

Q¹**Qualifying child**

when used in connection with Child Support this means a natural child or adopted child who is under 16, or under 19 if receiving full-time education.

Quango

an organisation set up by the Government to do a particular activity. It is partly independent and does not form part of the Government.

Quarter days

in England the days when payments which are made every quarter should be paid. The quarter days are the days that the seasons are said to start. The actual dates and their names are:

- 25 March - Lady Day;
- 24 June - Midsummer Day;
- 29 September - Michaelmas Day; and
- 25 December - Christmas Day.

Queen's Bench Division

part of the High Court. Its main function is to deal with civil cases.

Queen's Counsel (QC)

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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a barrister who has been chosen by the Lord Chancellor to serve as counsel to the Crown. A Queen's Counsel is more senior than other barristers.

## Queen's evidence

evidence for the prosecution given by someone who is also accused of the crime being tried.

## Quiet enjoyment

allowing a tenant to use land without interference. When a tenancy is created the landlord is expected to allow the tenant to use the land without any interference, unless the tenancy agreement allows it.

## Quiet possession

using property without interference. When property is sold the buyer should be able to use the property free from interference by the seller.

## Quorum

the lowest number of qualifying people needed for a meeting to be able to make a decision.

## R

### Racial discrimination

treating someone less favourably because of their race, colour, nationality or culture.

### Rack rent

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the full market value rent of a property.

### **Rape**

having sex with a person without their permission (such as if they were asleep or unconscious) or forcing them to have sex against their will.

### **Real**

relating to immovable property such as buildings or land.

### **Real estate**

land owned by someone who has died. In the USA it is also land and buildings used for business purposes.

### **Real property**

land and buildings, minerals in the land and rights over the land.

### **Realty**

another word for real property.

### **Reasonable force**

necessary force. Reasonable force is a complex issue but essentially use of some force must be necessary to defend your property or yourself and the force used must be in proportion to the threat.

### **Receiver**

someone appointed to:

- sell assets to raise money to repay lenders; or
- protect property.

### **Receiving**

gaining control of stolen property.

### **Recognisance**

an undertaking, given by someone to a court, to make sure that they do what the court requires. If they do not do as the court wishes they may have to pay a sum of money.

### **Record**

the documents in a court case from beginning to end.

### **Recorder**

a part-time High Court judge.

### **Recovery**

regaining possession of land by taking court proceedings.

### **Redemption**

paying off all the money borrowed under an agreement.

### **Redundancy**

being dismissed from a job because it no longer exists.

### **Registered land**

any land recorded at the Land Registry. There is a system of recording and registering, at the Land Registry offices, details of land ownership and interests in land.

### **Registered office**

the official address where documents can be served on a company.

### **Registrar of Companies**

an official in charge of the office which keeps records of registered companies. There is a registrar for Scotland and another one for England and Wales.

### **Reinsurance**

an insurance company insuring part of a risk it is covering. If an insurance company has taken on a large insurance contract it may decide to spread the risk of loss by insuring part of the risk with another insurance company.

### **Release**

means:

- to give up a valid claim against someone;
- to free someone from prison; or
- a document used to cancel a claim one person has against another.

### **Remainder**

an interest which starts when a previous interest finishes. When more than one person has been left an interest in land the first person to possess an interest will have to die before the next person can possess an interest in the land, and so on.

### **Remand**

being kept in prison or paying bail. If an accused person is placed on remand they are either kept in prison for a short period or have to pay bail or get someone to pay it for them. It is used for short periods before a trial starts.

## Remedy

using the law to get compensation for damage done or for rights infringed. Also, a remedy can be using the law to prevent something from happening.

## Renouncing probate

a proposed executor refusing to act. Sometimes when a testator dies an executor will not wish to accept appointment. The executor has to tell the Probate Registry about it in writing.

## Rent

a regular payment to the landlord by a tenant in return for being allowed to possess and use the landlord's property.

