the President or a member of the Supreme Court, the full Senate conducts the trial and acts as jury.

### **The House of Representatives**

- Considered the “House of the People.”

- Comprised of 435 Representatives, apportioned among the states according to population. Five U.S. territories and possessions also have nonvoting representation in the House: the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands.

- All Representatives serve two-year terms with no limit on the number of terms they may serve, and all are elected at the same time.

- Each Representative is elected from a defined geographic area within a state called a Congressional District.

- Vacancies in the House of Representatives are filled only by a special election or in a general election.

- The members of the House elect a Speaker of the House, who is the leading officer of the chamber and, in practice, is a member of the majority party.

Special powers and responsibilities of the House not shared with the Senate include:

- The power to bring charges of impeachment against the President or a member of the Supreme Court Justices.

- All bills for raising revenue must originate in the House.

- The House selects the President in cases where no presidential candidate receives a majority of electoral votes. In such cases, each state delegation has one vote.

### **Active Vocabulary**

to comprise – включати в себе; входить до складу

chamber – палата

to pass into law – ставати законом

draft – проект

co-sponsor – співспонсор

credibility – довір'я

chair of the committee – голова комітету

subcommittee – підкомітет

to oppose – чинити опір; відхиляти резолюцію

hearing – слухання

testimony – свідчення

amendment – поправка

simultaneous – одночасний

veto – вето

integrity – цілісність; прямота

to appoint (appointee) – призначати (призначений)



to confirm – підтверджувати  
key position – ключовий пост  
to reject – відхиляти  
impeachment – імпічмент  
responsibility – відповідальність

### **I. Answer the following questions.**

1. How many chambers is the legislative branch of the federal government comprised of?
2. Who actually can introduce a bill?
3. At what point may the bill be further amended, referred back to committee or voted on?
4. When can a bill be delivered to the President?
5. What options does the President have? What occurs if the President vetoes a bill?

### **II. Find all possible prepositional verb forms with the verbs.**

- to sign
- to make
- to pass

Make up as many sentences with them as you can.

### **III. Translate into Ukrainian.**

- clearly defined Constitutional powers and responsibilities;
- only a few hundred bills are passed into law each year;
- a bill makes its way from draft to being signed by the President;
- to add greater credibility to the initiative;
- to hold hearings on the bill;
- to override the veto;
- nonvoting representation in the House of Representatives.

### **IV. Make up the sentences arranging the words in proper order.**

1. international treaties, by President, negotiated, reject, or, approves, The Senate.

2. six-year terms, serve, with no limit, they, may serve, on, the number, Senators, of terms.
3. chairs, the committee, subcommittee, and, power, of, a great deal, have.
4. the Parliamentarians, assign, of, the House of Representatives, and, Senate, the bill, the committee, to.

### **V. Translate into English.**

- члени палати представників приймають присягу;
- президент має право вето закону;
- дві третіх голосів палати представників та сенату;
- проводити слухання по певному закону;
- законові надають номер і він публікуються в конгресівському протоколі.

### **VI. Match the terms with the appropriate definition and learn them.**

1. bill            a) one of the two parts of the legislative branch of the government that has the power to make laws, in countries such as the U.S., Australia and France.
2. veto b)        a written proposal for a new law, which is brought to a parliament so that it can be discussed.
3. Senate        c) a refusal to give official permission for something.
4. to sign        d) to have or use something that other people also have or use at the same time.
5. to reject      e) to refuse to accept an offer suggestion or request.
6. to share        f) to write your signature on a document to show that you wrote it and agree with it.
7. vote            g) an act of voting, when a group of people vote in order to decide or choose something.

### **VII. Speak on the following topics.**

1. The Senate.
2. The House of Representatives.
3. How a bill becomes law.

# UNIT 5

## THE FEDERAL GOVERNMENT

### THE EXECUTIVE BRANCH

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The Executive Branch is by far the largest branch of the federal government. At its head is the President, who serves a four-year term. The Vice President is elected at the same time, and is first in line to assume the presidency should the President die, become incapacitated, or be removed from office upon impeachment and conviction.

Although the Executive Branch shares powers co-equally with the other two branches of government, the President is the most powerful individual in the government. Among the powers and roles of the President are:

- Appointing Supreme Court justices and lower federal court judges, all of whom must be confirmed by the Senate;
- Appointing a cabinet of department secretaries and agency heads who must be confirmed by the Senate;
- Acting as Commander-in-Chief of the military;
- Acting as titular head of state;
- Negotiating international treaties and treaties with American Indian tribes, which must be ratified by the Senate;
- Vetoing legislation passed by Congress;
- Granting pardons and reprieves for federal crimes (except impeachment).

In addition to these constitutional powers, the President in practice has other powers that are either informal or not expressly provided for in the Constitution. First and foremost, the President may issue Executive Orders, which are directives that have the force of law. Executive Orders are commonly used for purposes such as:

- Establishing new programs, offices, or commissions to promote or carry out the President's political agenda;
- Creating policies that affect how legislation passed by Congress is to be carried out or enforced;
- Declaring when the federal workforce will observe holidays.

Executive Orders can be a powerful tool for the President to achieve policy objectives, and this power has been upheld by the Supreme Court. Individual Executive Orders may be overturned or modified by Congressional legislation, but such legislation requires the President's signature to have effect, unless Congress overrides a presidential veto. Executive Orders may also be challenged in court if they are perceived to violate the Constitution or conflict with existing law.

Finally, the President serves as the head of his or her political party, and can use the stature and visibility of the presidency to articulate political views and advance political objectives, both with the public and with members of his or her party in Congress.

### **Executive departments and agencies**

Beneath the President and Vice President are 15 departments and numerous agencies which together make up the "government" that we see every day. They are responsible for administering the law, enforcing it, and delivering various governmental services. Their functions are far-reaching and affect the lives of every American.

The 15 departments are:

- Department of Agriculture (USDA)
- Department of Commerce (DOC)
- Department of Defense (DOD)
- Department of Education (ED)
- Department of Energy (DOE)
- Department of Health and Human Services (HHS)
- Department of Homeland Security (DHS)
- Department of Housing and Urban Development (HUD)
- Department of the Interior (DOI)
- Department of Justice (DOJ)
- Department of Labor (DOL)
- Department of State (DOS)
- Department of Transportation (DOT)
- Department of the Treasury
- Department of Veterans Affairs (VA).

Each department is headed by a secretary, who is appointed to the position by the President subject to Senate confirmation. The departmental secretaries by law make up the President's Cabinet, a group of people who advise the President on any subject relating to their

responsibilities. The President may also accord cabinet-level status to other top Executive Branch officials. Typically this includes the Vice President, the President's Chief of Staff, the director of the Office of Management and Budget, and the U.S. Trade Representative. Other positions that are currently or have recently been considered cabinet-level positions are the director of the Environmental Protection Agency, the director of the Central Intelligence Agency, and the President's national security advisor.

In addition to the cabinet-level departments, there are numerous independent Executive Branch agencies and commissions, some of which are quite large. Some examples include the U.S. Postal Service, the Environmental Protection Agency, and the National Aeronautics and Space Administration (NASA).

Regulatory agencies are an especially powerful type of agency. They are empowered by Congress to make and enforce rules governing specific parts of the economy often dealing with complex technical issues. Major regulatory agencies include:

- Securities and Exchange Commission (SEC)
- Federal Trade Commission (FTC)
- Nuclear Regulatory Commission (NRC)
- Food and Drug Administration (in HHS) (FDA)
- Federal Communications Commission (FCC)
- Environmental Protection Agency (EPA)
- Equal Employment Opportunity Commission (EEOC)
- Occupational Safety and Health Administration (in DOL)

(OSHA).

Together with other regulatory agencies, these bodies make rules that affect nearly every business and consumer. Commission members and agency heads are appointed by the President subject to Senate approval. Their rules have the force of law, but may be challenged in the courts or overturned by Congress.

Of all the independent agencies, none is more independent than the Federal Reserve System, the nation's central bank also known simply as "the Fed." The Board of Governors of the Federal Reserve is responsible for establishing the nation's monetary policy, setting interest rates, and determining the supply of money. Decisions made by the Fed have far-reaching effects on the nation's economy, interest rates, inflation, job

creation, and international trade. In fact, many consider the Chairman of the Board of Governors to be the second most powerful individual in government after the President.

### **Active Vocabulary**

executive branch – виконавча гілка  
to assume the Presidency – прийняти на себе президентські повноваження  
to incapacitate – робити недієздатним  
conviction – признання винним, засудження  
Commander-in-chief – головнокомандувач  
titular – пов'язаний з обійманню посадою  
to negotiate – вести перемовини  
treaty – договір  
tribe – плем'я  
to ratify – ратифікувати  
reprieve – відстрочка виконання  
agenda – порядок денний  
policy objectives – політичні цілі  
to violate the Constitution – порушувати Конституцію  
to challenge – кидати виклик  
to advance – просувати(ся) вперед, поліпшувати  
data (sing. datum) – дані  
treasury – скарбниця  
CIA (Central Intelligence Agency) – ЦРУ  
governor – губернатор  
succession – наступність, послідовність

#### **I. Answer the following questions.**

1. Which is the largest branch of the federal government?
2. Who is first in line to assume the presidency should the President die?

3. What are the powers and roles of the President?
4. May the President issue Executive Orders?
5. How many executives departments are beneath the President and Vice President?
6. Who makes up the President's Cabinet?
7. Name the major regulatory agencies and explain their roles?
8. In what cases does the Vice President assume the presidency?

**II. Put the questions to which the following sentences are answers.**

1. Each department is headed by a secretary, who is appointed to the position by the President.
2. Executive Orders can be a powerful tool for the President to achieve policy objectives.
3. The functions of departments and agencies are far-reaching and affect the lives of every American.
4. At the head of the Executive Branch is the President, who serves a four-year term.
5. The President acts as Commander-in-Chief of the military.
6. Federal government agencies collect data, as well as initiate programs.
7. Many consider the Chairman of the Board of Governors to be the second most powerful individual in government after the President.

**III. Study the following definitions. Make sure you understand them and can reproduce them from memory.**

- Succession – the act of taking over an office or position, or the right to be the next to take it.
- Treaty – a formal agreement between two or more countries or governments.
- Congress – the group of people elected to make laws in the U.S. consisting of the Senate and the House of Representatives.
- Security service – a government organization that protects a country's secrets against enemy countries or protects the government against attempts to take away its power.
- Speaker – an official who controls discussions in a parliament.

#### **IV. Generate the nouns from the following adjectives.**

Independent; powerful; executive; national; commercial; legislative; political; federal; practical.

#### **V. Translate into Ukrainian.**

To assume the presidency; to appoint Supreme Court justices; to confirm by the Senate; to negotiate international treaties; President's political agenda; the Environmental Protection Agency; the line of succession.

#### **VI. Put the words in proper order to make sentences.**

1. the President, to, Legislation, is, signed, presented, into law, to be.
2. introduce, can, Representative, a Senator, or, a bill, only.
3. the President, Supreme Court, appoints, justices.
4. Executive orders, new programs, establish, commission and offices.

#### **VII. Speech practice.**

1. Speak on the essence of the executive branch.
2. Explain the powers and roles of the President.
3. Explain the functions of executive committees and agencies.
4. Describe presidential succession.



# UNIT 6

## THE FEDERAL GOVERNMENT

### THE JUDICIAL BRANCH

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The judicial branch is responsible for passing judgment on legal cases that challenge or require interpretation of acts of Congress and for trying criminal cases in which the defendant is accused of violating federal law. Federal courts also have appellate jurisdiction over state laws when challenged on constitutional grounds, and jurisdiction over cases involving more than one state, citizens of more than one state, or foreign parties.

The judicial branch consists of the Supreme Court and the lower federal courts, including the Courts of Appeal (also known as Circuit Courts or Appellate Courts), federal district courts, bankruptcy courts, and courts of federal claims. The courts of the federal judiciary hear both civil and criminal cases appealed from state courts. Their original jurisdiction covers cases relating to patents, trade-marks, claims against the federal government, bankruptcy, financial securities, maritime law, and international claims.

As a separate branch of government, the judiciary is independent of the other two branches, subject only to the checks and balances defined in the Constitution. An independent federal judiciary is considered essential to ensure fairness and equal justice for all citizens. The Constitution promotes judicial independence in two major ways. First, federal judges are appointed for life, and they can be removed from office only through impeachment and conviction by Congress of “Treason, Bribery, or other high Crimes and Misdemeanors.” Second, the Constitution provides that the compensation of federal judges “shall not be diminished during their Continuance in Office,” which means that neither the President nor Congress can reduce the salary of a federal judge. These two protections help an independent judiciary to decide cases free from popular passions and political influence.

Although the judiciary was envisioned by the writers of the Constitution to be a branch insulated from political pressures and popular

opinion, the process of selecting judges has become highly political. Supreme Court Justices and lower court judges are nominated by the President and take office only when confirmed by the Senate.

The Supreme Court currently has nine justices, a number set by law. Lower federal courts, including their jurisdictions, number of judges, and budgets, are established by Congress. All federal judges require confirmation by the Senate in order to take office permanently. The President, however, may appoint judges for a temporary term while the Congress is not in session. Federal magistrates, who perform judicial activities such as setting bail, issuing warrants, and conducting hearings for minor offenses, are appointed to eight-year terms by Federal District Court judges.

### **Active Vocabulary**

judicial branch – судова гілка влади  
defendant – підсудний  
to be accused of – бути обвинуваченим (в)  
to violate law – порушувати закон  
appellate (court) – апеляційний (суд) [Circuit Court; Court of Appeal]  
appellant – апелянт  
appellee – відповідач по апеляції  
jurisdiction – юрисдикція  
to involve – залучати; включати  
bankruptcy – банкрутство  
appeal – залик; позов; апеляція  
maritime law – морський закон  
subject to (adj.) – залежний; підвладний  
fairness – справедливість  
equal justice – рівноправне правосуддя  
to appoint for life – призначати на пожиттєвий термін  
treason – зрада  
misdemeanor – дрібний злочин  
magistrate – суддя  
to perform judicial activity – провадити судочинство  
bail – застава; поручительство  
warrant – ордер

### **I. Answer the following questions.**

1. What is the judicial branch responsible for?
2. What does the judicial branch of power in the U.S. consist of?
3. Is this separate branch of government independent of the other two branches?
4. In what two ways does the Constitution promote judicial independence?
5. Why has the process of selecting judges become political?
6. How many justices currently are on the Supreme Court?
7. What judicial activities can federal magistrates perform?

### **II. Make up questions for the italicized words and phrases.**

1. The U.S. Supreme Court building *in Washington D.C.*, houses the nation's *highest* court.
2. *The nine justices of the court* play a decisive role interpreting legal and constitutional issues for the nation.
3. Federal judiciary is considered *to ensure equal justice* for the citizens.
4. Neither the President nor Congress can reduce the salary *of a federal judge*.
5. *In 1963* the world was shaken by the news that President Kennedy had been assassinated in Dallas, Texas.
6. The right of the people *to be secure in their houses and against unreasonable searches* shall not be violated.
7. The people need to be involved in *the justice system*.

### **III. Match the words and phrases with their definitions and learn them.**

- |                     |   |
|---------------------|---|
| 1. Supreme Court    | a) one of 12 law courts in the U.S. that deals with cases when people are not satisfied with the judgment given by a lower court. |
| 2. warrant          | b) the right to use an official power to make legal decisions.  |
| 3. Court of Appeals | c) the most important court of law in some countries or some states of the U.S.   |
| 4. jurisdiction     | d) written permission from a court of law allowing the police to take a particular action.  |
| 5. treason          | e) a crime that is not very serious.  |

6. bribery                    f) the crime of being disloyal to your country or its government, especially by helping its enemies or trying to remove the government using violence.
7. misdemeanor            g) dishonestly giving money to someone in order to persuade them to do something that will help you.

**IV. Indicate the appropriate response as to whether each of the following statements is true (T) or false (F).**

1. The court of the federal judiciary hears both civil and criminal cases appealed from state courts.
2. The judiciary is not independent of the other two branches.
3. The Constitution promotes judicial independence in three major ways.
4. Federal judges can be removed from office only through impeachment and conviction by Congress of “Treason, Bribery, or other high Crimes and Misdemeanors”.
5. Either the President or Congress can reduce the salary of a federal judge.
6. Supreme Court Justices and lower court judges are nominated by the President and take office only when confirmed by the Senate.
7. The Supreme Court currently has 12 justices, a number set by law.

**V. Match the pairs of synonyms.**

A: term; judge; major; to reduce; nation.

B: justice; main; diminish; people; period.

**VI. Generate other forms of the following words and make up sentences with them.**

Noun	Verb	Adjective
–	–	original
–	separate	–
protection	–	–
–	–	influential
–	offend	–
equality	–	–
–	–	financial

# UNIT 7

## THE SUPREME COURT AND CIVIL RIGHTS

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The Supreme Court's role as an equal partner in government was solidified by the famous case of *Marbury v. Madison* in 1803. In this case, the Supreme Court for the first time declared a law passed by Congress and signed by the President unconstitutional, thereby nullifying the law. Rather than being simply a court that interprets the law, the Supreme Court has the power to void laws.

Although it was 54 years before the Supreme Court declared another law unconstitutional, it has become increasingly active since the middle of the 20th century, especially in the area of civil rights. A succession of landmark cases was a driving force in the expansion of rights for minorities and protections for defendants in criminal cases. Many of these, though controversial at the time, are now praised as enduring victories over injustice. The following are examples of some cases that had a lasting impact:

- In 1954, the court held in *Brown v. Board of Education* that having separate schools for whites and blacks was inherently unequal, and resulted in a massive desegregation effort in public schools.
- In 1956, the court upheld a lower court ruling overturning state laws that discriminated against minorities. Practices such as forcing blacks to sit at the back of buses (the situation that originated the case) were outlawed.
- In 1967 *Miranda v. Arizona* case, the court held that individuals in police custody must be told of their rights to remain silent and to have legal counsel. These rights are now known as "Miranda rights."

In these and many other important cases, the Supreme Court overturned state and local laws and practices that had the effect of denying minorities equal rights under the law. An important basis for these decisions was the Fourteenth Amendment, which states in part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

## Active Vocabulary

to solidify – робити(ся) твердим; затверджувати  
to void – робити не чинним; анулювати  
inherent – притаманний  
controversial – дискусійний  
impact – вплив; дія  
custody – арешт, ув’язнення  
counsel – адвокат; юрисконсульт  
desegregation – десегрегація, ліквідація сегрегації  
to overturn – підривати; знищувати; скасовувати  
to abridge – скорочувати; обмежувати  
v. = versus – проти (у судовому процесі) e.g. Smith v. Brown  
to praise – прославляти; звеличувати

### **I. Answer the following questions.**

1. By what case and when was the Supreme Court’s role solidified?
2. Has the Supreme Court the power to void laws?
3. For whom was a succession of landmark cases a driving force in the expansion of rights?
4. Did “*Miranda v. Arizona*” case originate “Miranda rights”?
5. What is the essence of the Fourteenth Amendment?

### **II. Match the pairs of words with opposite meaning. Make up some sentences of your own.**

- A. Constitutional; equal; to law; injustice; illegal.  
B. Justice; unconstitutional; legal; to outlaw; unequal.

### **III. Generate the nouns from the following verbs.**

Verb	Noun
to sign	
to interpret	
to protect	
to state	
to deny	

to practice	
to decide	
to discriminate	

**IV. Agree or disagree with the following statements. Use phrases: *that's right; that's wrong; that's not quite true to the fact; according to the text... , etc.***

1. The Supreme Court's role as an equal partner in government was solidified by the famous case of *Marbury v. Madison* in 1809.
2. A succession of landmark cases was a driving force in the expansion of rights for minorities and protections for defendants in criminal cases.
3. In 1954, the court held in *Brown v. Board of Education* that having common schools for whites and blacks was inherently equal.
4. Practices such as forcing blacks not use buses were outlawed.
5. In 1967 the court held that individuals in police custody must be told of their rights to remain silent and to have legal counsel.

**V. Learn the following definitions.**

- to solidify            to make an agreement plan, attitude etc. firmer and less likely to change.
- to void laws        to nullify a law so that it has no legal effect.
- minority             a group of people in a country who are different from the rest in race or religion.
- to desegregate    to end a system by which people of different races are kept separate.
- legal counsel      a type of lawyer who represents you in court. immunity the fact of not being affected by a disease or harmed by something unpleasant.
- safeguard          a rule, agreement etc. that is intended to protect someone or something from possible dangers or problems.

**VI. Speak on the following topics.**

1. Speak on the cases that are praised as enduring victories over injustice.
2. What are the statements of the Fourteenth Amendment?

# UNIT 8

## STATE GOVERNMENTS

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As a federal system of government, the United States has several layers of government ranging from the federal government at the national level, to state and local governments. Two of these layers – the national and state – are addressed in the U.S. Constitution.

The U.S. Constitution gives Congress the authority to admit new states to the union. Since the ratification of the Constitution by the original 13 states, the United States has grown to encompass 50 states, varying widely in population and geographic size. In addition to the 50 states, there is a federal district – the District of Columbia – which is the national capital and not part of any state. The District of Columbia is governed by the city government, with budgetary control and administrative oversight by the U.S. Congress.

State governments are not subunits of the federal government; each state is sovereign and does not report in any constitutional way to the federal government. The U.S. Constitution and federal law, however, supersede state constitutions and state laws in areas where they are in disagreement.

### **STRUCTURE OF STATE GOVERNMENTS**

The U.S. Constitution guarantees each state a republican form of government – that is, a government run by popularly elected representatives of the people. State governments generally mirror the federal government: In each state there is an elected head of the executive branch (the governor), an independent judiciary, and a popularly elected legislative branch.

#### **Executive**

The executive branch of each state is responsible for administering the day-to-day operations of government, providing services and enforcing the law. It is led by a governor, elected by statewide ballot for a two- or four-year term, depending on the state. Other top executive officials who may be elected rather than appointed are the lieutenant governor, secretary of state, attorney general, comptroller, and members of various boards and commissions. Positions not filled by election are usually filled by appointment by the governor.



## **Legislative**

All states have a popularly elected legislature consisting of two chambers, except Nebraska, which has a single-chamber legislature. Legislators are elected from single-member districts and typically serve a two-year or four-year term. The names of the chambers vary by state. In most states the upper chamber is called the senate, while the lower chamber may be called the house of representatives, house of delegates, or state assembly.

Primary duties of the legislature include enacting new laws, approving the state's budget, confirming appointments to the executive or judicial branches, and conducting oversight of executive branch operations. In many smaller states, legislators serve part-time and receive only nominal compensation. They may meet just a few weeks or months of the year before returning to their full-time occupations. In larger states, legislators serve year-round and receive the compensation and benefits of a full-time job.

## **Judicial**

State court systems have jurisdiction over matters not covered by federal courts, including most civil cases between parties in the same state, criminal cases where violations involve state or local laws, family law, and issues relating to the state constitution.

The highest court in each state is the state supreme court or court of appeals. Justices are typically elected to lengthy terms, but do not serve for life. The high court usually has only appellate jurisdiction – reviewing decisions by lower courts – and its decisions in turn may be appealed to the U.S. Supreme Court. The structure of lower state courts varies widely by state. Some states have separate courts for civil and criminal matters, and all states have some form of local municipal or county courts to handle minor offenses and small claims.

## **POWERS AND RESPONSIBILITIES OF STATE GOVERNMENTS**

As sovereign entities within the frame-work of the U.S. federal system, each state has its own constitution, elected officials, and governmental organization. States have the power to make and enforce laws, levy taxes, and conduct their affairs largely free from intervention from the federal government or other states.

State governments have primary responsibility for providing many important services that affect the everyday lives of their residents. These include:

- Setting educational standards and establishing methods for funding public education;
- Building and maintaining transportation networks;
- Establishing state-sponsored colleges and universities;
- Licensing and regulating businesses and professions;
- Creating and overseeing non-federal courts and the criminal justice system;
- Generally providing for the public safety;
- Issuing marriage licenses and driver's licenses;
- Issuing and recording birth and death certificates;
- Administering publicly funded health, housing, and nutrition programs for low-income and disabled residents;
- Managing state parks and other lands for recreation and environmental conservation purposes;
- Administering and certifying elections, including elections for federal officials;
- Commanding the state National Guard, except when called to national service.

Some of these responsibilities are delegated to or shared with local governments in many states. For example, in most states, marriage licenses are issued by city or county governments.

### **The role of state constitutions**

In contrast to the U.S. Constitution, which is broadly written, state constitutions can be very detailed and specific. Many state constitutions go on for pages describing, for example, the rules for issuing bonds or defining the jurisdiction of various state courts. Why so many details in state constitutions? One reason is that they are more readily amended than the U.S. Constitution. In most states, approval by a majority of voters in a statewide election is all that is required.

Another reason is that states, in contrast to the federal government, are largely free to exercise any power not prohibited to them. In order to effectively restrict state government powers, the restrictions must be spelled out in the state's constitution.

