

MARTA CHROMÁ

# INTRODUCTION TO LEGAL ENGLISH

2020

VOLUME II

WORD STUDY  
AND ANSWER KEY

KAROLINUM





**MARTA CHROMÁ**

**INTRODUCTION TO LEGAL ENGLISH**

2020

VOLUME II

WORD STUDY AND ANSWER KEY

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## WORD STUDY

### 1. Derive verbs from the following nouns.

representative - .....; substitute - .....; assembly - .....;  
 vote - .....; delegation - .....; convention - .....;  
 practice - .....; enforcement - .....; resolution - .....;  
 proposal - .....; compliance - .....; reconciliation - .....;  
 promotion - .....; recognition - .....; regulation - .....;  
 defence - .....; detention - .....

### 2. Derive nouns from the following verbs or participles.

enrolled - .....; refused - .....; justified - .....;  
 imposed - .....; alleged - .....; adhere to - .....;  
 obligated - .....; promoted - .....; establish - .....;  
 adopt - .....; divide - .....; compose - .....;  
 accomplish - .....; suggest - .....; award - .....;  
 replace - .....; complain - .....

### 3. Fill in the phrases with appropriate prepositions.

national approaches (a) ..... problems; the setting (b) ..... of a court of justice responsible (c) ..... ensuring compliance (d) ..... that charter; according (e) ..... the Statute; convene the Committee (f) ..... an extraordinary session; a committee endowed (g) ..... the power; Luxembourg deposited the instrument of ratification (h) ..... the British Government; any matters referred (i) ..... it by the Committee of Ministers; to abide (j) ..... certain standards of behaviour.

### 4. Complete the text with correct prepositions.

While the Court was aware that the disputed ban mainly affected certain Muslim women, it nevertheless noted that there was no restriction (a) ..... the freedom to wear (b) ..... public any item of clothing which did not have the effect of concealing the face and that the ban was not expressly based (c) ..... the religious connotation of the clothing in question but solely on the fact that it concealed the face. In addition, the sanctions provided (d)..... (e) ..... the Law were among the lightest that could have been envisaged: a fine of 150 euros maximum and the possible obligation



(f) ..... follow a citizenship course, in addition (g) ..... or instead (h) ..... the fine. Furthermore, as the question whether or not it should be permitted to wear the full-face veil (i) ..... public places constituted a choice of society, France had a wide margin of appreciation. In such circumstances, the Court had a duty to exercise a degree of restraint (j) ..... its review of Convention compliance, since such review led it to assess a balance that had been struck (k) ..... means of a democratic process (l) ..... the society in question. In the Court's view, the lack of common ground between the member States of the Council of Europe as (m) ..... the question of the wearing of the full-face veil in public places supported its finding that the State had a wide margin of appreciation. The ban complained (n) ..... could therefore be regarded as proportionate (o) ..... the aim pursued, namely the preservation of the conditions of "living together". The Court held that there had not been a violation (p) ..... either Article 8 or Article 9 of the Convention.

### 5. Complete the text with relevant words from the list.

*binding, committed, complaints, Human, lodge, respect, victim, violated*

The Court applies the European Convention on (1) ..... Rights. Its task is to ensure that States (2) ..... the rights and guarantees set out in the Convention. It does this by examining (3) ..... (known as "applications") lodged by individuals or, sometimes, by States. Where it finds that a member State has (4) ..... one or more of these rights and guarantees, the Court delivers a judgment. Judgments are (5) .....: the countries concerned are under an obligation to comply with them. Any person may (6) ..... an application with the Court if he or she considers that s/he has personally and directly been the (7) ..... of a violation of the rights and guarantees set out in the Convention or its Protocols. The violation must have been (8) ..... by one of the States bound by the Convention.

### 6. Complete the text with appropriate words from the list below.

*apply; backlog; bear; charge; conducted; determine; dismiss; examine; fees; friendly; hearings; imminent; majority; rejected; requirements; reversed; stages; urgent*

Proceedings are (1) ..... in writing. You will be informed in writing of any decision taken by the Court. Public (2) ..... are exceptional. Your case will be dealt with free of (3) ..... Although you do not need to be represented by a lawyer in the first (4) ..... of the proceedings, you will need a lawyer once your application has been notified to the Government. The great (5) ..... of applications are, however, declared inadmissible without being notified to the Gov-

ernment. You will have to (6) ..... only your own costs (such as lawyers (7) ..... or expenses relating to research and correspondence). After your application has been lodged, you may (8) ..... for legal aid. Legal aid is not granted automatically, and awards are not made immediately but only at a later stage of the proceedings. The Court must first (9) ..... whether your application is admissible. This means that the case must comply with certain (10) ..... set out in the Convention. If the conditions are not satisfied, your application will be (11) ..... . If you have made several complaints, the Court may declare one or more of them admissible and (12) ..... the others. If your application or one of your complaints is declared inadmissible, that decision is final and cannot be (13) ..... . If your application or one of your complaints is declared admissible, the Court will encourage the parties (you and the State concerned) to reach a (14) ..... settlement. If no settlement is reached, the Court will consider the application “on the merits” - that is, it will (15) ..... whether or not there has been a violation of the Convention. In view of the current (16) ..... of cases, you may have to wait a year before the Court can proceed with its initial examination of your application. Some applications may be treated as (17) ..... and dealt with as a matter of priority, particularly where the applicant is said to be in (18) ..... physical danger.

## 7. Choose a suitable word and complete the clauses.

- (i) [...] unless the President of the Chamber decides .....
- (ii) The Chamber or, where ....., the President of the Section or a duty judge appointed pursuant to paragraph 4 of this Rule may, [...]
- (iii) The Chamber may, either at the request of the parties or of its own ....., order the joinder of two or more applications.
- (iv) The President of the Chamber may, after consulting the parties, order that the proceedings in applications assigned to the same Chamber be conducted simultaneously, ..... prejudice to the decision of the Chamber on the joinder of the applications.
- (v) No written observations or other documents may be filed after the time-limit set by the President of the Chamber or the Judge Rapporteur, as the case ....., in accordance with these Rules.
- (vi) The Chamber may, *inter* ....., invite the parties to produce documentary evidence [...]
- (vii) The provisions of this Chapter concerning investigative measures by a delegation apply, *mutatis* ....., to any such proceedings conducted by the Chamber itself.
- (viii) The judges sit ..... the Court in their individual capacity.

## 8. Complete the text with appropriate words or phrases.

The Court is (1) ..... of a number of judges equal to that of the (2) ..... States. Judges are elected by the Parliamentary (3) ..... of the Council of Europe. The term of office is six years, and judges may be (4) ..... Their terms of office (5) ..... when they reach the age of seventy, although they continue to deal with cases already under their (6) ..... Judges sit on the Court in their individual (7) ..... and do not represent any State. Every judge is assigned to one of the five Sections, whose composition is geographically and gender (8) ..... and takes account of the different legal systems of the Contracting States. The great majority of the (9) ..... of the Court are given by Chambers. These comprise seven judges and are (10) ..... within each Section. The Grand Chamber deals with cases that raise a serious question of (11) ..... or application of the Convention, or a serious issue of general importance. A Chamber may (12) ..... jurisdiction in a case to the Grand Chamber at any stage in the procedure before judgment, as long as both (13) ..... consent.

## 9. Translate the following sentences into English.

- (i) Konference, na níž byla založena Rada Evropy, se konala v roce 1949 v Londýně a účastnily se jí Itálie, Dánsko, Švédsko, Nizozemí, Velká Británie, Francie, Belgie, Lucembursko, Irsko a Norsko.
- (ii) Rada Evropy se zabývá zejména otázkami týkajícími se lidských práv v jejich členských státech.
- (iii) Na druhé straně, Rada Evropy hraje významnou úlohu při podpoře kulturní a vědecké spolupráce mezi evropskými zeměmi.
- (iv) Výbor ministrů je nejvyšším rozhodovacím orgánem Rady Evropy a skládá se z ministrů zahraničí členských států.
- (v) Složení Parlamentního shromáždění je do jisté míry vázáno na počet obyvatel v daném členském státě.
- (vi) Evropský soud pro lidská práva byl zřízen Radou Evropy proto, aby se zlepšila ochrana lidských práv v Evropě.
- (vii) Žaloba může směřovat proti jednomu či více státům, které jsou signatáři Evropské úmluvy o lidských právech.
- (viii) Žalobce před tím, než podá žalobu k Evropskému soudu pro lidská práva, musí vyčerpat všechny vnitrostátní opravné prostředky, aby se domohl svých práv.

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## ANSWER KEY

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### EX. 1

representative - represent; substitute - substitute; assembly - assemble; vote - vote; delegation - delegate; convention - convene; practice - practise; enforcement - enforce; resolution - resolve; proposal - propose; compliance - comply; reconciliation - reconcile; promotion - promote; recognition - recognize; regulation - regulate; defence - defend; detention - detain

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### EX. 2

enrolled - enrollment; refused - refusal; justified - justification; imposed - imposition; alleged - allegation; adhere to - adherence; obligated - obligation; promoted - promotion; establish - establishment; adopt - adoption; divide - division; compose - composition; accomplish - accomplishment; suggest - suggestion; award - award; replace - replacement; complain - complaint

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### EX. 3

(a) to; (b) up; (c) for; (d) with; (e) to; (f) for; (g) with; (h) with; (i) to; (j) by

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### EX. 4

(a) on/over; (b) in; (c) upon/on; (d) for; (e) by; (f) to; (g) to; (h) of; (i) in; (j) in; (k) by; (l) in; (m) to; (n) of/against; (o) to; (p) of

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### EX. 5

(1) Human; (2) respect; (3) complaints; (4) violated; (5) binding; (6) lodge; (7) victim; (8) committed

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### EX. 6

(1) conducted; (2) hearings; (3) charge; (4) stages; (5) majority; (6) bear; (7) fees; (8) apply; (9) examine; (10) requirements; (11) rejected; (12) dismiss; (13) reversed; (14) friendly; (15) determine; (16) backlog; (17) urgent; (18) imminent

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### EX. 7

(i) otherwise; (ii) appropriate/relevant; (iii) motion; (iv) without; (v) may be; (vi) inter alia; (vii) mutatis mutandis; (viii) on

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### EX. 8

(1) composed; (2) Contracting; (3) Assembly; (4) re-elected; (5) expire; (6) consideration; (7) capacity; (8) balanced; (9) judgments; (10) constituted; (11) interpretation; (12) relinquish; (13) parties .

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### EX. 9

(i) The conference where the Council of Europe was established was held in London in 1949 and was attended by Italy, Denmark, Sweden, the Netherlands, Great Britain, France, Belgium, Luxemburg, Ireland and Norway.  
(ii) The Council of Europe deals primarily with issues relating to human rights in its member states.  
(iii) On the other hand, the Council of Europe plays a significant role in promoting cultural and scientific cooperation among European countries.

(iv) The Committee of Ministers is the decision-making body of the CoE and is composed of foreign ministers of the member states.

(v) The composition of the Parliamentary Assembly is, to a certain extent, tied to the number of population in a respective member state.

(vi) The European Court of Human Rights was established by the Council of Europe in order to improve the protection of human rights in Europe

(vii) An application may be lodged against one or more State party to the European Convention on Human Rights.

(viii) Before lodging an application with the ECtHR, the applicant must have exhausted all available domestic remedies to enforce his rights.

**WORD STUDY**

**1. Complete the table with verbs and adjectives derived from the nouns.**

| Verbs | Nouns          | Adjectives |
|-------|----------------|------------|
|       | discrimination |            |
|       | restriction    |            |
|       | continuation   |            |
|       | decision       |            |
|       | conciliation   |            |

**2. Match the verbs with words from the list below so that meaningful phrases are formed.**

*differences; Treaties; obligations; principles; the case; the Community; national law; the nature; new rights; the word*

to coin .....; to designate .....; to set up .....;  
 to accept .....; to create .....; to indicate .....;  
 to lay down .....; to rely on .....; to conflict with .....;  
 to bring .....

**3. Complete the phrases with verbs from the list below.**

*to acquire; to approve; to bring; to convene; to deliver; to implement; to enact; to justify; to summarise; to take*

..... particular measure; ..... the measure; ..... a claim;  
 ..... an approach; ..... the final decision; ..... broader  
 powers; ..... an opinion; ..... the committee; .....  
 the procedure; ..... the common position.

#### 4. Fill in the correct prepositions.

..... contrast ..... ordinary treaties; the primacy of Community law ..... national law; to rely ..... the provisions ..... the treaties; proceedings ..... the national courts; not to be inferior ..... national law ..... any way; constitutional duties impacting ..... all citizens; articles can be relied ..... MS citizens ..... an action ..... the national courts ..... another MS citizen; the right not to be discriminated ..... ; the case was brought ..... reliance ..... article 141; men and women can draw their pension ..... the same age; a regulation comes ..... force ..... its publication; courts must give supremacy ..... the regulation ..... the existing national law; the candidate Member State should be fully aware ....., and prepared to comply ....., all existing regulations; to incorporate the objective of the directive ..... the domestic legal system; a directive not properly implemented ..... national law; to impose a measure ..... a Member State; to act ..... the absence of a proposal ..... the Commission; to search ..... a compromise; to deliver an opinion ..... the amendment; to convene the committee ..... a time-limit ..... six weeks; to reach an agreement ..... a common text.

