

## **THE NAMES OF ENGLISH JUDICIAL OFFICES, COURTS AND TRIBUNALS AND THEIR TRANSLATION INTO POLISH**

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**Abstract:** The aim of this article is to propose a number of translation techniques which can be applied in the process of translating the names of English judicial offices, courts and tribunals into Polish. In the first part, the author briefly describes the English court and tribunal system. In the second, he provides a theoretical background to the translation of legal terms. He devotes the third part to the techniques of translating the names of English courts and tribunals and the last one to the techniques of translating the names of English judicial offices. The article also has a practical aspect as it contains suggested Polish equivalents for the English names in question.

**Key words:** judiciary, judicial offices, courts, tribunals, translation techniques, equivalence

### **TŁUMACZENIE NA JĘZYK POLSKI NAZW ANGIELSKICH STANOWISK SĘDZIOWSKICH, SĄDÓW I TRYBUNAŁÓW ADMINISTRACYJNYCH**

**Abstrakt:** Celem artykułu jest zaproponowanie kilku technik tłumaczeniowych, które można wykorzystać podczas tłumaczenia na język

polski nazw angielskich stanowisk sędziowskich, sądów i trybunałów administracyjnych. W pierwszej części autor zwięźle opisuje strukturę angielskich sądów i trybunałów administracyjnych. W drugiej omawia teoretyczne podstawy tłumaczenia terminów z zakresu prawa. Trzecią część poświęca technikom tłumaczenia nazw angielskich sądów i trybunałów administracyjnych, zaś ostatnią technikom tłumaczenia nazw angielskich stanowisk sędziowskich. Artykuł ma również charakter praktyczny, ponieważ zawiera autorskie propozycje polskich ekwiwalentów omawianych terminów angielskich.

**Słowa kluczowe:** stanowiska sędziowskie, sądy, trybunały administracyjne, techniki tłumaczeniowe, ekwiwalencja

## **1. Introduction: a description of the English court and tribunal system**

According to Jones (2013: 17), the English court structure has four basic levels: first, magistrates' courts and the County Court; second, the Crown Court and the High Court; third, the Court of Appeal and fourth, the Supreme Court.

There are roughly 350 magistrates' courts (Jones 2013: 20) in England and Wales. They have mainly criminal jurisdiction and some civil jurisdiction relating to *inter alia* licensing, council tax and utility charge matters. Within magistrates' courts there are youth courts. These are meant for young offenders aged from 10 to 17. Only in some exceptional cases can young offenders be tried in the Crown Court (*e.g.* for murder or rape).

Until 2014, there were approximately 170 county courts, each for a specified area in England and Wales. On 22 April 2014, they were replaced by a single County Court, whose jurisdiction covers the whole of England and Wales. However, county court buildings are still used as County Court hearing centres (Sime 2014: 22). The County Court deals only with civil matters. They include contract, tort as well as landlord and tenant cases, recovery of land actions, bankruptcy, insolvency, mortgages, wills and trusts. However, civil cases can be commenced in the County Court or in the High Court. As Jones (2013: 25) explains, “the decision on which court to start civil proceedings is determined by the value of the case, the complexity of facts and issues

involved, whether points of law of general public importance are raised, and the procedures and remedies available (some remedies are only available in the High Court).”

On 22 April 2014, a new single entity, the Family Court, was formed. As a result, there is no longer “separate family jurisdiction in magistrates' courts and in the County Court.”<sup>1</sup> The Family Court deals with all family proceedings, except for a limited number of matters, which are exclusively reserved to the High Court.<sup>2</sup>

The Crown Court is a single court, which has 76 Crown Court centres (Jones 2013: 23) in England and Wales. The Crown Court has criminal and appellate jurisdiction. The latter one relates to appeals from magistrates' courts.

The High Court of Justice of England and Wales sits in London and also in some provincial cities and towns in England and Wales (district registries). The High Court, which deals primarily with civil cases, has three divisions: the Chancery Division, the Queen's Bench Division and the Family Division. Each division hears first instance cases and has a divisional court (“when two or more judges sit in the High Court together to hear the same case” (Gillespie 2015: 207) for appeals from inferior courts and tribunals. The Chancery Division hears cases involving trusts, mortgages, finance, administration of estates of deceased persons, company law, partnerships and bankruptcies. The Queen's Bench Division deals with contract and tort cases not appropriate for the County Court. The Family Division handles complicated matrimonial and family cases, for instance legitimacy, adoption and defended divorces. Within the Queen's Bench Division there are specialist courts, such as the Commercial Court (claims arising from trade and commerce), the Admiralty Court (maritime claims) and the Technology and Construction Court (technology and construction disputes). One of the most important specialist courts operating as part of the Queen's Bench Division is the Administrative Court, which has both civil and criminal jurisdiction. “Its varied work is directed at the lawfulness of the acts and omissions of central and local Government, regulatory and disciplinary bodies, inferior courts and tribunals, and

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<sup>1</sup> [http://www.familylaw.co.uk/news\\_and\\_comment/the-single-family-court-essential-update?#.VQ7e9-F6OB4](http://www.familylaw.co.uk/news_and_comment/the-single-family-court-essential-update?#.VQ7e9-F6OB4) (accessed March 22, 2015).