Finally, most states are required by their constitutions to have a balanced budget. Exceptions, such as borrowing to finance transportation or other construction projects, must be provided for in the constitution.

## Active Vocabulary

layer – шар; пласт

authority – влада; повноваження

ratification – ратифікація

to encompass – оточувати; містити

to vary – змінювати(ся); відрізнятися

oversight – нагляд

to supersede – замінити; витіснити

to administer – управляти; керувати

ballot – балотування

lieutenant governor – замісник губернатора (штату)

secretary of state – держсекретар

attorney general – міністр юстиції (США)

comptroller = controller – ревізор; інспектор

benefit – вигода; прибуток

county – округ (США)

to levy taxes – збирати; стягувати податки

license – ліцензія

low-income resident – мало оплачуваний громадянин

disable resident – непрацездатний громадянин

recreation – відпочинок

to prohibit – забороняти

laptop – ноутбук

bicameral – двопалатний

### **I. Answer the following questions.**

1. What are the two layers of government in the U.S. addressed in the U.S. Constitution?
2. Who gives Congress the authority to admit new states to the union?
3. How many states does the U.S. consist of? Comment on the District of Columbia.
4. Are state governments subunits of the federal government?
5. What are primary duties of the legislative branch of each state?

6. Where can minor offenses and small claims be handled?
7. Why are state constitutions, in contrast to the U.S. Constitution, very detailed and specific?

**II. Ask questions to fit these answers.**

1. The U.S. Constitution gives Congress the authority to admit new states to the union.
2. The United States has grown to encompass 50 states.
3. The District of Columbia is the national capital and not part of any state.
4. Each state is sovereign and doesn't report to the federal government.
5. Nebraska has a single – chamber legislature.
6. State governments are responsible for building and maintaining transportation networks in each of the states.
7. State constitutions are more readily amended than the U.S. Constitution.

**III. Study the following definitions.**

income	the money that you earn from your work or that you receive from investments.
authority	the power you have because of your official position or because people respect your knowledge and experience.
republic	system of government in which the ultimate powers of government rest with the people who elect representatives to formulate policy and carry out the laws.
governor	the person in charge of governing a state in the U.S.
single-member district	a geographical district from which a single member is elected by a majority or plurality of the popular vote to represent it in a legislative body.
federal	a federal system of government consists of a group of states which have their own governments to decide their own affairs, and are controlled by a single national government which makes decisions on foreign affairs, defense etc.

#### **IV. Translate into English.**

1. Конституція Сполучених Штатів надає конгресові права приймати до єдності нові штати.
2. Виконавча гілка влади відповідальна за щоденну діяльність уряду.
3. Найвищими посадовими особами виконавчої гілки є губернатор, замісник губернатора. Держсекретар штату, міністр юстиції та члени різних комісій.
4. Кожен штат має право приймати та посилювати власні закони, стягувати податки та проводити свою діяльність незалежно від федерального уряду.
5. За своєю конституцією від більшості штатів вимагається наявність збалансованого бюджету.

#### **V. Translate into Ukrainian.**

1. State governments have an elected head of the executive branch (the governor), an independent judiciary, and a popularly elected legislative branch.
2. The District of Columbia is governed by the city government, with budgetary control and administrative oversight by the U.S. Congress.
3. Each state is sovereign and doesn't report in any constitutional way to the federal government.
4. In contrast to the federal government states are largely free to exercise any power not prohibited to them.
5. Legislators are elected from single-member districts and typically serve a two-year or four-year term.

#### **VI. Speak on the following topics.**

1. Speak on the structure of state governments.
2. Explain the powers and responsibilities of state governments.
3. Give the reasons of many details in state constitutions in contrast to the U.S. Constitutions.

# UNIT 9

## LOCAL GOVERNMENT

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### **STRUCTURE OF LOCAL GOVERNMENTS**

Each state constitution provides for the establishment of local governmental entities. In all states, these local entities include counties and cities, but most states also provide for other types of local government, including wards, school districts, conservation districts, townships, and transportation authorities. These special types of local government have regulatory, administrative, or taxing authority as defined in the state constitution or in state law.

There are over 500,000 elected officials in the United States. Of these, fewer than 8,500 are at the national and state level. The rest are local government officials — city council, members, school board members, mayors, sheriffs, and an array of other individuals who serve in various capacities.

#### **County government**

Counties are the basic territorial division within a state and range in size from under 100 square kilometers to over 200,000 square kilometers. In 48 states, counties are also the primary governing entity below the state government (counties in Connecticut and Rhode Island do not have governmental functions).

Major functions of county governments include recordkeeping (births, deaths, land transfers, etc.), administration of elections (including voter registration), construction and maintenance of local and rural roads, zoning, building code enforcement, and law enforcement (especially in rural areas). Some counties also share responsibility with the state for providing social benefits for low-income residents, monitoring and enforcing environmental regulations and building codes, overseeing child welfare, and performing judicial functions. In some states, counties are the geographic units for public school districts, but schools usually have a separate administrative structure.

Counties are run by popularly elected officials. There is typically a board of supervisors or a county commission which sets policy and often

exercises executive functions as well. Other elected county positions may include sheriff, judge, justice of the peace, medical examiner, comptroller, assessor, or prosecutor, among others. In addition to these elected officials, many counties have a professional administrator, who is hired to manage the county government's overall operations.

### **Municipal government**

Municipalities are incorporated cities, towns, or villages within or independent of a county having their own governing and taxing authority. They range in size from small towns with fewer than 100 residents to large metropolises spanning several counties (such as New York City).

Municipal government responsibilities include public safety, maintenance of city streets, parks and recreation, waste-water treatment, trash removal, zoning and building code enforcement, fire and rescue services, animal control, public transportation, and other essential services. Larger cities may also provide assisted housing, operate public hospitals, and administer social welfare programs funded by the city, the state, or the federal government. Many cities also own or regulate public utilities such as water, electric power, natural gas, and telecommunications.

Cities and towns are governed by elected officials. These officials usually include a mayor and a city council who make decisions and set policy. The mayor, who may or may not have a seat on the council, is the head of the municipal government and is responsible for overseeing day-to-day administrative functions. Some cities have adopted the city manager form of government, where the city council hires a professional manager to run the operations of the city. A city manager is the chief administrative officer of the city and, though not elected, reports directly to the elected city council or mayor.

### **Special district governments**

According to the U.S. Census Bureau, over one-third of all governmental entities in the United States are so-called special district governments. Special district governments operate independently of other local governments and are usually established to serve a specific purpose within a specific geographic region. Examples include:

- Water and natural resource conservation;
- Fire prevention;
- Water supply;

- Emergency services;
- Transportation.

Leaders of these governmental entities may be elected or appointed. Powers of special district governments vary widely, but many have significant regulatory and taxing authority. Their activities are commonly funded by a special sales tax or property tax collected within their area of jurisdiction, or by fees charged to users of their services.

#### Public education

Public education through grade 12 is available at no charge to virtually every school-age resident. Each state's constitution or public laws provide for the manner by which public education is to be administered and funded. In most cases, school districts are established with a popularly elected school board or board of trustees. These boards create budgets, set policy, and hire the administrators who run the schools. School districts do not necessarily coincide with other political boundaries, though often they serve a specific city or county. In most states, public education is funded by taxes assessed on personal and business property, and state governments may provide additional funding from general state revenues or dedicated revenues from state lotteries. State governments are responsible for setting education standards and general policies within the state, but implementation is left to the local school boards.

### **Active Vocabulary**

to provide – передбачати

local entities – місцеві органи влади

ward – адміністративний район

township – містечко, населений пункт

conservation – заповідник

mayor – мер

monitoring – контроль, перевірка

environmental regulations – регулювання системи навколишнього середовища

code – кодекс, закон



justice of the place – мировий суддя  
assessor – податковий чиновник  
array – маса, велика кількість  
prosecutor – обвинувач  
public utilities – комунальні послуги  
Census Bureau – управління 1. по перепису населення  
2. державного планування  
tax – податок  
board of trustees – рада опікунів  
revenue – річний дохід; департамент держ. збору  
volunteer – доброволець

### **I. Answer the following questions.**

1. What types of local government do you know?
2. How many elected officials are there in the U.S.?
3. In what states don't countries have governmental functions?
4. What are major functions of county governments?
5. What do municipal government responsibilities include?
6. Are special district governments established to serve a specific purpose within a specific geographic region? Give examples.
7. Who creates budgets, sets policy, and hires the administrators to run the schools?

### **II. Fill in the blanks with and appropriate word, translate the sentences.**

Units; taxes; manage; run; governments; entities; municipal; administrative
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1. Counties are ... by popularly elected officials.
2. County and municipal ... perform all kinds of functions that touch daily lives.
3. Many counties have a professional administrator, who is hired to ... the county government's overall operations.
4. The mayor is the head of the government and is responsible for overseeing day-to-day ... functions.

5. Over one-third of all governmental ... in the U.S. are so-called special district governments.
6. In most states public education is funded by ... assessed on personal and business property.
7. In some states counties are the geographic units for public school districts.

**III. Generate other forms of the following words and make sentences with them.**

<u>Noun</u>	<u>Verb</u>	<u>Adjective</u>
–	–	regulatory
–	administrate	–
government	–	–
–	–	separate
–	elect	–
decision	–	–

**IV. Complete the following sentences.**

1. Many specific district governments have significant regulatory and taxing ... .
2. Municipal government responsibilities include ... .
3. Major functions of county governments include ... .
4. Counties are run by ... .
5. Public education through grade 12 is available at no charge to ....
6. Elected officials of cities and towns usually include a mayor and a city council who ... .
7. Many cities regulate public utilities such as ... .

**V. Match the pairs of synonyms.**

A: county; unit; kind; to exercise; capacity; resident; administrator; code;

B: entity; type; district; law; manager; people; jail; to fulfill; position;

**VI. Speak on the following topics.**

1. Speak on the structure of local governments.
2. Explain county governmental functions.
3. Analyze municipal government responsibilities.

4. Provide information how public education is administered and funded.
5. Give a short outline of special district governments activities.

**VII. Match the words and phrases with the correct definition and learn them.**

mayor	an elected law officer of a county in the U.S.
sheriff	the person who has been elected to lead the government of a town or city in the U.S.
municipality	an official process of counting something for government planning.
census	a town, city, or other small area, which has its own government that makes decisions about local affairs.
revenue (revenues)	a member of a group that controls the money of a company, college or other organization.
trustee	money that a business or organization receives over a period of time, especially from selling goods or services.
fund	an amount of money that is collected and kept for a particular purpose.

# UNIT 10

## ELECTIONS AND THE ELECTORAL PROCESS

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Federal elections are held in November of even-numbered years. Just as the President, Senators, and Representatives have overlapping constituencies, their terms also overlap.

- All Representatives are elected every two years by the voters of the district they represent.
- Senators serve six-year terms, with one-third of them up for election every even year. Senators are chosen in statewide elections and represent all residents of their states.
- The President and Vice President are elected together every four years in a nationwide election.

The election process begins well in advance of the actual election as individuals declare their candidacies for office. In the congressional election process, if more than one candidate from the same party seeks the office, a primary election is held to determine which candidate will be on the ballot in the general election.

The primary process for presidential elections is different from congressional elections. Beginning in January and lasting through June of the election year, states hold presidential primaries or caucuses. The results of these ballots determine how many delegates will represent each respective candidate at the national party nominating conventions, which are usually held in July or August. At these political conventions each party's nominee is actually selected.

In the general election in November, Senators and Representatives are elected by plurality vote – the candidate receiving the most votes wins, even if it is not a majority. In presidential elections, each state is allocated a number of electoral votes equal to the sum of U.S. Representatives and Senators for that state. The District of Columbia, though not a state, has three electoral votes.

The presidential candidate who wins the popular vote in a state “wins” that state’s electoral votes, usually in a winner-take-all manner.

After elections in each state are certified, the electoral votes won by each candidate are counted. If a candidate receives a majority of the electoral votes (at least 270 of the 538 total), he or she is declared the winner. If no candidate wins a majority of electoral votes, the U.S. House of Representatives chooses the winner, with each state delegation having one vote. Because the President is not elected directly by the people, it is possible for a candidate to receive a plurality of the popular vote and yet lose the election.

### **Active Vocabulary**

election; general election; primary election – вибори;  
even (-numbered) – парний;  
constituency – виборці, виборчий округ;  
to overlap – (частково) співпадати;  
ballot - виборчий бюлетень;  
caucus - попередні фракційні чи партійні збори;  
nomination – висування кандидата;  
nominee – кандидат;  
winner-take-all – всепермагаючий;  
to allocate – призначати;

### **I. Answer the following questions.**

1. When are federal elections held?
2. Do the President, Senators and Representatives have overlapping constituencies?
3. Does the primary process for presidential elections differ from congressional elections?
4. In what way are Senators and Representatives elected in the general election and when?
5. How many electoral votes should the presidential candidate receive to be declared the winner?
6. What is the chance for the U.S. House of Representatives to choose the winner in presidential campaign?
7. The President is not elected directly by the people, is he?

## **II. Fill in the blanks with proper prepositions where necessary.**

1. The candidates are elected ... every four years ... the voters of all the districts.
2. He was chosen ... statewide elections and represents all residents of his state.
3. Can you tell me which of the two candidates will be ... the ballot next month?
4. The primaries ... presidential elections differ ... congressional elections.
5. Last year he was present ... the national party convention.
6. It is possible ... a candidate to receive a plurality ... the popular vote.
7. The result of federal elections depends ... the people's good will.

## **III. make up sentences by arranging the words in proper order.**

1. The candidate, wins, the most votes, receiving.
2. three, votes, the district of Columbia, electoral, has.
3. elected, Senators, Representatives, and, are, plurality, vote, by.
4. primary, held, is, a, election, determine, to, candidate, which, be, will, ballot, on, the, election, general, the, in.
5. not, the President, directly, is, by, elected, people, the.

## **IV. a) Translate the following sentences into English.**

1. Президент та віце-президент обираються раз на чотири роки на загальнонаціональних виборах.
2. Якщо кандидат отримує більшість виборчих голосів, він оголошується переможцем.
3. Сенатори обираються на шестирічний термін на загальних виборах кожного зі штатів і представляють усіх мешканців цих штатів.

## **b) Give English equivalents for the following phrases and make sentences of your own.**

1. процес виборів до конгресу
2. претендувати на посаду
3. попередні вибори
4. загальні вибори

5. партійне засідання
6. обиратися більшістю голосів

#### **V. Translate into Russian.**

1. to hold presidential primaries
2. even-numbered years
3. to have overlapping constituencies
4. to serve six-year terms
5. party nominating conventions
6. party's nominee
7. to certify elections

#### **VI. Learn the following definitions.**

primary	an election held among candidates of the same party to decide which one will represent the party in the general election.
Electoral College	in U.S. presidential elections, the Electoral College is the group of electors who actually cast ballots for the President. When a voter casts a ballot for a presidential candidate, he or she is actually voting for a state of electors from their state who will cast their ballots for their candidate.
caucus	in U.S. presidential politics, a system used by some states to select delegates to state and national nominating conventions. In a caucus, local party members gather to discuss candidates and issues, and then vote. In Congress, a caucus is a meeting of members of the same political party or special interest group.

#### **VII. Topics for discussion.**

1. Presidential elections in the U.S.A.
2. Congressional elections: Representatives and Senators.
3. The line of presidential succession.

# UNIT 11

## NONGOVERNMENTAL ORGANIZATIONS AND INSTITUTIONS THAT INFLUENCE PUBLIC POLICY

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The U.S. system of government was designed to be deliberative, accessible by citizens, and open to a wide variety of opinions and interests. Just as the government has evolved and grown over time, so too have the institutions that seek to influence the government.

### **THE MEDIA**

The media in the United States is controlled by the private sector and faces no political censorship by the government. There is a strong tradition of independent newspapers, magazines, television, radio, and other forms of media publicizing varying opinions, both critical and supportive of government policy.

The media serves at least three important functions in influencing public policy. First, policy makers are under constant scrutiny by the extensive media industry. Public officials realize that almost anything they do or say – even in private – may appear in the media, and so are reluctant to make decisions or perform acts that they would not want publicized.

Second, the media reports facts and conducts independent analysis concerning public policy issues, thereby educating the public. Finally, the media provides a forum for publishers and broadcasters (and their readers and listeners) to present editorial opinions that may influence others. Many large newspapers, for example, endorse particular candidates for office or publish guest articles favoring one policy over another.

By bringing the acts of public officials to light, educating the public about the issues, and deliberately favoring certain candidates and policies, the media can influence policy directly or, by shaping public opinion, indirectly.



## **SPECIAL INTEREST GROUPS / NONGOVERNMENTAL ORGANIZATIONS (NGOs)**

Special interest groups are private-sector organizations whose members share common interests or positions on public policy, and who pool their resources with the intent of gaining a more prominent voice in policy debates. There are literally thousands of such groups representing almost every conceivable interest. Some organizations have a long history of working towards a general goal, while others are formed temporarily to advocate for or against a specific policy proposal.

Prominent examples of special interest groups are those who advocate for environmental protection, benefits for senior citizens, protection for minority groups, and free trade policies.

### **PUBLIC POLICY RESEARCH ORGANIZATIONS**

These organizations, sometimes called “think tanks,” conduct original research, publish books and articles, and prepare position papers on topics related to public policy. Their experts are often called to testify before Congress, and their published works are often cited by others to support their own positions.

While some of these groups have a distinct partiality towards liberal or conservative policies, many are highly respected as authoritative sources of study on matters that affect public policy. Some prominent think tanks with a long history of contributing to the public policy debate include the Brookings Institution, Heritage Foundation, Cato Institute, American Enterprise Institute, Center for Strategic and International Studies, and the Competitive Enterprise Institute, among others.

### **TRADE ASSOCIATIONS**

Trade associations are membership organizations that represent the interests of a particular industry or profession. They communicate the concerns of their members to policymakers both in the legislative and executive branches. Just as importantly, they report back to their members about new policies, rules, and proposals so that the members are educated about what is required of them.

### **LABOR UNIONS**

While the primary purpose of labor unions is to represent their members in negotiations with employers, unions also play a significant

role in influencing public policy. In speaking for their members, their input is considered whenever trade, environmental, workplace safety, health-care, and other key issues are debated.

### **Active Vocabulary**

deliberative – дорадчий

accessible – доступний

the then-Governor – тодішній губернатор

media – засоби масової інформації (ЗМІ)

editorship – цензура

to be under scrutiny – пильно стежити

to endorse – підтверджувати/підтримувати

to advocate (for, against) – відстоювати, пропагувати

conceivable interest – можлива зацікавленість

authoritative sources – авторитетні джерела

advertising campaign – рекламна компанія

public relations initiatives – пі-ар (PR) акція

compliance – згода, поступливість

to lobby – лобювати

miscellaneous – змішаний, різнобічний

excise tax – акцизний податок

### **I. Answer the following questions.**

1. Is the media in the United States independent?
2. What important functions in influencing public policy does the media serve?
3. What do nongovernmental organizations advocate for?
4. How many “think tanks” are there in the U.S.?
5. What is the role of trade associations and labour unions?
6. How can organizations influence public policy?
7. Who is an effective and principled advocate of the interests of companies and of the business community as a whole?

8. What are the major groups in the category of state and local government?
9. Are political parties an important part of the American system of government?
10. In what ways can foreign governments influence policy in the United States?

## II. Match the terms with the appropriate definitions.

media	the practice or system of censoring something.
censorship	all the organizations such as television, radio and the newspapers that provide information for the public.
excise tax	an amount of money that you must pay to the government according to your income, property, goods etc. that is used to pay for public services.
tax	a tax on the production or sale of specific products. In the United States, excise taxes are commonly levied at the federal, state, and local levels on products such as alcohol and tobacco.
to lobby	to publicly support a particular way of doing things.
to advocate	to try to persuade the government or someone with political power that a law or situations should be changed.
license	an official document giving you permission to own or do something for a period of time.

## III. Translate the following phrases into Ukrainian.

A wide variety of opinions and interests; to face political censorship by the government; to influence public policy; to be under constant scrutiny by the media industry; to be reluctant to make decisions; to endorse candidates for office; to favor one policy over another; to bring public officials' acts to light; to work towards a general goal; to advocate for a specific policy proposal.

## IV. Translate into English.

Захист меншин; високоповажне та авторитетне джерело; робити внесок у суспільну політику; представляти інтереси певного бізнесу; обговорювати ключові питання охорони навколишнього середовища; рекламна кампанія; Пі-ар акція; добре поінформований

– краще поінформований; все американська конференція мерів; вжити заходів; програма харчування та охорони здоров'я; посол України у США.

**V. Generate nouns and adjectives from the following verbs.**

<u>Verb</u>	<u>Noun</u>	<u>Adjective</u>
to extend	–	–
to support	–	–
to vary	–	–
to dedicate	–	–
to conduct	–	–
to analyse	–	–
to favour		
to educate		
to specify		
to compete		

**VI. Speak on the following topics.**

1. Speak on the media and its functions in influencing public policy.
2. Analyse the activity of “think tanks”.
3. Explain the role of political parties as an important part of the American system of government.

**Topics for discussion:**

1. What is the difference between the Constitution of Ukraine and the United States?
2. What are the features of the British Constitution which you consider important? Compare them with the Constitution of Ukraine.
3. What is the major difference of the American system of government and the British, Ukrainian ones?
4. Who has the right of Legislative initiative in Ukraine, Great Britain, the USA?
5. List some similarities and differences between the US system of government and that of your own country.

6. Compare the English Bill of Rights (1689) with the American one (1791).
7. What was the influence of the Bill of Rights on political thinking in America?
8. How were the rights of the monarch limited by the Bill of Rights in Britain?
9. What legal codes, written before the Constitution in Ukraine, do you know?
10. What legal documents of constitutional importance affected legal systems in Ukraine, Britain, the USA?

## **The Supreme Law of the Land**

The Constitution consists of a preamble, seven articles, and 27 amendments. It sets up a federal system by dividing powers between the national and state governments. It also establishes a balanced national government by separating powers among three independent branches - the executive, the legislative, and the judicial. The executive branch, the President, enforces national laws; the legislative branch, the Congress, makes national laws; and the judicial branch, the Supreme Court and other federal courts, applies and interprets laws when deciding legal disputes in federal courts.

Federal powers listed in the Constitution include the right to collect taxes, declare war, and regulate interstate and foreign trade. In addition to these delegated, or expressed powers (those listed in the Constitution), the national government has implied powers (those reasonably implied by the delegated powers). The implied powers enable the government to respond to the changing needs of the nation. For example, Congress had no specific delegated power to print paper money. But such a power is implied in the delegated powers of borrowing and coining money.

In some cases, the national and state governments have concurrent powers – that is, both levels of government may act. The national government laws are supreme in case of a conflict. Powers that the Constitution does not give to the national government or forbid to the states are reserved powers and belong to the people or to the states. State powers include the right to legislate on divorce, marriage, and public schools. Powers reserved for the people include the right to own property and to be tried by a jury.

The Supreme Court has the final authority to interpret the Constitution. It can set aside any law – federal, state, or local – that a majority of the justices believes conflicts with any part of the Constitution.

## **The Need for the Constitution**

The government established by the Articles of Confederation was not strong enough to govern the new nation. For example, it lacked an

executive branch and a system of national courts. It could not regulate trade between the states or tax the states or their citizens. It was little more than an assembly of the representatives of 13 independent states.

In 1783, after the Revolutionary War, the nation entered a period of unstable commercial and political conditions. Alexander Hamilton and his supporters would have had little success in their campaign for a new constitution if conditions had been better. Some historians perhaps have painted the troubles of the new republic in much too gloomy colors. But little doubt remains that the situation became steadily worse after 1783. Each state acted almost like an independent country. Each ran its own affairs exactly as it saw fit, with little concern for the needs of the republic. The states circulated a dozen different currencies, most of which had little value, neighboring states taxed each other's imports. Great Britain refused to reopen the channels of trade that the colonies had depended on for their economic well-being. The state legislatures refused to pay the debts they had assumed during the Revolutionary War. Many states passed laws that enabled debtors to escape paying their obligations.

Worst of all, some people began to think once again of taking up arms in order to solve their problems. In western Massachusetts in 1786, hundreds of farmers under Captain Daniel Shays rebelled against the state government. State troops finally put down Shays's Rebellion. George Washington and other leaders wondered whether the colonies had rebelled against Great Britain in vain. They felt it was time to end these troubles and bring peace and order by forming a new national government. This new government would have to be strong enough to gain obedience at home and respect abroad.

Representatives from five states met in Annapolis, Maryland, in 1786. They proposed that the states appoint commissioners to meet in Philadelphia and consider revising the Articles of Confederation. Congress agreed to the proposal and suggested that each state select delegates to a constitutional convention.