#### 5. Complete the text with words from the list.

*amendments; define; direct; entered; establishing; executive; governments; implementation; institutions; laid; parliaments; Single; status; subject; Treaties; Union*

Primary legislation includes in particular the (1) ..... and other agreements having similar (2) ..... Primary legislation is agreed by (3) ..... negotiation between Member State (4) ..... These agreements are (5) ..... down in the form of Treaties which are then (6) ..... to ratification by the national (7) ..... The same procedure applies for any subsequent (8) ..... to the Treaties. The Treaties (9) ..... the European Communities have been revised several times through: (a) the (10) ..... European Act (1987), (b) the Treaty on European (11) ..... - "Maas-tricht Treaty" (1992), (c) the Treaty of Amsterdam (1997), which (12) ..... into force on 1 May 1999. The Treaties also (13) ..... the role and responsibilities of EU (14) ..... and bodies involved in decision-making processes and the legislative, (15) ..... and juridical procedures which characterise Community law and its (16) .....

**6. Complete the text with words from the list.**

*accordance; addressed; articles; aspects; authorities; binding; Communities; enterprises; implemented; implementing; legislation; objectives; Regulations; Secondary; time-limit; variety*

(1) ..... legislation is based on the Treaties and implies a (2) ..... of procedures defined in different (3) ..... thereof. In the framework of the Treaties establishing the European (4) ....., Community law may take the following forms: (5) ..... which are directly applicable and (6) ..... in all EU Member States without the need for any national (7) ..... legislation. *Directives* which bind Member States as to the (8) ..... to be achieved within a certain (9) ..... while leaving the national (10) ..... the choice of form and means to be used. *Directives* have to be (11) ..... in national legislation in (12) ..... with the procedures of the individual Member States. *Decisions* which are binding in all their (13) ..... on those to whom they are (14) ..... Thus, no national implementing (15) ..... is required. A decision may be addressed to any or all Member States, to (16) ..... or to individuals.

**7. Verbs are the dynamic components of speech. Complete the phrases with verbs from the list below.**

*achieve; analyse; apply; appoint; bring; challenge; concentrate; confer; deliver; ease; enjoy; ensure; establish; exercise; fulfil; grant; hear; hold; impose; lodge; meet; observe; penalize; perform; present; preside; refer; review; seek; serve; sit; submit; suspend*

to ..... EU law; to ..... the increasing workload;  
to ..... on basic tasks; to ..... the uniform interpretation;  
to ..... jurisdiction; to ..... main objectives; to ..... ones obligations; to ..... an action; to ..... a penalty; to ..... for the annulment; to ..... the legality; to ..... silence of the institution; to ..... rights on nationals;  
to ..... as a guide; to ..... the matter to the Court;  
to ..... the proceedings; to ..... an interim relief;  
to ..... a causal link; to ..... conditions;  
to ..... a judge; to ..... an office; to ..... at hearings;  
to ..... in plenary session; to ..... a case; to ..... the privileges and immunities; to ..... the duties; to ..... a defence;  
to ..... facts; to ..... observations; to ..... arguments;  
to ..... the ruling; to ..... the validity; to ..... the annulment.



**8. The following three exercises provide general information on the history the Court of Justice and the General Court. Complete the first text with words from the list below.**

*applicable; attempts; backbone; body; conceived; creature; fulfil; hear; identical; innovation; institutions; interpreted; judicial; law; means; parties; safeguards; shared; success; superior; true; unification; uniform*

The great (1) ..... of the European Union in comparison with previous (2) ..... at European unification lies in the fact that the EU uses only the rule of (3) ..... to achieve that end. The six founding Member States, aware that (4) ....., if it was to have any chance of lasting (5) ....., must be achieved and maintained through legal (6) ....., determined that the European Communities should be (7) ..... in a legal instrument - the Treaties of Paris and Rome. Not only is the Community a (8) ..... of the law, but it pursues its aims exclusively through a new (9) ..... of law, Community law, which is independent, (10) ..... in all the Member States of the Community, separate from, yet (11) ..... to national law, and many of whose provisions are directly (12) ..... in all the Member States. Like any (13) ..... legal system the Community legal system needs an effective system of judicial (14) ..... when Community law is challenged or must be applied. The Court of Justice, as the (15) ..... institution of the Community, is the (16) ..... of that system of safeguards. Its judges must ensure that Community law is not (17) ..... and applied differently in each Member State, that as a (18) ..... legal system it remains a Community system and that it is always (19) ..... for all in all circumstances. In order to (20) ..... that role, the Court of Justice has jurisdiction to (21) ..... disputes to which the Member States, the Community (22) ....., undertakings and individuals may be (23) .....

**9. The following exercise is about the role of the Court in interpreting the principle of free movement of goods. Complete the text with words from the list below.**

*unjustified; undertakings; trade; serious; reimburse; purchased; prevent; passage; market; lawfully; health; consumption; consumers; concluded; clarify; barriers*

The Court has been asked to (1) ..... Member States obligations with regard to the free movement of goods and the establishment of a common (2) ..... and to secure the removal of (3) ..... protecting national markets and (4) ..... and, generally, of all hindrances to (5) ..... between Member States. Thus, following the *Cassis de Dijon* judgment (1979), European (6) ..... may buy in their own country any food product from a country

in the Community provided that it is (7) ..... produced and marketed in that country and that there are no (8) ..... grounds related, for example, to the protection of (9) ..... or the environment for preventing its importation into the country of (10) ..... In a more recent case, the Court found against the *French Republic* (1997) for failing to take the measures necessary to (11) ..... certain French farmers from obstructing the free (12) ..... over French territory of agricultural products from other Member States. Moreover, in a case directly concerning the health of its citizens, the Court (13) ..... that national rules which amounted to refusing to (14) ..... to an insured person the cost of spectacles on the ground that they had been (15) ..... in another Member State constituted an (16) ..... barrier to the free movement of goods (*Decker* 1998).

**10. The procedure in preliminary rulings was dealt with in Section A of this unit. Try to complete the following text.**

The national court (1) ..... questions concerning the interpretation or (2) ..... of a provision of EU law, generally in the form of a judicial (3) ..... in accordance with national procedural rules. The (4) ..... has that request translated into all the EU languages, then (5) ..... it not only on the parties to the (6) ..... proceedings but also on the Member States, the Commission and, where appropriate, the (7) ..... . A notice is published in the Official (8) ..... indicating the names of the parties involved and the tenor of the question. The parties, the Member States and the EU (9) ..... have two months within which to submit their written (10) ..... to the Court. All those entitled to submit written observations may (11) ..... their arguments orally at the (12) ..... . When the Advocate General has delivered his Opinion and once the judges have (13) ..... , the judgment is read in open court and sent by the Registrar to the national court which (14) ..... the ruling.

**11. Translate the following sentences into English.**

1. Termín „nadmárodní“ neoznačuje jen zvláštní povahu samotné Evropské unie, ale také právo, na němž je založena.
2. Právo EU lze najít zejména v Evropských smlouvách (též primární prameny) a v prováděcích předpisech (sekundární prameny práva).
3. Maastrichtská smlouva zakládá nová práva a nové povinnosti pro členské státy, ale zahrnuje také jejich občany, kteří se tak stávají občany Evropské unie.

4. Nařízení vstupuje v platnost bezprostředně po zveřejnění v Úředním věstníku EU.
5. Směrnice je pro členský stát závazná, pokud jde o cíl, jehož má být dosaženo, ale ponechává na členském státu, jakým způsobem ji provede ve vnitrostátním právu.
6. Právo EU se uplatňuje přímo u všech soudů ve všech členských státech.
7. Zásada právní jistoty znamená, že právní předpisy musí být konkrétní, jejich aplikovatelnost předvídatelná a nesmí mít retroaktivní účinek.
8. Žaloba na nesplnění povinnosti umožňuje soudu rozhodnout, zda členský stát splnil svou povinnost stanovenou unijními předpisy.
9. Žaloba pro nečinnost má za následek, že soud prověří, zda je nečinnost instituce oprávněná či nikoliv; pokud ne, může instituci uložit sankci.
10. Žádost o rozhodnutí v předběžné otázce předkládá vnitrostátní soud a je na jeho zvážení, zda tak učiní či nikoliv.

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## ANSWER KEY

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### EX. 1

discriminate – discriminatory, restrict – restrictive, continue – continuous, decide – decisive, conciliate – conciliatory

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### EX. 2

Many more collocations can be formed, the following are only suggestions: to coin the word; to designate the nature; to set up the Community; to accept obligations; to create new rights; to indicate differences; to lay down principles; to rely on Treaties; to conflict with national law; to bring the case.

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### EX. 3

Many more collocations can be formed, the following are only suggestions: to implement particular measure; to enact the measure; to bring a claim; to justify an approach; take the final decision; to acquire broader powers; to deliver an opinion; to convene the committee; to summarise the procedure; to approve the common position.

---

### EX. 4

by contrast with ordinary treaties (also: in contrast to ordinary treaties); the primacy of Community law over national law; to rely on the provisions of the treaties; proceedings before the national courts; not to be inferior to national law in any way; constitutional duties impacting on all citizens; articles can be relied on by MS citizens in an action in the national courts against another MS citizen; the right not be discriminated against; the case was brought in reliance on article 141; men and women can draw their pension at the same age; a regulation comes into force upon its publication; courts must give supremacy to the regulation over the existing national law; the candidate Member State should be fully aware of, and prepared to comply with, all existing regulations; to incorporate the objective of the directive into the domestic legal system; a directive not properly implemented into national law; to impose a measure on a Member State; to act in the absence of a proposal from the Commission; to search for a compromise; to deliver opinion on the amendment; to convene the committee within a time-limit of six weeks; to reach an agreement on a common text

**EX. 5**

(1) Treaties; (2) status; (3) direct; (4) governments; (5) laid; (6) subject; (7) parliaments; (8) amendments; (9) establishing; (10) Single; (11) Union; (12) entered; (13) define; (14) institutions; (15) executive; (16) implementation

**EX. 6**

(1) Secondary; (2) variety; (3) articles; (4) Communities; (5) Regulations; (6) binding; (7) implementing; (8) objectives; (9) time-limit; (10) authorities; (11) implemented; (12) accordance; (13) aspects; (14) addressed; (15) legislation; (16) enterprises

**EX. 7**

observe EU law; ease the increasing workload; concentrate on basic tasks; ensure the uniform interpretation; exercise jurisdiction; achieve main objectives; fulfil one's obligations; bring an action; impose a penalty; apply for the annulment; review the legality; penalize silence of the institution; confer rights on nationals; serve as a guide; refer the matter to the ECJ; suspend the proceedings; grant an interim relief; establish a casual link; meet conditions; appoint a judge; hold an office; preside at hearings; sit in plenary session; hear a case; enjoy the privileges and immunities; perform the duties; lodge a defence; analyse facts; submit observations; present arguments; deliver the ruling; challenge the validity; seek the annulment

**EX. 8**

(1) innovation; (2) attempts; (3) law; (4) unification; (5) success; (6) means; (7) conceived; (8) creature; (9) body; (10) uniform; (11) superior; (12) applicable; (13) true; (14) safeguards; (15) judicial; (16) backbone; (17) interpreted; (18) shared; (19) identical; (20) fulfil; (21) hear; (22) institutions; (23) parties

**EX. 9**

(1) clarify; (2) market; (3) barriers; (4) undertakings; (5) trade; (6) consumers; (7) lawfully; (8) serious; (9) health; (10) consumption; (11) prevent; (12) passage; (13) concluded; (14) reimburse; (15) purchased; (16) unjustified

**EX. 10**

(1) submits; (2) validity; (3) decision; (4) Registrar; (5) serves; (6) original; (7) Council; (8) Journal; (9) institutions; (10) observations; (11) present; (12) hearing; (13) deliberated; (14) sought

**EX. 11**

1. The term "supranational" designates not only the specific nature of the European Union itself but also the law upon which it is based.
2. The law of the European Union can be found particularly in the Treaties (also called primary sources of EU law) and in implementing laws (called secondary sources of EU law).
3. The Maastricht Treaty creates new rights and obligations for Member States but also includes Member States' citizens becoming the citizens of the European Union.
4. A regulation comes into force immediately after its publishing in the Official Journal of the EU.
5. A directive is binding on a Member State as to the objective to be achieved, but leaves discretion for a Member State as to the manner in which the directive is to be implemented into national law.
6. The law of the EU is applied directly before all courts in all Member States.

7. The principle of legal certainty means that legislation must be concrete, its applicability foreseeable and must not have a retroactive effect.
8. An action for failure to fulfil an obligation enables the Court to decide whether the Member State has fulfilled its duty imposed upon it by EU laws.
9. An action for failure to act requires the Court to examine whether the inactivity of an Institution was justified; if not it may impose upon the Institution a sanction.
10. A reference for preliminary ruling is made by a national court and it is within its discretion whether it does so.

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**WORD STUDY**


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**1. Create nouns from the following verbs.**

Commit; perpetrate; inflict; violate; charge; accuse; omit; complete; release; include; incarcerate; punish; arrest; prevent.

**2. Fill in the blanks below with appropriate prepositions.**

The elements of murder are not general ..... all crimes; to be guilty ..... a crime; defence ..... a criminal charge; get little help ..... someone; positive or negative act ..... violation of penal law; to make satisfaction ..... the public; to divide crimes ..... felonies and misdemeanors; what was in his head ..... the time of the killing; inflicting injury ..... the person; to be prohibited ..... making contracts; to convince the jury ..... the defendant's guilt; to repel force ..... force ..... defence of one's personal property.

