

# INTERNATIONAL LEGAL ENGLISH CERTIFICATE

Test of Reading

**TIME** 1 hour and 15 minutes

## Part 1

Read the text and choose the correct answer, **A, B, C** or **D**.

### IRREVOCABLE TRUST AGREEMENT

**TRUSTEES' POWERS.** In the **(1)** ..... of the trusts, the Trustees shall have the following powers, all of which shall be exercised in the **(2)** ..... capacity, primarily in the interest of the beneficiaries: (a) To hold and continue to hold as an investment the property, of any additional property which may be received by them, so long as they **(3)** ..... proper, and to invest and reinvest in any securities or property, whether or not income-producing, deemed by them to be for the best interest of the trusts and the beneficiaries. (b) To rent or lease any property of the trusts for the time and upon the **(4)** ..... and for the price or prices as in their discretion and judgment may seem just and proper and for the best interest of the trusts and the beneficiaries. (c) To sell and **(5)** ..... any of the property of the trusts or any interest, or to exchange it for other property, for the price or prices and upon the terms as in their discretion and judgment may be deemed for the best interest of the trusts and the beneficiaries. (d) To make all repairs and improvements at any time deemed necessary and proper to and upon real property **(6)** ..... a part of the trusts. (e) To deduct, retain, expend, and pay out of any money belonging to the trusts any and all necessary and proper expenses in connection with the operation and conduct of the trusts.

- |   |               |                  |                |                 |
|---|---------------|------------------|----------------|-----------------|
| 1 | A supervision | B administration | C management   | D oversight     |
| 2 | A legal       | B loyalty        | C fiduciary    | D full          |
| 3 | A deem        | B consider       | C regard       | D acknowledge   |
| 4 | A terms       | B conditions     | C warranties   | D circumstances |
| 5 | A alienate    | B convey         | C transfer     | D discharge     |
| 6 | A as          | B deemed         | C representing | D constituting  |

Read the text from an employment contract and choose the correct answer, **A, B, C** or **D**.

### Disciplinary Procedure

(7) ..... of a term of this contract or of established Company Rules can lead, depending on the (8) ..... of the breach, to an informal or formal warning, suspension with or without pay, transfers to other duties and loss of privileges. Ultimately, persistent breaches or inadequate work performance can lead, following warnings, to (9) .....

Certain grave breaches can, following considerations of all the circumstances by the company, lead to summary dismissal or suspension (10) ..... investigation. In all dismissal cases, full investigation will be carried out, and you will have the right to present your case and be accompanied by another staff member or appropriate representative, and the right to appeal against a decision to a more senior management.

In the event of your dismissal being (11) ....., should you then wish to challenge the dismissal in accordance with normal procedures, the matter shall be referred to a Rights Commissioner, the Labour Court, the Labour Relations Commission, the Employment Appeals Tribunal or an (12) ..... Officer as appropriate.

- |    |               |                |             |                |
|----|---------------|----------------|-------------|----------------|
| 7  | A violation   | B infringement | C breach    | D discard      |
| 8  | A seriousness | B importance   | C gravity   | D significance |
| 9  | A dismissal   | B redundancy   | C layoff    | D discharge    |
| 10 | A during      | B impending    | C imminent  | D pending      |
| 11 | A verified    | B confirmed    | C validated | D corroborated |
| 12 | A Equality    | B Equity       | C Gender    | D Chancery     |

## Part 2

Read the text and choose one word that best completes the gap. For example: **(0) There**

### SALE OF GOODS

In common law jurisdictions, **(0)** ..... are certain implied warranties or assurances presumed to be made in the sale of goods.

The warranty of merchantability is implied, **(13)** ..... expressly disclaimed or a sale is made using the phrase “as is” or “with all faults.” In **(14)** ..... to be “merchantable”, the goods must reasonably conform to an ordinary buyer’s expectations, i.e., it functions **(15)** ..... other goods of the **(16)** ..... type.

The warranty of fitness **(17)** ..... a particular purpose is implied by law where a seller knows or has reason **(18)** ..... know of a particular purpose or use for which an item is **(19)** ..... purchased by the buyer (and the buyer relies on the seller’s expertise in selecting the product).

**(20)** ..... implied warranties include warranty of title, implying **(21)** ..... the seller has the right to sell items and **(21)** ..... the proper owner and, **(23)** ..... conjunction with real estate transactions, the warranty of habitability, often defined **(24)** ..... the minimum standard for housing suitable for human habitation.

## Part 3

Read the text below . With the word in the adjacent box form a derivative that best fits the gap.

