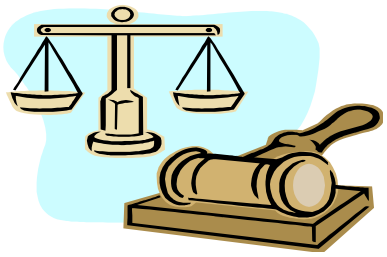
FACULTY OF LAW AND POLITICAL SCIENCES OF TUNIS

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LEGAL ENGLISH

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Course overview

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2	Legal Systems: Civil Law and Common Law
3	Courts and Legal Professions
4	Branches of Law: Public and Private
5	Constitutional Law and the Three Powers of Government
6	Criminal Law: Crimes and Punishments
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CHAPTER 1 · SESSION 1

The Importance of Law in Society

INTRODUCTION

Law is the system of rules that a society creates and **enforces** to regulate the behaviour of its members. Without it, there would be no **social order**: people could not trade, own property or settle **disputes** peacefully. Law protects individual **rights**, such as freedom of expression and the right to a fair trial, but it also imposes **duties**, such as paying taxes and respecting other people's property. Citizens are expected to **comply with** the law, and those who break it may face **sanctions**, for example a fine or imprisonment. Rules are set out in **legislation** and applied by courts, whose role is to deliver **justice**. In short, law has three main functions: it maintains order, protects rights and resolves conflicts.

Task 1 | Match the terms with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**law**		**a.** to make sure that people obey a law
2	**right**		**b.** fair treatment of people according to the law
3	**duty (obligation)**		**c.** the system of rules recognised by a country or community, which everyone must follow
4	**to enforce**		**d.** a peaceful situation in which people follow shared rules
5	**sanction**		**e.** to obey a rule, a law or a request
6	**to comply with**		**f.** a freedom or entitlement that is protected by law
7	**dispute**		**g.** laws made by a parliament or another law-making body
8	**justice**		**h.** something that a person is legally or morally required to do
9	**legislation**		**i.** a disagreement or conflict between two or more parties
10	**social order**		**j.** a penalty for breaking a rule or a law

Task 2 | Complete the sentences with reference to the word bank

WORD BANK

sanctions	disputes	justice	comply with
enforce	rights	order	duties

1. Laws protect social _____ and allow people to live together peacefully.
2. Citizens have fundamental _____, such as the right to a fair trial.
3. Citizens also have _____, for example paying taxes.
4. Police officers _____ the law by arresting people who commit offences.
5. Drivers must _____ traffic regulations.
6. Courts settle _____ between neighbours, companies or individuals.
7. Those who break the law may face _____, such as fines or imprisonment.
8. The aim of the legal system is to deliver _____ to everyone.

Task 3 | Word families

Complete the empty cells. A dash (–) means that there is no common word.

Verb	Noun	Adjective	Person
to legislate		legislative	
to regulate	regulation		
to enforce			–
to oblige			–
to comply			–

Task 4 | Verbs and collocations

Circle the correct verb in each sentence.

1. Parliament **(obeys /passes / suffers)** a new law.
2. Anyone who **(passes / upholds/ breaks)** the law will be punished.
3. Citizens must **(abide by / hold / bring)** the rules.
4. Judges **(uphold / lose / spend)** the rule of law.
5. A government may **(repair / repeal / rely)** an outdated law.
6. It is illegal to **(vote / vary/ violate)** someone's fundamental rights.

CHAPTER 2 · SESSION 2

Legal Systems: Civil Law and Common Law

INTRODUCTION

Most legal systems in the world belong to one of two great traditions. **Civil law** systems, found in France, Germany, Spain and most of continental Europe, are based on **codes**: comprehensive and organised collections of written rules drafted by legislators, such as a Civil Code. Judges apply these rules to the facts of each case. **Common law** systems, found in England, Australia and most of the United States, developed differently. Judges' decisions, known as **case law**, create **precedents** that lower courts are **bound** to follow, a principle known as *stare decisis*. Today the two traditions influence each other: common law countries pass many **statutes**, and civil law judges often refer to earlier decisions. Legal **custom** may also be recognised as a source of law. Finally, trials in common law countries are traditionally **adversarial**, with two parties presenting their case to a neutral judge, whereas civil law procedure is more **inquisitorial**, with judges playing an active role in investigating the facts.

