TRABAJO DE INVESTIGACION FINAL

El traductor y su labor

Autor/es:

Acosta, Celeste Soledad

Carrera:

Traductorado Público en Idioma Inglés e Interpretariado Simultáneo de Idioma Inglés

Tutor:

Chiviló, Amelia

Año: 2017

Fundación Universidad Argentina de la Empresa
Facultad de Ciencias Jurídicas y Sociales

FUNDACIÓN UADE

LOGBOOK 2

(English-Spanish)

To my beloved mother,

for everything.

“The translator has to do consciously what the author did instinctively. And yet it must seem instinctive.”
Richard Pevear

INDEX

INTRODUCTION

> "Rhetoric is the art of using symbols to produce effects." Kenneth Burke.

When writing, we use the principles of rhetoric. However, whether we use them consciously or not, the knowledge of those principles is effective to improve our writing. The rhetorician Kenneth Burke defined rhetoric as symbolic action, acting through symbols. Rhetoric as an art of using languages presupposes the study of the use of language, the analysis of how speech and writing operate. Each symbol implies a motive behind its use. Such motive is the key feature of rhetorical analysis (Jankiewicz, n/d, p. 2). The purpose of this logbook is to experience and understand the pertinent work that a translator must carry out in order to obtain a quality translation. The purposes of each text are called "speech acts". They define the text structure which is useful for the understanding of some subject of study, for example. The research which we will conduct in this logbook is directly related to the elements of rhetoric. Those elements are the use of language or symbol system, and the idea of influence and effect (Jankiewicz, n/d, p. 1).

Legal translation is a specialized area of translation because it produces not only a linguistic but also a legal impact. Therefore, it is essential that certified legal translators understand the nature of law and legal language (Cao, 2007, p. 7). Because of those reasons, in this logbook, we will study the features of legal documents in English. Moreover, we will carry out a deep analysis of the English judiciary because we will later translate a document from London, England. We must keep in mind that law is culturally and jurisdictionally specific; each legal system has its own characteristics. The main challenge for the certified legal translator is the incongruence of legal systems in the source and the target language (Cao, 2007, p. 7). On such fact relies the importance of the study of legal systems and grammar that a translator must undertake before translating.

Other key elements of rhetoric are context and audience. Readers have purposes as well as writers. The audience shapes texts (Jankiewicz, n/d, pp. 3-6). This logbook is designed to demonstrate the need for studying, looking up words in dictionaries,

and reading books in the field before translating. It is dedicated to linguists, translators, Language and Translation professors, proofreaders, and students of Translation and Linguistics, which are interested in Law and Translation. But it is also important to remember that such subjects must be studied together with grammar. Consequently, we discover other element: the context. Arrangement is part of the context of a document. It is its formal structure. It is important for writers to understand the conventions of arrangement for a particular type of writing and how much flexibility they have (Jankiewicz, n/d, p. 13). Therefore, in this logbook, we will see the typical structure of legal documents as well as the way in which they are written. Translators must recognize such characteristics in order to find their equivalents in the target language and avoid making any kind of grammar mistake which may lead to misunderstandings.

A “discourse community” is a social institution. Such term is used to refer to any group that shares assumptions about the nature of reality and how discourse should be conducted. Commonplaces are statements or beliefs that are accepted by a discourse community as true without question (Jankiewicz, n/d). Thus, in this logbook, we will include the translation of a legal document. Also, we add a glossary of terms and expressions of the original document and the translation. In the glossary, you will also find some other words and expressions which were considered relevant.

To sum up, we can say that throughout this logbook, we will recognize and study features of legal documents in English. Also, we will appreciate the work which a professional translator must carry out. We will explain in detail and follow the recommended pertinent steps that a professional should take in order to obtain a quality translation.

Keywords: rhetoric, language, analysis, legal texts, legal documents, features, certified legal translator, competences, translation techniques, communication process, law, grammar mistakes, punctuation marks, translation.

CHAPTER 1

1A. The English language has a very interesting history which is useful in order to understand the English legal system. Thus, before analyzing the features of legal documents, I considered pertinent to include some information about the origins of the language.

In this section, we will learn about the influences and changes suffered by the English language and how such events affect the documents today.

The language of English law was influenced by Anglo-Saxons, Danish, and Normans, all of whom settled in England at various times. The island we know as England was once occupied by the Celts. One of the tribes was called the Brythons or Britons. The term Britain comes from the name of such tribe. Latin was the official language[1]. Therefore, it is possible to find similarities with other languages which also come from the Latin such as French, Italian, and English. In the following example, we will compare the same term in different languages:

justice (French), *giustizia*(Italian), *justice* (English), *justicia* (Spanish); *équité* (French), *equitá* (Italian), *equity* (English), *equidad* (Spanish)[2](p. 2; para. 4; line 4, 5, 6).

Celts´ legal system comes from Wales and Ireland, where Celtic languages are still spoken. Nevertheless, Celtic law and language have had a minimal impact on the common law of England. Two thousand years ago, the Romans under Julius Caesar conquered what is now England. Roman law governed the life of the Romans but it had limited influence on the lives of the Celtic population. It disappeared after the Romans left the island in the fifth century to defend their disintegrating empire. The Romans left behind a linguistic legacy, but it consists mostly of names of places and a few words of Latin origin, none of them particularly legal as claimed by Mellinkoff. Such legacy was then exploited by the Angles, Saxons, Jutes, Frisians, and, possibly, other Germanic warriors and settlers from the continent. They conquered

[1] *Anglo-Saxon History and Old English Language and Literature*. (n/d). Retrieved from *http://schools.misd.org/upload/page/0407/Anglo-Saxon%20History%20and%20the%20English%20Language%20and%20Literature1.pptx.*
[2] Universidad Nacional Autónoma de México. (2010). *El lenguaje jurídico*. Retrieved from *200.74.197.148/redjuridica/elgg/mod/file/download.php?file_guid=124*

most of the territory of what is now England. Their related languages eventually merged into one, which we now refer to as Anglo-Saxon, or Old English. The Anglo-Saxons were not literate at the time and their law was entirely customary. Legal decisions were often made by a type of popular assembly, sometimes called moots. For example, if someone injured or killed someone else, the victim was entitled to take revenge on the perpetrator, but in most cases he could save his head or hide by paying compensation. Oaths were often used to decide cases. The words of the oath were fixed and had to be recited verbatim, without stammering, or the person would lose his case. Other types of legal transactions, like wills and transfers of land, also relied on reciting exact verbal formulas. The use of these formulas, which often contained poetic devices as an aid to memory, indicated that the transaction was legally binding. For example, *"to have and to hold"* was part of the formula used to transfer land. Around the year 600, Christian missionaries arrived in England. They introduced again literacy and Latin. After that, the first written English laws appear. Several of the Anglo-Saxon kings issued codes of law, and some private legal transactions were made in writing. Many of these texts were drafted in Latin, but others were in old English. They functioned primarily as records of customs or oral transactions (Tiersma, 2010, pp. 11-12).

However, the most significant invasion was yet to come. In 1066 William, Duke of Normandy, who claimed the English throne, crossed the channel and defeated the English defenders. Such event is now known as the Norman Conquest. English ceased to function as a written legal language, although it remained the language of most ordinary people. Nevertheless, people started to speak a type of French, and their written legal transactions were almost invariably in Latin. By the end of the thirteenth century, statutes written in Latin started to become common. Royal courts were established and a class of professional attorneys emerged. French was spoken by those in power. That is the reason why the proceedings in the royal courts were carried out in that language. French has had a lasting impact on English in general, but mainly in the legal jargon. Words relating to courts and trials are almost entirely of French origin, such as:

> action, appeal, attorney, bailiff, bar, claim, complaint, counsel, and court (Tiersma, P., 2010, p. 14).

The common law legal system is full of French terms, for example those used for basic legal categories like the following:

> agreement, assault, easement, estate, felony, lease, license, misdemeanor, mortgage, property, slander, tort, and trespass (Tiersma, 2010, p. 14).

Generally, French word order is noun followed by adjective. Such order is respected in terms such as:

> attorney general, condition precedent, letters patent, and notary public (Tiersma, 2010, p. 14).

French was used as a legal language until the seventeenth century when it ceased to be a spoken language in England. Reports of cases were written in French during that time, which is relevant because common law is primarily based on case law or precedent. Many of the most important principles in common law were first articulated in French. Moreover, almost all legal literature was written in that language.

Although English attorneys were not normally educated in Latin, they would have had some knowledge of it because legal documents are full of Latin expressions such as:

> *in de minimis non curat lex* [the law is not concerned with trifles], *caveat emptor* [let the buyer beware], *expressio unius est exclusio alterius* [the expression of one thing is the exclusion of the other] (Tiersma, 2010, p. 15).

Other examples of Latin names are those used for the writs which are orders from the king or judge to a sheriff or a lower court. For example:

> writs of *certiorari, habeas corpus*, and *mandamus* (Tiersma, 2010, p.15).

Records of court cases were maintained in Latin until the early eighteenth century. It explains their widespread use for terminology found in case names. Some Latin terms which are currently used are, for example:

> *versus, in personam, in rem, in propria persona* (Tiersma, 2010, p.15).

A point to highlight is that some French terms which are currently used in English legal language are not used in French legal language, or have a different meaning. Some examples to mention are:

> agreement, crime, arrest, misdemeanor (Tiersma, 2010, p.15).

In 1362, a statute, written in French, required that all pleadings be in English, so that "every man […] may the better govern himself without offending the Law". In 1650, the Parliament passed another law requiring that all books of law be only in English. The use of laws in French and Latin was finally abolished in 1731. Documents previously written in French or Latin now have to be written in English (Tiersma, 2010, p. 16).

Attorneys and clerks now prefer to write a very literal translation. For example, medieval deeds often began with the words *sciant omnes* which was translated as "know all men". Another term to exemplify this is the criminal law concept of "malice aforethought" which is a direct translation of the French phrase: *malice prepense*. We can see there that the term preserves the French word order as we have explained before. Moreover, many terms were not translated into English at all. These words and phrases were almost all technical terms that had acquired a specific legal meaning, making it difficult to find an exact English equivalent. English attorneys mostly incorporated French terms without changes. Some of these originally foreign words have entered into ordinary speech, such as "court, judge, jury, plaintiff and defendant". Others such as *tortfeasor* [a person who commits a tort (English Oxford

Living Dictionary, 2017)] or *profit a prendre* [the right to take soil, minerals, or produce from another's land, or to graze animals on it (English Oxford Living Dictionary, 2017)] are completely unknown outside the profession and their foreign origin makes it hard for people to even guess their meaning (Tiersma, 2010, p.16).

In the last several decades, a movement called plain English has arisen. Those who defend this theory affirm that attorneys continue to hide the law; instead of using French terms, they now use legalese which obscures the texts (Tiersma, 2010, p. 18).

Although people have objected to the obscurity of attorney's language for many centuries, the modern movement known as plain English began in 1970. Plain English refers to language that is clear, direct, and straightforward. It is a way of using language in order to avoid obscurity, inflated vocabulary, and complex sentence constructions. The main goal in writing is to put your message across clearly and concisely. Plain English is defined as clear English. It is said to have developed in response to consumers' demands for documents they could understand. Governments and commercial institutions affirm that plain language brings efficiency and economic benefits (Pease, 2015, pp. 2-5).

For example, the United States Congress has passed the Plain Writing Act of 2010. It requires federal government agencies to write certain types of documents in plain English. Further, the Plain Regulation Act of 2012 requires federal government agencies to write any new or substantially revised government regulations in clear, concise and well organized writing. In the United Kingdom, there was the appointment of the Renton Committee and its landmark report in 1975; both in relation to legislative drafting (Pease, 2015, pp. 8-9).

Much anachronistic terminology has been replaced by more modern equivalents, for instance, the term *cestui que trust,* which comes from the French law, was replaced by the more common word "beneficiary". The phrase *cometh now plaintiff*, which was once used to introduce a pleading, became "comes now plaintiff" or simply "plaintiff alleges as follows" (Tiersma, 2010, p. 18). A "subpoena" is now a "witness summons", an "*in camera* hearing" is now a "private hearing", and a "writ" is now a

“claim form”. Even the venerable term “plaintiff” has been replaced by “claimant” (Pease, 2015, p. 9).

On the other hand, Stanley Robinson describes legalese as "the language of attorneys that they would not otherwise use in ordinary communications but for the fact that they are attorneys". Language is constantly evolving with daily usage. But legal language has been conservative and static. Those who support plain English affirm that legalese has not evolved at the same rate as modern English has done (Pease, 2015, p. 3). Legalese arose in a time when phrases from multiple languages were used to make legal documents precise. The choice between Latin and English and, later, between French and English led to an uncertainty about which language should be employed in legal documents. Consequently, attorneys started to use paired words to express one meaning. For example, “free and clear” comes from *freo* which is old English, and *cler* which is old French (Cohen, 2009).

If we read a document written in legalese, we will find archaic terms, redundancies, awkward phrases, ambiguities, and boilerplates. Although such features lead to misunderstandings, legalese endures today for several reasons. Firstly, it is useful because it befuddles clients and makes them more dependent on attorneys. Another reason is that attorneys argue that plain English is impractical because the law requires precision (Cohen, 2009).

1B. Before analyzing our text, we must study the features of the type of text we are reading. It is important in order to understand such document. Each text has an unveiled story which may be discovered through its language. We may discover information such as the jurisdiction, the venue, the origin, the bodies involved, among others throughout such story. Seals, signatures and marginal notes are also relevant. They make it possible for the reader to comprehend the pathway that such text had to make in order to meet all legal requirements before its translation.

Therefore, in this section, we will explain the features of legal texts in English. By analyzing their grammar, their style of writing, and their paratextual elements, we will be able not only to understand the text but also to translate it.

The legal discourse community is made up of attorneys, judges, and all those involved in drafting laws and prescriptive documents. The expression 'legal language' covers any sort of discourse which is concerned with legal matters. Nevertheless, the expression 'the language of the law' is concerned with prescriptive legal discourse[3].

The functions of language which are used in legal texts are the referential and the conative function. According to Jakobson, the referential function appears when there are definite descriptions and deictic words; so this function appears in depositions and lawsuits when explaining the facts and in any other act of the proceedings when it is necessary to describe a situation. Moreover, the conative function is illustrated by vocatives and imperatives because it is used to engage the addressee; so this function appears in the *petitum* of the plaintiff, for example, or in mandatory sentences (Jakobson, 1956).

Sentences in legal language are a bit longer than in other styles. This specific sentence structure is caused by the fact that in the past, legal documents were written using a long single sentence. Sentences included a great deal of information, repetitiveness, long noun phrases with plenty of modification, confusing word order, prepositional phrases, as well as coordinate and subordinate clauses. Thus, they were more complex than those found in other type of documents[4]. Nowadays, many attorneys adhere to the plain English movement and try to measure the length of sentences. Nevertheless, they sometimes use unusual sentence structures that result in separating the subject from the verb, which can reduce comprehension. A related characteristic of legal style is the use of impersonal constructions. Legal drafters tend to avoid the usage of the first and the second person (*I* and *you*). An inordinate amount of negation is used in legal documents. Nevertheless, it was revealed that particularly multiple negation impairs communication and should be avoided (Tiersma, 1999).

[3]UNIBA. (n/d). *Characteristics of Legal English*. Retrieved from *http://www.uniba.it/ricerca/dipartimenti/scienze-politiche/docenti/williams-christopher-john/materiale-didattico-williams-2013-2014/aa201314CharacteristicsoflegalEnglish.pdf*

[4] Chiriac, I. V. (June 26th, 2012). *Characteristics and features of English Legal Language.* Retrieved from *http://studiamsu.eu/wp-content/uploads/20.-p.103-107.pdf*

Legal English sometimes uses archaic or rarely used words and expressions. The expressions beginning with: here- and there- (therein, hereunder, thereof, thereto) are regarded as rare and obscure in everyday English. The same happens with prepositions such as “abutting”. Those who adhere to the plain English movement suggest to delete or change such terms, for example, hereinafter for below, herein for in this agreement, hereinbefore for above, abutting for next to, among others[5].

Those who employ legalese use paired words to express one meaning. Such usage comes from the time in which legal documents were written in Latin, English, and French. Therefore, legal drafters used the same term in both the source and the target text because it was believed that such way of writing would avoid misunderstandings (Cohen, 2009). The accumulation of synonyms in cases where one word would be enough is also a prominent feature of legal English. Most common types of strings are binomials, which are also named doublets and triplets. Binomials have two lexical units (nouns, adjectives, adverbs or prepositions) which are usually joined by the conjunction “and”, for example, act and deed, custom and usage, legal and valid, object and purpose, over and above, pains and penalties. Another common feature of legal documents is the usage of alliteration. It is the phenomenon of two or three words in a phrase beginning with the same sound or the repetition of a particular sound in the first syllables of a group of words. A phrase with alliteration which has survived to this day is “to have and to hold”. Alliteration served as a tool for remembering words[6].

Legal English sometimes contains words and expressions from Latin or French. French had a strong influence on the legal jargon. Words relating to courts and trials are almost entirely of French origin, such as:

> action, appeal, attorney, bailiff, bar, claim, complaint,
> counsel, and court (Tiersma, 2010, p.14).

The common law legal system is full of French terms, for example those used for basic legal categories like the following:

[5] *Ibid* 4
[6] *Ibid* 4

> agreement, assault, easement, estate, felony, lease, license, misdemeanor, mortgage, property, slander, tort, and trespass (Tiersma, 2010, p.14).

Although English attorneys were not normally educated in Latin, they would have had some knowledge of it because legal documents are full of Latin expressions such as:

> *in de minimis non curat lex* [the law is not concerned with trifles], *caveat emptor* [let the buyer beware], *expressio unius est exclusio alterius* [the expression of one thing is the exclusion of the other] (Tiersma, 2010, p.15).

A point to highlight is that some French terms which are currently used in English legal language are not used in French legal language, or have a different meaning. Some examples to mention are:

> agreement, crime, arrest, misdemeanor (Tiersma, 2010, p.15).

Syntactic discontinuities are frequent in legal discourse. They interrupt the flow of the sentence by inserting added information. Moreover, legal drafters tend to use formulaic expressions, such as:

> Do you swear to tell the truth, the whole truth, and nothing but the truth? / Now, therefore, the parties agree as follows: (…)[7].

The absence of anaphoric reference in legal English prompted the repetition of words. Nouns are repeated instead of pronouns. Therefore, repetition is used in order to avoid ambiguity. Legal drafters often declare that the masculine includes the feminine, the singular includes the plural. This may originally have functioned to reduce verbosity, as suggested by Jeremy Bentham (n/d). In conclusion, legal

[7] *Ibid* 3

drafters avoid pronouns almost routinely, even where no ambiguity is possible. In this way, they reduce the use of sexist language (Tiersma, 1999).

Nominalization is frequently employed in legal documents. It is a morphological process which should be avoided because of the length and flow of the sentence. For example, we may use the phrase “to give consideration” instead of “to consider”, “to be in opposition” instead of “to oppose”, “to be in contravention” instead of “to contravene”, “to be in agreement” instead of “to agree[8].

Some legal terms such as patent or royalty are familiar to laypersons; but others such as bailment or abatement are generally only known by attorneys or law enforcement officers. Those words which are only used by legal professionals as technical terms for purposes in specific contexts are idiosyncratic. That is because they have precise definitions in the domain of legal science. It is important to highlight that there was a time in which the legal meaning differed from the meaning in everyday use, for example, terms such as consideration or hold[9].

> *“Legal jargon has a number of specialized terms that lawyers invented to ease their communication, varying from slang or near-slang (horse case) to almost technically precise terms (res ipsa loquitur), but the legal jargon has not reached the level of professional, technical terms. Other examples of the jargon are: boilerplate clause, corporate veil, bequest, emoluments”* – Mellinkoff (n/d).

Mellinkoff, attorney and Law professor, has claimed that legal English contains argot which today is called slang: the language of professionals. Slang is another kind of informal sub-language which is present in law despite the fact that formal utterances are predominant. Attorneys use short terms within their slang, including:

[8] *Ibid* 4
[9] *Ibid* 4

depo (deposition), hypo (hypothetical example), punies (punitive damages), *in pro per* (*in propria persona*), rogs (interrogatories)[10].

Hiltunen (1990) pointed out that the passive voice is the predominant voice in legal English. He said that "it is preferred to generic subjects such as one, we or they" and that "the passive is more in line with such functions of legal language as impersonality, objectivity and non-involvement". In spite of that, the advocates of the plain English movement claim that legal drafters should avoid using passive sentences because it may lead to ambiguities. What is more, the passive voice allows the drafter to hide information. In contrast, those who criticize plain English defend the passive voice. They claim that there are many situations in which the passive voice is not only proper, but preferable. It is preferred due to the generic character of the law. Moreover, the passive voice is considered to be impersonal and objective[11].

The use of passive voice marks a highly impersonal style of writing. Passive voice is inherent in legal language, but it is also overused in all types of legal documents. Both written laws and court decisions, generally, contain a verb in the passive, especially when obligation or condition is imposed. As nowadays, plain English is becoming more and more popular, legal drafters are encouraged to modify texts by transforming passive voice into active, because the passive is justified only when the doer of the action is unknown or intentionally left out. The same goes for the written law[12].

We can come to the conclusion that the use of passive voice is a matter of style. Those who adhere to plain English believe that the passive voice should be replaced by the active voice because it would make legal texts more communicative and easier to understand. On the other hand, there are linguists who argue that the passive voice has its place in the legal language. Thus, it must not be replaced by

[10] *Ibid* 4
[11] Skwarlová, K. (2008). *Passive voice and its meaning in legal English.* Retrieved from *https://is.muni.cz/th/75216/ff_m_b1/Diploma_Thesis.txt*
[12] *Ibid* 4

the active one. To support their idea, they mention highly important authorities such as the English Acts of Parliament in which there are several passive constructions[13].

Another characteristic of legal documents is the peculiar use of pronouns. The omission of personal pronouns is related to an impersonal style of writing. Omission of the first person singular is motivated by the efforts of judges to achieve maximum objectivity. The omission of the second person singular is the characteristic of written wills. In that case, the first person singular is used. The second person singular is also omitted when there are not direct orders or warnings, or when it is considered that certain provisions, such as rules or laws, should be impersonal. Thus, the use of the third person is predominant. Everybody, everyone, every person are pronouns used when a provision applies to all; no one and nobody are used in prohibitions. Those indefinite pronouns are used to create the impression that law is impartial[14].

As regard to the subjunctive, we can say that the new grammarians distinguish two types of subjunctive, one for the past and one for the present. As claimed by Quirk *et. al.,* the present form of subjunctive is divided into mandative and formulaic subjunctive. Mandative subjunctive is the one found in structures introduced by verbs such as *insist, demand,* or *propose*, among others (Rodriguez Navarro, n/d, p. 533). For example:

> I insist that she **come** immediately (Rodriguez Navarro, n/d, p. 533).

Formulaic subjunctive is the one found in independent sentences which are usually idiomatic or express a desire (Serpollet, n/d, p. 533). For instance,

> God **bless** you (Rodriguez Navarro, n/d, p. 533).

We will focus on mandative subjunctive. Etymologically, “mandative” is derived from the verb “mandate”, which comes from the Latin *manda-re* that means to enjoin, to command. The term “mandative expression” is used in reference to verbs, nouns and adjectives which express a demand, request, intention, proposal, suggestion,

[13] *Ibid* 11
[14] *Ibid* 4

and recommendation, among others. As claimed by Quirk, such words are called “triggers” because they mark the presence of the subjunctive (Serpollet, n/d, p. 532). Subjunctive was widely used in the old English expressing hypothesis, wish, command, and doubt. During the Middle English period, it started to lose power under the influence of Latin and French. Thus, the English language slowly became analytical and the characteristic endings of the old English subjunctive tense were weakened and lost (Vlasova, 2010, p. 8).

The mandative subjunctive is widely used in legal documents because its usage is formal and useful to express an order or prescription. The “triggers” that we mentioned before denote the mandatory nature of the sentence. British English speakers prefer to use *should* plus infinitive which is less formal (Cirauqui, and Valletta, 2013). In 1988, several researches about this subject were carried out. They confirmed that the mandative subjunctive is a normal choice for Americans. On the other hand, in both British and American documents, the were-subjunctive is preferred in spite of the indicative *was* in hypothetical-conditional clauses and clauses introduced by “as if” and “as though”. It was also observed that non-inflected passives in British English are used much more frequently than subjunctive active forms. Such investigations confirmed the formal nature of this mood in British English and its presence when passive constructions are used Vlasova, 2010, p. 10).

