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### **3<sup>RD</sup> year Private Law:**

#### **Language :**

the principal method of human communication, consisting of words used in a structured and conventional way and conveyed by speech, writing, or gesture.

Also it can be defined as a system of communication used by a particular country or community.

The four skills of language (also known as the four skills of language learning) are a set of four capabilities that allow an individual to comprehend and produce spoken language for proper and effective interpersonal communication. These skills are Listening, Speaking, Reading, and Writing.

In the context of first-language acquisition, the four skills are most often acquired in the order of listening first, then speaking, then possibly reading and writing. For this reason, these capabilities are often called LSRW skills.

#### **Listening**

It is the first language skill we acquire in our native language. It is what is known as a receptive skill, or a passive skill, as it requires us to use our ears and our brains to comprehend language as it is being spoken to us. It is the first of two natural language skills, which are required by all natural spoken languages.

## **Speaking**

It is the second language skill we acquire in our native language. It is what is known as a productive skill, or an active skill, as it requires us to use our vocal tract and our brains to correctly produce language through sound. It is the second of two natural language skills.

## **Reading**

It is the third language skill we may acquire in our native language. As with listening, it is a receptive or passive skill, as it requires us to use our eyes and our brains to comprehend the written equivalent of spoken language. It is one of the two artificial language skills, as not all natural spoken languages have a writing system.

## **Writing**

It is the fourth language skill we may acquire in our native language. As with speaking, it is a productive or active skill, as it requires us to use our hands and our brains to produce the written symbols that represent our spoken language. Along with reading, it is one of the two artificial language skills, as not all natural spoken languages have a writing system.

## **A test based solely on the ‘passive’ skills of Listening and Reading does not give employers what they need**

If an employment context only involves listening and reading, then a test focusing solely on listening and reading may be enough. However, most work contexts involve speaking and writing skills, and the use of English in both formal and informal situations, such as giving presentations, participating in a discussion, writing reports, participating in meetings and writing e-mails (Fitzpatrick & O’Dowd 2012, Kassim & Ali 2010, Stevens 2005,). Having staff who cannot use the language to communicate greatly limits an employer’s flexibility.

## **Private Law Modules Translation:**

- 1 Private contracts law عقود خاصة
- 2 commercial companies law . Business corporations act قانون الشركات التجارية
- 3 private international law القانون الدولي الخاص
- 4 comparative legal systems مقارنة الانظمة القانونية
- 5 private penal code and corruption crimes القانون الجزائي الخاص ,
- 6 family code, family law, succession قوانين الاسرة، مواريث
- 7 Methods of proof and implementation, means of evidence and implementation طرق الاثبات والتنفيذ

- 1 private contracts عقود خاصة
- 2 commercial papers, bankruptcy اوراق تجارية و افلاس
- 3 private international law قانون دولي خاص
- 4 the scientific forum, meeting, ملتقى
- 5 ملكية فكرية intellectual property
- 6 Insurance Law Insurance Act قانون التأمين
- 7 maritime law law of the sea. قانون بحري
- 8 لغة اجنبية foreign language

## **What is the Difference Between Public and Private Law?**

Legal terminology or as it is often referred to 'legal jargon' can be confusing. There are many different types of law, ranging from private law to criminal law, administrative law and international law. The distinction between [public law](#) and private law has been an ever present. The best place to start in understanding this difference is to first identify and explain what is meant by private and public law.

### **What is Private Law**

Let's start with Private law. Private law applies to any circumstances relating to relationships between individuals in a legal system. Therefore, this type of law governs the relationship between individuals and governments. This is also referred to as common law. It includes the [law of property](#) and trust, family law, the law of contract, mercantile law and the law of tort

### **Examples of Private Law**

Common examples of private law can be found in organisations and employment. For example, the rules of behaviour established by an employer. This can be in the form of day to day rules such as no smoking at headquarters; no creation of a hostile work environment etc. The penalties for breaking these rules can range from an oral reprimand to being removed from the organisation.

Smoking indoors is a classic example of [public vs private law regulation](#). As a public law, smoking indoors is prohibited in the UK. However, groups of citizens joined together to create a mutual agreement between property owners which the government has no regulation over. Covered by this private law, those within this property (often a pub) are then allowed to smoke indoors.

## **Subdivisions of Private Law**

As previously mentioned, private law is also referred to as civil law. Some subdivisions of law fall under this umbrella:

- Contract law
- Law of torts
- Property law
- Labour law
- Commercial law
- Corporations law
- Competition law

## **What is Public Law**

Let's move onto public law. Public law is a set of rules that govern the relationships between private individuals or private organisations and public bodies (like Government departments and local authorities). In general terms, public law deals with issues that affect the general public or society as a whole. Some other laws that fall under this public law umbrella are:

- Administrative law
- Constitutional laws
- Criminal laws
- Municipal laws
- International laws

## **What is a Public Body?**

Circumstances involving public bodies fall under this law. Usually, [public bodies](#) and officials get their authority to make decisions and to take action from Parliament, in the form of legislation. The following are all examples of public bodies:

- Government ministers, departments and agencies
- Local authorities (including social services, housing departments and local education authorities)
- Health authorities (including the NHS)

- The police, prisons, courts, statutory tribunals, coroners' courts, and regulatory and supervisory bodies like the General Medical Council.

