

E¹**Easement**

a right to use someone else's land, such as a right of way.

Enabling legislation

legislation which authorises government ministers or bodies to create detailed rules to accomplish general principles set out in the legislation. For example it may allow a minister to create rules or laws for a particular body, such as the police, to follow.

Endorsement

a change to the original terms of a contract, such as an insurance policy.

Endowment policy

a type of insurance policy which will pay out a lump sum on a fixed date in the future, or when you die if this happens earlier.

Enduring power of Attorney

(in England and Wales) a power of attorney which takes effect in the future. If a person is capable of dealing with their own affairs at present, they can sign an enduring power of attorney. It will only come into effect when they are no longer capable of looking after their own affairs. It gives authority to the person appointed to act for the person who signed the power of attorney.

Engrossment

preparing the final version of a legal document ready for it to be executed (made valid such as with a signature).

Equitable mortgage

the type of mortgage where the purchaser owns the property which is security for the mortgage.

Escrow

a deed which has been supplied but cannot become effective until a future date, or until a particular event happens.

Estate is:

- all a person owns at the date of their death; or
- the right to use land for a period of time.

Estimate

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.

an offer to do stated work for a set price.

Estoppel

a rule of law that a person cannot deny something they previously said, if someone else acted on what was said and their position was changed, possibly for the worse, as a result.

Et seq

'and in the following pages'. It is sometimes written in books and documents. (This phrase is abbreviated from the Latin 'et sequeus'.)

Euthanasia

killing someone to end their suffering.

Excess of jurisdiction

someone such as a judge acting without authority.

Exchange of contract

swapping identical contracts. When land is sold, the person selling and the person buying both sign identical copies of the contract and exchange them. The contract is then binding on both of them.

Excise duty

a type of tax levied on certain goods such as petrol. It is also levied on some activities such as gambling and on certain licences for activities (such as driving a car on the public roads).

Exclusions

the things an insurance policy does not provide cover for. They will be listed in the insurance policy.

Exclusive licence

a licence under which only the licence holder has any rights.

Ex dividend

without dividend. If a share is sold ex dividend, the seller will receive the dividend declared just before it was sold.

Execute

to carry out a contract.

Executed

describing a document which is made valid (in the eyes of the law) such as by being signed or sealed.

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**Executive director**

a director who usually works full time as a director of the company.

**Executor**

a man appointed in a will to deal with the estate, according to the wishes set out in the will. Today it is often used to refer to a woman as well.

**Executory**

describing something, such as a contract, which has not been started yet.

**Executrix**

a woman appointed in a will to deal with the estate, according to the wishes set out in the will.

**Exemplary damages**

damages given as a punishment for the defendant.

**Ex gratia**

describing something done or given as a favour rather than a legal obligation. (This term is Latin.)

**Ex parte**

done by one side only in a case. (This term is Latin. Since April 1999, it is often replaced with 'without notice'.)

**Expert witness**

an expert in a particular field who is called to give an opinion in a court case.

**Ex post facto**

describing a law which is retrospective (it affects past acts as well as future ones). (This term is Latin.)

**Extradition**

the handing over of a criminal to the country the crime was committed in.

**Extraordinary general Meeting**

a general meeting of the members of a company which is not the annual general meeting.

**Extraordinary Resolution**

a resolution for consideration by the members of a company at a general meeting of the members.

### Ex works

available from the factory. When something is sold ex works the buyer can collect it from the place it was manufactured or from some other place agreed by the buyer and seller.

### F

**Factor** is:

- someone buying or selling for a commission; or
- an organisation which provides finance for a business by advancing money on the value of the invoices the business sends out.

### False imprisonment

wrongfully keeping someone in custody (for example in prison).

### False pretence

misleading someone by deliberately making a false statement.

### False representation

lying in a statement to persuade someone to enter a contract.

### Family Division

the part of the High Court dealing with marriage breakdowns and probate.

### Felony

the former term used for serious crimes such as rape or murder. It is still in use in the USA.

### Feme covert

a woman who is married.

### Feme sole

a woman who is not married or no longer married.

### Feu

a lease which lasts forever.

### Feu duty

a yearly charge on a feu (which only applies in Scotland.)

### Fiduciary

in a position of trust. This includes people such as trustees looking after trust assets for the beneficiaries and company directors running a company for the shareholders' benefit.

## Final judgement

the court's final decision in a civil case.

## Fitness to plead

whether or not the person charged is capable of making an informed decision. If, because of mental illness, a person charged with an offence is unable to understand what is going on the person may not be fit to plead guilty or not guilty.

## Fixed charge

a charge which provides security for money lent. The charge is over a specific property.

## Floating charge

a charge used to provide security for money lent to a company. The charge is over the company's liquid assets (such as stocks and debtors) but it is only triggered by an event such as liquidation.

