

H. P. Collin

# DICTIONARY OF LAW

SECOND EDITION

Peter Collin Publishing

世界图书出版公司

# Dictionary of Law

## 英美法律词典

by P. H. Collin

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世界图书出版公司

北京 · 广州 · 上海 · 西安

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## 内 容 简 介

本词典是目前最新的中型法律词典之一，收词以常用者为中心，有别于其它大型原文词书的穷源溯流，词义繁多，学术性强，注重法律词语的活用实用，释文简明扼要，通俗易懂，各词条注明词语分类，语法变化形式，词语构成及其释义，尤其以例句表明词语使用方法及其涵义，大有助于正确理解和运用英法法律语言。可补市面所见法律词典之不足。对我们的教研工作，尤其是涉外实务部门大有用处。词典收词包括宪法、立法程序、刑事、民商、经贸、律师公证、法院、监狱及国际法等领域。附录有英国法院令状等司法文书和各种契约等日常法律文书的格式和样本。

Dictionary of Law 2nd ed.

英美法律辞典 第2版

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## 代 序

八十年代以来，我国在不断深化改革开放，促进经济发展与国际经济接轨和加强民主法制建设的进程中，不仅在法学研究上，尤其是在立法、司法行政、经济贸易、外事工作等实务部门，对英美法律以及其他各国法律的了解与借鉴日益迫切需要。但英汉法律名词对译的词典，往往未能确切反映英美法律词汇的特殊涵义，从而不得不求助于原文的英美法律词书。英美出版的大型法律辞书，往往释义繁多，穹源溯流，学术性强，如著名的美国《布拉克法律辞典》(Black's Law Dictionary)，英国《牛津法律指南》(The Oxford Companion to Law)，于法律词语活用等实用方面独付缺如，对开始研习英美法律殊感不足。

英国彼得·科林出版公司《英美法律词典》初版于1986年，1993年第二版增补了新的法律资料，是当前最新的英美常用法律词典之一。其特点略述如下：

一、此书所收词汇以常用为中心，广泛网罗宪法、立法程序、刑事、民商、经贸、律师公证、法院、监狱及国际法等领域，并且包括常用法律拉丁语及缩略语，如在本词典第一条的“‘A’ shares” (“‘A’ 股”) 在不少

英美法律大辞典中均未收列。

二、本书释义简明扼要，通俗易懂，各词条注明词语分类、语法变化形式，诸词组构成及其释义，包括英美两国用法的歧异，尤其是以例句表明词语使用方法及其涵义，对正确理解和运用英美法律语言，殊多助益。

三、本书附录：英国法院令状等司法文书、买卖合同、房地产让与书、遗嘱、法律扶助申请表、离婚申请书等日常法律文书样本和格式，在涉外法律事件中，可供参考。

综上所述，此书可供我国从事法律教研工作、立法、司法行政、经济贸易工作以及各项涉外工作的各界人士参考，这是富有实用价值的一部英美法入门工具书。

潘汉典 于中国政法大学比较法研究所

1994年7月

## **PREFACE TO THE FIRST EDITION**

This dictionary provides the user with the basic vocabulary used in British and American law. The subject matter covers criminal, civil, commercial and international law, dealing with situations as different as the solicitor's office, the courtroom, and the prison. The level of languages ranges from the very formal (including many Latin terms) to prison slang.

The 6,000 main words and phrases are explained in simple English using a limited vocabulary of 500 words over and above those words which actually appear in the dictionary as main words. Very many examples are given to show the words and phrases used in context, and many of the more difficult phrases are also defined in clear and simple English. Words which pose particular grammatical problems have short grammar notes attached, giving irregular verb forms and plurals, together with notes on constructions and the differences between British and American usage. Many words also have comments of a more general nature, referring to the judicial system, or to particular points of law. At the back of the book a supplement gives information in tabular form about legal systems, writs, judgments, conveyances, wills and other legal documents. We are particularly grateful to the Office for Official Publications, acting on behalf of the institutions of the European Communities, to Her Majesty's Stationery Office, and to the Solicitors' Law Stationery Society Plc for giving permission to reproduce copyright documents in the supplement.

We would also like to thank many people who helped in the compilation and checking of this dictionary, in particular Stephen Baister who brought his trained legal mind to bear on the printouts and provided many valuable expert comments as well as drafting the supplements; Derek Beattie and Françoise Collin, who read and checked all the proofs, providing many suggestions and corrections; and Peter Cartwright who designed the cover.

## **PREFACE TO THE SECOND EDITION**

The text of the first edition has been completely updated, removing certain items which were only peripherally connected to legal matters, and inserting much new material, in particular material relating to legislative processes. We are grateful to John Bailie for having contributed this updated material.

# Aa

**A** first letter of the alphabet category 'A'  
**prisoners** = prisoners who are dangerous, and would be a danger to the public if they escaped from prison; **Schedule A** = schedule to the Finance Acts under which tax is charged on income from land or buildings; **Table A** = model articles of association of a limited company set out in the Companies Act, 1985; **'A' shares** = ordinary shares with limited voting rights

◇ **A1 adjective (a)** best; *we sell only goods in A1 condition* **(b)** ship which is A1 at Lloyd's = ship which is in best condition according to Lloyd's Register

## A.B.A. - AMERICAN BAR ASSOCIATION

**abandon verb (a)** to give up or not to continue; *to abandon an action* = to give up a court case **(b)** to leave (something or a person); *he abandoned his family and went abroad; the crew abandoned the sinking ship*

◇ **abandonment noun** act of giving something up voluntarily (such as the right to a property); **abandonment of a claim** = giving up a claim in a civil action

COMMENT: abandoning a child under two years old is a notifiable offence

**abate verb (a)** to remove or stop a nuisance **(b)** (i) to reduce (a legacy); (ii) (of a legacy) to be reduced (because there is not enough money in the estate to pay in full)

◇ **abatement noun (a)** removal or stopping of a nuisance; **noise abatement** = stopping someone who is making an unpleasant loud noise; *a noise abatement notice was served on the club* **(b)** reducing a legacy or legacies, where the deceased person has not left enough money to pay them all in full **(c)** tax abatement = reduction of tax