<sup>2</sup> <http://www.lawsociety.org.uk/support-services/family-court-resources/family-law-changes-information-from-the-ministry-of-justice/> (accessed March 22, 2015).

other public bodies and officials exercising public functions.”<sup>3</sup> Specialist courts can be also found within the Chancery Division, for instance the Patents Court (intellectual property disputes), the Bankruptcy Court (insolvency of individuals) and the Companies Court (*e.g.* company winding up petitions).

The Court of Appeal has two divisions: the Civil Division, headed by the Master of the Rolls, and the Criminal Division, headed by the Lord Chief Justice. The Civil Division hears appeals from the High Court or the County Court, the Criminal Division - from the Crown Court.

The Supreme Court is the final court of appeal for UK civil cases and for criminal cases from England, Wales and Northern Ireland. It generally deals with appeals from the Civil and Criminal Division of the Court of Appeal. Cases heard by the Supreme Court concern points of law of the greatest public importance.

There are also courts of special jurisdiction, such as coroners' courts (investigations into sudden deaths), courts-martial (military law cases), ecclesiastical courts (ecclesiastical law cases) and election courts (election disputes).

An important place in the English legal system belongs to tribunals. The aim of tribunals is to enforce rights resulting from social and welfare legislation, for instance the right not to be unfairly or wrongfully dismissed from work. In the case of a dispute in such matters, the parties cannot go to court but have to use tribunals. Following the reform introduced in 2007, there is now the First-tier Tribunal, consisting of 7 chambers (*e.g.* the Social Entitlement Chamber), the Upper Tribunal, consisting of 4 chambers (*e.g.* the Lands Chamber), the Employment Tribunal and the Employment Appeal Tribunal. The First-tier Tribunal hears cases at first instance and the Upper Tribunal mainly appeals from the First-tier Tribunal. The Employment Tribunal deals with employment disputes at first instance and the Employment Appeal Tribunal with appeals from the Employment Tribunal. Further appeals are possible to the Court of Appeal and from there to the Supreme Court. Tribunals consist of judicial (judges) and non-judicial members (other members - experts in a given field, for instance doctors, accountants or surveyors). Cases in

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<sup>3</sup> <https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/administrative-court/> (accessed August 13, 2015).

the First-tier Tribunal are heard by a tribunal judge or by a tribunal judge sitting with two lay members. Cases in the Employment Tribunal are heard by an employment judge or an employment judge sitting with two lay members, representing the interests of the employer and employee (Marson 2014: 18). “Cases in the Upper Tribunal are normally heard by a single judge unless the Senior President of Tribunals decides that a particular case should be heard by two or three members” (Ingman 2011: 117). Pursuant to the Enterprise and Regulatory Reform Act 2013, the default composition of the Employment Appeal Tribunal is a judge sitting alone without any lay members unless she or he orders otherwise.

## **2. A theoretical background to the translation of legal terms**

### **2.1 The systemic specificity of legal terms**

One of the main problems a translator of legal texts is confronted with is the issue of the specificity of concepts to which legal terms refer. This means that concepts that are expressed by legal terms functioning within a given language are frequently either absent in another language or they are present but their meaning is only approximate. As Arntz (1993: 6) points out, this is because legal terms are always connected with a specific legal system shaped by a unique historical process and as a result any legal system is invariably to a smaller or greater degree different from other legal systems. Šarčević (1997: 232-233) remarks that the conceptual incongruence of legal terms manifests itself in many ways. Firstly, in the form of shifts in meaning: the English term *contract* is much broader in meaning than the French term *contrat*. Secondly, within the same language the same word may have a different conceptual content if it functions within separate legal systems: *Sache* means something different in German law and Austrian law. Thirdly, concepts transferred directly from one legal system to another may take on unique aspects of meaning after they have been assimilated. This happened in the case of Turkish terminology relating to civil law, reflecting Swiss terminology in this area. Fourthly and finally, there are

system-bound terms: that is such terms that are typical of only one legal system or a group of related legal systems without comparable equivalents in other systems, for instance the term *equity* or *trust*. Pieńkos states that the term *common law*, untranslatable into any language, also belongs to this group of terms. He refers to Stanisławski's English-Polish dictionary, where the term has been translated as *prawo zwyczajowe*, which would correspond to the French *droit coutumier*. However, in his opinion, under no circumstances can *common law* be rendered as *prawo zwyczajowe*, the latter resulting, as lawyers put it, from continual, constantly recurring and unchanging application of a certain solution in a given type of case. He concludes that *common law* is contrary to that, being based on judicial precedent in contrast to the law made by Parliament (2003: 230).