LANGUAGE TIP

The term **civil law** has two meanings. It can refer to (1) the legal tradition based on codes, as opposed to common law, or (2) the branch of law dealing with private disputes, as opposed to criminal law. The context tells you which one is meant.

Task 1 | Match the terms with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**code**		**a.** the process of collecting and organising laws in a code
2	**statute**		**b.** law created by judges' decisions in previous cases
3	**case law**		**c.** a system in which the parties present their case to a neutral judge
4	**precedent**		**d.** a comprehensive, organised collection of laws on a subject
5	**binding**		**e.** a system in which the judge actively investigates the case
6	**to overrule**		**f.** that must be obeyed or followed by law
7	**codification**		**g.** a written law passed by a parliament
8	**custom**		**h.** an earlier court decision that guides judges in later cases
9	**adversarial system**		**i.** a long-established practice recognised as a source of law
10	**inquisitorial system**		**j.** to reject and replace an earlier court decision

Task 2 | Complete the sentences

Use each word from the word bank once.

WORD BANK

adversarial	overrule	statutes	custom
case law	precedent	binding	codes

1. France and Germany belong to the civil law tradition, which relies mainly on written _____.
2. In common law countries, judges' decisions form _____, an important source of law.
3. A _____ is an earlier decision that judges should follow in similar cases.
4. Decisions of a higher court are _____ on lower courts.
5. A higher court may _____ a previous decision if it considers it wrong.
6. In the United Kingdom, Parliament passes _____, which judges must apply.
7. Long-established _____ can sometimes be recognised as a source of law.
8. In an _____ system, each party presents its arguments and the judge acts as a neutral referee.

Task 3 | Civil law or common law?

Put a tick in the correct column.

Statement	Civil law	Common law
Judges are bound by precedents set by higher courts.		
The main source of law is the written code.		
Judges' main task is to apply the code to the facts of the case.		
The system developed over centuries from the decisions of the royal courts.		
It is found in France, Germany and Spain.		
It is found in England, Australia and Canada (except Quebec).		
Trials are traditionally adversarial.		
Judges traditionally play an active role in investigating the case.		

Task 4 | False friends and French-influenced errors

Is the highlighted word used correctly in standard English? Answer Yes or No and correct the mistakes.

#	Sentence	Correct English?	Correction
1	The **jurisprudence** of the Higher Court is a major source of law.		
2	The judge **sentenced** him to two years in prison.		
3	The claimant suffered a serious **prejudice** after the accident.		
4	The judge gave a **sentence** in the civil case and ordered the defendant to pay damages.		
5	The **doctrine** of precedent requires judges to follow earlier decisions.		
6	The company brought an **action** against its former supplier.		
7	Parliament **voted** a new law on consumer protection last year.		
8	The court's decision is a binding **precedent** for future cases.		

Task 5 Put the following expressions under the right heading.

Case law - Principle of legality - One or a panel of judges - customs - jury system - Trial dominated by lawyers with judge as referee - Roman law - precedents - codification - Judge actively participates in seeking of evidence and examining of witnesses - legislation- Statutory law - Stare decisis - Continental law - judge-made law - inquisitorial system - Anglo-American law - adversarial system

Common Law	Civil law
…….	…….
…….	…….
…….	…….
…….	…….
…….	…….
…….	…….
…….	…….
…….	…….

CHAPTER 3 · SESSION 3

Courts and Legal Professions

INTRODUCTION

Courts are the institutions where legal disputes are heard and decided. A case usually begins in a court of **first instance**, where a **judge presides over** the hearing, listens to the evidence and applies the law. **Witnesses** give evidence about what they saw or know. In serious criminal cases in common law countries, a **jury** of ordinary citizens decides the facts and delivers a **verdict** of guilty or not guilty, while the judge passes the sentence. A party who is dissatisfied with the decision may **appeal** to the Appellate court, and the highest court in the system has the final word.