**3. List as many nouns as possible which can be connected with the following adjectives.**

criminal  
public  
harsh  
intentional

**4. Probation was mentioned in Section A of Unit 13. Complete the text to get more explanation on what probation is.**

*anger; attendance; completed; conditions; contact; jail; look for; nonviolent; offenders; placed; programs; sentence; supervision; suspended; term*

Probation is itself a criminal (1) ..... . In most jurisdictions, first-time (2) ..... are seriously considered for probation, particularly if their offense was (3) ..... . A person (4) ..... on probation is typically given a (5) ..... or prison sentence that is (6) ..... as long as the person abides by the terms and (7) ..... of probation. Common terms require the person to (8) ..... a probation officer once a week and to work, go to

school, or (9) ..... work. Other terms include required (10) ..... at alcohol treatment or narcotic-abuse (11) ..... , and educational classes on such subjects as (12) ..... management or good driving. The probation (13) ..... is usually spelled out up front and once the person has (14) ..... that period of time, the sentence is over and he or she is free of court (15) .....

**5. Parole, or conditional release from prison is the subject of the following exercise. Complete the text with words given below.**

*abide; boards; community; completes; crowded; discharged; incarceration; indeterminate; minimum; prison; progress; released; sentence; seriousness*

Parole is one way of completing a criminal sentence of (1) ..... It is granted by the parole board that oversees (2) ..... populations. Typically the offender has been sentenced to an (3) ..... number of years in prison. After the offender has served the (4) ..... amount of time authorized, the parole board decides if the offender is ready to be (5) ..... from incarceration to finish out the (6) ..... on parole. Parole (7) ..... typically consider the nature and (8) ..... of the crime, the views of the victim, the (9) ..... the offender made in prison, how (10) ..... the prison is, and whether the offender has some place to go in the (11) ..... If the parole is granted, the offender will have to (12) ..... by terms and conditions similar to those for probation for a certain period of time. If he or she (13) ..... the parole period, the criminal sentence is (14) .....

**6. This exercise compares the revocation procedure regarding both probation and parole. Try to complete the text, this time without being given any words to fill in.**

Both probation and parole can be (1) ..... if the offender commits another crime or seriously (2) ..... one of the conditions of release. The revocation proceeding requires written (3) ..... to the offender, an opportunity to explain and call (4) ..... , an impartial decision-maker, and a (5) ..... decision with the reasons for the revocation stated. A revoked parolee goes back to (6) ..... , and the offender whose probation is revoked begins (7) ..... the suspended sentence.

### 7. Complete the phrases below with a suitable attribute.

Mens ..... ; ..... killing; ..... liability; ..... and ..... offences; actus ..... ; ..... or ..... assault; ..... intercourse; ..... consent; ..... or ..... weapon; ..... structure; ..... consciousness; accessory .....

### 8. Complete the phrases with a suitable verb or verbal form.

To ..... a crime; to ..... someone's guilt; to ..... injury upon a person; definitions ..... the special part of criminal law; everyone is ..... to know the law; to ..... rise to several questions; conduct which is ..... by criminal proceedings; crimes are ..... for various purposes; definition of a crime ..... on the right to arrest without warrant; to ..... the death of someone; to ..... an intention in common; to ..... an unlawful purpose; to ..... the jury of the defendant's guilt.

### 9. Translate the following sentences into English.

1. Zásada, že neznalost zákona neomlouvá, platí v trestním právu obecně ve všech právních systémech.
2. Účelem trestu je chránit společnost před pachatelem trestných činů a zabránit odsouzenému v páchání další trestné činnosti.
3. Policie může požádat soud, aby zajistil peněžní prostředky osoby podezřelé ze spáchání trestného činu.
4. Nikdo nemůže být odsouzen pro spáchání trestného činu, pokud stát neprokáže nade vší pochybnost jeho vinu.
5. Důkazy, které policie získá za použití síly nebo hrozby silou, jsou v trestním řízení nepřípustné.
6. Pachatelem trestného činu je, kdo trestný čin spáchal sám.
7. Kdo jiného úmyslně usmrtí, bude potrestán odnětím svobody na 10-18 let.
8. Zvláštními znaky skutkové podstaty trestného činu jsou jeho subjektivní a objektivní stránka.



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**ANSWER KEY**


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**EX. 1**

commission; perpetration; infliction; violation; charge; accusation; omission; completion; release; inclusion; incarceration; punishment; arrest; prevention

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**EX. 2**

the elements of murder are not general **to** all crimes; to be guilty **of** a crime; defence **to** a criminal charge; little help **to** someone; positive or negative act **in** violation of penal law; to make satisfaction **to** the public; to divide crimes **into** felonies and misdemeanors; what was in his head **at** the time of the killing; inflicting injury **upon** the person; to be prohibited **from** making contracts; to convince the jury **of** the defendant's guilt; to repel force **by** force **in** defence of one's personal property

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**EX. 3**

criminal **law, act, conduct, punishment, liability, charge, offence, proceedings, state of mind;**  
public **order, offence;**  
harsh **rule, punishment, conditions;**  
intentional **act, omission, killing, infliction**

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**EX. 4**

(1) sentence; (2) offenders; (3) nonviolent; (4) placed; (5) jail; (6) suspended; (7) conditions; (8) contact; (9) look for; (10) attendance; (11) programs; (12) anger; (13) term; (14) completed; (15) supervision

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**EX. 5**

(1) incarceration; (2) prison; (3) indeterminate; (4) minimum; (5) released; (6) sentence; (7) boards; (8) seriousness; (9) progress; (10) crowded; (11) community; (12) abide; (13) completes; (14) discharged

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**EX. 6**

(1) revoked; (2) violates; (3) notice; (4) witnesses; (5) written; (6) prison; (7) serving

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**EX. 7**

mens **rea; unlawful** killing; **criminal** liability; **arrestable/indictable/serious** and **non-arrestable/summary/petty** offences; actus **reus; aggravated** or **simple** assault; **sexual** intercourse; **factual** consent; **deadly** or **dangerous** weapon; **fixed** structure; **impaired** consciousness; accessory **before/after the fact**

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**EX. 8**

to **commit** a crime; to **prove** someone's guilt; to **inflict** injury upon a person; definitions **making up** the special part of criminal law; everyone is **presumed** to know the law; to **give** rise to several questions; conduct which is **followed** by criminal proceedings; crimes are **classified** for various purposes; definition of a crime **based** on the right to arrest without warrant; to **cause** the death of someone; to **form** an intention in common; to **carry out** an unlawful purpose; to **convince** the jury of the defendant's guilt

**EX. 9**

1. The principle that ignorance of law is no defence applies within criminal law essentially in all legal systems.
2. The purpose of punishment is to protect the society against perpetrators of crimes and to deter convicts from their committing further crime.
3. The police may ask the court to seize money of a person suspected of an offence.
4. No one may be convicted of a crime unless the state proves his guilt beyond all reasonable doubt.
5. Evidence collected by the police using force or threat of force is not admissible in criminal proceedings.
6. An offender is a person committing a crime by himself.
7. Every person who intentionally causes the death of another will be sentenced to imprisonment for a term of 10 to 18 years.
8. Special elements of a crime are its physical and mental elements.



**WORD STUDY**

**1. As mentioned above, crimes can be classified in different ways. Below you will find a table with different types of crime and a list of various crimes (in the UK). Try to fill in the table with the appropriate crimes.**

*assault; assisting an offender; battery; bigamy; breach of the Official Secrets Act; breach of the peace; burglary; careless and reckless driving; conspiracy; contempt of court; driving without licence or insurance; drunken driving; grievous bodily harm; handling stolen goods; indecency; manslaughter; misuse of drugs; murder; obstruction of the police; perjury; perverting the course of justice; possessing weapons; rape; robbery; terrorism; theft; unlawful assembly; wounding*

|                           |  |
|---------------------------|--|
| Crimes against the Person |  |
| Crimes against Property   |  |
| Sexual Offences           |  |
| Political Offences        |  |
| Offences against Justice  |  |
| Public Order Offences     |  |
| Road Traffic Offences     |  |

**2. Complete the text listing basic property crimes with suitable prepositions.**

Property crimes include many common crimes relating (i) ..... theft or destruction of someone else’s property. They can range (ii) ..... lower level offenses such as shoplifting or vandalism to high-level felonies including armed robbery and arson. Some such crimes do not require the offender to make off (iii) ..... stolen goods or even to harm a victim – such as burglary, which only requires unlawful entry (iv) ..... the intent to commit a crime. Others require the actual taking of money

or property. Some, such as robbery, require a victim present (v) ..... the time of the crime. Most property crimes include a spectrum of degrees depending (vi) ..... factors including the amount stolen and use of force or arms (vii) ..... theft related cases, and actual or potential bodily injury (viii) ..... property destruction crimes such as arson.

Theft is the act of intentionally depriving someone (ix) ..... his or her property. Many states use the term to describe a wide number of property crimes, such as larceny and robbery.

Burglary is the unlawful entry (x) ..... a home or other closed structure, often (xi) ..... force or coercion, with the intent of stealing property (xii) ..... another or committing some other crime.

One commits robbery by using force or the threat of force to take money or property (xiii) ..... another individual, such as pointing a gun (xiv) ..... a bank teller and demanding cash.

Shoplifting is the theft or concealment of merchandise (xv) ..... a retail establishment (xvi) ..... the intent to pay for it, such as placing items in one's pocket and walking (xvii) ..... of a store.

**3. The following text summarizes some aspects of crimes against individuals. Complete the text with the expressions given below.**

*atrocious; central; complete; complicated; crime; degrees; difficult; homicidal; homicides; insulting; life; manslaughter; offensive; separate; severe; threatened*

The most serious and most (1) ..... crime against persons is criminal homicide, of which there are two main types - murder and (2) ..... - and several subdivisions. The meaning of (3) ..... for homicide purposes is often (4) ..... to define, especially when it begins and ends.

Mens rea is (5) ..... to the types and (6) ..... of homicide. The (7) ..... act can at times aggravate the offense, as in (8) ..... and cruel murder.

Homicide is not the only crime against persons. In fact, measured in sheer numbers, assault and battery far outnumber (9) ..... Although often considered one (10) ....., battery and assault are in fact (11) ..... offenses. Battery is an (12) ..... touching, ranging from (13) ..... beatings to (14) ..... contacts. Assaults are attempted batteries or (15) ..... batteries, in which no physical contact is required to (16) ..... the crime.

**4. Complete the text with suitable words from the list.**

*bodily; cruel; degrees; deliberate; felony; hate; injury; killings; premeditated; purpose; resisting*

Murder includes all (i) ..... done with malice. Malice, as we have seen, is a technical term that does not mean necessarily (ii) ..... or spite as they are commonly used. Rather, it embraces several mental states, including a (iii) ..... to kill, an intent to do serious (iv) ..... harm, purposeful or conscious risk creation, and the intention to commit a serious (v) ..... . Murder is divided into (vi) ..... , mainly although not entirely according to these mental states. The three types of first degree murder are purposeful, (vii) ..... , and deliberate; atrocious or (viii) ..... ; and felony. Second degree murders include four main types: murders that are not premeditated or (ix) ..... ; those where great bodily (x) was intended; some felony murders; and, according to a few courts, (xi) ..... lawful arrest murders.

**5. More information is provided below with respect to crimes against the person.****Complete the text.**

*abduction; aggravated; asportation; deprivations; detentions; imprisonment; outrage; ransom; rape; separation*

Another harm to persons covered by criminal law are (1) ..... of liberty. Short (2) ..... without asportation are misdemeanors called false (3) ..... . More serious detentions accompanied by (4) ..... are kidnappings, an ancient offense generally associated with carrying off important persons for (5) ..... . (6) ..... kidnapping generally involves some circumstance that generates public (7) ..... , such as kidnappings accompanied by (8) ..... , murder, terror, and so on. Related to simple kidnapping is child (9) ..... , a growing phenomenon as noncustodial parents are unwilling to accept (10) ..... from their children.

**6. The text below summarizes the crimes against property. Fill in the blanks with appropriate words from the list.**

*acquiring; ambitious; behind; combat; consolidated; converting; core; deceitful; deception; except; expanding; future; imminent; larceny; misappropriate; misappropriation; passing; pretenses; stolen; testify; traffic; wrongfully*

Property misappropriation crimes originated in the ancient felony of (1) \_\_\_\_\_, which protected against (2) \_\_\_\_\_ “taking” other people’s possessions. Embezzlement protects (3) \_\_\_\_\_ property wrongfully, false pretenses aim at (4) \_\_\_\_\_ misappropriations, receiving (5) \_\_\_\_\_ property against aiding in stolen goods (6) \_\_\_\_\_, forgery and uttering at creating, altering, and (7) \_\_\_\_\_ false documents, and extortion at (8) \_\_\_\_\_ property by threatening harm in the (9) \_\_\_\_\_. These crimes aim at new ways to (10) \_\_\_\_\_ property, as well as the (11) \_\_\_\_\_ list of larcenable items, all (12) \_\_\_\_\_ to the way criminal misappropriation law developed over the past four hundred years. In the past twenty years, (13) \_\_\_\_\_ theft statutes make criminal property (14) \_\_\_\_\_ more rational. They join together what used to be larceny, embezzlement, and false (15) \_\_\_\_\_ into a new offense called theft. They are based on the idea that whether culprits take, convert, or use (16) \_\_\_\_\_ to acquire other people’s property, misappropriation is still the (17) \_\_\_\_\_ evil that the separate statutes aim to (18) \_\_\_\_\_. Some even more (19) \_\_\_\_\_ statutes cover all misappropriations (20) \_\_\_\_\_ robbery, using the same logic that misappropriation is the core evil (21) \_\_\_\_\_. Only robbery, a crime involving (22) \_\_\_\_\_ physical harm, stands apart.