## 2.2 A pragmatic definition of terminological equivalence

Terminological conceptual differences existing between legal systems bring up the question of how to replace terms from one language with terms from another. In other words, we must ask how to achieve terminological equivalence. But first of all, what is it? Šarčević remarks (1997: 234-235) that the notion of equivalence has returned to translation theory after a period of its expulsion, acquiring a pragmatic dimension. It is assumed that terms from two languages are equivalent if one may be used as the translation of the other and vice versa. Such a definition, as Šarčević stresses, does not imply that the terms are identical in meaning. According to Reiß, full one-to-one correspondence exists only when technical terms within a given discipline are assigned the same definition in two or more languages (in Šarčević 1997: 234).

## 2.3 Methods of providing equivalence

In the most general way, equivalents may be divided into linguistic and natural ones. The former are terms created to refer to concepts foreign

to a target legal system. Linguistic equivalents include literal equivalents (calques), borrowings and naturalizations. The latter are terms existing in a target language used to translate terms from a source language (Šarčević 1997: 233-234). According to this scholar, a translator of legal texts, in spite of inherent conceptual incongruence between legal terminology in different languages, is fully entitled to use the closest natural equivalent from the system of a target language, that is such an equivalent which renders the legal sense of a source term in the most precise way and leads to expected results (1997: 235). Natural equivalents include functional equivalents, that is terms referring to concepts or institutions of a target legal system having the same function as concepts or institutions of a source legal system (Šarčević 1997: 236).

Kierzkowska (2002: 118-119) distinguishes two types of functional equivalents: distant and close ones. Distant functional equivalents explain a foreign concept by giving only a rough idea of it (for example the translation of the Polish term *spółka z ograniczoną odpowiedzialnością* as *limited liability company*), whereas close functional equivalents raise no objections at a certain level of generality (for example the translation of the Polish term *sędzia* as *judge* or the Polish term *sąd* as *court*).

While determining the degree of conceptual similarity between terms from different languages, their essential and accidental features are taken into account in a given context, which means that certain essential features may become accidental or vice versa in another context. Thus, for instance, essential and accidental features of the same term can be arranged differently with regard to family and inheritance law (Šarčević 1997: 237).

Matulewska (2007: 144-152) points out that the translator has at their disposal a number of techniques for providing terminological equivalence. They are as follows: borrowing, defining, using target or source language oriented terms, creating neologisms, applying hypernyms or hyponyms, combining two target terms for one source term, employing Latinisms, referring to the Louisiana Civil Code and the Louisiana Code of Civil Procedure (treated as a source of English equivalents for civil law institutions) and using antonyms and negation.

Šarčević adds two more techniques to the above ones. The first - lexical expansion - consists in extending the term with necessary particularizing elements, for instance translating the French term *hypothèque* as *mortgage without conveyance* in order to compensate for

incongruency with regard to legal effects (1997: 250-251). The second one consists in using a neutral term, which is understood as a non-technical term. This technique is especially useful when an equivalent or a source term is to be independent of a specific legal system so as not to evoke associations with it. The technical English term *domicile* is frequently translated into German as *Domizil*, into Spain as *domicilio*, into French as *domicile* and into Italian as *domicilio*. However, the above terms, despite having the same etymology, describe varying concepts depending on the legal system. Hence there is a tendency to use a non-technical term, for example *habitual residence* in English or *résidence habituelle* in French, which are not burdened with a system-bound meaning (1997: 255-256).

### **3. Translation of names of English courts and tribunals**

At the bottom of English courts, there are magistrates' courts. The name *magistrates' court* refers to the fact that the judicial office holders there are called magistrates or, alternatively, justices of the peace. There are two types of magistrates: unpaid ones, usually legally unqualified, working part-time, called lay magistrates, and paid ones, legally qualified, working full-time, called district judges (magistrates' courts). The traditional Polish equivalent *sędzia pokoju* is calqued on the term *justice of the peace* and is used both for *a magistrate* and *a justice of the peace*. In a similar vein, *a magistrates' court* is traditionally translated as *sąd pokoju* although a more precise translation should read *sąd sędziów pokoju*.

