

## INTRODUCTION

*Legal English: Lexicological Structures and Terminology* is a semester-length coursebook designed for both M.A. Master students in the field of specialized legal translation, and for anyone interested in broadening their knowledge of Legal English. The publication of this coursebook on the Romanian market has been preceded by other works designed for the study of Legal English. Highly recommended coursebooks are Roxana-Cristina Petcu's *The Language of the Law as Illustrated by the Common Law Legal System*<sup>1</sup> and *A Practical Guide to the Common Law Legal System as Illustrated by the United Kingdom and the United States of America*<sup>2</sup> (both published by Editura Universității din București in 2014). Both focus on the Common Law legal system and are extremely relevant and particularly useful learning materials for certified translators and interpreters and for B.A. students, M.A. students and PhD students in the field of translation and interpretation.

There are also coursebooks aimed at the students from the Law School and they include those authored by: Claudia Vlaicu – *Manual de engleză juridică pentru studenții facultăților de drept și pentru juriști*<sup>3</sup>, Andreea Călugărița et al. – *Advanced Law and Police English*<sup>4</sup> and Mariana Coancă and Gyongyver Măduța – *Legal English*<sup>5</sup>. These manuals provide students with extensive practice for legal lexis, include translation activities and review various grammatical aspects.

*Legal English: Lexicological Structures and Terminology* aims to complement the above-mentioned coursebooks and textbooks by showing students how to tackle a legal text in order to make sense of it. Apart from extensive activities focusing on the development of specialized terminology in the field, this handbook makes students familiar with the structure of various legal documents (Romanian, European and British legal texts, such as government ordinances, European Directives or Regulations, or British Acts) presented as a reflection of their cultural context. For this purpose, we make use of the concept of **genre**, which helps explain the internal structure of a legal document, the functions of each structural element of the document and syntactic and morphological characteristics required by the

function(s) of the respective element of the document. It helps increase students' awareness of various features of legal documents. The concept of **genre** is the novelty introduced by the coursebook and individualizes it among those already published.

The textbook is divided into eight units, accompanied by two revision units. **Unit 1** deals with various categories of normative acts. **Unit 2** introduces the structure of various normative acts. **Unit 3** tackles subdivisions of normative acts. **Unit 4** focuses on how to use modal verbs in legal texts. **Unit 5** deals with the role of binomials and multinomials in legal texts – another distinctive feature of the textbook. The focus is on how to handle a legal text, in this case the text of an article from a law, in order to understand it and make sense of its internal structure. For this purpose, we use the approach suggested by Vijay K. Bhatia, according to which the text is written vertically in order to identify both the backbone of the text and extra information which accounts for the inclusive character of legal texts<sup>6</sup>. Hence, I have named the procedure **text visualization by text verticalization**. **Unit 6** focuses on syntactic discontinuities and addresses the intricate, often convoluted structure of legal texts. **Unit 7** introduces prepositional phrases typically used in legal documents. **Unit 8** tackles collocations and idioms characteristic of legal language.

Each unit opens with a short introduction which provides the theoretical background of the topic. Although the coursebook is designed as a practical guide, I have considered it useful to review theoretical topics before moving on to the drill and practice section. The unit continues with extensive vocabulary and translation practice activities aimed at helping students develop their specialized terminology knowledge and boost their translation skills.

The terminology and translation activities have been developed around authentic material, provided by various official websites such as EUR-lex, which is the online portal of the Official Journal of the European Union (<https://eur-lex.europa.eu>), and one of the official websites of the British government (<https://www.legislation.gov.uk>), which publishes all the Acts of Parliament.

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International licence (CC BY 4.0). The source of each such document is provided in an endnote, together with a copyright notice and information on whether there have been any changes made to the original text. The link to the Creative Commons Attribution 4.0 International licence (CC BY 4.0) is also provided in the endnote.

British Acts of Parliament have been used as support material in accordance with the Open Government Licence for Public Sector Information (<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>).

The short title and the source of each Act are provided in an endnote. The endnote also mentions that the data is used under the Open Government Licence version 3.0. The link to the licence is also included in the endnote.

