

Abandonment

giving up a legal right.

Abatement

is: stopping a nuisance;

reducing the payments to creditors in proportion, if there is not enough money to pay them in full; or

reducing the bequests in a will, in proportion, when there is not enough money to pay them in full.

Abduction

taking someone away by force.

Ab initio

from the start of something. (This phrase is Latin.)

Abovementioned

describing something which has been referred to before in the document

Abscond

when a person fails to present themselves before the court when required, such as when they have been released on bail and not returned to court.

Absolute

complete and unconditional.

¹ Based on Plain English Campaign: The A to Z guide to legal phrases www.plainenglish.co.uk. Other sources wherever used is given due recognition.

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## Absolute discharge

Someone who has been convicted of an offence being released without any penalty. (They may still have to pay compensation though.)

## Absolute owner

the only owner of property such as equipment, buildings, land or vehicles.

## Absolute privilege

a defence which can be used in a case of defamation if the statement from which the defamation arose was:

- made in Parliament;
- in fair and accurate news reporting of court proceedings; or
- made during court proceedings.

## Abstract of title

a document, drawn up by the seller, summarising the title deeds to a property (such as a house).

## Abuse of process

when criminal proceedings are brought against a person without there being any good reason and with malice.

## Abutments

the parts of the boundaries of a piece of land which touch pieces of land alongside.

## Acceptance

when an offer is accepted unconditionally and a legally binding agreement is created.

## Acceptance of service

when a solicitor accepts a writ on behalf of a client.

## Acceptor

the organisation (such as a bank) which will pay the cheque or bill of exchange it has accepted.

## Accessory

someone who encourages or helps another person to commit a crime.

## Accomplice

someone who helps another person to commit a crime.

## Accordingly

a word used in legal documents which means therefore or so.

## Accounts

the record of an organisation's income, spending and financial situation.

## Accumulation

reinvesting income generated by a fund back into the fund.

## Accused

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the person charged with a criminal offence.

Acknowledgement

admitting that someone has a claim or admitting that a debt exists.

Acknowledgement of Service

when a defendant agrees that a writ or originating summons ('claim form' since April 1999) has been received. The defendant fills in, signs and sends back the acknowledgement of service to confirm in writing that the documents were received.

Acquit

when a court lets a person go without any penalty. If a court decides that a person is not guilty of a crime, or the case has not been proved, it will acquit the person.

Acquittal

the court's decision that a person is innocent of the crime they were charged with.

Action

using the law to make a claim.

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### Active trust

a trust where the trustees have other responsibilities rather than to just let the beneficiaries have the trust's assets when they ask for them.

### Act of bankruptcy

an act which, if carried out by a person with debts, could have led to bankruptcy proceedings against that person.

### Act of God

an extreme naturally occurring event (such as an earthquake, avalanche or flood) that could not have been anticipated.

### Actual bodily harm

hurting another person but less severely than would amount to grievous bodily harm.

### Actual loss

an insurance term which means that the insured item no longer exists.

### Actuary

an expert on pension scheme assets and liabilities, life expectancy and probabilities (the likelihood of things happening) for insurance purposes. An actuary works out whether enough

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money is being paid into a pension scheme to pay the pensions when they are due.

*Actus curiae neminem gravabit*

Court actions could be heavy. Any undeserved or unfair advantage has been gained by a party invoking the jurisdiction of the Court, the same requires to be neutralized. In other words, no man should suffer because of the fault of the Court or delay in the procedure. It is not only within the power, but a duty as well, of Court to correct its own mistakes in order to see that no party is prejudiced by a mistake of the Court.<sup>2</sup>

**Actus reus**

an act which is illegal, such as theft. (This term is Latin.)

**Additional voluntary contribution (AVC)**

extra money people in occupational pension schemes can pay in to increase their pension benefits.

**Ademptio**

when a gift in a will cannot be made because the item no longer exists.

**Ad hoc**

for a particular purpose. For example, a committee set up to deal with a particular situation is an ad hoc committee. (This term is Latin.)

## Ad idem

in agreement.(This term is Latin.)

## Ad infinitum

endlessly or forever. (This term is Latin.)

## Adjourned sine die

when a court case has no date fixed for it to continue.

## Adjournment

postponing a court hearing.

## Adjudge/adjudicate

to give an official judgement about something. For example, if someone cannot pay their debts a court may adjudge them bankrupt.

## Adjudication order

the former name for a court order which made someone bankrupt. It has now been replaced with the term bankruptcy order.

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<sup>2</sup> Jang Singh vs. Brijlal and Ors. AIR 1966 SC 1631

## Administration order

an order made by a county court when a person or a company cannot pay their debts. Normally the court orders that the debts are repaid by instalments and as long as the debtor keeps to the order the creditors cannot do anything else to recover their money.

## Administrator

someone who has been appointed: to manage the affairs of a bankrupt business; or to manage the estate of someone who has died without leaving a will.

## Admissibility of Evidence

which evidence can be presented in court. Evidence must be relevant to the case but even some relevant evidence cannot be presented, such as hearsay or evidence of little value. The judge decides whether or not evidence can be used in the case.