◇ **abator noun** person who abates a nuisance

**abduct verb** to take (someone, especially a woman or child) away by force; *the bank manager was abducted at gunpoint; the robbers abducted the heiress and held her to ransom*

◇ **abduction noun** notifiable offence of taking someone (especially a woman or child) away by force

◇ **abductor noun** person who takes someone away by force

**abet verb** to encourage someone to commit a crime; **aiding and abetting** = offence of helping and encouraging someone to commit a crime  
 NOTE: **abetting** - **abetted**

**abeyance noun (a)** this law is in abeyance = this law is not being enforced at the present time **(b)** situation where there is no owner of a piece of land

## ABH - ACTUAL BODILY HARM

**abide by verb** to obey (an order or a rule); *he promised to abide by the decision of the court; she did not abide by the terms of the agreement*

**ab initio** Latin phrase meaning 'from the beginning'

**abjure verb** US to swear not to bear allegiance to another country

◇ **abjuration noun** act of abjuring

**abnormal adjective** not normal or not usual

**abode noun** residence, the place where someone lives; **right of abode** = right to live in a country

**abolish verb** to cancel or to remove (a law or a rule); *the Chancellor of the Exchequer refused to ask Parliament to abolish the tax on alcohol; the Senate voted to abolish the death penalty*

◇ **abolition noun** act of abolishing; *to campaign for the abolition of the death penalty*

**abortion noun** ending of a pregnancy before the natural term

COMMENT: illegal abortion is a notifiable offence

**abrogate verb** to end (a law or a treaty)

◇ **abrogation noun** ending (of a law or a treaty)

**abscond verb** to go away without permission or not to return to the court after being released on bail or to escape from prison; *he was charged with absconding from lawful custody*

**absence noun** not being at a meeting or hearing; *in the absence of* = when someone is not there; *in the absence of the chairman, his*

*deputy took the chair; the trial took place in the absence of the defendant; she was sentenced to death in her absence; leave of absence* = being allowed to be absent from work; *see also* IN ABSENTIA

◇ **absent** *adjective* not at a meeting or hearing; (*in the armed forces*) **absent without leave** (AWOL) = being away from duties without the permission of a superior officer

◇ **absentee** *noun* person who is not able to attend a meeting or hearing

**absolute** *adjective* complete or total; **absolute discharge** = letting a convicted person go free without any punishment; **absolute monopoly** = situation where only one producer or supplier produces or supplies something; **absolute privilege** = privilege which protects a person from being sued for defamation (such as an MP speaking in the House of Commons, a judge making a statement in judicial proceedings); **absolute title** = land registered with the Land Registry, where the owner has a guaranteed title to the land (absolute title also exists to leasehold land, giving the proprietor a guaranteed valid lease); *see also* DECREE, FORECLOSURE

◇ **absolutism** *noun* political theory that any legitimate government should have absolute power

◇ **absolutist** *adjective & noun* (person) who believes in absolutism; (system) where the government has absolute power

**abstain** *verb* to refrain from doing something (especially voting); *sixty MPs abstained in the vote on capital punishment*

◇ **abstention** *noun* (a) refraining from doing something (especially voting); *the motion was carried by 100 votes to 150, with 60 abstentions* (b) US situation where a federal court may refuse to hear a case and passes it to a state court which then becomes competent to decide in the federal constitutional issues raised

**abstract** 1 *noun* short form of a report or document; *to make an abstract of the deeds of a property*; **abstract of title** = summary of the details of the ownership of a property which has not been registered 2 *verb* to make a summary

**abuse** 1 *noun* (a) using something wrongly; **abuse of power** = using legal powers in an illegal or harmful way; **abuse of process** = suing someone in bad faith or without proper justification or for malicious reasons; **drug abuse** = being mentally and physically dependent on taking a drug regularly (b) rude or insulting words; *the prisoner shouted abuse at the judge* (c) bad treatment (usually sexual) of a person; **child abuse or sexual abuse of children** 2 *verb* (a) to use something wrongly;

to abuse one's authority = to use authority in an illegal or harmful way (b) to say rude words to (someone); *he abused the police before being taken to the cells* (c) to treat someone badly (usually in a sexual way); *he had abused small children*

**abut (on)** *verb* (of a piece of land) to touch another property

NOTE: **abutting** - **abutted**

**ACAS** - ADVISORY CONCILIATION AND ARBITRATION SERVICE

**ACC** - ASSISTANT CHIEF CONSTABLE

**accept** *verb* (a) to take something which is being offered (b) to say 'yes', to agree to something; *she accepted the offer of a job in Australia; he accepted £200 for the car; to accept an offer conditionally* = to accept provided that certain conditions apply

◇ **acceptable** *adjective* which can be accepted; *the offer is not acceptable to both parties*

◇ **acceptance** *noun* (a) one of the main conditions of a contract, where one party agrees to what is proposed by the other party; **acceptance of an offer** = agreeing to an offer (and therefore entering into a contract); *we have his letter of acceptance* = we have received a letter from him accepting the offer; *see note at CONTRACT* (b) act of signing a bill of exchange to show that you agree to pay it

◇ **accepting house** *noun* firm which accepts bills of exchange (i.e. promises to pay them) and is paid a commission for this

◇ **acceptor** *noun* person who accepts an offer

**access** 1 *noun* (a) right of the owner of a piece of land to use a public road which is next to the land; *he complained that he was being denied access to the main road* (b) to have access to something = to be able to obtain or reach something; *to gain access to something* = to reach or to get hold of something; *access to the courts should be open to all citizens; the burglar gained access through the window* (c) right of a child to see a parent regularly or of a parent or grandparent to see a child regularly, where the child is in the care of someone else 2 *verb* to call up (data) which is stored in a computer

◇ **accession** *noun* (a) joining something; **Treaty of Accession** = treaty whereby the UK joined the EC (b) taking up a position; **accession to the throne** = becoming King or Queen

