

LEGAL ENGLISH

Civil, Commercial,
Administrative and Labour Law

A Handbook

Aneta Skorupa-Wulczyńska

2

WYDANIE ROZSZERZONE

LEGAL ENGLISH

Civil, Commercial,
Administrative and Labour Law

A Handbook

Aneta Skorupa-Wulczyńska

Zamów książkę w księgarni internetowej

proinfo.pl
księgarnia internetowa

2

WYDANIE ROZSZERZONE

Wydawca
Monika Pawłowska

Redaktor prowadzący
Adam Choiński

Opracowanie redakcyjne
Anna Sorówka-Lach

prawolubni

Ta książka jest wspólnym dziełem twórcy i wydawcy. Prosimy, byś przestrzegał przysługujących im praw. Książkę możesz udostępnić osobom bliskim lub osobiście znanym, ale nie publikuj jej w internecie. Jeśli cytujesz fragmenty, nie zmieniaj ich treści i koniecznie zaznacz, czyje to dzieło. A jeśli musisz skopiować część, rób to jedynie na użytek osobisty.

Szanujmy prawo i własność
Więcej na www.legalnakultura.pl
Polska Izba Książki

© Copyright by Wolters Kluwer Polska Sp. z o.o., 2022
© Copyright by Aneta Skorupa-Wulczyńska, 2022

ISBN 978-83-8286-275-1
2. wydanie rozszerzone

Wolters Kluwer Polska Sp. z o.o.
Dział Praw Autorskich
01-208 Warszawa, ul. Przyokopowa 33
tel. 728 313 462
e-mail: PL-ksiazki@wolterskluwer.com

księgarnia internetowa www.profinfo.pl

TABLE OF CONTENTS

I. Introduction	9
1. Types of laws	9
1.1. Legal systems	9
1.2. Classifications of law	13
1.3. Branches of law	17
1.4. Glossary	20
2. Sources of law	23
2.1. Classification of legal acts in Poland	23
2.2. Legal acts under international law	26
2.3. Creation of normative acts	33
2.4. Glossary	39
3. Judiciary	42
3.1. Types of courts in Poland	42
3.2. Court proceedings	47
3.3. Legal profession	51
3.4. Glossary	57
II. Civil law	60
4. General part	60
4.1. Persons	60
4.2. Property	64
4.3. Acts in law	68
4.4. Glossary	74
5. Law of obligations	77
5.1. Debtor and creditor	77
5.2. Contracts	84
5.3. Illicit acts	89
5.4. Glossary	97
6. Property law	100
6.1. Ownership	100
6.2. Perpetual usufruct	104
6.3. Limited property rights	108

6.4. Possession	117
6.5. Glossary	122
III. Commercial law	127
7. Partnerships	127
7.1. Types of partnerships	127
7.2. Particulars of partnerships	135
7.3. Establishment, transformation and liquidation	141
7.4. Glossary	146
8. Limited liability company	148
8.1. Limited liability company – formation and documents	148
8.2. Governing bodies of the limited liability company	153
8.3. Changes to the limited liability company	160
8.4. Glossary	169
9. Joint-stock company	172
9.1. Joint-stock company – formation and documents	172
9.2. Governing bodies of the joint-stock company	178
9.3. Changes to the joint-stock company	185
9.4. Glossary	195
IV. Administrative Law	199
10. Introduction	199
10.1. Notion of administrative law	199
10.2. Sources of administrative law	203
10.3. Boundaries of administrative law	206
10.4. General principles of administrative law	210
10.4.1. Constitutional principles	210
10.4.2. Other principles	213
10.5. Glossary	220
11. Law on public administration	222
11.1. Structure of public administration	222
11.2. State administration	227
11.2.1. Central non-governmental administration.....	227
11.2.1.1. President of the Republic of Poland.....	227
11.2.1.2. Central bodies subordinate to the Sejm	229
11.2.2. Central government administration	233
11.3. Out-of-court control of public administration	238
11.3.1. External control of public administration	238
11.3.2. Internal control within public administration	241
11.4. Judicial and parliamentary control	242
11.5. Glossary	245

