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地道英语 | 法律

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本书导读

随着我国改革开放和依法治国进程的推进,世界向中国走来,中国也向世界走去,法律和法律制度越来越重要,涉外法律事务和涉外经济活动日趋活跃,掌握法律英语对于许多人士来说显得至关重要。

本书在内容编排上灵活多变。必通句型介绍了法律学习中要掌握的主要内容;举一反三让读者能在变化中进行学习;能说会道则在轻松的对话中介绍了法律知识;触类旁通和关键词语会帮助读者更好地学习本单元的内容;实战演练是为了让读者在练习中巩固所学知识。

本书共设 17 个单元,比较全面地选收和介绍了英美等国家的各种主要法律,是学习法律英语的非常有用的材料。

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UNIT 1 The Principles of Natural Justice 自然公正原则

□ Required Patterns 必通句型

1. The rule against bias and the right to be heard are the essential characteristics of what is often called natural justice.
2. I do not think that there really is anything more.
3. Bias has been described as a departure from that standard of even-handed justice.
4. Objection can not be taken to everything which might raise a suspicion in somebody's mind.
5. Waiver or acquiescence presupposes that the person to be bound is fully cognizant of his rights.

6. The judge must not hear the evidence or the representations from one side behind the back of the other.
7. A party must be given fair notice of the case made against him.
8. He must know what evidence has been given and what statements have been made affecting him.
9. The rules of natural justice are not rigid.
10. This principle was very closely and carefully examined.
11. I would be sorry to see this fundamental general principle degenerate into a series of hard and fast rules.
12. In the application of the concept of fair play, there must be real flexibility.
13. It is well established the essential requirements of natural justice.

1. 防止偏见原则和陈述的权利是我们常说的自然公正的基本特征。
2. 我想不会有更重要的了。
3. 偏见被认为是偏离了公正执法的准则。

4. 不是每一件使人怀疑的事都要予以反对。
5. 放弃或者默许的权利应当是从当事人已充分认识他的权利为前提。
6. 法官不能背着一方当事人听取另一方当事人的证词或陈述。
7. 当事人一方应当被告知他被指控的理由。
8. 他应当有权知晓裁判机关得到了哪些证据, 以及哪些涉及他的控告内容。
9. 自然公正原则不是僵化的东西。
10. 这个原则受到了严密而仔细的审查。
11. 我很遗憾地看到这一重要的普遍原则已退化的一系列的不容违反的刻板的规则。
12. 公平平等的观念, 必须加以灵活运用。
13. 自然公正的本质要求得到了充分确定。

● Substitution Drills 举一反三

1. —How are you, Mr. Smith?

Fine

Not too bad

— **All right** , thanks.

Just so-so

Never complain

2. I haven't seen

you
him
her
them

 for a long time.

3. Can you give me some

explains
examples

 ?

4. Are there

a special
an interesting
an important

 matters?

☞ Gab Conversations 能说会道

Dialogue 1: 对话一

A: How are you, Mr. Smith?

B: Fine, thanks. I haven't seen you for a long time. Glad to meet you again, and can I help you?

A: I have some questions to ask you. Do you tell me what is the basic requirements of the rules of Natural Justices?

B: I think, first, the person, accused should know the nature of the accusation made; secondly, that he should be given an opportunity to state his case; and thirdly, the tribunal should act in good faith.

A: Bias has been described as a departure from that standard of even-handed justice. Which the law requires from those who occupy judicial office.

B: Oh, good! A long line of cases shows that it is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

A: I see, and I think it is most important that justice should be seen to be done. But objection cannot be taken to everything which might raise a suspicion in somebody's mind.

B: Very well. What you said is quite correct.

A: Can I ask one more question?

B: Yes, I am very interested in your question.

A: Waiver or acquiescence presupposes that the person to be bound is fully cognizant of his rights. Can you give me some explains?

B: OK! The judge must not hear the evidence or the representations from one side behind the back of the other. Generally speaking, in disciplinary proceedings also, principles applicable to criminal proceedings are followed to a considerable

extent.

