

**Н. В. ОГНЕВА**

# **АНГЛИЙСКИЙ ЯЗЫК ДЛЯ ЮРИСТОВ**

ГРАММАТИЧЕСКИЕ  
ТРУДНОСТИ ПЕРЕВОДА

**учебное пособие**



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**язык для юристов**

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### **Аннотация**

Цель пособия – научить студентов-юристов распознавать в тексте, понимать и правильно переводить на русский язык английские высказывания, содержащие различные грамматические трудности. В пособии приводятся типичные модели перевода 36 грамматических явлений, которые наиболее часто встречаются в текстах правовой тематики, а также даются упражнения для отработки и закрепления навыков перевода изучаемых грамматических явлений. Материал пособия взят из английских и американских учебников по праву, юридических статей и правовых документов. Предложения являются законченными смысловыми и логическими высказываниями, не требующими дополнительного контекста для понимания. Пособие предназначено для студентов, аспирантов и слушателей

юридических вузов, изучающих английский язык и перевод в сфере профессиональной коммуникации.

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**Н.В. Огнева**  
**АНГЛИЙСКИЙ ЯЗЫК**  
**для юристов**  
**Грамматические**  
**трудности перевода**  
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# ОТ СОСТАВИТЕЛЯ

Язык права англо-американской правовой системы характеризуется наличием определенного набора грамматических явлений, которые, как правило, вызывают трудности у специалистов, занимающихся переводом юридических текстов. Это синтаксические конструкции и структуры, традиционно относящиеся к разделу пассивной или рецептивной грамматики. Именно поэтому при подготовке юристов-переводчиков необходимо формирование у них умения работы с текстами юридического содержания в рамках предложенной тематики.

Целью настоящего пособия является обучение учащихся навыкам выявления данных структур в текстах правовой тематики различной степени трудности, понимания их значения и адекватного перевода на русский язык.

Отбор грамматического материала проходил по двум критериям: частотности употребления в юридической литературе и степени трудности, которую грамматические структуры представляют при переводе на русский язык. Это структуры с неличными формами глаголов, модальные глаголы с различными формами инфинитива, разные типы сложноподчиненных предложений, а также грамматические конструкции и союзные слова, типичные для юридических текстов. В пособие также вошли некоторые грамматические явления,

которые представляют особое значение для переводчиков. Это актуальное членение предложения, подлежащее с обстоятельством и атрибутивные группы.

Пособие состоит из четырех частей. **Первая часть** включает 36 базовых упражнений. Каждое базовое упражнение предваряется эпиграфом, в котором в форме афоризма, крылатой фразы или цитаты задается тема раздела. Афоризмы содержат тренируемое в данном разделе грамматическое явление и могут быть использованы для перевода и обсуждения, а также быть заучены наизусть. Каждый раздел первой части пособия начинается с модели или моделей, иллюстрирующих типичные способы перевода рассматриваемого грамматического явления, которые представляются и поясняются преподавателем. Затем следуют предложения, включающие данную грамматическую структуру, в самых разнообразных контекстах.

Во **второй части** пособия представлены девять обзорных упражнений, каждое из которых охватывает грамматический материал четырех разделов и предназначено для повторения пройденного.

**Третья часть** включает девять сводных упражнений с предложениями, содержащими несколько грамматических трудностей. Эти упражнения покрывают весь объем пассивной грамматики и предназначены для дальнейшего закрепления переводческих навыков.

В **заключительной части** пособия даны тексты или це-

лостные в смысловом отношении отрывки текстов, охватывающие различные разделы права и включающие весь спектр пройденного материала.

При работе с пособием преподаватель может как придерживаться предложенного порядка следования упражнений, так и использовать материал пособия выборочно в том порядке, который отвечает потребностям учебного процесса и конкретной аудитории учащихся. Пособие предполагает устную работу под руководством преподавателя, который дает необходимые пояснения в аудитории, и последующую письменную работу дома с анализом допущенных ошибок.

Материал пособия взят из английских и американских учебников по праву, юридических статей и правовых документов. Лишь десять процентов предложений включают лексику экономического и общеполитического характера. Предложения являются законченными смысловыми и логическими высказываниями, не требующими дополнительного контекста для понимания.

Предлагаемая работа предназначена для студентов, аспирантов и слушателей юридических вузов, изучающих английский язык и перевод в сфере профессиональной коммуникации.

Автор выражает свою искреннюю благодарность доценту кафедры английского языка № 1 Московского государственного юридического университета имени О. Е. Кутафина (МГЮА) П. В. Рыбину за практическую помощь в работе

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# ЧАСТЬ I

## БАЗОВЫЕ УПРАЖНЕНИЯ

*It is legal because I wish it.*

Louis XIV

# 1. Местоимение *It*

## MODELS

### 1. Предваряющее *It*

#### a) *It is + adjective*

It is necessary to apply for a patent in order to protect a new discovery.