## Admission

one side in a case agreeing that something the other side has alleged is true.

## Admonition

reprimanding of a defendant by a judge even though the case against the defendant has been discharged (dropped).



## Adoption

the system which people use to become parents, even though they are not the child's natural parents.

## Adoptive child

a child who has been legally adopted.

## Adoptive parent

a person who has legally adopted a child.

## Ad valorem

in proportion to the value. An ad valorem duty goes up as the value of the goods, shares and so on that it is charged on rises. (This term is Latin.)

## Adverse possession

intentionally occupying land to prevent the rightful owner or tenant using it.

## Adverse witness

a witness who gives evidence which damages the case of the side which asked the witness to testify for them.

## Advocate is:

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- the lawyer who speaks in court for a client; or
- a Scottish lawyer who is the equivalent of a barrister in England and Wales.

Affidavit

a written statement which is sworn to be true by the person signing it. It is sworn before someone authorised by the court.

Affirm to:

- solemnly promise to tell the truth in court;
- solemnly promise to tell the truth in an affidavit;
- confirm a decision made by a lower court; or
- allow a contract to continue even though it could have been cancelled because it was fundamentally breached.

Affirmation

solemnly promising to tell the truth when giving evidence. It is an alternative to swearing an oath when the person giving evidence does not wish to.

Affray

fighting unlawfully. It is a criminal offence.

Aforementioned

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describing something referred to previously in the document.

Aforesaid

describing something which has been said or referred to before in the document.

Agency

the relationship between a principal and an agent.

Agent

someone appointed to act for a principal.

Age of consent

the age when a person can consent to have sexual intercourse. In the UK it is 16.

Aggravated assault

a more serious type of assault such as one leading to actual bodily harm.

Aggravated burglary

entering premises armed with a weapon, intending to steal goods.

Aggravated damages

extra damages awarded because the defendant has caused the victim anguish, loss of self-respect or shame.

Aggravated vehicle taking

stealing a vehicle, driving it dangerously and as a result injuring someone or damaging property.

Agricultural holding

a type of tenancy agreement for someone doing agricultural work. The tenant has special rights including, when the tenancy finishes, the right to compensation for improvements to the land. If the land has deteriorated the tenant must compensate the landlord.

Aiding and abetting

helping someone to commit a crime.

Airspace

the space in the atmosphere directly above a piece of land. If you own a piece of land you also own the airspace above the land.

Alias

a false name.

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## Alibi

a claim that a person was elsewhere when a crime was committed. If someone is accused of a crime their alibi is:

- evidence that the person was somewhere else when the crime was committed; or
- an attempt to prove that the person was somewhere else when the crime was committed.

## Alien

someone from a foreign country.

## Alienation

transferring the ownership of property from one person to another.

## All and sundry

everybody.

## Allegation

an unproved statement declaring that something has happened.

## Allevi

to lessen or reduce.

## Allocation rate

the proportion of money left to be invested after charges have been taken off when money is paid into a fund (such as a pension fund). For example, if the charges were 2%, the allocation rate would be 98%.

## Allotment

shares allocated to a buyer. An allotment of shares in a company gives the owner (of the allotment) an unconditional right to buy the shares at a fixed price.

## All that

words used in a conveyance to introduce the description of the property which is being conveyed.

## Alternate director

a person appointed by a director to take the director's place.

## Alternative verdict

a person being found guilty of a less serious crime than the one they were charged with. If a more serious charge has not been proved and the defendant has been found not guilty, the defendant may be found guilty of a less serious crime instead.

For example, there may not be enough evidence to convict someone of a murder but there may still be enough for a manslaughter conviction. This is known as an alternative verdict.

### Amalgamation

two or more companies combining.

### Ambiguity

capability of more than one meaning. When a statement's meaning is not clear because it is capable of more than one meaning, it contains an ambiguity.

### Ambulatory will

a will which can be revoked or changed while the person who made it is still living.

### Amnesty

not punishing a person for an offence they have committed and removing details of the offence from the court's records is giving the person an amnesty.

### Ancient lights

the right not to have the light you receive from a neighbour's land blocked.

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Annual accounts

the summary of an organisation's financial transactions during the year covered by their accounts, and a 'snapshot' of the assets and liabilities at the end of the year.

Annual general Meeting

the yearly meeting of the members of an organisation which must be held to meet legal conditions. The annual accounts are presented for approval at this meeting.

Annual return

a return which must be sent by companies to the Registrar of Companies. Each year the officers of a company have to fill in an annual return with details of the members, officers, shares issued and other information about the company. The return is then sent to Companies House for filing and is available for inspection by members of the public.

Annuitant

the person who gets paid an annuity.

Annuity

an amount paid out every year to someone. The money usually comes from an insurance policy. It can be split up into smaller amounts and be paid out more frequently, such as monthly. It is usually paid for the rest of the beneficiary's life.


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**Annul** to cancel:

- an invalid marriage; or
- a bankruptcy order.

**Ante**

before. (This is a Latin word.)

**Antecedents**

details about the past of a defendant or a person found guilty of a crime. The information about previous crimes, background and bad behaviour is given to the court before the sentence is given.