### **The Constitutional Convention**

The Convention was supposed to open on May 14, 1787. But few of the 55 delegates had arrived in Philadelphia by that date. Finally, on May 25, the Convention formally opened in Independence Hall. Twelve

states had responded to the call for the Convention. Rhode Island had refused to send delegates because it did not want the national government to interfere with Rhode Island's affairs.

Of the 55 delegates, 39 signed the United States Constitution on September 17, 1787. One of the signers was John Dickinson of Delaware, who left the Convention but asked another delegate, George Read, to sign for him. William Jackson, the Convention secretary, witnessed the signatures. The delegates included some of the most experienced and patriotic men in the new republic. George Washington served as president of the Convention. Benjamin Franklin, at the age of 81, attended as a Representative of Pennsylvania. The brilliant Alexander Hamilton represented New York. James Madison of Virginia received the title of "Father of the Constitution" with his speeches, negotiations, and attempts at compromise. Madison told the delegates they were considering a plan that would "decide forever the fate of republican government." He kept a record of the delegates' debates and decisions.

Other men who had much to do with writing the Constitution included John Dickinson, Gouverneur Morris, Edmund Randolph, Roger Sherman, James Wilson, and George Wythe. Morris was probably the most influential delegate after Madison and Washington. He was given the task of putting all the Convention's resolutions and decisions into polished form. Morris actually "wrote" the Constitution. An original copy of the document is pre-served in the National Archives building in Washington, D.C.

Several important figures of the time did not attend the Convention. John Adams and Thomas Jefferson were absent abroad on other government duties. Samuel Adams and John Jay failed to be appointed delegates from their states. Patrick Henry refused to serve after his appointment because he opposed granting any more power to the national government. Three leading members of the convention – Elbridge Gerry, George Mason, and Edmund Randolph – refused to sign the Constitution because they dis-agreed with parts of it.

### **The Background of the Constitution**

The delegates to the Constitutional Convention relied greatly on past experience as they worked to create a new government. They recalled many important events in the development of constitutional government.



These included the granting of Magna Carta, an English constitutional document, in 1215, and the meeting of the Jamestown Representative Assembly in 1619. Some of the colonies also served as examples of constitutional forms of government. Colonial governments had weaknesses but had progressed beyond other governments of their time in achieving liberty under law.

About the time of the Revolutionary War, several American states established constitutional governments. In 1777, John Jay of New York had helped write a constitution for his state. John Adams of Massachusetts had helped write the Massachusetts Constitution of 1780. Delegates to the Constitutional Convention in Philadelphia used many ideas and words from the constitutions of these and other states.

The delegates also drew on their own experiences. For example, Benjamin Franklin had proposed a plan at the Albany Congress of 1754 to unify the colonies under a central government. Washington remembered his own problems during the war when, as Commander-in-Chief, he had to work with the weak Confederation government. Almost every delegate to the Convention had served as a soldier or administrator of the government. The delegates often disagreed on details but were united in wanting the new government to be strong enough to rule the nation, but not so strong as to threaten the liberties of the states and of the people.

***The Compromises.*** The task of creating a new government was not easily accomplished. Disputes among the delegates nearly ended the Convention on several occasions. For example, delegates from the large and more populous states disagreed with those from the small states about representation in the national legislature. The larger states favored the Virginia Plan, under which population would determine the number of representatives a state could send to the legislature. The smaller states supported the New Jersey Plan, which proposed that all the states would have an equal number of representatives. The Connecticut delegates suggested a compromise that settled the problem. Their plan provided for equal representation in the Senate, along with representation in proportion to population in the House of Representatives. This proposal became known as the Connecticut Compromise or the Great Compromise.

Compromises also settled conflicts over the issue of slavery. The delegates from the Northern states wanted Congress to have the power to forbid the foreign slave trade and eventually to abolish slavery. Most

Southern delegates did not wish Congress to have this power. A compromise decided that Congress would not be allowed to regulate the foreign slave trade until 1808. Another compromise involved the question of how to count slaves in determining the number of congressmen a state could have. Slaves were not considered citizens, and so the Convention agreed that only three-fifths of them could be counted.

The delegates agreed that each state should hold a special convention to discuss and vote on the Constitution. They also decided that as soon as nine states had ratified (approved) the Constitution, the Constitution would take effect and they could begin to organize their new government.

### **Ratifying the Constitution**

Less than three months after the Constitution was signed, Delaware became the first state to ratify it, on December 7, 1787. New Hampshire was the ninth state, putting the Constitution into effect on June 21, 1788. But the Founding Fathers could not be sure that the Constitution would be generally accepted until the important states of New York and Virginia had ratified it. Powerful organized opposition to the Constitution had developed in these two states and in others. Such men as Elbridge Gerry, Patrick Henry, Richard Henry Lee, and George Mason spoke out against ratification.

Critics objected that a bill of rights had not been included, that the President had too much independence, and that the Senate was too aristocratic. They also thought Congress had too many powers and the national government had too much authority. Friends of the Constitution rallied support for ratification. They became known as Federalists. Their opponents were called Antifederalists. The two groups promoted their causes in newspapers, in pamphlets, and in debates in the ratifying conventions. The groups developed into the first American political parties.

Virginia ratified the Constitution on June 25, 1788, and New York did so on July 26. Early in January 1789, all the ratifying states except New York (which failed to appoint electors by the deadline) selected presidential electors in their legislatures or by a direct vote of the people. On February 4, the electors named George Washington as the first President of the United States. The first Congress under the Constitution met in New York City on March 4. Washington was inaugurated on April 30. But North Carolina and Rhode Island refused to approve the

Constitution and take part in the new government until Congress agreed to add a bill of rights.

### **The Development of the Constitution**

James Madison declared, “In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce.” The Constitution was designed to serve the interests of the people – rich and poor, Northerners and Southerners, farmers, workers, and business people. Through the years, the Constitution has been interpreted to meet the changing needs of the United States.

Delegates to the Constitutional Convention believed strongly in the rule of the majority, but they wanted to protect minorities against any unjustness by the majority. They achieved this goal by separating and balancing the powers of the national government. Other basic constitutional aims included respect for the rights of individuals and states, rule by the people, separation of church and state, and supremacy of the national government.

The Constitution has been amended 27 times, including the Bill of Rights. Amendments may be proposed by two-thirds of each house of Congress or by a national convention called by Congress at the request of the legislatures in two-thirds of the states. An amendment becomes part of the Constitution after being ratified either by the legislatures of three-fourths of the states or by conventions in three-fourths of the states. Congress decides which form of ratification should be used and how much time the states have to consider each amendment. In many cases Congress has chosen a seven-year period for such consideration.

The delegates to the Constitutional Convention knew they could not write laws for every possible situation. Therefore, they gave Congress the right to pass all laws that are “necessary and proper” to carry out powers granted by the Constitution to the President, Congress, and federal courts. Congress has passed laws to establish such administrative organizations as the Federal Aviation Administration and the Postal Service. Congress also has passed laws to regulate interstate commerce, thereby controlling many aspects of the U.S. economy.

**Court Decisions.** Federal and state judges apply the Constitution in many court cases. The Supreme Court has the final authority in

interpreting the meaning of the Constitution in any specific case. The court has the power of judicial review – that is, it can declare a law unconstitutional. The Supreme Court has this power largely because of the decision of Chief Justice John Marshall in the case of *Marbury v. Madison* in 1803. Since that time, the court has ruled that more than 125 federal laws and hundreds of state laws were unconstitutional.

**Presidential Actions.** Strong Presidents have used their authority to expand the simple words of the Second Article of the Constitution into a source of great presidential power. Such Presidents include George Washington, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt. Washington, for example, made the President the leading figure in foreign affairs. Lincoln used the powers set forth in the article to free the slaves from the southern states in rebellion during the Civil War (1861-1865).

Customs have made the Constitution flexible and have added to the powers of the national government. For example, the President’s cabinet developed from the words in the Second Article that permit the chief executive to “require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices.”

**State And Party Actions.** The Constitution provides for a general method of electing a President. It does not mention political parties. But state laws and political party practices have changed the constitutional system of voting into the exciting campaigns and elections that take place today.

The Constitution has continued to develop in response to the demands of an ever-growing society through all these methods. Yet the spirit and wording of the Constitution have remained constant. People of each generation have applied its provisions to their own problems in ways that seem reasonable to them.

The British statesman William E. Gladstone described the Constitution as “the most wonderful work ever struck off at a given time by the brain and purpose of man.” In a world of change and struggle, the American people have no more precious possession than this great document. The complete text of the Constitution of the United States and its amendments is presented on the following pages. It is followed by the complete text with explanatory notes.

# GLOSSARY

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**Appellate:** A court that hears cases appealed from lower courts. Some courts have both original jurisdiction (that is, cases may be tried first in the court) and appellate jurisdiction.

**Bill:** Legislation introduced in either the House or the Senate.

**Bill of Rights:** name given to the first ten amendments to the U.S. Constitution because they specifically protect the rights of individuals.

**Cabinet:** The President's closest advisors, consisting of the Vice President and, by law, the heads of the 15 Executive Branch departments. The President or Congress may also accord cabinet-level status to other top officials.

**Caucus:** In U.S. presidential politics, a system used by some states to select delegates to state and national nominating conventions. In a caucus, local party members gather to discuss candidates and issues, and then vote. In Congress, a caucus is a meeting of members of the same political party or special interest group.

**Chamber:** A legislative body. The U.S. Congress is comprised of two chambers: the U.S. Senate and the U.S. House of Representatives. Chamber also refers to the hall where each body meets to conduct official business.

**Checks and balances:** System set forth in the U.S. Constitution which divides governing power between the Executive, Legislative, and Judicial Branches. Each branch exercises some form of authority over the others, thereby balancing power across many individuals and institutions.

**Conference Committee:** A meeting between U.S. Representatives and U.S. Senators to resolve differences when two versions of a similar

bill have been passed by the House and Senate. Identical bills must pass in both chambers before the bill can be presented to the President.

**Confirmation:** The act of the U.S. Senate approving a presidential nominee to an executive branch post or federal judgeship.

**Congressional Record:** The official transcript of the proceedings of the U.S. Congress.

**Constitution:** The basic laws and principles of a nation that define the powers and responsibilities of government and the rights of the people. The United States has a written constitution, but constitutions in some other nations are unwritten.

**Department:** The highest administrative division of the Federal Government, comparable to a ministry in parliamentary systems. Departments are created by law, and the head of a department is called a secretary (except for the head of the Department of Justice, whose title is Attorney General).

**Electoral College:** In U.S. presidential elections, the Electoral College is the group of electors who actually cast ballots for the President. When a voter casts a ballot for a presidential candidate, he or she is actually voting for a slate of electors from their state who will cast their ballots for their candidate.

**Excise tax:** A tax on the production or sale of specific products. In the United States, excise taxes are commonly levied at the federal, state, and local levels on products such as alcohol and tobacco.

**Markup:** An activity of committees and subcommittees in the U.S. Congress in which proposed legislation is considered section by section, debated, revised and/ or amended.

**Parliamentarian:** In the U.S. Congress, the official who, being an expert on House or Senate rules and procedures, assists the officers in legislative procedures, including the assignment of bills to

appropriate committees.

**Primary:** An election held among candidates of the same party to decide which one will represent the party in the general election.

**Proportional representation:** System of representative government in which the political makeup of the legislative branch is based on the number of votes each party receives.

**Republic:** System of government in which the ultimate powers of government rest with the people who elect representatives to formulate policy and carry out the laws.

**Single-member district:** A geographic district from which a single member is elected by a majority or plurality of the popular vote to represent it in a legislative body

**Veto:** An act by the President that rejects legislation passed by the Congress, thereby preventing its enactment. The Congress can override a veto by passing the legislation with a two-thirds majority in each chamber.

Part III  
UNITED KINGDOM

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# UNIT 1

## OVERVIEW OF GOVERNMENT IN THE UNITED KINGDOM

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The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy and a unitary state which is made up of the island of Great Britain (including England, Scotland and Wales) and of Northern Ireland (which consists of the County Boroughs of Belfast and Londonderry, and the counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone - being part of the ancient Irish province of Ulster). The common language is English; Welsh and Gaelic are spoken regionally. The British Islands are not constitutionally part of the United Kingdom; these islands, comprising the Channel Islands (of which the principal islands are Jersey, Guernsey, Alderney and Sark) and the Isle of Man are separate dependencies of the British Crown.

The independent Kingdoms of England and Scotland were first linked by personal union of the Crowns of both countries when James VI of Scotland succeeded to the throne of England (as King James I) in 1603. The political unification of the two countries was only effected more than 100 years later through the Treaty of Union of 1707. The treaty and the subsequent Acts of Union abolished the separate parliaments and established one parliament for Great Britain which was situated in London. Great Britain was united with Ireland by the Act of Union of 1800 which came into effect in the following year. By this Act provision was made for Irish representation in the Parliament at Westminster, as provision had been made for Scottish representation in the Act of 1707. The United Kingdom of Great Britain and Ireland existed from 1801 until 1922, at which time, in consequence of the partition of Northern and Southern Ireland, the title was changed to the present one of the United Kingdom of Great Britain and Northern Ireland. The Irish Treaty of December 6, 1921 gave Dominion Status to 26 Irish counties under the name of the Irish Free State (Saorstát Éireann); in 1937 the Irish Free State assumed a republican form of government but the new state continued in association with the British Commonwealth until April 18, 1949. Under the Government of Ireland Act, 1920, as

amended by the Irish Free State (Consequential Provisions) Act, 1922, a separate parliament and government, each with limited powers, were established for Northern Ireland. The Northern Ireland Assembly Act, 1973 and the Northern Ireland Constitution Act, 1973 established a new constitutional framework to replace that provided by the Government of Ireland Act, 1920. The Northern Ireland Parliament was replaced by an elected Assembly and the government by an Executive, the composition of which was to be agreed by the Assembly. The Northern Ireland Act, 1974 dissolved the Assembly, and provided that a Constitutional Convention should be held on the future of Northern Ireland. The Convention has since collapsed, and rule at present is direct from Westminster.

English law and Scots law are very different from each other in form and substance. The separate evolution of the two legal systems, both before and after Unification, has resulted in different principles, institutions and traditions. Although in modern times Scots law has been greatly influenced by English law, it is still based upon principles of Roman or civil law and upon rules of Canon, feudal or common law origin. In spite of the existence of a common Parliament for England and Scotland for over 250 years there has been no assimilation of the legal systems of the two countries. A fusion of law has, however, taken place between England and Wales, as a consequence of the subjugation of the latter country in the middle ages. The law of Northern Ireland, although administered as a separate system, is similar in many essentials to English law.

### **Active Vocabulary**

unitary state – унітарна держава

to comprise – вміщати, містити в собі, охоплювати

separate dependencies – окремі залежності, виділяти залежності

unification – об'єднання, уніфікація

subsequent act – наступний закон

provision – положення, умова, постанова;

treaty provisions- постанова договору, пункти договору

provision of law – постанова закону

to make provisions – постанововлювати, передбачати, включати умови

Dominion Status – статус Домініону, статус суверенітету

Consequential Provisions – важливі постанови, що логічно впливають постанови

to dissolve – розпускати, припиняти діяльність, зникати, відмінити

fusion of law – злиття закону, об'єднання закону

as a consequence of the subjugation – в результаті підпорядкування (підкорення)

partition – розподіл, переділ

to abolish – скасувати, спрощувати, знищувати

Convention – договір угода, конвенція

Ireland Assembly – Асамблея, законодавчі збори Ірландії

### **I. Answer the questions:**

1. What is the United Kingdom of Great Britain and Northern Ireland?
2. When were the independent Kingdoms of England and Scotland first linked by personal union of the Crowns of both countries?
3. When was the political unification of the two countries effected?
4. What was the title of the country from 1801 to 1922 and why ?
5. What is the difference between English law and Scots law?

### **II. Quote the sentences where the following phrases are used:**

- a unitary state which is made up of
- the treaty and the subsequent Acts of Union
- provision was made for Irish representation
- to give Dominion Status to
- to be replaced by an elected Assembly
- to be based upon principles of Roman or civil law and upon rules of Canon
- as a consequence of the subjugation of the latter country in the middle ages

### **III. Match each word or expression on the left with the correct definition on the right:**

- To abolish - the association of States formed by the UK and self-governing nations which were once part of the British Empire;
- To establish - treaty between States; rule or practice which regulates the conduct of the Crown and state organs where there are no formal legal rules;
- Commonwealth - to end, bring to an end;
- Convention - to take away, cancel;
- To dissolve - to create, set up.

**IV. Read the following sentences and decide if they are true or false:**

1. The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy and a unitary state.
2. The British Islands are constitutionally part of the United Kingdom; these islands, comprising the Channel Islands and the Isle of Man are not separate dependencies of the British Crown.
3. The independent Kingdoms of England and Scotland were first linked by personal union of the Crowns of both countries when James VI of Scotland succeeded to the throne of England in 1603.
4. The treaty and the subsequent Acts of Union didn't abolish the separate parliaments and establish one parliament for Great Britain.
5. A fusion of law has, however, taken place between England and Wales, as a consequence of the subjugation of the latter country in the middle ages.

**V. Translate the sentences into Ukrainian:**

1. At all periods in English history it has been necessary for the legislature and the executive to act in harmony if the government is to be carried on efficiently.
2. In England the ultimate legislator is Parliament.
3. A law which is passed (made) by the UK Parliament is called an Act of Parliament.
4. The Treaty and Acts of Union of 1706 and 1707 established one parliament for Great Britain.
5. The English courts interpret Acts of Parliament according to the fixed rules of precedent.

**VI. Complete the following sentences with the words and expressions: *provide, by, under, abolish, amend, provision is made for, establish.***

1. The Road Traffic Act 1972 ..... it is an offence (crime) to drive when drunk.
2. .... the Northern Ireland Assembly Act 1973 ..... an elected Assembly for Northern Ireland.
3. The Government of Ireland Act 1920 was ..... By the Irish Free State Act 1922.
4. These two Acts ..... the Northern Ireland Parliament and .....an elected Assembly in its place.
5. .... the Parliament Act 1911 a parliament cannot last for more than five years.

**VII. Explain the word combinations:**

To be constitutionally part of, to abolish the separate parliaments and establish one parliament for, which come into effect, Dominion Status, to be made for, in consequence of the partition of, assimilation of the legal systems of the two countries.

**VIII. Translate into English and use the phrases to make up sentences of your own:**

унітарна держава, постанова закону, договір зірвався, потерпів поразку, законодавчі збори Ірландії, базуватися на принципах Римського або цивільного права, подібність законодавчих систем, статус суверенітету, закон Парламенту, Об'єднане королівство Великої Британії і Північної Ірландії.

**IX. Complete the following sentences using the text:**

1. The British Islands are not .....
2. The independent Kingdoms of England and Scotland were first linked by.....
3. Great Britain was united with Ireland by .....which came into effect in the following year.
4. By this Act provision was made for Irish representation in the Parliament .....
5. In modern times Scots law has been greatly influenced by .....

but it is still based upon principles of ..... and upon rules of ....., .....

6. In spite of the existence of a common Parliament for England and Scotland for over 250 years ..... of the two countries.

## **X. Give short summary of the text.**

### **XI. Discussion points**

1. Do you know anything about the “Troubles”, or situation of tension in Northern Ireland?

2. Read this summary to check your ideas:

“The people of Ulster are divided into two groups – the Catholic minority, who want to join the Republic of Ireland, and the Protestant majority, who want to remaining the UK. The British government have sent the army to Ulster to control the violence between the two groups, but both sides hate this interference and many soldiers have been killed. The government say that Ulster is part of the UK and they therefore have a duty to keep the peace there. And how can they cede (give) Ulster to Eire when the majority of its people are against this? “

3. It's a historical relationship between Britain and Ireland. From legal point of view, what is your opinion on the matter? Can you see a solution to the problem?

# UNIT 2

## CONSTITUTION AND GOVERNMENT

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The United Kingdom has never had a written Constitution. However the UK Constitution is unwritten only in the sense that the documents upon which it is based have not been brought together in a single inclusive statement. The major elements comprising this unwritten constitution are historic documents, judicial interpretations, privileges of Parliament and a few classic writings.

The principal constitutional documents are the Magna Carta /1215/, the Petition of Right /1628/, the Bill of Rights /1689/, the Act of Settlement, and the Representation of the People Acts. Two key concepts around which the unwritten constitutional norms have evolved are the rule of law and parliamentary sovereignty.

The unwritten constitution of the United Kingdom is facing increasing pressures from several directions. Parliamentary sovereignty was being challenged as a result of the United Kingdom's ascension to the European Union where EU legislation prevails. The second is the challenge of terrorism to the rule of law, which becomes irrelevant when militant groups bypass legal procedures. The third is the challenge of nationalism to the unitary state.

The United Kingdom is a constitutional monarchy in which "the queen reigns but doesn't rule". It is a tribute to the British monarchy that it still occupies an important place in the political system and national life.

The power of the crown to act without consulting parliament is called "the royal prerogative". In theory, the scope of the prerogatives is vast. The queen appoints the Prime Minister, summons and dissolves Parliament, opens and closes sessions of Parliament.

Declarations of war, treaties with other countries and the granting of self-government are executed by the crown. As the "fountain of justice", the queen appoints judges and dispenses mercy; criminal cases are conducted in her name.

As the “fountain of honor”, she creates peerages and awards other titles and decorations. As the “defender of the faith”, she appoints bishops of the Church of England. As commander-in-chief she is the head of the armed forces. As the head of the Commonwealth she is the symbol of unity among its members. As head of state she “encourages, warns and advises” the Prime Minister. In practice, these powers are ceremonial. Thus, the Queen’s speech, although read by the queen in person, is written by the Prime Minister. The prerogative of mercy is exercised on the advice of the home secretary.

The Queen and the royal family have acquired a broader significance within the political culture. The Queen is the head of state of Antigua and Barbuda, Australia, Bahamas, Barbados, Belize, Canada, Grenada, Jamaica, Mauritius, New Zealand, Papua New Guinea, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, the Solomon Islands and Tuvalu. The title to the crown derives from statute and common law rules of descent. Succession is limited to lineal Protestant descendants of Princess Sophia granddaughter of James I of England. Sons have precedence over daughters in the line of succession. When a daughter succeeds, she becomes queen regnant, but her husband does not enjoy any special rank or privileges.

About 85% of the royal expenditures are met from the national Treasury. The royal public expenditures on official duties are financed from the Civil List. Private expenditures are met from the Privy Purse.

The government is made up of the Prime Minister, secretaries of state, ministers, ministers of state, junior ministers and private parliamentary secretaries. The size of government is over 100. The Cabinet is the group of senior ministers, generally 10 in number. The main functions of the Cabinet are: the final determination of policy, supreme control of the executive and continuous coordination of the activities of state.

The composition of the Cabinet is left to the personal discretion of the Prime Minister. The Cabinet meets twice weekly for about two hours. The meetings may be held at the Cabinet Room at 10 Downing Street, at the House of Commons or at Chequers, the Prime Minister’s country residence. The Cabinet does not issue orders but “takes note”, “approves” or “invites”. Its decisions are written as “conclusions”.



## Active Vocabulary

- constitution – конституція
- inclusive statement – документ, що включає
- Magna Carta – Велика хартія вільностей
- the Petition of Rights – Петиція про права
- the Bill of Rights – Біль про права
- the Act of Settlement – закон про престолонаслідування
- the Representation of the People Acts – закони про репрезентативність народу
- increasing pressure – зростаючий тиск
- power of the crown – влада корони
- the royal prerogative – королівське виключне право, прерогатива
- to summon – викликати, скликати, вимагати виконання чогось
- fountain of justice – основа правосуддя
- dispense mercy – надавати, роздавати помилювання, милість
- fountain of honor – основа честі
- to exercise on the advice – користуватися порадою
- to have precedence – мати пріоритет, першість, першочерговість, передування
- royal public expenditures – королівські державні витрати
- queen regnant – правляча королева
- the Privy Purse – сума асигнована на приватні витрати монарха
- determination – рішучість, визначення, ухвала(суду)
- Chequers – Чекерс (літня резиденція англійського прем'єр – міністра)
- to issue – видавати, випускати
- discretion – розсуд, дискреційне право

### **I. Answer the questions:**

1. What type of Constitution does the United Kingdom have?
2. What are the principal constitutional documents?
3. What are the key concepts of unwritten constitutional norms?

4. What is the power of the crown to act without consulting parliament called?
5. Who is the “fountain of justice”?

**II. Quote the sentences where the following phrases are used:**

- to be brought together in a single inclusive statement
- the United Kingdom’s ascension to the European Community
- the royal prerogative
- to appoint the Prime Minister
- to summon and dissolve Parliament
- to open and close sessions of Parliament
- the Privy Purse
- the final determination of policy
- issue orders, “take note”, “approve” or “invite”

**III. Match each word or expression on the left with the correct definition on the right:**

- |              |  |
|--------------|--|
| Cabinet      | - the political and legal structure of government; it defines the composition, powers and relations of the head of state, legislature, executive and judiciary;    |
| Constitution | - the monarch or monarchy in the capacity of head of state or an institution of government;  |
| To issue     | - national body which represents the people of a state and has supreme legislative powers within the state;  |
| Parliament   | - the body of senior Ministers of the Crown presided over by the Prime Minister which formulates government policy and initiates legislation; it is the executive; |
| Crown        | - to give out officially.  |

**IV. Read the following sentences and decide if they are true or false:**

1. The head of state is the monarch, currently the Queen in the UK, but the government carries the authority of the Crown (the monarch).
2. The Westminster Parliament has two chambers: the House of Lords and the House of Commons, which sit together but are constituted on different principles.

