

МИНИСТЕРСТВО ОБРАЗОВАНИЯ И НАУКИ РФ
ФЕДЕРАЛЬНОЕ ГОСУДАРСТВЕННОЕ
БЮДЖЕТНОЕ ОБРАЗОВАТЕЛЬНОЕ УЧРЕЖДЕНИЕ
ВЫСШЕГО ОБРАЗОВАНИЯ
«ВОРОНЕЖСКИЙ ГОСУДАРСТВЕННЫЙ
УНИВЕРСИТЕТ»

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ПЕРЕВОД В СФЕРЕ ПРАВА

Учебное пособие для вузов

Воронеж
Издательский дом ВГУ
2016

ПРЕДИСЛОВИЕ

Курс знакомит студентов с особенностями юридического перевода, в частности, с базовой юридической терминологией, основными понятиями и явлениями системы права Великобритании, Соединенных Штатов Америки и России. Основное внимание уделяется переводу юридической терминологии и текстов различных жанров.

Основная дидактическая **цель** курса – сформировать у студентов умения осуществлять юридический перевод, в частности:

- умение осуществлять перевод юридических текстов различных жанров с учетом их особенностей;
- умение распознавать реалии правовой культуры Великобритании, Соединенных Штатов Америки и России и переводить их;
- умение переводить юридическую терминологию.

В ходе **самостоятельной работы** студента предполагается развитие социокультурной компетенции студента, а также закрепление материала, пройденного на занятии.

Структура курса включает семь глав, посвященных определенной теме, тексты для самостоятельной работы студентов и общий список использованной литературы.

Текущий контроль осуществляется посредством выполнения студентами письменного перевода текстов для самостоятельной работы.

Промежуточный контроль предполагает полный письменный перевод текста, проверяющий сформированность у студентов выше-указанных умений.

Legal procedure
Of legal force

To enter the legal profession

Task 6. What do you know about the following legal documents of the UK and the USA? Translate their names into Russian.

1. Magna Carta (Great Charter)
2. Habeas Corpus Act
3. The Petition of Rights
4. The Bill of Rights
5. The US Declaration of Independence
6. The American Constitution
7. The US Bill of Rights
8. Miranda Warning

Task 7. The following is a minimal Miranda warning, as outlined in the Miranda v Arizona case. Translate it into Russian.

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense.”

The following is a much more verbose Miranda warning, designed to cover all bases that a detainee might encounter while in police custody. A detainee may be asked to sign a statement acknowledging the following.

“You have the right to remain silent and refuse to answer questions. Do you understand?

Anything you do say may be used against you in a court of law. Do you understand?

You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. Do you understand?

If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. Do you understand?

If you decide to answer questions now without an attorney present you will still have the right to stop answering at any time until you talk to an attorney. Do you understand?

Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?”

UNIT 2. LEGISLATION

Task 1. Compare the way the title of a British statute and a Russian law is formulated. What are the similarities and differences? Are they reflected in translation?

Consolidated Fund Act 2007

Local Democracy, Economic Development and Construction Act 2009

Федеральный закон от 1 июня 2005 г. № 53-ФЗ «О государственном языке Российской Федерации»

Федеральный закон от 29 июля 2004 г. № 98-ФЗ «О коммерческой тайне» (с изменениями от 2 февраля, 18 декабря 2006 г., 24 июля 2007 г.)

Task 2. Study the list of the structural elements of British and American statutes and Russian federal laws. Provide their translation equivalents.

<i>ББ</i>	<i>США</i>	<i>РФ</i>
Group of parts	Title	Часть
Part	Subtitle	Раздел
Chapter	Chapter	Глава
Section	Subchapter	Статья
Subsection	Part	Часть
Paragraph	Subpart	Пункт
Subparagraph	Section	Подпункт
	Subsection	Абзац
	Paragraph	
	Subparagraph	
	Clause	
	Subclause	

Task 3. Study typical provisions of a British statute. Translate them into Russian.

long title

An Act to make provision in connection with the Electoral Commission; to make provision about political donations, loans and related transactions and about political expenditure; and to make provision about elections and electoral registration.

An Act to make it an offence to obstruct or hinder persons who provide emergency services; and for connected purposes.

enacting formula

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

interpretation/ definition sections

...“secondary legislation” means subordinate legislation or any other instrument made under primary legislation.