**Antenuptial agreement**

a legal agreement between two people who are about to get married. The agreement sets out how the couple's assets will be divided between them if they later divorce.

**Anton Piller order**

an order by the High Court. It gives the applicant permission to search the defendant's premises for evidence, inspect it and take it away. It is intended to prevent evidence being destroyed or hidden which would be relevant to the case. (Since April 1999, this has been known as a 'search order'.)

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Appeal

asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.

Appellant

the person who is appealing to a court against a decision of a lower court.

Appellate jurisdiction

the authority a court has to hear an appeal against a decision made by a lower court.

Appertaining to Applicant

the person asking a court to do something.

Appointee

the person who gets the benefit of the use of a power of appointment.

Appointor

the person who uses a power of appointment.

Appurtenances
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minor rights in land such as a right to do something on the land.

Arbitrage is:

- borrowing money at a low rate of interest to lend out again at a higher rate; or
- buying and selling in different markets to make profits out of the price differences.

Arbitration

settling a dispute by using a referee. If a dispute goes to arbitration it is settled by an independent referee. It avoids having to use the courts to settle the dispute.

Arbitrator

the independent referee who settles a dispute without the need to use the courts.

Arraignment

a procedure at the start of a trial when details of the offences are read out and the defendants are asked whether they will plead guilty or not guilty.

Arrest

to seize someone, usually because they are suspected of committing a crime, and take them into custody.

Arrestable offence

a crime for which a person may be arrested without a warrant being needed.

Arson

setting fire to something to cause damage to it.

Articles

the clauses in a document. A company's articles set out its rules. The articles form part of the memorandum and articles of association.

Articles of association

documents which set out a company's rules.

Assault

when someone threatens another person with physical harm. Words on their own do not amount to assault but threatening gestures do, even if the person threatened is not touched.

Assent

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a document used by personal representatives to transfer property to a beneficiary.

## Asset

something owned such as a building, a vehicle or money in the bank.

## Assign

to formally transfer something, such as when ownership of property is transferred from one person to another.

## Assignment

the formal transfer of the rights to something. An example would be a bank customer assigning to the bank the right to receive the benefits from a life insurance policy to give the bank security for a loan.

## Assurance

insurance cover for an event which will definitely happen, such as death.

## Assure

to transfer the ownership of something.

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Assured

the person whose life is insured or who is entitled to receive the benefit from the assurance cover.

Assured shorthold Tenancy

a type of tenancy agreement under which the landlord has the right to take the property back at the end of the tenancy agreement.

Attachment of earning

a court order that deductions be made from a person's earnings. The employer pays the money collected to the court and the court pays the money to the people it is owed to.

Attest

to sign to witness a signature on a document.

Attorney

a person appointed to act for another person (such as when someone cannot look after their own affairs). A formal document called a power of attorney is used to appoint the attorney. It is also the name used for a US lawyer.

Attorney General

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the chief legal adviser to the Government. He or she must be a Member of Parliament (or have a seat in the House of Lords) and must be a barrister.

Audit

an independent examination of an organisation's records and financial statements (report and accounts) to make sure that:

- the financial statements show a fair reflection of the financial position at the accounting date;
- the income and spending is shown accurately;
- the financial statements meet any legal conditions; and
- the financial statements are drawn up clearly.

Auditor's report

a report and opinion, by an independent person or firm, on an organisation's financial records.

Authorised share Capital

the highest amount of share capital that a company can issue. The amount is set out in the company's memorandum of association.

Authorised Investments

investments in which a trustee is permitted to invest trust money, under an Act of Parliament.

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## Autopsy

an examination of a dead body to find the cause of death.

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### Bail

to pay, or promise to pay, an amount of money so that an accused person is not put in prison before the trial. If the accused person does not appear at the trial, the court can keep the money put up for bail.

### Bailee

a person or organisation looking after valuable items to keep them safe for the owner.

### Bail hostel

accommodation found for people charged with offences and released on bail, but who do not have a permanent address so that the police know where to find them.

### Bailiff

an officer of the court who carries out the court's orders, such as taking a debtor's goods and selling them to get money to pay the debtor's debts. A bailiff can also personally deliver (serve) documents on people.



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Bailiwick

the area over which a bailiff has jurisdiction.

Bailment

transferring possession of goods from the owner to someone else. The ownership of the goods is not transferred. A practical example of bailment is that someone who hires a television has possession of it, but the rental company still owns the television.

Bailor

the owner of valuable items which are in the possession of another person or organisation for safekeeping.

Balance sheet

a summary of an organisation's financial position. It lists the values, in the books of account on a particular date, of all the organisation's assets and liabilities. The assets and liabilities are grouped in categories and paint a picture of the organisation's strengths and weaknesses.

Banker's draft

a cheque drawn by a bank on itself. It is used when there must be certainty that a cheque will be paid.

Bankrupt

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someone who has had a bankruptcy order.

Bankruptcy order

an order that a court may issue against someone if they cannot pay their debts when they are due to be paid. This order takes ownership of the debtor's property away from the debtor and allows much of the property to be sold. The money raised is divided between the creditors following strict rules.