**7. Complete the following sentences with words from the following list.**

*away; gap; intent; misappropriations; place; statutes; strictly; Temporary; wrongful*

Larceny is an ancient, (i) \_\_\_\_\_ defined common-law crime. It requires a (ii) \_\_\_\_\_ taking and carrying (iii) \_\_\_\_\_ of the property of another with the (iv) \_\_\_\_\_ to permanently dispossess its rightful possessor. Because most modern (v) \_\_\_\_\_ merely codify the common law, the old elements remain important today. However, because many (vi) \_\_\_\_\_ do not fall readily within larceny’s strict definition, other offenses were developed to fill the (vii) \_\_\_\_\_ that common law and even statutory larceny left. Some expansions took (viii) \_\_\_\_\_ very early in larceny’s history, while others occurred only recently. (ix) \_\_\_\_\_ misappropriations are one example.

**8. Complete the text with words from the following list.**

*aiding; complexity; deceitful; developed; Embezzlement; changed; larcenable; misappropriation; passing; threatening; wrongfully*

Property (i) ..... crimes originated in the ancient felony of larceny, which protected against (ii) ..... “taking” other people’s possessions. Separate offenses were created primarily to keep pace with society’s increasing (iii) ....., which presented new ways to misappropriate property. Thus, over time, the law (iv) ..... piecemeal to keep pace with social and economic realities. (v) ..... protected converting property wrongfully, false pretenses aimed at (vi) ..... misappropriations, receiving stolen property against (vii) ..... in stolen goods traffic, forgery and uttering at creating, altering, and (viii) ..... false documents, and extortion at acquiring property by (ix) ..... harm in the future. These crimes aimed at new ways to misappropriate property, as well as the expanding list of (x) ..... items, all testify to the way criminal misappropriation law (xi) ..... over the past four hundred years.

**9. Complete the text with words you think would be appropriate.**

Although larceny, embezzlement, false (i) ....., and receiving stolen property protect property almost (ii) ....., forgery, uttering, extortion, and robbery protect the (iii) ..... as well. Forgery and uttering are not simply (iv) ..... crimes. They are also aimed at protecting society in general from the disruptive (v) ..... that impairing confidence in documents’ authenticity creates. Therefore, they protect not only property but also society (vi) ..... in smoothly operating business in modern, complex society. Robbery and extortion, because they involve violence or (vii) ..... violence, are crimes against persons as well as property offenses. Sometimes called (viii) ..... larceny, they punish violent property misappropriation. That they punish when victims suffer fear but (ix) ..... no property loss demonstrates their wider application than misappropriated property.



## 10. Translate the sentences into English.

- (i) Vražda patří v českém trestním právu do kategorie trestných činů proti životu.
- (ii) Český trestní zákoník upravuje trestný čin usmrcení z nedbalosti.
- (iii) V anglo-americkém právním systému je rozhodující posouzení subjektivní stránky skutkové podstaty trestného činu, aby mohlo být usmrcení zařazeno do konkrétní kategorie.
- (iv) Jednání pachatele, který s úmyslem krást vnikne do bytu, kde násilím donutí majitelku, aby mu vydala 1000 korun, lze též posoudit jako trestný čin loupeže.
- (v) V případě trestného činu zpronevěry pachatel nakládá s věcí v rozporu s účelem, pro který mu byla věc svěřena do opatrování.
- (vi) Obecně lze říci, že loupež je krádež s přitěžujícími okolnostmi.
- (vii) U trestného činu krádeže je způsobenou škodou celá skutečná hodnota odcizené věci.

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## ANSWER KEY

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### EX. 1

Crimes against the Person: murder, manslaughter, assault, battery, wounding, grievous bodily harm.

Crimes against property: theft, robbery, burglary, handling stolen goods.

Sexual Offences: rape, bigamy, indecency.

Political Offences: terrorism, breach of the Official Secrets Act.

Offences against Justice: assisting an offender, conspiracy, perjury, contempt of court, perverting the course of justice.

Public Order Offences: obstruction of the police, unlawful assembly, misuse of drugs, possessing weapons, breach of the peace.

Road Traffic Offences: careless and reckless driving, drunken driving, driving without licence or insurance.

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### EX. 2

(i) to; (ii) from; (iii) with; (iv) with; (v) at; (vi) on; (vii) in; (viii) in; (ix) of; (x) into; (xi) by; (xii) from; (xiii) from; (xiv) at; (xv) from; (xvi) without; (xvii) out

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### EX. 3

(1) complicated; (2) manslaughter; (3) life; (4) difficult; (5) central; (6) degrees; (7) homicidal; (8) atrocious; (9) homicides; (10) crime; (11) separate; (12) offensive; (13) severe (14) insulting; (15) threatened; (16) complete

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### EX. 4

(i) killings; (ii) hate; (iii) purpose; (iv) bodily; (v) felony; (vi) degrees; (vii) premeditated; (viii) cruel; (ix) deliberate; (x) injury; (xi) resisting

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**EX. 5**

(1) deprivations; (2) detentions; (3) imprisonment; (4) asportation; (5) ransom; (6) Aggravated; (7) outrage; (8) rape; (9) abduction; (10) separation

---

**EX. 6**

(1) larceny; (2) wrongfully; (3) converting; (4) deceitful; (5) stolen; (6) traffic; (7) passing; (8) acquiring; (9) future; (10) misappropriate; (11) expanding; (12) testify; (13) consolidated; (14) misappropriation; (15) pretenses; (16) deception; (17) core; (18) combat; (19) ambitious; (20) except; (21) behind; (22) imminent

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**EX. 7**

(i) strictly; (ii) wrongful; (iii) away; (iv) intention; (v) statutes; (vi) misappropriations; (vii) gap; (viii) place; (ix) Temporary

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**EX. 8**

(i) misappropriation; (ii) wrongfully; (iii) complexity; (iv) changed; (v) Embezzlement; (vi) deceitful; (vii) aiding; (viii) passing; (ix) threatening; (x) larcenable; (xi) developed

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**EX. 9**

(i) pretenses; (ii) exclusively; (iii) interests; (iv) property; (v) effects; (vi) interest; (vii) threatened; (viii) aggravated; (ix) sustain

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**EX. 10**

(i) Murder in Czech law belongs to the category of crimes against life.

(ii) The Czech Criminal Code introduces the crime of homicide by negligence (negligent killing/manslaughter).

(iii) It is crucial in the Anglo-American system of law to consider fault elements (mens rea) in order to assign a particular homicide into the relevant category.

(iv) Conduct of an offender who enters into a dwelling with the intention to steal and forces the tenant to give him CZK 1000 can be qualified as robbery.

(v) In embezzlement the perpetrator disposes of the thing in a manner inconsistent with the purpose for which the thing was entrusted to him.

(vi) Generally it can be said that robbery is theft with aggravating circumstances.

(vii) In the case of theft, the harm caused is the whole real value of the stolen property.



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**WORD STUDY**


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In Section A of Unit 15 you saw a few adjectives derived from verbs with the use of the suffix *-able* (e.g. punishable) or *-ible* (e.g. permissible). The following table consists of three parts – a verb, a noun, and an adjective with *-ble*.

**1. Derive verbs and adjectives with -ble ending from the following nouns**

proof .....; admission .....; punishment .....;  
 application .....; use .....; charge .....;  
 justification .....

**2. Derive nouns and adjectives with -ble ending from the following verbs:**

to try .....; to obtain .....; to detect .....; to force  
 .....; to compel .....; to detain .....

**3. Complete the following phrases with suitable prepositions.**

A person is liable ..... a fine; you can sue damages ..... false imprisonment;  
 to give evidence to a court ..... oath; the police can serve a warrant ..... the  
 accused; an arrested person must be informed ..... certain facts; what has been  
 said may be given ..... evidence; the rules aimed ..... ensuring the smooth  
 functioning of a court; to charge a person ..... an offence; to release a suspect  
 ..... or ..... bail; to plead guilty ..... a charge; some trials take place  
 ..... a judge and jury; even a financial penalty may be a restriction ..... the lib-  
 erty of an offender; the imposition of punishment should be the imposition of suffering  
 ..... offenders; powers ..... dealing ..... suspects accused ..... ter-  
 rorism; to interfere ..... the administration of justice; an attorney appointed  
 ..... public expense; you can call witnesses to speak ..... you trial; to comment  
 ..... the refusal to testify; an appeal should be taken 21 days ..... the date  
 of sentence; magistrates may sit ..... benches of three; to be brought ..... court  
 ..... an information; to be ..... the electoral register; a plea must be taken  
 ..... each count; the judge adjudicates ..... all matters; the jury is drawn  
 ..... random ..... a broad cross-section of the community; to obtain an exten-  
 sion ..... the court prior ..... the expiry of the time-limit.

**4. Complete the text with words from the list below. The final text will be a brief outline of a criminal trial in the US.**

*adjourns; advance; apply; case; charge; closing; completion; conviction; cross-examines; defense; deliberates; denies; evidence; examination; held; heritage; instructions; jury; look; main; motion; not guilty; opening; outline; presenting; promise; prosecutor; prove; question; reexamine; refute; render; reserves; select; set; trials; unanimous*

The many rituals associated with modern (1) ..... have developed over centuries. U.S. common law (2) ..... makes it possible for all states and the federal government to follow a largely uniform (3) ..... of procedures. In summary form, assuming that the trial is carried out to (4) ....., those procedures are as follows:

The (5) ..... decides whether it wants the case tried by a judge or a jury (the prosecution cannot require a (6) ..... trial). If the trial will be (7) ..... before a jury, the defense and prosecution, or the judge in some states, (8) ..... the jury through a (9) ..... and answer process.

The defense and prosecution request the court in (10) ..... of trial to admit or exclude certain (11) ..... . The prosecution and then the defense make (12) ..... statements to the judge or jury. These statements provide an (13) ..... of the case that each side expects to (14) ..... . Because neither side wants to (15) ..... foolish to the jury, the attorneys are careful to only (16) ..... what they think they can deliver. In some cases the defense attorney (17) ..... opening argument until the beginning of the defense case.

The prosecution presents its main case through direct (18) ..... of prosecution witnesses by the (19) ..... . The defense may cross-examine the prosecution witnesses and the prosecution may (20) ..... its witnesses. The prosecution finishes (21) ..... its case.

The defense may make a (22) ..... to dismiss charges, however, almost always, the judge (23) ..... the defense motion to dismiss. The defense presents its (24) ..... case through direct examination of defense witnesses.

The prosecutor (25) ..... the defense witnesses, and the defense re-examines the defense witnesses; then, the defense finishes presenting its (26) ..... and the prosecutor usually offers evidence to (27) ..... the defense case.

The prosecution and defense get together with the judge and craft a final set of (28) ..... that the judge will give the jury.

The prosecution makes its (29) ..... argument, summarizing the evidence as the prosecution sees it, and explaining why the jury should (30) ..... a guilty verdict; the defense makes its closing argument, summarizing the evidence as the defense sees it, and explaining why the jury should render a (31) ..... verdict or at least a guilty verdict on a lesser (32) .....

The judge instructs the jury about what law to (33) ..... to the case and how to carry out its duties. The jury (34) ..... and tries to reach a verdict. Most states require (35) ..... agreement, but Oregon and Louisiana allow convictions with only 10 of 12 votes.

Assuming a (36) ..... (a verdict of "guilty"), the judge either sentences the defendant on the spot, or (37) ..... sentencing to another day.

**5. Complete the text entitled *Witnesses* with missing words so that the phrases make sense.**

The general rule related to the (1) ..... is that all persons including children and mentally disordered persons are both (2) ..... and compellable as witnesses. There are several exceptions to this general rule, for example the Sovereign, ambassadors and various grades of (3) ..... staff are not compellable, the spouse of the accused in a criminal case is competent but not compellable for the defence and is (4) ..... for the prosecution, the accused person is not a competent (5) ..... for the prosecution in a criminal case, and very young children may be incompetent simply because of (6) ..... . The general rule also is that all witnesses must give (7) ..... on oath.

**6. The short text with blanks is to review your understanding of the basics of criminal procedure. Fill in each blank with one suitable word from the list.**

*accused; charge; criminal; indictment; judge; jury; lay; statement; plead; stipendiary*

There are two methods of trial for (1) ..... cases, summary trial and trial on indictment. Summary trial is the term used to describe a trial before (2) ..... magistrates, or a (3) ..... magistrate, in the magistrates courts where there will be no (4) ..... . Trial on indictment is the name given to trial in the Crown Court before a legally qualified (5) ..... where there will be trial by jury. The (6) ..... is the formal document which contains a (7) ..... of the charge or charges against the (8) ..... and to which the accused is asked to (9) ..... at the beginning of the trial. Each (10) ..... is listed in a separate count in the indictment.

7. The following chart summarizes a trial in the Magistrates' Court when the defendant pleads guilty. Describe the trial using the chart as an aid.



8. Translate the following sentences into English. Some important words are given for you below.

*investigative, prosecuting and adjudicating bodies; legally effective judgment; judgment of conviction; pre-trial proceedings*

1. Orgány činnými v trestním řízení se rozumějí soud, státní zástupce a policejní orgán.
2. Stranou se rozumí ten, proti němuž se vede trestní řízení, zúčastněná osoba a poškozený a v řízení před soudem též státní zástupce.
3. Po nařízení hlavního líčení se obviněný označuje jako obžalovaný.

4. Odsouzený je ten, proti němuž byl vydán odsuzující rozsudek, který již nabyl právní moci.
5. Přípravným řízením se rozumí úsek od zahájení trestního stíhání do podání obžaloby.
6. Řízení v prvním stupni koná okresní soud, v jehož obvodu byl trestný čin spáchán.