### **Examples of Public Functions**

Public bodies carry out public functions. However, providing housing and community care is now carried out by private organisations. A private organisation may be controlled by public law if it is doing something that a public body would otherwise usually do, i.e. if it is carrying out a public function.

Other public body functions include:

- Local authorities deciding whether or not to provide accommodation
- The DWP deciding whether or not to award someone welfare benefits
- Government minister deciding to lay regulations that determine who can access Legal Aid
- Local authorities deciding whether to grant planning permission.

## Corporation VS Company.

Differences	Corporation مؤسسة	Company شركة
1. Ownership	Owned by shareholders يمتلكها المساهمون	Owned by individuals or partners الشخص الطبيعي
2. Legal Entity	Separate legal entity كيان قانوني مستقل	Not a separate legal entity
3. Liability	Limited liability for shareholders مسؤولية محدودة لمساهميها	Unlimited liability for owners
4. Formation	Requires formal registration and compliance يتطلب التسجيل مع قوانين الشركات with corporate laws الرسمي والامتثال.	Can be formed without strict formalities يمكن تشكيلها بدون إجراءات صارمة
5. Management	Board of directors appointed by shareholders مجلس الإدارة المعين من قبل المساهمين	Managed by owners or a designated person
6. Size	Typically larger in size	Can range from small to large
7. Public Listing	Can be publicly traded on stock exchanges بتسجيل أسهمها للتداول العام	Not publicly traded by default
8. Governance	Governed by corporate laws and regulations تخضع لقوانين ولوائح الشركات	Governed by partnership or proprietorship laws تحتكم لقوانين الشراكة والملكية
9. Taxation	Subject to corporate taxes يخضع لضريبة الشركات	Taxed based on individual or partnership tax laws الضريبة مبنية على اساس قانون الضريبة الفردي وقانون الشركات
10. Continuity	Continuity even after the death of shareholders	May dissolve upon the death of owners

## Legislations Terminologies

الدستور The Constitution is the highest legal document in the country

All legal texts must not depart from the constitutional framework.

النصوص القانونية يجب ألا تخرج عن الإطار الدستوري

المعاهدات: Treaties

النصوص التشريعية: Legislations

1/ القانون law: هو التشريع و هو عبارة عن مجموعة من القواعد القانونية العامة و المجردة تضعها

السلطة التشريعية و يصدرها رئيس الجمهورية و لا يلغى القانون او يعدل إلا بقانون مثله

2/ الأمر Order : هو عبارة عن نص تنظيمي ذو طابع تشريعي يصدره رئيس الجمهورية في حالة شغل البرلمان او بين دورتين

3/ المرسوم Decree : هو نص تنظيمي يشرع بموجبه رئيس الجمهورية في الحالات التي لا تدخل في اختصاصات الهيئة التشريعية (مرسوم رئاسي) أما المراسيم الفردية فتخص تعيين و ترقية و توقيف مهام الموظفين السامين في الدولة و تغيير وظائفهم

4/ القرار Resolution : عادة ما يستهدف القرار كيفية تطبيق قانون او مرسوم و يمكن ان تصدره اي سلطة إدارية مختصة و يكون بإسمها ( وزارى , ولائى ... إلخ)

5/ المقرر Decision:

6/ المنشور Circular هو عبارة عن تعليمة إدارية داخلية تصدر عن السلطات الادارية بهدف