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Most of the texts in Romanian are official translations of articles of European directives or regulations and have been used under the Creative Commons Attribution International licence (CC BY 4.0). The Romanian name of the piece of legislation is provided in an endnote, accompanied by its source and the link to the Creative Commons Attribution 4.0 International licence (CC BY 4.0).

The two revision units (Revision 1 and Revision 2) are designed as sample tests and their purpose is to allow learners to assess themselves mid-semester and before the exam session. The two revision units can provide quick feedback for learners regarding their level of preparation for the final examination.

The translation practice included in the textbook is mainly based on the European legislation disseminated by EUR-lex. This methodological approach is justified by the fact that EUR-lex provides a safe and reliable environment for self-study as regards legal translation and the acquisition of specialized terminology. Before being published in the Official Journal of the European Union, all legislation is translated in the 24 official languages of the union by the union body which supplies translation services, namely The Directorate General for Translation. The union's policy of multilingualism ensures that all European citizens have quick access to all legislation in their own language. Hence, students can make extensive use of

EUR-lex in their translation practice. First, they can choose a source text to work on. Next, they can try making their own translation and then they can check it with the target language text provided by the portal. This simple self-paced activity does not aim to eliminate the role of the teacher from the learning process but to provide students with extra practice outside the classroom and encourage them to become autonomous learners.

As the keys to the activities are concerned, I have decided to provide students with the keys to the practical activities included in the text. My intention is not to give students ready-made answers and encourage them to be bone idle. Because the textbook is learner-focused, my aim is to provide the learner with as much autonomy as possible.

Furthermore, I have included a glossary section at the end of the handbook in order to allow students quick access to the specialized terminology used in the eight units and two revisions units presented above.

In fact, this handbook aims at assisting students become independent learners, able to develop their own learning strategies and styles at their own pace. I also hope that the textbook will help students understand the main features of legal texts and prove a useful and friendly learning tool for those who wish to acquire, extend and improve legal terminology and upgrade their translation skills.

THE AUTHOR

## NOTES

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<sup>1</sup> Petcu, R.-C. (2014). *The Language of the Law as Illustrated by the Common Law Legal System*. București: Editura Universității din București.

<sup>2</sup> Petcu, R.-C. (2014). *A Practical Guide to the Common Law Legal System as Illustrated by the United Kingdom and the United States of America*. București: Editura Universității din București.

<sup>3</sup> Vlaicu, C. (2008). *Manual de engleză juridică pentru studenții facultăților de drept și pentru juriști*. București: Editura Universitară.

<sup>4</sup> Călugărița, A. et al. (2014). *Advanced Law and Police English*. Craiova: Sitech.

<sup>5</sup> Coancă, M., Măduța, G. (2018). *Legal English*. București: Universul Academic.

<sup>6</sup> Vijay K. Bhatia. (1993). *Analysing Genre: Language Use in Professional Settings*. London: Longman.

## UNIT 1

### CATEGORIES OF NORMATIVE ACTS

#### RATIONALE

A normative act is a decision created by a public authority body (parliament, government, local administrative bodies) in the form of a law, decree, government ordinance or ministerial order or regulation, etc. A normative act contains general-binding norms, which means that it has legal consequences that apply to more than one individual. This unit deals with Romanian, European and British normative acts. It is useful for students who study translation and/or interpretation to become familiar with the names of these legal acts and their types.

#### I. ROMANIAN NORMATIVE ACTS.

Romanian normative acts can be divided into several categories:

**1. Laws.** Laws represent the most common normative acts. In general terms, the law designates any rule of law that has binding force. In a strict sense, however, the law means only the normative acts adopted by Parliament.

Romanian laws (in the strict sense of the term) are classified as follows:

**a) Constitutional laws.** They emanate from the constituent assembly. This category of laws includes the Romanian Constitution – the fundamental law of the country – and the laws by which it is revised (for example, Law no. 429/2003 on the revision of the Constitution). The Constitution is the supreme law in Romania. It regulates the structure of Romania as a national, unitary and indivisible state, the relations among the executive, legislative and judicial powers, as well as among State bodies, citizens and legal entities.