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## ANSWER KEY

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### EX. 1

provable; admissible; punishable; applicable; usable; chargeable; justifiable

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### EX. 2

trier/trial - triable; obtainment - obtainable; detection/detector - detectable; force - forcible (enforceable); compeller - compellable; detention/detainment/detainer - detainable

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### EX. 3

A person is liable **to** a fine; you can sue **for** damages **for** false imprisonment; to give evidence to a court **on**, **under** oath; the police can serve a warrant **on** the accused; an arrested person must be informed **of** certain facts; what has been said may be given **in/as** evidence; the rules aimed **at** ensuring the smooth functioning of a court; to charge a person **with** an offence; to release a suspect **on** or **without** bail; to plead guilty **to** a charge; some trials take place **before** a judge and jury; even a financial penalty may be a restriction **on** the liberty of an offender; the imposition of punishment should be the imposition of suffering **upon** offenders; powers **in** dealing **with** suspects accused **of** terrorism; to interfere **with** the administration of justice; an attorney appointed **at** public expense; you can call witnesses to speak **for** you **at** trial; to comment **on** the refusal to testify; an appeal should be taken **within** 21 days **from** the date of sentence; magistrates may sit **in** benches of three; to be brought **before** court **on** an information; to be **on** the electoral register; a plea must be taken **on** each count; the judge adjudicates **on** all matters; the jury is drawn **at** random **from** a broad cross-section of the community; to obtain an extension **from** the court prior **to** the expiry of the time-limit.

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### EX. 4

(1) trials; (2) heritage; (3) set; (4) completion; (5) defense; (6) jury; (7) held; (8) select; (9) question; (10) advance; (11) evidence; (12) opening; (13) outline; (14) prove; (15) look; (16) promise; (17) reserves; (18) examination; (19) prosecutor; (20) reexamine; (21) presenting; (22) motion; (23) denies; (24) main; (25) cross-examines; (26) case; (27) refute; (28) instructions; (29) closing; (30) render; (31) not guilty; (32) charge; (33) apply; (34) deliberates; (35) unanimous; (36) conviction; (37) adjourns

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### EX. 5

(1) testimony; (2) competent; (3) diplomatic; (4) incompetent; (5) witness; (6) immaturity; (7) evidence

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### EX. 6

(1) criminal; (2) lay; (3) stipendiary; (4) jury; (5) judge; (6) indictment; (7) statement; (8) accused; (9) plead; (10) charge



**EX. 8**

1. The investigative, prosecuting and adjudicating bodies include the police, the prosecuting attorney/prosecutor and the court.
2. A party should be understood as an individual against whom the criminal proceedings are directed, any interested person, the injured, and, at trial, also the prosecuting attorney.
3. After the trial has been scheduled (ordered to be held) the accused is called a defendant.
4. The convict is an individual against whom the judgment of conviction was issued and has become legally effective.
5. Pre-trial proceedings are the stage of criminal prosecution held between the commencement of criminal proceedings and the lodging of an indictment.
6. First-instance proceedings are held before a district court within whose jurisdiction the crime was committed.

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**WORD STUDY**


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**1. As mentioned before, one of the easiest ways to enlarge your vocabulary in a foreign language is to create nouns from verbs which you already know or vice versa.**

**A. Create nouns from the verbs:**

to assume; to cause; to endanger; to fail; to impose; to occur; to recognize; to claim; to commit; to determine; to intend

**B. Create verbs from the nouns:**

attempt; breach; consent; damage; harm; insurance; omission; release; distinction

**2. A prudent person and a reasonable person are referred to in some of the texts in Section A. These adjectives denote significant features of a person. Decide which attributes listed below are positive and which are negative character traits of people.**

*calm; careful; careless; cautious; considerate; dutiful; hot-tempered; imprudent; intolerant; irritable; neglectful; negligent; prudent; reasonable; reckless; ruthless; sensible; thoughtful*

POSITIVE:

NEGATIVE:

**3. Choose the proper words from the given list and complete the text summarizing the basic functions of tort law.**

*behavior; capable; careful; compensation; creation; customarily; damages; eliminating; event; fairness; future; harm; incentive; just; liability; liable; measured; operates; predicated; prevent; relieve; responsible; risk; shared; standards; sustaining; tortfeasor; victim*

Tort law has three main functions or goals: (a) compensating persons (1) ..... a loss or (2) ..... as a result of another's conduct; (b) placing the cost of that (3) ..... on those who, in justice, ought to bear it, but only on such persons; and (c) preventing (4) ..... losses and harms.

The victim of a tort has sustained certain harm(s) or loss(es) which we shall call "costs." Tort law is (5) ..... on the idea that all these costs - tangible and intangible - can be (6) ..... in money. The basic tort remedy is to require

the (7) ..... to pay the victim the sum of these costs as “compensatory (8) .....”.

Fundamentally, justice is the result of the application of current community standards of (9) ..... If a loss-producing (10) ..... is a matter of pure chance, then the fairest way to (11) ..... the victim of the burden of its costs is insurance or governmental compensation. In this way the (12) ..... and its costs are shared by all.

But where (a) we can identify a particular person as (13) ..... for the (14) ..... of the risk (the “tortfeasor”), (b) the risk is not inconsequential nor of a type which the community (15) ..... accepts, and (c) the tortfeasor is at least theoretically (16) ..... of reducing or (17) ..... the risk or its consequences, the balance of fairness shifts. At some point on the continuum of these factors, it becomes more (18) ..... to impose the loss on the tortfeasor than to permit it to remain on the (19) ..... or to be (20) ..... by the community. Ideally, at precisely this point tort (21) ..... attaches.

The third major function or goal of tort law is to (22) ..... future torts by regulating human (23) ..... . In this respect, the law serves an educational function, and (24) ..... prospectively. Theoretically, a tortfeasor held (25) ..... for damages will himself be more (26) ..... in the future, and the general threat of tort liability is an (27) ..... to all to regulate their conduct in accordance with the established (28) .....

**4. The following passage is about one of the main concepts in tort law – *fault*. Fill in the blanks with appropriate words from the selection.**

*alternatives; certainty; culpable; element; gravity; harm; inferred; inherent; intentionally; justify; necessity; ordinary; others; prevented; requisite; strict; unacceptable; unknowingly; wrongful*

Fault is usually a necessary (1) ..... of the liability equation. It is not enough that one has caused (2) ..... to another; ethically, we find it difficult to (3) ..... liability unless the actor’s conduct was somehow (4) ..... . One is not required – in most cases – to insure others against the risks (5) ..... in socially accepted conduct. But the (6) ..... “fault” need not be narrowly defined, nor need the actor be subjectively aware that his conduct carries an (7) ..... risk of harm. Clearly, if one (8) ..... harms another, or knows (or is presumed to know) that his conduct creates a substantial (9) ..... of harm, liability naturally follows. Motive (actual or (10) ..... ) can thus be an element of fault. However, “fault” also includes

conduct where no harm was intended or even foreseen, where an (11) ..... person should have foreseen that such conduct created an unreasonable risk of harm to (12) ..... According to one classic formula, conduct is (13) ..... if the burden of alternative conduct which would have (14) ..... the harm is less than the foreseeable probability and (15) ..... of the harm. In measuring this burden we may consider the (16) ..... and utility of the harm-producing conduct as compared to its (17) ..... Thus, fault may lie in merely creating an unnecessary or unreasonable risk, however (18) ..... In this sense, one can find a fault element even in some forms of so-called (19) ..... liability.

**5. The last text is concerned with tort liability shared by the victim and the tortfeasor. Complete the text with words listed below.**

*approach; assumption; burden; cause; consent; contributed; contributory; damages; definition; denied; fault; liability; loss-producing; means; met; negligent; prevailing; proximate; recovery; reduced; values*

There are cases where the actor's conduct is a (1) ..... in fact of another's harm, and all of the usual fault requirements are (2) ....., but for reasons of social policy no tort (3) ..... exists. The concepts of duty, (4) ..... cause, privilege, and immunity are the (5) ..... by which the courts (and legislatures) balance the (6) ..... of liability against other social (7) .....

The victim's tort recovery may be (8) ..... or denied when he has consented to encounter the risk or when his own fault (9) ..... to his injury. Where there has been a true (10) ..... or a knowing and voluntary (11) ..... of the risk, denial of all (12) ..... may be just. However, until recently most jurisdictions (13) ..... recovery entirely in cases where defendant's conduct was (14) ..... or even reckless if the victim's conduct of the same kind contributed, however slightly, to the unfortunate result. Under (15) ..... notions of justice, this is unsound.

The victim's fault is by (16) ..... only a portion of the total loss-producing (17) .....; it does not negate or supersede the fault of others. The more logical (18) ..... is to compare the fault of all parties to the (19) ..... event and reduce the (20) ..... of each in proportion to his own (21) ..... fault.

## 6. Translate the following sentences into English.

1. Zavinění je obvykle považováno za jeden z předpokladů vzniku delikt ní odpovědnosti.
2. Občanskoprávní delikt je nutné odlišovat od porušení smlouvy.
3. Podle českého práva je škoda pojmána jako újma na majetku, kterou lze vyjádřit v penězích.
4. Oproti škodě nelze nemajetkovou újmu objektivně finančně kvantifikovat.
5. Platí, že škoda se nahrazuje vždy, ale nemajetková újma jen tehdy, pokud to zákon výslovně přikáže, nebo když si to strany sjednají
6. V common law je cílem odškodnit poškozeného za škodu, kterou mu škůdce způsobil.
7. Ve většině případů jsou lidé ze zákona povinni pomoci v naléhavých případech druhým.
8. Existuje celá řada okolností vylučujících odpovědnost, například nutná obrana, oprávnění ze zákona nebo souhlas.
9. Dítě mladší sedmi let nemůže být v USA shledáno odpovědným za nedbalost ani spoluzavinění z nedbalosti.
10. V zásadě každá osoba, jež se dopustí civilního deliktu, je povinna zaplatit náhradu škody, kterou způsobí.
11. Odpovědnost zaměstnavatele za škodu způsobenou zaměstnancem v průběhu plnění pracovních povinností je zvláštním druhem objektivní odpovědnosti.

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## ANSWER KEY

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### EX. 1

A. assumption; cause/causation; danger; failure; imposition; occurrence; recognition; claim; commission/committal; determination; intent/intention

B. to attempt; to breach/break; to consent; to damage; to harm; to insure; to omit; to release; to distinguish

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### EX. 2

*positive:* prudent, careful; sensible, reasonable, calm, considerate, thoughtful; dutiful, cautious

*negative:* careless, reckless, ruthless; imprudent, intolerant; neglectful, negligent, irritable, hot-tempered

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### EX. 3

(1) sustaining; (2) harm; (3) compensation; (4) future; (5) predicated; (6) measured; (7) tortfeasor; (8) damages; (9) fairness; (10) event; (11) relieve; (12) risk; (13) responsible; (14) creation; (15) customarily; (16) capable; (17) eliminating; (18) just; (19) victim; (20) shared; (21) liability; (22) prevent; (23) behavior; (24) operates; (25) liable; (26) careful; (27) incentive; (28) standards

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**EX. 4**

(1) element; (2) harm; (3) justify; (4) culpable; (5) inherent; (6) requisite; (7) unacceptable; (8) intentionally; (9) certainty; (10) inferred; (11) ordinary; (12) others; (13) wrongful; (14) prevented; (15) gravity; (16) necessity; (17) alternatives; (18) unknowingly; (19) strict

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**EX. 5**

(1) cause; (2) met; (3) liability; (4) proximate; (5) means; (6) burden; (7) values; (8) reduced; (9) contributed; (10) consent; (11) assumption; (12) recovery; (13) denied; (14) negligent; (15) prevailing; (16) definition; (17) fault; (18) approach; (19) loss-producing; (20) damages; (21) contributory

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**EX. 6**

1. Fault is usually considered one of the basic elements of tort liability.
2. A civil wrong (delict) should be distinguished from a breach of a contract.
3. Under Czech law, damage is understood as an injury to property that may be expressed in money.
4. Unlike damage, non-property damage cannot be objectively financially quantified.
5. It is conclusively presumed that property damage is always compensated whilst non-property damage is compensated only where the law so provides, or where the parties expressly provide for such possibility in their agreement.
6. The purpose is to compensate the injured party for a loss caused by the wrongdoer.
7. In most cases, people have a statutory duty to help others in cases of emergency.
8. There are several circumstances excluding civil liability, such as self-defence, statutory authority or voluntary assumption of risk.
9. In the USA a child younger than 7 may not be held liable for negligence or contributory negligence.
10. Essentially every person having committed a civil wrong is liable to compensate the damage caused.
11. Liability of an employer for damage caused by his employee in the course of employment is a special type of no-fault liability.



**WORD STUDY**

**1. Fill in the blanks with either a suitable derived noun or adjective.**

harm *harmful*; tort .....; law .....; ..... relevant;  
 reason .....; excess .....; ..... durable;  
 care .....; ..... dangerous; intent .....; injury  
 .....; force .....; ..... proportionate; defamation  
 .....; libel .....; ..... malicious; .....  
 accurate; ..... additional; ..... negligent; .....  
 reckless; ..... malicious.

**2. Fill in the blanks with appropriate prepositions.**

Actual injury (i) ..... property; interference (ii) ..... health or comfort; it differs (iii) ..... private nuisance; the defendant was charged (iv) ..... the offence; certain principles applying (v) ..... public nuisance; an artificial projection (vi) ..... the highway; the standard of maintenance appropriate (vii) ..... such a highway; a trespass (viii) ..... the person; the plaintiff was (ix) ..... a hunger strike; entry (x) ..... airspace is a trespass; take (xi) ..... residence (xii) ..... other people’s property; damage has been caused (xiii) ..... property; to use abusive words (xiv) ..... another person; an office or trade carried (xv) ..... (xvi) ..... the defendant; a man concerned (xvii) ..... the murder; to supply a person (xviii) ..... a copy; due care (xix) ..... the part of the management; an outrageous joke was played (xx) ..... the plaintiff; any invasion (xxi) ..... physical privacy is a tort; to recover damages (xxii) ..... harm caused by fraud; to create the image (xxiii) ..... great expense.