Bankruptcy search

a document which says whether or not someone is bankrupt.

Bar

the collective term for barristers. When a lawyer becomes a barrister, it is called 'being called to the bar'.

Bare trust

a trust which holds property on behalf of a person until they ask for it back.

Bare trustee

someone who holds property on behalf of another person until asked to return the property.

Bargain and sale

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a contract to sell any property or investment in land that a person owns.

## Barrister

a lawyer who can speak in the higher courts, which a solicitor is not allowed to do.

## Barter

a way of paying for things by exchanging goods instead of using money.

## Battery

using physical force on someone either intentionally or carelessly and without their agreement. It would not be battery if two boxers took part in a boxing match, even though they hurt each other during the match, because they would have agreed to fight each other.

## Bearer

the person who has a document in their possession.

## Bench

the name for the judges or magistrates in a court.

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Bench warrant

a warrant issued by a court for the arrest of an accused person who has failed to attend court. It is also issued when someone has committed contempt of court and can't be traced.

Beneficial interest

belonging to a person even though someone else is the legal owner. If something really belongs to someone, even if that person does not legally own it, they have a beneficial interest in it. If, for instance, parents hold an investment on behalf of their child they are the legal owners, but the child is the beneficial owner of the investment.

Beneficial owner

the owner of a piece of land (and the buildings on it). Beneficial owners have the right:

- to the income their land generates; or
- to use the land for their own purposes.

It can also be a person who really owns something even though it is held in someone else's name.

Beneficiary

someone who benefits from a will, a trust or a life insurance policy.

Benignae faciendae sunt interpretationes chartarum, ut res magis valeat quam pereat

Liberal constructions and interpretations are different, so they have an effect rather than fail. Constructions of documents are to be made favourably, that the instrument may rather avail than perish. Liberal constructions and interpretations are different, so they have an effect rather than fail.³

Bequeath

to leave something (such as possessions or money) to someone in your will. You cannot bequeath land or real property but you can devise them instead.

Bequest

something given in a will, other than land or real property.

Bigamy

the offence committed by someone who is already married but still goes through a marriage ceremony with someone else.

Bill of costs

the invoice the solicitor sends to a client giving details of any disbursements the solicitor has paid on behalf of the client, the fee the solicitor is charging and any expenses.

³ Harihar Banerji and Ors. Vs. Ramsashi Roy and Ors. AIR 1918 PC 102

Bill of exchange

a signed written order, instructing the person it is addressed to to pay an amount of money to someone. A cheque is a type of bill of exchange.

Bill of lading

a document recording the goods a ship carries and the terms the goods are carried under.

Bill of sale

a document which transfers ownership of goods from one person to another.

Binding effect

the fact that an agreement must be kept to by law.

Binding over

an order by a court in a criminal case. If someone has misbehaved or broken the peace, magistrates can bind them over. The magistrates can order them to pay a bond. This will be forfeited (won't be repaid) if the binding over terms are broken.

Binding precedent

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following the decisions made by higher courts. Lower courts must follow the precedents set by the decisions of higher courts and this is called binding precedent.

### **Blackmail**

demanding payment from a person in return for not revealing something shameful about them.

### **Bodily harm**

physical injury or pain.

### **Bona fide**

genuine, sincere or in good faith. (This term is Latin.)

### **Bona vacantia**

goods or an estate belonging to nobody. (This term is Latin.)

### **Bond**

a written promise to repay a debt at an agreed time  
and to pay an agreed rate of interest on the debt.

### **Bonded goods**

goods for which a bond has been paid to HM Customs and Excise as security for the duty owed on the goods.

### **Bonded warehouse**

a warehouse approved by HM Customs and Excise for storing goods imported into the UK until the duty on them has been paid or the goods have been exported to another country.

### **Bonus shares**

free shares that a company offers to its shareholders, in proportion to their existing shareholdings.

### **Book value**

the value of a fixed asset, such as a building or machine, as recorded in an organisation's books. It is usually the amount paid for the asset less an amount for depreciation.

### **Bought note**

a document showing details of a purchase by someone for a third party. Stockbrokers produce bought notes for their clients. The bought note shows details of the investments the broker has bought for the client, including the price paid and an commission and duty charged.

### **Breach of contract**

failing to carry out a duty under a contract.



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Breach of duty

failing to carry out something which is required by law, or doing something the law forbids.

Breach of the peace (or breaking the peace)

when harm is done to someone, or harm is threatened.

Breach of trust

when a trustee does something which is against the trust's rules or fails to do something required by the trust's rules.

Break clause

a clause in a contract which allows it to be ended.

Bridle way

a path or road which is a right of way for people walking and people leading or riding horses. Cyclists can use it as well but must give way to pedestrians and horses.

Brief

a document prepared by a solicitor which contains the instructions for the barrister to follow when acting for the solicitor in court.

Building preservation Notice

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a notice that a building is listed. If a building is in danger of being altered or demolished, but the local planning authority thinks it should be preserved, the authority can issue a notice that the building is listed.

Burglary

entering a building without permission with the intention of stealing or doing damage.