Для того чтобы защитить право на новое изобретение, необходимо дать заявку на получение патента.

#### b) *It is + past participle + that*

It is expected that the first month of the trial will be taken up with selecting the jury.

Ожидается, что первый месяц судебного процесса уйдет на выбор состава присяжных.

#### c) *It is + noun + that*

It is a common misconception as to the law of contracts that

an agreement is not binding if it is not in written form.

В сфере договорного права существует распространенное заблуждение, а именно: соглашение имеет обязательную силу только в случае, если оно заключено в письменной форме.

## **2. Формальное *It***

Some people disapprove of law that makes it compulsory to fix seat belts to cars.

Некоторые люди не одобряют закон, согласно которому автомобили должны быть оборудованы ремнями безопасности.

1. It is not usual to haggle about prices in a British shop, as it is in, say, a Turkish market.

2. It is necessary to have a clear picture of a staggering amount of crime and how various classes and strata are affected by it.

3. It is felt that society cannot work if people are allowed to take the property of others at will: therefore theft is forbidden and thieves are punished.

4. People continue to rely on written agreements for years but if a serious disagreement arises they may decide it necessary to take a legal action.

5. The jury is to decide questions of fact, and it is the judge's

responsibility to guide them on questions of law.

6. Most countries find it convenient to set up separate systems of criminal and civil courts.

7. It is important to consider to what extent descriptive and prescriptive laws can be distinguished from customs and social rules.

8. In many legal systems it is an important principle that a person cannot be considered guilty of a crime until the state proves he committed it.

9. Under resolutions which were adopted by the UN General Assembly it is the duty of every state to pursue and punish war criminals.

10. The vagrancy laws, some judges observe, make it a crime to be poor, downtrodden and unemployed.

11. It should be noted that the phrase "common law" is sometimes used in England today to describe the whole body of judge-made rules.

12. In order to separate the role of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive.

13. It is a crime to drink alcohol in Saudi Arabia, but not in Egypt. It is a crime to smoke marijuana in England but not (in prescribed places) in the Netherlands.

14. For some people, the image of a lawyer is someone who leads a very wealthy and comfortable life; however, it should not be forgotten that there are also lawyers whose lives are not so

secure.

15. It is the task of the Crown to establish to the satisfaction of the jury the guilt of the accused.

16. It is a basic principle of the Anglo-American system of justice that neither an act alone nor an intent alone is sufficient to constitute a crime; the two must concur to establish criminal responsibility.

*There is no instinct like that of the heart.*

Lord Byron

## 2. Слова-заместители *That, Those*

### MODEL

The most urgent question everywhere in this country today is that of complying with the law.

В наши дни наиболее неотложной проблемой во всех уголках нашей страны является проблема соблюдения законности.

1. If a conflict arises between EU law and that of a member state, EU law takes precedence so that the law of a member state must be disapplied.

2. According to specialists the two central banks most independent of the government are those of Switzerland and Germany.

3. Many companies invest their profits in such spheres as sophisticated technologies and those giving fast returns.

4. A margin is the difference between the interest rates which banks pay to lenders and those they charge to borrowers.

5. Partnerships can be formed easily and the legal position of partners is not very different from that of sole traders.

6. Complaints from Russian businesses and their desire to see a simple and more effective tax system are similar to those of

European and American businesses.

7. Ordinary Americans are much more interested in local politics than in those at the federal level.

8. The political power of the US Secretary of State is second only to that of the President.

9. The system of checks and balances is such an arrangement of government powers where powers of one government branch check and balance those of other branches.

10. Most legal systems in Europe, including that of Scotland and indirectly those in many other parts of the world, were strongly influenced by Roman law.

11. The House of Lords is considered the upper house of the British Parliament, but its political powers are much more limited than those of the lower house, the House of Commons.

12. International law comprises the regulation of relations between governments and also between private citizens of one country and those of another.

13. Private law involves legal problems which exist between individuals, in contrast to those in which society is concerned.

14. Good offices are similar to mediation in that they also involve a third party, however, the role of this third party is much more passive than that of a mediator.

15. The definitions of many torts closely resemble those of crimes.

16. A fundamental principle of modern international law is that of the equality and self-determination of nations and

peoples.

*But in this world nothing can be said to be certain, except death and taxes.*

Benjamin Franklin

### 3. Сложное подлежащее с инфинитивом

#### MODELS

1. The trial, which has been rumored everywhere for so long, is believed to be nearly completed.

Полагают, что судебный процесс, который столь долго находился в центре общественного внимания, почти завершен.

2. Their advertising methods seem to be in violation of the law.

По-видимому, их методы ведения рекламной кампании являются незаконными.

3. Local accountants or attorneys in business for themselves or small retail shops are likely to be sole proprietorships.