**3. List wrongful acts in the left-hand column and the corresponding name of the person who commits the act in the right-hand column.**

| Wrongful Act   |                     | Person          |
|----------------|---------------------|-----------------|
| <i>offence</i> | <b>committed by</b> | <i>offender</i> |



#### 4. Write one word in each gap. The first one is done for you.

*private; prove; provisions; interferes; health; pollution; suffered; occupiers; unfit; excessive; obstruction; behalf; Public; damages; unreasonable*

Nuisance is constituted by an activity or state of affairs that (1) *interferes* with the use or enjoyment of land or right over the land (2) (..... nuisance) or with the (3)....., safety, comfort, or property of the public at large (public nuisance). Private nuisance is a tort, protecting (4)..... of land from damage to the land, buildings, or vegetation or from (5)..... interference with the comfort or convenience by (6)..... noise, dust, fumes, smells, etc. The main remedies are (7)..... and injunction. Alternatively, there is a limited right to abate (i.e. to remove) the nuisance. (8)..... nuisance is a crime. At common law it includes such activities as (9)..... of the highway, carrying on an offensive trade, and selling food (10)..... for human consumption. Statutory nuisances are created by (11)..... dealing with noise, public health, and the control of (12)..... The Attorney General may bring a civil action for an injunction on (13)..... of the public but a private citizen may obtain damages in tort only if he can (14)..... some special damage over and above that (15)..... by the public at large.

#### 5. Complete the text with appropriate words from the selection below.

*actionable; moving; crime; land; misleading; inevitable; possession; sue; brought; injury; negligence; distinguishing; innocent; tenant; permission; consent; intentional; actual; battery; interference*

The (1) *distinguishing* feature of trespass in modern law is that it is a direct and immediate (2)..... with person or property, such as striking a person, entering his land, or taking away his goods without his (3)..... Indirect or consequential (4)....., such as leaving an unlit hole into which someone falls, is not trespass. Trespass is (5)..... per se, i.e. the act of trespass is itself a tort and it is not necessary to prove that it has caused (6)..... damage. There are three kinds of trespass: to the person, to goods and to (7)..... Trespass to the person may be (8)..... or negligent, but since negligent physical injuries are remedied by an action for (9)....., the action for trespass to the person is only (10)..... for intentional acts, in the form of actions for assault, (11)....., and false imprisonment. Trespass to goods includes touching, (12)..... or carrying them away. It may be intentional or negligent, but (13)..... accident is a defence. Trespass to land usually takes the form of entering it without (14)..... It is no defence to show that trespass was (15)..... (e.g. that the trespasser honestly believed that

the land belonged to him). Trespass to land or goods is a wrong to (16)..... rather than to ownership. Thus a (17)..... of rented property, for example, has the right to (18)..... for trespass to that property. Trespass to land is a tort but not normally a (19)..... (except, for example, squatters): the notice “Trespassers will be prosecuted” is therefore usually (20).....

### 6. Complete the text with words from the list below.

*shun; injury; reasonable; statement; remedies; (libel); defamatory; defamed; reputation; (slander); necessary; communicated; injury; intended*

Defamation is the publication of a (1) *statement* about a person that tends to lower his (2)..... in the opinion of right-thinking members of the community or to make them (3)..... or avoid him. Defamation is usually in words, but pictures, gestures, and other acts can be (4)..... In English law, a distinction is made between defamation in permanent form (5)..... and defamation not in permanent form (6)..... This distinction is not made in Scotland. The (7)..... in tort for defamation are damages and injunction. In English law, the basis of the tort is (8)..... to reputation, so it must be proved that the statement was (9)..... to someone other than the person defamed. In Scottish law, defamation includes (10)..... to feelings of the person (11)..... as well as injury to reputation, so an action can be brought when a statement is communicated only to the person defamed. It is not (12)..... to prove that the defendant (13)..... to refer to the plaintiff. The test is whether (14)..... people would think the statement referred to him.

### 7. Translate the following sentences into English.

- (i) Protiprávní čin nebo opomenutí, které ohrožuje zdraví a bezpečnost veřejnosti, jsou považovány za občanský delikt.
- (ii) Soud rozhodl, že jednotlivý čin, který netrvá dlouho, není považován za rušení.
- (iii) Míra ublížení na zdraví je podstatná pro stanovení výše náhrady škody, nikoliv pro stanovení právní odpovědnosti.
- (iv) Rodiče mohou používat přiměřené tresty vůči svým dětem.
- (v) Pokud osoba dobrovolně odmítá stravu a vyhlásí hladovku, je možné použít násilí pro záchranu jejího života.
- (vi) Pomluva je nepravdivé prohlášení s cílem poškodit pověst postiženého.

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**ANSWER KEY**


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**EX. 1**

harm—harmful; tort—tortious; law—lawful; relevance—relevant; reason—reasonable; excess—excessive; duration—durable; care—careful; danger—dangerous; intent—intentional; injury—injurious; force—forcible; proportion—proportionate; defamation—defamatory; libel—libelous; malice—malicious; accuracy—accurate; addition—additional; negligence—negligent; recklessness—reckless; malice—malicious.

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**EX. 2**

(i) to; (ii) with; (iii) from; (iv) with; (v) to; (vi) over; (vii) to; (viii) to; (ix) on; (x) into; (xi) up; (xii) on; (xiii) to; (xiv) towards; (xv) on; (xvi) by; (xvii) with; (xviii) with; (xix) on; (xx) upon (on); (xxi) of; (xxii) for; (xxiii) at.

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**EX. 3**

offence - offender, perpetrator, a criminal; tort - tortfeasor, wrongdoer; wrong - wrongdoer.

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**EX. 4**

(1) interferes; (2) private nuisance; (3) health; (4) occupiers; (5) unreasonable; (6) excessive; (7) damages; (8) Public; (9) obstruction; (10) unfit; (11) provisions; (12) pollution; (13) behalf; (14) prove; (15) suffered.

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**EX. 5**

(1) distinguishing; (2) interference; (3) consent; (4) injury; (5) actionable; (6) actual; (7) land; (8) intentional; (9) negligence; (10) brought; (11) battery; (12) moving; (13) inevitable; (14) permission; (15) innocent; (16) possession; (17) tenant; (18) sue; (19) crime; (20) misleading.

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**EX. 6**

(1) statement; (2) reputation; (3) shun; (4) defamatory; (5) libel; (6) slander; (7) remedies; (8) injury; (9) communicated; (10) injury; (11) defamed; (12) necessary; (13) intended; (14) reasonable.

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**EX. 7**

- (i) An unlawful act or omission endangering health and safety of the public is considered a civil wrong or tort.
- (ii) The court held that an individual act not taking a long time cannot be considered a nuisance.
- (iii) The extent of bodily injury is significant for the determination of the amount of damages not for the determination of liability itself.
- (iv) Parents may use reasonable punishments against their children.
- (v) Where a person voluntarily refuses food and gets on strike it is possible to use force to save his life.
- (vi) Defamation is a false statement aimed at distorting an injured person's reputation.

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**WORD STUDY**


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**1. Form verbs from the following nouns. The first is done as an example (0).**

0. requirement – to **require**; (i) contribution – to .....; (ii) operation – to .....; (iii) transfer – to .....; (iv) subscribe – to .....; (v) loan – to .....; (vi) security – to .....; (vii) registration – to .....; (viii) resolution – to .....; (ix) participant – to .....; (x) compulsion – to .....

**2. Form nouns from the following verbs. The first is done as an example (0).**

0. to associate – **association**; (i) to supervise – .....; (ii) to appoint – .....; (iii) to divide – .....; (iv) to pass – .....; (v) to provide – .....; (vi) to accept – .....; (vii) to request – .....; (viii) to amend – .....; (ix) to redeem – .....; (x) to alter – .....

**3. Form adjectives from the following nouns. The first is done as an example (0).**

0. corporation – **corporate**; (i) liability – .....; (ii) administration – .....; (iii) privacy – .....; (iv) responsibility – .....; (v) profession – .....; (vi) bankruptcy – .....; (vii) pre-emption – .....; (viii) eligibility – .....; (ix) profit – .....; (x) success – .....

**4. Provide the appropriate negative prefix for the following adjectives (in-, un-, non, im-). The first is done as an example (0).**

(0) **in**appropriate; (i) ..... active; (ii) ..... personal; (iii) ..... public; (iv) ..... professional; (v) ..... available; (vi) ..... limited; (vii) ..... restricted; (viii) ..... possible; (ix) ..... applicable; (x) ..... paid

**5. Complete the following phrases with appropriate prepositions.**

(0) subscribers *to* the company's memorandum; (i) charge ..... the assets; (ii) assets sufficient ..... pay off the debentures; (iii) to invest capital ..... the company; (iv) a legal entity separate ..... the members; (v) to be subject ..... compulsory purchase; (vi) to have an interest ..... the corporation; (vii) legal bodies formed ..... the law of a Member State; (viii) to take preferential rights ..... ordinary shares; (ix) to be issued as redeemable ..... the option of the company; (x) to exert control ..... the company; (xi) to be endowed ..... certain powers

**6. Complete the text with suitable words so that the text makes sense.**

A sole or individual (i) ..... is a form of business ownership in which one individual owns a business, and may either be the sole worker of the business or may employ as many individuals as needed to (ii) ..... the business. Individual proprietorships are commonly (iii) ..... in retail establishments, service businesses, and agriculture. The proprietor or (iv) ..... is not required to expend limited resources on organizational fees. The proprietor, as the sole owner, controls all of the decisions and receives all of the (v) ..... The proprietor's net earnings are not subject to the (vi) ..... income tax, but are taxed as personal income.

**7. Complete the text with missing words so that your choice make sense in the text.**

*An unlimited partnership.* The losses (if any) and problems of the business are (i) ..... among partners but of course the profits must also be shared. It is normally necessary for the partners to (ii) ..... a contract called a partnership agreement, which is often, but need not be, in (iii) ..... The liability of partners is unlimited so if the (iv) ..... cannot pay its debts, each partner is liable to pay the debts with a right to ask for a (v) ..... from the others.

(2) *A limited partnership.* One partner (a (vi) ..... partner) has full liability where the firm cannot pay debts, the others may have limited liability ((vii) ..... partners). The general partners deal with the day-to-day operations of the partnership and they have liability for debts and for (viii) ..... of the partners. Limited partners do not participate in day-to-day (ix) ..... of the partnership and they bear no (x) ..... for debts or actions of the partnership. This means

that if the business falls on hard times they may (xi) ..... the capital they invested in it but will have no further liability as the “unlimited” partner has.

(3) A *limited liability partnership* (LLP). This is the most recently (xii) ..... form of business ownership. It is registered with the Registrar of Companies and owns the (xiii) ..... of the business as a juristic person separate from the members. The LLP is fully liable for its debts but there is no (xiv) ..... liability in the members as is the case with unlimited partnership. The LLP has been used mainly by partnerships of solicitors and accountants and other (xv) ..... where personal liability, e.g. for negligence claims, can be high if the firm cannot (xvi) ..... the damages.

### 8. Complete the text with words selected from the list in italics.

*contribute; corporate; limited; partnership; private; seek; sue*

The unlimited company is a separate legal entity and possesses the characteristics of a (i) ..... entity. However, the members of this type of (ii) ..... company do not have the advantage of (iii) ..... liability. In many respects a private limited company is similar to a (iv) ..... However, unlike partnership, the creditors of an unlimited company cannot normally (v) ..... the individual members of the company for the repayment of business debts. In order to compel members of an unlimited company to (vi) ..... towards the payment of the company’s debts, it is necessary for the creditors of the company to (vii) ..... an order for the company to be wound up.

### 9. Complete the text with words selected from the list in italics.

*confer; control; economic; issuing; listing; pre-emption; prospectus; raise; restriction; transfer; transferable; vested*

Public and private companies fulfil different (i) ..... purposes. The purpose of a public company is to (ii) ..... capital from the public to run the enterprise. The purpose of a private company is to (iii) ..... separate legal personality on the business of a sole trader or partnership. A private company may not raise capital by (iv) ..... its securities to the public. There is no (v) ..... on the offer of securities by a public company. A public company must however issue a (vi) ..... and comply with Stock Exchange rules to obtain a (vii) ..... of the securities. The shares of a public company are freely (viii) ..... on a Stock Exchange. A private company will, in contrast,

wish to remain under the (ix) ..... of the 'family' or 'partner' concerned. Its articles will therefore contain a clause restricting the right to (x) ..... shares. The restriction may be an absolute power (xi) ..... in the directors to refuse to register and transfer; and/or a right of (xii) ..... (first refusal) granted to existing members when another member wishes to transfer shares.

## 10. Complete the text with suitable words so that the text makes sense.

Private companies will usually raise their (i) ..... from their own membership or from a (ii) ..... . Public companies are formed when it is necessary to (iii) ..... funds from an issue of shares or (iv) ..... to the public. This has led to many provisions to protect the investing public.

(v) ..... securities. Part IV Financial Services Act 1986 (FSA) deals with the official (vi) ..... of securities, ie the Official List of The Stock Exchange. It provides for an application to be made to the "competent (vii) ....." (the Council of the Stock Exchange) by the method specified in the "listing (viii) .....". Part V FSA 1986 deals with (ix) ..... of unlisted securities which are to be admitted for dealing on an "approved exchange", for example, the Unlisted Securities Market. In such cases no (x) ..... offering securities may be issued unless a prospectus has been approved by the exchange and (xi) ..... to the registrar of companies.

