

The Law of Succession

The background features abstract, overlapping green geometric shapes in various shades, including light lime green, medium green, and dark forest green. These shapes are primarily located on the left and right sides of the page, framing the central text. The overall aesthetic is clean and modern.

email

- ▶ **chubarova_kate@mail.ru**

Key words and word combinations

Law of succession – наследственное право

Relating to – относящийся к

A will – завещание

To refer to – относиться к

In a metaphysical sense – в метафизическом смысле

To express smb's wish on death – выразить свою посмертную волю

In a latter sense – в последнем (из двух) случае

A testator – наследодатель

A testatrix – наследодательница

To intend – предполагать, подразумевать

To take effect – вступать в силу

Declaration of intention – заявление о намерениях

Ambulatory – нефиксированный

Revocable – могущий быть отмененным, аннулированным

Nature of a Will

The word 'will' either refers in a metaphysical sense to all that a person wishes to happen on their death, or much more commonly, it refers to the document or documents in which a person expresses their wishes on death. It is in this latter sense that the word 'will' is to be used. A person who makes a will is known as a testator if he is male, or a testatrix if she is female. There are five essential characteristics of a will, which may be summarized as follows:

the wishes expressed are intended to take effect on death;

the will only takes effect on death;

a will can only operate as a declaration of intention;

a will is ambulatory;

a will is always revocable.

Answer the questions:

1. What does the word «will» refer to?
2. What are the essential characteristics of a will?
3. How do you call a person, who makes a will?

Key words and word combinations

A reluctance to contemplate one's death – нежелание осознавать неизбежное наступление смерти

Out of ignorance – ввиду незнания, неведения

Law Commission Report No. 187 (1989) – Сообщение Правовой Комиссии № 187 1989 года

To dispose – отчуждать, распоряжаться (имуществом)

To pay for smb's care – платить за уход за кем-либо

To be of considerable personal importance – являться предметом значительной персональной важности

Peace of mind – спокойствие души

In turn – в порядке очередности

Tangible advantages – реальные (материальные) преимущества

Functions of a Will

The majority of people die without having made a will. This may be out of a reluctance to contemplate their own death, the mistaken belief that a will is pointless in their case, or simply out of ignorance as to the possibilities open to them. Over the last forty years approximately only 30 people of people have died leaving a will (Judicial Statistics). It appears that two-thirds of people intend to make a will, but that for many that intention does not turn into action (Law Commission Report No. 187 (1989)).

However, there is evidence of an increasing tendency to make wills. This is probably in part due to the increase in the number of homeowners who consider that they now have something to give away under their will. It remains to be seen whether this trend will continue with the recent requirement that elderly people dispose of their homes in order to pay for their care. There are many advantages to be gained from making a will. Of considerable personal importance, there is the advantage of peace of mind. The more tangible advantages are now considered in turn.

Answer the questions:

1. Why do the majority of people die without having made a will?
2. How many people according to Judicial Statistics die leaving a will?
3. Is the number of those who die leaving a will increasing?

Key words and word combinations

Maintaining control over property – осуществление контроля над собственностью

Combined estates – совместное имущество

A life interest – право на пожизненное владение (пользование)

Ultimate destination – конечное предназначение

Remainder – последующее имущественное право

To dispose – распоряжаться

A desirable option – приемлемый вариант

In the light of all the circumstances – в свете всех обстоятельств

To be entitled to the income from the estate – иметь право на доход от имущества

A sole owner – единственный собственник

A matrimonial home – общий дом

Co-owners holding as tenants in common – собственники на праве аренды

Maintaining control over property

The maintaining of control over property may be a significant consideration in drawing up a will for a person with a partner (married or unmarried) and children. For example if a wife draws up a will so as to leave all her estate to her husband, she loses control over the ultimate destination of the property on the death of her husband if she dies first. She simply has to hope that he will dispose of what was originally her estate to the children of the marriage rather than, say, marrying someone else after her death and leaving the combined estates to his second wife. Control could be achieved by giving her husband simply a life interest in her estate with the remainder passing on his death to the children. However, whether this is a desirable option has to be considered in the light of all the circumstances. If the husband has only a life interest, he will only be entitled to the income from the estate. If the husband has limited capital of his own and his wife was the sole owner of the matrimonial home (or they were co-owners holding as tenants in common), a right to only the income of the estate may not leave the husband with sufficient funds to be able to acquire the matrimonial home. Further, depending on the size of the estate, the creation of a life interest may be undesirable from the inheritance tax point of view.

Answer the questions:

1. For what kind of testators is the maintaining of control over property a matter of special importance?
2. How can control over property be achieved?