### JOINT PROPERTY

<b>(25)</b> ..... estates exist when property is owned or possessed by two or	<b>CURRENT</b>
<b>(26)</b> more individuals simultaneously. The ..... in these two types of joint ownership estates may be held jointly as joint tenants with rights of	<b>DIFFER</b>
<b>(27)</b> ..... or as tenants in common. The difference in these two types of	<b>SURVIVE</b>
<b>(28)</b> joint ownership of an estate in land is basically the ..... of the estate.	<b>INHERIT</b>
<b>(29)</b> In joint tenancy (sometimes called tenancy of the ..... the tenants are married to each other) the surviving tenant (or tenants) become the sole owner (or owners) of the estate.	<b>ENTIRE</b>
<b>(30)</b> Nothing passes to the heirs of the ..... tenant.	<b>DECEASE</b>

## IP

(31) A mark is eligible for ..... if it has distinctive character. A mark is	<b>REGISTER</b>
(32) either (a) ..... distinctive or (b) not. The first are fanciful, arbitrary or	<b>INHERENT</b>
(33) ..... in relation to the goods or services with which the mark is used.	<b>SUGGEST</b>
(34) Fanciful marks represent the strongest of all trade marks because there is no reason whatsoever for ..... to use the term.	<b>COMPETE</b>
(35) Arbitrary marks are usually common words used in a ..... context	<b>MEAN</b>
(36) Suggestive marks invoke the consumer's ..... imagination.	<b>PERCEIVE</b>

## Part 4

Which paragraph (**A**, **B**, **C**, or **D**) does each heading refer to? For example:

Unlawful interferences **B**

**37** Freedoms bound.

**38** Right to respect for private and family life.

**39** The individual must have adequate access to the law in question.

**40** Right to an effective remedy.

**41** People lose their rights to privacy when they engage in a course of criminal conduct.

**42** Right to a fair trial.

## **A**

1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3 Everyone charged with a criminal offence has the following minimum rights:

a to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him

b to have adequate time and facilities for the preparation of his defence

c to defend himself in person or through legal assistance of his own choosing, or if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require

d to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him

e to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

## **B**

1 Everyone has the right to respect for his private and family life, his home and his correspondence.

2 There shall be no interference by a public authority with the exercise of this right, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

## **C**

1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

## **D**

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority, notwithstanding that the violation has been committed by persons acting in an official capacity.

## Part 5

For questions **43-48** read the letter and then choose from the list **A-H** the best phrase given below to fill each of the gaps. Some of the answers do not fill at all. For example:

**(0)** ..... **G**

**(0)** ..... It remains to be seen what will be the response of Libya to this statement and whether it will comply with the duty to cooperate imposed upon it by the Security Council acting under Chapter VII of the UN Charter (Article 41, measures not involving the use of armed force). **(43)** ..... Notably, the Security Council did recognize in its resolution that States not party to the ICC Statute had no such obligations under the Statute. Nevertheless, the Security Council urged all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor.

**(44)** .....

United Nations Security Council Resolution 1970 (2011) provides jurisdiction to the International Criminal Court over the situation in Libya.

The Office of the Prosecutor has to now decide whether an investigation into alleged crimes against humanity committed in Libya since 15 February 2011 should be opened.

**(45)** ..... The Office is liaising with relevant organisations including the Arab League, the African Union, the UN Council on Human Rights, the UN High Commission for Human Rights and the UN Secretariat, as well as with States, in order to collect information required.

The Office of the Prosecutor is interested in receiving footage and images to confirm the alleged crimes. **(46)** .....

The Office of the Prosecutor has to act impartially. The next step will be to decide whether to open an investigation, and eventually collect evidence and request an arrest warrant against those identified as the most responsible. **(47)** ..... In accordance with its mandate to end impunity to contribute to the prevention of future crimes, the Office will act without delay.

“Information suggests that forces loyal to President Muammar Qadhafi are attacking civilians in Libya” said Prosecutor Luis Moreno-Ocampo. “**(48)** ..... The Office will act swiftly and impartially. There will be no impunity for leaders involved in the commission of crimes.”

**A** Deploring what it called ‘the gross and systematic violation of human rights’ in strife-torn Libya, on 26 February the Security Council adopted Resolution 1970 (2011).

**B** This could constitute crimes against humanity and must stop.

**C** Additionally the Office is liaising with Libyan officials and army officers to receive information about the identity of authorities with command and control over the organizations allegedly involved in the crimes.

**D** The referral seems to raise issues relating to State cooperation, since a considerable number of States have not ratified the ICC Statute.

**E** The judges will then decide based on the evidence.

**F** The Office is currently assessing allegations of widespread or systematic attacks against the civilian population as well as other additional legal requisites established by the Rome Statute.

**G** The Office of the Prosecutor of the International Criminal Court (OTP/ICC) issued a statement on Libya following the adoption by the Security Council of Resolution 1970(2011).