Bye-law or bylaw

a law made by a local authority. It only applies within the local authority's boundaries.

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Call

asking people to pay for new shares they have applied for. A company makes a call when it asks buyers of its new shares to pay some, or all, of the share price. When this happens the shares are being called up.

Called-up capital

all the shares called by a company when it issues shares. When calls have been made for the whole of the share price and the shareholders have paid, the shares become paid-up share capital.

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Canon law

the name for the rules used for running a Christian church.

Capacity

someone' s ability to enter into a legal agreement. For example, a minor would not be able to buy something on credit.

Capital allowances

allowances that you can sometimes claim when you buy long-term assets, such as machines, to use in your business. You claim part of the cost against your profits before your tax is worked out for the year.

Capital gain

the profit you make if you sell or dispose of a long term asset (such as a building) for more than it cost
you.

Capital gains tax

a tax charged on certain capital gains.

Capital punishment

punishing someone for a crime by killing them.

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## Capital redemption Reserve

A company has to have this reserve in its financial records and in its accounts if any of the shares it has issued are cancelled. The reserve cannot be paid out to the members until the company is liquidated and so it prevents the company's capital being reduced.

## Careless driving

driving a car without consideration for other people using the road.

## Care order

an order by a court instructing the local authority to care for a child.

## Cartel

an agreement between businesses to restrict competition and keep prices high.

## Case law

law that is based on the results of previous court cases.

## Case stated

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the written statement setting out the facts of a case. It is produced by a magistrates' court when asking the High Court for an opinion on the law.

### Causation

one thing being done causing something else to happen.

### Cause of action

the reason someone is entitled to sue someone else.

### Causing death by careless and inconsiderate driving

an offence committed by someone who is unfit to drive because of drink or drugs, but nevertheless drives a vehicle and kills another person. The punishment for careless and inconsiderate driving is less severe than for dangerous driving.

### Causing death by dangerous driving

a criminal offence committed by someone whose driving is dangerous and results in another person being killed. The courts consider dangerous driving to be a very serious offence.

### Caution is:

- a warning given by the police to a suspected criminal when the suspect is arrested;

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- a warning given by the police when they release a suspect without prosecution that, if there are any more offences committed by the suspect, the first possible offence may be taken into account; or
- a document sent to the Land Registry by someone who may have a right over land, which demands that no dealings in the land are registered until the person with the right has been told.

Caveat

a warning. (This is a Latin term.)

Caveat emptor

'buyer beware'. It is used to warn people buying goods that they may not be able to get compensation if the goods they buy are faulty. (This is a Latin term.)

Central Criminal Court

the most senior court covering the centre of London.

Certificate of Incorporation

a certificate stating that a company has been incorporated (that is, it has a separate existence from its members). The Registrar of Companies issues the certificate of incorporation once a company has been formed.

Certificate of origin

a certificate stating in which country the goods being imported were made.

Certiorari

an order by the High Court that a case should be reviewed. If the High Court considers that a case heard in a lower court is flawed it may order that it be reviewed by the High Court. (This word is Latin.)

Challenge for cause

when the defence objects to a juror and says why it objects.

Challenge to a jury

when either side in a case objects to the people who have been selected to serve on the jury before they are sworn in.

Challenge to the array

when the defence objects to all the jurors.

Challenge without Cause

happens when the defence objects to a juror but does not say why.

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## Chambers

the offices used by barristers and the judge's private office.

## Chancery Division

a section of the High Court. It deals with cases involving trusts, land, company law, patents and so on.

**Charge** means:

- to formally accuse someone of committing a crime;
- to use property as security for a debt (such as a mortgage); or
- a direction given by a judge to tell the jury what they must do.

## Chargeable event

an event that may create a tax liability (tax bill).

## Chargeable gain

a gain on which capital gains tax is payable. If a capital asset such as a building is sold or disposed of at a profit, tax on the gain has to be worked out unless the capital asset is one exempted by law.

## Charge certificate

a certificate which the Land Registry issues to the legal mortgagee (the lender) who has lent money on the security of

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registered land. It is proof of the legal mortgagee's right to the security.

Charges clause

a clause which appears in some contracts and sets out who should pay for certain items.

Charge sheet

the document on which a police officer records details of the accusation against a suspect.

Charges register

part of the certificate which is evidence of someone's title. The register shows details of any mortgages, restrictions on the use of the land or rights someone else may have over the land such as a right of way.

Charging clause

trustees can charge the trust for their services if there is a charging clause.

Charging order

a court judgement which a creditor may get against the person or organisation which owes the money, giving the creditor security over the debtor's property for repayment of the debt.

Charity

an organisation set up to do good for the community, such as help poor people, educate people and protect animals. Most charities are registered with the Charity Commission.

Charity Commission

an organisation responsible for checking that charities are run properly. It also decides whether proposed charities can be placed on the register of charities.

Chattel

any property except freehold land.

Chattels personal

the name for tangible goods (goods which can be touched) such as watches, clothes, furniture and so on.

Chattels real

another name for leasehold land.

Cheat

a person who fails to send tax returns to the tax authorities or fails to pay the tax owing, such as income tax or value added tax.

