

(第6版)

朗文法律词典

DICTIONARY OF

LAW Sixth Edition

L.B. 科尔森
L.B. Curzon



法律出版社
LAW PRESS

(第6版)

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出版说明

“朗文”是我国读者非常熟悉的英国词典品牌。

这部《朗文法律词典》在英国本土以及英美法系国家是学习法律专门用语不可或缺的工具书，是从事法律及相关工作的学者和其他人员的通常选择。本书从1997年首次出版，至今已多次重版、加印，在2002年出版了第六版。

《朗文法律词典》第六版秉持了以往版本的宗旨，即对英国法律的专有词汇提供指导，力求为法律专业学生和其他对法律理论和法律实践专业术语感兴趣的人提供一个便捷的工具。

词典所收入的词条大多是一些基本词汇，这些词汇来源于那些构成传统的英国法律研究中心的领域，诸如合同法、侵权行为法、宪法、土地法、家庭法、衡平法和信托法以及法理学，而法制史、证据学、程序法和欧共体法亦有所收录。词典引用制定法、法定文件、法律评论、法律专家的著作作为词条的基本定义、解释和说明。释文中参考的法令和案例可以给读者指引一条小径，沿着它可以对这些词汇和短语进行更深入的理解和探究，而正是这些词汇和短语构成了“流通的法律”。

本书作者L.B.科尔森(L.B. Curzon)是一位大律师，还是许多法律著作和文章的作者。他曾经做过本国和国外的法律讲师和法律院校的校长，他还是一些法律和经济考试委员会的成员。

希望这本书为更多不能亲赴国外学习的人提供一把了解外国法的钥匙。

Preface to the Sixth Edition

This sixth edition of the *Dictionary of Law* maintains the objective of previous editions, namely, the provision of a guide to the specialised vocabulary of English law, presented in a format intended to assist law students and others who are interested in the terminology of the theory and practice of law.

The content of the text is derived largely from the fundamental word stock in those subject areas which constitute the traditional core of legal studies – contract, torts, criminal law, constitutional law, land law, family law, equity and trusts, and jurisprudence. Legal history, evidence, procedure, and the law of the European Community are also represented. Statutes, statutory instruments, law reports, and the works of legal scholars are used so as to derive a basis for definitions, explanations and illustrations. The many references in the text to statutes and cases will enable students to progress along a path which can lead to a deeper investigation of the words and phrases which make up the very ‘currency of the law’.

Three years have passed since the publication of the fifth edition; developments in legislation have continued apace, and case law has mounted. This sixth edition includes additions to, and modifications of, the legal vocabulary, resulting from judicial decisions and statutes of major significance, such as Crime and Disorder Act 1998, Human Rights Act 1998, Access to Justice Act 1999, Employment Relations Act 1999, Immigration and Asylum Act 1999, Youth Justice and Criminal Evidence Act 1999, Financial Services and Markets Act 2000, Powers of Criminal Courts (Sentencing) Act 2000, and Private Security Industry Act 2001. Many of the changes in the vocabulary of civil procedure, introduced by the Civil Procedure Rules 1998, as amended, are noted. The Addendum records material which was inserted at the proof-reading stage.

Students will be aware that Parliament allows, in increasing measure, the use of delayed commencement provisions in relation to legislation. As far as possible, therefore, this edition states the law as it would be if all the affected statutes were fully in force.

I am grateful to the lawyers, lecturers and students who provided useful ideas concerning aspects of this new edition; to Patrick Bond and Verina Pettigrew of Pearson Education and freelance proof-reader Heather Palomino, for their assistance in the production of the text and to Ming-Wai Kong, LL.B., Barrister, for her help in research.

L. B. Curzon

L. B. Curzon is a barrister and author of many books and articles on legal topics. He has served as a law lecturer and college principal in this country and abroad and has been associated with several English examination boards in the subjects of Law and Economics.