However, a judge does not work alone in the courtroom; the judicial process involves several other legal professionals, each with a specific role. In England, the profession is traditionally divided into two branches: **solicitors** advise clients directly, prepare documents and manage cases, whereas **barristers** specialise in **advocacy**, that is, pleading cases in court. In criminal cases, the **prosecutor** represents the state and the **defendant** is defended by a lawyer. In civil cases, the person who starts the case is the **claimant**.

LANGUAGE TIP

Beware of **magistrate**: in England, a magistrate is usually a volunteer (lay) judge in the lower criminal courts, not a career judge as in the French 'magistrat'. In the United States, **attorney** is a general word for a lawyer.

Task 1 | Match the terms with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**Claimant/ plaintiff**		a. to ask a higher court to review a decision
2	**defendant**		b. in England, a lawyer who advises clients directly and prepares their cases
3	**prosecutor**		c. to be in charge of a hearing or a trial
4	**barrister**		d. the person or party against whom a case is brought
5	**solicitor**		e. a person who gives evidence about what they saw or know
6	**jury**		f. the person who starts a civil case in court
7	**witness**		g. in England, a lawyer who specialises in pleading cases in court
8	**verdict**		h. a group of citizens who decide the facts in a trial
9	**to appeal**		i. a lawyer who represents the state in criminal cases and brings charges
10	**to preside over**		j. the decision of a jury: guilty or not guilty

Task 2 | Complete the sentences

Use each word from the word bank once.

WORD BANK

Jury	prosecutor	verdict	witness
solicitor	sue	barrister	appeal

1. If you want to _____ your employer for unfair treatment, you should first consult a lawyer.
2. A _____ traditionally advises clients and prepares documents but does not usually plead in the higher courts.
3. A _____ specialises in advocacy and pleads cases before the higher courts.
4. A _____ is a person who gives evidence under oath about what they saw.
5. The _____ brings criminal charges on behalf of the state.
6. After three days of deliberation, the _____ found the defendant guilty.
7. The jury delivered a unanimous _____ of not guilty.
8. The defendant lost at first instance and decided to _____ to the Court of Appeal.

Task 3 | Who am I?

Read each description and write the correct role.

WORD BANK

judge	juror	barrister	solicitor
prosecutor	clerk	claimant	defendant

1. "I sit on a jury and help to decide whether the accused is guilty." → _____
2. "I listen to both sides, apply the law and pass sentence." → _____
3. "I represent the state and try to prove that the accused committed the crime." → _____
4. "I advise clients in my office, draft documents and prepare their cases." → _____
5. "I specialise in pleading before the higher courts." → _____
6. "I am accused of a crime and must answer the charges." → _____
7. "I have started a civil case because someone owes me money." → _____
8. "I keep the court records and help the judge with administration during hearings." → _____

Task 4 | The stages of a criminal case

Number the events from 1 (first) to 6 (last).

	Event	Order
a	The jury delivers its verdict.	
b	The police arrest a suspect.	
c	The judge passes sentence.	
d	The prosecutor formally charges the suspect.	
e	The convicted person appeals to a higher court.	
f	Both sides present evidence and question witnesses at the trial.	

Task 5 | BUILD THE PYRAMID

Court systems are hierarchies: cases start in lower courts and can be appealed upwards, and a single supreme or cassation court which sits at the apex gives the final ruling on points of law.

The American system is different because it is dual: two parallel pyramids (federal and state) exist side by side and meet only at the Supreme Court of the United States.

Tunisia	England & Wales	United States
■ Courts of First Instance ■ Court of Cassation ■ District (Cantonal) Courts ■ Courts of Appeal	■ Crown Court ■ UK Supreme Court ■ Magistrates' Court ■ High Court ■ Court of Appeal ■ County Court	■ State Trial Courts ■ U.S. District Courts ■ Supreme Court of the United States ■ State Supreme Court ■ U.S. Courts of Appeals



CHAPTER 4 · SESSION 4

Branches of Law: Public and Private

INTRODUCTION

Legal rules are often divided into two main categories. **Public law** governs the relationship between individuals and the state, and the organisation of the state itself. It includes **constitutional law**, **administrative law**, **criminal law** and **tax law**. **Private law**, sometimes called civil law, regulates relationships between individuals or private organisations. It includes **contract law**, **tort law**, **property law**, **family law** and **company law**. The distinction is especially important in civil law countries, where different courts often deal with public and private disputes. Lawyers also distinguish **substantive law**, which defines rights and duties, from **procedural law**, which explains how those rights are enforced in court. Finally, **international law** governs relations between states, and **intellectual property law** protects inventions, brands and creative works.