Cheque

a written order, addressed to a bank, instructing the bank to pay an amount of money to the person or organisation named on the cheque. The bank takes the money out of the relevant customer's account.

Cheque card

a card issued by a bank to a customer. It guarantees that a cheque used with the card will be paid if the person issuing the cheque has kept to all the conditions.

Chief rent

money charged regularly on freehold land. Despite its name it is not rent.

Child abuse

molestation or ill-treatment suffered by a child.

Child assessmentOrder

an order which a local authority may apply to a court for to assess a child's situation if there are concerns about the child's welfare.

Children in care

children looked after by a local authority. The local authority takes on the responsibility for the children as if it was a parent.

Child Support Agency

part of the Department of Social Security. It supervises the assessment and payment of maintenance for children.

Child Support Maintenance

the amount of maintenance the parent not living with their child must pay.

Chose

an item of property (anything which can be owned).

Chose in action

a right such as a patent, or a right to recover a debt. A chose in action does not physically exist. For example, you cannot touch patents or rights because they have no physical existence.

Chose in possession

an object which physically exists, such as furniture.

Circuit

any of the six legal regions into which the United Kingdom is divided up. Each circuit has its own system to administer the courts within the circuit.

Circuit judge

a judge who presides over (is in charge of) cases in the Crown Court and county courts.

Circumstantial evidence

evidence which suggests a fact but does not prove the fact is true.

Citation is:

- a summons to appear in court;
- quoting from a completed case to support an argument; or
- a notice sent out by someone wanting grant of probate or letters of administration, asking people to come forward if they object to it.

Citizen's arrest

an arrest by someone who is not a police officer. The offence must be being committed or have already been committed when the arrest is done.

Civil court

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a court which does not hear criminal cases. It deals with people's rights such as collection of debts.

**Claim** means:

- to apply for a right;
- to demand a remedy; or
- an application for something such as a right.

**Claimant**

the person making a claim.

**Clause**

a section in a contract.

**Clearing bank**

one of several major banks which work together to exchange and pay for cheques which their customers have written.

**Clerk to the Justices**

a solicitor or barrister who helps in court by advising the magistrates. will which needs a minor alteration. The codicil must be signed and witnessed and then be attached to the will.

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Close company

a company controlled by five people or fewer, or by its directors.

Closing order

an order prohibiting the use of a house because the house is not fit for humans to live in.

Codicil

extra pages to change a valid will which needs a minor alteration. The codicil must be signed and witnessed and then be attached to the will.

Codifying statute

a statute used to bring together all the strands of the law on a particular subject.

Coercion

a defence that a crime was committed because the person accused was forced to do it.

Collateral

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extra security for a debt. If there is a main security for a debt, such as a house being security for a mortgage, any extra security supplied is called collateral.

### **Commissioner for Oaths**

a person appointed by the Lord Chancellor to administer (manage) the swearing of oaths.

### **Committal for sentence**

happens when magistrates have found someone guilty of a crime but they think their sentencing powers are not enough. The magistrates transfer the case to the Crown Court where a higher sentence can be imposed.

### **Committal for trial**

when magistrates look at the evidence in a case and then send the case to be heard in the Crown Court.

### **Committal order**

an order used to send someone to prison for contempt of court.

### **Committal proceedings**

a hearing where magistrates work out if there is enough evidence of a serious crime to justify a trial by jury.



## Committee of Inspection

a committee appointed from the creditors of a company in liquidation to oversee the liquidator's work.

## Common assault

when someone threatens another person with physical harm, even if they are not touched. This is a less serious type of assault (compare with aggravated assault). Threatening someone with a weapon such as a knife or gun is common assault.

## Common duty of care

the duty of the occupier of premises or land to take reasonable care of visitors to make sure that they are kept safe.

## Common seal

the seal companies use to authenticate (validate) important company documents. The company's name is engraved on the seal.

## Commorientes

closely related people who die at the same time, and it is unclear which of them died first. (This term is Latin.)

## Community service order

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an order to do work in the community without pay. If someone has been convicted of a crime they may be given a community service order as an alternative to being sent to prison.

Companies House

the office which stores company information such as annual accounts, directors' names and addresses and the registered office address. People who are interested in a company can inspect some of the information stored.

Company secretary

a person appointed by the directors of a company who is responsible for making sure that the company complies with the Companies Acts.

Compensation

money paid to make up for damage or loss caused.

Compensation for loss of office

lump-sum compensation a company pays to an employee whose contract has been ended.

Compensation order

an order by a court to a criminal to compensate the victim of the crime.

Completion

transferring property in exchange for payment. When there is a contract to sell land, there will be an initial payment to confirm the contract. Completion happens when the ownership of the land is transferred to the person buying it, in return for the seller receiving the rest of the purchase price.

Composition with Creditors

an arrangement between a debtor and the creditors. The creditors agree to accept a proportion of what is owed to them in full settlement.

Compulsory purchase

taking land and giving compensation for it. When land is needed for a project, such as a road, local authorities and other public bodies can take the land off the landowner. Compensation has to be paid to the landowner.