“FSMA 2000” means the Financial Services and Markets Act 2000.

repeals

Section(s) ... of ... Act ... (shall) cease to have effect.

For repeals and revocations of enactments see Schedule ...

minor and consequential amendments

(1) Section 32 of the Children and Young Persons Act 1969 (detention of absentees) is amended as follows.

In subsection (1C) –

(a) after paragraph (a) insert –

“(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;”,

(b) in paragraph (b) for “that Act” substitute “the Criminal Justice and Immigration Act 2008”, and

(c) omit the word “or” at the end of paragraph (c) and insert –

“(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959; or”.

transitional provisions and savings

Nothing in this Part prevents the Bank of England from having dealings with the operators of payment systems to which this Part does not apply.

commencement

This Act comes into force on such day as the Secretary of State may by order appoint.

This Act comes into force at the end of the period of two months beginning with the day on which it is passed.

extent

(1) This Act extends only to –

- (a) England and Wales, and
- (b) Scotland.

(2) But –

- (a) section 82 extends only to Northern Ireland, and
- (b) except as provided by subsection (3), an amendment of an enactment by this Act shall have the same extent as the enactment amended (or as the relevant part of the enactment amended).

(3) Paragraphs 36 to 38 and 41 to 56 of Schedule 3 (which amend the Estate Agents Act 1979 (c. 38) and the Disability Discrimination Act 1995 (c. 50)), together with corresponding entries in Schedule 4, shall not extend to Northern Ireland.

short title

This Act may be cited as the Political Parties and Elections Act 2009.

Task 4. Translate the following sentences containing modal verbs. Make conclusions about the use of modal verbs in British statutes and their translation.

1. The Secretary of State **may** also by order establish a panel (“the advisory panel”) to provide advice and support to the corporation.
2. The amendments **may** include provision conferring power on the Secretary of State to make subordinate legislation.
3. The Secretary of State **may not** make an order under subsection (1) **unless** he is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.
4. Ministers of the Crown and the Law Commission **must** have regard to the protocol.
5. The application **must** be in writing and **must** contain particulars of the operations which are to be effected.
6. The application of the Committee’s seal **must be authenticated** by the signature...
7. An appointee **must be** of a description prescribed in regulations made by the appropriate national authority.
8. The Treasury **shall** make a compensation scheme order.
9. There **shall** be a body corporate to be known as the Charity Commission for England and Wales...
10. Those limits **shall** be deemed to have been in force from 2nd May 2006.

UNIT 3. THREE BRANCHES OF POWER

Task 1. Using English-English Dictionary, state the differences in the meaning of the following words. Translate them into Russian.

