

UNIT 1

SYSTEM OF LAW

LET'S GET STARTED: DISCUSSION



Every country has its law of the land (domestic law), namely the law that all of its citizens must obey.

Have a look at the questions below. Are you able to answer them?

Write down the answers or discuss them with your friend. Over to you!

- ▷ What is law?
- ▷ Where does law come from?
- ▷ Who makes law?
- ▷ What is the fundamental **legal act**?
- ▷ What kinds of persons or bodies govern your country?
- ▷ Do all of them have the same rights and obligations? Why? Why not?

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READING 1: DEFINITION OF LAW AND THE LAWMAKING PROCESS



Before an Act of law enters into force, a special law-making process needs to be followed. Although this procedure differs among countries, there are some stages of the process that are common to all.

Now, read the following text on the law-making process. Were your answers to the above questions correct? Take a close look at the words in bold and try to memorise them.

What is law?

Law is a set of rules (**laws**) that govern the behaviour of every citizen of a given country. Law must be obeyed by everyone it **applies** to. This means that all the people in a given country must follow the rules **set out** by their **domestic law**.

Who makes law?

Laws are **passed**, which means made, by **parliament** (like in most European countries, or **congress**, like in the US) which is called a **law-making body**. Law-making bodies usually **consist of** two **houses**: the **lower house** (the **House of Commons** in the UK, the **House of Representatives** in the US, or the **Sejm** in Poland) and the **upper house** (the **Senate** in the US and Poland, and the **House of Lords** in the UK). Parliament is composed of **MPs (Members of Parliament)** and Senators (in Poland) and congress is composed of congressmen or congresswomen.

How are laws made?

First of all, someone has to come up with an idea for a new law. This can only be done by individuals or bodies who enjoy a **right of initiative**, which means **the** power to propose a new law, and may include an MP, a cabinet of government ministers, the president or a group of citizens.

When someone wants to make a law, they start by **drawing up a bill**, which is a **draft** of the proposed law.

Once a bill is prepared, it is introduced to parliament. The bill has to be debated and voted on by both houses of parliament. Both houses of parliament must reach an agreement on the final **wording** of the bill before it can become a law. If they both vote in favour of the bill becoming law, the bill is sent to the **president** who can choose whether or not to sign the bill (or to the **monarch** who grants the **Royal Assent**).

If the president signs the bill, it becomes a law and is called an **Act of Parliament**. If the president decides not to sign the bill into law, which means that the president exercised his or her right to **veto**, then the bill is sent back to parliament, which may **bypass** the veto with a (usually) two-thirds **vote** in both houses. The bill would then become a law.

A new law enters into force when it is published publicly. The same procedure takes place if a change to an existing law, called an **amendment**, is proposed.



LISTENING 1: HOW DOES A BILL BECOME A LAW?

PRACTICE 1

Go to the following website: www.LegalEnglishBasics.pl and play TRACK 1. Listen to the description of how a bill becomes a law in the UK. Write down the answers or speak out!

1. What is a bill?

2. Who must approve a bill before it becomes a law?

3. *Who can propose a bill?*

4. *Who examines a proposed bill in detail?*

5. *How are changes to a bill or a law called?*

6. *What happens if most of the MPs and Lords vote against the bill?*

7. *What happens if the Houses of Parliament cannot agree on the final wording of the bill?*

8. *What is the final part of the bill's journey into a law?*

USE OF LANGUAGE 1: DESCRIBING PROCESSES



PRACTICE 2

Now try to recall the stages of the legislative process. If you find it helpful, take a quick look at the reading text again and listen to the listening again.

Put these steps into the right order (the first step is already marked) and explain how a bill becomes a law.

The bill begins as an idea	1
The bill becomes law	
The bill is amended	
The bill is looked at in detail	
The bill is discussed and debated	
The bill is introduced	
The bill is proposed	
The bill is referred to the upper house of parliament	
The bill is sent to the president/monarch for approval	
The bill is voted on	

PRACTICE 3

Now, let's think of other types of processes. Think of any process that takes place at your school or workplace. Can you describe it? Your turn!
You may use examples and/or ideas given below.

Example:

Buying equipment for the company

First, a list of required equipment is prepared by employees from all the departments.

Then, the list is analysed by the heads of departments.