Tenses (The Past Simple Tense)

Времена английского глагола

The Past Simple Tense

Past Simple употребляется для выражения:

1. **Действия, совершенного в прошлом и не связанного с настоящим.**

- ▶ The Treaty on European Union was signed on 7 February 1992.
- ▶ When was The Treaty on European Union signed?

2. **Последовательности действий в прошлом.**

- ▶ The defendant owned part of a beach and in 2014 he proposed to erect houses thereon. Two years later local fishermen sought to stop him raising the presumption of antiquity.

3. **Повторяющегося действия в прошлом.**

- ▶ She was usually interested in presenting the client's case effectively in

Показатели времени Past Simple :

Yesterday,

the day before yesterday,

last month(week, year...),

5 days (months, years...) ago,

in 2019.

Tenses (The Past Simple Tense)

В английском языке существуют **правильные и неправильные глаголы**.

Past Simple имеет одну форму для всех лиц.

Verb + -ed для **правильных глаголов**:

- ▶ One person suffered unlawful harm at the hands of another.

+ 2-я форма для **неправильных глаголов**:

- ▶ Harm was done by one person to another.

В вопросе вспомогательный глагол do стоит в форме Past Simple (**did**):

Утверждение	Вопрос	Отрицание
A criminal trespassed on the landlord's land (правильные глаголы)	Did a criminal trespass on the landlord's land?	A criminal didn't trespass on the landlord's land.
The jury found the defendant guilty (неправильные глаголы)	Did the jury find the defendant guilty?	The jury didn't find the defendant guilty.

Exercises

Ex.1. Change the verb in brackets using the Past Simple Tense:

1. When he (witness) in court?
2. The lawyer (know) he wouldn't win the case.
3. The attorney (make) an impressive speech in court.

Ex.2. Change the following structures into interrogative and negative forms:

1. The new law was of most importance.
2. The lawyer examined the case thoroughly.

Tenses (The Present Perfect Tense)

Present Perfect употребляется для выражения:

1. **Действия, которое совершилось к настоящему моменту и результат важен.**
 - ▶ A few other European countries have joined the European Union since then and a few others are waiting for their membership.
2. **Новости.**
 - ▶ The Committee has just approved the first resolution.
3. **Получение опыта.**
 - ▶ The Act has been amended so far to reflect the current legal status of the European Union.

Показатели времени Present Perfect:

already, just, ever, never, yet, for, so far, since, recently, lately, how long, this month, this year, this week, this morning (если указанный период времени еще не закончен)

Tenses (The Present Perfect Tense)

have /has + V3

Утверждение	Вопрос	Отрицание
They have failed to introduce the bill.	Have they failed to introduce the bill?	They have not (haven't) failed to introduce the bill.
The prosecutor has proved the defendant guilty.	Has the prosecutor proved the defendant guilty?	The prosecutor has not (hasn't) proved the defendant guilty.

Exercises

Ex.1. Transform the following statements into interrogative and negative forms:

1. They have killed a criminal in self-defense.
2. The old man has already left a will.

Ex.2. Open the brackets using Past Simple or Present Perfect:

1. They never (take) legal action.
2. They (succeed) to the property last year.
3. The UK Government (refuse) to extradite the accused last week.
4. They (charge) the defendant's father for bribery this week.

Tenses (The Future Simple Tense)

Future Simple употребляется для:

1. **обозначения однократного действия, которое совершится в будущем**

► The Lord Chancellor will take part in the debates in the House of Lords tomorrow.

2. **представления ряда последовательных действий в будущем**

► We 'll call for you, take a taxi and go to court.

3. **обозначения действия, решение о совершении, которого в будущем было принято в момент разговора**

► Oh! I like this case. I 'll take it.

4. **выражения предсказания, предположения**

► He worked hard. He will join one of the four Inns of Court.

Показатели времени Future Simple:

Tomorrow, next (week, year, month...)

Tenses (The Future Simple Tense)

Will + Infinitive

Утверждение	Вопрос	Отрицание
The witness will give evidence.	Will the witness give evidence?	The witness will not (won't) give evidence.
I will plead not guilty at the beginning of the trial.	Will I plead guilty at the beginning of the trial?	I will (won't) plead guilty at the beginning of the trial.

Tenses (The Future Simple Tense)

❖ The Present Continuous Tense для выражения будущего времени в английском языке

Present Continuous употребляется для выражения действия (личных планов), которое уже заранее спланировано и должно состояться в ближайшем будущем:

- ▶ I 'm meeting to attorney next week.
- ▶ He is arriving on Wednesday.
- ▶ He is giving a report in two weeks.

❖ The Present Simple Tense для выражения будущего времени

Present Simple употребляется для выражения событий, имеющих место согласно расписанию, какой-либо программы:

- ▶ The flight leaves at 9 a.m. tomorrow.
- ▶ The trial starts at 2 p.m. French time according to the schedule.