Before finishing this section, I would like to explain the use of modals in legal documents. Modal auxiliaries (shall, will, must, can, may) express modal meaning, such as possibility, volition, and obligation. “Shall” was originally a full verb which was used to convey obligation or compulsion. Now, it is only used as an auxiliary. In the stylized context of legal drafting, in which the third person is essentially used, “shall” continues to serve as a way of expressing obligations while “will” expresses future time (Ficarrotta Paez, 2015).

It is a commonplace to find “shall” used inappropriately in the following contexts: to convey obligations imposed on someone other than the subject of the sentence, or in conditional and matrix clauses. In such contexts, the drafter should decide if it is convenient to use “must”, “will”, or the present tense. Sometimes, the drafter must

restructure the whole sentence. The significance of this for the translator is that legal drafters need to be able to tell when “shall” is used to convey an obligation and when it is used indiscriminately (Ficarrotta Paez, 2015).

1C. There is an Argentinian proverb which says: “You cannot love what you do not know”. Therefore, it is essential that a good professional knows the history of the profession which he exercises. What is more, he should learn how his colleagues work around the world and the international rules which apply to translation and interpretation.

In this section, we will learn about the origins of the translation. Moreover, we will study a translator´s competences and analyze how the work of a professional translator is regulated in different countries.

Saint Jerome is recognized as the first translator in the world. He was born in Eastern Europe about AD 331, and was sent to study in Rome. He enjoyed reading and studying; he intended to practice Law. Despite of that, he decided to change his life, and gave up his career in the Roman imperial civil service. He was an interpreter at the synod of the Greek and Latin churches in Rome in 382. Jerome stayed there as the secretary, interpreter, and theological adviser to the Pope. As he was a trilingual scholar, well versed in Hebrew, Greek and Latin, the Pope commissioned him to translate the Bible into Latin. At that time, there were several unsatisfactory Latin translations of the Bible which led to confusion. After the death of the Pope, he was expelled from Rome. He moved to Bethlehem and continued his translation. The Old Testament was originally written in Septuagint Greek. At that time, Latin books tended to be written continuously, without breaks between words. The ends of sentences were marked by a gap followed by an enlarged letter or an occasional period. This was the main reason why Jerome did not enjoy doing such translation. But, this led to an innovative system of punctuation “by phrases” implemented by Jerome in order to make the text more understandable and easier to read aloud. After finishing his first translation of the Bible, he translated it again from the Hebrew. This second translation was called “the Vulgate”. It became the traditional authorized translation of the western church for centuries and the usual source text for

translation. Throughout his work, he developed several ideas on translation such as the conflict between literal translation and idiomatic rendering of the meaning. Nowadays, he is considered the Patron Saint of translators. Since 1991, the International Translation Day has been celebrated on September 30th on the feast of Saint Jerome. Such celebration was promoted by the international Federation of Translators[15].

Learning about the history of translation, we start to realize how important it is in the development of the civilizations. Translators may be specialized in different areas such as medicine, literature, economy, or law, among others. The globalized world needs reliable and innovative translators in furtherance of progress because a truthful translation is the key that opens all the doors of this new era.

We will specifically analyze the career and work of a certified translator. For that, we will clarify the difference between a sworn and a certified legal translator. Then, we will focus on the study programmes and the institutions which control the exercise of the profession.

A certified translator is the qualified professional who translates a legal document with assurances that he is knowledgeable in both languages, and that the translation is complete and accurate. A legal translation is required when the document will be used for legal matters. A certified translator secures the validity and accuracy of the document in the target language[16].

We will explain the study plans and work of the certified translator in different countries. Before that, we want to explain the reason why we use such term to refer to this professional and the difference between a certified and a notarized translation. The reason why we use the term certified to refer to translators who are able to make accurate and faithful translations is that in most countries translators must take an oath or be allowed to work by an authorizing body. In some countries, they are

[15]Kruger, C. (October, 2001). *St Jerome: Interpreter, translator, innovator*. Retrieved from *http://translators.org.za/sati_cms/downloads/dynamic/jerome_english.pdf*
[16]REV. (n/d). *What is a certified translation?* Retrieved from *http://blog.rev.com/articles/translation/what-is-a-certified-translation/*

registered in an official body[17]. Another point to highlight is the difference between certified and notarized translation. A certified translation comes with a guarantee of quality, because the skills and experience of the translator have been certified by an official governing body. Sometimes, this type of translation may be more expensive because the certified translator has to go through the official process of getting it certified. It is needed to prepare an officially signed translator's declaration and, then, rubber stamp each page of the document with the professional´s seal. Certified translations are needed for legal, contractual, or immigration purposes. Documents which may be translated for such purposes are marriage certificates, birth certificates, court transcripts, among others[18]. On the other hand, notarized translations are those made by a translator who does not need any certification. It is a translation which has an attachment that is used in this type of translation. It certifies that the translator took an oath and signed an affidavit before a notary. The function of the notary is to affirm that the translator had given his word that such document is a true representation of its original, but he did not assess the quality of the translation. Translations for administrative purposes, such as college and university admissions, may be only notarized. Notarized translations hold no real value to professional institutions like governments and courthouses, among others[19].

The study plan to become a certified translator differs from country to country. The same happens with the requirements that translators need to meet in order to practice. We will analyze the countries which are significant in the field of translation.

In the United States, translators can be certified by the American Translators Association or a similar association, but this certification is not official; a translator does not have to be certified to prepare a certified translation. It is a professional association founded to advance the translation and interpreting professions and foster the professional development of individual translators and interpreters. The

[17]London Translations. (n/d) *What does a certified translation mean?* Retrieved from *http://www.londontranslations.co.uk/faq/basics/certified-translation-mean/*
[18]Inlingua, Utah. (n/d). *Difference between a certified and a notarized translation.* Retrieved from *http://www.inlinguautah.com/difference-certified-notarized-translation/*
[19]Warriner, D. (July 24th, 2014). *The difference between certified and notarized translations.*Retrieved from *https://bctranslator.wordpress.com/2012/07/24/the-difference-between-certified-and-notarized-translations/*

ATA is a member of the American Foundation for Translation and Interpretation (AFTI) which supports charitable activities, education, and research in support of the translation and interpreting professions since its foundation in 1997. The American Translators Association has over 10.000 members including translators, interpreters, teachers, project managers, web and software developers, language company owners, hospitals, universities, and government agencies in more than 100 countries. These members must accept as their ethical and professional duty to convey meaning among people and cultures faithfully, accurately, and impartially; to hold in confidence any privileged or confidential information entrusted to them; to enhance their capabilities at every opportunity through continuing education in language, subject field, and professional practice; to act collegially by sharing knowledge and experience. Failure to perform their duties may harm themselves, the fellow members, the Association, or those they serve. The ATA Certification Program was established in 1973. Its purpose is to raise professional standards, enhance individual performance, and identify translators who demonstrate professional level translation skills. You must pass a three-hour exam designed to assess professional level translation skills in a specified source-target language combination to obtain the ATA certification[20]. In order to render a truthful translation, the certified translator must prepare a signed statement affirming that he is a skilled translator and that his translation is an accurate and complete rendering of the original document. When submitting foreign-language documents to a court of law or regulatory agency, you will need a certified translation. Some agencies, like the FDA, require that the certified translation include a brief statement on the translator's qualifications and it may need to be notarized[21]. We will mention some universities which are distinguished because of their programmes. The Monterey Institute offers a M.A. in Translation, a M.A. in Translation and Localization Management, a M.A. in Translation and Interpretation, and a M.A. in Conference Interpretation. The M.A. in Translation and Localization Management´s programme is focused on translation, technology, and business management. Tools used in class include Alchemy

[20]The American Translators Association. (n/d). *About us*. Retrieved from *https://www.atanet.org/aboutus/about_ata.php*
[21]Morningside Translation.(n/d). *Certified translation services.*Retrieved from *https://www.morningtrans.com/services/translations/certified-translations/*

Catalyst, Passolo, SDLX and TRADOS, Star Transit and Workflow. New York University offers professional certificates in general translation, medical interpretation, court interpretation (Spanish/English), simultaneous interpretation, and language certificates in Arabic, Japanese, Mandarin, Italian, Greek, Portuguese, Russian, Spanish, and language groups such as Slavic, East Asian, Middle Eastern, Scandinavian, and classical languages[22].

American Translators Association´s logo (The United States)

The American Foundation for Translation and Interpretation

In Canada, the national body representing professional translators, interpreters and terminologists is the Canadian Translators, Terminologists and Interpreters Council which is a member of the Sectoral Commission on Culture, Communication and Information to the Canadian Commission for UNESCO. It is represented in the Board of Certification which is responsible for setting the standards required for certification procedures as well as exercising overall control and reporting to the Council. The purpose of the Council is to contribute to high quality inter-language and intercultural communication. It maintains and promotes professional standards in translation, interpretation, and terminology to ensure high-quality communication. Although the latest machine translation software is producing results that are increasingly promising, the Canadian Translators, Terminologists and Interpreters

[22] Alta. (September 23rd, 2009). *Top 10 U.S. Translation Schools*. Retrieved from *https://www.altalang.com/beyond-words/2009/09/23/top-10-us-translation-schools/*

Council requires that the text in the target language be reviewed by a certified translator[23]. In order to be a certified translator, firstly, you need to become an Associate Member, which you can do by passing the associate-level examination and paying the correspondent fee. The term of six years is available to pass the certification process. Before passing the certification process, you are eligible to become a certified member. In Canada, you can obtain the following titles: certified translator, certified interpreter, certified conference interpreter, certified court interpreter, certified terminologist. The Canadian Translators, Terminologists and Interpreters Council also administers the various exams that confer the right to use these titles. Three certification mechanisms are used in Canada: certification on dossier, certification by mentorship, and certification exam. To be eligible for the dossier certification mechanism, you need to have a recognized diploma and, at least, two years of work experience. If you fail to do so, you must prove that you have a minimum of five years of professional practice. To be eligible for the mentorship certification mechanism, you must follow and successfully complete a mentorship program. To be eligible for the examination certification mechanism, you must pass a uniform translation exam which is held once a year and administered by the Canadian Translators, Terminologists and Interpreters Council. The Board of Certification sets the requirements for certification, as well as the procedures and methods used for assessing candidates[24]. You can study translation at the University of Ottawa which was the first Canadian institution to offer professional translation courses at university level in 1936. This training was formalized in 1971 when the School of Translation and Interpretation was founded[25].

The Canadian Translators, Terminologists and Interpreters Council´s logo (Canada)

[23]CTTIC. (n/d). *About CTTIC.*Retrieved from *http://www.cttic.org/mission.asp*
[24]Lingua Greca. (November 12th, 2014). *How to become a certified translator in Canada.* Retrieved from *http://linguagreca.com/blog/2014/11/certified-translator-in-canada/*
[25]The University of Otawa. (n/d). *About the School*. Retrieved from *https://arts.uottawa.ca/translation/about*

In The United Kingdom, certifying or taking an oath has no bearing on the quality of a translation. In the common law system in the UK, the "sworn translator" concept does not exist. The Institute of Translation & Interpreting was founded in 1986 as the only independent professional association of practising translators and interpreters in the United Kingdom. It has over 3000 interpreter and translator members who specialize in more than 100 languages. This institute maintains a directory of qualified professional translators and interpreters who have successfully passed an examination. They abide by the Institute's Code of Professional Conduct[26]. Even so, translations sometimes have to be "sworn" or certified for various purposes, for example, when they are official translations for public authorities. When a translation is sworn before a solicitor or a notary in Scotland, the legal professional does not verify the quality of the translation but merely acknowledges his identity. However, certification lends weight to a translation if, for example, a document is wilfully mistranslated or carelessly translated because the translator could be charged with contempt of court, perjury or negligence. The Institute of Translation & Interpreting provides its qualified members with special seals or stickers that can be attached to a translation to add confirmation of the translator's membership of the Institute. If the client requires a higher grade of certification (in England and Wales), we must advise him to consult a notary[27].

The Institute of Translation and Interpreting´s logo (the United Kingdom)

[26]The Institute of Translation & Interpreting. (n/d). *Directory of members.* Retrieved from *http://www.iti.org.uk/find-a-translator-interpreter*
[27]The Institute of Translation & Interpreting. (n/d). *Certification or Sworn*. Retrieved from *http://www.iti.org.uk/about-industry/certification-sworn*

Sticker provided by the The Institute of Translation & Interpreting

At this point, I would like to mention the Chartered Institute of Linguists. It is the pre-eminent UK-based professional membership body for language practitioners. Founded in 1910, the Chartered Institute of Linguists has almost 6.000 members. Translators, interpreters, teachers of modern foreign languages, university lecturers or professionals who use their foreign language skills as a core part of their role in business, professions or government may be members. They must be qualified, experienced language professionals with extensive knowledge of one or more foreign languages. The former Institute of Linguists was granted its Royal Charter by HM Queen Elizabeth II on July 19th, 2005, and formally began operating as The Chartered Institute of Linguists (CIOL) on September 1st, 2005. Nowadays, the Institute's patron is HRH Prince Michael of Kent GCVO. The Chartered Institute of Linguists´ aims are founded on the belief that knowledge of languages and intercultural competence benefit society economically, culturally and politically. Therefore, this Institute´s core values are: respect for the diversity of languages and cultures, professionalism, integrity, responsibility, and innovation. The Chartered Institute of Linguists aims to deliver high quality services and promotes the interests of the profession being an authoritative and respected voice promoting the learning and use of languages, and the status of language work, both in the UK and internationally. It provides nationally-accredited professional qualifications, and sets standards for language practitioners through its awarding organization, the IoL Educational Trust (IoLET). This Institute also advises bodies and organizations engaged in the formulation of strategy and policy affecting languages. CIOL is a member of the following organizations:

1) Professional Associations Research Network (PARN) which is a non-profit membership organization for professional bodies. By being a Member of PARN, this Institute is committed to good practice and current research about several languages.

Professional Associations Research Network´s logo

2) Association for Language Learning (ALL) which supports and represents language teachers.

Association for Language Learning´s logo

3) Foundation for Science and Technology (FST) which provides a neutral platform for debate of policy issues related to science, engineering or technology elements.

Foundation for Science and Technology´s logo

4) International Federation of Translators (FIT) which is a federation of national associations for translators, interpreters or terminologists around the world. CIOL is an observer member of FIT.

International Federation of Translators' logo

The Chartered Institute of Linguists´ associated charity, the IoL Educational Trust (IoLET), is a member of the following organizations:

1) Association of Language Testers in Europe (ALTE) which works to promote multilingualism by supporting institutions which produce examinations and certifications for language learners.

Association of Language Testers in Europe´s logo

2) Federation of Awarding Bodies (FAB) which is a trade association, representing organizations that award vocational qualifications in the United Kingdom.

Federation of Awarding Bodies' logo

[L]oLET's professional qualifications are required to make the registration with the National Register of Public Service Interpreters (NRPSI) which is the UK's independent voluntary regulator of professional interpreters specializing in public service.

the National Register of Public Service Interpreters' logo[28]

Two of the most prestigious universities to study translation and interpretation in the United Kingdom are Aston University and Heriot Watt University. Aston University

[28]The Chartered Institute of Linguists. (n/d). *About the Chartered Institute of Linguists.* Retrieved from *http://www.ciol.org.uk/about*

was founded in 1895. Since 1966, it started to be recognized as an university. Aston University received its Royal Charter from Queen Elizabeth II on April 22th, 1966. This University, located in Birmingham, is ranked as the 33rd international university and as the 10th in the United Kingdom, as well as the 11th in the United Kingdom for Student Experience (2016 Times/Sunday Times Good University Guide). It is a corporate member of the Institute of Translation and Interpreting (ITI). The MA in TESOL & Translation Studies offered by this University allows the future translator to work towards Chartered Institute of Linguists certification and TRADOS certification[29]. Heriot Watt University was founded in 1821. It has three campus locations in the United Kingdom: the inspiring islands of Orkney, the textiles hub of Galashiels, and the bustling city of Edinburgh. The Royal Charter, which gave Heriot-Watt its University status, was granted by Queen Elizabeth II on March 4th, 1966. It belongs to CIUTI (*Conférence Internationale d'Instituts Universitaires de Traducteurs et Interprètes*), a prestigious international body that brings together universities which specialize in translating and interpreter training[30].

In Spain, the entity in charge of granting certifications to sworn translators and interpreters is the *Ministerio de Asuntos Exteriores y de Cooperación* [the Department of Foreign Affairs and Cooperation] under the sixteenth provision of the *Ley 2/2014* [Act 2/2014] which was enacted on March 25th, 2014. It was then amended by the fourth provision of the *Ley 29/2015* [Act 29/2015] enacted on July 30th, 2015. The *Oficina de Interpretación de Lenguas* [Office in charge of dealing with matters in other languages], which is the supreme public entity responsible for translation and interpretation matters, periodically publishes a list of all sworn translators and interpreters certified by the correspondent department. In such list, the languages in which the sworn translator or interpreter is authorized to exercise must be specified. The mentioned Office was founded in 1527 by Charles V. In the early years, it was called *Secretaría de Interpretación de Lenguas* [Secretary of Languages]. Its members translated documents of the Councils and Department of Foreign Affairs of the Spanish Monarchy. The first languages to be translated were

[29]Aston University. (n/d). *About us*. Retrieved from *http://www.aston.ac.uk/about/*
[30]Heriot Watt University.(n/d).*Interpreting and Translating*. Retrieved from *https://www.hw.ac.uk/postgraduate/subject/translating-and-interpreting.htm*

Turkish, Arabic, Syrian, Persian, Tuscan, Hebrew, Aramaic, German, French, Latin, and Portuguese. This Office was ascribed to the *Ministerio de Estado* [Department of the State] since 1840, then to the *Secretaría General de Asuntos Exteriores* [General Secretary of Foreign Affairs] since 1970. Throughout its history, it was led by popular personalities such as Felipe Samaniego and Leandro Fernández de Moratín. Nowadays, several officers of the *Cuerpo de Traductores e Intérpretes* [Entity of Translators and Interpreters] are in office. They are specialized in the following languages: German, Arabic, French, Greek, English, Italian, and Russian. The Office carries out many activities such as: the official translation of international treaties and agreements into Spanish; the translation of diplomatic, consular, or administrative documents into Spanish or other languages; participation and interpretation during meetings in which the government is involved; participation as qualified linguists in international conferences and negotiations of treaties; preparation of exams to obtain the certification of sworn translator-interpreter[31]. In Spain, you can study translation and interpretation at recognized universities such as the *Universidad de Granada* [University of Granada] and the *Universidad de Salamanca* [University of Salamanca]. The University of Granada was a pioneering university in offering studies in the field of Translation and Interpretation since 1979.This University offers the Undergraduate Degree in Translation and Interpretation. Students are trained as general translators and interpreters studying Spanish and a first foreign language to choose among the following: Arabic, English, French or German, and one of these second foreign languages: Arabic, Chinese, English, French, German, Greek, Italian, Portuguese, and Russian. In addition, students can choose a third foreign language from the third year onwards: Arabic, Catalan, Chinese, Danish, Dutch, English, French, German, Greek, Italian, Polish, Portuguese, Romanian, or Russian. The *Facultad de Traducción e Interpretación* [School of Translation and Interpretation] also offers the possibility of taking the programme Applied European Languages (AEL). This programme allows students to spend their second and third year studying in two European universities in furtherance of applying their intercultural and linguistic

[31] Ministerio de Asunto exteriores y Cooperación. (n/d). *Traductores/as - Intérpretes Jurados/as.* Retrieved from h*ttp://www.exteriores.gob.es/PORTAL/ES/SERVICIOSALCIUDADANO/Paginas/Traductoresas---Int%C3%A9rpretes-Juradosas.aspx*

competences in the fields of Law, Economy and Business. During the first and fourth year, students are at the University of Granada. After finishing their studies, students must have acquired professional competences, documentation skills for revising and correcting texts, and computer skills for translation[32]. The *Universidad de* Salamanca [University of Salamanca] has its origin in the '*scholas Salamanticae',* 1218. It is one of the first European universities as the Universities of Paris, Oxford and Bologna also are. Alfonso IX of Leon created this entity which has been spreading knowledge for 800 years. In the beginning, there were professors specialized in Law, Logic, Grammar, Physic, and Medicine, among others. There are different study programmes which are focused on technical and literature translation, legal translation, and interpretation. This University offers dual study programmes for the students who want to study Translation and Law giving them the opportunity to study both courses at the same time[33].

In Argentina, translations are considered certified when they bear the seal and the signature of a certified translator who is authorized to exercise in the pertinent languages. The certified translator is the professional who is authorized by the *Colegio de Traductores Públicos* [Bar of Certified Translators] to issue certified translations which are those that have passed the certification process. The professional signs his translations to secure that it is a faithful document. He binds himself ethically and legally for the effects of his translation. During the certification process, the *Colegio de Traductores Públicos* only verifies that the translator has complied with all the requirements under the pertinent rules of certification, and that the translator is duly authorized to exercise the profession; neither the content of the source text nor the content of the target text is verified. The Bar of Certified Translators is a nongovernmental entity which governs the relationships between professionals and clients. It was created by the *Ley Nacional N° 20305* [Act 20305 of the Argentine Republic] on April 25th, 1973, in order to control the issuance of the registration number and the languages in which each professional is capable of translating. This autonomous entity, recognized by the State, has academic,

[32] Universidad de Granada. (n/d). *Grado de Traducción e Interpretación*. Retrieved from *http://grados.ugr.es/traduccion/*
[33] Universidad de Salamanca. (n/d). *Historia*. Retrieved from *http://www.usal.es/node/941*

institutional and economical independence. One of its aims is to promote the importance of the reliability of the certified translators and represent them before individuals and organizations. It is in charge of granting the pertinent certification, establishing the rules of professional ethics, controlling the strict performance of the profession, training the certified translations with courses and activities, and notifying the judiciary about the list of certified translators authorized to act as experts during the proceedings. The requirement to obtain this certification is to pay an annual fee to the *Colegio de Traductores Públicos*. More than 8500 professionals are registered in more than 30 languages such as German, Arabic, Chinese, English, Spanish, Korean, French, among others. It is an institutional member of the following: *Fédération Internationale des Traducteurs (FIT)* [International Federation of Translators], *Fit Latam* [International Federation of Translators in Latin America], *Federación Argentina de Traductores (FAT)* [Argentinian Federation of Translators], *Coordinadora de Entidades Profesionales Universitarias de la Capital Federal (CEPUC)* [Entity in charge of controlling universities], y *Red Iberoamericana de Terminología* (*RITerm)* [Iberoamerican network of terminology][34].

The *Colegio de Traductores Públicos de la Ciudad de Buenos Aires* [Bar of Certified Translators of the City of Buenos Aires]´s logo

In 2003, the *Colegio de Traductores Públicos* [Bar of Certified Translators] created the FIT Latin America [International Federation of Translators in Latin America] which is a non-profit Latin American organization. FIT Latin America is part of the *Fédération Internationale des Traducteurs (FIT)* [International Federation of Translators]. Many translators and interpreters are members of both entities. FIT Latam, former CRLA, has its principal place of business in Buenos Aires, Argentina.

[34]Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Descripción general.* Retrieved from *http://www.traductores.org.ar/descripcion-general*

Nevertheless, such domicile is not permanent because it will change according to the residence of the president in office. It carries out its activities in countries of Latin America and the Caribbean where the Spanish and Portuguese are the main languages. Its main purpose is to provide assistance and control the work of translators and interpreters in Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Panama, Peru, Uruguay y Venezuela. The *Colegio de Traductores Públicos* has a representative in the General Council of the FIT who is also the representative of Latin America[35].

FIT Latin America [International Federation of Translators in Latin America]´s logo

The *Federación Argentina de Traductores (FAT)* [Argentinian Federation of Translators] is a non-profit organization, created on October 23th, 1998, in Cordoba. This organization comprises different entities and professional councils established by law whose functions are to work in furtherance of improving the professional practice of translators. The FAT has no authorization to intervene in these entities which preserve their autonomy[36].