Местные бухгалтеры, юристы, занимающиеся частной практикой, а также владельцы мелких розничных магазинов, как правило, действуют в качестве индивидуальных предпринимателей.

1. The economic situation in this country is reported to be

improving.

2. The conference is expected to be held on the premises of the Academy.

3. Punishment is thought, sometimes correctly, to act as a deterrent both to the convict and to others.

4. The invention is expected to be of great importance for the protection of the environment.

5. Political stability is generally thought to be a good thing, but economic changes are usually inevitable.

6. The registration of a company may be cancelled if its objects turn out to be illegal.

7. Contract damages are merely intended to compensate a plaintiff for his loss.

8. A lot of research has shown that people are more likely to read and believe publicity than advertising.

9. He seems to have excluded himself from the vice-presidential candidacy at the time when the public opinion polls report that he is most popular.

10. The British Queen is expected to be impartial or “above politics” and her political advice to the Prime Minister is kept secret.

11. A barrister is required to have reached an accepted educational standard and to have become a member of the Inns of Court<sup>1</sup>.

12. In recent times lawyers have made efforts to make their profession less mysterious; after all, their job is supposed

to clarify matters for the public, not to make them more complicated.

13. Lawyers try to explain exactly why a judicial decision has been made, even when the decision appears to be obvious common sense.

14. The overall acquittal rate is said to be increasing now that defendants have the right to be tried by a jury.

15. Due to the system of checks and balances the President is not as powerful as many people outside the US seem to think he is.

16. War crimes are understood to mean serious violations of international humanitarian law committed during international or non-international armed conflicts.

17. It is a criminal offence to publish anything which is likely to 'deprave and corrupt' people. This law is aimed at preventing the worst type of pornographic material from being published.

*I think hardship is necessary for life to be good, for you to enjoy it.*

*If you don't know hardship, you don't know when you have it good.*

Wallace Rasmussen, President, Beatrice Foods, Chicago

## 4. *For* – фразы с инфинитивом

### MODELS

1. It is cheaper for a company to issue bonds than shares. Выпуск облигаций обходится компании дешевле, чем выпуск акций.

2. Some industrial projects are too sophisticated for experts to evaluate their effect on the environment.

Некоторые промышленные объекты настолько сложны, что эксперты не могут оценить степень их влияния на окружающую среду.

1. The problem under discussion was too complicated for the participants in the Congress to cope with.

2. All these factors aggravated the debt problem and it was impossible for the country to meet its external debt service obligations in time.

3. One of the ways to run a business is for two or more people to form a partnership in which they share management, profits and liabilities to debts.

4. There is always a need for management to give the front line personnel relevant guidelines for all activities.

5. The WTO is a forum for member governments to negotiate trade agreements and to try to sort out trade problems.
6. Judges do not merely apply the law, in some cases they make law, and their interpretations may become precedents for other courts to follow.
7. As a first step it is customary for the solicitor to try to settle a dispute without litigation.
8. It is necessary for at least ten of the twelve jurors to agree in order to find a defendant guilty.
9. It is now possible for barristers to be employed by firms of solicitors, companies, or other institutions as in-house lawyers.
10. Immediately after judgement has been given, it is usual for the counsel for the successful party to ask for costs, and this is a matter for the judge's discretion.
11. It is possible for American candidates to win a majority in a state and still lose the popular vote and the Electoral College.
12. Cabinet officials are appointees of the President, so when the President's service ends it is customary for the Cabinet to resign.
13. The US Special Courts have been established to handle cases which are sometimes difficult for a judge to understand.
14. It is essential for a sovereign state to be able to create such legal relations with other entities as it feels fit.
15. In recent years it has been difficult for intellectual property law to keep pace with technological change.
16. They say, there are a lot of young lawyers now, far too

many for the legal job market to absorb.

17. It is illegal for businesses to conspire with each other in order to fix prices or divide markets between them.

*Lawyers with a weakness for seeing the merits of the other side end up being employed by neither.*

Richard J. Barnett

## 5. Герундий в различных синтаксических функциях

### MODELS

1. Rewriting laws is a slow and painstaking process. Пересмотр законов – это длительный и трудоемкий процесс.

2. Sometimes we can break rules without suffering any penalty.

Иногда мы можем нарушать правовые нормы, не подвергаясь за это никакому наказанию.

3. Some people have gone so far as describing political power (a consequence of lobbying) as one of the main components of marketing.

Некоторые люди настолько переоценивают роль политической власти (результат лоббирования), что считают ее одной из основных составляющих маркетинга.

1. In England the main decision for a future lawyer is between becoming a barrister or solicitor.

2. Many people believe the distinction between barristers

and solicitors should be eliminated, but there are arguments for maintaining as well as removing the distinction.

3. The precedent is the rule of law which the first instance judge relied on in determining the case's outcome.

4. Some transactions are so complex that few of us would risk making them without seeking legal advice: for example, buying or selling a house or setting up a business.