LANGUAGE TIP

Tort has no exact equivalent in French; it is closest to 'responsabilité civile délictuelle'. A tort is a civil wrong, other than a breach of contract, that causes harm to someone and gives the victim a right to compensation (for example negligence or defamation).

Task 1 | Match the branches of law with what they deal with

Write the letter of the correct description in the "Answer" column.

#	Term	Answer	Definitions
1	**constitutional law**		**a.** the actions of public authorities and how citizens can challenge them
2	**administrative law**		**b.** the rules that govern relations between states
3	**criminal law**		**c.** the money that individuals and companies must pay to the state
4	**tax law**		**d.** marriage, divorce and the care of children
5	**tort law**		**e.** offences against society and their punishment
6	**property law**		**f.** the protection of inventions, brands and creative works
7	**family law**		**g.** the structure of the state and the fundamental rights of citizens
8	**company law**		**h.** civil wrongs that harm others and give a right to compensation
9	**intellectual property law**		**i.** the creation, running and closing down of businesses
10	**international law**		**j.** the ownership and use of land and goods

Task 2 | Complete the sentences

Use each word from the word bank once.

WORD BANK

administrative	tort	procedural	private
public	substantive	criminal	family

1. _____ law governs the relationship between individuals and the state.
2. _____ law regulates the relationships between individuals or companies.
3. Divorce and child custody belong to _____ law.
4. A claim for negligence falls under the law of _____.
5. A citizen challenging a decision by a city council would rely on _____ law.
6. A person accused of theft is prosecuted under _____ law.
7. _____ law defines rights and duties, for example what counts as theft.
8. _____ law sets out the rules on how a case is brought and conducted in court.

Task 3 | Public or private?

Decide whether each situation belongs to public law or private law, then name the branch of law.

#	Situation	Public or private?	Branch of law
1	A divorce		
2	A murder trial		
3	A lease between a landlord and a tenant		
4	A company challenging a tax assessment		
5	A sales contract between two firms		
6	The rules on how a president is elected		
7	A claim for damages after a car accident		
8	A citizen appealing against the refusal of a building permit		
9	A dispute over the ownership of a piece of land		
10	A prosecution for tax fraud		

Task 4 | Odd one out

Cross out the word that does not belong, then name the branch of law of the other three words.

#	Words	Odd one out	Branch of law of the other three
1	murder – theft – fraud – lease		
2	marriage – divorce – custody – prosecutor		
3	parliament – constitution – president – tenant		
4	contract – breach – damages – arrest		
5	trademark – copyright – patent – manslaughter		
6	shareholder – merger – director – witness		

Task 5 |

Look at these situations and decide if the person needs a **criminal** *lawyer or a* **civil** *lawyer.*
In other words, is it a **criminal matter** *or a* **civil matter***?*

a Mr Bellerby is opening a new factory. He needs to visit a lawyer to get a contract for all of his employees to sign.

☐ **criminal** ☐ **civil**

b Mrs Robson is thinking about what she wants to happen to her house and possessions after her death. She needs to visit a lawyer to get the correct document, which is called a 'will'.

☐ **criminal** ☐ **civil**

c The police are taking Mr Dean to the police station because they say he stole a car. He needs a lawyer to come and visit him there to tell him what to do.

☐ **criminal** ☐ **civil**

d Mr Flynn owns a restaurant. He has a contract with a company to deliver fruit and vegetables to his restaurant. The company didn't deliver them on the agreed date, so Mr Flynn lost money because he could not open his restaurant that day. Mr Flynn needs to see a lawyer about asking the delivery company to give him the money he lost.

☐ **criminal** ☐ **civil**

e Mr Allen is a bank manager. The bank is saying that some money is missing. Mr Allen has a new car and expensive clothes. The police are coming to ask Mr Allen some questions. He needs a lawyer immediately.