The *Federación Argentina de Traductores (FAT)* [Argentinian Federation of Translators]´s logo

[35] International Federation of Translators. (n/d). *FIT Latin America*. Retrieved *from http://www.fit-ift.org/fit-amerique-latine/*
[36] Federación Argentina de Traductores. (n/d). *¿Qué es la FAT?* Retrieved from *http://www.fat.org.ar/*

The *Colegio de Traductores Públicos* [Bar of Certified Translators] comprises three bodies: *Asamblea* [the Assembly], *Consejo Directivo* [the Council], and *Tribunal de Conducta del CTPCBA* [Body in charge of controlling the practice of the profession][37]. On April 24th, 1973, the *Ley 20305* [Argentinian Act 20305] was enacted. It governs all aspects related to the certified translator and the *Colegio de Traductores Públicos.* The annual fee paid by the translator in concept of certification, the *suaspointe* appointment, and the extraordinary provisions are set forth in such Act[38]. In Argentina, you can study translation and interpretation in the following universities: *Universidad Argentina de la Empresa (UADE), Universidad CAECE, Universidad Católica Argentina (UCA), Universidad de Belgrano (UB), Universidad de Buenos Aires (UBA), Universidad de Morón (UM), Universidad del Museo Social Argentino (UMSA), Universidad del Salvador (USAL), Universidad Nacional de La Plata (UNLP), Universidad Nacional de Lanús (UNLA)*. After completing your study programme, you must take an oath in the *Colegio de Traductores Públicos* and pay the annual fee in order to be authorized to sign and seal your translations as a certified translator[39]. At the *Universidad de Buenos Aires (UBA)* [University of Buenos Aires], there is a study programme for future certified translators which includes the following languages: German, French, English, Italian, and Portuguese. The part of the programme in Spanish is the same for all the students notwithstanding the second language that they have chosen. Students share the Law subjects with future attorneys. This creates a positive environment for study which is focused on the transmission of knowledge and experiences among students. Moreover, the study programme offered by this University has subjects related to technical topics such as economy or journalism[40]. At the *Universidad Argentina de la Empresa (UADE)* [Argentinian University of Business], there is an innovative study program which comprises both a translation and an interpretation degree. Nowadays, such degrees are supervised by the *Departamento de Jurídicas* [Law School]. The head of the

[37] Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Órganos del CTPCBA.* Retrieved from *http://www.traductores.org.ar/organos-del-ctpcba*
[38] Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d).*Ley 20.305*. Retrieved from *http://www.traductores.org.ar/ley-20305*
[39]Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *El traductor público.* Retrieved from *http://www.traductores.org.ar/el-traductor-publico*
[40]Facultad de Derecho (U.B.A.). (n/d). *Carrera de traductor público*. Retrieved from *http://www.derecho.uba.ar/academica/carreras_grado/traductorado.php*

Department is Claudia Cirauqui. Nowadays, the world requires professionals be qualified to act at any occasion. Therefore, different subjects, tools, and methodologies must be given to the student. These future professionals, thus, acquire fluidity and comprehension in the source and the target language. At this University, the study programme is for translators in Spanish-English. The study programme for a translation degree was introduced 40 years ago. It includes subjects designed to prepare students to translate texts of economy, literature, journalism, environment, and medicine, among others. Also, students have Law classes with specialized attorneys in order to be able to compare both legal systems, the Argentinian legal system and the Anglo-American legal system. The methodology of study is practical. Students must develop the habit of translating different texts for each class. Also, they have the opportunity of experiencing how the professional practice will be in an special sector of the University called *Laboratorio de práctica profesional* [Laboratory of Professional Practice]. A ground-breaking aspect of this University is that it allows students to use SDL Trados Studio which is a Computer Assisted Translation (CAT) tool[41]. This translation memory recycles previously translated content, so that, you can complete translation projects in shorter periods of time while maintaining high quality[42].

1D. A reliable translation is the one who conveys the meaning of the source text. This text must follow not only the grammatical rules but also the cultural rules of the place in which the translation will be used for any reason. For this reason, a translator must acquire several abilities in furtherance of this purpose.

In this section, we will analyze the different aspects of translators´ competences, how to acquire such abilities, and why it is important to have them.

Before starting, we must know what the term “competence” means. According to Cambridge Dictionary, competence is the ability to do something well; and according

[41]Universidad Argentina de la Empresa. (n/d). *Programa Conjunto Traductorado Público en Idioma Inglés e Interpretariado Simultáneo de Idioma Inglés*. Retrieved from *https://www.uade.edu.ar/unidades-academicas/facultad-de-ciencias-juridicas-y-sociales/prog-conj-Trad-Pub-Ing-Int-Sim-Ing*

[42]SDL. (n/d). *SDL TradosStudio, Features*. Retrieved from *http://www.sdl.com/solution/language/translation-productivity/trados-studio/features.html*

to Oxford Dictionary, it is a skill that you need in a particular job or for a particular task. If we look up “competence” in the Merriam-Webster Dictionary, we find that it describes such word as the knowledge that enables a person to speak and understand a language. Moreover, this dictionary makes a difference between “competence” and “performance” because this last word is the execution of the action itself which, in this case, is the translation or the interpretation. Therefore, we can conclude that the translator´s competence includes abilities, knowledge, capacity, and, even, personality that the professional must have in order to carry out his work successfully. As stated by Kelly, there are several ways to describe the elements of a translator´s competence according to the author we read (n/d).

The following chart shows how several authors classify the translator´s competences:

Author	Translator´s competences
Wilss (1976)	a) Receptive competence in the source language. b) Productive competence in the target language. c) “Super-competence” which is the ability to transfer messages between linguistic and textual systems of the source culture, and linguistic and textual systems of the target culture.
Nord (1991)	a) Competence of text reception and analysis. b) Research competence. c) Transfer competence. d) Competence of text production. e) Competence of translation quality assessment. f) Linguistic and cultural competence

	both on the source and the target language.
Pym (1992)	a) Shared knowledge among translators: grammar, rhetoric, terminology, general knowledge, common sense, and business strategies. b) “The specifically translational part of their practice” (Pym, 1992) that is to be able to provide several translations for the same term but knowing which one is the correct one in each context and why.
Gile (1995)	a) Inactive domain of languages with which the translator does not work. b) Active domain of languages with which the translator works. c) Knowledge of the topic of the text and ability to translate it. (Components of translation expertise, Gile, 1995)
Hurtado (1996)	a) Communicative competence in both languages. b) Paralinguistic competence. c) Ability to analyze and summarize. d) Ability to translate. e) Professional competence.
Hatim and Mason (1997)	a) Source text processing skills: to recognize intertextuality, to locate situationality, to infer intentionality, to organize structure, to judge informativity. b) Transfer skills: to adjust effectiveness, efficiency, and relevance in fulfilment of

	rhetorical purposes. c) Target text processing skills: to establish intertextuality and situationality, to create intentionality, to organize structure, and to balance informativity.
Campbell (1998)	a) Independent components used as building blocks in curriculum design. b) Translation education. c) The assessment of translation quality.
Neubert (2000)	a) Linguistic competence. b) Textual competence. c) Specialized competence. d) Cultural competence. e) Transfer competence.

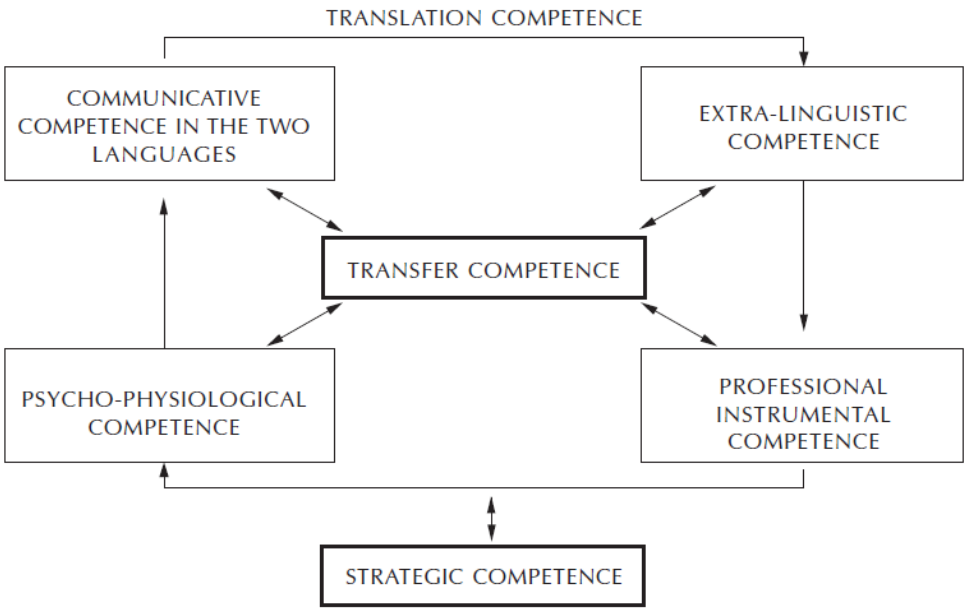
(Kelly, n/d)

Analyzing this chart, we can see that all the authors included a common element which is the knowledge of grammatical rules of the source and the target language. It is possible to recognize how, over the years, translators started to include communicative and writing skills apart from the linguistic component. It is essential to know about the culture in which both the source and the target language are used. Therefore, the intercultural competence is incorporated as one of the most important competences. Some authors believe that professionals must only translate a specific subject, while others think that translators must be capable of translating any subject. It is an utopia in this modern world because there is a new tendency to specialize professionals. Finally, we should say that only Neubert makes reference to the inter-relationship of different competences which is a crucial factor to understand the translator´s competence as a complex system of expert knowledge (Kelly, n/d).

As Kelly does in her paper, we want to highlight the theory of the PACTE Group. It has been a competitive research group since 1997. Since 2002, the government of Catalonia recognized it as a consolidated group. It was a member of *the Institut de Neurociències of the Universitat Autònoma de Barcelona* [Institute of Neuroscience of

the University of Barcelona] from 2001 to 2009. Actually, it is a member of *GReCO* [Research group of competences] of the *Universitat Politècnica de Catalunya* [Barcelona Tech]. PACTE initiated the Thematic Network TREC (Translation, Research, Empiricism, Cognition) which was coordinated in two years. Its purpose was to gather experts from around the world in order to undertake empirical and experimental research in translation. PACTE group's main research interests are: empirical and experimental-based research on translation competence and its acquisition in written translation, translator training, empirical and experimental research in Translation Studies, and the use of new technologies in translation research[43].

The following theory of the translator´s competence was first displayed in 1998 during the Congress of the European Society for Translation Studies in Granada. We will analyze the following mind map in which the translator´s competence is divided according to the PACTE Group´s theory:



(Kelly, n/d)

The PACTE Group defines the translation competence as the underlying system of knowledge required to translate. After carrying out several researches, in 2011, the

[43]PACTE Group. (n/d). *PACTE research group*. Retrieved from *http://grupsderecerca.uab.cat/pacte/en*

PACTE Group divided the translator´s competence into five subcompetences and some psycho-physiological components drawing a difference with its model of the year 2003. Such model includes the following:

Subcompetence	**Definition**
Bilingual subcompetence	Predominantly procedural knowledge required to communicate in two languages. It comprises pragmatic, socio-linguistic, textual, grammatical, and lexical knowledge.
Extra-linguistic subcompetence	Predominantly declarative knowledge, both implicit and explicit. It comprises general knowledge, domain-specific knowledge, bicultural and encyclopedic knowledge.
Knowledge about translation	Predominantly declarative knowledge, both implicit and explicit, about translation and aspects of the profession. It comprises knowledge about how translation functions, and knowledge about professional translation practice.
Instrumental subcompetence	Predominantly procedural knowledge related to the use of documentation resources and information, and communication technologies applied to translation (dictionaries of all kinds, encyclopedias, grammar books, style books, parallel texts, electronic corpora, search engines, *etc*.).
Strategic subcompetence	Procedural knowledge to achieve efficiency and solve problems during the

	translation process. This subcompetence serves to control the translation process. Its function is to plan the process and carry out the translation project (selecting the most appropriate method); to evaluate the process and the partial results obtained in relation to the final purpose; to activate the different subcompetences and compensate for any shortcomings; to identify translation problems; and to apply procedures to solve them.
Psycho-physiological subcompetence	Different types of cognitive and attitudinal components and psycho-motor mechanisms, including cognitive components such as memory, perception, attention and emotion; attitudinal aspects such as intellectual curiosity, perseverance, rigor, and the ability to think critically. Abilities such as creativity, logical reasoning, analysis and synthesis, among others.

PACTE´s model translator´s competences (2003)[44]

The PACTE Group considered the psycho-physiological subcompetence and the strategic subcompetence the most relevant. The psycho-physiological subcompetence is focused on the importance of the self-consciousness and the self-confidence while learning and working. The strategic subcompetence highlights the cognitive aspects of translators; such aspects are studied in experimental protocols.

[44]PACTE Group. (2010). *RESULTS OF THE VALIDATION OF THE PACTE TRANSLATION COMPETENCE MODEL: TRANSLATION PROJECT AND DYNAMIC TRANSLATION INDEX.* Retrieved from *http://grupsderecerca.uab.cat/pacte/sites/grupsderecerca.uab.cat.pacte/files/2011_PACTE_Continuum.pdf*

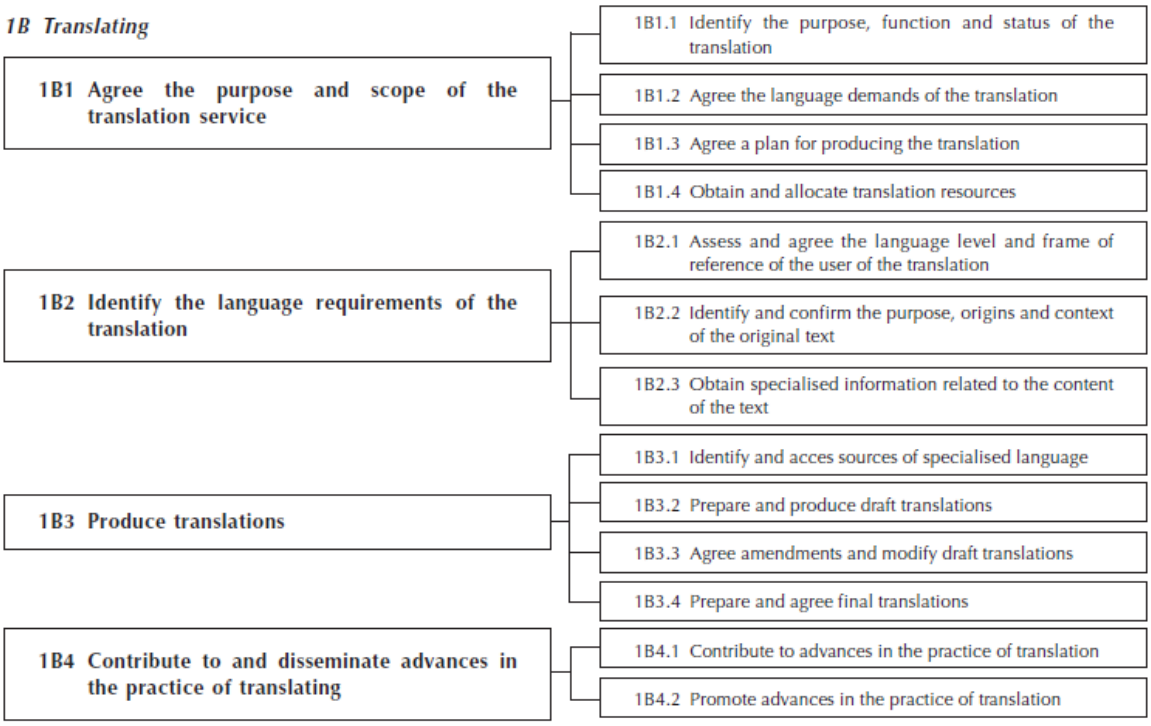
This proposal establishes several relationships among the subcompetences instead of establishing them as separate topics. Two subcompetences are emphasized in this theory because of their role in the translation product and in consequence, in the learning. They are the subcompetence of transference and the subcompetence of strategy. The PACTE group is determined to prove the validity of this theory (Kelly, n/d). In furtherance of accomplishing such purpose, the PACTE Group started an empirical-experimental research about the translator´s competences and its acquisition throughout the translation process itself. It was carried out from two different points of view: the translation process and the translation product. The translation process comprises the mental processes used while translating, and the competences and abilities needed to create a faithful document in the target language. The final translation is the consequence of methodologies and competences employed by the translator. This research was divided into two stages. The first stage was an experimental study about the translator´s competences. Experienced translators and foreign language professors participated. The aim was to analyze the mental processes used to translate, and the knowledge and ability needed to translate. This first stage was concluded in 2010. The second stage started in 2010. It consisted in the monitoring of students of Translation throughout an experimental programme of repeated measurements in order to study the acquisition of competences. The research was undertaken in six language combinations: English–Catalan, English–Spanish, French–Catalan, French–Spanish, German–Catalan, and German–Spanish. In both stages, experimental and pilot tests were carried out during the preparation of the research[45]. Teachers and translators who participated had to satisfy several requirements such as not to be specialists in any particular field of translation. They were paid for their translations at market rates, simulating a real-life translation task. In order to provide tasks for analysis, they had to perform the following tasks: direct translation, completion of a questionnaire about the problems encountered in the translation, inverse translation, completion of a questionnaire about the problems encountered in the translation, completion of a questionnaire about translation knowledge, participation in a retrospective interview.

[45]PACTE. (n/d). *Competencia traductora y adquisición*. Retrieved from *http://grupsderecerca.uab.cat/pacte/es/content/competencia-traductora-y-adquisici%C3%B3n*

But also, the research considered dependent variables in order to evaluate all the aspects which intervene in the translation´s process. The dependent variables were: knowledge about translation, efficacy of the translation process, decision-making, translation project, identification and solution of translation problems. This research led to the creation of the subcompetences chart that is described above. It was a pioneering research because it included the ability to resolve problems while translating. A professional translator must be able to solve problems. The solution of translation problems involves different cognitive operations within the translation process and requires constant decision-making on the part of the translator. Such competence is called strategic subcompetence and has not been analyzed by any author until the PACTE Group decided to consider it[46].

In contrast with the authors that we have studied before, we will analyze the model proposed by the *Professionals Lead Body* of the United Kingdom in 1992. It proposed a model of the translator´s competences in which the professional competence had a distinguished role. Such inclusion was innovative because none of the other authors had considered such aspect. Despite of the fact that the translator´s work is considered solitary, this professional has constant interactions with the client, the author of the text, the editor, the experts at the subject of the translation, grammarians, experts at terminology, among others. It leads to the acquisition of another subcompetence which is not included in any of the models described above. Nevertheless, this model has a lack of other competences which are also relevant in order to be a good translator (Kelly, n/d). We will display the chart of this model:

[46] *Ibid* 45



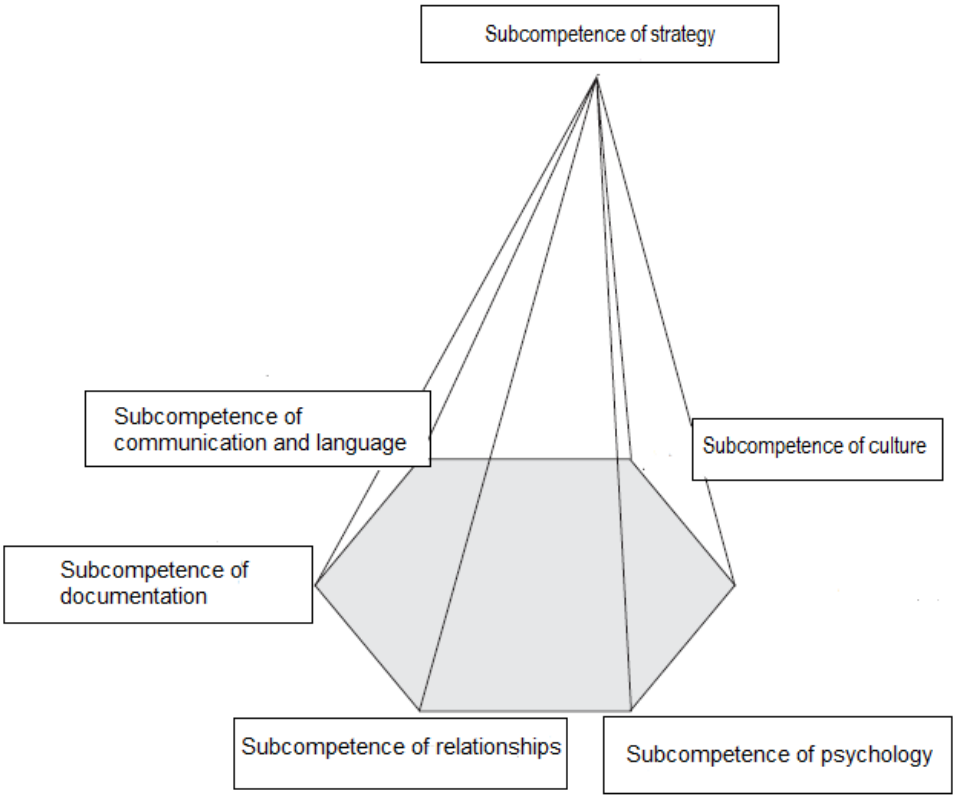
Model proposed by the *Professionals Lead Body* of the United Kingdom in 1992 (Kelly, n/d)

According to Kelly, the translator´s competence is defined as the core competence which comprises abilities, knowledge, and even personality of a professional translator. Such core competence is needed to work as a professional translator and is divided into subcompetences. In the following chart, we will mention and explain briefly the subcompetences described by Kelly.

SUBCOMPETENCE	DESCRIPTION
Subcompetence of communication and language	This subcompetence is related to language skills in both languages (source and target language).
Subcompetence of culture´s knowledge	It comprises not only the knowledge of the grammatical rules but also the knowledge of myths, conceptions of the world, values, and beliefs of the target

	language.
Subcompetence of specialization	It is focused on the themes in which the translator is specialized in order to understand deeply the original text and the additional documentation that he will need to use.
Subcompetence of documentation	This subcompetence refers to the ability to use different sources of information, to search and organize glossaries and terminology, and to understand and use translation software. It also includes the ability to carry out any legal activity related to the profession, such as to enter an agreement or to perform any tax duty.
Subcompetence of psychology	In this subcompetence, psychological elements, such as self-confidence and the vision of oneself, are considered.
Subcompetence of relationships	This subcompetence refers to the ability to establish relationships not only with other translators and professionals of the same niche (such as editors) but also with clients and authors.
Subcompetence of strategy	It comprises all the procedures related to the organization of the translation, the resolution of problems, and the revision of the final translation. Other authors defined it as the transfer subcompetence but Kelly believed that it was to be able to decide and resolve.

As Pym, Kelly held that some of those subcompetences are not exclusive of translators. What defines if a translator is a good professional or not is the relationship among all of them. But we must say that not all subcompetences are required for all translations. This happens when a specialized translator is translating a document about a topic that he had already studied; he may not need certain documents to do such translation because he previously acquired the necessary knowledge to understand the original text and translate it. The same translator must have the subcompetence of documentation when translating a document in which he is not specialized. It is essential not to misunderstand competence with performance. Kelly´s model describes competences which intervene in different moments of the translator´s performance. We must also consider that a translator may be living a difficult moment which affects his performance but it does not mean that he has not acquired the pertinent competences during his formation as a professional. The purpose of identifying the translator´s competence is to create a study programme which will be useful for future good professionals. This is the reason why Kelly studied the previous models about translator´s competence and according to her conclusions, she created her own model including some competences described by other authors and some new subcompetences that she considered relevant. Since her subject-matter was to draw up an effective study programme, she considered the strategic subcompetence the most relevant one because it functions as the core of the others. The strategic subcompetence is useful in order to put in practice all the others in furtherance of doing a quality translation. In the following chart, we will see the relationship of the subcompetences according to Kelly (n/d):



Model of the translator´s subcompetences proposed by Kelly (n/d)

1E. Before translating a text, a translator must understand the source text which means to comprehend not only its grammatical and punctuation rules but also its cultural influence and usage. Only after that, a translator will be capable of creating a reliable and useful target text. Also, translators must study the several translation techniques in order to organize his work.