The problem with these translations is that they do not refer the Polish reader to anything similar in the Polish legal system and do not explain in any way what type of judge and what type of court we mean.<sup>4</sup> It can just be any court and any judge. Consequently, these equivalents cannot be recommended. Although the terms *sąd pokoju* and *sędzia pokoju* are succinct and sound good in Polish, their meanings only direct us to a type of judge and a type of court. That is why they must

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<sup>4</sup> The institutions of *sędzia pokoju* and *sąd pokoju* existed in Poland in the past and they even had similar functions to the functions of *magistrates* and *magistrates' courts*; however, nowadays the terms are only known to legal historians.

be either accompanied by a definition or the terms must be translated descriptively if it is possible to coin handy descriptive equivalents. The definition or description should give an insight into the nature of the court and the judge. If we know that magistrates' courts deal mainly with criminal and some civil matters and are the lowest courts, then the accompanying definition might be *sąd I instancji ds. karnych oraz niektórych spraw cywilnych*. If we know that the term *magistrate* is currently predominantly used to denote an unpaid person, usually legally unqualified, who acts part-time as a judge in a magistrates' court, then we can translate this term descriptively as *sędzia niezawodowy* or *sędzia społeczny*.

In the past, today's district judges (magistrates' courts) were called stipendiary magistrates because they were paid a stipend for their work. A *stipendiary magistrate* might be translated descriptively as *sędzia zawodowy w sądzie pokoju*. Of course, if the term *sąd pokoju* has not been previously defined, a definition containing its main features must be given. A district judge (magistrates' courts), as has been said earlier, is legally qualified, paid and works full-time. With regard to this name, we can use a calque translation, which will also be a target language oriented one - *sędzia rejonowy (w sądzie pokoju)*<sup>5</sup>. The translation refers the Polish reader to *sąd rejonowy*, being the lowest Polish court, as well as to its judges, and a district judge (magistrates' courts) is just at that level. Alternatively, we can choose a descriptive equivalent - *sędzia zawodowy w sądzie pokoju*.

The calque translation technique might be applied to the translation of *the Crown Court*; however, the calque *Sąd Koronny* must necessarily be supported by a definition explaining the character of the court, namely *sąd I i II instancji ds. karnych* as the Crown Court (one entity for the whole of England and Wales) is situated just above magistrates' courts and deals predominantly with criminal cases as a court of original and appellate jurisdiction. Its original criminal jurisdiction covers more serious criminal cases. It needs to be added that the Crown Court handles some civil cases on appeal from magistrates' courts but this is its minor role. As Gillespie remarked: "It is often said that it [the Crown Court] has an exclusively criminal jurisdiction but that is not quite true in that it has a limited civil jurisdiction in its appellate capacity" (Gillespie 2005: 202).

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<sup>5</sup> The Polish generic singular renders better in this context the generic meaning of the English plural.

The calque translation is not recommended for *the County Court* because the calque *Sąd Hrabstwa* would be entirely misleading. The term *county court* is a retained historical name and today it refers to one entity for the whole of England and Wales to handle only civil cases at first instance. If so, the best option is to use a descriptive equivalent such as *Sąd I Instancji ds. Cywilnych*. Also Berezowski (2011: 21) warns against the use of the term *county* in the translation of this court's name. However, his translation proposal *sąd rejonowy do spraw cywilnych* is no longer valid after the introduction of the single *County Court*.

*The High Court of Justice* (one court with branches called district registries) is translated as *Sąd Wysokiego Trybunału* (Berezowski 2011: 23), *Wysoki Trybunał Sprawiedliwości* (Łopuski 1982: 97), *Wysoki Sąd* (Mikuli 2012: 44), *Wysoki Trybunał (sąd I instancji)* (Jaślan and Jaślan 1991: electronic version). None of the above translations are satisfactory as they do not tell us anything about the nature of the court, maybe apart from the fact that this court seems to be a higher one as suggested by the use of the word they all share, *wysoki*. Moreover, the use of the word *trybunał* refers the Polish reader to separate Polish judicial bodies, namely *Trybunał Konstytucyjny* and *Trybunał Stanu*, and the High Court of Justice is something entirely different. So as not to create misleading associations, the word *trybunał* should be avoided in this context. The expression *Sąd Wysokiego Trybunału* sounds somewhat odd in Polish (as if the tribunal had its own court), the inclusion of the word *trybunał* in the expression *Wysoki Trybunał Sprawiedliwości* creates misleading associations, the expression *Wysoki Sąd* is used in Polish courts to address judges and as a generic term for each court and finally the expression *Wysoki Trybunał (sąd I instancji)* is factually wrong as the court has appellate jurisdiction as well.