◇ **accessory** *noun* person who helps or advises someone who is committing a crime; (formerly) **accessory after the fact** = person who helps a criminal after the crime has been committed; **accessory before the fact** = person



who helps a criminal before the crime is committed

**accident** *noun* something unpleasant which happens by chance (such as the crash of a plane); **industrial accident** = accident which takes place at work; **accident insurance** = insurance which will pay when an accident takes place

◇ **accidental** *adjective* which happens by accident; *a case of accidental death*

**accommodation** *noun* (a) money lent for a short time (b) something done to help someone; *to reach an accommodation with creditors* = to agree terms for settlement; **accommodation address** = address used for receiving messages but which is not the real address of the company; **accommodation bill** = bill of exchange where the drawee signing is helping another company (the drawer) to raise a loan; it is given on the basis of trade debts owed to the borrower; **accommodation maker** = person who signs a promissory note for no fee, but who expects to lend the creditor money

**accomplice** *noun* person who helps another to commit a crime or who commits a crime with another person

**accord and satisfaction** *noun* (i) payment by a debtor of (part of) a debt; (ii) the performing by a debtor of some act or service which is accepted by the creditor in full settlement, so that the debtor can no longer be sued

**accordance** *noun* in accordance with = in agreement with or according to; *in accordance with your instructions we have deposited the money in your current account; I am submitting the claim for damages in accordance with the advice of our legal advisers*

◇ **according to** *preposition* as someone says or writes; *according to the witness, the accused carried the body on the back seat of his car; the payments were made according to the maintenance order*

◇ **accordingly** *adverb* in agreement with what has been decided; *we have received your letter and have altered the contract accordingly*

**account** 1 *noun* (a) invoice, a record of money paid or owed; *please send me your account or a detailed or an itemized account*; **accounts payable** = money owed to creditors; **accounts receivable** = money owed by debtors; **action for an account** = court action to establish how much money is owed by one party to another (b) (in a shop) arrangement which a customer has with the shop to buy goods and pay for them at a later date (usually the end of the month) (c) customer who does a

large amount of business with a firm and has a credit account with that firm (d) the accounts of a business or a company's accounts = detailed record of a company's financial affairs (e) **bank account** or **US banking account** = arrangement to keep money in a bank (f) (*Stock Exchange*) period of credit (usually fourteen days) at the end of which all people who have traded must pay for shares bought (g) notice or attention; *to take account of the age of the accused or to take the accused's age into account when passing sentence* = to pass a certain sentence because the accused is very old or very young 2 *verb* to account for = to explain and record a money deal; *to account for a loss or a discrepancy*

◇ **accountable** *adjective* (person) who has to explain what has taken place or who is responsible for something; *if money is lost, the person at the cash desk is held accountable; the group leader will be held accountable for the actions of the group*

◇ **accountability** *noun* being accountable or responsible

◇ **accountant** *noun* person trained in keeping or drawing up accounts or arranging systems of accounts; **Chartered Accountant** = accountant who has passed the professional examinations and is a member of the Institute of Chartered Accountants

◇ **accounting** *noun* preparing the accounts of a business; **false accounting** = notifiable offence of changing or destroying or hiding financial records for money

**accredited** *adjective* (a) (agent) who is appointed by a company to act on its behalf (b) (ambassador) who is appointed by a country to represent it in another country; *he is accredited to the United Nations*

**accretion** *noun* enlargement of a piece of land by natural causes (as when the course of a river changes)

**accrual** *noun* slow increase by addition; **accrual of interest** = automatic addition of interest to capital

◇ **accrue** *verb* (of interest or dividends) to increase and be due for payment at a later date

**accumulate** *verb* to grow larger by adding

**accuse** *verb* to say that someone has committed a crime or to charge someone with a crime; *she was accused of stealing £25 from her boss; he was accused of murder; of what has she been accused? or what has she been accused of?*

NOTE: you accuse someone of a crime

◇ **accusation** *noun* act of saying that someone has committed a crime

◇ **accusatorial procedure** *noun* procedure in countries using common law procedures,

where the parties to a case have to find the evidence themselves; *compare* INQUISITORIAL

◇ **accused** *noun* the **accused** = person or persons charged with a crime; *all the accused pleaded not guilty; the police brought the accused into the court*

NOTE: can be singular or plural: **the six accused all pleaded guilty**

**acknowledge** *verb* (a) (i) to accept that something is true; (ii) to admit that a debt is owing; **acknowledged and agreed** = words written on an agreement to show that it has been read and approved (b) to confirm that (a letter) has been received; **to acknowledge service** = to confirm that a legal document (such as a writ) has been received

◇ **acknowledgement** *noun* act of acknowledging; **acknowledgement of service** = document whereby a defendant confirms that a writ or a legal document has been received and that he intends to defend the case

**acquit** *verb* to set a person free because he has been found not guilty; *he was acquitted of the crime; the court acquitted two of the accused*

NOTE: **acquitting - acquitted** Note also that you acquit someone of a crime

◇ **acquittal** *noun* act of acquitting someone of a crime; *after his acquittal he left the court smiling*

**act 1** *noun* (a) statute which has been approved by a law-making body (in Great Britain, by Parliament); **Act of Parliament** = decision which has been approved by Parliament and so becomes law; **Companies Act** = British Act which rules how companies should do their business; **Finance Act** = annual Act of the British Parliament which gives the government power to raise taxes as proposed in the budget (NOTE: use **under** when referring to an Act of Parliament: **a creditor seeking a receiving order under the Bankruptcy Act; she does not qualify under section 2 of the 1979 Act**) (b) act of God = natural disaster which you do not expect to happen, and which cannot be avoided (such as a storm or a flood) (NOTE: acts of God are usually not covered by an insurance policy) **2 verb** (a) to work; *to act as an agent for an American company; to act for someone or to act on someone's behalf* (b) to do something; *the lawyers are acting on our instructions; to act on a letter* = to do what a letter asks to be done

COMMENT: before an Act becomes law, it is presented to Parliament in the form of a Bill. See notes at Bill.