In this section, we will mention the steps that we consider necessary and useful to take before translating. Our method is subjective because other professionals may take the steps that they consider appropriate to make a quality translation.

In the case of a legal text, at the beginning of his work, a translator must identify the legal system of the source and the target text. A translator must also identify the parties who play a role in the context described in the text. After that, the translator will read the text again in order to examine the grammatical, punctuation, and coherence mistakes. Said step is one of the most important stages within the translation process because if the translator is not able to recognize such mistakes

and incoherence, he will repeat them in the target language. Once the translator has taken all the steps described above, the translator must be capable of drawing up a list of terms and their respective translation according to the context of the text (Chiviló, 2016).

Justa Holz-Mänttäri (2015) is a Finnish translation scholar who developed the theory of Translatorial Action and the concept of "message carrier". She sees translation as the process of transferring information embedded in one culture to receivers in another culture. Thus, the translator is the professional responsible for such transfer. Using concepts from communication theory, Holz-Mantarri identifies the players in the translatorial process: the initiator, the person in need of the translation; the commissioner, the person that contacts the translator; the source text producer or author; the target text producer, the translator or translation agency; the target text user, and the target text recipient. The need for a translation arises in situations where there is information in a particular culture that members of another culture do not have access to, or when differences in verbal and non-verbal behaviour, expectations, knowledge and perspectives are such that there is not enough common ground for the sender and receiver to communicate effectively by themselves. In this intercultural process, the focus is on producing functionally adequate texts. Therefore, the target text should then conform to the genre conventions of the target culture. This makes the translator the expert in the translatorial action because such professional determines what is suitable for the translatorial text operation and ensures that the information is transmitted satisfactorily[47].

According to the style, a translator will decide which translation techniques will be predominant in the target text to be created. Gabriela Bosco, translator, divides translation techniques into two broad categories with subdivisions. The first category is called Direct Translation Techniques. They are used when structural and conceptual elements of the source language can be transposed into the target

[47]UK essays. (March 23rd, 2015). *Contributions of functionalist approaches*. Retrieved from *https://www.ukessays.com/essays/translation/contributions-of-functionalist-approaches.php just h translation action theory*

language. Borrowing, calque, and literal translation are included in this one. The second category is called Oblique Translation Techniques. Said techniques are used when the structural or conceptual elements of the source language cannot be directly translated without altering the meaning or upsetting the grammatical and stylistic elements of the target language. Transposition, modulation, reformulation or equivalence, adaptation, and compensation are included in this second one. In the following chart, we will explain in detail the techniques mentioned:

<table>
<tr><td colspan="3">TRANSLATION TECHNIQUES</td></tr>
<tr><td rowspan="3">DIRECT TRANSLATION TECHNIQUES</td><td>BORROWING</td><td>It is the taking of words directly from one language into another without translation. Borrowed words are often printed in italics when they are considered to be "foreign". For example: software (in English)–software (in Spanish)</td></tr>
<tr><td>CALQUE</td><td>It is a phrase borrowed from another language and translated literally word-for-word. You often see them in specialized or internationalized fields. Some calques may become widely accepted in the target language although others may be confusing. For example, solución de compromiso is a Spanish legal term taken from the English term “compromise solution”; although Spanish attorneys understand it, the meaning is not readily understood by laymen.</td></tr>
<tr><td>LITERAL TRANSLATION</td><td>It is a word-for-word translation. Sometimes it works and, sometimes, it does not. It depends on the sentence structure of each language. For example, [E]l equipo está trabajando para terminar</td></tr>
</table>

		el informe would be translated into English as “[T]he team is working to finish the report”.
OBLIQUE TRANSLATION TECHNIQUES	TRANSPOSITION	It is the process where parts of speech change their sequence when they are translated. It is often used between English and Spanish because of the preferred position of the verb in the sentence. The translator must know the possibility to replace a word category in the target language without altering the meaning of the source text; for example, the translation for hand knitted (noun + participle) is *tejido a mano* (participle + adverbial phrase).
	MODULATION	It is the usage of a phrase that conveys the same idea but which is different in the source and in the target language. When translating, the translator changes the semantics and shifts the point of view of the source language without altering meaning or generating a sense of awkwardness in the reader of the target text. For example, the phrase *te lo dejo* literally means “I leave it to you” but it would be better understood as “you can have it”.
	REFORMULATION OR EQUIVALENCE	It is used when you have to express something in a completely different way, for example when translating idioms or advertising slogans. For example, the

		movie “The Sound of Music” is translated into Spanish as “*La novicia rebelde”* (The Rebellious Novice in Latin America).
	ADAPTATION	It occurs when something specific to one language culture is expressed in a totally different way that is familiar or appropriate to another language culture. For example, France has Belgian jokes and England has Irish jokes. It involves changing the cultural reference when a situation in the source culture does not exist in the target culture.
	COMPENSATION	It is used when something cannot be translated, and the meaning that is lost is expressed somewhere else in the translated text. Peter Fawcett defines it as: "[...] making good in one part of the text something that could not be translated in another [...]". One example given by Fawcett is the problem of translating nuances of formality from languages that use forms such as Spanish informal *tú* and formal *usted*, French *tu* and *vous*, and German *du* and *sie* into English which only has 'you' for expressing degrees of formality in different ways.

(Gabriela Bosco, n/d)

After analyzing the text as we have already explained and making a draft of the future translation, the translator is ready to start working.

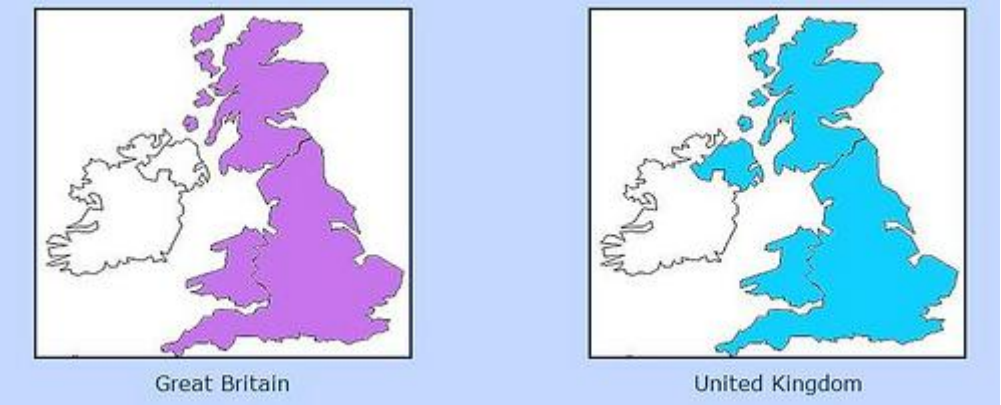
CHAPTER 2

2A. As we have previously explained, one of the most important stages in the process of making a quality translation is the understanding of the text. For that, we must know the context from which it comes. This fact is particularly important when translating a legal text because according to the nature and the stage of the proceedings, the translation of terms will differ. Also, the judicial system, which is the framework of the text to be translated, will define the future target text because the translator must do his work under the equivalents and the differences between both judicial systems in order to make a reliable, understandable, and useful translation.

Therefore, in this section we will explain the judicial system in the United Kingdom: organization, authorities, and functions in order to be able to study deeply the text that we will translate.

I consider that it would be useful to start this analysis clarifying the division of territories into which the United Kingdom is separated. The United Kingdom of Great Britain and Northern Ireland comprises England, Scotland, Wales, and Northern Ireland[48]. The island is called Great Britain; the collection of islands, not including Ireland, is called the British Isles. The collection of different political authorities is called the United Kingdom. The center for political control of the islands is at Westminster, in London, England. In the following image, we are able to distinguish the difference between the United Kingdom and Great Britain which are frequently confused.

[48] *The difference between England, Britain, and the United Kingdom*. (February 4th, 2010). Retrieved from *http://www.everywhereist.com/the-difference-between-england-britain-and-the-united-kingdom-and-a-few-other-places-too/*



[49]

Furthermore, we must keep in mind that the current judiciary is the consequence of several years of history. Therefore, we will study the origins of the judiciary in the United Kingdom of Great Britain and Northern Ireland.

Justice for the Anglo-Saxons, even after the Norman invasion of 1066, was a combination of local and royal government. Local courts were presided over by a lord or one of his stewards. The king's court, knows as the *Curia Regis*, was initially presided by the king himself. Until almost the end of the 12th century, there were trials by ordeal[50]. It was used to determine proof through the judgment of God, the *Judicium Dei*. The two main types of ordeal were trial by hot iron and trial by water[51]. William II eventually banned trial by ordeal because it was condemned by the Church in 1216. Criminal and civil disputes could also be decided by trial by combat but it fell into disuse for civil cases.

Judges gradually started to gain independence from the monarch and the government. In the 12th century, the very first judges were court officials who had particular experience in advising the king on the settlement of disputes. From that group evolved the justices in *eyre* who possessed a mixed administrative and judicial jurisdiction. They were considered instruments of oppression. The origins of the modern justice system saw the light in the times of Henry II (1154-1189) who established a jury of 12 local knights to settle disputes over the ownership of land.

[49] *Ibid* 48
[50] Courts and Tribunals Judiciary. (n/d). *History of the Judiciary*. Retrieved from *https://www.judiciary.gov.uk/about-the-judiciary/history-of-the-judiciary/*
[51] BBC. (March 14th, 2013). *Trial by ordeal.* Retrieved from *http://www.bbc.co.uk/education/clips/zrtk2hv*

When Henry came to the throne, there were just 18 judges in the country. In 1178, Henry II first chose five members of his personal household, two from the clergy and three laymen. It was the origin of the Court of Common Pleas. Eventually, a new permanent court, the Court of the King's Bench, evolved, and judicial proceedings before the King came to be seen as separate from proceedings before the King's Council[52].

In 1166, Henry issued a declaration at the Assize of Clarendon. An assize was an early form of the king´s council. The Assize of Clarendon, which functioned until 1971, ordered the remaining non-king's bench judges to travel the country which was divided into different circuits deciding cases. To do this, they would use the laws made by the judges in Westminster. It meant that many local customs were replaced by new national laws. Such laws are what we now know as 'common law'. In the middle of the 14th century, under Edward III, a third common law court of justice emerged. It was called the Court of Exchequer[53].

Martin de Pateshull, Archdeacon of Norfolk and Dean of St Paul's, became a Justice of the bench in 1217. He died in 1229. He is known as one of the finest attorneys in England. Even today, his judgments were searched for precedents. By the middle of the 13th century, knights had begun to join clerics on the bench. The first professional judges were appointed from the order of sergeants-at-law. These were advocates who practiced in the Court of Common Pleas. Over the years, they were overtaken in popularity by barristers and solicitors.

Meanwhile, a new type of court began to evolve. It is now recognized as the magistrates' court. Its official birth came in 1285, during the reign of Edward I. From that point, and continuing today, justices of the peace have undertaken the majority of the judicial work carried out in England and Wales[54].

The day after the House of Commons resolved that James II had abdicated; a parliamentary committee drew up heads of grievances to be presented to the new

[52] *Ibid* 50
[53] *Ibid* 50
[54] *Ibid* 50

King, William III. This document contained items on paying judges' salaries out of public funds, and preventing judges being removed or suspended from office unless by due cause of law, among others. Such terms appeared in the same form in the Act of Settlement (1701) and have been in force since then[55].

County courts, dealing with civil cases, were created under the County Courts Act 1846. In 1873, Parliament passed the Judicature Act which merged common law and equity. Although one of the divisions of the High Court is still called Chancery, all courts now administer both equity and common law, with equity to reign supreme in any dispute. The same Act established the High Court and the Court of Appeal and provided a right of appeal in civil cases to the Court of Appeal. Criminal appeal rights remained limited until the establishment of a Court of Criminal Appeal under the Criminal Appeal Act 1907. The Court of Criminal Appeal sat for nearly 60 years, until its existence as a separate body was ended by the Criminal Appeal Act 1966. Its jurisdiction passed to the Court of Appeal. In 1956, the Crown Court was created under the terms of the Courts Act 1971.

The Royal Commission on Assizes and Quarter Sessions led to the abolition of courts of assize and quarter sessions and the establishment of a new Crown Court to deal with business from both, under the terms of the Courts Act 1971[56].

Until 2006, the Lord Chancellor was part of the executive, the legislature, and the judiciary. The Lord Chancellor's role changed drastically on April 3th, 2006, as a result of the Constitutional Reform Act 2005. It has been the most significant change since the Magna Carta. The Act establishes that the Lord Chief Justice must be the president of the courts of England and Wales and the head of the judiciary, a role previously performed by the Lord Chancellor. For the first time, an express statutory duty is placed on the Lord Chancellor and other ministers of the Crown to protect the independence of the judiciary. For the first time, the judiciary was officially recognized as a fully independent branch of the government[57].

[55] *Ibid* 50
[56] *Ibid* 50
[57] *Ibid* 50

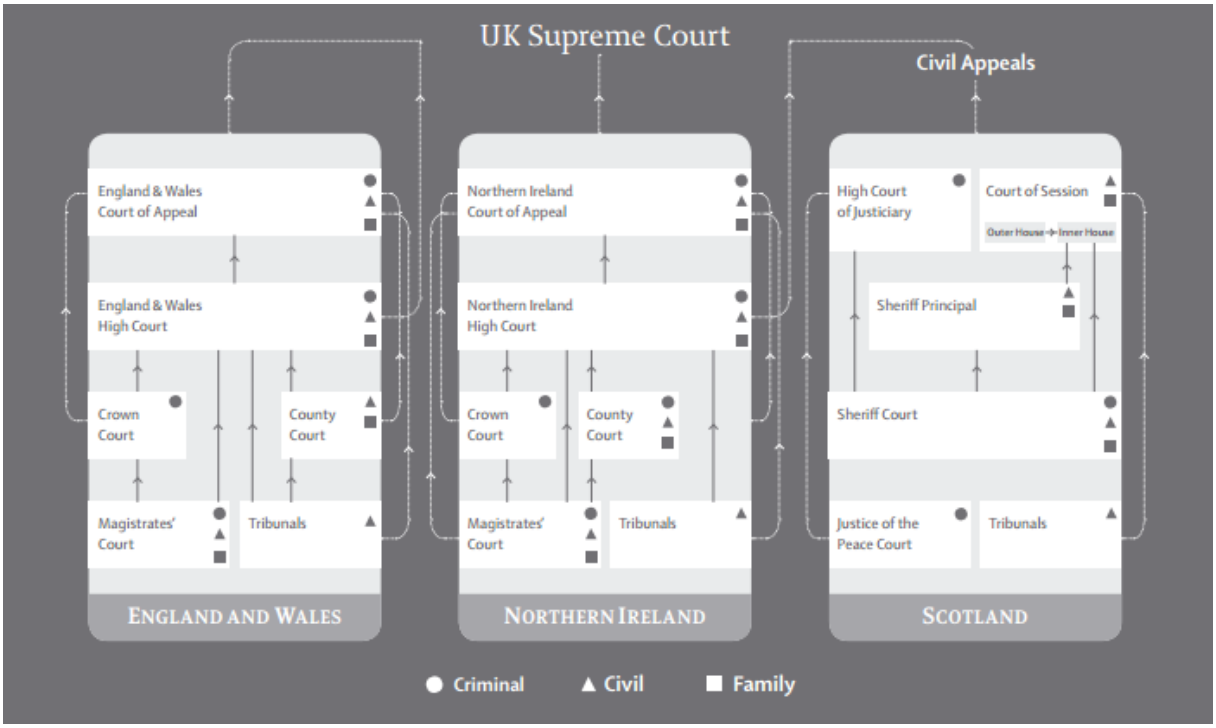
Because of such reform of the Constitution, an independent Supreme Court has been established, separate from the House of Lords and with its own independent appointment system, staff, budget, and building. Moreover, an independent Judicial Appointments Commission, responsible for selecting candidates to recommend for judicial appointment to the Secretary of State for Justice, has also been created. It works together with the Judicial Appointments and Conduct Ombudsman, responsible for investigating and making recommendations concerning complaints about the process of judicial appointments, and the handling of judicial conduct complaints within the scope of the Constitutional Reform Act. The Tribunals Service was created on April 3th, 2006, and brought together the administration of a large number of individual tribunals. On November 3th, 2008, the Tribunals, Courts and Enforcement Act came into force. This created a new two-tier tribunal system: a first–tier tribunal and an upper tribunal, both of which are divided into chambers. Each chamber comprises similar jurisdictions. These new tribunals absorbed over 20 existing smaller tribunals[58].

Before the Supreme Court was created, the 12 most senior judges (the Lords of Appeal in Ordinary, or Law Lords) sat in the House of Lords where they sat as the Appellate Committee of the House of Lords. The House of Lords was the highest court. It is the supreme court of appeal[59]. It acted as the final court on points of law for the United Kingdom in civil cases and for England, Wales and Northern Ireland in criminal cases. Its decisions bound all courts below. As members of the House of Lords, judges become involved in debating and the subsequent enactment of Government legislation. It is important to be aware that the new Supreme Court is a United Kingdom´s body, legally separate from the courts of England and Wales. It is also the Supreme Court of both Scotland and Northern Ireland. As such, it falls

[58]Courts and Tribunals Judiciary. (n/d). *Constitutional Reform.* Retrieved from *https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/constitutional-reform/*

[59] The Supreme Court. (n/d). *Significance to the UK.* Retrieved from *https://www.supremecourt.uk/about/significance-to-the-uk.html*

outside of the remit of the Lord Chief Justice of England and Wales in its role as head of the judiciary of England and Wales[60].



The Supreme Court and the United Kingdom's legal system[61]

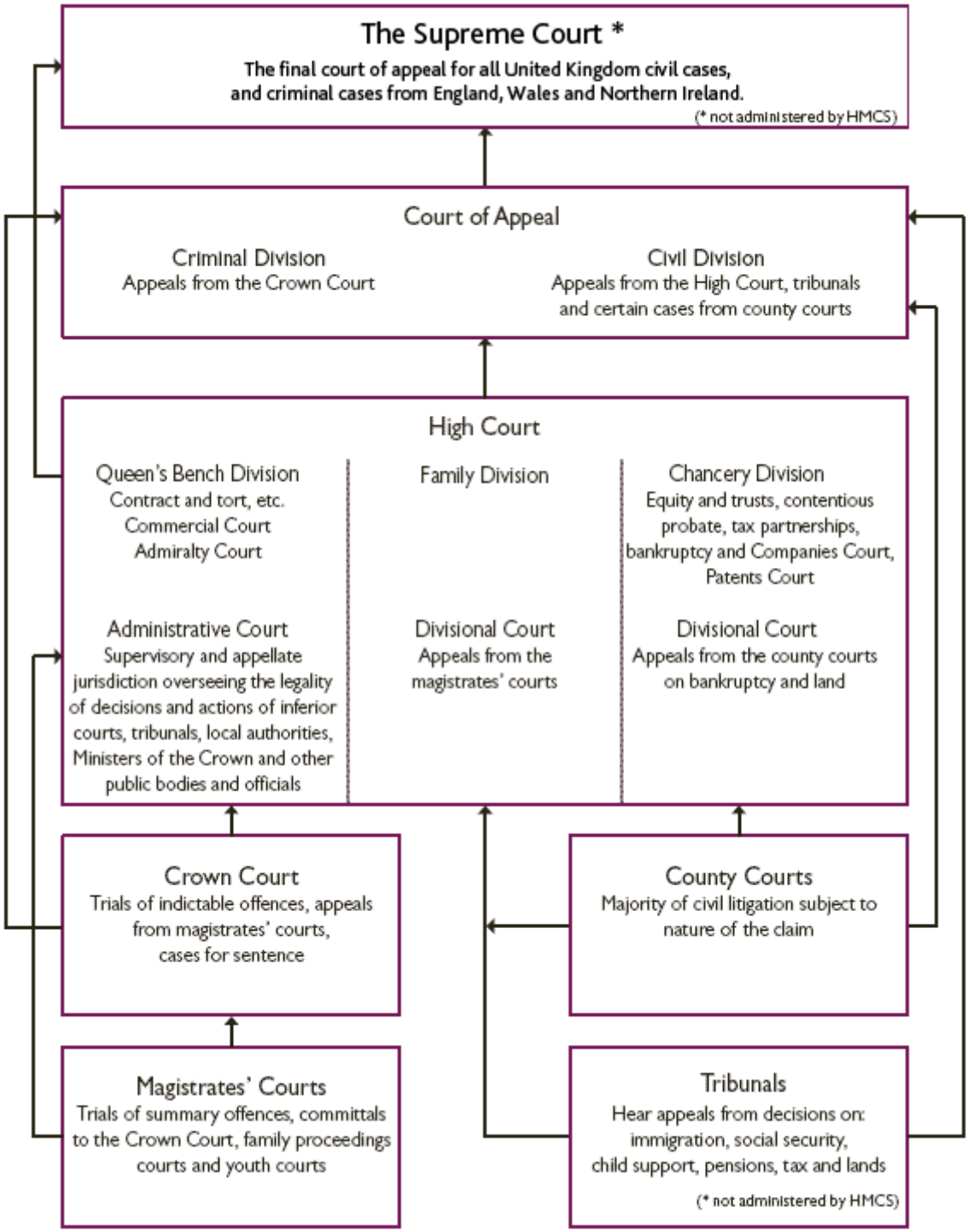
To conclude, we can say that currently the Lord Chief Justice became responsible for some 400 statutory functions, which were previously the responsibility of the Lord Chancellor. He decides where judges sit, and the type of cases they hear. To do this, the Lord Chief Justice has support from his judicial colleagues, as well as from a small administrative staff. The Lord Chief Justice has a Judicial Executive Board to provide judicial direction and a judges' Council which is representative of all levels of the judiciary. To represent the interests of judges from a particular level or jurisdiction, different levels of judges have their own representative organizations, for example the Association of Her Majesty's District Judges, or the Council of Her

[60]The Supreme Court. (n/d). *Role of the Supreme Court.* Retrieved from *https://www.supremecourt.uk/about/role-of-the-supreme-court.html*
[61] The Supreme Court. (n/d*). The Supreme Court and the United Kingdom's legal system.* Retrieved from *https://www.supremecourt.uk/docs/supreme-court-and-the-uks-legal-system.pdf*

Majesty's Circuit Judges[62]. I do not want to finish without mentioning the role of the House of Commons which is the elected chamber of Parliament. Members of the House of Commons debate the big political issues of the day and proposals for new laws. Therefore, such decisions are highly relevant for the judiciary[63].

Conclusively, we can say that the court system in England and Wales consists of 5 levels: Supreme Court (formerly the House of Lords) and the Judicial Committee of the Privy Council; Court of Appeal; High Court; Crown Court and County Courts; Magistrates' Courts; and the Tribunals Service[64]. In the following chart, we are able to identify the features of such levels:

[62] The Supreme Court. (n/d). *How the Judiciary is governed.* Retrieved from *https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/how-the-judiciary-is-governed/*
[63] *The work of the House of Commons*. (n/d). Retrieved from *http://www.parliament.uk/business/commons/what-the-commons-does/*
[64] *UK Court Structure.* (n/d). Retrieved from *http://new.justcite.com/kb/editorial-policies/terms/uk-court-structure/*



UK Court Structure[65]

[65] *Ibid* 64

2B. The judicial process by which a judge reviews the lawfulness of a decision or action made by a public body is called "judicial review"[66]. In this section, we will explain the features of such process which is the subject matter of our document.

Before starting, I would like to highlight that as this logbook is dedicated to linguists, translators and language experts, it is important to highlight that the term "sentence" is used for criminal cases and the term "judgment" is used for civil cases. Both terms refer to the same instrument but we must adapt the terminology according to the context. Another point to highlight is that our document is written in plain English. Therefore, we will find terms such as "claimant" instead of "plaintiff"[67]. We will respect such terms in our logbook in order to be concise and more understandable.

Our document corresponds to a judicial review. At the bottom of the first page, the phrase "approved judgment" refers to the fact that the decision of Mr. Justice Green was approved for handing down in the next step of the judicial process. Said document is issued by the High Court of Justice, Queen´s Bench Division, Administrative Court on August 2nd, 2016. The issue subject matter of judicial review arose among the following parties: the National Aids Trust, claimant; the National Health Service Commissioning Board (NHS England), defendant; the Secretary of State for Health, interested party; and the Local Government Association, interested party.