The name *the High Court of Justice of England and Wales* (the court's longer name) seems to be a real translation challenge. The well-sounding *Trybunał Sprawiedliwości* cannot be used because of inadequate associations, the calque translation *Wysoki Sąd* is both too narrow (in one sense it only refers to judges) and too wide (in another sense it refers to any court) in meaning and another version of calque translation *Wysoki Sąd Sprawiedliwości* contains a highly unusual phrase in Polish, namely *sąd sprawiedliwości*. One of the possible solutions is to translate the longer name of the court - *the High Court of Justice of England and Wales* - as *Wysoki Sąd Anglii i Walii*, which

translation would have to, obviously, be accompanied by the court's role description. As the High Court of Justice of England and Wales primarily handles civil cases at first and second instance and also deals with the legality of decisions of various public bodies plus has some criminal appellate jurisdiction, it can be described as *sąd I i II instancji ds. cywilnych, zajmujący się również niektórymi apelacjami w sprawach karnych oraz oceną legalności decyzji organów publicznych*.

As has been said earlier, the Family Court came into existence on 22 April 2014 and replaced the separate family divisions in the magistrates' and county courts (Gillespie 2015: 203). This is one national court for England and Wales and it deals with most family proceedings: for instance divorce, dissolution of civil partnerships and adoption. Only two types of cases are reserved exclusively for the Family Division of the High Court. This Division also handles complex family cases at first instance not suitable for this reason for the Family Court. The Family Court is at the level of magistrates' courts and the County Court and thus it might be translated descriptively as *Sąd I Instancji ds. Rodzinnych*.

The translation of *the Family Division* can be literal as the calque *Wydział Rodzinny* is self-explanatory but with *the Queen's (King's) Bench Division* and *the Chancery Division* the literal translation is not enough and a definition should follow. Traditionally *the Queen's (King's) Bench Division* is translated as *Wydział Ławy Królewskiej* although more precisely it should be translated as *Wydział Królewskiej Ławy Sędziowskiej* since its name is said to derive from the fact that the Queen's Bench and King's Bench “records ran in the name of the king (*coram rege*)” and from the fact that “kings in former times have often personally sat there” (Rapałje, Lawrence 1997: 1051). The general definition for *the Queen's (King's) Bench Division* might be *Wydział zajmujący się przede wszystkim sprawami z zakresu prawa zobowiązaniowego i deliktowego, a także niektórymi apelacjami w sprawach karnych oraz oceną legalności decyzji organów publicznych*. The supporting definition for *Wydział Kanclerski*, the literal translation of *the Chancery Division*, could read as follows: *Wydział zajmujący się między innymi sprawami upadłościowymi, hipotecznymi, spadkowymi, dotyczącymi zarządów powierniczych, praw autorskich, patentów, praw własności intelektualnej oraz spółek kapitałowych i osobowych*. As the scope of legal issues the Chancery Division handles is quite wide, the specification of all of them would

be both impractical and unnecessary. The aim of defining is to give the general idea about the matters the Division deals with. Moreover, the definition might be shortened or extended in accordance with the needs of a particular text being translated.

The translation of names of the remaining courts does not cause any problems as here calque translations might be legitimately applied. *The Court of Appeal* can be then rendered as **Sąd Apelacyjny** (with two divisions - Civil and Criminal: **Izba Cywilna** and **Izba Karna**) and *the Supreme Court of the United Kingdom* as **Sąd Najwyższy Zjednoczonego Królestwa**. As far as the former translation is concerned, I have chosen the word *izba* rather than *wydział* because of two reasons. Firstly, the Court of Appeal is the second most senior court in England and Wales and to underline its stature I have used a word which should evoke in the reader associations with a very senior court as the Polish Supreme Court is divided into units called by this name. Secondly, the Polish *sąd apelacyjny* does not occupy such a prominent place in the Polish legal system as the English *Court of Appeal* if only because there are eleven courts of appeal in Poland and only one in England and Wales. Hence, the taste of foreignness in the phrase **Izba Cywilna/Karna Sądu Apelacyjnego**, as such an institution does not exist within the Polish court structure, ought to suggest that this institution cannot be treated as an exact equivalent.

The term *tribunal* cannot be translated solely literally as *trybunał* because in the Polish context this word immediately refers us to *Trybunał Stanu* or *Trybunał Konstytucyjny*, the only Polish tribunals<sup>6</sup>, and these associations are fundamentally wrong. *Trybunał Stanu* in Poland is a judicial authority whose aim is to decide the constitutional responsibility of persons holding the highest offices. *Trybunał Konstytucyjny* supervises the compliance of legislation with the Polish Constitution (cf Kubacki 2008: 54). In England and Wales, tribunals (which are different from courts) do nothing of the sort. They, as has been already said, deal with enforcement of rights resulting from social and welfare legislation. As a result, in order to distinguish the English *tribunal* from the Polish *trybunał*, we might apply the lexical expansion technique and add the word *administracyjny*, thus rendering *tribunal* as **trybunał administracyjny**. The remaining elements of

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<sup>6</sup> See Kuźniak (2013: 45), who remarks that the Polish legal system includes apart from courts two tribunals: *Trybunał Konstytucyjny* and *Trybunał Stanu*. He proposes translating the names as *Constitutional Tribunal* and *Tribunal of State* respectively.

tribunal names may be translated functionally: the First-tier Tribunal - *Niższy Trybunał Administracyjny*, or literally: *the Upper Tribunal - Wyższy Trybunał Administracyjny*, *the Employment Tribunal - Trybunał Administracyjny ds. Zatrudnienia*, *the Employment Appeal Tribunal - Odwoławczy Trybunał Administracyjny ds. Zatrudnienia*.