3. The Commons is a hereditary body. Substantial reform is being carried out in the upper house.
4. The House of Lords, where it is proposed that the majority of members be appointed, with a minority elected, replacing the hereditary peers.
5. The major elements comprising this written constitution are historic documents, judicial interpretations, privileges of Parliament and a few classic writings.

#### **V. Translate the sentences into Ukrainian:**

1. There are no fundamental rights in the United Kingdom in the constitutional sense. The evolution of rights has been pragmatic: some of them were entrenched in the Magna Carta and the Bill of Rights.
2. The Magna Carta established the principle of limited government, in which the power of the monarch, or government, was limited, not absolute.
3. The main purpose of the act was unequivocally to declare illegal various practices of James II.
4. The United Kingdom is a constitutional monarchy in which “the queen reigns but doesn’t rule”. It is a tribute to the British monarchy that it still occupies an important place in the political system and national life.
5. The Cabinet does not issue orders but “takes note”, “approves” or “invites”. Its decisions are written as “conclusions”.

#### **VI. Complete the following sentences with the words and expressions:**

##### **The Petition of Rights**

royal request; Stuart succession; more resistance; raising taxes; prevent; restricted; forced; financial control

Parliament began to show ..... to the monarchy under the .....  
 From 1603 by using its gradually acquired weapon of .....It was influenced by the gentry and began to refuse .....for money. It eventually .....Charles I to sign the Petition of Rights in 1628, which

further ..... The monarch's powers and was intended to .....him from ..... Without Parliament's consent.

### **VII. Explain the word combinations:**

To have acquired a broader significance within the political culture; to be left to the personal discretion of the Prime Minister; the final determination of policy; supreme control of the executive; continuous coordination of the activities of state; the Magna Carta / 1215/; the Petition of Right /1628/; the Bill of Rights /1689/; the Act of Settlement; the Representation of the People Acts.

### **VIII. Translate into English and use the phrases to make up the sentences of your own:**

документ, що включає; сума асигнована на приватні витрати монарха; користуватися порадою; основа правосуддя; королівське виключне право, прерогатива; закон про престолонаслідування.

### **IX. Complete the following sentences using the text:**

1. The UK Constitution is unwritten only in ..... upon which it is based have not been brought together in .....
2. The unwritten constitution of the United Kingdom is facing .....
3. The power of the crown to act without consulting parliament is called ..... In theory, ..... is vast.
4. Parliamentary sovereignty is being challenged ..... where EU legislation prevails.
5. The second is the challenge ..... when militant groups bypass legal procedures.
6. The third is the challenge .....

### **X. Give short summary of the text.**

### **XI. Discussion points:**

1. Name legal documents of constitutional importance, which have affected modern legal systems.
2. What provisions did the Magna Carta contain?

3. What is the Bill of Rights? What civil rights were protected by this document?

4. Discuss the article from the Petition of Rights. Explain the role of the Monarch:

“All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, That the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, That in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom. *Qua quidem petitione lecta & plenius intellecta per dictum dominum regem taliter est responsum in pleno parlamento, viz.. Soit droit fait come est desire.*”

# UNIT 3

## STATE ORGANS

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### *The monarchy*

The constitutional principles, rules and practices of the United Kingdom have never been codified; they derive from statute law, from common law, and from conventions of the constitution, which are not laws at all, but political practices which have become considered as indispensable to the smooth working of the machinery of government. The monarchy, followed by the legislative, executive and judicial organs of government.

*The monarchy* is the most ancient secular institution in the United Kingdom, with a continuous history stretching back over a thousand years. The monarchy is hereditary and the present title to the Crown derives from provisions of the Act of Settlement of 1701 which secured the Protestant succession. This succession cannot now be altered, under a provision of the Statute of Westminster, 1931, except by common consensus of the member states of the Commonwealth which owe allegiance to the Crown.

Queen Elizabeth II, who succeeded to the throne in 1952, is, in addition to being an integral part of the legislature, the head of the judiciary, the commander-in-chief of the armed forces of the Crown and the temporal head of the established Church of England.

The monarchy in the United Kingdom has evolved over the centuries from absolute personal authority to the present constitutional form by which the Queen reigns but does not rule. Her Majesty's government governs in the name of the Queen who must act on the advice of her ministers. The Queen summons, prorogues (dismisses at the end of a session) and dissolves Parliament; she usually opens new sessions of Parliament with a speech from the throne in which the major governmental policies are outlined. These acts form part of the Royal Prerogative, defined as 'the residue of discretionary or arbitrary authority, which at any given time is left in the hands of the Crown'. Prerogative rights are of legislative, executive and judicial character. The Monarch

must give the Royal Assent before a bill which has passed all its stages in both Houses of Parliament can become a legal enactment (Act of Parliament). The Monarch's consent and approval is required before a Cabinet can be formed or a minister takes up office. As Head of State the Monarch has the power to sign international agreements, to cede or receive territory, and to declare war or make peace. The Monarch confers honors and makes appointments to all important offices of state, including judges, officers in the armed services, diplomats and the leading positions in the Established Church. As the 'fountain of justice', it is only the Monarch who is able to remit all or part of the penalties imposed upon persons convicted of crimes through the exercise of the Royal Prerogative of Mercy on the advice of the appropriate minister. At the present time the Monarch, although exercising residual authority by consent of Parliament and according to the advice of the government of the day, is regularly informed and consulted on many aspects of public affairs. The Privy Council is the body on whose advice and through which the Monarch exercises most statutory and many prerogative powers. There are about 330 members of the Privy Council, which, however, only meets as a full body on the death of the Monarch. It conducts much of its business in committees at which the Monarch may not constitutionally be present. All Cabinet ministers are members; other members are appointed by the Monarch on the recommendation of the Prime Minister.

### **Active Vocabulary**

to codify – кодифікувати

indispensable (to, for) – необхідний, обов'язковий, дуже потрібний, що не припускає ніяких винятків

ancient secular institution – старовинний світський заклад (установа)

hereditary – спадковий

to derive – отримувати, успадковувати, встановлювати походження

provisions of the Act of Settlement – постанови до закону про престолонаслідування

to secure – забезпечити безпеку, охороняти, захищати

succession – спадкоємність, наступність; одержання в спадщину, успадкування, престолонаслідування

to be altered – змінюватись, видозмінюватись

to owe allegiance – бути зобов'язаним відданості, вдячності

an integral part of smth. – невід'ємна частина чогось

commander-in-chief – головнокомандуючий

temporal – світський, мирський, цивільний

to evolve over – розвиватися, розгортатись

to reign – правити, царювати

to prorogue – призначити перерву в роботі парламенту, відкласти

Royal Prerogative – Королівське виключне право

the residue of discretionary or arbitrary authority – спадок без боргів і відмов на спадщину дискреційної чи випадкової влади

Royal Assent – Королівська санкція

legal enactment – правове положення (стаття)

to cede – поступатися, передавати, признавати правоту, віддавати

to confer honors – надавати, присуджувати нагороди

to take up office – займати посаду, приходити до влади

to remit – відкласти, відсилати назад до нижчої інстанції, прощати, відпускати

Privy Council – таємна рада

### **I. Answer the questions:**

1. What powers does the Queen have in government?
2. When did Queen Elizabeth II succeed to the throne?
3. How has the monarchy in the United Kingdom evolved over the centuries?
4. What is the Royal Assent and when does the monarch use it?
5. What is the Privy Council?

### **II. Quote the sentences where the following phrases are used:**

- the most ancient secular institution in the United Kingdom;
- owe allegiance to the Crown;



- to act on the advice of; the Royal Prerogative;
- the Monarch's consent; to cede or receive territory;
- exercising residual authority by.

**III. Match each word or expression on the left with the correct definition on the right:**

- |                       |  |
|-----------------------|--|
| Monarchy              | - the power of the Crown to excuse a criminal offence or reduce a punishment on the advice of the Home Secretary;  |
| Privy Council         | - the approval by the British Sovereign of Bill which has been passed by both Houses of Parliament so that it becomes law as an Act of Parliament;             |
| Royal Prerogative     | - a council of the British Sovereign composed of persons who hold or have held high political, legal or ecclesiastical office, and including the Royal Family; |
| Royal Assent          | - the system of government in which a single person called King or Queen holds the office of head of state for life, usually by hereditary right;              |
| the prerogative mercy | - the special powers and rights which still belong to the British Crown and are exercised today by the Sovereign in person or by government Ministers.         |

**IV. Read the following sentences and decide if they are true or false:**

1. The monarchy is hereditary and the present title to the Crown derives from provisions of the Act of Settlement of 1701 which secured the Protestant succession.
2. Queen Elizabeth II, who succeeded to the throne in 1980, is, in addition to being an integral part of the legislature, the head of the judiciary and the commander-in-chief of the armed forces of Scotland.
3. Prerogative rights are not of legislative, executive and judicial character. The Monarch must give the Royal Assent before a bill which has passed all its stages in House of Commons can become a legal enactment (Act of Parliament).
4. As Head of State the Monarch has the power to sign international agreements, to cede or receive territory, and to declare war or make peace.

5. The Privy Council is the body on whose advice and through which the Prime Minister exercises most statutory and many prerogative powers.

**V. Translate the sentences into Ukrainian:**

1. Many members of the Royal Family undertake official duties in Britain and abroad. Their various responsibilities reflect tradition, their own personal interests and Britain's former imperial status.
2. The Queen is really a figurehead representing the country, but she has the power to prevent any politician from establishing a dictatorship.
3. The British public is obsessed with the details of Royal family life, and when people feel that the Queen has problems with her children, they see her as a "real person" with the same worries and anxieties as themselves.
4. The Royal Family's money comes from two sources: government funds and their own personal wealth, which is considerable.
5. Parliament has had effective control of the monarch's finances since the seventeenth century.

**VI. Complete the following sentences with the words and expressions:**

**Royal Assent**

Queen, Bill, Royal Assent, to reject, House of Lords, to sign, monarchs, Lord Chancellor, assent, Act of Parliament, Parliament, members, Lords, Speaker

Once both Houses of Parliament have passed a ..... then it has to go to the ..... for the ..... If she had been living 500 years ago, the Queen would have ..... all Bills herself. She would also have gone in person to the ..... to announce in Norman French whether she agreed to a Bill or wished ..... it. No.....since the sixteenth century have signed Bills themselves. There are now two ways in which the Queen can assent to a Bill. Usually she signs what are known as Letters Patent which allow the two Houses (... of the House of Commons and..... ) to announce that the Queen has given

her .....The other method of giving the Royal Assent occurs about once a year. The Queen signs a document known as a Commission which commands certain ....., known as Royal Commissioners, to go to the house of Lords and let ..... of both Houses know the Royal Assent has been given. The ceremony for Royal Assent by Commission is rather like the State Opening ceremony. Once a Bill has received the Royal Assent it becomes an ..... A Bill usually takes several months to complete all its stages in .....

### **VII. Explain the word combinations:**

To summon, prorogue (dismiss at the end of a session) and dissolve Parliament; legal enactment; to confer honors; to take up office; an integral part of smth; to evolve over; to sign international agreements; the Protestant succession.

### **VIII. Translate into English and make up the sentences of your own:**

Старовинний світський заклад; встановлювати походження; головнокомандуючий; невід’ємна частина; постанови до закону про престолонаслідування; Королівська санкція; займати посаду; дискреційне право.

### **IX. Complete the following sentences using the text:**

1. The monarchy is hereditary and the present title to the Crown derives from ..... which secured the Protestant succession.
2. Queen Elizabeth II, who succeeded to the throne in 1952, is, in addition to being ..... and the temporal head of the established Church of England.
3. The monarchy in the United Kingdom has evolved ..... by which the Queen reigns but does not rule.
4. Her Majesty’s government governs in the name of the Queen .....
5. The Privy Council is the body ..... There are about ..... of the Privy Council, which, however, only meets as a .....
6. As the ‘fountain of justice’, it is only the Monarch who is able to .....through the exercise of the prerogative of mercy on the advice of .....

**X. Give short summary of the text.**

**XI. Discussion points:**

1. Could Prince Charles, the Queen's eldest son and heir, succeed to the throne if he became a Catholic?
2. How has the role of the monarchy changed over centuries?
3. What do you understand by the Royal Prerogative?
4. What is the difference in meaning between the two verbs in the phrase "the Queen *reigns* but doesn't *rule*"? Why is the difference vital to the British constitution?

# UNIT 4

## STATE ORGANS

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### *Legislature*

Parliament is the legislative organ and is constitutionally composed of the Monarch, the House of Lords, and the House of Commons. The Queen in Parliament represents supreme authority within the United Kingdom.

The *Parliament at Westminster* legislates for the United Kingdom, for any one of the constituent countries, or for any combination of them. It may legislate on certain 'excepted' and 'reserved' matters for Northern Ireland, subject to the provisions of the Northern Ireland Constitution Act, 1973. It may also legislate 'for the Channel Islands and the Isle of Man, under certain conditions, although these islands possess their own ancient legislatures. The Parliament Act, 1911 provides that the life of one Parliament may not exceed five years. Parliament consists of two Houses: the House of Lords and the House of Commons.

The *House of Lords* is for the most part still a hereditary body. It consists of the Lords Temporal and the Lords Spiritual. The Lords Temporal include hereditary peers and peeresses who have not disclaimed their peerages under the Peerages Act, 1963; life peers and peeresses created by the Crown under the Life Peerages Act, 1958 in recognition of public service; and the Lords of Appeal in Ordinary. The House of Lords is presided over by the Lord Chancellor who is *ex officio* chairman of the House. The Lords Spiritual include the Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester, and the 21 most senior diocesan bishops of the Church of England.

The *House of Commons* is an elected and representative body; members (at present 650) are elected by almost universal adult suffrage to represent constituencies in England (523), Scotland (72), Wales (38) and Northern Ireland (17). The law relating to Parliamentary elections is contained in substance in the Representation of the People Act, 1949, as amended. Any British subject aged 21 or over, not otherwise disqualified (as for example, members of the House of Lords, certain

clergy, undischarged bankrupts, civil servants, holders of judicial office, members of the regular armed services and the police forces) may 130 be elected a Member of Parliament (M.P.).

Members are paid a salary and an allowance for secretarial and office expenses; after a Parliament is dissolved all seats are subject to a General Election. By-elections take place when a vacancy occurs during the life of a Parliament, as when a member dies, is elevated to the House of Lords or accepts an 'office of profit' under the Crown. The *Speaker of the House of Commons* is elected by the members from the members to preside over the House immediately after each new Parliament is formed. He is an impartial arbiter over Parliamentary procedure and the traditional guardian of the rights and privileges of the House of Commons.

The *supremacy*, or *sovereignty*, of the United Kingdom Parliament is probably the most basic principle of British constitutional law. Parliament has of its own will settled the duration of the life of a Parliament, acts in such a way as not to bind its successors in the manner or form of their legislation, and, in the Parliament Acts of 1911 and 1949 has provided that in certain circumstances a Bill may become law without the concurrence of all the component parts of Parliament. These two Acts have clarified the supremacy of the House of Commons over the House of Lords, which can only delay the passage of Public Bills for a maximum period of one year and cannot delay at all the passage of Money Bills (financial measures).

### **Active Vocabulary**

supreme authority – верховна влада

constituent country – країна-засновник

to exceed – перевищувати, бути більшістю

Lord Temporal – світський лорд

Lord Spiritual – духовний лорд (духовенство)

peeress – дружина пера, леді

to disclaim – відмовлятися, відрікатися, відхилити

to preside over – очолювати, ведення засідання

Lord Chancellor – Лорд Канцлер

ex officio – за посадою, за обов'язком

diocesan – єпископ даної єпархії

subject – підлеглий, залежний

undischarged bankrupts – не відновлений у правах банкрут,  
банкрут не звільнений від зобов'язань

to elevate – підвищувати, підносити, піднімати

office of profit – оплачувана посада, пост

### **I. Answer the questions:**

1. What is Parliament?
2. What is the difference between life peers and hereditary peers, Lords Temporal and Lords Spiritual?
3. What is the most basic principle of British constitutional law?
4. Are Members of Parliament paid salary?
5. Which areas of government do these people deal with: the Home Secretary, the Lord Chancellor?
6. What body is the House of Commons?

### **II. Quote the sentences where the following phrases are used:**

- the legislative organ;
- a hereditary body;
- in recognition of public service;
- ex officio chairman;
- senior diocesan bishops of the Church of England;
- office of profit;
- the duration of the life;
- the concurrence of all the component parts of Parliament.

### **III. Match each word or expression on the left with the correct definition on the right:**

- |                    |  |
|--------------------|--|
| Parliament         | - the lower, but more powerful House of the UK Parliament; its main functions are representation of the people, control of finance and police and legislation; |
| the House of Lords | - 26 senior members of the Church of England who have the right to sit in the House of Lords;  |

- the House of Commons - men and women who have the right to sit in the House of Lords because they are hereditary or life peers or Lords of Appeal in Ordinary;
- The Lords Spiritual - a national body which represents the people of a state and has supreme legislative powers within the state;
- The Lords Temporal - the upper House of the UK Parliament, it is not representative body; its main functions are debate on matters of public interest and legislation, which has power to delay.

**IV. Read the following sentences and decide if they are true or false:**

1. Parliament is not the legislative organ and is not constitutionally composed of the Monarch, the House of Lords, and the House of Commons.
2. The House of Lords is for the most part still a hereditary body. It consists of the Lords Temporal and the Lords Spiritual.
3. Members are not paid a salary and an allowance for secretarial and office expenses; after a Parliament is dissolved all seats are subject to a General Election.
4. The House of Lords is presided over by the Lord Chancellor who is *ex officio* chairman of the House. The Lords Spiritual include the Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester, and the 10 junior diocesan bishops of the Church of England.
5. The Speaker of the House of Commons is elected by the members from the members to preside over the House immediately after each new Parliament is formed.

**V. Translate the text into Ukrainian:**

**Members of Parliament in Great Britain**

Each Member of Parliament (MP) represents one of 650 constituencies in the UK. British elections are usually fought between political parties, not individuals. Therefore, people who want to be elected to Parliament need to be nominated by one of the main political parties.



There is nothing to stop unconventional candidates from standing for election, however. A candidate has only to put down a deposit of 500 pounds and collect ten signatures from residents in the constituency where he wants to stand. A candidate who gets less than 5 per cent of the total votes loses his deposit. For somebody who is standing for election for publicity purposes, this is a small price to pay.

Although MPs will support a particular party, they are not controlled by that political party and theoretically do not have to vote with their party in Parliament. MPs represent everyone in the constituency, not just the people who voted for them.

A lot of MPs' work has nothing to do with voting in Parliament. There are hundreds of things MPs have to deal with in the day-to-day business of constituency life, such as housing or health care, MPs are there to help people and to try to make sure their rights under the law are not violated.

Some MPs hold an advice bureau in their constituencies, where people can go for advice. Anyone who feels that he has been unfairly treated by the central government can complain to their local MP who will do his best to see that the problem is solved.

Members of Parliament have been paid salaries since 1911. The rate has lately been nearly twice the average industrial worker's wages. Since 1965 the allowances for travel, living in London, and paying part-time secretaries and research assistants, have all been increased. Still many MPs insist that they need to have outside earnings, through journalism, work in the law courts or on business, to enable them to live up to the standard they expect.

**VI. Complete the following sentences with the words and expressions:**

**The House of Commons**

Cabinet;	benches;	Foreign Secretary;
Backbenchers;	Budget;	Shadow Cabinet;
Prime Minister;	Speaker;	Home Secretary;
Ministers;	front bench;	Leader of the Opposition;
Debates;	Opposition;	Chancellor of the Exchequer.

This is the House of Commons, where Members of Parliament take their seats on the green leather (a) \_\_\_\_\_ according to their party and position. One of them is chosen to be the (b) \_\_\_\_\_, who acts as a kind of chairman of the (c) \_\_\_\_\_ which take place in the House. In front of him on his right sit the MPs of the biggest party, which forms the government, and facing them sit the MPs of the parties who oppose them, the (d) \_\_\_\_\_. The leaders of these two groups sit at the front on each side. MPs without special positions in their parties sit behind their leaders at the back. They are called (e) \_\_\_\_\_. The leader of the government, the (f) \_\_\_\_\_ sits on the government (g) \_\_\_\_\_, of course, next to his or her (h) \_\_\_\_\_. The most important of these form the (i) \_\_\_\_\_. The minister responsible for relations with other countries is called the (j) \_\_\_\_\_ the one responsible for law and security is called the (k) \_\_\_\_\_. The one who deals with financial matters and prepares the annual (l) \_\_\_\_\_ speech on the economic state of the country is called the (m) \_\_\_\_\_. Opposite this group sits the (n) \_\_\_\_\_ (the main person in the largest party opposing the government) and the (o) \_\_\_\_\_, each member of which specializes in a particular area” of government.

## VII. Explain the word combinations:

To be constitutionally composed of; the constituent country; ancient legislatures; hereditary body; Lord Chancellor; elected and representative body; by-elections; The supremacy, or sovereignty.

## VIII. Translate into English and make up the sentences of your own:

Верховна влада; країна-засновник; єпископ даної єпархії; не відновлений у правах банкрут; відрікатися; Лорд Канцлер; бути більшістю; Палата Общин; Палата Лордів.

## IX. Complete the following sentences using the text:

1. The Parliament at Westminster legislates for .....
2. The House of Lords is presided over by the Lord Chancellor who is ..... The Lords Spiritual include the Archbishops of

- Canterbury and York, ....., and the 21 ..... of the Church of England.
3. Any British subject aged 21 or over, not otherwise ..... may be elected a Member of Parliament.
  4. By-elections take place when a vacancy occurs during the life of a Parliament, ..... .
  5. The Speaker of the House of Commons is elected by ..... is formed. He is ..... of the rights and privileges of the House of Commons.
  6. .... is probably the most basic principle of British constitutional law.

**X. Give short summary of the text.**

**XI. Discussion points:**

1. Is the UK legislature composed only of the House of Lords and the House of Commons?
2. Are all UK laws national in their effect?
3. Which of the three categories of Lords Temporal do you think are called “The Law Lords”?
4. Can a judge become a Member of Parliament?

# UNIT 5

## LAWMAKING PROCESS IN GREAT BRITAIN

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The predominant sources of law in the United Kingdom are: primary legislation, known as Acts of Parliament or statutes, which begin life as drafts called Bills; secondary or delegated legislation, such as statutory instruments, bye-laws, and professional regulations. A new Act is passed in order to: update or amend existing legislation; legislate for new circumstances and enforce government policies; ensure UK compliance with International or European Union (EU) Law; consolidate laws by bringing together into one statute all the existing statutes on one topic; codify rules by bringing together all the case law and statutes on a particular subject where the principles are established.

Parliament can enact any law it chooses or repeal obsolete laws which are no longer relevant, and the courts must enforce it. The exception to this is EU law.

### **Early development of a Bill**

The government may proceed to initiate a consultative process by the publication of a Green Paper in which its proposals are set out at an early stage with the intention of attracting public response and comment. The government's White Papers contain their more definite proposals, although these are often published following consultation or discussion with pressure groups, professional bodies, or voluntary organizations. A Bill does not have to be preceded by a White or Green paper, although it may have been presented for public scrutiny, that is, examination, in draft form earlier.

### **Passing an Act**

All Acts must be submitted to both Houses of Parliament in the draft form of a Bill. The legislative process involves three readings in both Houses. At the first reading, the title is read to Members of Parliament (MPs); at the second reading, MPs debate proposals. Then a standing committee will scrutinise the provisions in the Bill and may amend it to ensure that it enshrines the principles debated and approved

at the second reading. This is reported back to MPs. At the third reading, the Bill is represented. The Bill then goes through readings in the upper house. The actual drafting of the legislation is undertaken by Parliamentary Counsel. Finally, a Bill must receive Royal Assent from the monarch before it becomes law on a specified date. In fact, this stage has been reduced to a formal reading of the short title of an Act in both Houses of Parliament and is now a formality.

Government Bills are introduced by the Government; Private Members Bills are proposed by MPs. Both methods may result in Public Acts that govern the general public. Private Acts affect particular individuals or institutions.