**action** *noun* (a) thing which has been done; **to take action** = to do something (b) **court action** = civil case in a law court where a person sues another person; **letter before action** = letter

written by a lawyer to give a party the chance to pay his client before he sues; **action in personam** = court case in which one party claims that the other should do some act or should pay damages; **action in rem** = court case in which one party claims property or goods in the possession of the other; **action in tort** = case brought by a plaintiff who alleges he has suffered damage or harm caused by the defendant; **to take legal action** = to begin a legal case (such as to instruct a solicitor or to sue someone); **action for damages; action for libel or libel action; to bring an action for damages against someone; chose in action** = personal right which can be enforced or claimed as if it were a property (such as a patent or copyright); **civil action** = case brought by a person or company (the plaintiff) against someone who is alleged to have harmed them (the defendant); **US class action** = legal action brought on behalf of a group of people; **criminal action** = case brought usually by the state against someone who is charged with a crime; **personal action** = (i) legal action brought by a person himself; (ii) common law term for an action against a person arising out of a contract or tort

◇ **actionable** *adjective* (writing or speech or act) which could provide the grounds for bringing an action against someone; **torts which are actionable per se** = torts which are in themselves sufficient grounds for bringing an action without the need to prove that damage has been suffered

◇ **active** *adjective* working or busy; **active partner** = partner who works in the firm

◇ **activist** *noun* person who works actively for a political party (usually a person who is in disagreement with the main policies of the party or whose views are more extreme than those of the mainstream of the party); *the meeting was disrupted by an argument between the chairman and left-wing activists; party activists have urged the central committee to adopt a more radical approach to the problems of unemployment*

**actual** *adjective* real; **actual bodily harm** (ABH) = assault which causes injury to the victim; (insurance) **actual loss or damage** = real loss or damage which can be shown to have been suffered; **actual total loss** = loss where the thing insured has been destroyed or damaged beyond repair; **actual notice** = real knowledge which someone has of something; **actual value** = real value of something if sold on the open market

**actuary** *noun* person employed by an insurance company to calculate premiums

◇ **actuarial** *adjective* calculated by an actuary; *the premiums are worked out according to actuarial calculations; actuarial tables* = lists showing how long people of

certain ages are likely to live, used to calculate life assurance premiums

**actus reus** *Latin phrase meaning 'guilty act': act which is forbidden by the criminal law, one of the two elements of a crime; compare MENS REA. See note at CRIME*

**addict** *noun drug addict* = person who is physically and mentally dependent on taking drugs regularly

◇ **addicted** *adjective* **addicted to alcohol or drugs** = being unable to live without taking alcohol or drugs regularly

◇ **addiction** *noun drug addiction* = being mentally and physically dependent on taking a drug regularly

**additional member** *noun* electoral system used in Germany, where half the parliament is elected by the first-past-the-post system, and the other half by a party list system, giving additional members to represent each party's national vote

**address 1** *noun (a)* details of number, street and town where an office is or where a person lives; **address for service** = address where court documents (such as pleadings) can be sent to a party in a case **(b)** formal speech; *in his address to the meeting, the mayor spoke of the problems facing the town*; **humble address** = formal communication from one or both Houses of Parliament to the Queen; **address of thanks** = formal speech, thanking someone for doing something (such as thanking a VIP for opening a new building or thanking the Queen for reading the Queen's Speech); **debate on the address** = debate after the Queen's Speech at the Opening of Parliament, where the motion is to present an address of thanks to the Queen, but the debate is in fact about the government's policies as outlined in the Queen's Speech **2 verb (a)** to write the details of an address on an envelope, etc.; *an incorrectly addressed package* **(b)** to speak to; *the defendant asked permission to address the court*; *the Leader of the Opposition will address the meeting* **(c)** to speak about a particular issue; *he then addressed the question of government aid to universities*; *to address oneself to a problem* = to deal with a particular problem; *the government will have to address itself to problems of international trade*

**adduce** *verb* to bring before the court; to adduce evidence = to bring evidence before a court

**adeem** *verb* to remove a legacy from a will (because the item mentioned no longer exists (as when the person who made the will sells the item before he dies)

◇ **ademption** *noun* removing a legacy from a will, because the item concerned no longer exists

**adequate** *adjective* large enough; to operate without adequate cover = to act without being protected by insurance; he made adequate provision for his wife = in his will he left his wife enough money to live on

**ad hoc** *Latin phrase meaning 'for this particular purpose'*; an **ad hoc committee** = a committee set up to study a particular problem; see also **STANDING**

**ad idem** *Latin phrase meaning 'in agreement'*

**adjective law** *noun* law which refers to legal practices and procedures

**adjoin** *verb (of a property)* to touch another property; *the developers acquired the old post office and two adjoining properties*; *the fire spread to the adjoining property*

**adjourn** *verb* to stop a meeting for a period; to put off a legal hearing to a later date; *to adjourn a meeting*; *the chairman adjourned the tribunal until three o'clock*; *the meeting adjourned at midday*; *the appeal was adjourned for affidavits to be obtained*; *the hearing was adjourned sine die* = the hearing was adjourned without saying when it would meet again; *the House stands adjourned* = the sitting of the House of Commons is adjourned and will resume on the following day

◇ **adjournment** *noun (a)* act of adjourning; time when a meeting has been adjourned; *the adjournment lasted two hours*; *the defendant has applied for an adjournment* **(b)** act of ending a sitting of the House of Commons or House of Lords or House of Representatives or Senate, which will reconvene on the following day; **motion for adjournment of the debate** = motion to adjourn a debate (which has the effect of killing the motion being debated); **motion for the adjournment of the House** = motion to adjourn a sitting until the following day; **adjournment debate or debate on the adjournment** = debate in the House of Commons on a motion to adjourn the sitting, used by backbench MPs to raise points of particular interest to themselves; **adjournment sine die** = adjournment without fixing a date for the next meeting (used in the US Congress to end a session); **US adjournment to a day certain** = motion to adjourn a sitting of Congress to a certain stated day