#### 4. Translation of names of English judicial offices

The English judiciary, as Martin (2013: 6572) states, can be generally divided into superior and inferior judges. Superior judges sit in the High Court and higher courts, whereas inferior judges sit in the remaining ones. However, there is no definitive division between civil and criminal judges since many judges preside over both types of cases.

The translation of names of English judicial offices requires the application of various translation techniques. The choice between them depends on two factors: the translation should be meaningful to the receiver and it should not distort the role performed by a judge or, if some distortion is unavoidable, it should be kept to a minimum.

##### 4.1 Functional equivalents

Such type of equivalence might be used with *the Lord Chancellor*. As he is a member of the Cabinet and head of the Ministry of Justice (Martin 2013: 7053, 7075), the Polish rendition could be *minister sprawiedliwości*. The popular calque translation *Lord Kanclerz* doesn't give any clue as to who the person is and what their responsibilities are.<sup>7</sup>

A *Lord/Lady Justice of Appeal* is another example. The most appropriate translation seems to be *sędzia Sądu Apelacyjnego* as these two persons occupy similar positions in their respective legal systems.

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<sup>7</sup> Previously, the Lord Chancellor was “one of the judges in the House of Lords and the head of the judiciary” (Martin 2013: 7053). Currently, “he is no longer a judge, nor is he head of the judiciary” (Martin 2013: 7053). In fact, he even “no longer has to be a lawyer” (Martin 2013: 7065). However, “he still does have (political) responsibility for the judiciary” (Gillespie 2015: 250) and that is why I have included him here.

## 4.2 Calque translations

Only then may such translations be employed when they refer the Polish reader to similar concepts in the Polish legal reality (if they do not, they must be either abandoned or their application must be supported by a definition). That is why it is possible to translate *a district judge* as *sędzia rejonowy* and *a circuit judge* as *sędzia okręgowy*. A district judge is a lower post in relation to a circuit judge and the Polish calque translations render this hierarchy as *sąd rejonowy* (to which *sędzia rejonowy* refers) is an inferior court in relation to *sąd okręgowy* (to which *sędzia okręgowy* refers).

Other examples of appropriate calque translations include: *a Justice of the Supreme Court* - *sędzia Sądu Najwyższego*, *a Court of Appeal judge* - *sędzia Sądu Apelacyjnego*, *the President of the Family Division* - *przewodniczący Wydziału Rodzinnego*, *the President of the Queen's Bench Division* - *przewodniczący Wydziału Królewskiej Ławy Sędziowskiej*, *a High Court judge* - *sędzia Wysokiego Sądu Anglii i Walii*.

## 4.3 Loanwords

The application of the loanword technique seems to be unavoidable with the term *recorder*. The calque translation *rejestrator*, *protokolant* would be plainly wrong as a recorder is a fee-paid part-time circuit judge. The best solution here is to loan the English word and provide a definition for it, such as for instance *sędzia okręgowy pracujący w niepełnym wymiarze godzin z wynagrodzeniem uzależnionym od liczby przepracowanych dni lub odbytych posiedzeń*.

Another example refers to *the Senior District Judge* (also known as *the Chief Magistrate*). As she or he has “a leadership responsibility” for district judges (magistrates’ courts) and deputy district judges (magistrates’ courts) and among her or his duties are “supporting and guiding district judge (magistrates’ courts) colleagues”<sup>8</sup>, this judge’s role might be explained in the following way:

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<sup>8</sup> <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/judges/chief-magistrate/> (accessed August 22, 2015).

*przełożony/zwierzchnik sędziów rejonowych w sądach pokoju*. The recommended procedure with this term is again to loan it and provide it with a suitable definition, such as the one given in the preceding sentence.