☐ **criminal** ☐ **civil**

CHAPTER 5 · SESSION 5

Constitutional Law and the Powers of Government

INTRODUCTION

A **constitution** is the supreme law of a state. It sets out how the state is organised and protects citizens' fundamental rights. Most constitutions are written in a single document, but some countries, such as the United Kingdom, have an unwritten (or uncodified) constitution. Modern democracies are based on the **separation of powers**, which divides government authority between three independent branches. The **legislature** (parliament or congress) debates **bills** and **enacts** laws; many parliaments are **bicameral**, meaning that they have two chambers. The **executive**, headed by a president or a prime minister and their ministers, implements and enforces those laws. The **judiciary**, made up of courts and judges, interprets the law and settles disputes. A system of **checks and balances** prevents any branch from becoming too powerful: for example, a president may **veto** a bill, and a constitutional court may exercise **judicial review** and strike down laws that violate the constitution. A constitution can be changed by **amendment**, and important questions may be put directly to citizens in a **referendum**.

LANGUAGE TIP

In British English, **the Government** usually means the executive (the Prime Minister and ministers), not the whole state. A **bill** is a proposed law; once it has been enacted it becomes an **Act** (or statute).

Task 1 | Match the terms with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**constitution**		**a.** a draft of a proposed law presented to parliament
2	**separation of powers**		**b.** the supreme law that sets out how a state is organised and protects fundamental rights
3	**legislature**		**c.** to refuse to approve a proposed law
4	**executive**		**d.** the body that debates and passes laws
5	**judiciary**		**e.** a formal change or addition to a constitution or a law
6	**bill**		**f.** the branch of government that runs the country and implements laws
7	**to enact**		**g.** a direct vote by citizens on a single question
8	**to veto**		**h.** the division of government authority between three independent branches
9	**amendment**		**i.** the courts and judges, who interpret and apply the law
10	**referendum**		**j.** to make a bill into law by formally passing it

Task 2 | Complete the sentences

Use each word or expression from the word bank once.

WORD BANK

judicial review	checks and balances	bicameral	referendum
amendment	bill	enact	veto

1. A _____ must be debated and voted on in parliament before it becomes law.
2. The legislature has the power to _____ new laws.
3. The president can _____ a bill, which sends it back to the legislature.
4. A constitutional _____ usually requires a special procedure, such as a two-thirds majority.
5. A _____ asks citizens to vote directly "yes" or "no" on an important question.
6. Through _____, a constitutional court can strike down laws that violate the constitution.
7. The system of _____ ensures that no single branch of government becomes too powerful.
8. A _____ parliament has two chambers, such as the House of Commons and the House of Lords.

Task 3 | Which power?

Tick the branch of government that each institution or action belongs to.

Institution or action	Legislative	Executive	Judicial
Members of Parliament			
The Prime Minister			
The Supreme Court			
Senators			
Ministers in the cabinet			
Judges			
Debating and voting on bills			
Interpreting the constitution			
Signing decrees and implementing policy			
Amending a bill in committee			
Trying cases and passing sentences			
Enforcing laws through the police and the civil service			

Task 4 | True or false?

Write T or F. Correct the false statements.

#	Statement	True / False	Correction
1	In a system of separation of powers, the same person normally acts as legislator and judge.		
2	The executive implements and enforces the law.		
3	Judges should be independent of political pressure.		
4	A unicameral parliament has two chambers.		
5	All countries have a constitution in a single written document.		
6	Judicial review allows courts to check that laws respect the constitution.		
7	A referendum is a vote by members of parliament only.		
8	If a president vetoes a bill, it is automatically approved.		

Task 4

	TUNISIA	BRITAIN (UK)	UNITED STATES
THE LEGISLATURE			
Name of the legislature			
▲ UPPER HOUSE (the second chamber)			
Name of the house			
Number of members			
▼ LOWER HOUSE (the first chamber)			
Name of the house			
Number of members			