A: Thanks a lot.

B: It's my pleasure.

Dialogue 2:

A: Excuse me, Mr. Smith. Should the rules of natural justice require a certain course of action to be followed does?

B: Yes, you are right. This depends to a great extent on the circumstances of the particular case.

A: Why?

B: You know the rules of natural justice are not rigid and must depend in each case on the nature of the inquiry.

A: Then on the other hand, no words which are of universal application to every kind of inquiry and every kind of domestic tribunal.

B: That's right. The requirements of natural justice must depend on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject-matter that is being dealt with, and so forth.

A: Of course.

B: In the application of the concept of fair

play, there must be real flexibility, so that very different situations may be met without producing procedures unsuitable to the object in hand.

Dialogue 3: 自然公正原則之適用

A: Mr. Smith. May I ask you any questions?

B: It's my pleasure.

A: Is the non-disclosure of relevant evidential material to a party right?

B: No, that's wrong. The party may potentially be prejudiced by it amounts to a prima facie violation of natural justice independently of whether the material in question came into being before, during, or after the hearing.

A: Are there any special matters?

B: Yes. In some case, a chief constable was acquitted of charges of corruption, but after his acquittal and when he applied for reinstatement, the Watch Committee at a meeting decided that he had been negligent in the discharge of his duties as Chief Constable and, in purported exercise of statutory powers, they dismissed him from that office.

A: Can you explain it continually?

B: OK. No specific charge was formulated against him either at that meeting or at another held later when the appellant's solicitor addressed the Committee.

A: Is this the final decision?

B: No, the Watch Committee in arriving at their decision considered (inter alia) his own statement in evidence and the observations made by the trial judge.

A: So, it is well established that the essential requirements of natural justice at least include that before someone is condemned he is to have an opportunity of defending himself and in order that he may do so that he is to be made aware of the charges or allegations or suggestions which he has to meet.

B: You are right.

● Comprehended Notes 触类旁通

1. be interested in: 关切的; 感兴趣的。

例: I was interested in your remark. 我对你讲的话很有兴趣。

2. on the other hand: 另一方面, 从另一方面来说。

例: On the one hand this job doesn't pay very much, but on the other (hand) I can't get another one. 从这方面来说,

这个工作工资不高,但从另一方面来说我找不到另外的工作。

3. depend on: 信任; 信赖; 依靠。

例: I depended on the map, but it was wrong. 我靠的是这张地图, 但地图错了。

4. deal with: 对待; 对付; 处理。

例: How do you deal with this problem? 这个问题你怎样处理的?

★ Key Words 关键词语

- accuse[ə'kjuz] *v.* 控告; 犯罪或犯法
 acquiescence[ækwi'esns] *n.* 默许; 默许
 adequate[ædikwit] *a.* 令人满意的; 足够的
 applicable[æplikəbl] *a.* 合适的; 适当的
 bias[baɪəs] *n.* 偏见; 偏心; 偏袒
 circumstance['səkəmstəns] *n.* 情况; 形势
 cognizant['kɒgnɪzənt] *a.* 认识到的; 有认识能力的
 corruption[kə'rʌpʃən] *n.* 腐化
 essential[i'senʃəl] *a.* 不可缺少的; 最重要的
 evidence['eɪdəns] *n.* 根据; 证据; 证词
 negligent['neglɪdʒənt] *a.* 疏忽的; 玩忽的
 opportunity[ɒpə'tjʊnɪti] *n.* 良机; 机会
 presuppose[ˌprɪsə'pəʊs] *v.* 预先假定; 预料; 推测
 procedure[prə'sɪdʒə] *n.* 程序
 reinstatement['ri:ɪn'steɪtmənt] *n.* 恢复(权利)等
 representation[ˌreprɪzən'teɪʃən] *n.* 代表; 代理; 表现
 tribunal[traɪ'bju:nl] *n.* 审理团; 特别法庭