## 11. Translate the following sentences into English.

- (i) Podnikatel-živnostník vystupuje jako fyzická osoba, která za své podnikatelské závazky ručí celým svým majetkem.
- (ii) Obchodními společnostmi v České republice podle obchodního zákoníku jsou: veřejná obchodní společnost, komanditní společnost, společnost s ručením omezeným, akciová společnost, evropská akciová společnost a evropské hospodářské zájmové sdružení.
- (iii) Společnost s ručením omezeným (s. r. o.) je v Česku nejrozšířenější formou obchodní společnosti.
- (iv) Společnost typu s. r. o. může založit jeden až padesát společníků.
- (v) Nejdůležitější listinou při zakládání společnosti je společenská smlouva (pokud je společníků více) nebo zakladatelská listina (pokud je společník jen jeden).
- (vi) Obchodní firma je v podstatě název společnosti, pod kterým je společnost zapsána do obchodního rejstříku a pod kterým oficiálně vystupuje.

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**ANSWER KEY**

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**EX. 1**

(i) contribute; (ii) operate; (iii) transfer; (iv) subscribe; (v) loan; (vi) secure; (vii) register; (viii) resolve; (ix) participate; (x) compel

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**EX. 2**

(i) supervision/supervisor; (ii) appointment; (iii) division; (iv) passage; (v) provision/provider; (vi) acceptance; (vii) request; (viii) amendment; (ix) redemption; (x) alteration

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**EX. 3**

(i) liable; (ii) administrative; (iii) private; (iv) responsible; (v) professional; (vi) bankrupt; (vii) pre-emptive; (viii) eligible; (ix) profitable; (x) successful

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**EX. 4**

(i) inactive; (ii) impersonal; (iii) non-public; (iv) unprofessional; (v) unavailable; (vi) unlimited; (vii) unrestricted; (viii) impossible; (ix) inapplicable; (x) unpaid

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**EX. 5**

(i) on; (ii) to; (iii) in, into; (iv) from; (v) to; (vi) in; (vii) under; (viii) over; (ix) at; (x) over, of; (xi) with

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**EX. 6**

(i) proprietorship / ownership; (ii) run; (iii) used; (iv) owner; (v) profits; (vi) corporate

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**EX. 7**

(i) shared; (ii) make; (iii) writing; (iv) firm; (v) contribution; (vi) general; (vii) limited; (viii) actions; (ix) operations; (x) liability; (xi) lose; (xii) created; (xiii) assets; (xiv) personal; (xv) professionals; (xvi) meet

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**EX. 8**

(i) corporate; (ii) private; (iii) limited; (iv) partnership; (v) sue; (vi) contribute; (vii) seek

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**EX. 9**

(i) economic; (ii) raise; (iii) confer; (iv) issuing; (v) restriction; (vi) prospectus; (vii) listing; (viii) transferable; (ix) control; (x) transfer; (xi) vested; (xii) pre-emption

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**EX. 10**

(i) funds; (ii) bank; (iii) obtain; (iv) debentures; (v) *Listed*; (vi) listing; (vii) authority; (viii) rules; (ix) offers; (x) advertisement; (xi) delivered

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**EX. 11**

(i) An entrepreneur - sole trader acts as a natural person and is liable for his obligations with his entire property.  
(ii) Business companies in the Czech Republic according to the Commercial Code are an unlimited company, limited partnership company, limited liability company, joint stock company, European company and a European interest economic grouping.



(iii) A limited liability company has been the most frequent type of business company in the Czech Republic.

(iv) A limited liability company can be created / founded by one member, the maximum number being 50 members.

(v) The most important document in the formation of company is the memorandum of association (where there are more members) or a deed / letter of foundation / incorporation should the company be formed by just one member.

(vi) A company name is essentially the name of a business under which the company is registered in the Commercial Register and acts in its official capacity.

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**WORD STUDY**


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**1. Complete the phrases with suitable nouns from the list below.**

*act, debts, dissolution, existence, expenses, management, meeting, office, petition, petitioner, proceedings, provisions, sum, tax, use, valuation*

involuntary .....; bankruptcy .....; fair .....;  
 corporate .....; administrative .....; insolvency .....;  
 official .....; liquidated .....; general .....;  
 personal .....; statutory .....; non-provable .....;  
 funeral .....; income .....; deadlocked .....;  
 registered .....

**2. Complete the phrases with suitable adjectives from the list below.**

*bankruptcy, betting, corporate, domestic, franchise, holiday, insolvency, judicial, perishable, provable, reasonable, social, unliquidated, unsecured, unsworn, voluntary*

..... petition; ..... code; ..... proceedings;  
 ..... body; ..... dissolution; ..... damages;  
 ..... prospect; ..... goods; ..... needs;  
 ..... security; ..... claim; ..... debts;  
 duty; ..... remuneration; ..... creditors; ..... tax

**3. Fill in the blanks with appropriate prepositions.**

To be entitled ..... take the benefit ..... the federal bankruptcy law; to discharge the debtor ..... any further obligations; an aggregate ..... the debtor's property ..... a fair valuation; to make an assignment ..... the benefit ..... creditors; a surplus ..... the amount required to pay ..... the debts ..... the company; ..... the state law reorganization proceedings generally result ..... the formation of a new corporation; to pay franchise taxes ..... 60 days ..... they are due; to break a deadlock ..... the board ..... directors; the property is distributed ..... the creditors; the law provides ..... the release ..... future liability; the court order causes the debtor's property to vest ..... a trustee ..... the benefit of creditors; a debtor subsequently referred ..... bankrupt; to pay immediately or ..... a certain future time; he may sell or otherwise dispose ..... any ..... the goods; accounts are subject ..... audit ..... the committee of creditors; payments granted ..... statutory provisions; debts unenforceable

..... law; a company is brought ..... an end; a shareholder may petition to wind  
 ..... a company because he objects ..... the way ..... which the majority  
 run the company; to note the fact ..... the company's file.

**4. Look at the underlined word. Then write the correct form of the word on the right.**

|   |                       |
|---|-----------------------|
| Liquidation is the process by <u>whom</u> the life of a     | 1. <i>which</i> ..... |
| company is <u>bring</u> to an end and its property          | 2.....                |
| administered for the benefit of <u>her</u> members and      | 3.....                |
| creditors. Liquidation or winding-up <u>begun</u> either by | 4.....                |
| court order (compulsory liquidation) or by <u>a</u>         | 5.....                |
| members <u>passed</u> a resolution to wind-up (voluntary    | 6.....                |
| liquidation). Although <u>much</u> voluntary and compulsory | 7.....                |
| liquidation occur because a company <u>can not</u> pay its  | 8.....                |
| debts, companies may be <u>liquidate</u> for reasons        | 9.....                |
| other than insolvency, for example, a <u>dissatisfy</u>     | 10.....               |
| minority shareholder <u>mays</u> petition to wind up a      | 11.....               |
| company because he <u>object</u> to the way in which the    | 12.....               |
| majority are <u>run</u> the company and he wants to         | 13.....               |
| recover <u>him</u> share of the assets.                     | 14.....               |

**5. Write one word in each gap. The first one is done for you. Use each of these words to fill in the blanks.**

*paid; property; duty; beneficial; insolvency; distributed; carry; dispose; powers; necessary; liabilities*

The company's (1) *property* in a voluntary winding up is applied in satisfaction of the company's (2) ..... and, subject thereto, distributed to the members. The liquidator has a statutory (3) ..... to pay the company's debts. The preferential creditors are (4) ..... off first, then liabilities, subject to secured creditors unaffected by (5) ..... claims, are met. Any remaining assets are then (6) ..... amongst members according to their rights and interests in the company. The (7) ..... of the liquidator enable him to collect assets, administer the company and (8) ..... of property, with overriding power to do all such other things as may be (9) ..... for winding up the company's affairs and distributing its assets, and to (10) ..... on the company's business so far as may be necessary for its (11) ..... winding up.

**6. Write one word in each gap. The first one is done for you. Use each of these words to fill in the blanks.**

*creditor; itself; parties; satisfied; statutory; run; appointed; application; transfer; assets; secure; advantageous; unable*

Administration orders are made by the court on an (1) *application* by the company (2) ....., a creditor or creditors, the directors or the supervisor of a voluntary arrangement, or by all or any of those (3) ..... together or separately. Administration orders (4) ..... for a specified period. The court can make an administration order despite the opposition of the majority (5) .....: the court has jurisdiction to make the order provided the (6) ..... criteria are satisfied. The effect of the grant of an order is to (7) ..... the running of the company's business into the hands of an 'administrator', who is (8) ..... for the purpose by the court. Two criteria must be (9) .....: (a) the company is, or is likely to become, (10) ..... to pay its debts, and (b) the court considers that the order is likely to (11) ..... the company's survival, and the whole or any part of its undertaking, or to achieve a more (12) ..... realisation of the company's (13) ..... than would result from a winding up.

**7. Translate the following sentences into English.**

1. Platební neschopnost je stav fyzické či právnické osoby, kdy tato osoba je neschopná platit své pohledávky ve lhůtě splatnosti.
2. Insolvenční zákon stanoví, že úpadce je za určitých okolností osvobozen od svých závazků a pohledávek.
3. Úpadce je povinen předat správci majetkové podstaty inventář svého majetku a všechny informace, které správce k výkonu své funkce vyžaduje.
4. Než správce rozdělí peníze, inkasované při realizaci majetku úpadce, bude požadovat prokázání pohledávek věřitelů.
5. Likvidace společnosti je proces, kterým končí její existence, a její majetek je spravován ve prospěch věřitelů a společníků.
6. Insolvenční řízení je soudní řízení, jehož předmětem je dlužníkův úpadek nebo hrozící úpadek a způsob jeho řešení.
7. Způsobem řešení úpadku dlužníka v českém insolvenčním řízení se rozumí a) konkurs, b) reorganizace a c) oddlužení.

---

**ANSWER KEY**


---

**EX. 1**

involuntary **petition**; bankruptcy **proceedings**; fair **valuation**; corporate **existence**; administrative **dissolution**; Insolvency **Act**; official **petitioner**; liquidated **sum**; general **meeting**; personal **use**; statutory **provisions**; non-provable **debts**; funeral **expenses**; income **tax**; deadlocked **management**; registered **office**

---

**EX. 2**

**voluntary** petition; **bankruptcy** code; **insolvency** proceedings; **corporate** body; **judicial** dissolution; **unliquidated** damages; **reasonable** prospect; **perishable** goods; **domestic** needs; **social** security; **unsworn** claim; **provable** debts; **betting** duty; **holiday** remuneration; **unsecured** creditors; **franchise** tax

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**EX. 3**

To be entitled **to** take the benefit **of** the federal bankruptcy law; to discharge the debtor **from** any further obligations; an aggregate **of** the debtor's property **at** a fair valuation; to make an assignment **for** the benefit **of** creditors; a surplus **above** the amount required to pay **off** the debts **of** the company; **under** the state law reorganization proceedings generally result **in** the formation of a new corporation; to pay franchise taxes **within** 60 days **after** they are due; to break a deadlock **in** the board **of** directors; the property is distributed **among** the creditors; the law provides **for** the release **from** future liability; the court order causes the debtor's property to vest **in** a trustee **for** the benefit of creditors; a debtor subsequently referred **to as** bankrupt; to pay immediately or **at** a certain future time; he may sell or otherwise dispose **of any of** the goods; accounts are subject **to** audit **by** the committee of creditors; payments granted **under** statutory provisions; debts unenforceable **at** law; a company is brought **to** an end; a shareholder may petition to wind **up** a company because he objects **to** the way **in** which the majority run the company; to note the fact **on/in** the company's file.

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**EX. 4**

1 which; 2 brought; 3 its; 4 begins; 5 the; 6 passing; 7 most; 8 cannot; 9 liquidated; 10 dissatisfied; 11 may; 12 objects; 13 running; 14 his

---

**EX. 5**

(1) property; (2) liabilities; (3) duty; (4) paid; (5) insolvency; (6) distributed; (7) powers; (8) dispose; (9) necessary; (10) carry; (11) beneficial

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**EX. 6**

(1) application; (2) itself; (3) parties; (4) run; (5) creditor; (6) statutory; (7) transfer; (8) appointed; (9) satisfied; (10) unable; (11) secure; (12) advantageous; (13) assets

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**EX. 7**

1. Insolvency is a condition of an individual or legal entity when the person is unable to pay their debts as they fall due.
2. The Bankruptcy/Insolvency Act provides for the discharge (i.e. release from future liability) of the bankrupt/insolvent person under certain circumstances.

3. The debtor/bankrupt/insolvent person is required to give to an official receiver/insolvency practitioner/trustee an inventory of their property and any other information which the receiver/insolvency practitioner/trustee may reasonably require to carry out the function.
4. Before the trustee distributes money collected as a result of the realisation of the bankrupt's property he will require evidence of the creditor's claims.
5. Liquidation of a company is the process by which the life of a company is brought to an end and its property administered for the benefit of its members and creditors.
6. Insolvency proceedings is a procedure whose subject is the debtor's insolvency/bankruptcy or imminent insolvency/bankruptcy, and the manner in which it is to be solved.
7. The modes of solution of a debtor's insolvency in the Czech insolvency proceedings are (a) bankruptcy, (b) reorganization, and (c) discharge.



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## WORD STUDY

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### I. NOTE ON GRAMMAR

#### Subjunctive

In the example of judgment in Section A you saw special grammatical forms such as: It is **ordered that** the plaintiff Thomas Anderson **recover** from the defendant... This form is known as the **subjunctive** and it denotes a special group of verb-forms which are used in certain cases where we say that something **should be done**.