**adjudicate** *verb* to give a judgment between two parties in law; to decide a legal problem; *to adjudicate a claim*; *to adjudicate in a dispute*; *magistrates may be paid expenses when*

**adjudicating**; he was **adjudicated bankrupt** = he was declared legally bankrupt

◇ **adjudication** *noun* act of giving a judgment or of deciding a legal problem; **adjudication order** or **adjudication of bankruptcy** = order by a court making someone bankrupt; **adjudication tribunal** = group which adjudicates in industrial disputes

◇ **adjudicator** *noun* person who gives a decision on a problem; **an adjudicator in an industrial dispute**

**adjust** *verb* to change something to fit new conditions, especially to calculate and settle an insurance claim

◇ **adjuster** *noun* person who calculates losses for an insurance company; **average adjuster** or **loss adjuster** = person who calculates how much is due to the insured when he makes a claim under his policy

◇ **adjustment** *noun* act of adjusting; slight change; **average adjustment** = calculation of the share of cost of damage or loss of a ship

◇ **adjustor** *noun* = ADJUSTER

**ad litem** *Latin phrase meaning* 'referring to the case at law'; **guardian ad litem** = person who acts on behalf of a minor who is a defendant in a court case

**administer** *verb* (a) to administer justice = to provide justice; to administer an oath = to make someone swear an oath (b) to organize or to manage; **he administers a large pension fund** (c) to give someone a medicine or a drug; **she was accused of administering a poison to the old lady**

◇ **administration** *noun* (a) the administration of justice = providing justice (b) organization or control or management, especially the management of the affairs of someone who has died; **letters of administration** = document given by a court to allow someone to deal with the estate of a person who has died without leaving a will or where the executor appointed under the will cannot act (NOTE: not used in the singular) ; **administration bond** = oath sworn by an administrator that he will pay the state twice the value of the estate being administered, if it is not administered in accordance with the law; **administration order** = order by a court, appointing someone to administer the estate of someone who is not able to meet the obligations of a court order (c) government; **the Act became law under the previous administration**; **she was Minister of Education in the last administration**

◇ **administrative** *adjective* referring to administration; **administrative law** = laws which regulate how government organizations affect the lives and property of individuals, **administrative tribunal** or **US administrative hearing** = tribunal which decides in cases

where government regulations affect and harm the lives and property of individuals

◇ **administrator** *noun* (a) person who arranges the work of other employees in a business so that the business functions well (b) person appointed by a court to represent a person who has died without making a will or without naming executors, and who is recognized in law as able to manage the estate

◇ **administratrix** *noun* woman appointed by a court to administer the estate of a person who has died

**Admiralty** *noun* British government office which is in charge of the Navy; **Admiralty Court** = court which decides in disputes involving ships; **Admiralty law** = law relating to ships and sailors, and actions at sea

**admissible** *adjective* (evidence) which a court will admit or will allow to be used; **the documents were not considered relevant to the case and were therefore not admissible**

◇ **admissibility** *noun* being admissible; **the court will decide on the admissibility of the evidence**

**admission** *noun* (a) allowing someone to go in **there is a £1 admission charge**; **admission is free on presentation of this card**; **free admission on Sundays** (b) making a statement that you agree that certain facts are correct or saying that something really happened (c) (in civil cases) facts which are admitted by both parties before the case starts

**admit** *verb* (a) to allow someone to go in; **children are not admitted to the bank**; **old age pensioners are admitted at half price** (b) to allow someone to practise as a solicitor; **he was admitted in 1978** (c) to allow evidence to be used in court; **the court agreed to admit the photographs as evidence** (d) to agree that an allegation is correct; to say that something really happened; **he admitted his mistake or his liability**; **she admitted having stolen the car**; **he admitted to being in the house when the murder took place**

**NOTE** **admitted** - **admitting**. Note also that you admit **to** something, or admit **having done** something

**adopt** *verb* (a) to become the legal parent of a child who was born to other parents (b) to agree to (something); to accept (something) so that it becomes law; **to adopt a resolution**; **the proposals were adopted unanimously**

◇ **adoption** *noun* (a) act of becoming the legal parent of a child which is not your own; **adoption order** = order by a court which legally transfers the rights of the natural parents to the adoptive parents; **adoption proceedings** = court action to adopt someone (b) act of

agreeing to something so that it becomes legal;  
*he moved the adoption of the resolution*

◇ **adoptive** *adjective* **adoptive child** = child who has been adopted; **adoptive parent** = person who has adopted a child

COMMENT: if a child's parents divorce, or if one parent dies, the child may be adopted by a step-father or step-mother

**adult** *noun* person who is eighteen years old or who has reached majority

**adulteration** *noun* adding material to food for sale, which makes it dangerous to eat or drink

**adultery** *noun* sexual intercourse by consent between a married person and someone of the opposite sex who is not that person's spouse; *his wife accused him of committing adultery with Miss X*

◇ **adulterous** *adjective* referring to adultery; *he had an adulterous relationship with Miss X*

**ad valorem** *Latin phrase* meaning 'according to value'; **ad valorem duty** or **ad valorem tax** = tax calculated according to the value of the goods taxed

**advance** 1 *noun* (a) money paid as a loan or as a part of a payment which is to be completed later; *a cash advance; to receive an advance from the bank; an advance on account; to make an advance of £100 to someone* (b) *in advance* = early; before something happens; *to pay in advance; freight payable in advance* (c) *early; advance booking; advance payment; you must give seven days' advance notice of withdrawals from the account* 2 *verb* (a) to lend (money); *the bank advanced him £10,000 against the security of his house* (b) to increase; *prices generally advanced on the stock market* (c) to make something happen earlier; *the date of the hearing has been advanced to May 10th*

◇ **advancement** *noun* money or goods given by a parent to a child which the child would inherit in any case if the parent died; **power of advancement** = power of a trustee to advance funds from a trust to a beneficiary

**advantage** *noun* something useful which may help you to be successful; *to learn something to your advantage* = to hear news which is helpful to you, especially to hear that you have been left a legacy; **obtaining a pecuniary advantage by deception** = offence of deceiving someone so as to derive a financial benefit