التطبيق الحسن للنص أعلى منه درجة و قوة و قد يكون إعلاميا

7/ تعليمة Instruction

8/ أصدرت تعليمات Issued instruction



## Terminologies (Inside the court. Lawsuit)

Court: محكمة

Complainant : الشاكي

Plaintiff : المدعي

Victim الضحية

Sue someone : يرفع دعوى، يقاضي

Lawsuit، suit : دعوى قضائية

Defendant : المدعى عليه

Offender: الجاني

Criminal : المجرم

Parties of conflict : اطراف النزاع

Criminal Court : محكمة جنائية

Civil Court : محكمة مدنية

Court of appeal : محكمة استئناف

Trial ; محاكمة

Subpoena : استدعاء للمحكمة

Arrest the Defendant : القبض على المتهم

Warrant of arrest : أمر بالقبض

The accused : المتهم

Accusation : اتهام

You will be on trial : سوف تحاكم

The court room : قاعة المحكمة

the judge القاضي

The jury هيئة المحلفين

guilty مذنب

Innocent بريء

Lawyer : محامي

Committed a crime : ارتكب جريمة

Charges تهم

Contestation : طعن قضائي

The defense : محامي الدفاع

The prosecutor : المدعي العام

Evidence : دليل

Witnesses : الشهود

Eyewitness : شاهد عيان

Testify : يدلي بشهادة

الشهادة testimony

Tell the truth : يقول الحقيقة

Retire the court room : يترك غرفة المحكمة

The jury room : غرفة هيئة المحلفين

To decide the case: يترك غرفة القضية

Deliberate (decide) the case : يناقشوا القضية

Publicly announce the final decision : إعلان الحكم النهائي

Default judgement : حكم غيابي

Declare that the Defendant is guilty يعلن أن المتهم مذنب

Deliver the sentence : ينطق بالحكم

Appeal : استئناف

Release : يطلق سراح

Punishment : عقوبة

Fine: غرامة

compensation تعويض

Minor offense : جنحة

Prison sentence : حكم بالحبس

Go to jail : يذهب للسجن

Harass : يزعج، يقلق، يتحرش

Murder crime : جريمة قتل

Felony: جناية

Adjourn a trial : يؤجل حكم

Keep a custody : يُتَحَفَظ عليه

Life sentence : حكم بالسجن المؤبد

Penalty : عقوبة

Execution : اعدام

Trumped up charges : تهم ملفقة

Impound/confiscate someone's personal property : مصادرة ممتلكات خاصة

Place someone under supervision : وضع شخص تحت المراقبة

Guardianship : وصاية

Incriminating someone/own يورط شخص في جريمة

Criminal record : سجل جنائي

Acquit somebody of a charge : يبريء شخص من تهمة

Acquittal: تبرئة

Drop a lawsuit/ case يسقط دعوى قضائية

Bring a lawsuit/ case : يرفع دعوى قضائية

Settle a lawsuit : يسوي دعوى قضائية

Win/ lose a lawsuit : يربح، يخسر دعوى قضائية

## TENSES

tense	Affirmative/Negative/Question	Use	Signal Words
<u>Simple Present</u>	<b>A:</b> He speaks. <b>N:</b> He does not speak. <b>Q:</b> Does he speak?	<ul style="list-style-type: none"> <li>▪ action in the present taking place <b>regularly, never or several times</b></li> <li>▪ facts</li> <li>▪ actions taking place one after another</li> <li>▪ action set by a timetable or schedule</li> </ul>	always, every ..., never, normally, often, seldom, sometimes, usually if sentences type I ( <i>If I <b>talk</b>, ...</i> )
<u>Present Progressive</u>	<b>A:</b> He is speaking. <b>N:</b> He is not speaking. <b>Q:</b> Is he speaking?	<ul style="list-style-type: none"> <li>▪ <b>action taking place in the moment of speaking</b></li> <li>▪ action taking place only for a limited period of time</li> <li>▪ action arranged for the future</li> </ul>	at the moment, just, just now, Listen!, Look!, now, right now
<u>Simple Past</u>	<b>A:</b> He spoke. <b>N:</b> He did not speak. <b>Q:</b> Did he speak?	<ul style="list-style-type: none"> <li>▪ action in the past taking place <b>once, never or several times</b></li> <li>▪ actions taking place one after another</li> <li>▪ action taking place in the middle of another action</li> </ul>	yesterday, 2 minutes ago, in 1990, the other day, last Friday if sentence type II ( <i>If I <b>talked</b>, ...</i> )

<u>Past</u> <u>Progressive</u>	<b>A:</b> He was speaking. <b>N:</b> He was not speaking. <b>Q:</b> Was he speaking?	<ul style="list-style-type: none"> <li>▪ action <b>going on</b> at a certain time in the past</li> <li>▪ actions taking place at the same time</li> <li>▪ action in the past that is interrupted by another action</li> </ul>	while, as long as
<u>Future I</u> <u>Simple</u>	<b>A:</b> He will speak. <b>N:</b> He will not speak. <b>Q:</b> Will he speak?	<ul style="list-style-type: none"> <li>▪ action in the future that cannot be influenced</li> <li>▪ spontaneous decision</li> <li>▪ assumption with regard to the future</li> </ul>	in a year, next ..., tomorrow assumption: I think, probably, perhaps
<u>Future I</u> <u>Simple</u> (going to)	<b>A:</b> He is going to speak. <b>N:</b> He is not going to speak. <b>Q:</b> Is he going to speak?	<ul style="list-style-type: none"> <li>▪ decision made for the future</li> <li>▪ conclusion with regard to the future</li> </ul>	in one year, next week, tomorrow
<u>Future I</u> <u>Progressive</u>	<b>A:</b> He will be speaking. <b>N:</b> He will not be speaking. <b>Q:</b> Will he be speaking?	<ul style="list-style-type: none"> <li>▪ action that is going on at a certain time in the future</li> <li>▪ action that is sure to happen in the near future</li> </ul>	in one year, next week, tomorrow