Exercises

Ex.1. Change the following sentences into interrogative and negative structures (The Future Simple Tense):

1. The judgment of the court will be announced tomorrow.
2. This company will go bankrupt easily if they don't change their policy.

Ex.2. Choose the right forms for the future actions:

1. The judge arrives/is arriving at 10 a.m. tomorrow morning.
2. The next court session is starting/starts at 3 p.m.

TEST

Ex.1. Read the text and answer the questions:

A leading Scottish law expert is urging people to check their wills as the law of succession sees its most significant overhaul in 50 years this November.

According to Murray Etherington of Thorntons, some commentators view the reforms as a 'tidying up exercise' - but he has cautioned this is not the case and the changes are «fundamental».

As the terms of the Succession (Scotland) Act come fully into force, it marks the first stage in a series of major changes, with a separate Succession Act expected to be presented to the Scottish Parliament next year.

Murray, head of Thorntons' Private Client Department, said: «This is much more than a tidying up exercise that deals with some technical points.

It will have a significant impact and it is essential that people are aware of the implications, and that they review their Wills accordingly».

He said the legislation affects four key areas - Wills after divorce, dis- solution and annulment; sorting out mistakes; revoking old Wills; and situations where family members die together.

Previously, if you made a Will in favour of a spouse / civil partner or appointed them as executor, and the relationship later ended, the terms of the Will still applied - meaning an 'ex' could inherit, or be in charge of distributing, your assets.

TEST

Under the new rules, any appointment of your ex as executor, or bequest to them made before divorce/dissolution/annulment will automatically have no effect unless you state otherwise.

Murray explains the implications: «Some may not want an ex to inherit or distribute assets but may not have got round to re-writing their will, in these circumstances, it's a welcome change. However, if your split is amicable or you want your former partner to look after your children after you die. your current Will may longer allow that to happen so it's important to be aware».

Rules for revoking old Wills have also changed. There are often instances where people write a Will, then later write a 'new Will' cancelling the old one - but if the new Will was cancelled the old one would automatically come back into force unless it had been destroyed. Now, old Wills which are revoked cannot be revived.

Murray continued: «When old Wills came back into force it was most likely not what was intended and could lead to unfortunate and unexpected consequences so this change is also welcomed. But it also serves as a reminder of just how important it is to have a valid Will because, without this, your estate will fall into 'intestacy' and the ways your assets are distributed depends on the terms of a law from 1964!

«That law can cause upsetting results such as leaving your spouse with little, and leaving young children with huge sums they receive at 16. The legal process involved is also costly and time consuming».

Other changes to take effect include rules around situations where groups of people (often close relatives) die together. Establishing the order of people's deaths could significantly affect distribution of assets - however the rules have now been simplified so that (except in limited circumstances) the law will deem that they died simultaneously and no-one survives the other.

Furthermore, the law will now allow terms of a Will to be corrected, in limited circumstances, where there is a mistake - such as a key beneficiary's name being wrongly stated. This change is a useful provision for the correction of errors, but will not let unhappy individuals challenge its terms.

Murray concludes: «These are the most significant changes to succession legislation in half a decade and for the most part will be welcomed as positive change.

TEST

Vocabulary:

overhaul - тщательный осмотр;

legislation - законодательство;

dissolution - расторжение (брака, договора);

spouse - супруг, супруга.

Answer the following questions:

1. How do some commentators view the reforms concerning the law of succession?
2. What areas affect the legislation?
3. Can old Wills revive now?
4. Why cannot old Wills revive?
5. What may the outcome of this law be?

TEST

Ex.1. Change the verb in brackets using the Past Simple Tense:

1. They (enjoy) equal rights.
2. He (not admit) liability for the accident.

Ex.2. Change the following structures into interrogative and negative forms:

1. The Congress held the hearings.
2. He gave evidence yesterday.

Ex.3. Transform the following statements into positive and negative forms:

1. He has committed a civil wrong.
4. We have recently become legal owners of property.

Ex.4. Open the brackets using Past Simple or Present Perfect:

1. The judge (find) her guilty of gross negligence 2 years ago.
2. The criminal offence just (report) to the Attorney General.
3. They already (establish) new systems to increase overall efficiency.
4. A team of 20 barristers (join) the conference last week.

TEST

Ex.5. Change the following sentences into interrogative and negative structures (The Future Simple Tense):

1. The claimant will win the case.
2. The trial will start tomorrow.

Ex.6. Choose the right forms for the future actions:

1. The Committee are meeting /meet the witness the following Tuesday.
2. My attorney is staying/stays at the Hilton Hotel for next month's trial.

Thank you for attention