Compulsory winding up

the liquidation of a company by order of the court. It usually happens because the company has not been able to pay its bills on time and a creditor has presented to the court a petition for winding up the company.

Concealment

failure by one side negotiating a contract to disclose (reveal) information which the other side would need to consider when deciding whether or not to go ahead.

Concealment of securities

hiding or destroying a document such as a will to gain benefit for yourself or cause other people loss of benefit.

Conclusive evidence

evidence which by law cannot be disputed.

Concurrent sentence

when someone is sentenced for different crimes and The sentences are to be served at the same time.

Condition

a fundamental part of an agreement. The agreement or contract may collapse if a condition is broken.

Conditional agreement

an agreement which depends on a certain thing happening in the future. If the event does not happen the agreement will not start to operate.

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## Conditional discharge

A court may decide not to punish a criminal immediately for an offence and may conditionally discharge the criminal instead. If the criminal reoffends the court may impose a punishment for the original offence as well as the later ones.

## Conditional sale

an agreement by which the seller remains the owner

## agreement

of the goods until all the instalments have been paid and all other conditions have been met.

## Condition precedent

something which must happen before a contract starts.

## Condition subsequent

something which may happen in the future and, if it does, will affect a contract.

## Confiscation order

If someone has been convicted of a crime the court may order the person convicted to pay the court a sum of money. This is called a confiscation order.

## Consecutive sentence

when someone is sentenced for different crimes and the sentences have to be served one after another.

## Consent

to agree to something. A contract would not be valid unless all the parties consented to it.

## Consideration

the price you pay for something.

## Consignee

the person goods have been sent to.

## Consignor

the person who sent the goods.

## Consistory Court

a court for the clergy. There is one in each diocese.

## Conspiracy is:

- an agreement by two or more people to commit

- a crime; or
- some people acting together and harming a third party.

## Constructive

describing something which may not be set out in the law but will nevertheless be considered to exist.

## Constructive dismissal

because the employer has broken fundamental terms of the contract of employment the employee has been forced to resign. The employee can apply for a hearing before an industrial tribunal.

## Constructive notice

presuming something is known. The law sometimes presumes that a person knows something even though they do not.

## Consumer credit agreement

an agreement by a creditor, such as a bank, to provide up to £25,000 of credit to a consumer.

## Contempt of court

the offence of:

- disobeying a court order;

- abusing a judge during a court case; or
- interfering in the administration of justice.

### Contemptuous damages

tiny damages. Sometimes, even though a case has been won, the court may consider that it should not have been brought to court and will only award tiny damages.

### Contingency fee

the claimant's lawyer gets paid the fee only if the case is won by the claimant. The fee is often a proportion of the damages won.

### Contingent legacy

a gift in a will which will only be made if certain conditions are met.

### Contract

an agreement between two or more people (or groups) to do (or not to do) something. The agreement can be enforced by law.

### Contract for services

a contract under which materials and services are provided by a contractor.



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Contract of exchange

a contract to exchange goods without money being involved (barter).

Contract of service

the contract between employer and employee.

Contributory negligence

your own carelessness contributing to the damage done to you or your property. When someone suffers damage or injury their claim for damages may be limited if they have contributed to the harm done through their own carelessness.

Conversion is:

- exchanging one sort of property for another (such as exchanging money for goods); or
- acting unlawfully to deprive someone of their ownership of goods.

Convey

to transfer the ownership of something.

Conveyance

the name of the document which transfers the ownership of land.

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## Conveyancing

the name for carrying out all the actions needed to transfer the ownership of a piece of land.

## Conviction

being found guilty of a criminal offence.

## Copyright

a legal right which stops things being copied without permission. If you have the copyright over something (such as a book or music), nobody can copy it or reproduce it without your permission

## Coroner

a person who investigates the cause of death when a person has suffered a sudden, violent or suspicious death.

## Corporate body(or corporation)

a group of people acting together, such as a club. The group has a separate legal identity from the individual members' identities. A company is another example of a corporate body.

## Corporation tax

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a tax which companies pay on their profits.

Corpus

the name for a body (usually dead). (This word is Latin.)

Corpus delicti is:

- the body of a person who has been killed unlawfully; or
- the facts which make up an offence.(This phrase is Latin.)

Counsel

a barrister or group of barristers.

Counterclaim

making a claim in court against someone who has already made a claim in court against you.

Counterfeit something that is forged or copied with the intention

Counterpart

an exact copy of a document.

County court

a court which deals with civil cases such as disputes over unpaid debts and negligence claims. It does not deal with criminal cases.

County court judge.

a judge who presides over (is in charge of) cases in the county courts.

Coupon

a dated piece of paper attached to a bond. The coupon has to be surrendered (given back) to get the interest or dividend on the bond.

Court of Appeal

a court which hears appeals against the decisions of other courts.

Court of Protection

a court which administers (manages) the assets and affairs of people who cannot look after themselves, such as people who are mentally ill.

Covenant

a contract or legally binding promise.

Creditor

a person you owe money to.

Creditors' voluntary winding up.

If a company is insolvent (cannot pay its debts when they are due for payment) the members can pass a special resolution to have the company wound up (liquidated). This is called a creditors' voluntary winding up.