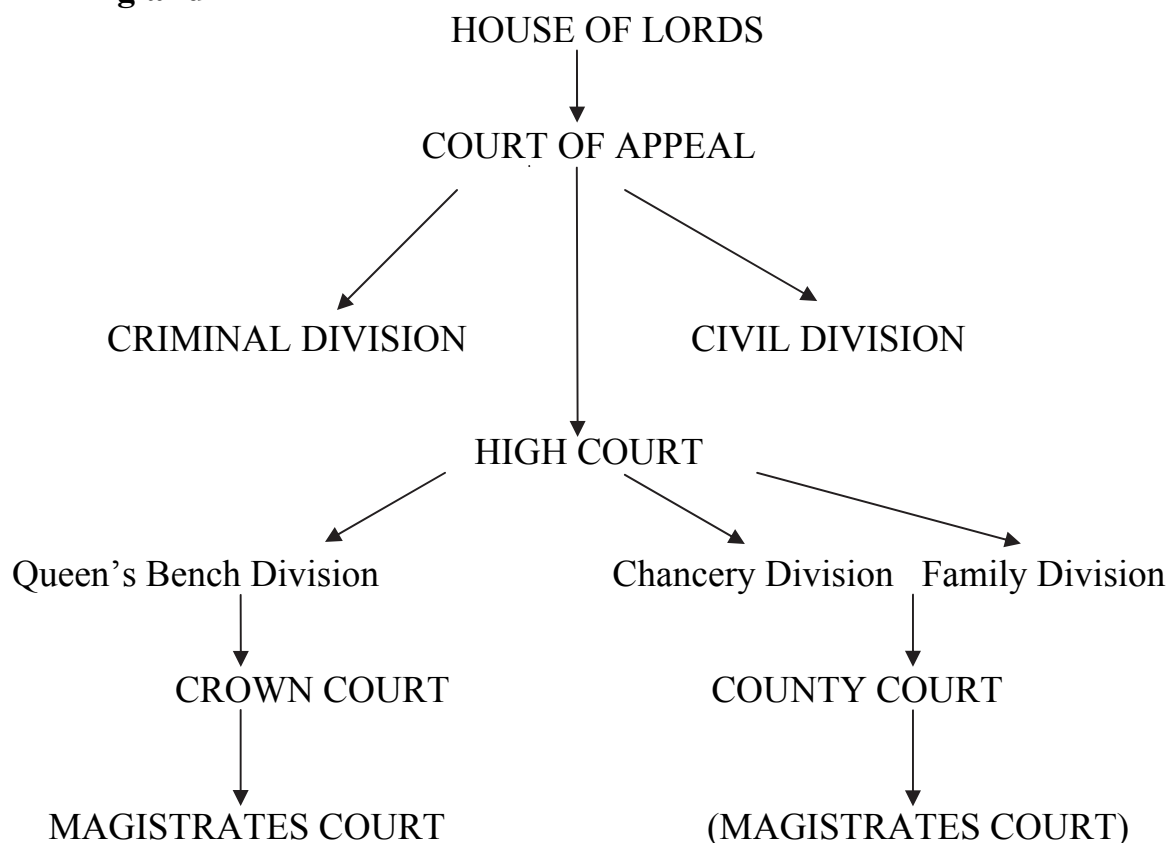
Lawyer	Legal expert	Attorney
Law agent	Advocate	Prosecutor
Jurist	Solicitor	Judge
Jurisprudent	Barrister	Notary
Legist	Counsel	
Legalist	Counsellor	

Task 2. Fill in the following table.

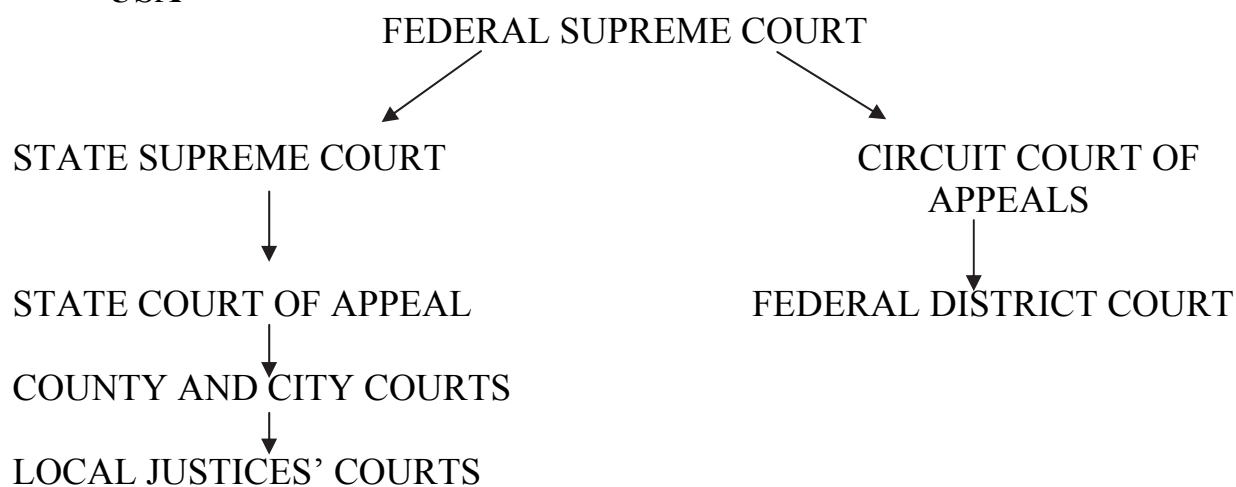
	Great Britain	USA	Russia
The names of the executive bodies			
The post of the head of an executive body			

Task 3. Compare the judicial branch of power in England and the USA. Translate the names of judicial bodies. What do you know about the Russian judicial system?

England



USA



Task 4. Fill in the following table.

	Great Britain	USA	Russia
Name of legislative body			
Number of chambers			
Names of chambers			
The way those who sit in the lower chamber are called			
The way those who sit in the upper chamber are called			