**adversary** 1 *noun* opponent, the other side (in a court case) 2 *adjective* **adversary procedure** = ACCUSATORIAL PROCEDURE

**adverse** *adjective* (a) contrary or which goes against one party; **adverse possession** = occupation of property (such as by squatters) contrary to the rights of the real owner (b) **adverse party** = the opponent, the other side (in a court case); **adverse witness** = hostile witness, a witness called by a party, whose evidence goes unexpectedly against that party and who can then be cross-examined by his own side as if he were giving evidence for the other side

**advert** *verb* to refer to; *this case was not adverted to in Smith v. Jones Machines Ltd*

**advice** *noun* (a) **advice note** = written notice to a customer giving details of goods ordered and shipped but not yet delivered; **as per advice** = according to what is written on the advice note (b) **opinion** as to what action should be taken; **to take legal advice** = to ask a lawyer to advise about a problem in law; **counsel's advice** = opinion of a barrister about a case; *we sent the documents to the police on the advice of the solicitor or we took the solicitor's advice and sent the documents to the police*

**advise** *verb* (a) to tell someone what has happened; *we are advised that the shipment will arrive next week* (b) to suggest to someone what should be done; *we are advised to take the shipping company to court; the solicitor advised us to send the documents to the police*

◇ **advise against** *verb* to suggest that something should not be done; *the bank manager advised against closing the account; our lawyers have advised against suing the landlord*

◇ **adviser** or **advisor** *noun* person who suggests what should be done; *he is consulting the company's legal adviser*; **financial adviser** = person or company which gives advice on financial problems for a fee

◇ **advisory** *adjective* as an adviser; *he is acting in an advisory capacity*; **an advisory board** = a group of advisers; **GB the Advisory Conciliation and Arbitration Service (ACAS)** = government body which assists in settling industrial and employment disputes

**advocacy** *noun* (i) skill of pleading a case orally before a court; (ii) support for a cause; *his advocacy of the right of illegal immigrants to remain in the country*

**advocate** 1 *noun* (in Scotland) barrister; *US lawyer*; **Faculty of Advocates** = legal body to which Scottish barristers belong; **Judge Advocate-General** = lawyer appointed by the state to advise on all legal matters concerning the army 2 *verb* to suggest (a course of action)

◇ **Advocate General** *noun* (a) one of the two Law Officers for Scotland (b) (in the European Court of Justice) officer of the court who

summarizes and presents a case to the judges to assist them in coming to a decision

**advowson** *noun* right to nominate a person to be a parish priest

**affair** *noun* (a) business or dealings; *are you involved in the copyright affair? his affairs were so difficult to understand that the lawyers had to ask accountants for advice* (b) adulterous relationship, a sexual relationship where one party (or both parties) is married to someone else; to have an affair with someone = to commit adultery

**affection** *noun* love (for another person); see also ALIENATION

**affidavit** *noun* written statement which is signed and sworn before a solicitor and which can then be used as evidence in court hearings

**affiliation** *noun* **affiliation order** = court order which makes the father of an illegitimate child pay for the child's maintenance; **affiliation proceedings** = court case to order the father of an illegitimate child to provide for the child's maintenance

**affirm** *verb* (a) to state that you will tell the truth, but without swearing an oath; *some of the new MPs affirmed, instead of swearing the oath of allegiance* (b) to confirm that something is correct

◇ **affirmation** *noun* (a) statement in court that you will say the truth, though this is not sworn on oath (a) statement by an MP, showing his allegiance to the Queen (when he does not wish to take the Oath of Allegiance on religious or other grounds)

◇ **affirmative** *adjective* meaning 'Yes'; the answer was in the affirmative = the answer was 'Yes'; **US affirmative action** = policy of avoiding discrimination against groups in society who have a disadvantage (such as handicapped people, etc.)

NOTE: the GB equivalent is 'equal opportunity'

**affix** *verb* to attach something (such as a signature) to a document

**affray** *noun* public fight which frightens other people

COMMENT: a person is guilty of affray if he uses or threatens to use unlawful violence towards another, and his conduct is such that a reasonable person who happened to be present might fear for his safety

**aforementioned** *adjective* which has been mentioned earlier; *the aforementioned company*

**aforesaid** *adjective* said earlier; as aforesaid = as was stated earlier

**aforethought** *adjective* with malice **aforethought** = with the intention of committing a crime (especially murder)

**a fortiori** *Latin phrase* meaning 'for a stronger reason'; *if the witness was present at the scene of the crime, then a fortiori he must have heard the shot*

**age** *noun* number of years someone has lived; see CONSENT, DISCRIMINATION

**agency** *noun* (a) (i) arrangement where one person or company acts on behalf of another person in contractual matters; (ii) office or job of representing another company in an area; *they signed an agency agreement or an agency contract* (b) branch of government; *the Atomic Energy Agency; a counter-intelligence agency*

**agenda** *noun* list of things to be discussed at a meeting; *the committee meeting agenda or the agenda of the committee meeting; after two hours we were still discussing the first item on the agenda; the Secretary put finance at the top of the agenda*

**agent** *noun* (a) person who represents a company or another person in matters relating to contracts; **land agent** = person who manages a farm or large area of land for someone (b) person in charge of an agency; **advertising agent; estate agent; travel agent; commission agent** = agent who is paid by commission, not by fee (c) person who works for a government agency, especially in secret; **secret agent** = person who tries to find out information in secret about other countries or other governments or other armed forces

◇ **Agent-General** *noun* official representative of a provincial government of a Commonwealth country in another Commonwealth country; *the Agent-General for Quebec in London*

◇ **agent provocateur** *French words* meaning 'agent who provokes'; person who provokes others to commit a crime (often by taking part in it himself) in order to find out who is not reliable or in order to have his victim arrested

**aggravation** *noun* something (usually the carrying of a weapon) which makes a crime more serious

◇ **aggravated** *adjective* made worse; **aggravated assault** = assault causing serious injury or carried out in connection with another serious crime; **aggravated burglary** = burglary where guns or other weapons are used; **aggravated damages** = damages awarded by a court against a defendant who has behaved maliciously or wilfully