### **Active Vocabulary**

- primary legislation – початкове законодавство
- statute – законодавчий акт, статут
- to update – переглядати і доповнювати
- to amend – змінювати, вносити поправки
- to legislate for – видавати закони
- to enforce – проводити в життя, забезпечити додержання та виконання
- to ensure compliance with – забезпечити згідно з
- to enact law – приймати, вводити в дію закон
- to repeal obsolete laws – анулювати, відмінити застарілі закони
- to initiate a consultative process – ініціювати, починати консультації
- pressure groups – кола, які впливають на політику законодавства
- professional bodies – професійні групи(установи)
- voluntary organizations – добровільні організації
- public scrutiny – громадське вивчення
- to be submitted to – представлений на розгляд
- scrutinise the provisions – уважне вивчення положень (закону)
- to enshrine the principles – берегти, зберігати принципи
- drafting of the legislation – складання законодавства

Government Bills – державні законопроекти

Public Act – публічний акт (закон)

Private Act – приватний акт (закон)

### **I. Answer the questions:**

1. What are the predominant sources of law in the United Kingdom?
2. What is the order of passing a new Act?
3. What can Parliament do?
4. What is the development of a Bill?
5. What is the legislative process?

### **II. Quote the sentences where the following phrases are used:**

- The predominant sources of law;
- secondary or delegated legislation;
- to repeal obsolete law;
- attracting public response and comment;
- a standing committee;
- Private Members Bills.

### **III. Match each word or expression on the left with the correct definition on the right:**

- |               |   |
|---------------|---|
| Bill          | - something which gives origin to valid rules of law;   |
| Act           | - the part of the law which deals with relations between ordinary individuals, and also between individuals and the State in circumstances where the state has no special rights or powers; |
| Public Act    | - a written law made by the Parliament which states or changes legal rules on a particular subject;   |
| Private Act   | - a proposed law – the preliminary version or draft of an Act of Parliament, which is put before the legislature for discussion and approval;   |
| Source of law | - the part of the legal system which deals with the State and also with relations between the state and ordinary individuals in circumstances where the State has special rights or powers. |

#### **IV. Read the following sentences and decide if they are true or false:**

1. New legislation in Britain usually starts in the House of Commons. In each house a bill is considered in two stages, called debates.
2. The government's White Papers contain their more definite proposals, although these are often published following consultation or discussion with pressure groups, professional bodies, or voluntary organizations.
3. All Acts must be submitted to both Houses of Parliament in the draft form of a Statute.
4. Government Bills are not introduced by the Government; Private Members Bills are proposed by Prime Minister. Both methods may result in Public Acts that govern the general public. Private Acts affect particular individuals or institutions.
5. Finally, the bill goes to the reigning monarch for the royal assent.

#### **V. Translate the text into Ukrainian:**

The functions of Parliament are: making laws; providing money for the government through taxation; examining government policy, administration and spending; debating political questions.

Every year Parliament passes about a hundred laws directly, by making Acts of Parliament. Because this can be a long process, Parliament sometimes passes a very general law and leaves a minister to fill in the details. In this way, it indirectly passes about 2,000 additional rules and regulations.

No new law can be passed unless it has completed a number of stages in the House of Commons and the House of Lords. The monarch also has to give a Bill the Royal Assent, which is now just a formality. Since 1707 no sovereign has refused a Bill. Whilst a law is still going through Parliament it is called a Bill. There are two main types of Bills – Public Bills which deal with matters of public importance and Private Bills which deal with local matters and individuals.

Public and Private Bills are passed through Parliament in much the same way. When a Bill is introduced in the House of Commons, it receives a formal first reading. It is then printed and read a second time, when it is debated but not amended. After the second reading the Bill is referred to a committee, either a special committee made up of certain members of the House, or to the House itself as a committee. Here it is discussed in detail and amended, if necessary. The Bill is then presented for a third

reading and is debated. If the Bill is passed by the Commons it goes to the Lords, and provided it is not rejected by them, it goes through the same procedure as in the Commons. After receiving the Royal Assent the Bill becomes an Act of Parliament. In order to be enforced, it must be published in Statute form, becoming a part of Statute Law. The power of the Lords to reject a Bill has been severely curtailed. A money Bill must be passed by the Lords without amendment within a month of being presented in the House. The Act of 1949 provides that any Public Bill passed by the Commons in two successive parliamentary sessions and rejected both times by the Lords, may be presented for the Royal Assent, even though it has not been passed by the Lords. The Lords, therefore, can only delay the passage of a Public Bill, they cannot reject it.

**VI. Complete the following sentences with the words and expressions:**

Speaker	defeated	Second Reading
law	agreed	opinions
national	the House of Commons	votes
debates	international	the House of Lords
law-making	Lord Chancellor	Woolsack

Both Houses of Parliament share opinions and reach their decisions by means of..... Many hours are spent debating proposed ..... These debates can involve matters of ..... and ..... importance. Each year..... alone spends over 1,500 hours debating. Debates in the House of Commons are chaired by the ..... All speeches are addressed to the Chairman, the Speaker. When a Member finishes speaking the Speaker decides who should speak next. Only one Member is allowed to stand and speak at any one time. Members normally speak only once during a debate. There is a time limit on most debates – many debates have to end at 10.00 p.m. At the end of a debate, the House of Commons decides if the motion should be ..... or..... If the debate were on the ..... of a Bill the Speaker would say “The Question is that the Bill be now read a second time”. He or she then invites the two sides to express their..... by saying “Aye” or “No”.

Debates in ..... Are, in many ways, similar to those in the Commons. Many debates in the Lords, like those in the Commons, are



concerned with the various stages of ..... In the first place there is the position of the ..... He is the Speaker of the House of Lords. From his special seat, known as the ....., he presides over debates.

### **VII. Explain the word combinations:**

primary legislation; statutory instruments; to legislate for; Parliamentary Counsel; to initiate a consultative process; in the draft form ; scrutinise the provisions; legislative process; bye-laws.

### **VIII. Translate into English and make up the sentences of your own:**

законодавчий акт; кола, які впливають на політику законодавства; вводити в дію закон; відмінити застарілі закони; представлений на розгляд; уважне вивчення положень.

### **IX. Complete the following sentences using the text:**

1. An order made under authority delegated to a government minister by an Act of Parliament is known as a..... .
2. A ..... is made by a local authority or a public or nationalized body and has to be approved by central government
3. Charities like Oxfam and Help the Aged can act as....., lobbying for law reform.
4. The Committee needs to ensure the Bill incorporates the principles agreed so they check it by .....
5. At the first reading, the title is read .....; at the second reading, MPs .....
6. A standing committee will scrutinise the provisions in the Bill and may amend it .....

### **X. Give short summary of the text.**

### **XI. Discussion points:**

1. What is the difference between a Bill and an Act of Parliament?
2. What is the role of the House of Lords and the House of Commons in law-making process?
3. How many readings should a Bill receive to become an Act?
4. How does a Bill go through Parliament? How efficient and democratic is this process, in your opinion?

# UNIT 6

## STATE ORGANS

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### *Executive*

The government consists of the ministers appointed by the Crown on the recommendation of the Prime Minister, who is appointed directly by the Crown and is the leader of the political party which for the time being has a majority of seats in the House of Commons. The office of Prime Minister dates from the eighteenth century and is the subject of a number of constitutional conventions. The Prime Minister is the head of the government and presides over meetings of the Cabinet; by convention he is always a Member of the House of Commons. He consults and advises the Monarch on government business, supervises and to some extent co-ordinates the work of the various ministries and departments and is the principal spokesman for the government in the House of Commons. He also makes recommendations to the Monarch on many important public appointments, including the Lord Chief Justice, Lords of Appeal in Ordinary, and Lords Justices of Appeal.

The Cabinet is the nucleus of government; its members consist of a small group of the most important ministers who are selected by the Prime Minister. The size of the Cabinet is today about 23 and its principal function, much of the work being carried out in Committee, is to determine, control and integrate the policies of the government for submission to Parliament. The Cabinet meets in private and, its deliberations are secret; no vote is taken, and, by the principle of 'Cabinet unanimity', collective responsibility is assumed for all decisions taken.

The central government ministries and departments give effect to government policies and have powers and duties conferred on them by legislation, and, sometimes, under the Royal Prerogative. Each is headed by a minister who is in most cases a member of either the House of Lords or the House of Commons. There are over 100 ministers of the Crown at the present time; they include departmental ministers (e.g., the Secretary of State for Foreign and Commonwealth Affairs; Chancellor of the Exchequer (Treasury); Secretary of State for Social Services);

non-departmental ministers (e.g., Lord President of the (Privy) Council, Paymaster-General, Ministers without Portfolio); ministers of state (additional ministers in departments whose work is heavy); and junior ministers (usually known as Parliamentary Secretary or Parliamentary Under-secretary) in all ministries and departments.

The output of the Core Executive is scrutinised by Parliament, which has control over legislation. The connection between Parliament and the Core Executive is the party system, particularly Government Whips, who work to ensure the Government's majority in Parliament operates effectively. One of the key conventions of the UK's unwritten constitution is that there is Ministerial Accountability to Parliament, so ministers are members of Parliament, and answer for what they and their departments have done. The major Government Departments such as Foreign Affairs and the Treasury have political control exercised through a Cabinet Minister, combined with administrative control through a Permanent Secretary drawn from the civil service.

The Ministry of Justice is a ministerial department of the British Government headed by the Secretary of State for Justice and Lord Chancellor (a combined position). The department is responsible for areas of constitutional policy, human rights law and information rights law across the UK. The ministry was formed in May 2007 when some functions of the Home Secretary were combined with the Department for Constitutional Affairs.

Its stated priorities are to reduce re-offending and protect the public, to provide access to justice, to increase confidence in the justice system, and uphold people's civil liberties. The Secretary of State is the minister responsible to Parliament for the judiciary, the court system and prisons and probation in England and Wales, with some additional UK-wide responsibilities e.g. the UK Supreme Court and judicial appointments by the Crown.

The British Ministry of Justice is supported by 34 agencies and public bodies; it may also oversee the administration of justice in Jersey, Guernsey and the Isle of Man (which are Crown dependencies), as well as Saint Helena, Ascension and Tristan da Cunha and the Falkland Islands (which are British Overseas Territories). Gibraltar, another British overseas territory, has its own Ministry of Justice.

## Active Vocabulary

principal spokesman – головний представник, делегат

Core Executive – виконавче керівництво

Lord Chief Justice – лорд-головний суддя, Голова відділення лави Вищого суду і член вищого апеляційного суду

Lords of Appeal in Ordinary – постійні члени апеляційного суду (лорди палати Лордів)

Lords Justices of Appeal – судді апеляційного суду (лорди-судді)

to determine – приймати рішення, встановлювати

to control – контролювати, перевіряти

to integrate – інтегрувати, об'єднуватись

submission – представлення, подача, підпорядкування

deliberation – обговорення, обдумування, дискусія

Cabinet unanimity – одноголосна згода Кабінету міністрів

to assume for – вважати, припускати, удавати, набувати, вживати

to confer on – дарувати, представляти до, надавати

Secretary of State for Foreign and Commonwealth Affairs – міністр закордонних справ

Chancellor of the Exchequer (Treasury) – міністр фінансів, канцлер казначейства

Lord President of the (Privy) Council – Лорд-президент Таємної ради

Paymaster-General – головний скарбник (касир)

legislative capacity – законодавча правоздатність

ad hoc – спеціальний, епізодичний

Attorney-General – вищий чиновник органів юстиції, генеральний аторней

Solicitor-General – вищий чиновник міністерства юстиції

civil litigation – цивільна судова справа, тяжба

to intervene – відбуватися, бути посередником

Home Secretary – міністр внутрішніх справ

apprehension – затримання, арешт

treatment of offenders – ставлення, поводження зі злочинцями

## **I. Answer the questions:**

1. How is the Prime Minister selected in the UK?
2. What is the relationship between the Prime Minister and the monarch? What is the relationship between the Cabinet and Parliament?
3. What is difference between the role of the Cabinet and the role of government ministries or departments?
4. Who is the UK Minister of Justice?

## **II. Quote the sentences where the following phrases are used:**

- the principal spokesman;
- to determine,
- control and integrate the policies of the government for submission to Parliament;
- Cabinet unanimity;
- collective responsibility;
- The Lord High Chancellor;
- Law Commissions;
- Law Officers .

## **III. Match each word or expression on the left with the correct definition on the right:**

Law Officers	- the head of UK Government, chooses and presides over the Cabinet, is the leader of all government policies and is chief adviser to the Sovereign on matters of government;
Attorney-General	- the Cabinet Minister who is political head of the Treasury and is responsible for the control of national finances;
Home Secretary	- the legal advisers and representatives of the Sovereign and Government;
Chancellor of the Exchequer	- the chief law officer and principal legal adviser of the Crown in England and Wales and leader of the English Bar;
Prime Minister	- the ministry which deals with internal

affairs in England and Wales, responsible for the general administration of the Criminal Law, police and prisons, nationality and immigration.

**IV. Read the following sentences and decide if they are true or false:**

1. The office of Prime Minister dates from the eighteenth century and is the subject of a number of constitutional conventions.
2. The Cabinet is secondary of government; its members consist of a large group of the non-departmental ministers who are selected by the Speaker of the House of Commons.
3. The government consists of the ministers appointed by the Crown on the recommendation of the Prime Minister.
4. The United Kingdom has Ministry of Justice. Responsibility for the administration of the judicial system in England and Wales is the responsibility of the Lord Chancellor.
5. The central government ministries and departments give effect to government policies and have powers and duties conferred on them by legislation, and, sometimes, under the Royal Prerogative.

**V. Translate the sentences into Ukrainian:**

1. Decisions made by the Cabinet must be unanimous. It makes its decisions collectively and is collectively responsible to Parliament.
2. Government departments are responsible for implementing Government policy.
3. Each department is headed by two people: a political head and an administrative head from Civil Service.
4. The most important department is the Treasury, and it controls the economy of the nation.
5. There are government agencies formed to operate public services. Most of the agencies are subject to the control of one of the government departments.

**VI. Complete the following sentences with the words and expressions:**

1. All the heads of ministries are included into.....
2. The Cabinet is headed by the .....
3. The ..... met urgently at 10 Downing Street to decide Government policy on the new economic crisis.
4. Ministers rely on ..... servants for advice and information.
5. The Chancellor of the Exchequer asked Parliament to ..... the existing tax on alcoholic drinks and replace it with a tax on all drinks except water.

**VII. Explain the word combinations:**

its deliberations are secret; to be appointed directly by the Crown; Paymaster-General; the Attorney-General; the Solicitor-General; the Lord Advocate; the Solicitor-General for Scotland; the International Court of Justice; the European Commission of Human Rights; Court of Human Rights.

**VIII. Translate into English and make up the sentences of your own:**

постійні члени апеляційного суду; приймати рішення; обговорення; припускати; законодавча правоздатність; цивільна судова справа; затримання; поведження зі злочинцями.

**IX. Complete the following sentences using the text:**

1. The government consists of the ministers appointed by the Crown on the recommendation of the Prime Minister, who .....
2. The office of Prime Minister dates from the eighteenth century and is .....
3. The Prime Minister is the head of the government and presides over meetings of the Cabinet; by convention .....
4. The Cabinet meets in private and, its deliberations are secret; no vote is taken, and, by .....
5. There are over 100 ministers of the Crown at the present time; they include ..... in all ministries and departments.
6. The Lord Chancellor is concerned with .....; the Home Secretary is concerned with the prevention of criminal offences, .....

**X. Give short summary of the text**

## **XI. Discussion points:**

1. The Prime Minister is described as ‘the *head* of the government’  
What does it mean?
2. What is a *Committee*? Is government work ever done in Committee in your country? What advantages does the system have?
3. The Law Officers advise the government on points of law. What do you think these are?
4. The Lord Chancellor is the most important legal figure in the UK.  
What do you notice about his role and functions?



# UNIT 7

## THE JUDICIAL SYSTEM

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### *Judicial organization*

For historical reasons, as a state made up of several separate jurisdictions, the United Kingdom does not have a single unified legal system. Instead, there is one system for England and Wales, another for Scotland, and a third for Northern Ireland. In most cases, The Supreme Court sits above all of these as the final court of appeal.

Hundreds of years of evolution may have resulted in an independent judiciary – but that doesn't mean they were entirely separated from government. And until 2006, the Lord Chancellor was part of the executive, the legislature and the judiciary. The Lord Chancellor's role changed drastically on April 3 2006 as a result of the Constitutional Reform Act 2005. This latest major change to affect the judiciary has been described as the most significant since Magna Carta. The Act establishes the Lord Chief Justice as President of the Courts of England and Wales and Head of its Judiciary, a role previously performed by the Lord Chancellor. For the first time an express statutory duty is placed on the Lord Chancellor and other Ministers of the Crown to protect the independence of the judiciary. For the first time in its 1,000-year history, the judiciary is officially recognised as a fully independent branch of the government.

As part of the constitutional changes of April 2006, the Lord Chief Justice became responsible for some 400 statutory functions, which were previously the responsibility of the Lord Chancellor. For example, the Lord Chief Justice now decides where judges sit, and the type of cases they hear. To do this, the Lord Chief Justice has support from his judicial colleagues, as well as from a small administrative staff.

The Lord Chief Justice has a Judicial Executive Board to help provide judicial direction and a Judges' Council, which is representative of all levels of the judiciary.

Sometimes different levels of judges have their own representative organisations, for example the Association of Her Majesty's District Judges, or Council of Her Majesty's Circuit Judges. These groups represent the interests of judges from a particular level or jurisdiction.

Finally, judges also have access to administrative support within the court environment, whether this is their own allocated clerk, court staff, or legal advisers for magistrates.

Due to the Tribunals reform the Tribunals Service was created on 3 April 2006, and brought together the administration of a large number of individual tribunals, resulting in a more common and consistent approach for users. On November 3, 2008, the Tribunals, Courts and Enforcement Act came into force. This created a new two-tier Tribunal system: a First-tier Tribunal and an Upper Tribunal, both of which are split into Chambers. Each Chamber comprises similar jurisdictions or bring together similar types of experts to hear appeals.

These new super tribunals absorbed over 20 existing smaller tribunals as well as providing a structure to which new appeal rights could be assigned.

**Superior courts.** The highest court is the Supreme Court, which exercises the judicial function. It has almost entirely appellate jurisdiction only, in civil and criminal cases from the Courts of Appeal in England and in Northern Ireland and in civil cases only from the Court of Session in Scotland. The Court of Appeal sits in both civil and criminal divisions. The Civil division hears appeals from the High Court, county courts, the Restrictive Practices court and certain special courts. The Criminal division hears appeals by persons convicted on indictment in the Crown Courts.

The High Court in its civil jurisdiction is divided into three Divisions (Queen's Bench, Chancery, and Family) to each of which certain kinds of cases are assigned. Divisional courts of each of the divisions, consisting of two or more judges, have limited appellate jurisdiction in certain cases. The main civil jurisdiction is exercised by single judges hearing cases of the kind appropriate to the divisions to which the judges belong.

The criminal jurisdiction of the High Court is exercised exclusively by the Queen's Bench Division. A divisional court of two or three judges of that Division deals with appeals from a Crown Court and magistrates' courts, and also exercises the supervisory jurisdiction of the court, issuing the prerogative writ of habeas corpus and to ensure that magistrates' courts and inferior tribunals exercise their power properly, by granting orders of mandamus, prohibition and certiorari.

The Crown Court exercises criminal jurisdiction and sittings are held regularly at major towns throughout England and Wales. It

comprises judges of the Queen's Bench Division of the High Court, circuit judges and Recorders (part-time judges). They sit singly with juries trying persons charged on indictment with crimes. A judge of the Crown Court sits with two to four justices of the peace to hear appeals from magistrates' courts and proceedings on committal by magistrates to the Crown Court for sentence.

The Central Criminal Court, known as the Old Bailey, is a sitting of the Crown Court, having criminal jurisdiction only, over indictable offences committed in Greater London or on the high seas. The court consists of ex officio judges and in practice consists of judges of the Queen's Bench Division, the Recorder of London, the Common Serjeant, and certain additional judges of the Central Criminal Court.

***Inferior courts.*** County courts have exclusively civil jurisdiction, which is limited in extent and in area, and which is entirely statutory. The judges are persons who also hold office as Circuit judges of the Crown Court.

Magistrates' courts consist of a stipendiary magistrate or of from two to seven (usually two or three) lay justices of the peace; a single lay justice has a very limited jurisdiction. Magistrates' courts have civil jurisdiction in relation to certain debts, licences, and domestic proceedings. In the exercise of criminal jurisdiction one or more justices may sit as examining magistrates to conduct a preliminary investigation into an indictable offence. A magistrates' court may try summarily many minor statutory offences, and also certain offences if the prosecutor applies for the case to be heard summarily, the court agrees it is a suitable mode of trial and the defendant does not elect jury trial. Cases may be appealed to the Crown Court or defendants remitted for sentence to the Crown Court.

### **Active Vocabulary**

Superior courts – Вищі суди

Statutory function – законодавча, статутна функція

Head of Judiciary – Голова судової влади

Judicial Executive Board – Судова Виконавча Рада

Association of Her Majesty's District Judges – Асоціація  
окружних суддів її Величності

Council of Her Majesty's Circuit Judges – Рада окружних суддів її Величності

Tribunals Service – Судова Служба

First-tier Tribunal – Суд (трибунал) першого рівня

Upper Tribunal – Вищий Суд (трибунал)

Апекс – вершина

devolution jurisdiction – перехідна юрисдикція

Appellate Committee – Апеляційна комісія

Registrar – Секретар суду, реєстратор

panel of Justices – колегія суддів

procedural matters – процесуальні питання

appeal – апеляція, апелювати, подавати апеляційну скаргу

lay peers – світські, не духовні пери, лорди

judicial sitting – судові засідання

judicial office – судова посада

entirely appellate jurisdiction – повне право вищого суду стосовно перегляду вироку чи рішення нижчого суду

Civil division – відділення по цивільним справам

county court – окружний суд, суд графства

Restrictive Practices court – суд з обмежувальною практикою

Criminal division – відділення по кримінальним справам

Crown Court – суд Корони

Queen's Bench – суд Королівської лави

Chancery Division – канцелярське відділення (Високого суду правосуддя Великобританії)

Family Division (formerly Probate, Divorce and Admiralty) – відділення по сімейним справам (колишнє відділення Високого суду по справам спадщини, розлучення і морським справам)

to exercise the supervisory jurisdiction of the court – користуватися контролюючим судочинством

writ of habeas corpus – розпорядження про звільнення особи

взятої під варту; розпорядження суду про представлення арештованого до суду для розгляду питання законності його затримання (арешту)

inferior tribunal – нижча судова інстанція, нижчий суд

granting orders of mandamus, prohibition and certiorari – давати судові накази, розпорядження, заборонні накази та вимоги, запит справи вищим судом з виробництва нижчого суду

former assizes – колишній, попередній судовий розгляд (попередня виїзна сесія суду присяжних)

circuit judges – окружні судді

Recorder (part-time judge) – нештатний суддя

Old Bailey – Олд Бейлі, Центральний карний (кримінальний) суд (в Лондоні)

indictable offence – карна (кримінальна) справа згідно якого вимагається складання звинувачувального акту

Common Serjeant (sergeant) – нижчий службовець суду; охоронник

inferior courts – суди нижчої інстанції, суди нижчої юрисдикції

stipendiary magistrate – мировий суддя, який отримує заробітну плату, суддя поліцейського суду

preliminary investigation – попереднє слідство

defendant - підсудний, звинувачений

to remit for sentence – пом'якшувати вирок

## **I. Answer the questions:**

1. What are the two main areas of jurisdiction of English courts?
2. Which courts exercise jurisdiction in both areas?
3. Which are the superior courts in England and Wales?
4. Which is the final court of appeal?
5. Do the county courts hear all civil cases?

## **II. Quote the sentences where the following phrases are used:**

- have a single unified legal system;
- an express statutory duty;
- the Lord Chief Justice;
- access to administrative support;

- the Tribunals Service;
- First-tier Tribunal and an Upper Tribunal;
- on indictment in the Crown Court;
- the writ of habeas corpus;
- to grant orders of mandamus, prohibition and certiorari;
- indictable offences.

### **III. Translate the text and speak about:**

#### **The Supreme Court and the United Kingdom's legal system**

The Supreme Court sits at the apex of the United Kingdom's legal system, hearing appeals from courts in England and Wales, Scotland and Northern Ireland. The Supreme Court of the United Kingdom was established by Part 3 of the Constitutional Reform Act 2005 ("the Act"), coming into force on 1st October 2009. Its jurisdiction corresponds to that of the House of Lords in its judicial capacity under the Appellate Jurisdiction Acts 1876 and 1888 (which are repealed) together with devolution matters under the Scotland Act 1998, the Northern Ireland Act 1998 and the Government of Wales Act 2006, which are transferred to the Supreme Court from the Judicial Committee of the Privy Council. The Rules, which come into force on 1st October 2009, apply to civil and criminal appeals to the Court and to appeals and references under the Court's devolution jurisdiction.