Next, the list is corrected and some equipment is deleted or added to the list as the heads of departments think is best.

Later, the list is sent to the finance department.

After that, the cost of the equipment is calculated and it is approved or denied.

Finally, if the cost is approved, the equipment is bought and delivered to the department that asked for it.

OTHER IDEAS

1. Getting to university
2. Organising a conference
3. Getting approval to go on a training course

PRACTICE 4

You have just described the processes that take place at your company or school. However, at companies, not only processes are performed, but also various tasks are carried out by specific departments. Let's take a look at the tasks carried out in a typical company. Read the tasks below and decide which department they are performed by – match the task with the appropriate department:

- | | |
|--|------------------------------|
| 1. Administrative support is provided by the... | a. Sales Department |
| 2. All contracts and documents are checked by the... | b. Marketing Department |
| 3. All employment matters are handled by the... | c. IT Department |
| 4. New products are invented by the... | d. Administration Department |
| 5. Problems with computers are solved by the... | e. Legal Department |

6. The business is promoted by the...
7. The company's products are sold by the...
8. The funds and accounting of the company is managed by the...

- f. HR Department
- g. Finance Department
- h. R&D Department

PRACTICE 5

Think of different tasks that are performed at your workplace or school. Which department or person are they performed by? Do you think it is ok that work is divided between different departments? Discuss or write down your answer. Over to you!

READING 2: FUNDAMENTAL RULES OF LAW AND THE SEPARATION OF POWERS



The existence of every democratic country and its citizens is based on certain fundamental rules, usually contained in a national constitution. The following text talks about such rules. Read it through 2–3 times, take a close look at the words in bold and try to memorise them.

FUNDAMENTAL RULES OF LAW AND SEPARATION OF POWERS

Most countries in the world have built their system of law on the basis of the **fundamental rules** contained in their **constitutions**. A constitution sets out the rules that **govern** a given country, define the basic **rights** and **obligations** of its **citizens** and **government agencies**, and **provide for** the **separation of powers** between them. The separation of powers means that the power to govern the country is separated into **legislative**, **executive** and **judicial branches**. This is a system of **checks and balances** that means each branch of government has some influence over the actions of the other branches. This ensures that no one branch ever gains too much power.

The **legislative branch** makes laws. It is vested in parliament (congress) and several government agencies (e.g. the Council of Ministers (called the cabinet)).

The **executive branch** makes sure that laws are **obeyed**. The president is the head of the executive branch and is supported by government agencies. The president leads the country and commands the national army.

The **judicial branch** decides on the meaning of (**interprets**) laws, how to **apply** them, and whether a law **breaks** the rules of the constitution.

Now cover the text and try to say what you remembered about the constitution and the separation of powers. Try to use as many of the words in bold as you can.



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PRACTICE YOUR VOCABULARY 1: PEOPLE WITH POWER

PRACTICE 6

Complete the table below with the right person/body or activity belonging to one of the three branches of power:

Cabinet		Enforces Laws		Interprets Laws		Judge		Legislator	
President		Lower House of Parliament		Makes Laws					
Supreme Court		Upper House of Parliament							

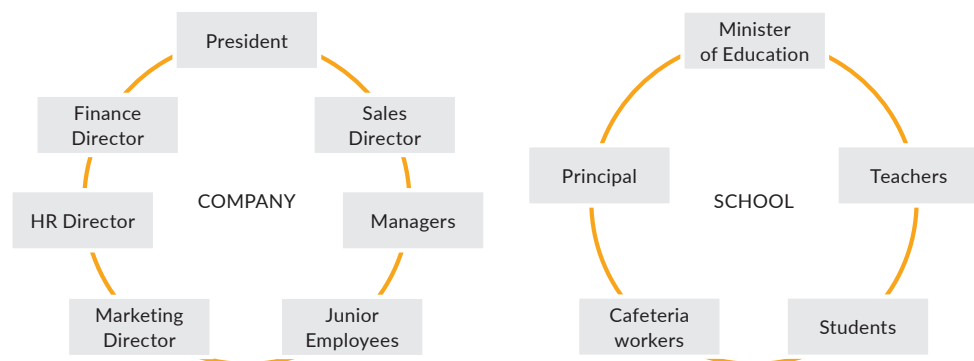
	WHO?	WHAT DO THEY DO?
Legislative Branch		
Executive Branch		
Judicial Branch		



SPEAKING 1: WHY IS IT A GOOD IDEA TO HAVE THREE BRANCHES OF POWER?