**aggrieved** *adjective* (party) who has been damaged or harmed by a defendant's actions

**AGM** = ANNUAL GENERAL MEETING

**agree** *verb* (a) to approve; *the figures were agreed between the two parties; terms of the contract are still to be agreed* (b) to say 'yes', to accept; *it has been agreed that the lease will run for twenty-five years; after some discussion he agreed to our plan; the bank will never agree to lend the company £250,000* (c) to agree to do something = to say that you will do something  
NOTE: you agree to or on a plan or agree to do something

◇ **agree with** *verb* (a) to say that your opinions are the same as someone else's (b) to be the same as; *the witness' statement does not agree with that of the accused*

◇ **agreed** *adjective* which has been accepted by everyone; *an agreed amount; on agreed terms or on terms which have been agreed upon*

◇ **agreement** *noun* document setting out the contractual terms agreed between two parties or contract between two parties where one party makes an offer, and the other party accepts it; *written agreement; unwritten or verbal agreement; to draw up or to draft an agreement; to break an agreement; to sign an agreement; to witness an agreement; an agreement has been reached or concluded or come to; to reach an agreement or to come to an agreement on prices or salaries; an international agreement on trade; collective wage agreement; an agency agreement; a marketing agreement; blanket agreement* = agreement which covers many different items; *exclusive agreement* = agreement where a company is appointed sole agent for a product in a market; *shareholders' agreement* = agreement showing the rights of shareholders in a company; *agreement in principle* = agreement with the basic conditions of a proposal; *gentleman's agreement* = verbal agreement between two parties who trust each other

COMMENT: a gentleman's agreement is not usually enforceable by law

**aid** 1 *noun* help; **Legal Aid** = British government scheme whereby a person with very little money can have legal representation and advice paid for by the state; *to pray in aid* = to rely on something when pleading a case; *I pray in aid the Statute of Frauds in support of the defendant's case* 2 *verb* to help; *to aid and abet* = to help and encourage someone to commit a crime

◇ **aiding and abetting** *noun* offence of helping and encouraging someone to commit a crime

cf. k. a. = ALSO KNOWN AS

al. see ET AL.

**aleatory** *adjective* not certain; which carries a risk; **aleatory contract** = bargain (such as a wager) where what is done by one party depends on something happening which is not certain to happen

**alia** see ET ALIA, INTER ALIA

**alias** 1 *noun* name which you take to hide your real name; *the confidence trickster used several aliases* 2 *adverb* otherwise known as or using the name of; *John Smith, alias Reginald Jones*

**alibi** *noun* plea that a person charged with a crime was somewhere else when the crime was committed

**alien** *noun* person who is not a citizen of a country; (in the UK) person who is not a UK citizen, not a citizen of a Commonwealth country and not a citizen of the Republic of Ireland; **resident alien** = alien who has permission to live in a country without having citizenship; **undesirable alien** = person who is not a citizen of a country, and who the government considers should not be allowed to stay in the country; *she was declared an undesirable alien and deported*

**alienation** *noun* the transfer of property (usually land) to someone else; **alienation of affection** = making one of the partners in a marriage stop loving the other

**alieni juris** *Latin phrase* meaning 'of another's right': a person (such as a minor) who has a right under the authority of a guardian; compare SUI GENERIS

**alimony** *noun* money which a court orders a husband to pay regularly to his separated or divorced wife; **alimony pending suit** or **pendente lite** = money paid by a husband to his wife while their divorce case is being prepared; see also PALIMONY (NOTE: in GB English is usually referred to as **maintenance**)

COMMENT: can occasionally be applied to a wife who is ordered to support her divorced husband

**all: on all fours with** = exactly similar to; *this case is on all fours with Donoghue v. Stevenson*

**All England Law Reports (All E.R.)** *plural noun* reports of cases in the higher courts

**allege** *verb* to state (usually in evidence) that something has happened or is true; *the*

*prosecution alleged that the accused was in the house when the crime was committed*

◇ **allegation** *noun* statement (usually in evidence) that something has happened or is true

**allegiance** *noun* obedience to the State or the Crown; **oath of allegiance** = oath which is sworn to put the person under the orders or rules of a country or an army, etc.; *he swore an oath of allegiance to the new president*

**All E. R.** = ALL ENGLAND LAW REPORTS

**allocate** *verb* to divide (something) in various ways and share it out

◇ **allocation** *noun* (a) dividing a sum of money in various ways; *allocation of funds to research into crime* (b) share allocation or allocation of shares = spreading a small number of shares among a large number of people who have applied for them

◇ **allocatur** *Latin word meaning* 'it is allowed': court document confirming the amount of costs to be paid by one party to another after a court action

**allocution** *noun* US request by the judge to a person who has been found guilty, asking him if he wants to say anything on his own behalf before sentence is passed

**allot** *verb* to share out; to allot shares = to give a certain number of shares to people who have applied for them

NOTE: allotting - allotted

◇ **allotment** *noun* (a) sharing out funds by giving money to various departments (b) giving some shares in a new company to people who have applied to buy them

**allow** *verb* (a) to say that someone can do something; *the law does not allow you to drive on the wrong side of the road*; *begging is not allowed in the station*; *visitors are not allowed into the prisoners' cells* (b) to give (someone) time or a privilege; *the court adjourned to allow the prosecution time to find the missing witness*; *you are allowed thirty days to pay the fine* (c) to agree or to accept legally; *to allow a claim or an appeal*

◇ **allow for** *verb* to give a discount for or to add an extra sum to cover something; *delivery is not allowed for* = delivery charges are not included; *allow twenty-eight days for delivery* = calculate that delivery will take at least 28 days

◇ **allowable** *adjective* legally accepted; *allowable expenses* = expenses which can be claimed against tax