#### 4.4 Descriptive equivalents

A description technique is recommended with the term *the Master of the Rolls*, which could be rendered in Polish as *prezes Izby Cywilnej Sądu Apelacyjnego*. The Polish equivalent describes a person who and an institution which do not exist in the Polish legal system. As mentioned above, in England and Wales there is only one Court of Appeal, whereas in Poland there are eleven courts of appeal. The Polish name for their divisions is not *izba* but *wydział* and the name for their division heads is not *prezes* but *przewodniczący*. The words *izba* and *prezes* are, however, used to describe the divisions and their heads in the Polish Supreme Court. Thus the reader should associate the person with a high ranking law officer, which is exactly the case as the Master of the Rolls is one of the most senior judges in England and Wales. With regard to the current office of *Master of the Rolls*, the calque translation *naczelnik archiwów* or *mistrz archiwów* would be extremely misleading although - as Rivlin explains (2015: 187) - "he still has the historic responsibility of being in charge of documents of national importance." This, however, is his minor role. Alternatively, the name might be translated descriptively as *szef sądownictwa cywilnego*, which emphasizes the importance of this post.

Similarly, a *costs judge* cannot be translated just as *sędzia ds. kosztów* as this would raise a question what costs we mean. Therefore, we must be more precise and once again use a descriptive phrase explaining the nature of such judge's duties: *sędzia ds. ustalania wysokości kosztów procesowych*.

Furthermore, *the Chancellor of the High Court*, being the president of the Chancery Division, justifies a descriptive translation: *przewodniczący Wydziału Kanclerskiego*. *The Judge Advocate General* and a *judge advocate* also might be translated descriptively as *szef sądownictwa wojskowego* and *sędzia przewodniczący sądu wojskowego* respectively.

## 4.5 Neologisms

These are very useful with regard to the posts of High Court masters and registrars. Thus, a (*Queen's Bench*) master may be rendered as *sędzia sekretarz (w Wydziale Królewskiej Ławy Sędziowskiej)*, a (*Chancery*) master as *sędzia sekretarz (w Wydziale Kanclerskim)* and a *bankruptcy registrar* as *sędzia sekretarz ds. bankructw i spółek (w Wydziale Kanclerskim)*. The non-existent term in the Polish legal system *sędzia sekretarz* has been coined to render as concisely and as accurately as possible the role performed by these judges, which is “to deal with the procedural aspects of civil cases from commencement of proceedings until trial” (Wilson at al. 2014: 253). They also deal with the case after the trial and in certain circumstances may try actions.<sup>9</sup>

## 4.6 Omissions

Sometimes it is reasonable to omit one of the name elements from the translation. Such a translation method is recommended when the omission does not have any significant impact on the meaning of the translation and the inclusion of the omitted element would result in a phrase alien to a target language. Hence, *the Lord Chief Justice* might be translated simply as *Naczelny Sędzia* rather than *Lord Naczelny Sędzia*.

The same translation technique might be applied to *the Senior President of Tribunals (prezes Trybunałów Administracyjnych)*. In this case, because there is only one president of tribunals, it is not necessary to translate the word *senior*.

## 4.7 Lexical expansion

This technique is recommended with the names *tribunal member* and *tribunal judge*. The simple calque translations *członek trybunału* and

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<sup>9</sup> <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/judges/high-ct-masters-registrars/> (accessed August 18, 2015).

*sędzia trybunału* are not the best solutions because in the Polish context they immediately refer us to *Trybunał Stanu* or *Trybunał Konstytucyjny*, which associations, as has been explained above, are incorrect. That is why in order to distinguish the English *tribunal* from the Polish *trybunał*, we might add the word *administracyjny* and thus *a tribunal member* will be rendered as *członek trybunału administracyjnego* and *a tribunal judge* as *sędzia trybunału administracyjnego*. Similarly, *an employment judge*, who sits in the Employment Tribunal, should be translated as *sędzia Trybunału Administracyjnego ds. Zatrudnienia* rather than just *sędzia ds. zatrudnienia* to render precisely their place in the legal system.

#### 4.8 Mixed techniques

Considerable caution must be exercised with regard to the word *deputy*. There are many types of deputies in the English legal system: *deputy High Court judges*, *deputy masters*, *deputy bankruptcy registrars*, *deputy circuit judges*, *deputy district judges*, *deputy district judges (magistrates' courts)* or *the Deputy Chief Magistrate*. Because of the fact that their situation differs, we cannot rely on one technique to translate the word *deputy*. With regard to *deputy High Court judges*, *deputy masters*, *deputy bankruptcy registrars*, *deputy district judges* and *deputy district judges (magistrates' courts)*, who are fee-paid part-time judges with generally the same jurisdiction (although they may handle less complex or serious cases) as High Court judges, masters, bankruptcy registrars, district judges, district judges (magistrates' courts), the word *deputy* might be defined as *sędzia pracujący w niepełnym wymiarze godzin z wynagrodzeniem uzależnionym od liczby przepracowanych dni lub odbytych posiedzeń*. With regard to *deputy circuit judges*, who sit part-time in retirement, are fee-paid and equivalent to *circuit judges*, the whole term *deputy circuit judge* could be defined as *emerytowany sędzia pełniący funkcję sędziego okręgowego w niepełnym wymiarze godzin z wynagrodzeniem uzależnionym od liczby przepracowanych dni lub odbytych posiedzeń*. In both cases the simple literal translation *zastępca* must be accompanied by a definition as on its own it is both to a certain extent misleading and much too general. However, in the case of *the Deputy Chief Magistrate*, the literal translation for the word *deputy*, that is

*zastępca*, is perfectly justified as it is one person supporting the Chief Magistrate.