PRACTICE 7

Make a list of people who perform important tasks at your company or school. They may include:



What do they do? How do they work together to make your company or school successful? Do you think that different branches of government work in a similar way to make your country work well? Discuss with your speaking partner.

USE OF LANGUAGE 2: EXPRESS YOUR OPINION – AGREEING AND DISAGREEING



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PRACTICE 8

In Practice 7 above, you expressed your opinion on the importance of the separation of powers. Did you agree with all the ideas expressed by others? To express agreement or disagreement, you may need some useful phrases that appear in the conversation below – read it and try to memorise the highlighted phrases.

Allison: Tom, have you heard about the latest bill on employment?

Tom: Well, I know parliament is debating some amendments to the employment law, but I don't know any details. Why?

Allison: Oh, it's just that they want to add 5 more hours to our working week. **I think it's a terrible idea!**

Tom: Five hours a week?! **It doesn't sound right.** But why?

Allison: The politicians of the leading party believe that we work too little and that it is bad for our employers. Can you believe it?! **I totally disagree.** I work really hard. **If you ask me,** it is my employer who does nothing.

Tom: **I couldn't agree more!** **In my opinion** all the team work very hard. **But I can't agree that** our boss does nothing. He comes here early every morning and leaves late in the afternoon.

Allison: **I guess you're right.** But if they make us work such long hours, when will we have the time to rest?

Tom: **You have a point there.** Even now I have very little time for myself.

Allison: **Tell me about it!** In my opinion we should work 5 hours less not more.

Tom: **Absolutely!**

Allison: If they pass these amendments, we should all go on strike.

Tom: **Exactly!** And organise a protest in front of Parliament.

Allison: **You're absolutely right.** Oh, gosh! It's nearly 5 o'clock?! This lunch break took too much time. We should get back to work.

Tom: **I suppose you're right.**

PRACTICE 9

Take a look again at the highlighted phrases that help express opinions, agreement and disagreement. Match each phrase with its function:

EXPRESSING OPINION	EXPRESSING AGREEMENT	EXPRESSING DISAGREEMENT
1. _____	1. _____	1. _____
2. _____	2. _____	2. _____
3. _____	3. _____	3. _____
	4. _____	
	5. _____	
	6. _____	
	7. _____	
	8. _____	



SPEAKING 2: WHAT'S YOUR OPINION?

PRACTICE 10

Choose one of these statements and build a dialogue with your partner using the phrases highlighted in the conversation above:



PRACTICE YOUR VOCABULARY 2: TEST YOURSELF!



PRACTICE 11

Complete the sentences below with the following words:

Act of Parliament | amendment | apply | break laws | draft |
draw up | govern | government agencies | judicial branch |
legal act | obey | passed | right of initiative | separation of powers |
set out | upper | veto | wording

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1. The _____ is responsible for the interpretation of laws in force.
2. A _____ of a document is the first proposal of such document, which may be changed before it becomes the final version.
3. A bill that becomes law is called an _____.
4. All of us must _____ the laws in force, otherwise we may get into trouble.
5. Each ministry is responsible for a number of _____ tasked with applying the laws and carrying out the activities decided on by parliament and the government.
6. Domestic laws _____ to all the citizens of a given country.
7. If anyone would like to change the existing law, such a change is called an _____.
8. If you _____, you may go to prison.
9. Law is a system of rules that _____ our behaviour.
10. Lawyers _____ various documents for their clients.
11. Our fundamental rights and obligations are _____ in the constitution.
12. Parliament is a law-making body, which means it has a _____ and may make new laws and amend the existing laws.
13. The senate is the _____ house of parliament.
14. The _____ of legal acts must be clear and should not permit any misunderstandings.

15. The bill _____ by a two-thirds majority vote.
16. The constitution is the fundamental _____ in democratic countries.
17. The division of powers in a country into legislative, executive and judicial is called the _____.
18. The president has a right of _____; this means that the president may formally refuse to sign an act that (s)he disagrees with.