12. Administrative procedural law	248
12.1. System of administrative courts	248
12.2. Administrative proceedings	252
12.2.1. Parties	252
12.2.2. Initiation of the proceedings	253
12.2.3. The course of administrative proceedings	258
12.3. Appellate measures and other issues	262
12.4. European administrative cooperation	266
12.5. Glossary	271
V. Labour Law	274
13. Introduction	274
13.1. Sources of labour law	274
13.2. Basic principles of labour law	279
13.3. Equal treatment in employment	284
13.4. Glossary	288
14. Employment relationship	289
14.1. The concept and nature of employment relationship	289
14.2. Contract of employment	293
14.2.1. Conclusion of the contract of employment	293
14.2.2. Termination of the contract of employment	301
14.2.3. Employment conditions for employees delegated from an EU Member State	306
14.2.4. Employment in the form of telework	309
14.3. Glossary	312
15. Remuneration for work and other benefits	314
15.1. Remuneration for work	314
15.2. Other benefits	319
15.3. Glossary	323
16. Duties of the employer and the employee	324
16.1. Duties of the employer	324
16.2. Duties of the employee	328
16.3. Professional qualifications of employees	332
16.4. Workplace regulations	335
16.5. Liability of employees	338
16.6. Glossary	342
17. Working time	343
17.1. Standards and general amount of working time, rest periods	343
17.2. Working-time system and schedules	346
17.3. Overtime work, night-time work, work on Sundays and public holidays	350
17.4. Employee's leaves	355
17.5. Glossary	358

18. Safety and health at work	359
18.1. Obligations related to safety and health at work	359
18.2. Health protection	364
18.3. Accidents at work and occupational diseases	366
18.4. Glossary	369
19. Collective labour agreements	370
19.1. Trade unions	370
19.2. Company-level and multi-enterprise collective labour agreements	374
19.3. Glossary	378
20. Settlement of employment disputes	379
20.1. Conciliation proceedings	379
20.2. Labour courts and methods of dispute resolution	382
20.3. Glossary	386
Hierarchy of the UK courts	388
The US court system	389
English-Polish Glossary	391
Polish-English Glossary	427
Answer Key	461
References	521

I. INTRODUCTION

1. Types of laws

1.1. Legal systems

Exercise 1. Division of legal systems

The map below presents legal systems all over the world. On the basis of the map match the names of the systems with their definitions.



Source: www.juriglobe.ca/eng

Name of the system	Definition
1.	This category includes states whose law is based on English common law concepts and legal organisational methods which assign a pre-eminent position to case law. Thus, this category includes states that have close ties with the English tradition and for which common law jurisprudence retains its character as fundamental.
2.	This is an autonomous legal system of a religious nature and predominantly based on the Koran. In a number of countries of the Muslim tradition, it tends to be limited to the laws relating to personal status.
3.	It has drawn its inspiration largely from the Roman law heritage. On the whole, the system gives precedence to written law and opts for a systematic codification of general law. The system has taken on a variety of cultural forms throughout the world. It is also called 'Romano-Germanic' or continental law.
4.	Today, hardly any state in the world fully operates under this legal system. Custom can take on many guises, depending on whether it is rooted in wisdom born of real daily experience or more intellectually based on great spiritual or philosophical traditions. Custom as the legal basis still plays a significant role in some areas, such as matters of personal status. It is of importance in a relatively large number of states with mixed legal systems.
5.	The system is also called 'hybrid' or 'composite'. The category includes states where two or more systems apply cumulatively or interactively, but also states where there is a juxtaposition of systems as a result of more or less clearly defined fields of application.

Exercise 2. Common-law vs. civil-law traditions

Fill in the gaps with the words provided below.

uncodified ◊ *investigates* ◊ *jury* ◊ *precedent* ◊ *judgment* ◊ *legislators* ◊ *procedural* ◊ *yearbooks and reports* ◊ *brings* ◊ *codified* ◊ *punishment* ◊ *adversarial* ◊ *substantive*

Common law is generally (1) This means that there is no comprehensive compilation of legal rules and statutes. While common law does rely on some scattered statutes, it is largely based on (2), meaning the judicial decisions that have already been made in similar cases. These precedents are maintained over time through the records of the courts as well as historically documented in collections of case law known as (3) The precedents to be applied in the decision of each new case are determined by the presiding judge. As a result, judges have an enormous role in shaping American and British law. Common law functions as an (4) system, a contest between two opposing parties before a judge who moderates. A (5) of ordinary

people without legal training decides on the facts of the case. The judge then enters the (6) based on the jury's verdict.