Criminal damage

the criminal offence of causing damage to someone else's property either recklessly or intentionally.

Criminal responsibility

When someone reaches the age when the law says they are able to commit a criminal offence they have reached the age of criminal responsibility.

Cross-examine

to question a witness for the other side in a case.

Crown Court

the court where people indicted of criminal offences are tried.

Culpa

Blame worthiness or a fault. (This word is Latin.)

Cum dividend

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with dividend. If a share is sold cum dividend, the buyer will receive the dividend that was declared just before the share was bought.

## Cumulative preference shares

shares which carry forward unpaid dividends. If dividends on these shares have not been paid in previous years the arrears must be paid before a dividend can be paid on the ordinary shares.

## Curfew

a court ordering someone to stay at a named place at stated times of the day.

## Customs duties

duties which are charged on imports of goods into the UK and on some exports.

## D

## Damages

the name for money awarded by a court as compensation.

## Dangerous driving

a standard of driving which falls far below that of a careful, competent driver and it would be obvious to such a driver that it was dangerous to drive that way. A driver found guilty of

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dangerous driving would be disqualified from driving by the court.

## Debenture

a document issued by a company which acknowledges that some or all of the company's assets are security for a debt (usually to a bank). It is also the name for certain long-term loans to companies.

## Debt

money owed.

## Debtor

someone who owes you money.

## Debt securities

debts which can be bought and sold, such as debentures.

## Deceit

when one person deliberately misleads a second person with a statement which causes the second person to do something that causes them damage.

## Decree

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an order by a court.

### **Decree absolute**

the final court order which ends a marriage.

### **Decree nisi**

a provisional court order which orders that a marriage should be dissolved.

### **Deed**

a legal document which commits the person signing it to something.

### **Deed of arrangement**

a written agreement which can be made, when a debtor is in financial trouble, between the debtor and the creditors. It is intended to benefit the creditors and avoid the bankruptcy of the debtor. The creditors get a proportion of the money owing to them.

### **De facto**

in fact or in reality. (This term is Latin.)

### **Defamation**



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making a statement, either orally or in writing, which damages someone's reputation.

Default

failing to do something which had been agreed to.

Defence

the name for the team of people (lawyers and so on) against proceedings brought against someone. It is also in a civil case a written statement (pleading) by the defendant setting out the facts that the defence will rely on.

Defendant

a person defending a court action which has been taken against them.

De jure

rightfully. (This term is Latin.)

De minimis non curat lex

the law will not take account of trifling matters. (This phrase is Latin.)

Dependant

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someone who depends on someone else for financial support.

Deponent

a person who swears on oath that a statement is correct.

Deposition

a statement, by a witness, made under oath.

Depreciation

the drop in value of an asset due to wear and tear, age and obsolescence (going out of date), as recorded in an organisation's financial records.

Derogation

damaging someone's rights or entitlements.

Determination

ending an agreement.

Devise

to leave land in a will.

Devisee

the person who is left freehold property or land in a will.

Diminished responsibility

a defence sometimes used for someone charged with murder, that they suffered lowered powers of reasoning and judgement because of their unusual state of mind. If their defence succeeds they will be convicted of manslaughter.

Diocese

the area covered by a bishop's authority.

Diplomatic immunity

immunity given to certain members of foreign embassies, such as ambassadors, for crimes they may have committed.

Direction/directing

judges must give juries instructions on points of law. This is called directing the jury.

Director

a person appointed to help manage a company's affairs.

Disbursement

a payment made by a professional person, such as a solicitor or accountant, on behalf of a client. The money is claimed back by

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including it on the bill for professional services which is sent to the client.

## Discharge

release from:

- a commitment such as a debt;
- a contract because it has finished or the parties agree to end it; or
- a punishment for a crime.

## Disclaim/disclaimer

to give up a claim or a right or refuse to take over an onerous (having more obligations than advantages) contract. A disclaimer can also be a notice to limit responsibility.

## Discovery

one party in a civil case revealing to the other party the documents relevant to the case under the first party's control and allowing them to be inspected.

## Discretionary trust

a trust in which the trustees can decide who will benefit from the trust and how much they will get.

## Disposal (dispose of)

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selling, transferring or giving away something.

### **Distrain/distress**

to seize goods as security for an unpaid debt

### **Divorce**

the legal end to a marriage.

### **Divorce petition**

an application for the legal ending of a marriage.

### **Domicile**

the country where your permanent home is, even if you are living somewhere else for now.

### **Domiciled**

permanently based in a country.

### **Domicile of choice**

the country in which you make your home, intending it to be permanent.

### **Domicile of origin**

the domicile a newborn child has. This is usually its father's domicile or, if the father is dead, its mother's.

## Drawee

the organisation which will pay a bill of exchange (such as a cheque). In the case of a cheque, this is the bank that the cheque is drawn on.

## Drawer

the person or organisation that has written a bill of exchange, such as a person who has written a cheque.

## Duress

threatening or pressurising someone to dosomething.

## Duty

a levy charged by the Government, usually when things are bought, such as shares or buildings.