CHAPTER 6 · SESSION 6

Criminal Law: Crimes and Punishments

INTRODUCTION

Criminal law defines which behaviour is prohibited because it harms society, and it sets the punishments for those who commit such offences. Unlike in a civil case, the case is brought by the state, through a **prosecutor**. To convict someone, the prosecution must prove two elements: the **actus reus** (the guilty act) and the **mens rea** (the guilty mind, or intention). Because the defendant benefits from the **presumption of innocence**, the **burden of proof** lies on the prosecution, which must prove guilt **beyond reasonable doubt**. Crimes are commonly grouped by type. Offences against the person include **murder**, **manslaughter** and **assault**; property offences include **theft**, **burglary**, **robbery** and **arson**; white-collar crimes include **fraud**, **embezzlement**, **bribery** and **money laundering**; and cybercrimes include **hacking** and **identity theft**. In the United States, serious crimes are called **felonies** and less serious ones **misdemeanours**. A convicted person receives a **sentence**, such as a fine, community service or imprisonment.

LANGUAGE TIP

In French law, 'crime' is the most serious category of offence (above 'délit' and 'contravention'). In English, **crime** and **offence** are general words for any behaviour punishable by law. Also remember that a **sentence** is the punishment; the court's decision in a civil case is a **judgment**, and in a criminal trial it is a **verdict**.

Task 1 | Match the crimes with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**murder**		**a.** making illegally obtained money look legitimate
2	**manslaughter**		**b.** entering a building illegally in order to commit a crime, usually theft
3	**theft**		**c.** dishonestly taking money that has been entrusted to you, for example by your employer
4	**burglary**		**d.** offering or accepting money or a favour to influence someone's actions
5	**robbery**		**e.** intentionally and unlawfully killing another person
6	**fraud**		**f.** deliberately setting fire to property
7	**embezzlement**		**g.** taking someone's property without permission, intending to keep it
8	**arson**		**h.** deceiving someone dishonestly to gain money or an advantage
9	**bribery**		**i.** unlawfully killing someone without the intention to kill
10	**money laundering**		**j.** stealing from a person using force or threats

Task 2 | Complete the sentences

Use each word or expression from the word bank once.

WORD BANK

sentence	misdemeanour	burden of proof	mens rea
actus reus	beyond reasonable doubt	felony	presumption of innocence

1. A serious crime, such as murder, is called a _____ in the United States.
2. A less serious offence, such as petty theft, is a _____.
3. The _____ is the physical element of a crime: the guilty act.
4. The _____ is the mental element of a crime: the guilty mind or intention.
5. Under the _____, everyone is considered innocent until proven guilty.
6. In a criminal trial, the _____ lies on the prosecution.
7. The prosecution must prove the defendant's guilt _____.
8. If the defendant is found guilty, the judge will pass a _____, such as a fine or a prison term.

Task 3 | Types of crime

Classify each crime by writing A, B, C or D.

CATEGORIES

A = offences against the person	B = property offences	C = white-collar crimes	D = cybercrimes

Crime	Type (A–D)	Crime	Type (A–D)
assault		burglary	
embezzlement		tax evasion	
hacking		identity theft	
vandalism		arson	
kidnapping		murder	
insider trading		phishing	

Task 4 | Punishments and outcomes

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**a fine**		**a.** a prison sentence that is not served unless the offender commits a new offence
2	**community service**		**b.** a verdict that the defendant is not guilty
3	**a suspended sentence**		**c.** a sum of money that the offender must pay to the state
4	**probation**		**d.** a prison sentence lasting until the offender dies, sometimes with the possibility of release on parole
5	**life imprisonment**		**e.** unpaid work for the benefit of the community, instead of prison
6	**acquittal**		**f.** a period of supervision in the community instead of, or after, a prison sentence

Task 5 | Verb patterns

Complete each sentence with the correct preposition (of, with, to, on, for).

1. He was charged _____ murder.
2. She was convicted _____ fraud.
3. The judge sentenced the offender _____ five years in prison.
4. The jury acquitted the defendant _____ all charges.
5. The defendant pleaded not guilty _____ the charge of arson.
6. The man was accused _____ stealing a car.
7. The police arrested him _____ suspicion of burglary.
8. The court fined the driver £200 _____ speeding.

Task 6 | Use it!

> THE CASE
> A man breaks into a shop at night, takes the cash from the till and sets fire to the building before running away. He is arrested the next day and denies everything.

Analyse the case. Which crimes may he have committed? What must the prosecution prove? What may happen at the end of the trial? Use at least **six** words from this chapter.