In October 2009, The Supreme Court replaced the Appellate Committee of the House of Lords as the highest court in the United Kingdom. The Supreme Court's 12 Justices maintain the highest standards set by the Appellate Committee, but are now explicitly separate from both Government and Parliament.

The Court hears appeals on arguable points of law of the greatest public importance, for the whole of the United Kingdom in civil cases, and for England, Wales and Northern Ireland in criminal cases. Additionally, it hears cases on devolution matters under the Scotland Act 1998, the Northern Ireland Act 1998 and the Government of Wales Act 2006.

The Supreme Court sits in the former Middlesex Guildhall, on the western side of Parliament Square. This new location is highly symbolic

of the United Kingdom's separation of powers, balancing judiciary and legislature across the open space of Parliament Square, with the other two sides occupied by the executive (the Treasury building) and the church (Westminster Abbey).

The Judicial Committee of the Privy Council occupies the same building as the UK Supreme Court and the same judges sit in it, but they hear appeals from UK overseas territories and Crown dependencies, and those Commonwealth countries that have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee.

#### **IV. Read the following sentences and decide if they are true or false:**

1. The House of Lords is the final court of appeal for civil and criminal cases in the UK.
2. The three Divisions of the High Court each hear different kinds of cases.
3. The Queen's Bench Division of the High Court is responsible for judicial review of administrative action.
4. The Old Bailey is the name of the Crown Court for the London area.
5. All English judges and magistrates are professional lawyers.
6. The magistrates' courts hear certain categories of less important cases.
7. The magistrates' courts can choose to hear cases with or without a jury.

#### **V. Translate the sentences into Ukrainian:**

1. The legal system also includes juvenile courts (which deal with offenders under seventeen) and coroners' courts (which investigate violent, sudden or unnatural deaths).
2. There are administrative tribunals which make quick, cheap and fair decisions with much less formality.
3. Tribunals deal with professional standards, disputes between individuals, and disputes between individuals and government departments (for example, over taxation).
4. Certain cases may be referred to the European Court of Justice in Luxembourg. In addition, individuals have made the British

Government change its practices in a number of areas as a result of petitions to the European Court of Human Rights.

5. A decision of the House of Lords occasioned by members of the House being equally divided is as binding on the House and on all inferior tribunals as if it had been unanimous.

## **VI. Complete the following sentences with the words and expressions:**

### **Role of The Supreme Court**

lower court, Taxation Directions, court of appeal, Court of Justice of the European Union, civil cases, public and constitutional importance, criminal cases, House of Lords, single Justice, direct an oral hearing, the Supreme Court, Registrar, open court.

The Supreme Court, as well as being the final.....(1), plays an important role in the development of United Kingdom law. As an appeal court, The Supreme Court cannot consider a case unless a relevant order has been made in a .....(2)

The Supreme Court is the final court of appeal for all United Kingdom .....(3), and .....(4) from England, Wales and Northern Ireland; it hears appeals on arguable points of law of general public importance, concentrates on cases of the greatest.....(5), maintains and develops the role of the highest court in the United Kingdom as a leader in the common law world. The Supreme Court hears appeals from the following courts in each jurisdiction: for England and Wales (The Court of Appeal both Civil and Criminal Division, in some limited cases the High Court); for Scotland (The Court of Session); for Northern Ireland (The Court of Appeal in Northern Ireland, and in some limited cases the High Court).

The Supreme Court has its own Directions which replace the Civil, Criminal and .....(6) and standing orders of the Appellate Committee Practice of the .....(7) The withdrawal of the UK from the European Union affects the provisions of the Practice Directions relating to references to the.....(8). Following the withdrawal of the UK, there are instances where .....(9) will be asked to depart from any retained EU case law or, where the application or appeal relates to a decision by the court appealed from, to depart from any retained EU case law.

In most cases, to bring an appeal to the Supreme Court, you must first



apply to the court which handed down the judgment to ask for permission to appeal. Some of the powers of the Court may be exercised by a .....(10) and by the .....(11) . The single Justice may direct an oral hearing or may refer the matter to a panel of (at least three) Justices to be decided with or without an oral hearing. The Registrar will normally make a decision without an oral hearing but may.....(12). The Registrar may also refer the matter to a single Justice or to a panel of three Justices for decision. A party who is dissatisfied with a decision of the Registrar may apply for that decision to be reviewed by a single Justice. Oral hearings on procedural matters are normally heard in .....(13) or in a place to which the public are admitted.

**VII. Explain the word combinations:**

The Supreme Court; court of appeal; Court's devolution jurisdiction; arguable points of law of the greatest public importance; cases on devolution matters; The Judicial Committee of the Privy Council; Superior courts; stipendiary magistrate; the Crown Court; Inferior courts; minor statutory offences.

**VIII. Translate into English and make up the sentences of your own:**

судове засідання; мировий суддя; попереднє слідство; звинувачений; суди нижчої інстанції; окружні судді; попередній судовий розгляд; суд з обмежувальною практикою.

**IX. Complete the following sentences using the text:**

1. The highest court is ....., which .....
2. The Lord Chief Justice has support from .....
3. The Civil division hears appeals from the High Court, county courts, .....
4. The Criminal division hears appeals by persons .....
5. The Central Criminal Court, known as the Old Bailey, is .....
6. Magistrates' courts consist of a stipendiary magistrate or .....

**X. Give short summary of the text.**

**XI. Discussion points:**

Compare the organisation of the courts and judiciary in England and Wales, and in your own country. Choose at least two of the following points which interest you and prepare to talk about your ideas:

- Areas of jurisdiction of the courts.
- Hierarchy of the courts and system of appeals.
- Use of lay magistrates to decide less important civil and criminal cases.
- Judicial and legislative functions of the Supreme Court.
- Social and economic position of judges.
- Use of the jury, composed of 12 ordinary men and women, to try serious crimes (the jury decides questions of fact, the judge decides questions of law).

Discuss your ideas in small groups, then exchange opinions with the whole class.

# UNIT 8

## THE COURT SYSTEM

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### Structure of the courts & tribunal system

The UK courts system is complicated and – in places – confusing, because it has developed over 1,000 years rather than being designed from scratch. Different types of case are dealt with in specific courts: for example, all criminal cases will start in the magistrates' court, but the more serious criminal matters are committed (or sent) to the Crown Court. Appeals from the Crown Court will go to the High Court, and potentially to the Court of Appeal or even the Supreme Court. Civil cases will sometimes be dealt with by magistrates, but may well go to a county court. Again, appeals will go to the High Court and then to the Court of Appeal – although to different divisions of those courts.

The tribunals system has its own structure for dealing with cases and appeals, but decisions from different chambers of the Upper Tribunal, and the Employment Appeals Tribunal, may also go to the Court of Appeal.

The courts structure covers England and Wales; the tribunals system covers England, Wales, and in some cases Northern Ireland and Scotland. There are different types of court to deal with different jurisdictions (areas of law), and within each category there may be different levels of court, with higher courts hearing more serious cases or appeals from courts lower down in the system. The main different types of jurisdiction in England and Wales are as follows: Criminal, Civil, Family, Tribunals, Military, Coroners courts.

**Appellate Courts.** At the top of the tree sits the UK Supreme Court. This was established in 2009, replacing the House of Lords as the final court of appeal in the UK for all civil cases, and for criminal cases from England, Wales and Northern Ireland. Its judges are known as Justices of the Supreme Court (JSC) and are led by a President and Deputy President.

The Court of Appeal of England and Wales sits in two divisions: The Criminal Division, which hears appeals from the Crown Court; and The Civil Division which hears appeals in civil and family matters from the High Court, Family Court, senior tribunals and county courts.

The judges of the Court of Appeal are the Lord Chief Justice

(LCJ), the Master of the Rolls (MR), the President of the Queen's Bench Division (P), the President of the Family Division (P), the Chancellor of the High Court (C) and the Lord or Lady Justices (LJ). Most full appeals are heard by three judges, but preliminary or less important hearings may be dealt with by one or two judges. The Court of Appeal and the High Court are collectively known as the Senior Courts.

Both criminal and civil courts in England and Wales primarily hear evidence and aim to determine what exactly happened in a case. Broadly speaking, the lower courts decide matters of fact and the upper courts normally deal with points of law.

**Criminal courts. The Crown Court** holds trials of more serious criminal offences; it deals with sentencing in cases where the defendant has either pleaded guilty already, or been convicted and referred for sentencing by a magistrate's court because of the relative seriousness of the offence; it also hears appeals from magistrates' courts.

Indictable offences, that is, more serious ones such as theft, assault, drug dealing, and murder, are reserved for trial in the Crown Court. In almost all criminal cases, the State, in the name of the Crown, prosecutes a person alleged to have committed a crime. In England and Wales, a jury of twelve people decides whether the defendant is guilty of the crime she or he is charged with.

Depending on the type of case, the judge will be either a High Court judge, a Circuit Judge, or a part-time judge known as a Recorder.

The Crown Court is a single entity, which sits in a number of locations. Its most famous and senior location is the Central Criminal Court at Old Bailey in London, often referred to simply as The Bailey. The Crown Court may hear cases in circuit areas. From the Crown Court, appeal against conviction or sentence lies to the Criminal Division of the Court of Appeal. If leave to appeal is granted by that court, cases may go on appeal to the Supreme Court.

**Magistrates' Courts** deal with over 90% of criminal cases. The criminal jurisdiction of magistrates' courts consists of: deciding less serious cases (petty crimes), known as summary offences; deciding medium serious offences, referred to as 'triable either way', unless the defendant insists on their right to trial in the Crown Court; dealing with pre-trial issues in relation to the most serious offences, such as bail, reporting restrictions etc; and sending cases in which the defendant has pleaded or been found guilty to the Crown Court for sentencing, if their own sentencing powers are insufficient.

Cases in a magistrates' court are heard either by a bench of three magistrates, or Justices of the Peace, or by a single district judge or deputy district judge. Justices of the Peace, or JPs, are adult volunteers from the local community who decide cases that don't involve complex questions of law. They need not have formal legal qualification, but receive advice on matters of law and practice by a legally qualified justices' clerk. The main one, who sits in the middle and presides over the proceedings, is described as the chair. District judges are full time members of the judiciary and are generally assigned more complex cases in the magistrates' court.

An appeal from a magistrates' court can go either to the Crown Court or, if it involves a procedural error, to the Administrative Court (part of the Queen's Bench Division of the High Court).

A **Youth Court** is a magistrates' court where the procedures are less formal than in an adult court. It deals with all criminal cases involving juveniles (aged under 18) except for homicide, which has to go the Crown Court. Minors between 14 and 17 years of age must always be tried summarily, meaning without a jury. The sentences imposed by youth courts are specially designed to deal with the needs of young offenders.

**Civil courts.** The **High Court** is divided into three main divisions: The Queen's Bench Division (or King's Bench Division); The Chancery Division; The Family Division. These in turn are further sub-divided.

The Queen's Bench Division deals with general civil disputes involving things like negligence, breach of contract, defamation, and breach of statutory duty. Within it there are a number of specialist courts and lists: Administrative Court; Admiralty Court; Commercial Court; Mercantile Court and Circuit Commercial Courts; Technology and Construction Court. The judges of the Queen's Bench Division are the President of the Queen's Bench Division, High Court judges, deputy High Court judges and circuit judges sitting as High Court judges.

The Chancery Division deals with a number of specialist areas of civil law to do with companies, insolvency, real property, trusts, tax, and wills. The judges of the Chancery Division are the Chancellor of the Chancery Division, High Court judges, deputy High Court judges and circuit judges sitting as High Court judges.

The Family Division deals with marriage and divorce, financial maintenance and matrimonial property, and cases relating to the care and welfare of children. It also hears appeals from the Family Court.

The Court of Protection makes decisions about financial matters and

welfare, including medical care, for people who lack the capacity to do so. It is not technically a part of the Family Division of the High Court, but a separate institution, with a jurisdiction founded on the Mental Capacity Act 2005 and its own set of procedural rules. But it shares a building and many features with the Family Division, and the President of the Family Division is also President of the Court of Protection.

The Family Court was established in 2014 and replaced the County Court (Family) and Family Magistrates Court (Family). Both High Court and circuit or district judges can sit in the court, but judgments given by High Court judges have a higher status (as precedents).

**Business and Property Courts.** From June 2017 the specialist civil courts were grouped together as the Business and Property Courts of England and Wales. This group combines many of the specialist courts listed above under the Queen's Bench and Chancery Divisions, and sits in the Rolls Building in London, and in centres around the country, including Manchester, Birmingham, Leeds, Bristol and Cardiff, with plans for extension to Newcastle and Liverpool.

**County courts** were first introduced in 1846 to provide local justice in those less important or valuable cases that did not need to be heard in the High Court. The judges who sit in county courts are circuit judges or district judges.

Until 2014, the County Court also dealt with family cases, but from April 2014 these have been dealt with by the Family Court.

The type of civil cases dealt with by county courts is governed in part by financial limits: above a certain value, cases are heard in the High Court instead. There are procedural rules for the transfer of borderline cases, or those involving particular issues, from one to the other.

The County Court also hears complex first instance civil cases, such as contract disputes, compensation claims, consumer complaints about faulty goods or services, and bankruptcy cases. Claimants, previously referred to as plaintiffs, may seek a legal remedy for some harm or injury they have suffered. There are circuit judges and recorders who sit in the County Courts, usually without a jury. Juries are now rare in civil actions, so normally the judge considers both law and fact.

There are some specialist county courts, such as the Patents County Court (renamed Intellectual Property Enterprise Court in 2013) and the Mercantile Court (now known as Circuit Commercial Courts), which deal with particular types of subject matter in cases which do not need to be heard in the High Court.

In England, simple civil actions are normally heard in either the **Magistrates' Courts** or the County Courts. Judges have different titles depending on their experience, training, and level. A single stipendiary magistrate or three lay magistrates sit in the Magistrates' Court. There's no jury in a Magistrates' Court.

### Active Vocabulary

Civil division – відділення по цивільним справам

Restrictive Practices court – суд з обмежувальною практикою

Criminal division – відділення по кримінальним справам

Crown Court – суд Корони (Королівський суд)

to hear evidence – слухати свідчення

points of law – питання права, закону

civil actions – цивільні судові справи

lay magistrate – непрофесійний мировий суддя

jury – суд присяжних

Claimant / Plaintiff – позивач

seek a legal remedy – просити юридичного захисту

harm or injury – тілесні ушкодження та поранення

circuit judges – окружні судді

uphold a decision – затвердити рішення

leapfrog – перескакувати

Appellant – сторона, яка подає апеляцію

apply for leave to appeal – звертатися за дозволом на апеляцію

petty crimes – незначні злочини, правопорушення

fine – штраф

minor – неповнолітній

Indictable offence – кримінальна справа, яка вимагає складання обвинувачувального акту

to be reserved for trial – очікувати на судовий розгляд

to prosecute – подавати позов, вести судовий процес; виступати в якості обвинувача

to allege to have committed a crime – заявляти про скоєння злочину

to charge with – звинувачувати

to appeal against conviction or sentence – подати апеляцію, обжалувати визнання підсудного винним чи судове рішення (вирок суду)

**I. Answer the questions:**

1. What do the lower and upper courts deal with?
2. Who sits in the Magistrates' Courts?
3. Where are civil actions heard?
4. Where are criminal cases heard?
5. What is juvenile court?

**II. Quote the sentences where the following phrases are used:**

- matters of fact;
- the County Courts;
- the Crown Court;
- leave to appeal;
- consumer complaints;
- deal with petty crimes;
- to be reserved for trial;
- to appeal against conviction or sentence;
- to charge with;
- to commit an accused person;
- plaintiff.

**III. Match each word or expression on the left with the correct definition on the right:**

A plaintiff	- the superior English criminal court, which hears all cases tried by jury and appeals from magistrates' courts;
Queen's Bench	- a division of the High Court of Justice presided over by the Lord Chancellor with jurisdiction over cases concerning the law of property, trusts, etc;
Chancery Division	- the popular name for the Central Criminal Court;
Crown Court	- a division of the High Court with civil and criminal jurisdiction, which is also responsible for judicial review;
the Old Bailey	- the person who takes legal action against smb in a civil case.

**IV. Read the following sentences and decide if they are true or false:**



1. Civil courts in England and Wales primarily hear evidence and aim to determine what exactly happened in a case.
2. Indictable offences, that is petty crimes, such as theft, assault, drug dealing, and murder, are reserved for trial in the Crown Court.
3. There are circuit judges and recorders who sit in the County Courts, usually without a jury.
4. The County Court also hears complex first instance civil cases, such as contract disputes, compensation claims, consumer complaints about faulty goods or services, and bankruptcy cases.
5. In cases of homicide, children under 14 and young persons - that is, minors between 14 and 17 years of age - must always be tried summarily, meaning without a jury, by the High Court.

## **V. Translate the text into Ukrainian:**

### **Tribunals in the UK**

Historically, tribunals have been created by statute to deal with particular types of regulatory, disciplinary or administrative matter. Unlike the courts, which are separate for England and Wales from those of Scotland and Northern Ireland, the tribunal system is UK-wide.

**Employment Tribunals** in England and Wales deal with disputes relating to breaches of statutory employment law and discrimination in the workplace. They consist of a chair person, who is legally qualified, and two lay assessors, representing employers and unions respectively.

The Employment Appeal Tribunal hears appeals from employment tribunals. It is equivalent in status and as a court of record to the High Court. The judges in the are High Court judges, though they may also sit with assessors, and their decisions are frequently reported as precedents.

Appeals from the Employment Appeal Tribunal are heard by the Court of Appeal, Civil Division, in England and Wales, or the Court of Session in Scotland. Appeals (on a point of law) are heard by the Court of Appeal in Northern Ireland. Final appeals are heard by the UK Supreme Court.

The Competition Appeal Tribunal hears appeals from decisions by the Office of Fair Trading and the regulators in the telecommunications, electricity, gas, water, railways and air traffic services sectors.

Appeals from the Competition Appeal Tribunal are heard by the Court of Appeal, Civil Division, in England and Wales, or by the Court of Appeal in Northern Ireland or the Court of Session in Scotland. Final

appeals from any of those courts are heard by the UK Supreme Court.

**The First-tier Tribunal and Upper Tribunal** form a unified tribunals system established under the Tribunals, Courts and Enforcement Act 2007 with a jurisdiction across the United Kingdom. It replaces a number of earlier, separate tribunals such as the Lands Tribunal, the Immigration Appeal Tribunal and the Special Commissioners of Income Tax. The First-tier Tribunal sits in seven different chambers, dealing with various administrative disputes: General Regulatory Chamber; Health, Education and Social Care Chamber; Immigration and Asylum Chamber; Property Chamber; Social Entitlement Chamber; Tax Chamber; War Pensions and armed Forces Compensation Chamber.

The Upper Tribunal hears appeals from the First Tier Tribunal, but divides these among only four different chambers: Administrative Appeals Chamber; Immigration and Asylum Chamber; Lands Chamber; Tax and Chancery Chamber.

The Upper Tribunal, like the Employment Appeal Tribunal and the Competition Appeal Tribunal established under earlier legislation, is a superior court of record of equivalent status to the High Court of England and Wales. Some judicial reviews from the First Tier Tribunal, if they fall outside the jurisdiction of the Upper Tribunal, may be heard by the Administrative Court in the Queen’s Bench Division.

Appeals from the Upper Tribunal are heard by the Court of Appeal, Civil Division, in England and Wales, or by the Court of Appeal in Northern Ireland or the Court of Session in Scotland. Final appeals from any of those courts are heard the UK Supreme Court.

**VI. Complete the following sentences with the words and expressions:**

The court martial, “service offence”, re-hearing, uniform, be cited, relevant legislation, overseas bases, Judge Advocates, Criminal Division, minor offences
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**Military courts.**

**The Court Martial** has jurisdiction to try any ....., i.e any offence committed by a member of the armed forces under....., including the Armed Forces Act 2006, Armed Forces Act 1991 and Reserve Forces Act 1996, as well as any civil (non-military) criminal offence committed by service personnel. ....sits in permanent military court centres

at Catterick and Bulford and, when required, at .....in Germany and Cyprus. Its status is similar to that of the Crown Court, though the procedures may be different and all the participants, except for the defendant's representative, are in.....

The judges who sit in the court martial are known as .....Cases are brought by the Services Prosecuting Authority, which is led by the Director of Service Prosecutions.

The Court of Appeal, ....., can sit as the Court Martial Appeal Court to hear appeals from a court martial against conviction or sentence. Decisions of the Court Martial Appeal Court may be published and reported, and can .....where relevant as precedents in the same way as civilian court decisions.

**Summary Appeal Court.** Most .....against military discipline are heard by a commanding officer at a summary hearing, though a person charged with such an offence has the right to elect to be tried by court martial instead.

Appeals against a summary decision are then heard in the Summary Appeal Court, and take the form of a .....before a judge advocate.

## **VII. Explain the word combinations:**

Complex first instance civil cases; for some harm or injury; the High Court of Justice; the Court of Appeal; points of law of general public importance; in cases of homicide; theft; assault; drug dealing; alleged to have committed a crime; the defendant is guilty of the crime.

## **VIII. Translate into English and make up the sentences of your own:**

звинувачувати; очікувати судовий розгляд; кримінальна справа, яка вимагає складання обвинувального акту; звертатися за дозволом на апеляцію; виступати в якості обвинувача; просити юридичного захисту; затвердити рішення.

## **IX. Put down the questions toward the text. Discuss the text:**

**Coroners' Courts** fall outside the unified courts and tribunals system of England and Wales. There are 92 separate coroners' jurisdictions in England and Wales, each of them locally funded and resourced by local authorities. Their role dates back to the 12th century. Coroners' courts

investigate and determine the cause of any sudden, violent or unnatural death. Coroners and deputy coroners are either qualified lawyers or medical practitioners. They are not categorised as members of the judiciary, though serving judges may also sit as coroners.

The coroner's jurisdiction is territorial – it is the location of the dead body which dictates which coroner has jurisdiction in any particular case.

The Chief Coroner, an office created by the Coroners and Justice Act 2009, is now head of the coroner system, assuming overall responsibility and providing national leadership for coroners in England and Wales.

There is no right of appeal as such from a coroner's decision (such as a refusal to hold an inquest, or some flaw in the process) or from an inquest verdict. However, it is sometimes possible to challenge a coroner's decision, or the outcome of an inquest, by way of an application under section 13 of the Coroners Act 1988 (with the fiat, or authorisation, of the of the Attorney General), or by way of an application for judicial review.

## **X. Give short summary of the text**

### **XI. Discussion points:**

1. Which courts do you think would *deal with*:
  - a. a bank robbery?
  - b. a divorce case?
  - c. a burglary committed by a fifteen-year-old?
  - d. a drowning?
  - e. a case of driving too fast?
2. What is the relationship between the different courts?
3. In the United Kingdom, what is the difference between criminal and civil law?
4. What is the most common type of law court in the UK?

## UNIT 9

# THE UK ELECTORAL SYSTEM

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Every British citizen aged eighteen years or over who is not serving a sentence of imprisonment and is not a peer is eligible to be placed on the electoral register in a constituency (Representation of the People Act 1983). Normally this involves residence in the constituency on a certain day (10 October) but members of the armed forces and now British citizens who live abroad but have been registered within the previous five years can be entered on the register (Representation of the People Act 1985).

At the moment there are 650 constituencies, the boundaries being drawn by impartial Boundary Commissions whose recommendations need the approval of both Houses of Parliament (Parliamentary Constituencies Act 1986). Their impartiality has not prevented their recommendations being highly controversial as the way the boundaries are drawn can profoundly affect the electoral prospects of a particular party. The parties draw their support from different sections of the electorate and the exclusion or inclusion of a particular area can turn a safe seat into a marginal one and vice versa. In 1969 the Labour government refused to implement the Boundary Commission's recommendations and in 1983 unsuccessfully challenged them in court.

Not only the delimitation of boundaries but the choice of candidates by the parties profoundly affects the extent to which the voters' wishes are reflected in the House of Commons because the voter can only choose between rival candidates.

Unlike the USA where in some states voters through primaries have a voice in choosing between the parties' candidates, each party here has its own method for choosing candidates. The Labour Party in 1980 insisted that all Labour MPs must undergo a reselection process if they wished to be candidates at the next General Election. Anyone can form a political party, as happened in 1981 when the Social Democratic Party (SDP) was launched. Though election law puts strict limits on expenditure during an election campaign, to prevent bribery and corruption, it is very expensive to fight an election, particularly as national propaganda does not count towards election expenses. The Labour and Conservative

parties draw their financial support mainly from the trade unions and industry respectively. The other parties have no such firm financial base and to that extent suffer a considerable electoral disadvantage. Their main disadvantage is, however, the British electoral system.