**b) Organic laws.** They regulate the main areas of great importance for the state, such as: the country's borders, citizenship, the country's coat of arms and the seal of state, the organization and functioning of courts, the defense of the country, the organization of government bodies and political parties, etc. These areas are listed in Article 73 para. (3) of the Constitution of Romania.

**c) Ordinary laws.** They regulate all other areas that are not covered by organic law.

**2. Government ordinances and government emergency ordinances.** Government can issue simple ordinances. In emergency situations, the Government may issue emergency ordinances in any field, if deemed necessary.

**3. Decisions.** They are normative acts issued by the Government and deal with the manner in which laws are effectively implemented. As far as the legal force of decisions is concerned, decisions are hierarchically inferior to laws.

**4. Decrees.** They are issued by the President of Romania according to Article 100 para. (1) of the Constitution of Romania.

**5. Orders and regulations issued by the central public administration.** These normative acts are issued by members of the government (ministers) only on the basis of government ordinances and decisions.

**6. Normative acts issued by the local public administration bodies** (County Council, Local Council, etc.). They regulate the activity of local communities.

### **The Hierarchy of Normative Acts in Romania**

In Romania, these normative acts are organised hierarchically in a seven-level system. Within this hierarchy, the Romanian Constitution and other constitutional laws represent the first level, having the highest status in the hierarchy. As a result, all the other normative acts must comply with them. Organic laws represent the second level in the hierarchy. Parliament adopts organic laws by qualified majority<sup>1</sup>. Ordinary laws represent the third level of legal norms. Parliament adopts ordinary laws by simple majority<sup>2</sup>. Government ordinances represent the fourth level of norms in the hierarchy while government decisions represent the fifth level of norms in the legal hierarchy. Normative acts issued by the central public administration represent the sixth level of norms in the legal hierarchy. Normative acts issued by the local public administration bodies (County Council, Local Council, etc) hold the last position in the hierarchy of norms.

## **II. NORMATIVE ACTS OF THE EUROPEAN UNION**

**1. EU Treaties.** The treaties of the European Union formulate the objectives of this supranational organization, the rules for EU institutions, regulate the decision-making process and the relationship between the EU and its member countries.

**2. Regulations.** They are legal acts that apply automatically and uniformly to all EU countries as soon as they enter into force. They have a binding character.

**3. Directives.** They require EU countries to obtain a certain result, but allow Member States to choose their own means to achieve this or that objective.

**4. Decisions.** A decision is binding in its entirety. Sometimes, a decision can be very specific, i.e. it indicates those to whom it is addressed. Hence, such a decision is binding only on those it addresses.

**5. Recommendations.** They allow the EU institutions to express their views and suggest a particular course of action without imposing any legal obligation on those to whom it is addressed. They have no binding force.

**6. Opinions.** An opinion (in the legal sense) is a means by which the EU institutions can make a statement without imposing any legal obligation on addressees. An opinion has no binding force.

**7. Delegated acts.** They have a non-legislative character and they authorize the European Commission<sup>3</sup> to supplement or amend dispensable parts of EU pieces of legislation.

**8. Implementing Acts.** They are non-legislative documents that allow the European Commission to lay down conditions that guarantee that EU laws are applied consistently.

### III. BRITISH NORMATIVE ACTS

1. The main types of primary legislation in the United Kingdom are represented by:

**1.1 Acts** passed by the UK Parliament, Scottish Parliament, Welsh Parliament and Northern Ireland Assembly. The Acts are also known as **statutes**.

**1.2 Orders in Council** (when such an order is “made by the King on the advice of the Privy Council”<sup>4</sup><sup>5</sup>). Orders in Council must be “formally approved in person by the monarch” but they “are drafted and their substance is controlled by the government”<sup>6</sup>. For example, a Royal Charter granted to an organisation is issued by the King as an Order in Council.

**1.3 Orders of Council** (“made by the Lords of the Privy Council without any approval by the King”<sup>7</sup>). Orders of Council refer mainly “to the regulation of certain professions and professional bodies”<sup>8</sup>.

2. In the United Kingdom, secondary legislation is mainly represented by:

**2.1 Statutory Instruments (SIs).** Statutory Instruments are “the most common form of secondary (or delegated) legislation. Because they are forms of delegated