PRACTICE 12

Decide whether these statements are TRUE or FALSE. If you think that a statement is false, explain why:

1. All laws are set out in the constitution.	T	F
2. Laws passed by parliament are called Acts of Parliament.	T	F
3. A group of MPs is a law-making body.	T	F
4. The senate is the lower house of parliament.	T	F
5. Only persons or bodies which have a right of initiative may propose new laws or amendments to the existing laws.	T	F
6. A bill is a draft amendment to an existing law.	T	F
7. The president always has a final say in the legislative process.	T	F
8. A bill becomes a law and enters into force when it is approved by both houses of parliament and the president.	T	F
9. Fundamental rights and obligations of citizens are set out in the constitution.	T	F
10. Parliament is a government agency.	T	F
11. Executive power is vested in the police.	T	F
12. Judges interpret laws.	T	F
13. The separation of powers provides for a system of checks and balances.	T	F
14. The judicial branch is vested with the power to propose changes to law.	T	F
15. The president exercises executive power on his/her own.	T	F

WRITING: ANSWERING TO ADVERTISEMENTS AND APPLYING FOR INTERNSHIPS



Unit 1

PRACTICE 13

You have just found the following advertisement for an internship in a nationwide daily newspaper. Write an email application. A sample answer is given below. In your answer, use the expressions in bold that appear in the sample answer.

Global Trading Law Firm specialises in commercial law and assists its clients in all aspects of domestic and international transactions. The firm's main office is located in Glasgow.

The firm is currently looking for an intern to its contracting department. The internship will take place in the summer of 2018 and will last three months.

The successful candidate will be responsible for legal research, drafting, and assistance to senior lawyers, and participation in all aspects of legal transactions accordingly to the intern's knowledge and skills.

Applicants should be final-year law students or recent graduates and should be fluent in English and Spanish.

Anyone interested in applying for this internship should send their resume, cover letter and letter of recommendation to Ms Anne Bailey at anne.bailey@gtlf.com by 31 March 2018.

Sample Answer:

Dear Ms Bailey,

*I am writing in response to the advertisement of an internship in your contracting department **dated** 20 February 2018 which was published in News Daily.*

*I am a final-year student of law at New York University **majoring in** commercial law. I have chosen this area of expertise because I am very interested in all legal aspects of commercial transactions, including contract negotiation and drafting as well as legal research.*

I would appreciate an opportunity to develop my knowledge and gain some practical experience in working with senior commercial lawyers and participating in all stages of legal transactions.

In addition to fluent English and Spanish, I also speak German.

Please find attached my resume and two letters of recommendation from my academic tutors.

Should you require any further information or documents, do not hesitate to contact me.

I look forward to hearing from you.

Yours sincerely,

Applicant

EMAIL APPLICATION

GLOSSARY:



Unit 1

act of parliament	ustawa	law	prawo
amendment	zmiana, poprawka, nowelizacja	law-making body	organ prawodawczy (ustawodawczy)
apply	mieć zastosowanie	legal act	akt prawny
bill	projekt ustawy	legislative branch	władza ustawodawcza
break laws	łamać przepisy prawa	lower house	niższa izba
bypass	obejść	monarch	Monarcha
cabinet	rząd	MP (Member of Parliament)	poseł
checks and balances	mechanizmy kontroli i równowagi	obey	przestrzegać
citizen	obywatel	obligation	obowiązek
congress	Kongres	parliament	Parlament
constitution	Konstytucja	pass	podejmować, uchylać
council of ministers	Rada Ministrów	president	Prezydent
domestic law	prawo krajowe	provide for	ustanawiać
draft	projekt, sporządzić projekt	right of initiative	inicjatywa ustawodawcza
draw up	sporządzić, przygotować (dokument)	right	prawo (do czegoś)
executive branch	władza wykonawcza	royal assent	sankcja królewska
fundamental rules	fundamentalne zasady	senate	Senat
govern	rządzić, regulować	senator	senator

government agency	władza państwowa	separation of powers	podział władzy
House of Commons	Izba Gmin	set out	określić, ustanowić
House of Lords	Izba Lordów	upper house	izba wyższa
House of Representatives	Izba Reprezentantów	veto	weto, zawetować
interpret	interpretować	vote	głos, głosować
judicial branch	władza sądownicza	wording	brzmienie, treść