Electors vote in their constituency and whichever candidate obtains most votes is elected an MP, even if he or she obtains only one vote more than his or her nearest rival and only a small percentage of the total vote. This system works best when there are only two parties, though even then it is possible for a party to obtain more votes over the country as a whole but have fewer seats in the House of Commons because its support may be unevenly distributed, so that it obtains big majorities in some seats and loses narrowly in others. This result is accentuated when there are three or more parties. A third party like the Liberals or now the Social Democratic and Liberal Alliance, whose support is spread fairly evenly throughout the country, is likely to win few seats but come second in many. Thus in the General Election, the Alliance obtained 25 per cent of the vote but only 4 per cent of the seats. Small parties like the Scottish National Party, whose support is concentrated in a particular part of the country, are more likely to win seats.

It is this lack of correlation between votes and seats which has given a strong impetus to the call for a different electoral system which would allow voters to express preferences between candidates so that if their first-choice candidate is not elected or has not received sufficient votes to be elected, his second-preference votes can help to elect that candidate. Thus these votes are not completely wasted and a candidate may be elected because more voters have put him as their second choice. This system of voting can be used for one MP, i.e. in single-member constituencies (the alternative vote), or for several MPs, i.e. in multi-member constituencies (the single transferable vote). These systems give more chance to a third party such as the Alliance to win seats, because its candidates can be elected by being the voters' second choice. If this system were adopted in this country it would be very unlikely that either of the two main parties would win an overall majority of seats (i.e. more seats than all other parties combined) and this would have a profound effect on who would form the government.

### **Active Vocabulary**

sentence of imprisonment – засуджувати до тюремного ув'язнення

constituency – виборці, виборчий округ

to involve residence – включати місце проживання

Boundary Commissions – комісія щодо кордонів країни та її загальної території

the delimitation of boundaries – визначення, делімітація кордонів

rival candidates – кандидати конкуренти

to undergo a reselection process – підлягати процесу повторного вибору, перевибори

to prevent bribery and corruption – попередити хабарництво і корупцію

to obtain more votes – отримувати більше голосів

to be unevenly distributed – бути нерівномірно розподіленим

to be accentuated – робити наголос, наголошувати, акцентувати

strong impetus – сильний стимул, поштовх, імпульс

first-choice candidate – кандидат першого вибору

single-member constituencies – одномандатний виборчий округ

multi-member constituencies – багатомандатний виборчий округ

an overall majority of seats – загальна більшість місць

to have a profound effect – мати абсолютний, повний вплив на

### **I. Answer the questions:**

1. Who is eligible to be placed on the electoral register in a constituency?
2. Did the Crown win the case against the Boundary Commission in 1983?
3. Do voters help to choose electoral candidates in the UK?
4. If there are two parties in Britain, when can the one which gains more than 50 per cent of the votes obtain less than 50 per cent of the seats in the House of Commons?

5. If the system of the alternative vote were adopted in Britain, would one of the two main parties probably win more than 50 per cent of the seats in the House of Commons?

**II. Quote the sentences where the following phrases are used:**

- a sentence of imprisonment;
- electoral register;
- to affect the electoral prospects of a particular party;
- the delimitation of boundaries;
- to prevent bribery and corruption;
- firm financial base; unevenly distributed;
- lack of correlation between votes;
- first-choice candidate.

**III. Match each word or expression on the left with the correct definition on the right:**

- |                        |   |
|------------------------|---|
| constituency           | - an election in the whole country to elect a new Parliament;   |
| bribery and corruption | - a paper used by a voter in an election to register his or her (secret) vote;  |
| by-election            | - the crime of offering or giving money, a favour to a person in order to influence them in their duty;               |
| General Election       | - an election in one or more constituencies during the life of a Parliament, because a Member of Parliament has died; |
| Ballot paper           | - an area of the UK for which a representative is elected to the House of Commons.                                    |

**IV. Read the following sentences and decide if they are true or false:**

1. Every British citizen aged twenty one years or over who is not serving a sentence of imprisonment and is not a peer is eligible to be placed on the electoral register in a constituency.
2. Not only the delimitation of boundaries but the choice of candidates by the parties profoundly affects the extent to which the voters' wishes are reflected in the House of Commons because the voter can only choose between rival candidates.



3. Electors vote in their constituency and whichever candidate obtains less votes is elected an MP, even if he or she obtains only one vote less than his or her nearest rival and only a small percentage of the total vote.
4. Normally it involves residence in the constituency on a certain day (10 October) but members of the armed forces and now British citizens who live abroad but have been registered within the previous two years can be entered on the register.
5. The parties draw their support from different sections of the electorate and the exclusion or inclusion of a particular area can turn a safe seat into a marginal one and vice versa.

## **V. Translate the text into Ukrainian:**

### **The Election Timetable**

The British government is elected for up to five years, unless it is defeated in Parliament on a major issue. The Prime Minister chooses the date of the next General Election, but does not have to wait until the end of the five years. A time is chosen which will give as much advantage as possible to the political party in power. Other politicians and the newspapers try very hard to guess which date the Prime Minister will choose.

About a month before the election the Prime Minister meets a small group of close advisers to discuss the date which would best suit the party.

The date is announced to the Cabinet. The Prime Minister formally asks the Sovereign to dissolve Parliament.

Once Parliament is dissolved, all MPs are unemployed, but government officers continue to function.

Party manifestos are published and campaigning begins throughout the country, lasting for about three weeks with large-scale press, radio and television coverage.

Voting takes place on Polling Day (usually a Thursday). The results from each constituency are announced as soon as the votes have been counted, usually the same night. The national result is known by the next morning at the latest.

As soon as it is clear that one party has a majority of seats in the House of Commons, its leader is formally invited by the Sovereign to form a government.

**VI. Complete the following sentences with the words and expressions:**

Election campaign; support; polling day; ballot box; vote; predict; opinion poll; polling station; candidate

People sometimes try to (a)\_\_\_\_\_the result of an election weeks before it takes place. Several hundred people are asked which party they prefer, and their answers are used to guess the result of the coming election. This is called an (b)\_\_\_\_\_. Meanwhile each party conducts its (c)\_\_\_\_\_ with meetings, speeches, television commercials, and party members going from door to door encouraging people to (d)\_\_\_\_\_ their party. In Britain everyone over 18, is eligible to (e)\_\_\_\_\_ . The place where people go to vote in an election is called a (f)\_\_\_\_\_ and the day of the election is often known as (g)\_\_\_\_\_. The voters put their votes in a (h)\_\_\_\_\_ and later they are counted. The (i)\_\_\_\_\_ with the most votes is then declared the winner.

**VII. Explain the word combinations:**

British citizen; rival candidates; British electoral system ; win an overall majority of seats; to form the government; to express preferences between candidates; strict limits on expenditure during an election campaign.

**VIII. Translate into English and make up the sentences of your own:**

виборчий округ; кандидати конкуренти; Загальні вибори; сформувати уряд; надавати комусь перевагу; передвиборча кампанія; мати більшість місць; оголосити результати виборів; одномандатний виборчий округ, делімітація кордонів.

**IX. Complete the following sentences using the text:**

1. Normally this involves residence in the constituency on a certain day (10 October) but ..... .
2. Though election law puts strict limits on expenditure during an election campaign ..... .

3. The Labour and Conservative parties draw their financial support .....
4. The other parties have no such firm financial base and to that extent .....
5. Electors vote in their constituency and whichever candidate obtains most votes is elected an MP, even .....
6. These systems give more chance to a third party.....

**X. Give short summary of the text**

**XI. Discussion points:**

Choose one of A, B or C below and follow the instructions in steps i) and ii).

- A. Compare the UK electoral system with another electoral system that you know well. What are the main similarities and differences? What are the best and worst aspects of each system in your opinion?
- B. Plan a model electoral system which you think would be completely fair and democratic. How is it different from the UK system and the system in your country?
- C. What are the main disadvantages of the UK electoral system and the electoral system in your country? What advantages does each system have? Suggest one change you would make to each system.
  - i) Take time to think about your ideas. If you wish, make brief notes.
  - ii) Explain your ideas aloud.

## The Magna Carta (1215)

John, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, [...] and other loyal subjects:

(1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections — a right reckoned to be of the greatest necessity and importance to it — and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs forever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

(2) If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a 'relief, the heir shall have his inheritance on payment of the ancient scale of 'relief. [.]

(3) But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without 'relief' or fine.

(4) The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or

property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same 'fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same 'fee', who shall be similarly answerable to us. [...]

(7) At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

(8) No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

(9) Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them. [...]

(12) No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.

(13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

(14) To obtain the general consent of the realm for the assessment of an ‘aid’ – except in the three cases specified above – or a ‘scutage’, we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.[...]

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

(18) Inquests of *novel disseisin*, *mort d’ancestor*, and *darrein presentment* shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

(19) If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

(20) For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

(21) Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence. [...]

(23) No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

(24) No sheriff constable, coroners, or other royal officials are to hold lawsuits that should be held by the royal justices. [...]

(28) No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this.

(29) No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other fit man to do it. A knight taken or sent on military service shall be excused from castle-guard for the period of this service. [...]

(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

(32) We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the 'fees' concerned.' [...]

(35) There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. [...]

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

(40) To no one will we sell, to no one deny or delay right or justice.

(41) All merchants may enter or leave England unharmed and without fear, and may stay or travel within it, by land or water, for purposes of trade, free from all illegal exactions, in accordance with ancient and lawful customs. This, however, does not apply in time of war to merchants from a country that is at war with us. Any such merchants found in our country at the outbreak of war shall be detained without injury to their persons or property, until we or our chief justice have discovered how our own merchants are being treated in the country at war with us. If our own merchants are safe they shall be safe too.

(42) In future it shall be lawful for .any man to leave and return to our kingdom unharmed and without fear, by land or water, preserving his allegiance to us, except in time of war, for some short period, for the common benefit of the realm. People that have been imprisoned or

outlawed in accordance with the law of the land, people from a country that is at war with us, and merchants – who shall be dealt with as stated above – are excepted from this provision. [...]

(45) We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well. [...]

(52) To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgment of his equals, we will at once restore these. In cases of dispute the matter shall be resolved by the judgment of the twenty-five barons referred to below in the clause for securing the peace. In cases, however, where a man was deprived or dispossessed of something without the lawful judgment of his equals by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. On our return from the Crusade, or if we abandon it, we will at once render justice in full. [...]

(54) No one shall be arrested or imprisoned on the appeal of a woman for the death of any person except her husband. [...]

(56) If we have deprived or dispossessed any Welshmen of lands, liberties, or anything else in England or in Wales, without the lawful judgment of their equals, these are at once to be returned to them. [...]

(57) In cases where a Welshman was deprived or dispossessed of anything, without the lawful judgment of his equals, by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. But on our return from the Crusade, or if we abandon it, we will at once do full justice according to the laws of Wales and the said regions. [...]

(60) All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

(61) SINCE WE HAVE GRANTED ALL THESE THINGS for God, for the better ordering of our kingdom, and to allay the discord that



has arisen between us and our barons, and since we desire that they shall be enjoyed in their entirety, with lasting strength, for ever, we give and grant to the barons the following security:

The barons shall elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them by this charter.

If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us – or in our absence from the kingdom to the chief justice – to declare it and claim immediate redress. If we, or in our absence abroad the chief justice, make no redress within forty days, reckoning from the day on which the offence was declared to us or to him, the four barons shall refer the matter to the rest of the twenty-five barons, who may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children, until they have secured such redress as they have determined upon.

Having secured the redress, they may then resume their normal obedience to us.

[...] If one of the twenty-five barons dies or leaves the country, or is prevented in any other way from discharging his duties, the rest of them shall choose another baron in his place, at their discretion, who shall be duly sworn in as they were.

In the event of disagreement among the twenty-five barons on any matter referred to them for decision, the verdict of the majority present shall have the same validity as a unanimous verdict of the whole twenty-five, whether these were all present or some of those summoned were unwilling or unable to appear.

The twenty-five barons shall swear to obey all the above articles faithfully, and shall cause them to be obeyed by others to the best of their power.

[...] (62) We have remitted and pardoned fully to all men any ill-will, hurt, or grudges that have arisen between us and our subjects, whether clergy or laymen, since the beginning of the dispute. We have in addition remitted fully, and for our own part have also pardoned, to all clergy and laymen any offences committed as a result of the said

dispute between Easter in the sixteenth year of our reign (i.e. 1215) and the restoration of peace.

[...] (63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fullness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

Both we and the barons have sworn that all this shall be observed in good faith and without deceit. Witness the above mentioned people and many others.

Given by our hand in the meadow that is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign (Le. 1215: the new regnal year began on 28 May).

### **The Petition of Rights (1628)** **To the King's most excellent majesty**

HUMBLY show unto our sovereign lord the King, the lords spiritual and temporal, and commons in parliament assembled, That whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First commonly called *Statutum de tallagio non concedendo*, That no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the commonalty of this realm; (2) and by authority of parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and , enacted, That from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; (3) and by other laws of this realm it is provided, That none should be charged by any charge or imposition called a benevolence, nor by such like charge; (4) by which the statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, That they should not be compelled to contribute to any tax, tallage, aid or other like charge not set by common consent in parliament.

II. Yet nevertheless, of late divers commissions directed to. Sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and

required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do have had” an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; (2) and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction from your Majesty, or your privy council, against the laws and free customs of the realm.

III. And where also by the statute called The Great Charter, of the liberties of England, it is declared and enacted, That no freeman may be taken or imprisoned, or be diseased of his freehold or liberties, or his free customs, or be outlawed or exiled, or in manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And in the eight and twentieth year of the reign of King „ Edward the Third, it was declared and enacted by authority of parliament, That no man of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death without being brought to answer by due process of law:

V. Nevertheless against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed; (2) and when for their deliverance they were brought before your justices by your Majesty’s writs of Habeas Corpus, there to undergo and, receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty’s special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law:

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and – the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and “customs of this realm, and to the great grievance and vexation of the people:

VII. And whereas also by authority of parliament, in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That no man should be forejudged of life or limb against the form of the great charter and the law of the land; (2) and by the said great charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: (3) and whereas no offender of what kind so ever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial:

VIII. By, pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed:

IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or for born to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: (2) which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:

X. They do therefore humbly pray your most excellent Majesty, that, no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by act

of parliament; (2) and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; (3) and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained; (4) and that your Majesty would be pleased to remove the said soldiers and manners, and that your people may not be so burdened in time to come; (5) and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed, or put to death contrary to the laws and franchise of the land.

XL All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, That the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; (2) and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, That in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom. *Qua quidem petitione lecta & plenius intellecta per dictum dominum regem taliter est responsum in pleno parlamento, viz.. Soit droit fait come est desire.*

## **The English Bill of Rights (1689)**

### **An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown**

Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully and freely representing ail the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-nine present unto their Majesties, then called and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper

persons, a certain declaration in writing made by the said Lords and Commons in the words following:

Whereas the late King James the Second, by the assistance of diverse evil counselors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom;

By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament;

By levying money for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament, and quartering soldiers contrary to law;

By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;

By violating the freedom of election of members to serve in Parliament;

And whereas of late years partial corrupt and unqualified persons have been returned and served on juries in trials, and particularly diverse jurors in trials for high treason which were not freeholders;

And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects;

And excessive fines have been imposed; And illegal and cruel punishments inflicted;

All which are utterly and directly contrary to the known laws and statutes and freedom of this realm;

And whereas the said late King James the Second having abdicated the government and the throne being thereby vacant, his Highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and other letters to the several counties, cities, universities, boroughs and cinque ports, for the

choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster upon the two and twentieth day of January in this year one thousand six hundred eighty and eight [old style date], in order to such an establishment as that their religion, laws and liberties might not again be in danger of being subverted, upon which letters elections having been accordingly made [...]

And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining -the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare:

That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent, of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example; to which demand of their rights they are particularly

encouraged by the declaration of his Highness the prince of Orange as being the only means for obtaining a full redress and remedy therein. Having therefore an entire confidence that his said Highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights and liberties, the said Lords Spiritual and Temporal and Commons assembled at Westminster do resolve that William and Mary, prince and princess of Orange, be and be declared king and queen of England, France and Ireland and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them, the said prince and princess, during their lives and the life of the survivor to them, and that the sole and full exercise of the regal power be only in and executed by the said prince of Orange in the “ names of the said prince and .princess, during their joint lives, and after their deceases the said crown and royal dignity of the same kingdoms and dominions to be to the heirs of the body of the said princess, and for default of such issue to the Princess Anne of Denmark and the heirs of her body, and for default of such issue to the heirs of the body of the said prince of Orange. And the Lords Spiritual and Temporal and Commons do pray the said prince and princess to accept the same accordingly.

Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration. And thereupon their Majesties were pleased that the said Lords Spiritual and Temporal and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties’ royal concurrence make effectual provision for the settlement of the religion, Saws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted, to which the said Lords Spiritual and Temporal and Commons did agree, and proceed to act accordingly.

And the said Lords Spiritual and Temporal and Commons, seriously considering how it hath pleased Almighty God in his marvellous providence and merciful goodness to this nation to provide and preserve their said Majesties’ royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the



bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think, and do hereby recognize, acknowledge and declare, that King James the Second having abdicated the government, and their Majesties having accepted the crown and royal dignity as aforesaid, their said Majesties did become, were, are and of right ought to be by the laws of this realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the dominions thereunto belonging, in and to whose princely persons the royal state, crown and dignity of the said realms with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining are most fully, rightfully and entirely invested and incorporated, united and annexed.

And for preventing all questions and divisions in this realm by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquility and safety of this nation doth under God wholly consist and depend, the said Lords Spiritual and Temporal and Commons do beseech their Majesties that it may be enacted, established and declared, that the crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties and the survivor of them during their 'lives and the life of the survivor of them, and that the entire, perfect and full exercise of the regal power and government be only in and executed, by his Majesty in the names of both their Majesties during their joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of her Majesty, and for default of such issue to her Royal Highness the Princess Anne of Denmark and the heirs of the body of his said Majesty; and thereunto the said Lords Spiritual and Temporal and Commons do in the name of all the people aforesaid most humbly and faithfully submit themselves, their heirs and posterities for ever, and do faithfully promise that they will stand to, maintain and defend their said Majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt anything to the contrary.

And whereas it hath been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed

by a popish prince, or by any king or queen marrying a papist, the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted, that all and every-person and persons that is, are or shall be reconciled to or shall hold communion with the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded and be for ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have Inherited and enjoyed the same in case the said person or persons so reconciled, holding communion or professing or marrying as aforesaid were naturally dead;

And that every king and queen of this realm who at any time hereafter shall come to and succeed in the imperial crown of this kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers in the presence of the Lords and Commons therein assembled, or at his or her coronation before such person or persons who shall administer the coronation oath to him or her at the time of his or her taking the said oath (which shall first happen), make, subscribe and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second entitled, “An Act for the more effectual preserving the king’s person and government by disabling papists from sitting in either House of Parliament”.

But if it shall happen that such king or queen upon his or her succession to the crown of this realm shall be under the age of twelve years, then every such king or queen shall make, subscribe and audibly repeat the same declaration at his or her coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such king or queen shall have attained the said age of twelve years. All which their Majesties are contented and pleased shall be declared, enacted and established by-authority of this present Parliament, and shall stand, remain and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual

and Temporal and Commons in Parliament assembled and by the authority of the same, declared, enacted and established accordingly.

II. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation by non obstante of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in. the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.

# GLOSSARY

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- Abolish**, v. To bring to an end by law.
- Action**, n. An action is a lawsuit; legal proceedings before a civil court in which a party sues for a legal right.
- Act of Parliament**, n. + prep. + n. A written law made by the Queen in Parliament which states or changes legal rules on a particular subject.
- Admissible** a. That can be allowed or considered by a court, tribunal, etc.
- Allege**, v. To claim or state (usually in evidence) that something is true.
- Amend**, v. To make changes in a rule, document, law, etc.
- Appellant**, n. A person who makes an appeal.
- Applicant**, n. A person who makes a formal request ('application') to a court.
- Apply**, v. To put into operation; to have an effect; to make a formal request.
- Arbitration**, n. The process of settling a dispute by referring it to one or more independent third parties for decision as an alternative to court proceedings.
- Arbitrator** (r), n. An arbitrator is an independent third party who is chosen to settle a dispute as an alternative to court proceedings.
- Article**, n. An article is a complete, separate section or rule in a document such as a contract, treaty, etc.
- Attorney-General**, n. Is the chief law officer and principal legal adviser of the Crown in England and Wales and leader of the English Bar (usually a member of the House of Commons). S/he sometimes acts as counsel for the Crown.
- Authority**, n. Is a judicial decision cited (e.g. in a later case) as a statement of the law; an official organisation or government department with the power to act and make decisions; the right or power to act, command, judge, etc.
- Ballot paper**, n. + n. A paper used by a voter in an election to register his or her (secret) vote.
- Bar**, n. Is the profession of barrister, and a collective term for all barristers (in the US all lawyers). Barristers are 'called to the Bar' when they are admitted to practise before the court.
- Barrister**, n. Is a member of the legal profession who has been 'called to the Bar' (in Scotland 'advocate'): s/he may represent litigants in both inferior and superior courts and can normally only deal with clients through a solicitor.
- Bill**, n. A proposed law - the preliminary version or draft of an Act of Parliament, which is put before the legislature for discussion and approval.

- Body**, n. Is an organized group of people working as a unit, often in an official capacity, (a government body; a legislative body)
- Breach**, n. Is the act of breaking a law, agreement, etc., a violation, (in breach of Article 24; a breach of International Law)
- Breach of the peace**, n. + prep. + art. + n. Any act which causes harm to a person or (in their presence) to their property, or which causes fear of harm through assault, riot or some other disturbance is a ‘breach of the Queen’s peace’.
- Bribery and corruption**, n. + conj. + n. Bribery and corruption is the crime of offering or giving money, a favour, etc. to a person in order to influence them in their duty.
- By-election**, n. A by-election is an election in one or more constituencies during the life of a Parliament, for example because a Member of Parliament has died.
- Cabinet**, n. The Cabinet is the body of senior Ministers of the Crown presided over by the Prime Minister which formulates government policy and initiates legislation. It is the supreme executive in the British constitution.
- Central Criminal Court**, a. + a. + n. The section of the Crown Court for London, often called the ‘Old Bailey’.
- Chancery Division**, n. + n. A division of the High Court of Justice, presided over by the Lord Chancellor with jurisdiction over cases concerning the law of property, trusts, etc.
- Charge**, n. A charge is a formal accusation of a crime, usually made by the police. (He faces six charges of theft.)
- Charge**, v. To accuse someone formally of a crime.
- Charter**, n. A charter is a document stating the principles, functions and organization of a body, (the UN Charter)
- Circuit judge** , n. + n. Circuit judges hear civil and criminal cases in the county courts and Crown Court of a district of England and Wales called a circuit and may sit as High Court judges if asked by the Lord Chancellor.
- Citation**, n. A reference to previous judicial decisions or authoritative writings; the title by which a judicial decision is known,
- Cite**, v. To refer to a previously decided case of legal authority in support of an argument.
- Citizenship**, n. The status of a citizen. (British citizenship can be gained by registration.)
- Civil Division** , a. + n. A branch or section of the Court of Appeal that exercises the civil jurisdiction of the Court.
- Civil law**, a. + n. Roman Law or a legal system based on Roman Law as distinct from the English system of common law; private law as opposed to Criminal Law and Administrative Law.
- Civil servant**, a. + n. A civil servant is a person employed in the Civil Service.

- Civil Service**, a. + n. The Civil Service is the body of persons employed by the branches of government administration which are not legislative, judicial or military, e.g. the administrative and executive staff of government departments.
- Code**, n. A systematic, written collection of laws on a particular subject or area of law.
- Collective responsibility**, a. + n. The doctrine of collective responsibility is a constitutional convention according to which all members of the British Cabinet are responsible together for Cabinet decisions.
- Commonwealth**, n. The Commonwealth is the association of States formed by the United Kingdom and self-governing nations which were once part of the British Empire. The British Sovereign is the head of the Commonwealth, whose members are equal in status.
- Condemn**, v. To state the punishment of a person found guilty in a criminal trial (especially a severe punishment). (The judge condemned the terrorist to life imprisonment.)
- Conspire**, v. To agree with one or more other persons to do something which will involve at least one of the parties committing an offence or offences.
- Constituency**, n. A constituency is an area of the UK for which a representative is elected to the House of Commons, (constituent (n.))
- Constitution**, n. The constitution of a State is the political and legal structure of government. It defines the composition, powers and relations of the head of state, legislature, executive and judiciary, (constitutional (a.); constitutionally (adv.))
- Constitutional Law**, a. + n. Constitutional Law is the law relating to the legal structure of government in a State. It defines the principal organs of government and their relationship to each other and to the individual.
- Construction**, n. Interpretation of the meaning of words, or of a document, statute, etc.
- Construe**, v. To interpret the meaning of words, or of a document, statute, etc.
- Convention**, n. A convention is a treaty between States; a convention of the constitution is a rule or practice which regulates the conduct of the Crown and state organs where there are no formal legal rules.
- Conviction**, n. The finding that an accused person is guilty of a crime in a court of law.
- Counsel**, n. Counsel is the term for a barrister or barristers conducting a law case. (Counsel for the prosecution)
- County court**, n. + n. county courts are the main civil courts with limited jurisdiction to hear cases in tort and contract or relating to land, trusts, divorce, etc. in a certain area of England or Wales.