Judicial review is only available when there is no other effective means of challenge. Such court proceeding is usually carried out in the administrative court to review the lawfulness of a decision or action, or a failure to act, by a public body exercising a public function[68]. An administrative court is a special court within the Queen's Bench Division of the High Court of Justice. It functions at the Royal Courts of Justice, London, and also at centers in Birmingham, Cardiff, Leeds, and Manchester. Cases may be heard by one high court judge or by a divisional court

[66] The Public Law Project. (n/d). *An introduction to judicial review procedure.* Retrieved from *http://www.publiclawproject.org.uk/data/resources/6/PLP_Short_Guide_3_1305.pdf*
[67] *The A to Z guide to legal phrases.* (n/d). Retrieved from *http://www.plainenglish.co.uk/files/legalguide.pdf*
[68] *Ibid* 66

which consists of 2 or more judges, normally a High Court Judge and a Lord Justice of Appeal[69]. Judicial review is concerned with whether the law has been correctly applied, and the right procedures have been followed. It is about the supervision of administrative decision making. Its purpose is to force a public body to reconsider a decision. If alternative remedies are available, the judge can refuse to hear a judicial review. An alternative remedy for the judicial review may be a statutory right of appeal against a disputed action. In the appeal hearing, the whole issue is discussed again. The judicial revision does not involve a re-examination of the facts[70].

The National Aids Trust, claimant, is a charity which promotes public health through effective HIV prevention and early diagnosis of HIV infection. It promotes the education of the general public in order to increase awareness and understanding of HIV and AIDS and to eradicate discrimination. It seeks the halt of the spread of HIV by means of early diagnosis of HIV. It also secures equitable access to treatment. NAT is a small charity with a staff of only 15 members. The Board of Trustees comprises directors and members of the company who are prominent HIV clinicians and academics[71].

The National Health Service Commissioning Board (NHS England), defendant, consists of a chair and eight non-executive directors and four voting executive directors as per the requirements of the National Health Service Act 2006. The Board is the decision-making structure in NHS England which leads the National Health Service in such country. This organization promotes dialogue with governmental departments, clinical commissioning groups (CCGs), and providers of healthcare. Its work involves the commissioning of health care services prescribed by regulation in England. Other NHS services are commissioned by Clinical Commissioning Groups ("CCG")[72].

[69] *Queen's Bench Division of the High Court*. (n/d). Retrieved from *https://www.gov.uk/courts-tribunals/queens-bench-division-of-the-high-court*
[70] The Public Law Project. (2006). *An brief guide to judicial review procedure.* Retrieved from *http://www.publiclawproject.org.uk/data/resources/114/PLP_2006_Guide_To_JR_Procedure.pdf*
[71] NAT. (n/d). *Welcome to NAT*. Retrieved from *http://www.nat.org.uk/what-do-we-do/nat*
[72] NHS England. (n/d). *NHS England Board.* Retrieved from *https://www.england.nhs.uk/about/whos-who/*

The Secretary of State for Health, interested party, is responsible for the performance of NHS. Jeremy Hunt was appointed Secretary of State for Health in September, 2012[73]. The Secretary of State provides NHS England with an "annual mandate" ("the Mandate") which has a statutory function. In such document, the objectives which NHS England is required to pursue are established. Moreover, it sets the Government's objectives and NHS England´s budget. The Mandate is promulgated in accordance with section 13A(1) of the NHSA 2006, as amended by the Health and Social Care Act (National Aids Trust Claimant v National Health Service Commissioning Board (NHS), approved judgment, August 2th, 2016, p. 3).

The Local Government Association, interested party, is an association of local authorities comprising 435 local authority members. It is the national voice of local governments and works on behalf of local authorities to support and improve said governments. One of its aims is to promote health and well-being[74]. Its interests are affected by the subject matter of the claim because local authorities are in charge of funding medical services, such as the treatment known as PrEP (National Aids Trust Claimant v National Health Service Commissioning Board (NHS), approved judgment, August 2th, 2016, p. 3).

The complaint was brought by the NAT against NHS England. The purpose of such action was to challenge the NHS England´s decision to refuse to consider in its commissioning process an anti-retroviral drug to be used on a preventative basis for those at high risk of contracting AIDS. NHS England stated that it had no legal power to do so under the National Health Service Act 2006. Furthermore, it was added that local authorities had the responsibility of providing preventative medicine such as said treatment known as PrEP. Local authorities responded that they had neither the responsibility nor the budget to do so.

NHS England has created three preventative methodologies. One is the MTC which helps to reduce the risk of transmission from mother to child *in uterus*. The other one is known as Treatment as Prevention ("TasP) which helps to reduce the

[73]Gov. UK. (n/d). *Secretary of State for Health.* (n/d). Retrieved from *https://www.gov.uk/government/ministers/secretary-of-state-for-health*
[74] Local Government Association. (n/d). *About the LGA*. Retrieved from *http://www.local.gov.uk/about*

risk of transmission from infected people to others. The last one is called PEP. It is the post-exposure prophylaxis for those individuals who have been clinically assessed as having had a high risk of HIV exposure event in the preceding 72 hours (National Aids Trust Claimant v National Health Service Commissioning Board (NHS), approved judgment, August 2th, 2016, p. 19). PrEP is a preventative treatment because it is given before and after the exposure to the virus. PEP is a post-exposure prophylaxis as we have explained before.

The duties of the NHS England operate concurrently with those of the Secretary of State. Mr. Justice Green highlights that under the amendments to the NHS 2006, many of the powers of the Secretary of State were transferred to third parties, mainly to NHS England. As per section 1(1) NHSA 2006, one of the duties is to promote comprehensive health services in England. Nevertheless, such rule poses a problem about when and to whom it applies. Furthermore, the definition of "health services" is not precise. Under such definition, the term "services" includes but is not limited to preventative medicine. To this fact, NHS England responded that said definition is written in a way under which only infected people is considered. NHS England's argument was that the local authorities have the duty to provide preventative medicine in the field of sexually transmitted diseases. In spite of that, Mr. Justice Green mentioned the 2012 Regulations under which NHS England is responsible for the commission treatments for HIV. Nevertheless, under the 2013 Regulations, local authorities are excluded from offering services for treating or caring people infected with VIH.

The constructions of the terms and definitions of laws and rules are related with purposive construction. Such phrase refers to the interpretation which reflects the intention of the Parliament (National Aids Trust Claimant v National Health Service Commissioning Board (NHS), approved judgment, August 2th, 2016, p. 21). Mr. Justice Green analyzed the NHSA 2006 and concluded that such regulation imposes duties on NHS England which include all aspects of preventative medicine. Although, he also highlighted that the Secretary of State, clinical commissioning groups, and the local authorities are also providers of such services.

The responsibility for the budget of the health and care system is at the core of this judicial review. NAT is concerned that if the local authorities have the sole duty and power to provide preventative HIV treatment, the latter will not be able to afford such treatments. NHS England is also concerned about these budgeting implications. In its argument, NHS England argued that the local authorities had the duty to make preventative treatment available, and the Secretary of State had the duty to ensure adequate funding for doing so. Nevertheless, the judge mentioned that if the case gave place to other financial issues, they would be resolved by the government. The task of the court is limited to the interpretation of enactments according to the intent of Parliament.

In Mr. Justice Green´s judgment, NHS England has power to commission PrEP because of several reasons which we will explain. Firstly, Mr. Justice Green affirmed that the guidelines NHS 2006 should have been read as per the purposive construction. Mr. Swift QC, for NHS England, argued that the provisions read did not specify that NHS England must consider the society as a whole. Furthermore, its powers and duties did not extend in the field of sexually transmitted diseases to preventative medicine. The court believes that the NHS England´s interpretation of the pertinent legislation is inconsistent with the legislation as a whole, with the NHS England´s own understanding of its role, and with the view of the Secretary of State in the Mandate. As we have mentioned before, the Mandate is a statutory document given to NHS England by the Secretary of State. The Mandate imposes duties on NHS England; for example, the Mandate for 2016/17 requires that NHS England continue to sustain a comprehensive National Health Service in England of high quality and free of charge to everyone who needs access to health services. Moreover, NHS England is also responsible for performing its statutory duties under the "Five Year Forward View" issued in 2014. The Executive Summary of such document emphasized the importance of preventative medicine as well as the removal of inequalities in provision and cooperative work[75].

[75] NHS England. (October, 2014). *Five Year Forward View*. Retrieved from *https://www.england.nhs.uk/wp-content/uploads/2014/10/5yfv-web.pdf*

Another point to highlight is the principle of concurrency. As per the regulation, the Secretary of State is entitled to impose a duty to provide health services on local authorities. It means that the Secretary of State may decide who the health provider is. Therefore, the exercise of powers and duties is concurrent, and the health provision service is an integrated system. Said concurrency should be a solution for the budgetary issues alleged by the parties.

Mr. Swift QC for NHS England argued that the jurisdiction of a public body was a matter of law and that the court should determine when the body must act. To hold this theory, he made a deep analysis of technical and scientific distinctions between PEP and PrEP to demonstrate that they are different since PEP is not a preventative treatment. On the other hand, NAT alleged that the differences were not relevant. To support his idea, Mr. Swift also cited a judgment of the House of Lords. Though, Mr. Justice Green and Ms. Monaghan QC for NAT agreed about the fact that the court must consider authorities such as case law only when there is absence of statutory provisions.

After the pertinent analysis, Mr. Justice Green concluded that NHS England´s duties include preventative medicine which comprises HIV related drugs. The commissioning of PrEP must be treated in the same way as the commissioning of PEP, which means that both must be provided on the basis that the patient is assumed to be infected. Moreover, he recalled that under Section 2 NHSA 2006, NHS England is responsible for the commissioning of PrEP, which is a preventative treatment even if properly analyzed. Having said that, Mr. Justice Green stated that the remedy of judicial review was granted and that he would hear submissions in the next judicial stage.

2C. All the acts of the parties are considered under some rule, code, or act. Furthermore, the decisions of judges and other law enforcement officers are also taken as per such authorities. Therefore, it is important to recognize and understand them in order to comprehend the proceedings described in the text that we will translate.

According to Garner (2004), authorities are “citations to statutes, precedents, judicial decisions, and text-books of the law, made on the argument of questions of law or the trial of causes before a court, in support of the legal positions contended for”. In this section, we will explain the authorities included in our document.

Before starting the analysis of the authorities mentioned in our document, I would like to explain briefly the concepts of common law and equity.

Equity has origin in the twelfth century when the losing party began to ask the king to do justice in his particular case. As the petitions increased, the king delegated the duty to the chancellor, his most senior official. The chancellor would adjudicate them, according to principles of fairness and justice. The increasing popularity of the Court of Chancery led to conflict with the common law courts because equity´s remedies had the effect of preventing common law action from proceeding or preventing the common law judgement from being enforced. The conflict was that equity provided a remedy where common law provided none. A difference between equity and common law is that equitable rights acts *in personam*, while common law rights act *in rem*. By the fifteenth century, equity became well established. The chancellor’s jurisdiction was exercised through the Court of Chancery. He was not bound by precedent or strict legal rules as the common law courts and consequently, he was able to use discretion to administer justice to a particular case. Equity has been important in supplementing many new remedies to the common law. Some of the most important are those of specific performance, injunction, rescission, and rectification. The remedies developed by equity are different from those of the common law. The conflict which arose between both systems was finally put to rest by the Judicature Acts in 1873-75 because they allowed the Supreme Court to administer both rules of common law and equity depending on the case[76].

On page 11 of our document, there is the applicable law under which the judge will decide. The following authorities will be considered: NHSA 2006, the National Health Service Commissioning Board and Clinical Commissioning Groups

[76]Law Teacher. (n/d). *Differences between Common Law and Equitable*. Retrieved from *https://www.lawteacher.net/free-law-essays/equity-law/for-one-to-discuss-law-essays.php*

(Responsibilities and Standing Rules) Regulations 2012 ("the 2012 Regulations"), and the Local Authorities (Public Health Functions, *etc*.) Regulations 2013 ("the 2013 Regulations").

The National Health Service Act 2006 is an act of the Parliament of the United Kingdom which sets forth the duties of the National Health Service in England. It is dated on November 8th, 2006. The provisions of the NHSA 2006 were modified under the Health and Social Care Act 2012 whose effective date is April 1th, 2013. Mr. Justice Green analyzed Section 1 of such Act; such section is about promotion and commissioning of the health service in England. It is established that the Secretary of State must promote a comprehensive health and care service in England. Such service must secure improvements in prevention, diagnosis, and treatment of diseases. The services provided must be free of charge. The Secretary of State may provide such services as he considers appropriate for the purpose of discharging any duty imposed on him by this Act[77].

The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 ("the 2012 Regulations")[78], and the Local Authorities (Public Health Functions, among others) Regulations 2013 ("the 2013 Regulations")[79] were both made pursuant to the NHS 2006. NHS England, Public Health England, the NHS Trust Development Authority and Health Education England perform concurrent tasks in order to improve the health care system in England. Such rules and regulations establish the duties and obligations that each body must fulfil[80].

2D. The judgment that we will translate has features which make it a legal document. As we have mentioned before, these texts may have several grammatical mistakes which may be intentional or not. Moreover, we may find punctuation marks

[77] *National Health Service Act*. (November 8th, 2006). Retrieved from *http://www.legislation.gov.uk/ukpga/2006/41/pdfs/ukpga_20060041_en.pdf*
[78] *Health and Social Care Act 2012.* (2012). Retrieved from *http://www.legislation.gov.uk/ukpga/2012/7/pdfs/ukpga_20120007_en.pdf*
[79] *National Health Service, England*. (2013). Retrieved from *http://www.legislation.gov.uk/uksi/2013/2891/pdfs/uksi_20132891_en.pdf*
[80] Department of Health. (March 26th, 2013). *The Health and Care System explained.* Retrieved from *https://www.gov.uk/government/publications/the-health-and-care-system-explained/the-health-and-care-system-explained*

wrongly used which make it difficult to understand. The process of translation will be easier if we are capable of recognizing them.

In this section, we will explain the general features of the document: length, type of language, punctuation, and grammar. Then, in the following chapter, we will analyze the part of the document to be translated.

The document "National Aids Trust v NHS England" consists of 37 pages. It is written in first singular person; Mr. Justice Green is the speaker. The document is divided in titles which are in bold. At the same time, each title comprises different paragraphs which are numbered. There are some parts of the document in which the drafter decided to explain and copy fragments of laws and rules. Also, there are some statements of people who are respectable in the field of health. At the end of the document, there is a chart which was presented by Mr. Swift QC for the defendant.

The document is written in British English. It is evident because there are certain words, or usages of punctuation marks. We will see some examples:

> *(…) Mr Justice Green (…)*(National Aids Trust v NHS England, p. 2).

The British rule is that if an abbreviation consists of the first and last letters of a word, the rule is not to use a period at the end such as in the sentence above[81].

> *(…) It is the national voice of local government, a cross-party organisation(…)*(National Aids Trust v NHS England, p. 6).

Some words have a different spelling in British English than in American English. In the example above, the word "organisation" is written with "s" because it is British

[81]English Oxford Living Dictionary. (2017). *Punctuation in abbreviations.* Retrieved from *https://en.oxforddictionaries.com/punctuation/punctuation-in-abbreviations*

English. That word comes from the verb “to organise”; verbs in British English that end in -yse are always spelled -yze in American English[82].

> *(…) This Claim is brought (…)*(National Aids Trust v NHS England, p. 2).

Furthermore, sometimes, the same word has different meanings depending on the context in which it is used. It usually happens with legal jargon. In the case above, for example, the word “claim” is referring to the document submitted before a court in order to initiate legal proceedings. On the other hand, “claim” in American English is used to mention what the plaintiff wants to obtain throughout the proceedings (Chiviló, A. R., 2016).

The document is written in plain English. As we have explained before, plain English refers to language that is clear, direct, and straightforward. The main goal in writing is to put your message across clearly and concisely. For example, the claimant of our case would be the plaintiff of a document written in legalese. Moreover, there are not here- and there- words which are always used in legalese. To use plain English does not mean sacrificing accuracy. The excuse that legal writing has to be complex to avoid misinterpretations does not stand up. Our document is very recent; it demonstrates that there is a tendency to write under the rules of such movement[83].

The document is written in academic language which requires sufficient knowledge to apply specific words across subject areas. Academic language consists of academic vocabulary and is used in academic discourse. Its features are: variety of words, more sophisticated vocabulary, and common language register, among others. For example, the adverb “however” is used in academic language; in our document, we find the following sentence:

[82]English Oxford Living Dictionary. (2017). *British and American spelling.* Retrieved from *https://en.oxforddictionaries.com/spelling/british-and-spelling*
[83]Plain English Campaign. (n/d). *Drafting in plain English*. Retrieved from *http://www.plainenglish.co.uk/campaigning/past-campaigns/legal/drafting-in-plain-english.html*

> *(…) However, its view now was that it did not, otherwise, have the power in law to commission PrEP. (…)* (National Aids Trust v NHS England, p. 11).

Though, we find some mistakes in the document. For example, on page 21, there is the abbreviation *i.e.* which means "that is". It is the abbreviation of the Latin word *id est*. Therefore, it should be in italics. Under APA Style, it must be always preceded by a comma[84]. On page 26, there is a sentence in which we recognize two different but frequent mistakes:

> *(…) That conclusion, based on the interpretation of the specific regulations, is moreover,(1) consistent with the analysis of the primary and secondary duties imposed on NHS England in the NHSA 2006 itself which expressly embrace(2) the provision of preventative medicine. (…)* (National Aids Trust v NHS England, p. 11).

The mistake (1) is that the adverb "moreover" is an expression that interrupts the flow of the sentence. Therefore, it must be set off with commas (Straus, J., 2008, p. 55). The mistake (2) is related to subject-verb agreement. The present simple is used with stative verbs senses to refer to states or situations which existed in the past, exist in the present, and will exist in the future (Quirk, R., *et.al.* 1990, pp. 48-49). When we conjugate a verb in that tense, there are few rules to follow. When using the subjects "he, she, and it", you must add a final –s to the verb. In this case, the verb "embrace" is part of a defining relative clause which modifies the structure "NHS 2006". Thus, the verb must carry a final –s (Fernandez, M. 2015). The correct version would be:

> *(…) That conclusion, based on the interpretation of the specific regulations, is, moreover, (1) consistent*

[84] The American Psychological Association. (2010). *List of common abbreviations for APA Style.* Retrieved from *http://blog.apastyle.org/files/apa-latin-abbreviations-table-2.pdf*

> *with the analysis of the primary and secondary duties imposed on NHS England in the NHSA 2006 itself which expressly embraces[(2)] the provision of preventative medicine. (…)* (National Aids Trust v NHS England, p. 11).

A mistake that I found interesting is the one on page 2, line 1 of the first paragraph. In such sentence, the word “claim” is written with an initial capital letter. Even today, after many publications about this topic, people keep thinking that capital letters are used to emphasize. There is no rule under which you must or may put emphasis using capital letters (Straus, J., 2008, pp. 54-58).

Another key element to remember when we are writing is that each verb follows a pattern which must be respected. The verb “to escape” must be followed by a preposition which, according to the context, may be: from, over, to, etc. The following sentence in our document is incorrect:

> *(…) The medical consensus is that the later the drugs are started the more time HIV has to spread from cell to cell and to escape the immune system. (…)* (National Aids Trust v NHS England, p. 8).

We must add a preposition. In this case, the appropriate preposition is “from” because in such sentence, it is explained that if the drugs are taken a long time after the exposure to the virus, the HIV escapes from the immune system which means that it is not stopped. In the following correct version, we add the preposition as well as the punctuation marks which we have already mentioned:

> *(…) The medical consensus is that the later the drugs are started, the more time HIV has to spread from cell to cell and to escape from the immune system. (…)* (National Aids Trust v NHS England, p. 8).

CHAPTER 3

3A. After analyzing the whole text, we will focus on the part that is to be translated. As we have mentioned before, it is a civil case in which a judicial review is requested. The issue discussed is whether NHS England has the duty to provide preventative medicine such as PrEP.

In this section, we will explain the general aspects of the part which was assigned to us.

The part to be translated goes from paragraph 16 (page 6) to paragraph 21 (page 8). Paragraph 16 is the last one of the title "The parties" in which the parties involved are described. Such paragraph is about the Local Government Association which is an association of local authorities. It is an interested party in this case and supports the claimant. Such association stated that the position adopted by NHS England was illogical because local authorities did not have the budget to provide such treatments. Apart from that, it was said that although there was enough budget, the Local Government Association would not be benefited by the funding of the treatment.

The following paragraphs correspond to the title "The different types of treatment for HIV: Anti-retroviral medication". Different preventative methods are analyzed in depth. There are references to the budget and to the different trials conducted in relation with the subject matter of the case. Also, there is the explanation of the differences between PrEP and PEP given by Professor Sheena McCormack of the Medical Research Council Clinical Trials Unit at University College, London.

3B. It is highly important to recognize the mistakes in the document to be translated because a translator must understand the document and rewrite it in the target language with the appropriate grammatical rules. Furthermore, there are certain mistakes which directly affect the comprehension of the text. The translator must have the pertinent competences to make a quality translation which conveys the intended meaning, and to write appropriate translations as per cohesion and grammatical rules.

The present perfect is used to refer to a situation which began in the past and still happens in the present. The “event present perfect” is used with dynamic verbs to refer to one or more events that occurred at some time within a period leading up to the present (Quirk, 1990, p. 51). For example:

> *The Republicans have won the election.* (Quirk, 1990, p. 51).

Having said that, we are able to state that the tense used on pages 6 and 8 of our document is wrong; the highlighted verbs are referring to single definite events in the past. Therefore, they must be written in simple past. The “event past” is used with dynamic verbs for actions which take place over an extended period or at a point of time (Quirk, 1990, p. 50). This is the sentence in our document:

> *(…)The LGA has served Grounds indicating its support for the Claimant and has participated fully in this case. (…)*(National Aids Trust v NHS England, p. 6).
>
> (…) *PrEP was licensed in the US in 2012 and the US Center for Disease Control (“CDC”) has published clinical guidance for PrEP based upon the risk of infection. (…)* (National Aids Trust v NHS England, p. 8).

The correct versions would be:

> *(…) The LGA served Grounds indicating its support for the Claimant and participated fully in this case. (…)* (National Aids Trust v NHS England, p. 6).
>
> (…) *PrEP was licensed in the US in 2012 and the US Center for Disease Control (“CDC”) published clinical guidance for PrEP based upon the risk of infection. (…)* (National Aids Trust v NHS England, p. 8).

If we keep analyzing the first sentence, we will realize that there is another mistake. Even today, after many publications about this topic, people keep thinking that capital letters are used to emphasize. There is no rule under which you must or may put emphasis using capital letters (Straus, 2008, pp. 54-58). The final correct version would be:

> *(…) The LGA served grounds indicating its support for the [C]laimant and participated fully in this case. (…)*(National Aids Trust v NHS England, p. 6).

Nevertheless, I would like to highlight that when referring to the parties, the drafter may choose to use capital letters. It is not a rule; it is a decision according to the style of the drafter of the text. But the text must be concise (Chiviló, 2016).

Texts must be coherent in order to be understood. For that, the drafter must pay attention to the sequences of events to be able to conjugate the verbs in the pertinent tenses. On page 7, we find the following sentence:

> *(…) Evidence given on behalf of the Claimant, and not challenged by the Defendant, estimates that a record number (2,800) of gay men in the United Kingdom acquired HIV in 2014,* i.e. *approximately 8 gay men contract HIV on a daily basis. (…)*(National Aids Trust v NHS England, p. 7).

In that sentence, Mr. Justice Green stated that he analyzed the evidence given and concluded that a specific number of gay men acquired HIV in 2014. It means that 8 men were infected per day. Once we have explained that, we are able to recognize that the events described must be conjugated in past simple because they are denoting single events which occurred in the past. If we keep the verb “to contract” in present simple is wrong because it is referring to a situation which occurred in 2004 (Quirk, 1990, p. 50). In the following sentence, the verb is conjugated in the simple past; we also add other corrections which will be later explained:

> *(…) Evidence given on behalf of the Claimant, and not challenged by the Defendant, estimates that a record number (2,800) of gay men in the United Kingdom acquired HIV in 2014,* i.e*. approximately 8 gay men contracted HIV on a daily basis. (…)*(National Aids Trust v NHS England, p. 7).