## Repeat offender

a person who continues to commit the same offence.

## Reply

a claimant ('plaintiff' before April 1999)'s answer to claim. In a civil case the defendant may offer a defence to the claim, or even make a counterclaim.

## Repossession or Repossess

a mortgagee recovering vacant possession of the property mortgaged.

## Representation Is:

- acting on behalf of someone else (such as a solicitor acting for a client);
- taking someone else's place (such as when a court gives an executor the right to deal with a dead person's affairs); or
- a statement in a contract.

## Representative action

one or more people, in a group of people with the same grievance, taking legal action representing the group.

## Reprieve

a judge suspending or cancelling punishment for an offence.

## Rescission

the cancellation of a contract.

## Reservation of title

a contract which leaves ownership of the goods with the seller until the goods have been paid for.

### Reserves

money set aside in accounts which can be spent in later years. Some types of reserve can only be spent if certain conditions are met.

### Residence order

an order which a court issues when it has decided where a child should live, setting out details of the court's decision.

### Residuary legacy

what remains to be given out from an estate after all debts, taxes and specific legacies have been paid.

### Residue

what is left of an estate after all debts, taxes, expenses and specific legacies have been dealt with.

### Res ipsa loquitur

proof is not needed because the facts speak for themselves. If the defendant was in charge of events and an accident was caused on the face of it by negligence, then it may be presumed that the defendant was negligent unless there is evidence to the contrary. (This term is Latin.)

### Resisting arrest

a person trying to prevent the police arresting him or her. A charge could be made of obstructing a police officer in the course of duty.

### Resolution

a decision taken by the members of a company in a meeting.

### Respondent

the person an action is being taken against.

### Restitution is:

- an order for the return of stolen goods to the victim of the theft or for compensation to be paid to the victim; or
- a writ, following a successful appeal, for the return of the items lost after the original case.

### Restraining order

an order which a court may issue to prevent a person from doing a particular thing. For example, if someone has been harassing another person, the court may order that the harassment must stop.

### **Restriction**

when placed on a piece of land the owner cannot sell or mortgage the land.

### **Restriction order**

This order by the Crown Court prevents a person being discharged from hospital, to protect the public.

### **Restrictive covenant**

a deed which restricts how a piece of land can be used.

### **Retainer**

a payment to a barrister to act in a case.

### **Retention of title**

another term for reservation of title.

### **Reversion Revocation**

cancellation.

### **Revoke**

to cancel or withdraw.

### **Revolving credit Agreement**

a loan agreement under which a person can borrow again to top up the loan, as long as they do not go over their credit limit.

### **Right of way**

a legal right obliging the owner of land to allow authorised people to cross it.

### **Rights issue**

an issue of extra shares by a company. Existing shareholders can buy extra new shares in proportion to the shares they already hold. The shares are usually on sale at a lower price than the stock market price to encourage shareholders to buy. The shareholders can sell the rights if they do not wish to use them.

### **Riot**

a gathering of 12 or more people using, or threatening to use, violence to achieve a common end.

### **Robbery**

using or threatening to use force while carrying out a theft.

## S

### Sale or return

an arrangement under which goods can be kept by the potential buyer for a period while their resale is attempted. Unsold goods can be returned if the conditions of the contract have been kept to and the buyer pays for the goods used.

### Salvage

compensation paid by the owners for saving ships, aircraft and property from the sea.

### Satisfaction is:

- paying a debt;
- settling an obligation by an act; or
- settling an obligation by substituting something satisfactory for what was originally required.

### Scheme of Arrangement

an agreement between a person with debts, who cannot pay them when they are due, and the creditors. The creditors share the money the debtor manages to pay in proportion to what they are each owed.

### Scrip

a certificate showing the extra shares and fractions of shares the owner is entitled to.

### Scrip dividend

a dividend paid in shares instead of cash.

### Scrip issue

free shares offered to the members of a company in proportion to their shareholdings.