This happens especially in two structures:

- I. after verbs such as *order, command, insist, demand, request, ask, recommend, propose, suggest, require, desire, wish, expect*, and some others;
- II. in the constructions  
*it is important/vital/essential/necessary/desirable/advisable/understandable/improbable* and some others.

Either structure in the main clause is followed by **THAT** + subject + subjunctive.

The forms of the subjunctive are as follows:

#### to be:

- a. present tense *I be, you be, he be, we be, they be*
- b. past tense *I were, you were, he were, we were, they were*

**other verbs:** all present and past subjunctive forms are the same as the infinitive without *to* (*I do, he do*)

#### Examples:

The judge **insisted** that new evidence **be submitted**.

The parties **required** that a jury trial **be held**.

The solicitor **requested** that the negligent act **be proved**.

The law **requires** that important information **be listed** on food and drugs offered for sale.

The lawyer **recommends** that his client **stay** in town.

**It is ordered** that the defendant **recover** the payments.

**It is necessary** that evidence **be given**.

**It is desirable** that the committee **be formed** as soon as possible.



**Comment I**

Instead of the subjunctive, the structure of **should + infinitive** can be used.

*The judge **insisted** that new evidence **should be submitted**.*

*The parties **required** that a jury trial **should be held**.*

*The solicitor **requested** that the negligent act **should be proved**.*

*The law **requires** that important information **should be listed** on food and drugs offered for sale.*

*The lawyer **recommends** that his client **should stay** in town.*

***It is ordered** that the defendant **should recover** the payments.*

***It is necessary** that evidence **should be given**.*

***It is desirable** that the committee **should be formed** as soon as possible.*

**Comment II**

The subjunctive is not very common in modern British English, and it is used mostly in formal style, of which legal English is a part. The *should* construction is usually preferred.

On the other hand, the subjunctive is widely used in American written English, but in informal conversation Americans would also probably find different ways of expressing the ideas.

**1. Practice these structures by completing the following sentences using the subjunctive form of the verb.**

*Example:* He suggested ... (I - to leave earlier).

**a. He suggested that I leave earlier.**

**b. He suggested that I should leave earlier.**

- (i) He recommended ... (we - to accept the offer).
- (ii) We will insist ... (they - to make a new agreement).
- (iii) They propose ... (I - to stay longer).
- (iv) I advised ... (she - to wait).
- (v) The judge ordered ... (the defendant - to pay damages).
- (vi) It is important ... (you - to attend the meeting).
- (vii) It is impossible ... (we - to agree).
- (viii) It is advisable ... (they - to refuse the invitation).
- (ix) It was adjudged ... (he - to recover the payment).

**2. Translate the following sentences into English.**

- (i) Soudce trval na tom, aby byly předloženy další důkazy.
- (ii) Právník mu doporučil, aby tu nabídku přijal.
- (iii) Je žádoucí, abyste splnili své povinnosti.
- (iv) Detektiv nařídil, aby nikdo neopustil místnost.
- (v) Navrhli jsme, aby byla tato fakta vzata v úvahu.

**II. VOCABULARY DEVELOPMENT**

**1. Complete the following table with the missing nouns and verbs.**

|   |                   |       |             |          |       |             |          |
|---|-------------------|-------|-------------|----------|-------|-------------|----------|
| V | allege            | serve | acknowledge |          |       | investigate | commence |
| N | <i>allegation</i> |       |             | coverage | issue |             |          |

|   |            |       |               |      |         |      |       |
|---|------------|-------|---------------|------|---------|------|-------|
| V |            | admit |               | fail |         | deny |       |
| N | settlement |       | counter-claim |      | defence |      | trial |

**2. Derive adjectives from the nouns given below; one is already done for you.**

|   |      |          |               |                      |
|---|------|----------|---------------|----------------------|
| N | fact | evidence | demonstration | investigation        |
| A |      |          |               | <i>investigative</i> |

**3. Match the expressions from the list below with the following nouns so that meaningful phrases are created.**

*charging; civil; claiming; closing; completed; convenient; convincing; court; demonstrative; evidentiary; evidentiary; factual; genuine; judgment; judicial; legitimate; negligent; opening; pending; popular; pre-trial; prerogative; proper; reasoned; standard; subject-matter*

..... suit; ..... interest; ..... party; .....  
 claim; ..... rules; ..... litigation; ..... evidence;  
 ..... investigation; ..... evidence; .....  
 statement; ..... speech; ..... objections; ..... vote;  
 ..... power; ..... jurisdiction; ..... business;  
 ..... forum; ..... court; ..... forms;

..... office; ..... documentation; ..... settlement;  
 ..... driving; ..... creditor; ..... judgment;  
 ..... order

#### 4. Write opposites for the following verbs.

to admit - .....; to cover - .....; to declare - .....;  
 to commence - .....; to summon - .....; to deny - .....;  
 to complain - .....; to detain - .....

#### 5. Match the words in the left-hand column with those on the right in order to create phrases used in Section A of this unit. There are more than one option available.

rules  
 resolution  
 standard  
 preponderance  
 enforcement  
 investigation  
 trier  
 the direction  
 the abuse  
 choice  
 courts  
 the flow  
 writ  
 acknowledgment  
 exchange  
 the area  
 statement  
 particulars  
 a right  
 onus  
 findings  
 warrant  
 attachment

of

audience  
 civil procedure  
 claim  
 claims  
 contention  
 earnings  
 evidence  
 execution  
 fact  
 fact  
 general jurisdiction  
 judgment  
 judicial business  
 jurisdiction  
 negligence  
 pleadings  
 prerogative power  
 proof  
 proving  
 relevant facts  
 service  
 summons  
 the trial judge

## 6. Complete the following phrases inserting correct prepositions.

decisions ..... response ..... the controversy; the burden is ..... the plaintiff; the procedure consists ..... the rules ..... which the court conducts the trial; to prosecute an individual ..... the violation ..... law; the mechanism ..... applying the law ..... real disputes; to turn a legal right ..... a satisfied judgment; many variations ..... the standard procedure; to engage ..... factual investigation; to proceed ..... a proposed course ..... action; a favourable resolution ..... the client ..... respect ..... pending suit; to respond ..... objections; the judge is charged ..... the duty to state what the law is; to be elected ..... popular vote; to be punished ..... returning a verdict contrary ..... the direction of the judge; to have jurisdiction ..... the case; objections ..... personal jurisdiction; to place oneself ..... the court record ..... delivering an acknowledgment of service; to serve the writ of summons ..... the defendant; to relieve the plaintiff ..... the necessity ..... producing evidence; to deal ..... matters ..... which the defendant has insufficient information; to appear ..... person ..... court; to have the right ..... audience ..... higher courts; to establish the matter ..... the balance ..... probabilities; to sell the property ..... auction; to be ..... arrears means to fall behind ..... payments; to take money ..... the bank account; to place a charge ..... the debtor's property

## 7. Complete the text with words from the list below.

*adversaries; aid; argument; beats; biased; counts; discretion; evidence; evidence; facts; fattest; hire; individual; inquisition; inquisitor; mincemeat; motive; opponents; otherwise; rests; risk; short; trying; vague; wealthy; writing*

Our system makes the (1) ..... responsible for digging out the (2) ..... on which a decision will be based. Canadian law works on the theory that the two (3) ..... in a case, or their lawyers, will work harder than anyone else to produce (4) ..... favourable to his/her side; no one else has as strong a (5) ..... . At the very core of the adversarial system, in fact, is the belief that the (6) ..... is responsible for preserving individual rights.

That is not to say that our method of (7) ..... cases by vigorous pro and con (8) ..... is perfect. In earlier days verdicts, both civil and criminal, usually favoured the client with the (9) ..... wallet. The evidence might have suggested (10) ..... , but this client could afford the very best in lawyers, someone who could make (11) ..... of anyone the other poor litigant could

(12) ..... . With the arrival of legal (13) ..... , the situation improved, but was still skewed in favour of the (14) ..... . Now, legal aid itself seems at (15) ..... in some parts of Canada.

Another way in which our system of adversaries may fall (16) ..... lies in the law itself. (17) ..... laws is not as exact a science as we would like to think, and laws are sometimes (18) ..... and ambivalent. This gives the judge a good deal of (19) ..... in interpreting the law, which may or may not result in a (20) ..... verdict.

On most (21) ..... , though, we think the system of adversaries (22) ..... the system of inquisitors. We feel that the (23) ..... has less incentive to probe for every shred of (24) ..... and that argument for and against leads to better justice than (25) ..... . On this brief summation, the defence (26) ..... .

## 8. Translate the following sentences into English.

1. Procesní právo je soubor právních předpisů, v nich je upraven postup v řízení, ve kterém se rozhoduje o právech či povinnostech vyplývajících z hmotného práva.
2. Nejdříve je nutné podat žalobu u soudu, poté je soudem obeslán žalovaný, jen musí do čtrnácti dnů zaslat soudu potvrzení, že obsílku dostal a že se bude hájit.
3. Podstatnou součástí žaloby je žalobní návrh, který musí obsahovat všechny údaje a podrobnosti, na jejich základě vznikl nárok například na náhradu škody.
4. Žalovaná strana může tvrzení v žalobě buď připustit nebo popřít, nebo požadovat předložení důkazů, že tvrzení žalobce jsou správná.
5. Replika je vyjádření žalobce k vyjádření žalované strany.
6. Duplika je reakce žalovaného na repliku žalobce.

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## ANSWER KEY

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### NOTE ON GRAMMAR

#### EX. 2

(all sentences can be translated also with *should* preceding the respective infinitive)

- (i) The judge insisted that further evidence be submitted.
- (ii) The lawyer recommended that he accept the offer.
- (iii) It is desirable that you fulfil your duties.
- (iv) The detective ordered that no one leave the room.
- (v) We suggested that the fact be taken into consideration.

## VOCABULARY DEVELOPMENT

## EX. 1

service, acknowledgment, cover, issue, investigation, commencement, settle, admission, counterclaim, failure, defend, denial, try

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## EX. 2

fact - factual, evidence - evidentiary; demonstration - demonstrative; investigation - investigative

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## EX. 3

pending suit; genuine interest; claiming party; legitimate claim; evidentiary rules; civil litigation; convincing evidence; factual investigation; demonstrative evidence; opening statement; closing speech; evidentiary objections; popular vote; prerogative power; subject-matter jurisdiction; judicial business; convenient forum; proper court; completed forms; court office; standard documentation; pre-trial settlement; negligent driving; judgment creditor; reasoned judgment; charging order

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## EX. 4

to admit - to deny, to refuse; to cover - to reveal, to expose; to declare - to withhold, to conceal, to hide; to commence - to conclude, to end, to terminate; to summon - to dissolve; to deny - to admit; to complain - to approve, to praise; to detain - to release

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## EX. 5

rules of civil procedure; resolution of claims; standard of proving; preponderance of evidence; enforcement of judgment; investigation of relevant facts; trier of fact; the direction of the trial judge; the abuse of prerogative power; choice of jurisdiction; courts of general jurisdiction; the flow of judicial business; writ of summons; acknowledgment of service; exchange of pleadings; the area of contention; statement of claim; particulars of negligence; a right of audience; onus of proof; findings of fact; warrant of execution; attachment of earnings

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## EX. 6

decisions **in** response **to** the controversy; the burden is **on** the plaintiff; the procedure consists **of** the rules **by** which the court conducts the trial; to prosecute an individual **for** the violation **of** law; the mechanism **for** applying the law **to** real disputes; to turn a legal right **into** a satisfied judgment; many variations **from** the standard procedure; to engage **in** factual investigation; to proceed **with** a proposed course **of** action; a favourable resolution **for** the client **with** respect **to** pending suit; to respond **to** objections; the judge is charged **with** the duty to state what the law is; to be elected **by** popular vote; to be punished **for** returning a verdict contrary **to** the direction of the judge; to have jurisdiction **over** the case; objections **to** personal jurisdiction; to place oneself **on** the court record **by** delivering an acknowledgment of service; to serve the writ of summons **on** the defendant; to relieve the plaintiff **from** the necessity **of** producing evidence; to deal **with** matters **upon** which the defendant has insufficient information; to appear **in** person **before** court; to have the right **of** audience **in** higher courts; to establish the matter **on** the balance **of** probabilities; to sell the property **at** auction; to be **in** arrears means to fall behind **with** payments; to take money **out of** the bank account; to place a charge **on** the debtor's property

**EX. 7**

(1) adversaries; (2) facts; (3) opponents; (4) evidence; (5) motive; (6) individual; (7) trying; (8) argument; (9) fattest; (10) otherwise; (11) mincemeat; (12) hire; (13) aid; (14) wealthy; (15) risk; (16) short; (17) Writing; (18) vague; (19) discretion; (20) biased; (21) counts; (22) beats; (23) inquisitor; (24) evidence; (25) inquisition; (26) rests

**EX. 8**

1. Procedural law is a body of laws regulating the course of proceedings where rights and duties created by substantive law are considered and decided.
2. First it is necessary to file the claim (complaint), then the court serves summons on the defendant, who is obliged to acknowledge the service within 14 days and to notify the court that he or she is going to submit a defence.
3. The statement of claim is a significant part of the complaint which should contain all necessary data and details giving rise to, for example, the right to damages.
4. The defendant may either admit or deny allegations in the complaint, or he may request that evidence be produced substantiating the plaintiff's allegations.
5. Reply is the response of the plaintiff/claimant to the defence filed by the defendant.
6. Rejoinder is a reaction of the defendant to the reply by the plaintiff/claimant.





**MARTA CHROMÁ**

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