On page 6, we have an example of a run-on sentence which is incorrect. A run-on sentence is the one in which two strong clauses are joined without any punctuation (Straus, 2008, p. 55). In the same sentence, we recognize that the relative pronoun used is incorrect. In this case, the pronoun is referring to *NHS England* which is an organization. Therefore, to mention it, we should use the personal pronoun "it". Holding this theory, the drafter must use the relative pronoun "which" (Cirauqui, 2013). This is the sentence in our document:

> *(…) If local authorities must bear the brunt of funding preventative treatment in this area the benefit (measured in terms of savings in post-infection treatment) accrues to NHS England who will reap the rewards in terms of reduced future expenditure on diagnosis and treatment (…)*(National Aids Trust v NHS England, p. 6).

The correct version of the sentence would be:

> *(…) If local authorities must bear the brunt of funding preventative treatment in this area, the benefit (measured in terms of savings in post-infection treatment) accrues to NHS England which will reap the rewards in terms of reduced future expenditure on diagnosis and treatment (…)*(National Aids Trust v NHS England, p. 6).

To set off expressions that interrupt the flow of the sentence, we must use commas (Straus, 2008, p. 56). In our document, said mistake appears several times. We will analyze each case together with other errors which we will explain.

On page 6, there is the following sentence.

> *(…) It reduces the body's white blood cells so that it is less able, and in the fullness of time unable, to combat infection (…)* (National Aids Trust v NHS England, p. 6).

We must add commas to separate the expression "so that". The correct version would be:

> *(…) It reduces the body's white blood cells, so that, it is less able, and in the fullness of time unable, to combat infection (…)* (National Aids Trust v NHS England, p. 6).

The same happens with a sentence on page 7.

> *(…) Anti-retroviral ("ARV") medication suppresses the impact of HIV and for many years has been used to treat people who are living with HIV. (…)* (National Aids Trust v NHS England, p. 7).

Moreover, one of the verbs in such sentence is wrongly chosen. As we have explained before, the present perfect is used to refer to a situation which began in the past and still happens in the present. (Quirk, 1990, p. 51). Following the first clause, there is the second clause in which there is a defining relative clause. The verb of such clause is "to live" which, in this case, refers to "people". Such verb is an stance verb which is an intermediate category between stative and dynamic verbs (Quirk, 1990, p. 55). Generally, stance verbs do not occur in the progressive since there is no conception of progression in states of affairs (Quirk, 1990, p. 54). Nevertheless, the tense used should have been the simple past because it must be coherent with

the other tenses used in the sentence and keep the sequence of events. The present perfect denotes that such situation started in the past and continues in the present, so that, the verb of the relative clause is referring to people who used the medication in the past (Quirk, 1990, p. 50). The correct version would be:

> *(…) Anti-retroviral ("ARV") medication suppresses the impact of HIV and, for many years, has been used to treat people who lived with HIV. (…)* (National Aids Trust v NHS England, p. 7).

Apart from the explanation given, I would like to mention that, in my opinion, the verb "to live" does not collocate with "HIV". I consider that it would have been better if the drafter had used the following: have, suffer from, or be affected/ infected by (Oxford Collocation Dictionary, 2017).

Words such as "therefore", "thus", and however when used as interrupters must be surrounded by commas (Straus, 2008, p. 57). The following sentences are in our document:

> *(…) it is thus provided by NHS Trusts whose HIV clinic services are commissioned by NHS England through its specialised commissioning function.(…)* (National Aids Trust v NHS England, p. 7).

> *(…) medical prevention is essential to reduce the risk of the virus spreading and thus limit the personal, public health and financial costs of contracting HIV. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) Third, as post-exposure prophylaxis ("PEP") for those individuals who have been clinically assessed as having had a high risk of HIV exposure event in the preceding 72 hours and who are therefore at risk of having contracted the infection but who are not*

> *proven actually to be infected. (…)* (National Aids Trust v NHS England, p. 7).

Their correct versions are:

> *(…) it is, thus, provided by NHS Trusts whose HIV clinic services are commissioned by NHS England through its specialised commissioning function.(…)* (National Aids Trust v NHS England, p. 7).

> *(…) medical prevention is essential to reduce the risk of the virus spreading and, thus, limit the personal, public health and financial costs of contracting HIV. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) Third, as post-exposure prophylaxis ("PEP") for those individuals who have been clinically assessed as having had a high risk of HIV exposure event in the preceding 72 hours and who are, therefore, at risk of having contracted the infection but who are not proven actually to be infected. (…)* (National Aids Trust v NHS England, p. 7).

When two strong clauses are joined by a coordinating conjunction such as *and, or, but, for, nor*, we must add a comma to separate both clauses (Straus, 2008, p. 56). We will analyze the following examples of our document:

> *(…) Normally, medication is prescribed and monitored by specialist HIV clinicians working in hospitals and it is thus provided by NHS Trusts whose HIV clinic services are commissioned by NHS England through its specialized commissioning function. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) Progress has been made in this regard but after more than 30 years it is clear that such efforts will only achieve a limited amount (…)* (National Aids Trust v NHS England, p. 7).
>
> *(…) Of these three methods, TasP and PEP are provided through specialized commissioning whereas MTC is procured through an agreement with the Secretary of State pursuant to section 7A NHSA 2006. (…)* (National Aids Trust v NHS England, p. 7).
>
> *(…)The medication can be taken either daily or upon demand and clinical studies have demonstrated the efficacy of either method. (…)* (National Aids Trust v NHS England, p. 8).
>
> (…) *PrEP was licensed in the US in 2012 and the US Center for Disease Control ("CDC") has published clinical guidance for PrEP based upon the risk of infection. (…)* (National Aids Trust v NHS England, p. 8).

The clauses found in the sentences above are independent clauses which are joined by the conjunctions "and", "but" and "whereas". Therefore, we must add a comma before them to separate the clauses. These would be the correct versions:

> *(…) Normally, medication is prescribed and monitored by specialist HIV clinicians working in hospitals, and it is, thus, provided by NHS Trusts whose HIV clinic services are commissioned by NHS England through its specialized commissioning function. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) Progress has been made in this regard, but after more than 30 years, it is clear that such efforts will only achieve a limited amount (…)* (National Aids Trust v NHS England, p. 7).
>
> *(…) Of these three methods, TasP and PEP are provided through specialized commissioning, whereas MTC is procured through an agreement with the Secretary of State pursuant to section 7A NHSA 2006. (…)* (National Aids Trust v NHS England, p. 7).
>
> *(…)The medication can be taken either daily or upon demand, and clinical studies have demonstrated the efficacy of either method. (…)* (National Aids Trust v NHS England, p. 8).
>
> (…) *PrEP was licensed in the US in 2012, and the US Center for Disease Control ("CDC") has published clinical guidance for PrEP based upon the risk of infection. (…)* (National Aids Trust v NHS England, p. 8).

I would like to highlight that in the first sentence, before and after the expression "thus", commas were added because of the reasons explained above (Straus, 2008, p. 57). It is also important to state that in the second sentence, we added commas to separate the subordinate clause from the independent clause. We will explain such use of commas in the following paragraph.

When starting a sentence with a subordinate clause such as an adverbial phrase, we must use a comma after it. Conversely, we must not use a comma when the sentence starts with an independent clause followed by a subordinate clause. Nevertheless, when there is a phrase of more than three words that begins a sentence, it is required to write a comma after it. If the phrase has fewer than three

words, the comma is optional (Straus, 2008, p. 55). We will analyze the following sentences of our document:

> *(…) In England these are provided, essentially, in three ways.(…)* (National Aids Trust v NHS England, p. 7).

> *(…) the later the drugs are started the more time HIV has to spread from cell to cell (…)* (National Aids Trust v NHS England, p. 7).

In the first sentence, the usage of commas is optional because it is a subordinate adverbial phrase which has less than three words. On the other hand, the usage of commas is mandatory in the second sentence because the first clause depends on the second one. The following would be the correct version:

> *(…) the later the drugs are started, the more time HIV has to spread from cell to cell (…)* (National Aids Trust v NHS England, p. 7).

On the following pages, there are other sentences in which there must be a comma for the reasons mentioned. For example,

> *(…) According to published data the costs for treating a single person with HIV over his/her lifetime is around £360,000. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) Progress has been made in this regard but after more than 30 years it is clear that such efforts will only achieve a limited amount (…)* (National Aids Trust v NHS England, p. 7).

In those sentences, we have subordinate adverbial phrases which must be separated from the independent clauses which they are modifying. Moreover, the

subordinated adverbial clauses have more than three words as we have mentioned before. The correct versions would be:

> *(…) According to published data, the costs for treating a single person with HIV over his/her lifetime are around £360,000. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) Progress has been made in this regard, but after more than 30 years, it is clear that such efforts will only achieve a limited amount (…)* (National Aids Trust v NHS England, p. 7).

In the first sentence, we must correct a mistake related to subject-verb agreement. The verb to be of the main clause is referring to the noun "costs", therefore, the subject-verb agreement must be in plural. In the second sentence, we add the comma before the conjunctions "but" for the reasons which we have already mentioned (Straus, 2008, p. 56).

On pages 7 and 8, we find a mistake which we have already explained about the abbreviation *i.e.* which means "that is". It is the abbreviation of the Latin word *id est*. Therefore, it should be in italics. Under APA Style, it must be always preceded by a comma[85]. These are the sentences in our document in which the Latin abbreviation was used:

> *(…)* It has been used to treat those individuals whose CD4 count (*i.e.* white blood cells which give a reliable indication of the health of the immune system) falls below a certain level. *(…)* (National Aids Trust v NHS England, p. 7).

> *(…)* Evidence given on behalf of the Claimant, and not challenged by the Defendant, estimates that a record number (2,800) of gay men in the United

[85] *Ibid* 84

> Kingdom acquired HIV in 2014, *i.e.* approximately 8 gay men contract HIV on a daily basis*. (…)* (National Aids Trust v NHS England, p. 7).
>
> (…) A French study (Ipergay) has also considered the efficacy of PrEP when taken on demand, *i.e.* not daily but only before and after sexual intercourse. (…) (National Aids Trust v NHS England, p. 8).
>
> (…) Both studies found that PrEP was 86% effective, *i.e.* it stopped 17 out of every 20 HIV infections that could have happened in the absence of PrEP. (…)(National Aids Trust v NHS England, p. 8).
>
> One African study demonstrated that it was 75% effective (*i.e.* it prevented 15 out of every 20 HIV infections that would otherwise have occurred). (…)(National Aids Trust v NHS England, p. 8).

We find the following sentence on page 7 of our document:

> *(…) Second, to help reduce the risk of transmission from infected persons who are not clinically indicated as requiring ARVs for their own benefit, to third persons (known as Treatment as Prevention - "TasP"). (…)* (National Aids Trust v NHS England, p. 8).

The comma before "to third persons" is not required in such case. Two commas which surround the relative clause would be necessary in the case of a non-defining relative clause (Straus, 2008, p. 55). In my opinion, it is a defining relative clause. Thus, the comma should not be there because it is interrupting the flow of the sentence. Sometimes, drafters add commas to simulate oral pauses when reading but it is incorrect. Another point to highlight is the hyphen which is wrongly used in this sentence (Straus, 2008, pp. 65-68). In this case, we must use an *em* dash which

is longer than an *en* dash. They may replace commas, semicolons, colons, and parentheses to indicate added emphasis, an interruption, or an example, among others. Between the words or numbers and dashes, there must be no space (Straus, 2008, p. 58). The correct version would be:

> *(…) Second, to help reduce the risk of transmission from infected persons who are not clinically indicated as requiring ARVs for their own benefit to third persons (known as Treatment as Prevention-"TasP"). (…)* (National Aids Trust v NHS England, p. 8).

Focusing adverbs, adverbs of indefinite frequency, and adverbs of certainty and degree all favor mid-position. When auxiliary verbs are used, they normally go between the auxiliary verb and the main verb[86]. The following sentence is in our document:

> *(…) Third, as post-exposure prophylaxis ("PEP") for those individuals who have been clinically assessed as having had a high risk of HIV exposure event in the preceding 72 hours and who are therefore at risk of having contracted the infection but who are not proven actually to be infected. (…)* (National Aids Trust v NHS England, p. 7).

The adverb "actually" is an adverb of certainty such as: almost, completely, probably, among others. In that sentence, the verb pattern is the following: to be proven. The adverb must be between the verb to be and the past participle. In addition, said adverb is premodifying the past participle which, in this case, has an adjectival function. The adverb "actually" emphasizes the word that is premodifying. Therefore, it must be placed before the word which is modifying (Quirk, 1990, p. 149). The following is the correct version; we add some corrections which we have already explained:

[86]BBC. (2017). *Position of adverbs*. Retrieved from *http://www.bbc.co.uk/worldservice/learningenglish/grammar/learnit/learnitv202.shtml*

> *(…) Third, as post-exposure prophylaxis ("PEP") for those individuals who have been clinically assessed as having had a high risk of HIV exposure event in the preceding 72 hours and who are, therefore, at risk of having contracted the infection but who are not actually proven to be infected. (…)* (National Aids Trust v NHS England, p. 7).

In the sentence above we have two clauses joined by the conjunction "but". We have explained that when two strong clauses are joined by a coordinating conjunction, we must use a comma before such conjunction. Nevertheless, if the subject does not appear in front of the second verb, we must not use a comma (Straus, 2008, p. 56).

On page 7, there is a sentence in which there is a missed conjunction. We will analyze the following sentence:

> *(…) This may be because they are in a long-term relationship with an individual who has HIV whose infection is not adequately suppressed through treatment. (…)* (National Aids Trust v NHS England, p. 7).

In such sentence, the noun "individual" is modified by two defining relative clauses which are headed by the relative pronouns "who" and "whose". If we do not correct the sentence, it may be misunderstood that the relative pronoun *whose* is referring to "HIV" that is the noun which preceded the clause. Thus, I consider that the best option to make the meaning clearer is to add the conjunction "and". Nevertheless, if we adhere to the punctuation rules established by Straus, (2008, p. 54) in her book, we should use a comma to clarify the sentence. We will rewrite the sentence using both options:

> *(…) This may be because they are in a long-term relationship with an individual who has HIV and*

> *whose infection is not adequately suppressed through treatment. (…)* (National Aids Trust v NHS England, p. 7).

> *(…) This may be because they are in a long-term relationship with an individual who has HIV, whose infection is not adequately suppressed through treatment. (…)* (National Aids Trust v NHS England, p. 7).

On page 7, we find an expression in which, in my opinion, there is a missing possessive pronoun. I believe that we should add it in order to clarify the idea. The following sentence is in our document:

> *(…)Furthermore, many men, even using best efforts, are unable to use condoms with 100% consistency (…)* (National Aids Trust v NHS England, p. 7).

The correct version would be:

> *(…)Furthermore, many men, even using their best efforts, are unable to use condoms with 100% consistency (…)* (National Aids Trust v NHS England, p. 7).

3C. Deborah Cao (2007), author of the book “Translating Law”, affirmed that the main challenge for a certified legal translator is the incongruence of legal systems in the source and the target language. Such incongruence is mainly marked by the two different legal systems in which the source and the target language have origin. The translator must be capable of finding the pertinent equivalents to produce high quality translations within both legal systems.

Glossaries are indispensable for linguists and translators. This section contains a glossary in which you will find terms and expressions which may create some

difficulty in the process of translating. Latin expressions and terms of the explanations contained in this logbook are also included.

Firstly, the term will be explained. Then, the translation and pertinent definitions in both languages are included.

A) **Boilerplate:** This term refers to a text that can be copied and used in legal documents or in computer programs, with only very small changes (Cambridge Dictionary, 2017).

Plantilla: *Aquello que sirve para crear nuevas páginas con el mismo diseño, patrón o estilo*[87]*.*

It refers to those phrases and structures in a legal document which are not longer used but are typical of such kind of document. Such phrases allow the reader to recognize the legal nature of the document.

B) **Slang:** A type of language consisting of words and phrases that are regarded as very informal. Such words are more common in speech than writing. They are typically restricted to a particular context or group of people (English Oxford Living Dictionary, 2017).

Argot: (1) *Jerga, jerigonza./ (2) Lenguaje especial entre personas de un mismo oficio o actividad* (Diccionario de la Lengua Española, RAE, 2014).

It refers to the jargon that is the specific vocabulary used by professionals in some field of study.

C) **English**: (1) In or relating to the English language. (2) Relating to or from England. (Cambridge Dictionary, 2017).

Inglés: (1)Natural de Inglaterra, nación del Reino Unido. (2) Perteneciente o relativo a Inglaterra o a los ingleses. (3) Perteneciente o relativo al inglés (lengua) (Diccionario de la Lengua Española, RAE, 2014).

[87] Alegsa. (n/d). *Definición de plantilla.* Retrieved from *http://www.alegsa.com.ar/Dic/plantilla.php*

Inglés: *Lengua germánica occidental que se habla como lengua materna en el Reino Unido, Irlanda, América del Norte y también en muchas partes de Oceanía, África y Asia, y que se emplea como lengua de comunicación en todo el mundo* (Diccionario de la Lengua Española, RAE, 2014).

Adjective used to refer to citizens of the United Kingdom. It is also employed to refer to those things related to the United Kingdom or the language of people living there. As a noun, it represents the language talked in the United Kingdom, Ireland, North America, and some areas of Oceania, Africa and Asia.

D) **HIV**: Abbreviation for human immunodeficiency virus which is the virus that causes AIDS (a serious disease that destroys the body's ability to fight infection) (Cambridge Dictionary, 2017).

VIH: Virus de Inmunodeficiencia Humana (VIH) que afecta al sistema de defensas del organismo, llamado sistema inmunológico. Ocasiona el SIDA[88]*.*

Said acronym stands for human immunodeficiency virus. People who are exposed to that virus may contract AIDS, a disease which affects the immune system.

E) **Immune system:** It comprises the cells and tissues in the body that make it able to protect itself against infection (Cambridge Dictionary, 2017).

Sistema inmunitario: Perteneciente o relativo a la inmunidad (Diccionario de la Lengua Española, RAE, 2014).

It refers to the mechanisms and cells that our body has to protect us from any kind of diseases. I would like to highlight that the terms *inmunitario*, *inmunológico*, e *inmune* are used as synonyms which is a mistake. As claimed by the Fúndeu BBVA, *inmunológico* refers to the science that studies the immune system, *inmunitario* refers to the system itself, and *inmune* refers to those organisms which are protected

[88] Fundación Huésped. (n/d). *VIH/SIDA*. Retrieved from *https://www.huesped.org.ar/info/vih-sida/*

against certain diseases. Nevertheless, the term *inmune* is included in some dictionaries as synonym of *inmunitario*[89].

F) **AIDS**: Abbreviation for Acquired Immune Deficiency Syndrome that is a serious disease caused by a virus that destroys the body's natural protection from infection (Cambridge Dictionary, 2017).

SIDA: *Enfermedad infecciosa que ataca al sistema inmunológico. SIDA significa síndrome (un conjunto de síntomas) de inmunodeficiencia (que ataca al sistema inmunológico) adquirida (no es hereditaria, sino causada por un virus). Es provocado por el virus del VIH*[90]*.*

It is a disease caused by a virus called HIV. It is a chronic disease which affects the immune system and may provoke the death if the person is not clinically controlled.

G) **ARV**: It stands for antiretroviral drugs which reduce the amount of HIV in the body. This can prevent the virus from destroying the immune system[91].

TAR: *El tratamiento antirretroviral consiste en el uso de medicamentos contra el VIH para tratar dicha infección. Las personas que reciben TAR toman una combinación de medicamentos contra el VIH. Dicho tratamiento no cura el VIH. Reduce el riesgo de la transmisión del virus*[92].

The antiretroviral treatment is used to reduce the risk of transmission from an infected person to another who does not have the virus. It is also useful to improve the life of those who have contracted the virus.

H) **Claimant**: A person who brings an action; the party who complains or sues in a personal action and is named on the record (Garner, 2004).

---

[89] Fúndeu BBVA. (October 10th, 2011). *Sistema inmunitario y no sistema inmunológico*. Retrieved from *http://www.fundeu.es/recomendacion/sistema-inmunitario-y-no-sistema-inmunologico-1098/*
[90] *Ibid* 90
[91] Health Line. (June 16th, 2016). *Antiretroviral HIV Drugs: Side Effects and Adherence*. Retrieved from *http://www.healthline.com/health/hiv-aids/antiretroviral-drugs-side-effects-adherence#Overview1*
[92] Infosida. (February 21st, 2017). *Tratamiento de VIH.* Retrieved from *https://infosida.nih.gov/education-materials/fact-sheets/21/51/tratamiento-para-la-infeccion-por-el-vih--conceptos-basicos*

Demandante: *Dícese de la persona que inicia el procedimiento judicial a fin de reclamar sus derechos* (Celle, 2016).

The person who initiates legal proceedings against the plaintiff in order to assert his rights. I would like to highlight that the term “claimant” is synonym of “plaintiff” but the former is used in plain English and the latter, in legalese[93].

I) **Defendant**: In common usage, this term is applied to the party put upon his defense, or summoned to answer a charge or complaint, in any species of action, civil or criminal, at law or in equity (Garner, 2004).

Demandado: (*1) Aquel que comete un delito tipificado en el Código Penal (criminal law) (Chiviló A. R., 2016). (2) Contraparte del demandante, del cual se requiere el cumplimiento de una obligación (civil law)* (Ficarrotta Páez, 2016).

The person who is charged with a crime (criminal law) (2) The person to whom the performance of a duty is requested (civil law).

J) **Interested party**: Entity who has a recognizable stake in the outcome of a matter before a court, but may not be directly involved in the litigation process[94].

Parte interesada: *Procesalmente, parte legítima por un interés en el obrar* (Enciclopedia Jurídica, 2017).

Such term is used to refer to the parties who will be affected by the court´s decision but who are neither the plaintiff nor the defendant.

K) **QC**: Abbreviation for Queen's counsel that is a British attorney of high rank (Cambridge Dictionary, 2017).

Attorney: It is the American English term for the British English term **lawyer[95]** who is the professional whose job is to give advice to people about the law and speak for them in court (Cambridge Dictionary, 2017).

[93]Plain English Campaign. (n/d). *The A - Z of alternative words* .Retrieved from *http://www.plainenglish.co.uk/the-a-z-of-alternative-words.html*
[94]Business Dictionary. (n/d). *Interested Party.* Retrieved from *http://www.businessdictionary.com/definition/interested-party.html*

Barrister: (often called counsel) He may be a junior counsel or a Queen´s counsel (selected for special ability and experience). Some time ago, only barristers had sole rights to appear in the high court, the court of appeal, and the House of Lords[96].

Counsel: It is the synonym of barrister. We also speak about **the prosecution counsel** or **the defence counsel** when referring to the team of attorneys who are operating on behalf of either the state or the client[97].

Solicitor: The professional who advises clients and represents them in civil and criminal courts. Some of them specialize in specific areas of law, and others may be general practitioners[98].

Abogado: *Licenciado en derecho que ofrece profesionalmente asesoramiento jurídico y que ejerce la defensa de las partes en los procesos judiciales o en los procedimientos administrativos* (Diccionario de la Lengua Española, RAE, 2014).

A person who bears a Law title.

L) **Submissions**: Written submissions are submitted when you do not appear before an adjudicator in person; instead, you send a package of material to the adjudicator, including relevant documents and a "legal argument" that explains why the adjudicator should decide in your favor[99].

Presentaciones: (1) *Manifestación o muestra de algo.* (2) *En América, escrito* (Ossorio, 2013, p. 757).

The term refers to those writings in which the party stated all the reasons why the judge should decide in his favor.

M) **Randomized controlled trials**: They are quantitative, comparative, controlled experiments in which investigators study two or more interventions in groups of

---

[95]BBC. (n/d). *Legal Terms*. Retrieved from *http://www.bbc.co.uk/worldservice/learningenglish/grammar/learnit/learnitv79.shtml*
[96] *Ibid* 97
[97] *Ibid* 97
[98] *Ibid* 97
[99] Justice Education Society. (2012). *The written submission process.* Retrieved from *http://www.ccalab.gov.bc.ca/pdf/JES_Written_Submission.pdf*

individuals who receive treatments at random. The RCT is one of the simplest and most powerful tools in clinical research[100].