## **5. Conclusions**

As has been seen above, the Polish and English legal systems are significantly different both with regard to the court structure and the judiciary. There are, of course, similarities, like the presence of the Court of Appeal, but not exact equivalents as in Poland there are eleven courts of appeal and not just one. Even in the case of a judge, the systemic equivalence is only approximate because in Poland the standard route to become a judge is to complete special judicial training lasting for several years after obtaining a law degree, whereas in England and Wales judges are predominantly drawn from the ranks of barristers and solicitors with appropriate length of service. There are also marked differences as, for instance, in relation to the County Court, which is one court for civil matters only, covering the whole of England and Wales and as such without a counterpart in Poland, or in relation to a magistrate, whose comparison with the Polish *ławnik* would be inadequate in too many respects. However, the difficulties posed by systemic disparities can be overcome by translators through the application of a number of translation techniques. They include: loanwords with definitions, calques, calques with definitions, descriptive equivalents, neologisms, omissions, lexical expansions and functional equivalents. Whatever technique is used, the translator must always bear in mind two translation commandments of a general nature: firstly, the translation must have informative value (the higher the better) and secondly, it cannot be misleading or inaccurate.

## References

- Arntz, Reiner. 1993. Terminological Equivalence and Translation. In *Terminology: Applications in Interdisciplinary Communication*, ed. Helmi B. Sonneveld and Kurt L. Loening, 5-20. Amsterdam-Philadelphia: John Benjamins Publishing Company.
- Berezowski, Leszek. 2011. *Jak czytać i rozumieć angielskie dokumenty sądowe w sprawach cywilnych. Praktyczny przewodnik*. Warszawa: Wydawnictwo C.H. Beck.
- Łopuski, Jan. 1982. *Encyklopedia podręczna prawa morskiego*. Gdańsk: Wydawnictwo Morskie.
- Gillespie, Alisdair. 2015. *The English Legal System*. Oxford: Oxford University Press.
- Ingman, Terence. 2011. *The English Legal Process*. Oxford: Oxford University Press.
- Jaślan, Janina, and Henryk Jaślan. 1991. *Słownik terminologii prawniczej i ekonomicznej angielsko-polski*. Warszawa: Wiedza Powszechna. (electronic version: 1993, 2007. Knurów: LexLand s.c.)
- Jones, Lucy. 2013. *Introduction to Business Law*. Oxford: Oxford University Press.
- Kierzkowska, Danuta. 2002. *Tłumaczenie prawnicze*. Warszawa: Wydawnictwo TEPIS.
- Kubacki, Artur Dariusz. 2008. Zestawienie niemieckich i polskich ekwiwalentów nazw władzy sądowniczej. *Lingua Legis* 16: 52-67.
- Kuźniak, Marek. 2013. *Egzamin na tłumacza przysięgłego w praktyce. Język angielski. Analiza językowa*. Warszawa: Wydawnictwo C.H. Beck.
- Marson, James. 2014. *Beginning Employment Law*. Abingdon: Routledge.
- Martin, Jacqueline. 2013. *The English Legal System*. Abingdon: Hodder Education. (e-book)
- Matulewska, Aleksandra. 2007. *Lingua Legis in Translation. English-Polish and Polish-English Translation of Legal Texts*. Frankfurt am Main: Peter Lang.

- Mikuli, Piotr. 2012. Wielka Brytania. In *Systemy ustrojowe państw współczesnych*, ed. Stanisław Bożyk and Marian Grzybowski, 11-48. Białystok: Wydawnictwo Temida 2.
- Pieńkos, Jerzy. 2003. *Podstawy przekładoznawstwa. Od teorii do praktyki*. Kraków: Kantor Wydawniczy Zakamycze.
- Rapalje, Stewart, and Robert L. Lawrence. 1997. *A Dictionary of American and English Law*. Union: The Lawbook Exchange, Ltd. (originally published: 1888)
- Rivlin, Geoffrey. 2015. *First Steps in the Law*. Oxford: Oxford University Press.
- Sime, Stuart. 2014. *A Practical Approach to Civil Procedure*. Oxford: Oxford University Press.
- Šarčević, Susan. 1997. *New Approach to Legal Translation*. The Hague: Kluwer Law International.
- Wilson, Steve, Helen Ruthford, Tony Storey, and Natalie Wortley. 2014. *English Legal System*. Oxford: Oxford University Press.