◇ **allowance** *noun* (a) money which is given for a special reason; *travel allowance* or *travelling allowance*; *foreign currency allowance*; *cost-of-living allowance* = addition

to normal salary to cover increases in the cost of living (b) *personal allowances* = part of a person's income which is not taxed; *allowances against tax or tax allowances*; *wife's earned income allowance* = tax allowance to be set against money earned by the wife of the main taxpayer (c) proportion of money removed; *to make an allowance for legal expenses* or *an allowance for exchange loss*

**alteram** *see* AUDI

**alteration** *noun* change made to a legal document, such as a will, which usually has the effect of making it invalid

**alternative** *noun & adjective* **pleading in the alternative** or *US alternative pleading* = making two or more pleadings which are mutually exclusive

◇ **alternative vote (AV)** *noun* system of voting used in Australia, where voters show their preferences on the ballot paper by marking candidates with numbers 1, 2, 3, 4, etc.; if a candidate does not get 50% of the votes, the votes for the candidates with the lowest polls are redistributed to the candidates shown as second preferences on their papers, and so on, until a candidate gets 50%; *see also* SECOND BALLOT

**ambassador** *noun* person who is the highest level of diplomat representing his country in another country; *she is the wife of the Spanish Ambassador*; *our ambassador in France*; *the government has recalled its ambassador for consultations*

◇ **ambassadorial** *adjective* referring to an ambassador; *the ambassadorial Rolls-Royce*

◇ **ambassadors** *noun* (a) woman ambassador (b) ambassador's wife

**ambiguous** *adjective* (words) which can mean two or more things or which can be misleading; *the wording of the clause is ambiguous and needs clarification*

◇ **ambiguity** *noun* (a) being ambiguous (b) words which are ambiguous; *latent ambiguity* = words in a contract which can mean two or more things, but which do not appear to be misleading at first sight

**amend** *verb* to change; *please amend your copy of the contract accordingly*

◇ **amendment** *noun* (a) change made in a document; *to propose an amendment to the draft agreement*; *to make amendments to a contract* (b) change proposed to a Bill which is being discussed in Parliament

◇ **amends** *plural noun* to make amends = to do something to compensate for damage or harm done; *offer of amends* = offer (by a libeller) to write an apology



**American Bar Association (ABA)** *noun* association of lawyers practising in the USA

**amicus curiae** *Latin phrase meaning* 'friend of the court': lawyer who does not represent a party in a case but who is called upon to address the court to help clear up a difficult legal point or to explain something which is in the public interest

**amnesty** 1 *noun* pardon, often for political crimes, given to several people at the same time; **general amnesty** = pardon granted to all prisoners 2 *verb* to grant convicted persons a pardon; *they were amnestied by the president*

**anarchy** *noun* absence of law and order, because the government has lost control or because there is no government; *when the president was assassinated, the country fell into anarchy*

◇ **anarchic** or **anarchical** *adjective* with no law or order; *the anarchical state of the country districts after the coup*

◇ **anarchism** *noun* belief that there should be no government or control of people by the state

◇ **anarchist** *noun* person who believes in anarchism

COMMENT: anarchism flourished in the latter part of the 19th and early part of the 20th century. Anarchists believe that there should be no government, no army, no civil service, no courts, no laws, and that people should be free to live without anyone to rule them

**ancestor** *noun* person living many years ago from whom someone is descended; **common ancestor** = person from whom two or more people are descended; *Mr Smith and the Queen have a common ancestor in King Charles II*

**ancient lights** *plural noun* claim by the owner of a property that he has the right to enjoy light in his windows, which light must not be blocked by a neighbour's buildings

**ancillary** *adjective* which gives help or support; **ancillary relief** = financial provision or adjustment of property rights ordered by a court for a spouse or child in divorce proceedings

**animus** *noun* intention; **animus cancellandi** = the intention to cancel; **animus furandi** = the intention to steal; **animus manendi** = the intention to stay (in a place); **animus revocandi** = the intention to revoke (a will)

NOTE: when used to mean 'with the intention of', use **animus**: **animus revocandi** = with the intention of revoking a will

**annexe** or **annex** 1 *noun* document added or attached to a contract 2 *verb* (a) to attach (a document) (b) to take possession of a territory which belongs to another state and attach it to your country, so taking full sovereignty over the territory; *the island was annexed by the neighbouring republic; the war was caused by a dispute over the annexing of a strip of land*

◇ **annexation** *noun* act of annexing a territory

**annual** *adjective* for one year; **Annual General Meeting (AGM)** = meeting of the shareholders of a company which takes place once a year to approve the accounts; **annual return** = form to be completed by each company once a year, giving details of the directors and the financial state of the company; **on an annual basis** = each year

◇ **annually** *adverb* each year; *the figures are revised annually*

**annuity** *noun* money paid each year to a person, usually as the result of an investment; *he has a government annuity or an annuity from the government; to buy or to take out an annuity*

◇ **annuitant** *noun* person who receives an annuity

**annul** *verb* (i) to cancel or to stop something having any legal effect; (ii) to declare that something never existed or that something never had legal effect; *the contract was annulled by the court; their marriage has been annulled*

NOTE: **annulling** - **annulled**

◇ **annullable** *adjective* which can be cancelled

◇ **annulling** 1 *adjective* which cancels; **annulling clause** 2 *noun* act of cancelling; *the annulling of a contract*

◇ **annulment** *noun* act of cancelling; **annulment of adjudication** = cancelling of an order making someone bankrupt; **annulment of marriage** = ending of a marriage, by saying that it never existed

**annum** *see* PER ANNUM

**answer** 1 *noun* (a) reply, a letter or conversation coming after someone else has written or spoken; *I am writing in answer to your letter of October 6th; my letter got no answer or there was no answer to my letter; I tried to phone his office but there was no answer* (b) formal reply to an allegation made in court, especially defence made by a respondent to a divorce petition 2 *verb* (a) to speak or write after someone has spoken or written to you; **to answer a letter** = to write a letter in reply to a letter which you have received; **to answer the telephone** = to lift the telephone when it rings and listen to what the caller is saying (b) to reply formally to an allegation made in court; **to answer charges** = to plead guilty or not guilty to a charge; **the**