## Forbearance

when one party to an agreement does not pursue rights under the agreement even though the other party has not kept to its terms. An example would be someone not suing to recover an overdue debt.

## Force majeure

an event which cannot be controlled and which stops duties under an agreement from being carried out. (This phrase is French.)

## Foreclosure

repossessing property. If a mortgagor (the borrower) has failed to keep up the repayments on a mortgage, the mortgagee (the lender) may apply to the High Court for an order that the debt be repaid by a particular date. If the debt is not repaid the property will be repossessed. This procedure is called foreclosure.

## Forfeiture

the loss of possession of a property because the tenancy conditions have not been met by the tenant.

## Fostering

looking after other people's children. Sometimes children are looked after by people who are not their parents (natural or adopted). It usually happens because the parents cannot look after the children properly because of changed circumstances such as illness.

## **Fraud**

lying or deceiving to make a profit or gain an advantage, or to cause someone else to make a loss or suffer a disadvantage.

## **Fraudulent conveyance**

ownership of land being transferred without consideration and with the intention of defrauding someone.

## **Fraudulent preference**

someone who is insolvent paying one of their creditors while knowing there is not enough money to pay the others.

## **Fraudulent trading**

running a business with the intention of defrauding its creditors or other people.

## **Freehold**

describing land that only the owner has any rights over.

## **Free of encumbrances**

no one else having any rights over something. When property is owned by someone and nobody else has any rights over it, it is owned free of encumbrances.

## **Frustration**

stopping a contract. Sometimes a contract cannot be carried out because something has happened which makes it impossible. This is called frustration of contract.

## **Futures contract**

a binding contract to buy or sell something on a date in the future at a fixed price.

## **G**

## **Garnishee order**

a court order to a third party who owes money to a judgement debtor to pay the money to the judgement creditor.

## **General damages**

damages a court will give to compensate for a wrong done without needing specific proof that damage has been done to the claimant ('plaintiff' before April 1999). The court presumes that losses or damage exist such as in a libel case.

## **General meeting**

a meeting of the members of a company to make decisions about the company.

### **Grant**

proof that you are entitled to deal with a dead person's estate. The grant is issued by the Probate Registry.

### **Grant of probate**

a certificate proving that the executors of a will are entitled to deal with the estate. When a person dies the executors fill in various forms for the Probate Registry. The forms are then sent to the registry together with the will and the death certificate. A registrar examines all the documents and, once satisfied with everything, issues the grant of probate.

### **Grievous bodily harm**

intentionally causing serious physical harm to someone. This is more serious than actual bodily harm.

### **Guarantee**

a promise by a person (the guarantor) to repay a debt owed by a second person if the second person fails to repay it. For example, a guarantee is sometimes required by a bank before it will lend money to a customer.

### **Guarantee company**

a company whose members only have to pay the amount they have agreed to contribute, if the company has to be wound up. They do not have to pay in extra money if there is not enough to pay all the company's debts.

### **Guarantor**

a person or organisation that promises to pay a debt owed by a second person, if the second person fails to repay it.

### **Guardian**

a person appointed formally to look after the interests of a child, or of someone who is not capable of looking after their own affairs.

### **Guilty**

a court's verdict that the person charged with a crime committed it.

## **H**

**Habeas corpus**

a writ which can be applied for to order a person's release if they have been imprisoned unlawfully.

**Harassment of debtors**

the illegal act of attempting to collect a debt by threatening, or habitually acting in a way that humiliates or distresses, a debtor.

**Harassment of Occupiers**

the illegal act by a landlord of using, or threatening to use, violence, or interfering with the tenant's enjoyment of the property, in an attempt to repossess the property.

**Hearsay evidence**

evidence given in court of something said to the witness by another person.

**Hereditament**

any property which is capable of being inherited.

**High Court (of Justice)**

part of the Supreme Court. It is split into three divisions called:

- Queen's Bench Division;
- Chancery Division; and
- Family Division.

**Hire**

to pay to borrow something for a period.

**Hire purchase**

a form of credit which allows the purchaser to have possession of the goods shown in the hire purchase agreement. Ownership passes to the purchaser when the fee and all the instalments have been paid.

**HM Customs and Excise**

a government department responsible for administering (managing) value added tax, customs duties and excise duties.

**HM Land Registry**

a registry with offices in towns and cities throughout the UK which keep records of registered land.

**Holding company**

a company which controls another company, usually by owning more than half of its shares.



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Hostile witness

a witness who:

- refuses to testify in support of the people who called them; or
- testifies in a way which differs from their previous statement.

House of Lords

the highest court in the UK.

Housing associations

organisations run to provide housing for people. They are not intended to make a profit.

Hypothecation

a person giving a bank authority to sell goods which have been pledged to the bank as security for a loan.