Ensayos clínicos controlados aleatorizados: Son estudios experimentales asignados aleatoriamente a cada grupo para eliminar posibles relaciones espurias y asegurar su compatibilidad. Esta es una forma de construir grupos de sujetos comparables cuya eficacia aumenta con el tamaño de las muestras. El principio de aleatorización garantiza que la única causa por la cual un sujeto pertenece a un determinado grupo de tratamiento es el azar. De esta manera, la aleatorización tiende a lograr que, como promedio, dichos grupos de tratamiento tengan proporciones y distribuciones similares a la de los factores pronósticos (tanto los conocidos como los desconocidos). Si los grupos son comparables antes de administrar el tratamiento y después de aplicarlo presentan diferencias, estas divergencias se pueden atribuir a la variable que se ha manipulado. El 'control' mediante aleatorización es una de las características distintivas de la investigación experimental frente a alternativas no experimentales[101].

It is a type of clinical trial which aims to reduce bias when a new treatment is being tested. The people participating in the trial are randomly allocated to the group receiving the treatment under investigation or to the group receiving standard treatment (or placebo treatment) as the control. It allows the researchers to determine different effects of the treatment when comparing both groups. The RCT is often considered the gold standard for a clinical trial and is used to test the efficacy or effectiveness of various types of medical intervention because it provides information about adverse effects, such as drug reactions (Ficarrota Páez, 2015).

N) **Claim** (British English): In civil practice. In those states having a code of civil procedure, the complaint is the first or initiatory pleading on the part of the plaintiff in a civil action. It corresponds to the declaration in the common-law practice (Garner, 2004).

[100] Medicine Net. (May 13th, 2016). *Medical Definition of Randomized controlled trial*. Retrieved from *http://www.medicinenet.com/script/main/art.asp?articlekey=39532*
[101] Universitat Oberta de Catalunya. (n/d). *Estudios analíticos. Estudios experimentales: ensayo clínico controlado y aleatorizado (ECCA).* Retrieved from *http://cv.uoc.edu/UOC/a/moduls/90/90_166d/web/main/m4/22a.html*

Demanda: *Escrito que inicia el juicio y tiene por objeto determinar las pretensiones del actor mediante el relato de los hechos que dan lugar a la acción, invocación del derecho que fundamenta, y petición clara de lo que se reclama* (Ossorio, 2013, p. 286).

In civil law, it is a written document which is the first step to initiate legal proceedings. It must contain the issues for which the plaintiff lodged it and the applicable law. Personal information of the parties must also be specified.

The American English term for claim is complaint (Chiviló, 2016).

O) **Argument**: Statements that are given orally by an attorney, either in defense of a client or to rebut the opposing party´s statements (Garner, 2004).

Alegato: Escrito en el cual expone el abogado las razones que sirven de fundamento al derecho de su cliente e impugna las de adversario (Ossorio, 2013, p. 77).

It is a writing in which the attorney specifies the reasons of the claim of his client and challenges the reasons of the other party.

P) **Litigation**: (1) A judicial controversy. (2) A contest in a court of justice, for the purpose of enforcing a right (Garner, 2004).

Litigio: *Contienda judicial entre partes en la que una de ellas mantiene una pretensión a la que otra se opone o no satisface. Llámese también: litis, juicio, pleito, proceso* (Ossorio, 2013, p. 558).

Juicio: *Para Caravantes, por juicio se entiende la controversia, que con arreglo a las leyes, se produce entre dos o más personas, ante un juez competente que le pone término por medio de un fallo que aplica el Derecho o impone una pena, según se trate de enjuicimianto civil o penal* (Ossorio, 2013, p. 517).

Such term refers to the judicial controversy that arises between the parties.

Q) **Commission**: A request to do a special piece of work (Cambridge Dictionary, 2017).

To commission: To formally choose someone to do a special piece of work, or to formally ask for a special piece of work from someone (Cambridge Dictionary, 2017).

Proveer: Suministrar o facilitar lo necesario o conveniente para un fin (Diccionario panhispánico de dudas, RAE, 2005).

Such verb is used to refer to the act of providing the necessary elements for a specific purpose.

Comisión: (1) *Encargo que alguien da a otra persona para que haga algo. (2) Conjunto de personas encargadas por la ley, o por una corporación o autoridad, de ejercer determinadas competencias permanentes o entender en algún asunto específico* (Diccionario panhispánico de dudas, RAE, 2005).

Such term is used to refer to the situation in which a person asks somebody to do something. It is also used to denote the request itself when it is made under the law.

R) **Declaration:** (In pleading) The first of the pleadings on the part of the plaintiff in an action at law, being a formal and methodical specification of the facts and circumstances constituting his cause of action. It commonly comprises several sections or divisions, called "counts," and its formal parts follow each other in this order: title, venue, commencement, cause of action, counts, conclusion (Garner, 2004).

Declaración: *Manifiestación que en un proceso judicial, cualquiera sea su índole, hacen las partes o terceros para aclarar hechos que le son conocidos, o que se supone lo sean, y acerca de los cuales son interrogados, a fin de tratar de conocer la verdad sobre las cuestiones debatidas.*

It refers to the statements that the party makes during the proceedings in order to clarify the events and defend his rights.

S) **Appeal**: In civil practice, it is the complaint to a superior court of an injustice done or an error committed by an inferior one, whose judgment or decision the court above is called upon to correct or reverse. Its purpose is to obtain a review and a retrial (Garner, 2004)

Recurso de apelación: *En términos generales puede decirse que es el que interpone un juez superior para impugnar la resolución del inferior. En la legislación habitual se da contra las sentencias definitivas, interlocutorias y providencias simples que causen un gravamen que no pueda ser reparado por la sentencia definitiva. Llámase también recurso de alzada* (Ossorio, 2013, p. 813).

T) **Judicial review:** It is only available where there is no other effective means of challenge. Such court proceeding is usually carried out in the administrative court to review the lawfulness of a decision or action, or a failure to act, by a public body exercising a public function[102].

Revisión judicial: Recurso solicitado por las partes para invocar el poder de un tribunal para revisar y declarar la inconstitucionalidad de una ley dictada por el legislativo o de una sentencia dictada en instancia anterior a la apelación[103].

It is a remedy which may be requested by the party who does not agree to accept the final decision of the court or act as per some act or rule.

U) **Court:** An organ of the government, belonging to the judicial department, whose function is the application of laws to controversies brought before it and the public administration of justice (Garner, 2004).

Juzgado: (1) *Término o territorio de su jurisdicción.* (2) *Local en el que el juez ejerce su función* (Ossorio, 2013, p. 527).

Tribunal: *Lugar en que los jueces administran la justicia* (Ossorio, 2013, p. 959)

It is the judicial department in which the proceedings are initiated and then, carried out. In Argentina, we use the term *juzgado* to refer to those trial courts which are presided by only one judge. On the other hand, the term *tribunal* is employed to refer to the appeal courts which are presided by three judges.

[102] *Ibid* 66
[103] William, W.I. (2004). *La doctrina de la revision judicial y la obligación de obedecer el derecho*. Retrieved from *http://biblioteca.org.ar/libros/200515.pdf*

As we have mentioned before, there are many expressions which are frequent in the legal jargon. Sometimes, they pose a problem for those who are not used to work with such kind of text. Sometimes, there are some phrases, expressions, or words which do not have a literal translation or an equivalent in the target language. Thus, we will explain and provide a tentative translation for some of the expressions that appeared in our document.

A) **NHS Trusts**: They are organizations within NHS England. They generally have a specialized function, such as, ambulance service. In a particular location, there may be several trusts involved in different aspects of healthcare[104].

There is not an accepted translation. Therefore, in my opinion, we should write the expression in italics and write an explanation between brackets. An example of such explanation may be*: organizaciones que componen el servicio nacional de salud del Reino Unido y que proveen distintos servicios*. I would like to say that it is important to be aware that Trusts are divided into four groups: foundation, acute, ambulance, and mental health[105].

B) **(The Honourable) Justice:** It is the official designation of the members of the High Court[106].

Juez ad quem: *Juez superior que tiene autoridad para juzgar las causas en apelación y conocer de las quejas contra inferiores[107].*

Such term refers to the presiding judge in the second instance. Nevertheless, those terms are not completely equivalents. We include such term in this section of the glossary because I would like to mention the different forms of addresing judges. The following expressions may be used in Argentina: *su señoría (S.S.), vuestra señoría (V.S.), and excelentísimo (excmo.)* (Chiviló, 2016).

---

[104] Wikipedia. (2017). *NHS Trusts.* Retrieved from *https://en.wikipedia.org/wiki/NHS_trust*
[105]NHS. (April 13th, 2016). *NHS authorities and trusts*. Retrieved from *http://www.nhs.uk/NHSEngland/thenhs/about/Pages/authoritiesandtrusts.aspx*
[106] Courts and Tribunals Judiciary. (n/d). *What do I call a judge?* Retrieved from *https://www.judiciary.gov.uk/you-and-the-judiciary/what-do-i-call-judge/*
[107]Cosas legales. (n/d). *¿Qué tipos de jueces hay?* Retrieved from *https://www.cosaslegales.es/que-tipos-de-jueces-hay/*

American spelling for “honourable” is “honorable”.

As we studied before, legal language has Latin origin. Therefore, it is usual to find Latin expressions in the legal jargon. Now, we will mention some Latin expressions in our document, and others that have appeared while we were searching information for this logbook. Many of these Latin words or expressions have a possible translation into English or Spanish. We may keep the Latin term or change it; if we keep it, we must use italics.

A) ***Ibid:*** (1) It is used in formal writing to refer to a book or article that has already been mentioned (Cambridge Dicitionary, 2017). (2) It means: in the same source (used to save space in textual references to a quoted work which has been mentioned in a previous reference) (English Oxford Living Dictionary, 2017).

B) ***In personam***: Literally, it means "against the person". It refers to the courts' power to adjudicate matters against a party. A court with jurisdiction over a particular location may exercise *in personam* jurisdiction over a person who resides, maintains connections, or is served notice of legal proceedings in that location. *In personam* judgments can be enforced against a person where such person is, while disputes over property must take place in his particular location[108].

C) ***In rem:*** Literally, it means "against a thing". It concerns the status of a particular piece of property. The "thing" over which the court has power may be a piece of land or even a marriage. *In-rem* jurisdiction is based on the location of the property and enforcement follows property rather than person[109].

D) ***Profit a prende:*** It is used to refer to the right to take something from another person’s land. This could be part of the land itself, something growing on it, or wildlife killed on it. The thing taken must be capable of ownership[110].

[108]Cornell University Law School. (n/d). *In personam*. Retrieved from *https://www.law.cornell.edu/wex/in_personamhttps://www.law.cornell.edu/wex/in_personam*
[109]Cornell University Law School. (n/d). *In rem*. Retrieved from *https://www.law.cornell.edu/wex/in_rem*
[110] Government of the United Kingdom. (June 24th, 2015). *Practice guide 16: profits a prendre.* Retrieved from *https://www.gov.uk/government/publications/profits-a-prendre--2/practice-guide-16-profits-a-prendre*

E) ***Pro per:*** A term derived from the Latin *in propria persona*, meaning "for oneself". It is used in some states to describe a person who handles his own case, without a lawyer. When a person who is not an attorney files his own legal papers, that party is expected to write *in pro per* under his name in the heading on the first page[111].

F) ***Inter alia***: It stands for "among other things"[112].

In my opinion, it is essential to know and implement the collocations used in the legal jargon because they reflect the nature of the document. According to the Longman Dictionary, a collocation is the way in which some words or combinations of words are often used together.

We will provide a list of some English and Spanish collocations which appear in the judgment or were used throughout this logbook. The sources of the following collocations are: the Oxford Collocation Dictionary and glossaries provided by Professor Amelia Rita Chiviló.

Collocations in English

A) To initiate/ institute/ bring/ commence/ start legal proceedings against somebody.

B) On the grounds of (something).

C) To be filed/ brought/ lodged before the court.

D) To be challenged.

E) The court finds/ resolves/ decides/ orders (something).

F) To serve notice on (somebody).

G) The appealed/ objected judgment/decision.

H) To exercise/ enjoy/ assert a right.

I) Preventative treatment.

[111] Nolo. (n/d). *Pro per*. Retrieved from *http://www.nolo.com/dictionary/pro-per-term.html*
[112] Cornell University Law School. (n/d). *Inter alia*. Retrieved from *https://www.law.cornell.edu/wex/inter_alia*

J) To have, suffer from; be/become infected with, contract, develop, get; die of, live with AIDS.

K) To present/ produce/ admit/ exclude evidence.

L) To adopt/ enact/ amend/ enforce/ obey/ observe the law.

M) The law allows/ forbids/ sets forth/ permits/ requires/ prohibits (something).

N) To adhere to a medication regime.

O) Honourable(UK)/ Honorable (US) Judge.

P) High risk of transmission/ contracting HIV.

Q) To prevent the infection.

R) Composed of/ formed by (something).

S) Exposure event

T) To treat people.

U) To combat infection.

V) Pre-exposure/ post-exposure treatment .

W) Application for judicial review.

X) To hear submissions.

Y) To make declarations.

<u>Collocations in Spanish</u>

A) *Exposición al VIH* [exposure event to HIV]

B) *Contraer SIDA* [to contract AIDS]

C) *Ser VIH positivo/ negativo* [be/test negative for, be/test positive for HIV]

D) *Virus del VIH* [HIV]

F) *Proveer servicios médicos* [to provide health and care services].

CHAPTER 4

PERSONAL OPINION

Personally speaking, this logbook was a valuable experience. I acquired extensive knowledge about the two main legal systems in the world. What is more, I was able to comprehend the complex skills and techniques which a professional translator must develop and improve to be a better professional. Moreover, I read a lot about study plans in Translation offered by different universities around the world. It made me think about the role of languages in the development of societies throughout the centuries. They are the key to this new era of communication.

While making this logbook, I understood how important is to know the nature of the document to be translated. If we are able to do that, the translation process will be easier because we will be capable of conveying the meaning of the source text in the target text. It is my impression that to recognize grammar mistakes is fundamental in order to make a quality translation. Therefore, I consider that it is crucial to study and implement grammar rules in both languages; firstly, to recognize the mistakes and then, to avoid them in the translation.

In my opinion, one of the most interesting sections was the one in which I explained the authorities mentioned in the document. I believe that to know the laws of your own country is essential not only as a translator but also as a citizen. To interpret the laws of other countries is also necessary because we are part of a globalized world in which everything is related in ways we have never imagined.

THE TRANSLATION PROCESS

In this section, I will explain my process of translation. Each document is unique; we need to apply different skills when translating depending on features such as nature of the document, subject, function of the text, *etc.*

I consider that the translation must reflect the nature of the original document. Our document is written in plain English, therefore, we will see that it is clearly written without doublets and triplets, or complex structures. There were some phrases and

expressions whose translation posed a challenge. For example, it was difficult for me to convey the meaning of the word “commission”/ “to commission”. If we look up the meaning, we find the following definitions: (1) “a group of people who have been given the official job of finding out something or controlling something” (as a noun) (Longman Dictionary, 2017), (2) “to formally choose someone to do a special piece of work, or to formally ask for a special piece of work from someone” (as a verb) (Longmand Dictionary, 2017).

Having looked up those definitions, we came to the conclusion that we may choose the term *comisión* as the translation for “commission” (noun). The definition of such translation is the following:

Comisión: (1) *Encargo que alguien da a otra persona para que haga algo* [to request somebody to do something]. (2) *Conjunto de personas encargadas por ley, o por una corporación o autoridad, de ejercer determinadas competencias permanentes o entender en algún asunto específico* [those who are required to get involved ocassionally or permanently in some activity] (*Diccionario de la Lengua Española*, RAE, 2014).

But we noticed that we cannot use the verb *comisionar* for the verb “to commission” because they have two different meanings. After thinking about what we can do, I decide to use the verb *proveer* whose definition is the following:

Proveer: Suministrar o facilitar lo necesario o conveniente para un fin (*Diccionario de la Lengua Española*, Rae, 2014).

To provide: To give something to someone or make it available to them, because they need it or want it (Longmand Dictionary, 2017).

I implemented several translation techniques such as transposition, adaptation, and compensation. Transposition occurs when parts of speech change their sequence when they are translated. Adaptation occurs when we adapt a specific expression of the source language to the target language. The one that I widely used is the compensation which is useful when something cannot be translated, and the

meaning that is lost is expressed somewhere else in the translated text (Gabriela Bosco, n/d).

In the document, there are several acronyms which are words made up from the first letters of the name of something such as an organization (Longman Dictionary, 2017). I had to find the equivalent acronyms in Spanish. To give an example, the following acronyms are some of those which appear in our document:

- HIV (Human Immunodeficiency Virus) is *VIH* (*virus de inmunodeficiencia humana*).

-AIDS (Acquired Immune Deficiency Syndrome) is *SIDA* (*síndrome de inmunodeficiencia adquirida).*

- PrEP (Pre-Exposure Prophylaxis) is *PPrE* (*Profilaxis pre-exposición*).

In the part of the document which we translated, there are some Latin expressions such as *i.e.* and *in utero*. I considered pertinent to keep them in the target text because, as we have seen before, it is frequent to find them in texts of legal nature. I would like to mention that I was not sure if after the abbreviation *i.e.* (which means "that is to say"), a comma was required. After reading about this topic, I am able to say that such use of the comma depends on the grammarian to whom we adhere. For this logbook, we used the "Blue Book of Grammar and Punctuation" of Jane Straus in which it is established that the comma is optional, although its usage is preferable[113].

Some acronyms such as those which refer to specific treatments were kept in English. I preferred to provide a tentative translation. Also, I included the English acronym because they are too specific. I proceeded in the same way with the acronyms which refer to the Local Government Association and NHS England. I believe that, as a translator, it is important to give the client an understandable translation but, in my opinion, we should keep some names, entities, and laws and then, provide their possible translations. This is for the client to know the source of the references.

[113] Fogarty, M. (October 20th, 2016). *I.e. Versus E.g.* Retrieved from *http://www.quickanddirtytips.com/education/grammar/ie-versus-eg?page=2*

The translation of our document was carried out under the formalities established by the *Colegio de Traductores Públicos de la Ciudad de Buenos Aires* [Association of Certified Translators of the City of Buenos Aires]. I wrote the target document in Arial, number 11, left alignment. Also, I completed the blank spaces which were at the end of each sentence due to the alignment. The document is headed by the expression *TRADUCCIÓN PÚBLICA* and is ended with the closing formula in which there must be the date and the place of the translation as well as the source and the target language. In this case, as it is a translation into Spanish, I only wrote the formula in Spanish as established by the rules. All the pages of the original document and of the translation are stamped with a seal which has the following information: full name of the translator, languages in which the translator is registered, number of registration in the *Colegio de Traductores Públicos de la Ciudad de Buenos Aires* [Association of Certified Translators of the City of Buenos Aires]. Such seal is also stamped at the bottom of the document. The signature of the translator must be put next to it. The translated document may be numbered or not; I chose to number its pages[114].

[114] Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Legalizaciones.* Retrieved from *http://www.traductores.org.ar/legalizaciones*

ACKNOWLEDGMENTS

This logbook was started in 2016 at the *Universidad Argentina de la Empresa*. It was finished in 2017.

It is a pleasure for me to thank my family, friends, and professors for making this logbook possible. Firstly, I am grateful to the *Universidad Argentina de la Empresa* for its absolute commitment to quality education. Passing all the subjects offered by the University, I was able to learn and develop new skills. Moreover, because of the professors´ continuous optimism and assistance concerning learning, I could be aware of my potential and, in this way, exploit it.

I owe my deepest gratitude to my tutor Professor Amelia Rita Chiviló. Without her continuous encouragement and support, this logbook would not have been completed. I also express my warmest gratitude to my other professors whose guidance into the world of translation has been essential for this work. I am deeply grateful to Claudia Cirauqui whose meticulous comments about grammar were an enormous help for me. It is an honor for me to hand in this logbook before such great professors from whom I learnt not only Grammar or Laws but also moral values in order to be a well-educated professional.

I am indebted to Yamila Medina and Belén Frigerio who gave me support since the beginning of our higher education.

I want to thank my family who has been extraordinarily tolerant and supportive. I would also like to express my gratitude to my father for his financial support. My heartfelt appreciation goes to my mother who always reminds me that nothing is impossible with perseverance and hard work.

REFERENCES

Straus, J. (2008). *The Blue Book of Grammar and Punctuation*. San Francisco, the United States: Wiley Imprint.

Cao, D. (April 12th, 2007). *Translating Law*. Bristol, the United Kingdom: Multilingual Matters

Chiviló, A. R. (2016). *Derecho Penal I.* Universidad Argentina de la Empresa.

Chiviló, A. R. (2016). *Derecho Penal II.* Universidad Argentina de la Empresa.

Ciraqui, C. (2013). *Grammar I.* Universidad Argentina de la Empresa.

Ciraqui, C. and Valleta, M. E. (2013). *Language I.* Universidad Argentina de la Empresa.

Duncan, R. (2014). *Oxford Learner's Dictionary of Academic English*. Oxford, United Kingdom: Oxford University Press.

Ficarrotta Paez, M. G. (2015). *Contratos I.* Universidad Argentina de la Empresa.

García Negroni, M. (Ed.). (2016). *Para escribir en español (3rd ed.).* Buenos Aires, Argentina: Waldhuter.

Garner, B. A. (2002). *The Elements of Legal Style (2nd ed.).* Oxford University Press.

Garner, B. A. (2004). *Black's Law Dictionary (8th ed.).* St. Paul, Minnesota, the United States of America: West Pub.

Good, M. (2013). *Cambridge Advance Learner's Dictionary (3rd ed.).* Cambridge, United Kingdom: Cambridge University Press.

Jakobson, R. and Halle, M. (1956). *Fundamentals of Language.* Gravenhage, the Netherlands : Mouton

Malmkjær, K. (January, 2009). *What is translation competence?* London, the United Kingdom.

Mazzucco, P. & Maranghello, A. (2015). *Diccionario bilingüe de terminología jurídica: inglés-español (4th ed.).* Buenos Aires, Argentina: Ediciones Del Candil.

Ossorio, M. (2013). *Diccionario de ciencias jurídicas, políticas y sociales.* Buenos Aires, Argentina: Heliasta.

Poole, R. (2013). *Oxford Collocations Dictionary*. London, the United Kingdom: Oxford University Press.

Quirk et al. (1990*). A Comprehensive Grammar of the English Language*. London, the United Kingdom: Pearson Education Limited

Real Academia Española. (2005). *Diccionario panhispánico de dudas*. Madrid, Spain: Santillana.

Real Academia Española. (2010). *Ortografía de la gramática española*. Madrid, Spain: Espasa.

Real Academia Española. (2010). *Manual de la nueva gramática de la lengua española*. Madrid, Spain: Espasa.

Richards, J. & Schmidt, R. (2002). *Longman Dictionary of Language Teaching and Applied Linguistics (3rd ed.).* London, United Kingdom: Longman.

Rollin, N. (2013). *Oxford Spanish Dictionary*. London, the United Kingdom: Oxford University Press.

Saussure, F. (1913). *Course in General Linguistics*. Paris, France.

Tiersma, P. (October 20th, 2010). *The Origins of Legal Language*. London, the United Kingdom: Oxford University Press.

BIBLIOGRAPHY

Adams, K. (2013*). A manual of style of writing*. The United States of America: American Bar Association.

Alcaraz Varó, E., Hughes, B., & Gómez, A. (2014). *El español jurídico (1st ed.).* Barcelona, Spain: Ariel.

Belluscio, S. (2006). *Técnicas de redacción jurídica*. Buenos Aires, Argentina: Poder Judicial de la Nación.

Cabanellas, G. (2013). *Diccionario jurídico*. Buenos Aires, Argentina: Editorial Heliasta.

Díaz del Campo Lozano, M. (2015). *El abuso de los gerundios en textos jurídicos.* Buenos Aires, Argentina: Universidad Nacional de Córdoba.

Fawcett, P. (1997). *Translation and language: Linguistic theories explained.* Manchester, UnitedKingdom: St. Jerome.