### Search

inspection of the registers maintained by organisations such as the Land Registry. When a person intends to buy a property such as a house, a solicitor arranges the inspection. This is to find out if there is any adverse information about the property or the surrounding area.

### Search warrant

a warrant issued by a magistrate, or High Court judge, to allow police officers to search premises.



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Securities

stocks, shares, debentures and so on where there is a right to receive interest or dividends from the investment.

Security

something of value pledged to a bank by a borrower. If the borrower fails to repay the debt, the bank can sell the security and repay the debt out of the proceeds of the sale.

Security of tenure

protection from a landlord attempting to obtain possession of the property the tenant is renting.

Sedition

writing things or saying things which encourage ordinary people to rise up against the Government or which cause discontent.

Sentence

the penalty the court imposes on someone found guilty of an offence.

Separation order

a court order that a husband and wife can live separately if they wish.

Sequestration

a court order for the seizure of someone's property.

Settle means:

- to create a settlement;
- to end a case by agreement; or
- to draw up a contract and agree its terms.

Settlor

the person who gives property to a settlement.

Several

separate (not joint).

Shadow director

a person who has not been appointed a director of a company but nevertheless gives instructions to the directors, which they comply with.

Share capital

the money invested directly in a company by its members. When the shares are first made available by the company, people can

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apply to buy them. The company states the price it wants for the shares.

Share certificate

a document which certifies who owns shares in a Company. It gives the type and number of shares owned by the shareholder and lists the serial numbers of the shares.

Share premium Account

an account in a set of books recording the extra amount over face value that shares have been issued for. If shares are issued for more than their face value, the extra amount over face value is called a share premium.

Sheriff

someone appointed each year by the Crown to be a county's senior officer. Each county in the UK has a sheriff. To be eligible for the office the person must own some land in the county. The areas of the law which come within the sheriff's jurisdiction are largely dealt with by the under-sheriff.

Shoplifting

stealing goods from a shop.

Shorthold tenancy

a tenancy under which the law allows the landlord to repossess the house.

Sine die

Indefinitely If a case has been adjourned sine die no date has been set for it to be continued. (This term is Latin.)

Slander

saying something untrue about a person or doing something, such as making a gesture, which damages their reputation.

Small claims court

a section of the county court which deals with small claims. There is a simplified way of making a claim in the county court in a civil case where the claim is for no more than £5000 (or £1000 in personal injury cases). Neither side can claim costs.

Smuggling

importing or exporting goods illegally to avoid a ban on them or to avoid the duties on them.

Sold note

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a note that shows details of investments which have been sold, including the sale price and any charges taken. Stockbrokers produce sold notes for their clients.

Soliciting

a prostitute attempting to get clients in a street or other public place.

Solicitor

a person who can deal with legal matters for the public and give advice on legal matters. All solicitors are listed on the roll of solicitors kept by the Law Society. Some solicitors can appear for their clients in some of the lower courts.

Solicitor General

the assistant of the Attorney General. They both advise the Government.

Special resolution

a resolution which must be approved by holders of at least 75% of the shares with voting rights. (Some types of share give their owners the right to vote at shareholder meetings, but there are other types which do not.)

Specific performance

a court order to complete a contract. The courts may order a person who has failed to fulfil an obligation under a contract to complete it.

Spent conviction

a conviction which, after the passage of a stated time period, does not have to be disclosed (revealed) to a court.

Squatter

a person who occupies land illegally.

Stalking

the name given to a form of harassment where a person is made to feel alarmed or distressed by another person's actions. The prosecution has to prove that a reasonable person would have known that the behaviour would create distress or fear. The harassment must have happened on at least two occasions.

Stamp duty

a tax on the transfer documents for certain types of transaction. Examples are buying shares, patent rights and properties.

Statement of claim

the claimant's written statement setting out the claim in a civil case. (This term has not been used since April 1999.)

Status

how the law regards a person, such as whether the person is a minor or a bankrupt and so on.