Civil law, also known as continental law, in contrast, is (7) Countries with civil-law systems have comprehensive, continuously updated legal codes that specify all matters capable of being brought before court, the applicable procedure, and the appropriate (8) for each offense. Such codes distinguish between different categories of law: (9) law establishes which acts are subject to criminal or civil prosecution, (10) law establishes how to determine whether a particular action constitutes a criminal offence. In a civil-law system, the judge's role is to establish the facts of the case and to apply the provisions of the applicable code. Though the judge often (11) the formal charges, (12) the matter, and decides on the case, he or she works within a framework established by a comprehensive, codified set of laws. Therefore, the judge's decision is less crucial in shaping civil law than the decisions of (13) and legal scholars who draft and interpret the codes.

Source of the text: <https://www.law.berkeley.edu>

Exercise 3. Civil-law system and common-law system

Match two halves of the sentences and decide if they describe the common-law (CoL) or civil-law (CiL) systems.

- | | |
|--|--|
| 1. The system was developed in Europe | (a) are binding upon lower courts. |
| 2. By definition, in England past judicial decisions | (b) while statutes are only seen as invasion into the legal system, and therefore are interpreted narrowly. |
| 3. The primary source of law | (c) or draw analogies from statutory provisions to fill gaps. |
| 4. Courts reason extensively on the basis of general principles of law | (d) and is based on Roman and Napoleonic law. |
| 5. The system is used throughout Europe | (e) the court is bound to follow the reasoning used in the previous decision (known as <i>ratio decidendi</i>). |
| 6. <i>Stare decisis</i> refers to | (f) inquisitorial due to the fact that the court, or a part of the court, is actively involved in investigating the facts of the case. |
| 7. This legal system is called | (g) covered criminal law, criminal procedure, non-criminal law and procedure as well as commercial law. |

- 8. If a similar dispute has been resolved in the past (h) the principle of binding precedents which must be followed in future cases containing the same material facts.
- 9. Cases are the primary source of law (i) as well as in Central and South America, with some nations in Africa and Asia which have also adopted codes based on the European civil law.
- 10. A comprehensive book of law – a code – developed during Napoleon’s reign (j) is a code and statutes.

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
CoL/CiL										

Exercise 4. Grammar – prepositions

Complete the sentences with a correct preposition.

- 1. The civil-law system has drawn its inspiration the Roman law.
- 2. The common-law system includes states that have close ties the English tradition.
- 3. Customary law still plays a significant role matters relating personal status.
- 4. Common law relies some scattered statutes as it is largely based precedent.
- 5. Common law functions as an adversarial system, a contest between two opposing parties a judge who moderates the hearing.
- 6. A jury of ordinary people legal training decides the facts of the case.
- 7. Codes distinguish different categories of law, e.g. substantive and procedural law.
- 8. definition, under common law past judicial decisions are binding lower courts.
- 9. Courts reason extensively the basis of general principles of law or draw analogies statutory provisions to fill gaps.
- 10. A comprehensive book of law – a code – developed Napoleon’s reign covered criminal law, criminal procedure, non-criminal law and procedure as well as commercial law.

What do these words mean?

precedent – a decision of the court used as authority for reaching the same decision in subsequent cases.

adversarial – also adversary, describing a system of criminal justice in which conclusions as to the liability are reached by the process of prosecution and defence, opp. *inquisitorial*.

precedence – a more important position or status than something or someone else's or the right to a more important position or status.

inquisitorial – refers to a system of criminal justice in which the truth is revealed by an inquiry into the facts conducted by the judge.

1.2. Classifications of law

This section shows various ways in which law can be classified. Such an approach gives a bird's-eye view of the wide range of matters that are dealt with by laws. The differences between the law classifications arise because of the differing focuses adopted.

Exercise 1. Classification by scope or application

This classification divides the laws according to the extent of the geographical or political area to which they apply. Match the names of laws with their definitions.