5. Punishing offenders, compensating the injured and enforcing agreements are merely some of the tasks of a modern legal system.

6. Many brutal methods have been used throughout history to execute condemned criminals, including being burnt alive, thrown to wild animals, boiled in oil, pressed to death, stretched on a rack, disemboweled and beheaded.

7. Assault is placing another in apprehension or fear of an imminent battery.

8. In countries where there is much political corruption certain people are able to escape justice by using their money or influence.

9. Common law or case law system differs from Continental law in having developed gradually throughout history.

10. On coming to office the British Prime Minister has to fill about seventy ministerial positions from the ranks of his supporters in Both Houses of Parliament.

11. If a partnership was set up for an indefinite period, it can be ended by any partner giving notice to all of the others.

12. Financial legislation may become law within a month of its being passed by the Commons, regardless of the attitude of the Lords.

13. Courts are often criticized for being biased, and incidents of judges handing down guilty verdicts to defendants under pressure from prosecutors are widespread.

14. The state, by assuming responsibility for chastising the criminal, reduces the risk of victims of crime 'taking the law into their own hands'.

15. Instead of individuals being compelled to fend for themselves, the law oversees and coordinates public services that would be beyond the capacity of citizens or the private sector to achieve, such as defence or national security.

*What is conservatism? Is it not belief in the old and tried rather than the new and untried?*

Abraham Lincoln

## 6. *Rather Than, Other Than*

### MODELS

***Rather than* – а не (не а), скорее... чем**

Most lawyers work with a team rather than alone. One important member of that team is the paralegal. Большинство юристов работают не в одиночку, а в команде, и в ее составе обычно имеется помощник юриста.

***Other than* – помимо, кроме, иной... чем, отличный от, за исключением**

The contract provided for the carriage of various goods other than deck cargos.

Контракт предусматривал перевозку различных товаров, помимо палубных грузов.

1. The basic idea behind the “marketing concept” is that you make what you can sell rather than sell what you make.

2. Many people think that lawyers are trained to give their clients answers, rather than bring them to agreement.

3. Some people argue that companies have to be careful never

to cheat customers, but for purely business reasons rather than ethical ones: disappointed customers will not buy any more of your products in the future.

4. If your neighbour plays loud music late at night, you probably try to discuss the matter with him, rather than consulting the police.

5. Sometimes people are arrested for no reason other than their poverty.

6. Representation other than by lawyers has become an important form of representation before tribunals.

7. In medieval England judges attempted to apply existing customs and laws to each new case, rather than making the government write new laws.

8. The duties of barristers are governed by rules of professional etiquette which depend on customs and traditions rather than upon statute.

9. A defendant can file a counterclaim against a plaintiff, if another cause of action is involved, and it must be other than simply an answer to the claim of the plaintiff.

10. Barristers are invariably instructed by solicitors, rather than directly by the client, whereas clients go directly to solicitors.

11. In most criminal justice systems the majority of offenders are dealt with by means other than custody, i.e. by fines, probation or supervision.

12. Generally the House of Representatives rarely schedules

an important meeting on the day other than Tuesday through Thursday, because there might not be enough members on hand for a quorum.

13. Arrangements whereby a person administers property for another person's benefit rather than his own are called Law of Trusts.

14. An employee whose contract is terminated other than by being given notice of the required length can have a claim for wrongful dismissal.

15. The holder of a patent is often a company rather than the individuals who invent something in the course of their work.

16. Although members of the European Parliament are elected on a national basis, they sit according to political groups rather than their nationality.

17. An easement is the right of one other than the owner to affect another's property interests and rights.

*Since love grows within you, so beauty grows.*

*For love is the beauty of the soul.*

Saint Augustine

## 7. Союзы *Since, For, As*

### MODELS

#### *Since*

##### **1) поскольку, так как**

Since marriage implies consent, states uniformly deny marriage licenses to the mentally incompetent.

Поскольку вступление в брак предполагает наличие согласия сторон, во всех штатах запрещено выдавать разрешение на вступление в брак лицам с психическими заболеваниями.

##### **2) с тех пор, как; после того как**

Since the law was altered, a great number of sentences have been reviewed by the Court of Appeal.

С тех пор, как в закон были внесены изменения, апелляционный суд пересматривает приговоры по большому количеству дел.

#### *For* – поскольку, ибо

The arbitrator has authority to settle the dispute, for the disputants agreed to abide by his decision.

У арбитра есть полномочия разрешать спор, поскольку стороны в споре согласны подчиниться его решению.

*As*

**1) поскольку, так как**

Competition law is very complex, as it combines economics and law.

Конкурентное право является очень сложной областью права, поскольку оно объединяет в себе экономическую и юридическую составляющие.