Statute

an Act of Parliament.

Statute book

all the existing statutes in a country.

Statute law

the law created by Acts of Parliament.

Statute of limitation

a statute which sets out the time limits within which a court action must take place.

Statutory accounts

company accounts which have been filed with the Registrar of Companies. The accounts have to disclose (show) the information required by the Companies Acts.

Statutory audit

an audit required by law. Certain companies have to have their accounts audited by suitably qualified accountants.

Statutory books

books of account which companies must keep by law to show and explain all their transactions.

Statutory demand

a written demand for payment of a debt of more than £750.

Statutory instrument

a power delegated by Parliament. Parliament can delegate its power to make and amend law to a person or organisation. A statutory instrument is one of these powers and is used by government ministers to amend legislation.

Stay of execution

the suspension of the carrying out of a court order.

Stipendiary magistrate

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a magistrate who gets a salary.

## Stockbroker

a person who buys and sells stocks and shares for clients.

## Subduct

to withdraw.

## Subject to contract

an agreement which is not binding until a contract has been signed.

## Sub judice

describes something being dealt with by a court which cannot be discussed outside the court. (This term is Latin.)

## Subpoena

a writ requiring the person it is addressed to to attend at a specific place (such as a court) on a specific date and at a stated time.

## Subrogation

substituting one person for another including all rights and responsibilities.

## Subscribers

the people who set up a limited company.

## Subsidiarity

subsidiary activities. Member countries of the European Community agreed that activities could be done by the individual member countries unless they could not do them adequately alone. The European Community therefore should only do subsidiary activities and this is called subsidiarity.

## Subsidiary

a company controlled by another company. The control is normally a result of having more than 50% of the voting rights.

## Sue

to start legal proceedings in the civil court against someone.

## Suicide

the act of killing oneself intentionally.

## Sui generis

describes something that belongs in a particular category or is the only one of its class. (This term is Latin.)  
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Sui juris

describes someone who can enter into a contract without any restriction. (This term is Latin.)

Suit

proceedings brought by one person against another in a civil court.

Summary judgement

obtaining judgement without a trial. In an action in the High Court to recover damages or a debt, if the claimant ('plaintiff' before April 1999) swears an affidavit that it is believed that there is no defence to the claim, the claimant ('plaintiff' before April 1999) can obtain summary judgement.

Summary offence

an offence that can only be tried by magistrates. Most minor offences are summary offences.

Summary proceedings

a trial by magistrates, where the defendant has the right to choose which court should hear the case, but has agreed to be tried in the magistrates' court.

Summary trial

a trial by magistrates.

Summing up

the judge's summary of a case. At the end of a trial by jury the judge explains points of law in the case to the jury, explains the jury's role and summarises the evidence.

Summons

an order by a court that a person attend at a particular court at a stated time on a particular date.

Superior courts

the higher courts in English law, which include the High Court, the Court of Appeal, the Crown Court and the House of Lords. Their decisions act as precedents for the lower courts to follow.

Supervision order

a court order that a child should be supervised by a probation officer or a local authority.

Supra

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above (see above or before in the document). (This word is Latin.)

### Supreme Court

the highest court below the House of Lords. The full name is the Supreme Court of Judicature. It is divided into:

- the Crown Court;
- the High Court of Justice; and
- the Court of Appeal.

### Surcharge

a penalty charged if tax is paid late. It is also an extra charge banks make if customers do not keep to the agreements they made with the bank.

### Surety

someone who takes responsibility for someone else's debts or promises, and guarantees that they will be paid or undertaken (done). It is also the name for the money put up as security that someone will appear in court. If they do not appear in court the money will be forfeited.

### Suspended sentence

a sentence that is postponed until the offender is convicted of another offence.

### SWIFT payment

a payment from one bank account to another using the SWIFT

## T

### Tangible asset

an asset which can be physically touched.

### Tangible property

property that physically exists.