**H** The text of the statement issued by the OTP/ICC is provided in full below.

## Part 6

Read the text and then choose **A, B, C, or D.**

### What's the problem?

There is already a European Constitution. The European Court of Justice said in 1986 that the treaties were already the 'constitutional charter' of the Community. According to the Court's consistent doctrine the Union constitutes a new legal order for the benefit of which the states have limited their rights and under which EU law has immediate direct effect in domestic jurisdictions and is superior to any contrary national law.

One of the critics of this theory, Professor Joseph Weiler, has asked if the very idea of European constitutionalism is just a set of 'new clothes' that lack 'an emperor'. The constitutional analogy fails to capture, he argues, Europe's 'supranational citizenship' or the co-existence of multiple 'demoi' or any other of the complex institutional features that he calls 'supranational'. On this basis the Union should be seen as a *sui generis* entity of international relations whose aim is the 'supranational' peaceful co-existence of autonomous political communities.

The standard theory of EU law offered by the Court of Justice can be broken down to two steps. The Court's theory can be seen to proceed from the following general argument:

(1) The social and political domain of the EU is sufficiently close to that of ordinary politics.

(2) The point and purpose of the EU's institutions is the same or sufficiently similar to that of a domestic institution; the proper framework is that of public law and the proper ideals are those of legitimacy, representative democracy, equal citizenship, efficient law-making and the rule of law that we deploy in the normal domestic case.

The defence of the doctrine of the 'new legal order' depends on these two propositions, the first predominantly factual and the second predominantly normative. The second follows pragmatically (although not logically) from the first.

The most fundamental problem with a theory of European Union law is precisely this background social and political identity. The Union has both domestic and international features. Its policies include trade, agriculture, environment, consumer

protection, intellectual property, competition and many others that have effects for the lives of all citizens of the participating states. At this level, the Union's actions are those of ordinary political life. But this is also an area of international action, where decisions are made by government representatives in diplomatic conferences and take effect internationally. They are not subject to the ordinary separation of powers or to ordinary schemes of accountability and judicial control. Here is then the challenge of fixing the relevant domain: is the Union to be seen as something of an ordinary political institution or is it a phenomenon of international relations?

Once we commit to this account of the social and political background it is easier to conclude that ordinary political concepts and values apply. This leads to the set of ideas that are clustered around (2). They have to do both with the question of the conceptual framework and the question of the appropriate values. The conclusion does not follow logically: it is entirely logical to say that the proper values are those of the international order and that the process of integration ought to be stopped. But the most common response to (1) is to proceed with the constitutional analogy. Hence, the defence of (2) often takes the form that it is too late to change the already state-like identity of the Union as it stands.

Assuming that (1) is correct, we have a number of options. We are first to select an appropriate conceptual framework, i.e. the most appropriate scheme of concepts that the various theories of this legal field can be based on. It is closely related to the question of domain. For example, private law is built on the concepts of consent, duress, duty of care, foreseeability, injury and ideas of distributive or corrective justice. These are built on the social presuppositions. The legal concepts result from a certain elaboration of the basic facts of social cooperation. Substantive interpretations of the law are based on the conceptual scheme, but are completed only after a further consideration of the moral aims immanent in this legal field. This is why agreement on a conceptual framework does not guarantee agreement on principles.

**49** In the first paragraph, what is the meaning of a 'constitutional charter'?

- A** a treaty
- B** an ordinance
- C** a grant of rights and privileges
- D** a constitution

**50** What exactly does Professor Joseph Weiler criticize by the constitutional metaphor, in the second paragraph?

- A** the supranational identity of Europe
- B** the conflict between national and international interests
- C** the lack of constitutionalism
- D** the lack of a single hierarchy of courts or legal sources

**51** What is meant by '*sui generis*', in the second paragraph?

- A** general
- B** generic
- C** peculiar
- D** weird

**52** What is the weak spot in the theoretical argument of the the Court of Justice, according to the author?

- A** The social and political domain of Europe is hardly uniform.
- B** The theoretical argument of the Court departs from the factual one.
- C** It fails to identify the values appropriate to the domain.
- D** The second proposition does not follow from the first.

**53** What are the logical steps to be taken if we accept that the Union is a phenomenon of international relations, rather than a state-like entity?

- A** The appropriate values must be changed.
- B** The integration of new members must be stopped.
- C** The conceptual framework should be changed.
- D** The underpinning principles should be corrected.

**54** How does the author exemplify his point that agreement on a conceptual framework does not guarantee agreement on principles?

- A** through an analogy with the concepts of private law
- B** through an analogy with the concepts of private law and the social presuppositions
- C** through an analogy with the factual social situation
- D** through an analogy with the legal concepts and the social relations