- Court**, n. A court is a person or group of persons with authority to hear and decide disputes by interpreting and applying rules of law. Also the place where cases are heard. (A civil court hears only civil cases. A criminal court hears only criminal cases. A court of appeal hears appeals.)
- Court of Appeal**, n. + prep. + n. The Court of Appeal is second to the House of Lords in the hierarchy of the English courts. It has civil and criminal jurisdiction (exercised by the Civil and Criminal Divisions) to hear appeals from lower courts.
- Court of Chancery**, n. + prep. + n. The Court of Chancery was the court of Equity (which also had common-law jurisdiction) presided over by the Lord Chancellor. Its jurisdiction is now exercised by the Chancery Division of the High Court of Justice.
- Criminal Division**, a. + n. The branch or section of the Court of Appeal that exercises its criminal jurisdiction.
- Criminal Evidence**, a. + n. Criminal Evidence is the area of law which regulates the presentation of evidence in proceedings before a court. Also called the 'Law of Evidence' or 'Evidence'.
- Criminal Law**, a. + n. Criminal Law is the law relating to crime, i.e. illegal conduct for which a person may be prosecuted and punished by the State.
- Criminal Procedure**, a. + n. Criminal Procedure is the area of law which regulates the way in which legal proceedings are conducted in criminal cases.
- Criminology**, n. Criminology is the study of criminal conduct in society, including the causes of criminal conduct and the general pattern of crime in society.
- Crown**, n. The Crown is the monarch or monarchy in the capacity of head of state or an institution of government; in a general sense, the State.
- Crown Court**, n. + n. The superior English criminal court, which hears all cases tried by jury and appeals from magistrates' courts. It sits in major towns in England and Wales.
- Custody**, n. The state of being kept under guard or in prison. (She was held in police custody.)
- Custom**, n. In English law a custom is a practice which has been followed for so long that it has the force of law; custom is the original source of the common law. In International Law a custom is a general practice, followed for a substantial period of time, accepted as law; custom is an important source in the development of International Law.
- Delegate**, v. To give part of one's powers or rights to another person or body of a lower grade.
- Delegated legislation**, a. + n. Legislation made by a person (e.g. a Minister) or body (e.g. a local authority) under authority delegated by Parliament. Also called 'subordinate legislation'.

- Dependency**, n. A dependency (or ‘dependent territory’) is a region outside the British Isles which does not belong to the British Crown, but which is subject to British jurisdiction and is represented in relation to other foreign countries by the UK.
- Derogate**, v. To act against an obligation. (States must not derogate from their international obligations; derogation (n.))
- Deter**, v. To persuade or encourage someone not to do something because of unpleasant consequences. (Does the death penalty really deter people from committing murder? Many criminals are not deterred by severe sentencing; deterrent (n.), the death penalty is a strong deterrent; deterrence (n.), one of the aims of sentencing is deterrence)
- Dismiss**, v. A court dismisses an appeal when, after hearing the case, it refuses to change the decision of the previous court. (Appeal dismissed.)
- Dissolve**, v. To end the life of a Parliament by public announcement of the Sovereign, leading to a General Election. (Parliament was dissolved after four years.)
- Distinguish**, v. To recognize a difference between a case and a previously decided case so that the court is not bound by the previous decision. (The case must be distinguished from *R. v Summers* on the grounds that the defendant in that case did not act under the influence of alcohol.)
- Division**, n. The separate sections of the High Court and the Court of Appeal are called divisions.
- Doctrine**, n. A doctrine is a general principle of law formulated by judges and jurists. (The doctrine of binding precedent, a doctrine of International Law.)
- Domestic**, a. Domestic law is the national law of a State, as opposed to International Law (also called ‘municipal law’); domestic proceedings are proceedings relating to Family Law matters.
- Dominion**, n. Some Commonwealth countries which were UK colonies (e.g. Canada, Australia) were called dominions when they became fully independent from Britain.
- Drunken driving**, a. + n. Drunken driving is the crime of driving a car, motorcycle, etc., with more than the legal limit of alcohol in the blood, or driving while not able to drive properly because of the influence of alcohol.
- Electoral roll**, a. + n. The electoral roll is a register of all the people in an area of the UK who have the right to vote in local or national elections. Also called ‘register of electors’.
- Electorate**, n. The electorate is the group of all the people who have the right to vote in an election.



- Enact**, v. A legislative body such as Parliament enacts a law when it makes a law following the correct procedure, (enacted (a.))
- Enactment**, n. An enactment is a written law made by Parliament or another legislative body or a part of such a law, e.g. an Act of Parliament.
- Enforceable**, a. A law etc. is enforceable when it is possible to cause or force people to obey it. (Would a law to stop people drinking alcohol before going to football matches be enforceable? Opposite: unenforceable)
- Entitle**, v. You are entitled to something if you have a legal right to it. (In Britain men and women are entitled to equal pay for equal work.)
- Entrenched**, a. When rights are entrenched they are specially protected by law so that it is very difficult to change them.
- European Convention on Human Rights**, a. + n. + prep. +a. + pl.n. The European Convention on Human Rights is a convention in force since 1953 for the protection of the human rights of all people in the Member States of the Council of Europe.
- European Court**, a. +n. The Court of Justice of the European Communities.
- European Court of Human Rights**, a. + n. + prep. + a, + pl.n. The European Court of Human Rights is the court created by the European Convention on Human Rights, which has jurisdiction over cases brought under the Convention.
- Executor**, n. An executor is a person appointed by a will to administer the property of the person who made the will, and give effect to his or her wishes.
- First instance**, a. +n. A case of first instance is one which is before a court for the first time, not an appeal; a court of first instance is one which hears cases of first instance.
- Follow**, v. To apply the principles contained in a precedent and so act in accordance with it.
- Government**, n. Government is the process and method of governing a State; the government is the body of people who are responsible for governing a State; in the UK the Government is the executive generally or in Parliament the political party in power. (Democratic government; the Italian Government; a cut in government spending; the Government was almost defeated in the Commons yesterday; govern (v.))
- Grant** v. To give something formally or legally. (The convict was granted a pardon under the prerogative of mercy.)
- Guilty**, a. A person is guilty of an offence if s/he has committed it. (He was found guilty of murder and sentenced to life imprisonment. Opposite: not guilty)
- Heir**, n. An heir is a person with the legal right to receive property, a title, etc., when the owner or holder (usually an older member of the same family)

dies. (Heir to the throne; he is heir to a large fortune; heiress (for a woman or girl))

**Home Secretary**, a. + n. The Home Secretary is the British Government Minister who is head of the Home Office, the ministry which deals with internal affairs in England and Wales. S/he is responsible for the general administration of the Criminal Law, police and prisons, nationality and immigration, and advises the Sovereign on the exercise of the prerogative of mercy.

**House of Commons**, n. + prep. +n. The House of Commons is the Lower, but more powerful House of the UK Parliament. It is a representative body which consists of 650 elected members. Its main functions are representation of the people, control of finance and policy and legislation. Also called 'the Commons'.

**House of Lords**, n. + prep. +n. The House of Lords is the Upper House of the UK Parliament, It is not a representative body and consists of the Lords Spiritual and the Lords Temporal. Its main parliamentary functions are debate on matters of public interest and legislation, which it has power to delay. As a judicial body it is the Supreme Court of Appeal in the UK. Cases are heard by an Appellate Committee which usually consists of five or three Law Lords, Also called 'the Lords'. See also House of Commons; Lords Spiritual; Lords Temporal

**Houses of Parliament**, pl.n. + prep. + n. The buildings in Westminster, London, where the UK Parliament sits; the House of Commons and the House of Lords. See also House of Commons', House of Lords; parliament

**Human rights**, a. +pl.n. Fundamental rights of all human beings (such as the right to life, the right to freedom of thought and the right to work) which are generally protected by law. (UN Universal Declaration of Human Rights; human rights law)

**Imprisonment**, n. Imprisonment is the state of being kept in prison. It is a method of punishing criminals by taking away their liberty. (A term of imprisonment is the period which a person has to spend in prison; life imprisonment is the longest possible prison sentence, but is not necessarily for the rest of a person's life. Imprison (v.); imprisoned (a.))

**Indecency**, n. Indecency is the crime of doing something which the average person would find shocking or disgusting in that it offends public moral values, e.g. homosexual acts in public.

**Indictable offence**, a. + n. An offence which could be tried by jury in the Crown Court, now called a 'notifiable offence'.

**Indictment** /m'daitmont/, n. A person is motion indictment when s/he is tried by jury in the Crown Court for an indictable offence. The indictment is a formal document of accusation which is read out in court.

- Injured party**, a. + n. In a civil case the injured party is the person who has suffered harm, damage or a wrong.
- International Court of Justice**, a. + n. + prep. + n. The International Court of Justice is the main judicial organ of the United Nations Organisation and has power to hear disputes relating to International Law. (ICJ (abbrev.))
- Issue**, n. An issue is a point of dispute or matter for consideration in a court case. (The main issue in the present case is who should pay costs.)
- Judge**, n. A judge is a person with authority to hear and decide disputes brought before a court for decision, (judge (v.))
- Judgment**, n. The judgment is the legal reasoning and decision of a court in a case brought before it.
- Judicial precedent**, a. + n. Judicial precedent is the doctrine by which decisions of courts in previous cases are considered as a source of law which will influence or bind courts in later similar cases. A judicial precedent is an earlier judicial decision which influences or binds courts in later similar cases.
- Judicial review**, a. + n. Judicial review of administrative action is the power of the High Court to make sure that the acts and decisions of inferior courts, tribunals and administrative bodies are legal and valid. The Court may grant the 'prerogative orders' of certiorari, mandamus and prohibition
- Jurisprudence**, n. Jurisprudence is the science or philosophy of law- the study of fundamental questions of law in general, not the explanation, criticism or application of the law of a particular system.
- Jurist**, n. A jurist is a great expert in the law who is normally an academic lawyer, writer or consultant (but may also be a judge or practising lawyer).
- Justice of the peace**, n. + prep. + art. + n. A justice of the peace is a judicial officer who is not a professional lawyer who exercises judicial functions mainly in the magistrates' courts. Also called a lay magistrate.
- Juvenile court**, n. + n. A special branch of a magistrates' court which hears criminal cases against children and young persons under 17 and deals with other matters relating to children.
- Law-abiding**, a. A law-abiding citizen is someone who obeys the law.
- Law and order**, n. + conj. + n. A state of peace in a society where the law is generally respected. (The forces of law and order: those responsible for the administration of justice, e.g. the police and courts)
- Law Commission**, n. + n. The Law Commission is a body created in 1965 to review the law and prepare programmes for its systematic reform, development and modernisation. Two separate Commissions exist for the English and Scottish legal systems.
- Law officer**, n + n. The Law Officers of the Crown are the Attorney-General and the Solicitor-General (for England and Wales), the Lord Advocate

- and Solicitor-General for Scotland (for Scotland). They are the legal advisers and representatives of the Sovereign and Government.
- Law reform**, n. + n. Law reform is the process of revising and changing the law to make it better.
- Law reports** n. The law reports are written reports of decisions of the superior courts published for the information of the legal profession, (the All England Law reports)
- Lay**, a. Not expert (in the law), not a professional (lawyer), (lay peer; lay magistrate)
- Lay down**, v. + prep, [lay, laid, laid] To decide as a legal principle in a judgment (In *Carlill v Carbolic Smoke Ball Co.* it was laid down that an offer may be made to a particular person or to the world in general.)
- Legal system**, a. + n. All the institutions, bodies of laws and principles, ideas, methods, procedures, traditions and practices which together form an organised system for the application of law in a State or community. (the English legal system)
- Legislate**, v. To pass a law or laws, enact into law. (legislative (a.), legislative body, legislative powers)
- Legislation**, n. Legislation is all or part of a country's written law, statute law; also the process of making written law.
- Legislator**, n. One who legislates, a member of the legislature.
- Legislature**, n. The legislature is the supreme body with responsibility and authority to legislate for a political unit such as a State.
- Liability**, n. Legal responsibility for one's actions together with an obligation to repair any injury caused. (She admitted liability for the accident.)
- Liable**, a. Subject to a legal obligation; legally responsible for one's acts.
- Litigant**, n. A litigant is a party in a civil action.
- Litigation**, n. Litigation is the process of proceeding against someone in a court action.
- Lord Chancellor**, n. + n. The Lord High Chancellor is the chief judicial officer in the British Constitution. S/he is a peer and Cabinet Minister, Speaker of the House of Lords, president of the Supreme Court and of the House of Lords sitting as a final court of appeal. S/he appoints magistrates, recommends people for high judicial office, and has responsibility for the administration of the courts, law reform, etc. (LC (abbrev.))
- Lord Chief Justice**, n. + n. + n. The Lord Chief Justice of England is the President of the Queen's Bench Division of the High Court and the Criminal Division of the Court of Appeal. S/he is a peer and the second most important member of the judiciary after the Lord Chancellor. (LCJ (abbrev.))

- Lord Justice of Appeal**, n. + n. + prep. + n. The title of an ordinary judge of the Court of Appeal, referred to in legal books;
- Lord of Appeal in Ordinary**, n. + prep. + n. + prep. + a. The title of a judge with a life peerage who exercises the judicial functions of the House of Lords (Lords of Appeal in Ordinary (plural), also called the ‘Law Lords’)
- Lords Spiritual**, pl.n. + a. The Lords Spiritual are 26 senior members of the Church of England (the archbishops of Canterbury and York and certain bishops) who have the right to sit in the House of Lords.
- Lords Temporal**, pl.n. + a. The Lords Temporal are men and women who have the right to sit in the House of Lords because they are hereditary or life peers or Lords of Appeal in Ordinary.
- Magistrate**, n. A lay magistrate is a justice of the peace; a stipendiary magistrate has greater powers and receives a salary.
- Magistrates’ courts**, n. + n. The lowest courts of first instance with limited civil and criminal jurisdiction, generally composed of 2-7 lay justices of the peace. All criminal prosecutions begin here.
- Mandamus**, n. Mandamus is an order from the High Court to a tribunal, public official, etc., to perform a public duty, e.g. hold an election, hear an appeal.
- Master of the Rolls**, n. + prep. + art. + pl.n. The Master of the Rolls is the President of the Civil Division of the Court of Appeal, the most important civil judge in England outside the House of Lords.
- Member of Parliament**, n. + prep. + n. A Member of Parliament is a person elected by voters in a UK constituency to represent them in the House of Commons. (MP (abbrev.); Members of Parliament (plural))
- Minister**, n. A Minister of the Crown is a member of the House of Commons or House of Lords who holds one of the chief political offices in the UK government, e.g. as head of a Government Department.
- Ministry**, n. A ministry is government department which has a Minister as its head; the Ministry is the whole group of Ministers who form a government. (the Ministry of Defence; The Ministry must resign if it loses the confidence of the Commons.)
- Monarch**, n. King or Queen in a monarchy.
- Monarchy**, n. Monarchy is the system of government in which a single person called King or Queen holds the office of head of state for life, usually by hereditary right; a monarchy is a. State governed by such a system. (In an absolute monarchy the monarch rules the country personally; in a constitutional monarchy s/he has no real power to govern.)
- National**, n. A national is a person who is a citizen of a state. (Foreign nationals must register with the immigration authorities; nationality (n.))

**Norm**, n. A rule.

**Office**, n. Public position of authority, especially as part of the government, (the office of president; the last Lord Chancellor held office for seven years.)

**Old Bailey**, a. + n. The Old Bailey is the popular name for the Central Criminal Court.

**Organ**, n. An official organisation or body which has a special purpose, (state organ; judicial organ; Parliament is the main legislative organ.)

**Overrule**, v. A court overrules a decision in an earlier case when it uses a different principle to decide a later case, so creating a new precedent. The earlier decision is overruled. (Compare: a decision which is changed on appeal is 'reversed')

**Parliament**, n. A parliament is a national body which represents the people of a state and has supreme legislative powers within the state; Parliament is the legislature of the UK, consisting of the Sovereign, the House of Lords and the House of Commons, (parliamentary (a-))

**Parliamentary sovereignty**, a. + n. The basic doctrine of British Constitutional Law according to which Parliament is sovereign and has unlimited legislative power.

**Peerage**, n. A peerage is a title of nobility which may be granted by the Crown; the peerage is the collective term for all peers. (She was granted a peerage for her life's work in education; few of the peerage regularly attend sittings of the House of Lords.)

**Penal**, a. Relating to punishment (for crime). (Penal policy; the penal system)

**Per incuriam**, (Latin). A decision of a court is made per incuriam if the court does not apply a relevant law or follow a binding precedent.

**Plaintiff**, n. The plaintiff is the person who takes legal action against somebody (called the defendant) in a civil case. (The plaintiff sued the defendant for breach of contract.)

**Plead guilty**, v. + a. You plead guilty when you state at the beginning of a trial that you committed the crime you are accused of. (Opposite: plead not guilty)

**Prerogative of mercy**, n. + prep. + n. The prerogative of mercy (part of the Royal Prerogative) is the power of the Crown to excuse a criminal offence or reduce a punishment on the advice of the Home Secretary.

**Prime Minister**, a. + n. The Prime Minister (usually the leader of the political party with a majority in the House of Commons) is the head of the UK Government. S/he chooses and presides over the Cabinet, is leader of all government policies and is chief adviser to the Sovereign on matters of government.

- Privy Council**, a. + n. The Privy Council is a council of the British Sovereign composed of persons who hold or have held high political, legal, or ecclesiastical office, and including the Royal Family. Its functions are mainly formal. The Judicial Committee of the Privy Council mainly hears appeals from Commonwealth countries and colonies. (Privy Counsellor [a member of the Privy Council])
- Procedure**, n. Procedure is the way business is conducted in an official meeting etc.; the formal manner of starting and conducting legal action in a civil or criminal court, (parliamentary procedure; the procedure of the High Court is mainly regulated by the Rules of the Supreme Court.)
- Prohibition**, n. Prohibition is an order from the High Court to prevent an act by a court or administrative body against the rights of an individual. also
- Promulgate**, v. To bring a law into effect by official public announcement, (promulgation (n.))
- Prorogue**, v. To bring a session of Parliament to an end.
- Provide**, v. To set down as a rule or condition in a statute, contract, etc. (The Parliament Act 1911 provides that a Parliament shall not last for more than five years.)
- Provision**, n. A provision is a rule or condition in a statute, contract, etc. (under the provisions of the Theft Act 1968)
- Public Bill**, a. + n. A Bill relating to matters of general concern which normally applies to all the UK and is introduced in Parliament by a government Minister. Compare a 'private Bill', which only concerns a particular person, body or place.
- Public law**, a. + n. In general, public law is the part of the legal system which deals with the State and also with relations between the State and ordinary individuals in circumstances where the State has special rights or powers.
- QB or QBD**, abbrev. The Queen's Bench Division of the High Court.
- Queen in Council**, n. + prep. + n. The Sovereign and the Privy Council.
- Queen's Bench Division**, n. + n. + n. A Division of the High Court with civil and criminal jurisdiction, which is also responsible for judicial review.
- Ratify**, v. To confirm or approve an agreement, treaty, etc. officially so that it becomes valid. (Legislation passed by the Isle of Man Parliament must be ratified by the Queen in Council; ratification)
- Ratio decidendi**, (Latin). The ratio decidendi is the reason for a judicial decision, the principle on which it is based. It is the part of the decision which is binding as a precedent, (rationes decidendi (plural))
- Rehabilitate**, v. To make a person (e.g. a criminal) able to live a normal life in the community again by education, training, etc. (rehabilitation (n.))

- Remand in custody**, v. + prep. + n. If a person accused of a crime is remanded in custody s/he is sent back from a court to prison to wait for trial at a later date, e.g. while the police continue to investigate the case.
- Remedy**, n. A remedy is a method which the law gives to prevent, put right or compensate a wrong. (Damages and injunctions are civil remedies.)
- Remit**, v. To free someone from a punishment; to cancel part of a prison sentence; to refer a case to another court for consideration. (His sentence was remitted; the case has been remitted to the Crown Court.)
- Repeal**, v. To cancel a law officially so that it is no longer valid. (The Corn Laws were repealed in 1846 after years of protest.)
- Representative**, a. A representative body is one that consists of elected members chosen by voters to represent them. (The House of Lords is not a representative chamber. Representative government: a system of government in which the people and their opinions are represented.)
- Representative**, n. A representative is a person chosen by another or others to represent them; a Representative is a member of the House of Representatives, the Lower House of the US Congress.
- Royal Assent**, a. + n. The approval by the British Sovereign of a Bill which has been passed by both Houses of Parliament so that it becomes law as an Act of Parliament. (By convention the Royal Assent is never refused.)
- Sanction**, n. In International Law a sanction is a measure taken against a State to force it to obey International Law or as punishment for breaking it. (Economic sanctions against South Africa)
- Seat**, n. A parliamentary constituency; a place as a member of an official body. (Safe seat, marginal seat; he was candidate for a London seat; she won a seat in the Commons.)
- Sentence**, n. The judgment of a criminal court stating what punishment is to be given to a person convicted of a crime; the punishment which a person convicted of a crime receives. (She appealed against sentence; he is serving a three-year sentence for theft; sentencing (n.))
- Sentence**, v. To state in the judgment of a criminal court what punishment is to be given to a person convicted of a crime. (The judge sentenced her to life imprisonment.)
- Session**, n. A period of time during which a legislative or judicial body meets; a meeting of a legislative or judicial body. (The life of a Parliament is divided into sessions, normally of one year each. Silence! The court is in session.)
- Sitting**, n. A session during which a court of law hears cases; a division, section or branch of a court, (sit (v.))
- Solicitor**, n. A solicitor is a member of the legal profession who advises clients and may represent them in inferior courts. Solicitors instruct



counsel and deal with conveyancing, wills, trusts, commercial work, litigation, etc.

**Solicitor-General**, n. + n. The Solicitor-General (usually a member of the House of Commons) is the second Law Officer of the Crown in England. S/he acts as deputy to the Attorney-General

**Sovereign**, a. Having supreme authority. (Parliament is sovereign in the UK constitution; sovereign power; a sovereign State)

**Sovereign**, n. King or Queen, the head of state in a monarchy; a body with sovereign power.

**Sovereignty**, n. Sovereignty is supreme authority in an independent political society. See also parliamentary sovereignty; State sovereignty

**Speaker**, n. The Speaker is the chief officer of the House of Commons, who is elected by its members to preside over the House; the Speaker of the House of Lords is the Lord Chancellor, who presides over the House.

**Stare decisis**, (Latin). The principle that decisions of courts in previous cases must be followed in later similar cases.

**State**, n. A State is an independent, politically organised community of people living in a fixed part of the world under the authority of a sovereign government; the State is the government as opposed to the ordinary people of a country. (The USA is a federal State; a crime is an illegal act which is prosecuted and punished by the State).

**State sovereignty**, n. + n. Supreme power in a State: full legislative, executive and juridical powers of a State on its territory. (A sovereign State is a State which exercises State sovereignty - an independent, self-governing State.)

**Statute**, n. A statute is an Act of Parliament; statute law is the body of law contained in Acts of Parliament as opposed to case-law, (statutory (a.))

**Subject**, n. Every citizen of a State, except the Sovereign, is a subject; States, organisations of States and international bodies such as the UN are subjects of International Law, with rights and duties under it.

**Sue**, v. To take legal action against someone in a civil case.

**Summon** v. The Sovereign summons Parliament when s/he calls for the election of a new Parliament after the old one has been dissolved; a court summons a person when it gives them an official order (called a summons) to appear in court.

**Treaty**, n. A treaty is an international agreement in writing between two or more States.

**Tribunal**, n. General: a person or body of persons with power to decide claims or disputes. Modern Britain: usually composed of laymen, simple informal procedure, decisions based on discretion, experience, etc. Cf. court:

usually composed of professional judges, formal procedure, decisions according to rules of law. (industrial tribunal)

**Unenacted**, a. Not formally made into law by a legislative body, (unenacted law)

**United Nations Organisation**, a. + pl.n. + n. An organisation created in 1945 to maintain international peace and encourage cooperation between States, based on the sovereign equality of all its members (most States in the world). (The UN (abbrev.))

**Unlawful**, a. Not lawful, against the law. (unlawfully (adv.))

**Warrant**, n. A warrant is an official document which gives authority to do a specified action, e.g. a warrant signed by a magistrate which orders a person to be arrested and brought before the court.

**Writ**, n. A document issued by a court in the name of the Sovereign, which orders a person to do or not to do a particular act.

## Список використаних джерел

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**PROFESSIONAL ENGLISH FOR LAW STUDENTS**

*Навчальний посібник*

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