**2) когда; в то время как; по мере того как**

The heroism of law enforcement officers was graphically illustrated in the September 11, 2001, attack on America when officers were rushing to the World Trade Center twin towers as citizens were rushing from it.

Ярким примером героизма сотрудников правоохрани-

тельных органов стали события 11 сентября 2001 года, когда во время теракта полицейские стремились как можно быстрее добраться до башен-близнецов Всемирного торгового центра, в то время как простые граждане убегали отсюда.

1. Transition to a market economy is a very long-term task, for it takes longer to change a society than to build a city or reconstruct an enterprise.

2. The new challenge which faced the international community as it approached the beginning of the second millennium was the implementation of human rights.

3. As legal systems evolved, different rules tended to fall into two main categories: criminal law and civil law.

4. Since the US \$ is the world's most important trading currency there is a market of many billions of Eurodollars (including the oil-exporting countries' "petrodollars").

5. As the society develops and becomes more complex, rules of a more definite nature emerge and a body of laws comes into existence.

6. Parliament has great powers, for it is our chief law-maker.

7. As our notions of privacy have changed the courts have emerged as the arena where debate is most often conducted concerning personal matters.

8. Early years at the Bar may be insecure since solicitors are reluctant to entrust their work to an untrained barrister and

without work he is likely to remain untried.

9. There isn't any great gap between the work of experienced modern barristers and solicitors, for there are many barristers who do little advocacy and there are solicitors who have made considerable reputations for themselves in the courts.

10. The inferior courts in the US federal system have less political importance, since their principal duty is to settle routine cases where no constitutional question is at stake.

11. A defamatory letter which is mailed directly to the plaintiff, who opens and reads it, is not a publication, since there is no communication to a third person.

12. Since the U.S. district courts are *federal* courts, they are allowed to hear cases only where federal jurisdiction exists.

13. As litigation expenses have climbed, plaintiffs and defendants have sought ways to curtail cost.

14. Procedure in the County Courts in England tends to be quicker and less formal than in the High Court and, since the cases are heard locally, less costly.

15. Since the object of arbitration is to avoid the formalities, delay and expenses of litigation in court, judicial review of an arbitrator's award is more limited than appellate review of a trial's court decision.

16. There have been proposals to stop using juries in long complicated fraud trials, since this type of trial is particularly difficult for an ordinary person to understand.

*People tell me there are a lot of guys like me,  
which doesn't explain why I'm lonely.*

Mort Sahl

## 8. Обобщающее *Which*

### MODEL

Even today ordinary courts often take account of business practice in reaching a decision, which plays a certain role in the evolution of English law.

Даже сейчас суды общей юрисдикции при выработке решения часто принимают во внимание деловую практику, что (и это) играет определенную роль в эволюции английского права.

In the present treatise the term 'air law' has been adopted, which is current practice.

В данной работе используется термин «воздушное право», что является общепринятой практикой.

1. Sometimes a company chooses to issue new shares to its shareholders instead of paying dividends, which is called a bonus issue.

2. If we had a world currency we'd have no exchange rates, which presumably would be good for trade.

3. Before a company makes something and tries to sell it, it

wants to find out whether people would like to buy the thing, which is called a market research.

4. A cartel is a group of producers or sellers who fix prices and quantities in order to avoid competition and increase profits, which is illegal in many countries.

5. Most insurance companies and pension funds which own the majority of shares in major companies insist on extremely high dividends, which forces businesses to think about nothing but short-term profitability.

6. In many countries, professional people such as lawyers, doctors and architects are not allowed to form limited companies, which makes them serve their clients better because they have unlimited liability.

7. The world is changing and new legal rules have to be created quickly, which is done through Parliament.

8. In nations with democratic systems of government, most court cases are open to public, which means that any member of the public may witness a court case.

9. The plaintiff might have to wait several years for his remedy, which often makes it hardly worth the effort involved.

10. Instead of damages, a plaintiff sometimes asks the court to force the other contractor to carry out the contract, which in English law is called specific performance.

11. When parties are joined in an action, they are called either coplaintiffs or co-defendants, which simply means that more than one party is involved on either side of an action.

12. Both arbitration proceedings and decisions are kept confidential, which is a great advantage in disputes which relate to sensitive matters.

13. The Department of Trade and Industry tries to ensure that British markets are open and competitive, which includes ensuring that mergers and takeovers do not prevent competition among firms.

14. According to the WTO agreement a country can change its binding only after negotiating with its trading partners, which could mean compensating them for loss of trade.

15. Every state has the right to equality in law with every other state, which means that states have equal rights in court if they become parties to a dispute and receive equal treatment in international organizations.

*A jury consists of twelve persons chosen  
to decide who has the better lawyer.*

Robert Frost

## 9. Причастия I, II и инфинитив в функции определения

### MODELS

#### *Participle I*

a) In employment law there are laws forbidding discrimination against people on the basis of their gender, race, religion or age.