Fawcett, P. (1997). *Translation and language: Linguistic theories explained*. Manchester, United Kingdom: St. Jerome.

Jakobson, R. (1960). *Style in English*. New York. Wiley Publishing.

Snell-Hornby, M. (2006). *The Turns of Translation Studies. New paradigms or shifting viewpoints?* Amsterdam, the Netherlands: John Benjamins Publishing Co.

WEB PAGES

Adams, K. (May 22nd, 2009). *The meaning of draft*. Retrieved from *http://www.adamsdrafting.com/meaning-of-draft/*

Alegsa. (n/d). *Definición de plantilla.* Retrieved from *http://www.alegsa.com.ar/Dic/plantilla.php*

Alta. (September 23rd, 2009). *Top 10 U.S. Translation Schools*. Retrieved from *https://www.altalang.com/beyond-words/2009/09/23/top-10-us-translation-schools/*

American Foundation for Translation and Interpretation, Inc. (n/d). *About us.* Retrieved from *http://www.afti.org/about.htm*

American Translators Association. (n/d). *About us.* Retrieved from *https://www.atanet.org/aboutus/about_ata.php*

American Translators Association. (n/d). *Cetification.* Retrieved from *https://www.atanet.org/certification/landing_about_certification.php*

American Translators Association. (n/d). *Governance.* Retrieved from *https://www.atanet.org/governance/code_of_ethics.php*

Anglo-Saxon History and Old English Language and Literature. (n/d). Retrieved from *http://schools.misd.org/upload/page/0407/Anglo-Saxon%20History%20and%20the%20English%20Language%20and%20Literature1.pptx.*

Aplicaciones. (n/d). *Abreviaturas.* Retrieved from *http://www.aplicaciones.info/pasatiempos/paabr03s.htm*

Assemblysys Data Services. (n/d). *Código de monedas ISO 4217.* Retrieved from *http://assemblysys.com/es/codigos-de-monedas-iso-4217/*

Aston University. (n/d). *About Aston University.* Retrieved from *http://www.aston.ac.uk/about/*

BBC. (2017). *Position of adverbs*. Retrieved from *http://www.bbc.co.uk/worldservice/learningenglish/grammar/learnit/learnitv202.shtml*

BBC. (n/d). *Legal Terms*. Retrieved from *http://www.bbc.co.uk/worldservice/learningenglish/grammar/learnit/learnitv79.shtml*

Business Dictionary. (n/d). *Interested Party.* Retrieved from *http://www.businessdictionary.com/definition/interested-party.html*

Cambridge Dictionary. (2017). *A/an and the*. Retrieved from *http://dictionary.cambridge.org/es/gramatica/gramatica-britanica/determiners/a-an-and-the*

Cambridge Dictionary. (2017). *Neither, neither … nor and not … either*. Retrieved from *http://dictionary.cambridge.org/es/gramatica/gramatica-britanica/questions-and-negative-sentences/neither-neither-nor-and-not-either*

Cambridge English Dictionary. (2017). Retrieved from *http://dictionary.cambridge.org/*

Chartered Institute of Linguists. (n/d). *About the Chartered Institute of Linguists.* Retrieved from *http://www.ciol.org.uk/about*

Chiriac, I. V. (June 26th, 2012). *Characteristics and feautures of English Legal Language.* Retrieved from *http://studiamsu.eu/wp-content/uploads/20.-p.103-107.pdf*

Cohen, M. (n/d). A Brief History of “Legalese” and the Plain English Movement. Retrieved from *http://www.cohenslaw.com/articles/plainenglish.html*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *El traductor público.* Retrieved from *http://www.traductores.org.ar/el-traductor-publico*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Las traducciones públicas son documentos públicos.* Retrieved from *http://www.traductores.org.ar/el-traductor-publico*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Legalizaciones.* Retrieved from *http://www.traductores.org.ar/legalizaciones*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Legalizaciones.* Retrieved from *http://www.traductores.org.ar/el-traductor-publico*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Descripción general.* Retrieved from *http://www.traductores.org.ar/descripcion-general*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Órganos del CTPCBA.* Retrieved from *http://www.traductores.org.ar/organos-del-ctpcba*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Formato de la traducción pública.* Retrieved from *http://www.traductores.org.ar/cartapacio/6/formato-de-la-traduccin-pblica*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *El traductor público.* Retrieved from *http://www.traductores.org.ar/el-traductor-publico*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Ley 20305.* Retrieved from *http://www.traductores.org.ar/ley-20305*

Colegio de Traductores Públicos de la Ciudad de Buenos Aires. (n/d). Legalizaciones. Retrieved from http://www.traductores.org.ar/legalizaciones

Collins English Thesaurus. (2017). Retrieved from *https://www.collinsdictionary.com/dictionary/english-thesaurus*

Cornell University Law School. (n/d). *Appellate Court.* Retrieved from *https://www.law.cornell.edu/wex/appellate_court*

Cornell University Law School. (n/d). *In personam*. Retrieved from *https://www.law.cornell.edu/wex/in_personamhttps://www.law.cornell.edu/wex/in_personam*

Cornell University Law School. (n/d). *In rem*. Retrieved from *https://www.law.cornell.edu/wex/in_rem*

Cornell University Law School. (n/d). *Inter alia*. Retrieved from *https://www.law.cornell.edu/wex/inter_alia*

Cornell University Law School. (n/d). *Legal encyclopedia.* Retrieved from *https://www.law.cornell.edu/wex*

Cosas legales. (n/d). *¿Qué tipos de jueces hay?* Retrieved from *https://www.cosaslegales.es/que-tipos-de-jueces-hay/*

Courts and Tribunals of the Judiciary. (n/d). *Constitutional reform*. Retrieved from *https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/constitutional-reform/*

Courts and Tribunals of the Judiciary. (n/d). *History of the Judiciary*. Retrieved from *https://www.judiciary.gov.uk/about-the-judiciary/history-of-the-judiciary/*

Courts and Tribunals of the Judiciary. (n/d). *How the Judiciary is governed*. Retrieved from *https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/how-the-judiciary-is-governed/*

CTTIC. (n/d). *Certification*. Retrieved from *http://www.cttic.org/certification.asp*

CTTIC. (n/d). *Mission*. Retrieved from *http://www.cttic.org/mission.asp*

Culture connection. (January 21st, 2016). *7 translation techniques to facilitate your work.* Retrieved from *http://culturesconnection.com/7-translation-techniques/*

Dal Dosso, H.R. (2014). *El desarrollo de la subcompetencia profesional del traductor como factor determinante del éxito en su carrera profesional.* Retrieved from *http://hdosso.com.ar/DSCP.pdf*

Diccionario panhispánico de dudas. (2005). *Pronombres personales átonos.* Retrieved from *http://lema.rae.es/dpd/srv/search?id=elLl31yYnD65MTS9uF*

Diccionario panhispánico de dudas. (2005). *Se.* Retrieved from *http://lema.rae.es/dpd/srv/search?id=bsHtgs373D6sirfnKs*

Dirección general de asistencia técnica y legislativa. (October, 2014). *Modificaciones relevantes del Código Civil y Comercial de la Nación.* Retrieved from *http://www.sde.gob.ar/justicia/cuadrocomparativo.pdf*

Dorothy, A. K. (January, 2002). *La competencia traductora: bases para el diseño curricular.* Retrieved from *http://wdb.ugr.es/~greti/revista-puentes/pub1/02-Kelly.pdf*

Enciclopedia jurídica. (2017). Retrieved from *http://www.enciclopedia-juridica.biz14.com/*

English Oxford Living Dictionary. (2017). *British and American spelling*. Retrieved from *https://en.oxforddictionaries.com/spelling/british-and-spelling*

English Oxford Living Dictionary. (2017). *Punctuation in abbreviations*. Retrieved from *https://en.oxforddictionaries.com/punctuation/punctuation-in-abbreviations*

Facultad de Derecho, UBA. (n/d). *Carrera de Traductor Público.* Retrieved from *http://www.derecho.uba.ar/academica/carreras_grado/traductorado.php*

Facultad de Derecho, UBA. (n/d). *Traductor Público.* Retrieved from *http://www.uba.ar/download/academicos/carreras/tradpublico.pdf*

Federación Argentina de Traductores. (n/d). ¿Qué es la FAT? Retrieved from http://www.fat.org.ar/

Fogarty, M. (October 20th, 2016). *I.e. Versus E.g*. Retrieved from *http://www.quickanddirtytips.com/education/grammar/ie-versus-eg?page=2*

Forum Legal. (January 17th, 2012). *The Origins of Legal English.* Retrieved from *http://forum-legal.blogspot.com.ar/2011/01/origins-of-legal-english.html*

Fundación Huésped. (n/d). *VIH/SIDA*. Retrieved from *https://www.huesped.org.ar/info/vih-sida/*

Fúndeu BBVA. (October 10th, 2011). *Sistema inmunitario y no sistema inmunológico*. Retrieved from *http://www.fundeu.es/recomendacion/sistema-inmunitario-y-no-sistema-inmunologico-1098/*

Gobierno de España. (n/d). *Traductores/as – Intérpretes Jurados/as.* Retrieved from *http://www.exteriores.gob.es/PORTAL/ES/SERVICIOSALCIUDADANO/Paginas/Traductoresas---Intérpretes-Juradosas.aspx*

Gonzalez Casado, M. (October, 2005). *Errores sintácticos en los textos jurídicos. La calidad editorial por puntos*. Retrieved from *http://www.lingua.gal/c/document_library/get_file?file_path=/portal-lingua/curso/superior-xuridico/Errores_sintacticos_en_los_textos_juridicos_Samuel_Gonzalez.pdf*

Gov. UK. (n/d). *Ministerial role, Secretary of State for Health.* Retrieved from *https://www.gov.uk/government/ministers/secretary-of-state-for-health*

Gov. UK. (n/d). *The health and care system explained*. Retrieved from *https://www.gov.uk/government/publications/the-health-and-care-system-explained/the-health-and-care-system-explained*

Government of the United Kingdom. (June 24th, 2015). *Practice guide 16: profits a prendre.* Retrieved from *https://www.gov.uk/government/publications/profits-a-prendre--2/practice-guide-16-profits-a-prendre*

Health and Social Care Act 2012. (2012). Retrieved from *http://www.legislation.gov.uk/ukpga/2012/7/pdfs/ukpga_20120007_en.pdf*

Health Line. (June 16th, 2016). *Antiretroviral HIV Drugs: Side Effects and Adherence.* Retrieved from *http://www.healthline.com/health/hiv-aids/antiretroviral-drugs-side-effects-adherence#Overview1*

Heriot Watt University. (n/d). *Interpreting and translating.* Retrieved from *https://www.hw.ac.uk/study/uk/postgraduate/subject/translating-and-interpreting.htm*

Heriot Watt University. (n/d). *The story of Heriot Watt University.* Retrieved from https://www.hw.ac.uk/about/history.htm

Índice de abreviaturas. (January 20th, 2017). Retrieved from *http://www.carpetas.com.ar/busquedas/Abreviaturas.pdf*

Infosida. (February 21st, 2017). *Tratamiento de VIH*. Retrieved from *https://infosida.nih.gov/education-materials/fact-sheets/21/51/tratamiento-para-la-infeccion-por-el-vih--conceptos-basicos*

Inlingua. (n/d). *Difference between a Certified and Notarized Translation*. Retrieved from *http://www.inlinguautah.com/difference-certified-notarized-translation/*

International Federation of Translators. (n/d). FIT Latin America. Retrieved from http://www.fit-ift.org/fit-amerique-latine/

Interpro. (n/d). *Translation Techniques*. Retrieved from *http://www.interproinc.com/es/blog/translation-techniques*

Jankiewicz, H. (n/d). *The concepts of rethoric*. Retrieved from *http:/web.syr.edu/hjjankie/209/cncpts.rhet.html*

Justice Education Society. (2012). *The written submission process.* Retrieved from *http://www.ccalab.gov.bc.ca/pdf/JES_Written_Submission.pdf*

Knowledge Base. (n/d). *What is the Structure of the UK Court System?* Retrieved from *http://new.justcite.com/kb/editorial-policies/terms/uk-court-structure/*

Kruger, C. (October, 2001). *St Jerome: Interpreter, translator, innovator*. Retrieved from *http://translators.org.za/sati_cms/downloads/dynamic/jerome_english.pdf*

Law Teacher. (n/d). *Differences between Common Law and Equitable*. Retrieved from *https://www.lawteacher.net/free-law-essays/equity-law/for-one-to-discuss-law-essays.php*

Lingua Greca. (November 12th, 2014). *How to become a certified translator in Canada.* Retrieved from *http://linguagreca.com/blog/2014/11/certified-translator-in-canada/*

Local Government Association. (n/d). *About the LGA*. Retrieved from *http://www.local.gov.uk/about*

London Translations. (n/d). *What does a certified translation mean?* Retrieved from *http://www.londontranslations.co.uk/faq/basics/certified-translation-mean/*

Longman English Dictionary. (2017). Retrieved from *http://www.ldoceonline.com/*

Macmillan Dictionary. (2017). Retrieved from *http://www.macmillandictionary.com*

Maslow, A. (1998). *Basic communication model.* Retrieved from http://home.snu.edu/~jsmith/library/body/v25.pdf

Medicine Net. (May 13th, 2016). *Medical Definition of Randomized controlled trial.* Retrieved from *http://www.medicinenet.com/script/main/art.asp?articlekey=39532*

Merriam- Webster Dictionary. (2017). Retrieved from *https://www.merriam-webster.com/dictionary*

Morningside Translations. (September 2nd, 2011). *What is a certified translation?* Retrieved from *https://www.morningtrans.com/what-is-a-certified-translation-2/*

NAT. (n/d). *Welcome to NAT.* Retrieved from *http://www.nat.org.uk/what-do-we-do/nat*

National Health Service Act 2006. (2006). Retrieved from *http://www.legislation.gov.uk/ukpga/2006/41/pdfs/ukpga_20060041_en.pdf*

NHS England. (n/d). *Five Year Forward View.* Retrieved from *https://www.england.nhs.uk/wp-content/uploads/2014/10/5yfv-web.pdf*

NHS England. (n/d). *NHS England Board.* Retrieved from *https://www.england.nhs.uk/about/whos-who/*

NHS. (n/d). *The NHS in England.* Retrieved from *http://www.nhs.uk/NHSEngland/thenhs/about/Pages/authoritiesandtrusts.aspx*

Nolo. (n/d). *Pro per*. Retrieved from *http://www.nolo.com/dictionary/pro-per-term.html*

Normas APA. (n/d). *Normas APA 2017 – 6ta (sexta) edición.* Retrieved from *http://normasapa.net/2017-edicion-6/*

Oxford Learners´ Dictionary. (2017). Retrieved from *http://www.oxfordlearnersdictionaries.com*

PACTE. (2011*) "Results of the Validation of the PACTE Translation Competence Model: Translation Project and Dynamic Translation Index*. Retrieved from *http://grupsderecerca.uab.cat/pacte/sites/grupsderecerca.uab.cat.pacte/files/2011_PACTE_Continuum.pdf*

Pan American Health Organization. (n/d). *Most frequently-used HIV/AIDS acronyms Siglas más comunes relacionadas al VIH/SIDA*. Retrieved from *https://www.unicef.org/lac/Acronym_hivAIDS.pdf*

Parliament UK. (n/d). *The work of the House of Commons.* Retrieved from http://www.parliament.uk/business/commons/what-the-commons-does/

Pease, J. (November 9th, 2012). *Plain English, a solution for effective communication.* Retrieved from *http://acla.acc.com/documents/item/1065*

Plain English Campaign. (n/d). *Drafting in plain English*. Retrieved from *http://www.plainenglish.co.uk/campaigning/past-campaigns/legal/drafting-in-plain-english.html*

Plain English Campaign. (n/d). *The A - Z of alternative words*. Retrieved from *http://www.plainenglish.co.uk/the-a-z-of-alternative-words.html*

Queen's Bench Division of the High Court. (n/d). Retrieved from *https://www.gov.uk/courts-tribunals/queens-bench-division-of-the-high-court*

Real Academia Española. (2014). *Diccionario de la lengua española (23rd ed.).* Retrieved from *http://www.rae.es/rae.html*

REV. (n/d). *What is a certified translation?* Retrieved from *https://blog.rev.com/articles/translation/what-is-a-certified-translation/*

Rodriguez Navarro, L. Q. (n/d.) *Algunas consideraciones teóricas sobre el subjuntivo en ingles*. Retrieved from *http://www.ugr.es/~lquereda/teoria_subjuntivo.htm*

San José, M.H. (2015). *El perfil de traductor especializado*. Retrieved from *https://uvadoc.uva.es/bitstream/10324/13680/1/TFG-O%20576.pdf*

Saralegui, C. (1992). *Coordinación de sinónimos en textos jurídicos.* Retrieved from *https://core.ac.uk/download/pdf/25071332.pdf*

SDL. (n/d). *SDL Trados Studio*. Retrieved from *http://www.sdl.com/solution/language/translation-productivity/trados-studio/features.html*

Semicolons. (2017). Retrieved from *http://www.grammarbook.com/punctuation/semicolons.asp*

Serpollet, N. (n/d). *The mandative subjunctive in British English seems to be alive and kicking… Is this due to the influence of American English?* Retrieved from *http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.424.6695&rep=rep1&type=pdf*

Skwarlová, K. (2008). *Passive voice and its meaning in legal English.* Retrieved from *https://is.muni.cz/th/75216/ff_m_b1/Diploma_Thesis.txt*

Stanford Encyclopedia of Philosophy. (March 20th, 2013). *Legal Rights.* Retrieved from *https://plato.stanford.edu/entries/legal-rights/*

The A to Z guide to legal phrases. (n/d). Retrieved from *http://www.plainenglish.co.uk/files/legalguide.pdf*

The American Psychological Association. (2010). *List of common abbreviations for APA Style.* Retrieved from *http://blog.apastyle.org/files/apa-latin-abbreviations-table-2.pdf*

The difference between England, Britain, and the United Kingdom. (February 4th, 2010). Retrieved from *http://www.everywhereist.com/the-difference-between-england-britain-and-the-united-kingdom-and-a-few-other-places-too/*

The Institute of Translation & Interpreting. (n/d). *Background - sworn translations, not sworn translators.* Retrieved from *http://www.iti.org.uk/about-industry/certification-sworn*

The Institute of Translation & Interpreting. (n/d). *Contact us*. Retrieved from *http://www.iti.org.uk/contact*

The Institute of Translation & Interpreting. (n/d). *Seals.* Retrieved from *http://www.iti.org.uk/attachments/article/90/ITI%20New%20Seals%20Example.pdf*

The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) (Amendment) Regulations 2013. (2013). Retrieved from *http://www.legislation.gov.uk/uksi/2013/2891/pdfs/uksi_20132891_en.pdf*

The Public Law Project. (2006). *An brief guide to judicial review procedure.* Retrieved from *http://www.publiclawproject.org.uk/data/resources/114/PLP_2006_Guide_To_JR_Procedure.pdf*

The Public Law Project. (n/d). *An introduction to judicial review procedure*. Retrieved from *http://www.publiclawproject.org.uk/data/resources/6/PLP_Short_Guide_3_1305.pdf*

The Supreme Court. (n/d). *Significance to the UK.* Retrieved from *https://www.supremecourt.uk/about/significance-to-the-uk.html*

The Supreme Court. (n/d). *The role of the Supreme Court.* Retrieved from *https://www.supremecourt.uk/about/role-of-the-supreme-court.html*

The Supreme Court. (n/d). *The Supreme Court and the United Kingdom's legal system.* Retrieved from *https://www.supremecourt.uk/docs/supreme-court-and-the-uks-legal-system.pdf*

The Supreme Court. (n/d). *UK Judicial System.* Retrieved from *https://www.supremecourt.uk/about/uk-judicial-system.html*

Tiersma, P. (1999). *Legal language.* Retrieved from *http://www.languageandlaw.org/LEGALLANG/LEGALLANG.HTM*

Tiersma, P. (n/d). *The plain English Movement.* Retrieved from *http://www.languageandlaw.org/PLAINENGLISH.HTM*

UADE. (n/d). *Programa Conjunto Traductorado Público en Idioma Inglés e Interpretariado Simultáneo de Idioma Inglés*. Retrieved from *https://www.uade.edu.ar/unidades-academicas/facultad-de-ciencias-juridicas-y-sociales/prog-conj-Trad-Pub-Ing-Int-Sim-Ing*

UCES. (2015). *La cita y referencia bibliográfica*. Retrieved from *https://www.uces.edu.ar/biblioteca/Citas_bibliograficas-APA-2015.pdf*

UK Essays. (March 23rd, 2015). *Contributions of functionalist approaches*. Retrieved from *https://www.ukessays.com/essays/translation/contributions-of-functionalist-approaches.php*

UNAM. (2010). *El lenguaje jurídico.* Retrieved from *file:///C:/Users/Celeste%20Acosta/Downloads/El%20lenguaje%20jur%C3%ADdico.%20UNAM.pdf*

UNIBA. (n/d). *Characteristics of legal English.* Retrieved from *http://www.uniba.it/ricerca/dipartimenti/scienze-politiche/docenti/williams-christopher-john/materiale-didattico-williams-2013-2014/aa201314CharacteristicsoflegalEnglish.pdf*

Universidad de Granada. (n/d). *Grado de Traducción e Interpretación.* Retrieved from *http://grados.ugr.es/traduccion/*

Universidad de Salamanca. (n/d). *Facultad de traducción e interpretación*. Retrieved from *http://www.usal.es/node/25*

Universidad de Salamanca. (n/d). *Historia*. Retrieved from *http://www.usal.es/node/941*

Universitat Autònoma de Barcelona. (2001). *PACTE- La compretencia traductora y su adquisición.* Retrieved from *http://www3.uji.es/~aferna/H44/Translation-competence.pdf*

Universitat Autònoma de Barcelona. (2016). *PACTE – Competencia traductora y adquisición.* Retrieved from *http://grupsderecerca.uab.cat/pacte/es*

Universitat Autònoma de Barcelona. (2016). *PACTE - Procés d'Adquisició de la Competència Traductora i Avaluació.* Retrieved from *http://grupsderecerca.uab.cat/pacte/es*

Universitat Oberta de Catalunya. (n/d). *Estudios analíticos. Estudios experimentales: ensayo clínico controlado y aleatorizado (ECCA).* Retrieved from *http://cv.uoc.edu/UOC/a/moduls/90/90_166d/web/main/m4/22a.html*

Universitat Politécnica de Catalunya. (2017). Retrieved from *http://www.upc.edu/?set_language=en*

University of Ottawa's School of Translation and Interpretation. (n/d). *About the school*. Retrieved from *https://arts.uottawa.ca/translation/about*

Vlasova, O. (May, 2010). The *Mandative Subjunctive in American English.* Retrieved from *https://www.duo.uio.no/bitstream/handle/10852/25257/Finalxversion.Master.Vlasova.pdf?sequence=1*

Warriner, D. (July 24th, 2012). *The difference between certified and notarized translations*. Retrieved from

https://bctranslator.wordpress.com/2012/07/24/the-difference-between-certified-and-notarized-translations/

WikiHow. (n/d). *How to write a research introduction.* Retrieved from *http://www.wikihow.com/Write-a-Research-Introduction*

WikiHow. (n/d). *How to write acknowledgements.* Retrieved from *http://www.wikihow.com/Write-Acknowledgements*

Wikipedia. (2017). *NHS Trusts*. Retrieved from *https://en.wikipedia.org/wiki/NHS_trust*

William, W.I. (2004). *La doctrina de la revision judicial y la obligación de obedecer el derecho*. Retrieved from *http://biblioteca.org.ar/libros/200515.pdf*

CHAPTER 5

THE ORIGINAL DOCUMENT AND ITS TRANSLATION

After taking the pertinent steps, we will translate the document using the information studied and the glossaries made. Firstly, there is the photocopy of the original document and then, the translation. It is a formality required by the *Colegio de Traductores Públicos de la Ciudad de Buenos Aires* [Association of Certified Translators of the City of Buenos Aires][115].

[115] Colegio De Traductores Públicos de la Ciudad de Buenos Aires. (n/d). *Formato de la traducción pública.* Retrieved from *http://www.traductores.org.ar/cartapacio/6/formato-de-la-traduccin-pblica*