### Tax

money raised by the Government to pay for the services it provides. Some taxes are called indirect because they are part of the price we pay for goods and services, such as VAT. Other tax is called direct because the individual taxpayer pays it. Income tax and corporation tax are examples of direct taxes.

### Taxable supply

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a term for supplying goods and services on which value added tax can be charged. This applies even if the tax rate is 0% at present, because it can be increased if the Government chooses to.

Taxation

the levying of taxes.

Taxation of costs

the scrutiny of and, if necessary, the lowering of a solicitor's bill to a client. The scrutiny is done by a court officer.

Tax avoidance

reducing tax bills by using legal means.

Tax evasion

breaking the law to reduce tax bills, such as by concealing income.

Tax point

the date when value added tax arises on goods or services supplied (or made available) to a customer. The tax point should be displayed on invoices. It is not necessarily the same as the date of the invoice.

Teeming and lading

a term used to describe attempts to hide the loss of cash received from one customer by using cash from other customers to replace it. This fraud can carry on by using cash from other customers in the same way

Tenant

a person or organisation granted a lease.

Tender

supplying a price for a job. If an organisation asks firms to send in tenders for supplying something, they are asking for firm written offers to do the work to an agreed standard and at a stated price.

Tenure

how a piece of land is held by the owner (for instance freehold or leasehold).

Term

any of the clauses which form part of a contract.


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**Terra**

land. (This word is Latin.)

**Terrorism**

using violence for political purposes.

**Testament**

a will dealing with personal property.

**Testamentum**

another name for a will.

**Testator**

a person who makes a will.

**Testify**

to give evidence.

**Testimony**

the evidence a witness gives in court.

**Theft**

taking someone else's property dishonestly, with the intention of never returning it.

**Threatening behaviour**

using threats, abuse or insults against another person.

**Timeshare**

an arrangement where people can buy a share in part of a property for a period of time in each year. They can use their part of the accommodation each year for the period that is theirs.

**Title**

the right to own something.

**Title deeds**

the documents which prove who owns a property and under what terms.

**Toll**

a payment in return for being allowed to travel over a road, bridge and so on.

**Tort**

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doing something which harms someone else. It may result in a claim for damages. (This word is Old French.)

**Tortfeasor**

someone who commits a tort.

**Trademark**

a mark which is registered at trademark registries and which is used on products produced by the owner. It is illegal for anyone else to display the mark.

**Transcript**

the official record of a court case.

**Transferable securities**

securities, such as debentures, which can have their ownership changed.

**Transferee**

the person something is transferred to.

**Transferor**

the person who transfers something to someone else.

**Treason**

the crime of betraying your country such as helping your country's enemies in wartime.

**Treasure trove**

treasure found in a hiding place and whose owner cannot be traced. It belongs to the Crown but the finder and the landowner may get a reward.

**Treasury**

the government department which administers (manages) the country's finances.

**Treasury bill**

an unconditional promise by the Treasury to repay money it has borrowed for the short term (up to one year), to pay for government spending.

**Treasury Solicitor**

the person who gives legal advice to the Treasury.

**Trespassing**

going on land without the owner's permission.

## **Trial**

an examination of the evidence in a case and the law which applies.

## **Tribunal** is:

- a body set up to act like a court, but outside the normal court system;
- a forum to hear disputes and with the authority to settle them;
- a body given power by statute to discipline members of a profession who do not keep to the high standards of behaviour demanded of members of the profession; or
- a body set up by the members of an association to police the members' actions.

## **Trust**

a financial arrangement under which property is held by named people for someone else.

## **Trust corporation**

a company which acts as a trustee and holds a trust's assets.

## **Trust deed**

a legal document which is used to:

- create a trust;
- change a trust; or
- control a trust.

## **Trustee**

a person who holds property and looks after it on behalf of someone else.

## **Trustee in bankruptcy**

a person who administers (manages) a bankrupt person's estate and pays any available money to the creditors.