Трудовое право включает нормативные правовые акты, запрещающие (= которые запрещают) дискриминацию по признаку пола, расовой принадлежности, религии или возраста.

b) He called for urgent legislation that would allow banks to close down accounts being used for dubious purposes.

Он выступил за скорейшее принятие законов, которые позволят банкам закрывать счета, используемые в сомнительных целях.

#### *Participle II*

Any decision reached by the arbitrator is binding on both

parties.

Любое решение, вынесенное арбитром, является обязательным для обеих сторон.

### *Infinitive*

1. The Bills to be adopted during the parliament's three-day session, involve amendments to certain articles of the country's constitution.

Вынесенные на рассмотрение трехдневной сессии парламента законопроекты содержат поправки к некоторым статьям конституции страны.

2. The quality of cigarettes to be shipped shall correspond to that of the samples approved and confirmed by the parties.

Качество подлежащих отгрузке сигарет должно соответствовать качеству образцов, утвержденных и подтвержденных обеими сторонами.

3. Authority of law enforcement officers to use deadly force is an awesome responsibility.

Право применять оружие летального действия накладыва-

вает на сотрудников правоохранительных органов огромную ответственность.

1. They were fully aware of the obstacles to be faced and the changes to be made.

2. Against the background of the falling living standards, the profits earned by the monopolists seemed particularly great.

3. A person being interviewed by the police can, of course, stay silent; they [citizens] do not have to answer any questions.

4. Laws to establish fair wages, limit the number of hours worked in a week, and prevent children from being exploited are some of the areas covered by employment law.

5. If you want to set up business under English law, the first question to consider is to form a limited company or not.

6. The quality of goods received must correspond to the specifications stipulated in a contract signed by companies.

7. The Chinese government has responded to a growing demand for better quality goods and set up special courts to deal with customers' complaints.

8. The contract contains a clause providing that all disputes raised by the customers should be referred to arbitration.

9. The weight of goods to be shipped stated in the bill-of-lading is to be considered final and binding upon both Parties.

10. Many investigators carry a card that contains the Miranda warning<sup>2</sup> to be read before interrogating a suspect.

11. Any products failing to meet the agreed specifications will

be returned to the supplier at the supplier's expense.

12. In France, the judges sit together with the jury who are also involved in determining the sentence to be imposed.

13. The Vienna Convention on the Law of the Treaties 1969 provides that every state has capacity to conclude treaties.

14. A defamatory statement heard only by a person who does not understand the language in which it is spoken is not actionable.

15. The Lords can reject a bill to allow the Commons to extend a Parliament beyond 5 years.

16. The payments to be made are attached as Appendix 1A.

17. The basic aim of law is the attainment of justice in society. However, in some situations the degree of justice hoped for is not achieved.

*It's easy to be liberal when spending another's money.*

## 10. Причастия I и II в функции обстоятельства

### MODELS

#### *Participle I*

1. (While / When) Commenting on the resolution, he informed the deputies of the country's critical situation. Комментируя резолюцию, он сообщил депутатам о критической ситуации в стране.

2. When drafting leases, attention to detail is of paramount importance.

При составлении договоров аренды крайне важно быть внимательным ко всем деталям.

3. Having looked at the nature of the adversary system and the key players, now consider the critical steps normally involved in the criminal justice process.

Проанализировав суть концепции и изучив характер участников состязательной системы правосудия, перейдем к рассмотрению основных этапов уголовного процесса.

4. Having passed the House of Lords the Bill is ready for the Royal Assent.

После того как законопроект был принят палатой лордов, он должен получить королевскую санкцию.

## *Participle II*

Asked about the claim, he said the dispute would be settled out of the court.

Когда его спросили об иске, он ответил, что спор будет урегулирован во внесудебном порядке.

1. Because the American legal system consists of both federal courts and state courts, a plaintiff must make a choice of court systems when filing a suit.

2. Informed that it was impossible to sack such a number of employees the executive director suggested reducing the company's running costs by some other means.

3. Asked to justify his decision to cut the R and D budget, the head of the company failed to sound convincing.

4. Working as a block, the opposition parties have been able to formulate demands for reforming the economic situation.

5. Asked how he got to be so good in the pre-election

campaign the candidate answered “I lost the previous election”.

6. Faced with the necessity to comment on the event, the Prime Minister refused to express his opinion.

7. Alleging human rights violations, some countries have imposed economic sanctions against others.

8. Initially used only by financial markets and businesses, the euro was introduced for use by general public on January 1, 2002.

9. Discussing contract law we often think of contracts as elements of the business world, forgetting that they are also an essential part of our daily life.

10. The role of the jury is to agree a verdict, having heard and considered the facts according to the evidence led.

11. Two youths were fined 25 dollars being found guilty of causing a breach of peace.

12. Having arrested someone suspected of committing a crime, the police must decide if they have enough evidence to make a formal accusation.