CHAPTER 7 · SESSION 7

Contract Law

INTRODUCTION

A **contract** is a legally **binding** agreement between two or more **parties**. In common law systems, a valid contract requires an **offer**, **acceptance**, **consideration** (something of value exchanged by each party) and the intention to create legal relations. The parties must also have the **capacity** to contract: minors and people of unsound mind, for example, may not. The rights and duties of the parties are set out in the **terms** and **clauses** of the contract, which lawyers **draft** with great care. If one party fails to perform its obligations, it commits a **breach of contract**. The innocent party may then claim **damages**, ask the court for **specific performance**, or **terminate** the contract. A contract may be **void** or open to challenge if it was made because of **misrepresentation**, **duress**, **mistake** or **undue influence**.

LANGUAGE TIP

Damages (always plural) means money awarded by a court as compensation; **damage** (uncountable) means harm to something. Compare: "The court awarded damages" and "The storm caused serious damage." Also, **consideration** in contract law has nothing to do with the French 'considération': it means the value that each party gives in exchange.

Task 1 | Match the terms with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**offer**		**a.** something of value that each party gives in exchange (common law)
2	**acceptance**		**b.** money awarded by a court as compensation
3	**consideration**		**c.** a specific provision or term in a contract
4	**party**		**d.** a court order requiring a party to do what it promised
5	**clause**		**e.** agreement to the terms of an offer
6	**breach**		**f.** to bring a contract to an end
7	**damages**		**g.** failure to perform obligations under a contract
8	**specific performance**		**h.** having no legal effect from the start
9	**void**		**i.** a proposal to enter into a contract on specific terms
10	**to terminate**		**j.** a person or company that enters into a contract

Task 2 | Complete the sentences

Use each word or expression from the word bank once.

WORD BANK

breach	terminate	consideration	misrepresentation
offer	capacity	acceptance	damages

1. A contract begins when one party makes an _____.
2. The contract is formed when the other party gives _____ of the terms.
3. In common law, a promise is enforceable only if there is _____: each party gives something of value.
4. A minor may lack the legal _____ to enter into a contract.
5. If one party fails to perform its obligations, this is a _____ of contract.
6. The innocent party may claim _____ to compensate for its loss.
7. If the breach is serious, the innocent party may _____ the contract.
8. A false statement that persuades someone to enter into a contract is called _____.

Task 3 | Verbs and collocations

Complete each sentence with a verb from the word bank.

WORD BANK

draft	terminate	renew	breach
negotiate	sign	enforce	perform

1. Before agreeing on a price, the parties will _____ the terms.
2. A lawyer will _____ the contract in clear, precise language.
3. Both parties usually _____ the written contract to show their agreement.
4. A seller who fails to deliver the goods will _____ the contract.
5. Either party may _____ the contract by giving one month's notice.
6. Unless the parties _____ the contract, it will expire at the end of the year.
7. Each party must _____ its obligations under the contract.
8. A court can _____ a contract by ordering the breaching party to comply with it.

Task 4 | What went wrong?

Which legal term describes each situation? Use the terms in the box.

TERMS

illegality	duress	undue influence
mistake	lack of capacity	misrepresentation

#	Scenario	Legal term
1	A car dealer lies about the mileage of a second-hand car to persuade a customer to buy it.	
2	A businessman signs a contract after being threatened with violence.	
3	Both parties wrongly believe that the painting they are trading is an original by a famous artist.	
4	An elderly woman signs over her house to her carer, who has pressured her and controls her daily life.	
5	Two people agree by contract to sell stolen goods.	
6	A ten-year-old “buys” a motorbike from a dealer.	

Task 5 | Common contract clauses

Write the letter of the correct function in the "Answer" column.

#	Term	Answer	Definitions
1	**force majeure clause**		**a.** requires disputes to be settled by arbitrators rather than by a court
2	**governing law clause**		**b.** frees a party from liability when an extraordinary event (war, natural disaster) prevents performance
3	**confidentiality clause**		**c.** caps the amount that one party may have to pay if something goes wrong
4	**arbitration clause**		**d.** states which country's law applies to the contract
5	**termination clause**		**e.** prevents the parties from disclosing sensitive information
6	**limitation of liability clause**		**f.** explains when and how the contract can be ended

Task 6 | Use it!