International law	a. a part of the national law of a country that establishes rules for dealing with cases involving a foreign element
Public international law	b. a general name used to describe the set of rules operating at an international level
Private international law	c. the law that operates only within a certain limited area or locality within a country, such as a sub-district, shire, municipality, city, or town
National law	d. the law regulating relationships between sovereign states and their rights and obligations with regard to one another
Local law	e. also called domestic law, is the law that operates on a territory of one state

Exercise 2. Classification by subject matter

A common way of classifying laws is based on their subject matter. Read the texts below and put the words in a correct form.

The main categories of law include contract law, law of delicts (tort law), property law, family law, business or commercial law, criminal law, constitutional law, administrative law and revenue law.

Contract law

Contracts are agreements made between people or bodies who have legal capacity to do so. Such agreements are enforced by the courts if they are intended to be (1) (bind), are not (2) (legal) or contrary to public policy; and are not based upon some fundamental mistake made by both parties or caused by one of the parties.

Law of delicts (torts)

Delicts are civil (3) (wrong) that are committed when one person causes injury, damage or loss to another person in circumstances that the courts consider should render them liable to pay damages to compensate for the harm they have caused. It is hard to express any general statement as to when the courts will consider a person liable to pay damages but some of the main instances are when a person has acted without reasonable care, i.e. (4) (negligence), has caused an unreasonable (5) (interfere) in the rights of neighbours or the rights of the public (nuisance), has failed to keep control of dangerous things, or animals known to be dangerous, that he has on his property (trespass); or has (6) (impair) the reputation of another person by making (7) (truth) statements about him, which is called (8) (fame). Under some jurisdictions, some torts are also criminal offences and are (9) (punish) by the state, as well as give rise to liability to pay damages to the individual (10) (suffer) injury.

Property law

Property is usually divided into two types:

- real property, which is (11) (move) property such as land and buildings erected on land; and
- personal property, which is movable property such as animals, vehicles or money.

The rules concerning (12) (own), use and transfer of property differ according to the particular type of property.

Family law

Family law is concerned with the law relating to births, deaths and (13) (bury), marriages, (14) (nullify) of marriage, divorce or dissolution of marriage, the custody of children born out of a marriage, and the rights to joint marriage property.

Podręcznik będzie stanowił idealne narzędzie do doskonalenia praktycznej znajomości języka angielskiego prawniczego, w szczególności w obszarach prawa cywilnego, handlowego, administracyjnego i pracy. Zakresem tematycznym obejmuje także wprowadzenie do prawa polskiego.

Książka zawiera uporządkowaną prezentację terminologii dotyczącej tych dziedzin prawa i zestaw ćwiczeń ułożonych według poszczególnych zagadnień. Glosariusze na końcu każdego rozdziału ułatwiają poruszanie się w ramach omawianych pojęć, zaś zamieszczone na końcu książki słowniczki polsko-angielski i angielsko-polski służą szybkiemu odnalezieniu interesującego terminu.

Wszystkie teksty i ćwiczenia zostały przygotowane tak, aby były przydatne do celów tłumaczenia polskich terminów prawnych i wyjaśniania polskiego prawa w języku angielskim. Książka doskonale zda egzamin podczas nauki własnej, będzie też pomocna podczas codziennej pracy.

Publikacja jest przeznaczona głównie dla prawników, studentów prawa, tłumaczy i osób przygotowujących się do egzaminu na tłumacza przysięgłego.

Aneta Skorupa-Wulczyńska – doktor nauk społecznych w dyscyplinie nauk prawnych, tłumacz przysięgły języka angielskiego z wieloletnim doświadczeniem w nauczaniu języka angielskiego prawniczego oraz tłumaczeniu tekstów prawnych i prawniczych, właścicielka biura szkoleń i tłumaczeń specjalistycznych LinguaLex.



9788382862751 W02P01

ISBN 978-83-8286-275-1



9 788382 862751

ZAMÓWIENIA:

INFOLINIA: 801 04 45 45

ZAMOWIENIA@WOLTERSKLUWER.PL

WWW.PROFINFO.PL

Kup e-book i czytaj
w aplikacji Smarteca