13. When establishing or interpreting norms of international law, States are referring increasingly often to resolutions of the United Nations General Assembly and sometimes to resolutions of international organizations as well.

14. According to the traditional approach of recognition of a government, a revolutionary government is not recognized until it has clearly established control over most of the state, having reduced the prior government to control of only negligible areas.

15. Negotiated in preparation for the admission to the EU of

new members from Eastern Europe, the Treaty of Nice (2001) contained major reforms.

16. When making an arrest, if there is no resistance, no force should be used.

17. Having successfully completed the Legal Practice Course the would-be solicitor has to enter a two-year training contract with a firm of solicitors or other approved organizations, gaining practical experience in a variety of areas of law.

*All things being equal, people will do business with a friend;  
all things being unequal, people will still do business with a friend.*

Mark McCormack

# 11. Независимый причастный оборот

## MODELS

1. The agreement is drawn up in English and in Russian; both texts being equally valid.

Договор составлен на английском и русском языках, причём (и) оба текста имеют одинаковую силу.

2. The documents not having arrived on time, the trial had to be postponed.

Поскольку документы не прибыли вовремя, судебное разбирательство пришлось отложить.

1. The question arose on responsibility, some participants pointing out that laws were neglected everywhere.

2. The parties having failed to conclude an agreement, there is no way of telling what the outcome will be.

3. England appeared only a formal victor in the Second World War, its economy entering the period of stagnation and decline.

4. There are about 100 Federal courts throughout the country, final authority resting in the Supreme Court.

5. After the recession of the early 1980s, there were many

large companies on the US stock market with good earning but low stock prices, their assets (being) worth more than the companies' market value.

6. The USA has no national police force, the FBI influence being limited to a very few federal crimes, such as kidnapping.

7. The US Republican Party took form in 1854, its first Republican candidate being John C. Fremont in 1856.

8. The American Constitution specifies the powers and duties of each federal branch of government, with all other powers and duties belonging to the states.

9. In any election year, only one third of the Senate is changed, the remaining two thirds being members whose terms have not expired.

10. "Upper" and "lower" are commonly applied to the two houses for a bicameral legislature, the upper being the less numerous and higher in rank of the two.

11. For electoral purposes Britain is divided into a number of constituencies, each returning one member to the House of Commons.

12. If a dispute arises between two individuals, each believing himself to be in the right, litigation may ensue.

13. Money laundering was made a separate criminal offence in the US in 1986, one goal being to identify offshore jurisdictions that do not cooperate with the US in investigation and prosecution of money laundering.

14. In the mid - 1990s, various companies and financial

institutions made spectacular losses with derivatives, the most famous being Barings Bank, which was bankrupted when a single trader in Singapore lost \$ 1 bln on futures and options.

15. Legal unpredictability usually scares off foreign capital, with changes to the R.F.Tax Code happening every year.

16. There being no further business, the meeting was closed.  
(from the minutes of a shareholders' meeting)

17. Some refer to our [American] criminal justice system as a revolving door, with criminals getting out of prison faster than the authorities can convict and incarcerate others.

*If you spend too much time thinking about a thing  
you'll never have it done.*

Bruce Lee

## 12. Сложное дополнение с причастием II

### MODELS

**Verb + *smth* + *done***

#### 1) значение страдательного залога

She had her case heard by a jury.

Ее дело слушалось судом присяжных.

#### 2) каузативное значение

If a business does badly and cannot pay its debts, any creditor can have it declared bankrupt.

Если дела у компании идут плохо и она не может платить по долгам, любой кредитор вправе потребовать, чтобы ее объявили банкротом. (Каузативные глаголы: *требовать*, *просить*, *ходатайствовать* и др.)

1. She wanted her money invested in “wholly ethical companies”.

2. Instead of launching a product solely on the basis of intuition or guess-work, most companies have it market researched.

3. An over the counter market is a market for young and small companies which do not want their shares traded on the major stock-exchanges.

4. The company itself may decide to wind itself up, but also creditors, among others, may apply to the court to have the company liquidated.

5. In some states, such as California, citizens can petition to have their propositions put on the ballot in state elections.

6. The company wanted to have their stock traded on the London Stock Exchange.

7. If a person is unable to vote on election day he obtains a ballot within a specified period of time before the election, marks it, has it notarized and returns it to the proper officials.

8. There are some offences where the defendant is given the choice of having his case heard in the Magistrates Court or the Crown Court.

9. It takes much longer to have a case heard in the Crown Court, but sometimes defendants prefer it because their cases are decided by a jury, that is ordinary people.

10. To ensure the financial success of the issue of shares it is often quite usual to have the issue underwritten.

11. The Plaintiff can apply to the court for a charging order on the defendant's land or shares and if the money is still not paid,

he can have them sold to recover his damages.