> THE CASE
> Maya agrees to sell 500 laptops to Tech Ltd for €200,000. She signs the contract, but she fails to deliver the laptops on the agreed date.

Analyse the case. What legal problem has arisen? What can Tech Ltd do? Use at least **six** words from this chapter.

CHAPTER 8 · SESSION 8

Employment Law

INTRODUCTION

Employment law regulates the relationship between **employers** and **employees**. It starts with the **employment contract**, which sets out pay, working hours, duties and the **notice period**. Contracts may be **permanent** or **fixed-term**, and new employees often begin with a **probationary period**. Hours worked beyond the normal limit are paid as **overtime**. The law grants employees important rights, such as the **minimum wage**, paid **annual leave**, sick leave, safe working conditions, and protection from **discrimination** and **harassment**. Employees may join a **trade union**, which represents them in **collective bargaining** with employers and may organise a **strike**. Employment can end in several ways: the employee may **resign**, or the employer may **dismiss** the employee. A dismissal must be fair and lawful; otherwise the employee may bring a claim for **unfair dismissal** before a labour court or an employment tribunal. If a job disappears for economic reasons, the employee is made **redundant** and may receive **severance pay**.

LANGUAGE TIP

In employment law, a **redundant** worker is not "useless": it is the job that no longer exists. British English says **to be made redundant**, whereas American English often says **to be laid off**.

Note also **labour** (UK) and **labor** (US).

Task 1 | Match the terms with their definitions

Write the letter of the correct definition in the "Answer" column.

#	Term	Answer	Definitions
1	**employer**		**a.** the lowest pay per hour that an employer may legally offer
2	**employee**		**b.** to end an employee's employment (informal: to fire)
3	**fixed-term contract**		**c.** a person who works for an employer under a contract
4	**probationary period**		**d.** hours worked in addition to normal working hours
5	**minimum wage**		**e.** an initial period during which the employer assesses a new employee
6	**overtime**		**f.** a contract that ends on a specified date
7	**notice period**		**g.** to leave a job voluntarily
8	**to resign**		**h.** the time between warning that a job will end and the last day of work
9	**to dismiss**		**i.** the loss of a job because the position no longer exists, for economic reasons
10	**redundancy**		**j.** a person or organisation that employs workers

Task 2 | Complete the sentences

Use each word or expression from the word bank once.

WORD BANK

harassment	strike	unfair dismissal	trade union
collective bargaining	discrimination	severance pay	notice

1. Employees can join a _____ to defend their interests.
2. Negotiations between employers and unions on pay and conditions are called _____.
3. Treating a worker less favourably because of gender, race or religion is _____.
4. Unwanted behaviour that offends or intimidates a colleague is _____.
5. Workers who stop working to protest against poor conditions go on _____.
6. An employee who is dismissed without a valid reason may claim _____.
7. An employer normally has to give _____ before ending the contract.
8. An employee who is made redundant may receive _____.

Task 3 | Rights and duties

Tick the party that has each obligation.

Obligation	Employer	Employee
To pay wages on time		
To give the required notice before resigning		
To obey reasonable instructions		
To treat all staff without discrimination		
To grant paid annual leave		
To keep confidential information secret		
To carry out the work with reasonable care and skill		
To provide a safe workplace		

Task 4 | Everyday English or legal English?

Replace the bold expression with a more formal, legal term from the box.

WORD BANK

annual leave	probationary period	went on strike	made redundant
resigned from	employer	dismissed	

1. My **boss** refused to pay my overtime. → _____
2. She **quit** her job to start her own company. → _____
3. He was **sacked** after arriving late three times. → _____
4. Fifty workers were **laid off** when the factory closed. → _____
5. New staff have a three-month **trial period**. → _____
6. Employees are entitled to four weeks' **holiday** a year. → _____
7. Workers **walked out** of the factory to protest against low pay. → _____

Task 5 | Use it!

> THE CASE
> Sara has worked for a company for five years. On Monday her manager told her to leave the same day, without notice and without giving any reason.

What can Sara do? Explain her situation and her possible remedies. Use at least **six** words from this chapter.