12. The court ordered him taken into custody on suspicion of participation in a terrorist act.

13. Malicious prosecution is the tort of having someone arrested criminally without paper grounds.

14. Where countries have faced trade barriers and want to have them lowered, negotiations within the framework of the WTO are used to liberalize trade.

15. Where developing countries are fully equipped with a microcomputer and a satellite link up, they will have most of their technical information needs met.

16. "Jack the Ripper" was a mysterious killer who terrorized the London East End in 1888; his victims, all women, were killed by having their throats cut.

17. If you are complaining of a court decision such as a conviction or sentence, it is not necessary to have tried to have your case reopened after going through the normal appeal procedures in the courts.

18. Temporary restraining orders<sup>3</sup> are usually issued for a very short period of time. Thus, a party who can show evidence that such an order was improperly issued can have the order revoked at the earliest opportunity.

*Women have become so highly educated...  
that nothing should surprise us nowadays,  
except happy marriages.*

Oscar Wilde

# 13. Модальный глагол *Should* в ослабленном значении

## MODELS

### *Should*

#### 1) сослагательное наклонение

a) In Britain there are some cases closed to the public that is a judge may *order* that no members of the public (should) be present at the proceedings.

В Британии существуют судебные дела, закрытые для публики, т. е. судья может *потребовать*, чтобы на судебном разбирательстве не присутствовал никто из посторонних.

b) Before applying to the ECtHR it is *necessary* that all available domestic legal remedies (should) be exhausted. Перед подачей жалобы в ЕСПЧ необходимо, чтобы были исчерпаны все доступные средства внутренней правовой защиты.

#### 2) придаточное предложение условия

a) If I should fail to perform my obligations under a contract,

you may sue me to recover compensation or compel me to carry out my side of the bargain.

В том случае если я не исполню свои обязательства по договору, вы вправе потребовать от меня по суду компенсацию или заставить меня исполнить взятые мною обязательства.

b) Should the goods within the guarantee period prove to be defective, the Sellers are to eliminate the defects or replace the defective parts.

Если в течение срока гарантии товар окажется дефектным, Продавец должен устранить дефекты или заменить дефектные детали.

1. In order to sustain free trade it is essential that governments should tackle the unemployment problem.

2. one of the business approaches demands that suppliers, customers, employees and members of the local community should be represented on a company's board of directors.

3. The President suggested that Congress should try harder to pass some drug control legislation.

4. It was proposed that the authorized capital of the company be increased.

5. Any person may begin and conduct proceedings himself, but because of the difficulties involved it's highly desirable that

he be given legal advice.

6. In the USA lawyers and courts of law have become part of daily life, whereas in Japan lawyers are few and people tend to rely on informal ways of solving disagreements; it's interesting that two highly industrialized societies should be so different in this respect.

7. In Japan it is possible for the prosecution to appeal that a non-guilty decision be changed to guilty.

8. If an MP should die or be forced to give up his seat the people of the country will have to vote again in a by-election to replace him.

9. The countries to the Community Treaty accepted the supremacy of Community law over their national systems of law if a conflict should arise.

10. Company directors, partners and sole traders alike have to consider the legal implications of the torts they may face should their products injure a customer.

11. The Supply of Goods and Services Act implies that services be provided with reasonable care, at a reasonable cost and within a reasonable time.

12. The laws of certain countries require that parties to contracts should expressly accept arbitration clauses.

13. It is highly advisable that a negotiating lawyer should keep notes of all discussions and emails regarding the matter under negotiation.

14. For a teacher of legal English it is important that he and

his students should accept the fact that he cannot be an expert on all aspects of law in the students' jurisdictions.

15. It is recommended that you should conduct an Internet search for legal expressions together with the name of the jurisdictions.

*Conscience is the inner voice that warns us  
that someone might be looking.*

H. L. Mencken

## 14. Модальные глаголы *May, Must*, выражающие предположение, уверенность

### MODELS

#### *May / might*

You may (might) have read his account of the case.

Вы, возможно (может быть), читали его отчет об этом деле.

#### *Must*

The parties concerned must have stopped debating the claim.  
Заинтересованные стороны, очевидно (должно быть), прекратили обсуждение иска.

1. Economists say that inflation might double and even treble in the near future.

2. This politician used to be known as a tough old guy and people must have had reasons to think so.

3. The Prime Minister mentioned that a more radical stand on

the issue must have enabled his party to avoid defeat.

4. Individual companies might have been more efficient if they had been liberated from central management.

5. Without a constructive means of tackling disputes among WTO member countries, some of them might have led to a serious political conflict.

6. Both sides in the cause must have grasped that they were living on “only one earth”.

7. The court can never know exactly what was in the head of a criminal at the time of committing the crime, so it has the difficult task of deciding what his intentions must have been.

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