A Companion Website accompanies
Dictionary of Law 6th Edition
by L. B. Curzon



Visit the *Dictionary of Law 6th Edition* Companion Website at
<http://www.booksites.net/macintyre> www.booksites.net/curzon to find
valuable material including:

- Updates from the author to ensure the dictionary is kept up-to-date
- Annotated web links relating to the subject of law
- Search for specific information on the site
- A syllabus manager for Lecturers that will build and host a course web page

How to use the Dictionary

Order of entries

The entries in this dictionary are arranged in *strict alphabetical order*. This may be illustrated by the following example of a series of entries:

privilege
privilege, absolute
privilege, claim of
privileged communication
privileged nature of judicial statements
privileged will
privilege, legal professional
privilege of witness
privilege, parliamentary
privilege, public policy
privilege, qualified

Cross references

Cross-reference is achieved by the use of the abbreviation q.v., which appears in brackets following words that are further explained elsewhere, and by words in small capital letters which stand at the conclusion of the particular entry. Thus, consider the following entry:

life estate. An estate for the life of the tenant (e.g. by express limitation, such as a grant 'to X for life') or by operation of law, or *autre vie* (q.v.)). See ESTATE.

After studying the entry above, further reference ought to be made to *autre vie* and, finally, *estate*.

Legal references

Many entries contain references to cases, statutes, statutory instruments, Law Commission Reports, etc. They have been included for those who wish to make an intensive study of the subject matter of the entries.

Abbreviated titles of law reports and journals

<i>Abbreviation</i>	<i>Reports/journal title</i>	<i>Date</i>
Abr Ca Eq	Equity Cases Abridged	1667–1744
AC	Appeal Cases	1891 to present
Ad & E	Adolphus & Ellis	1834–40
A & E	Adolphus & Ellis	1834–40
ALJ	Australian Law Journal	1927 to present
All ER	All England Law Reports	1936 to present
App Cas	Appeal Cases	1875–90
Atk	Atkyns	1736–55
B	Beavan	1838–66
B & A	Barnewall & Alderson	1817–22
B & Ad	Barnewall & Adolphus	1830–4
Bank LR	Banking Law Reports	1991 to present
Barn	Barnardiston	1726–34
Barn & Adol	Barnewall & Adolphus	1830–4
Barn & Ald	Barnewall & Alderson	1817–22
Barnard	Barnardiston	1726–34
Barn & Cress	Barnewall & Cresswell	1822–30
BC	British Columbia Law Reports	1867–1947
B & C	Barnewall & Cresswell	1822–30
BCC	Brown's Chancery Cases	1778–94
BCLC	Butterworth's Company Law Cases	1978 to present
B & CR	Bankruptcy and Companies Cases	1918–41
Beav	Beavan	1838–66
Bell	Bell	1842–50
Benl	Benloe	1530–1627
Bing	Bingham	1822–34
Bing NC	Bingham, New Cases	1834–40
Blackst	Blackstone	1746–80
Bli	Bligh	1819–21
Bli NS	Bligh, New Series	1826–37
B NC	Bingham, New Cases	1834–40
BPC	Brown's Parliamentary Cases	1702–1801
BPIC	Bankruptcy and Personal Insolvency Cases	1955 to present
BPIR	Bankruptcy and Personal Insolvency Reports	1996 to present
Brac	Bracton's Note Book	1217–40
Brod & B	Broderip & Bingham	1819–22
B & S	Best & Smith	1861–70
BTR	British Tax Review	1956 to present
Bulstr	Bulstrode	1610–38
Burr	Burrow	1756–72

BWCC	Butterworth's Workmen's Compensation Cases	1908-50
Can LR	Canadian Law Review	1901-7
Car & P	Carrington & Payne	1823-41
Cas Eq Abr	Equity Cases Abridged	1667-1744
CB	Common Bench	1845-56
CB NS	Common Bench, New Series	1856-65
CCC	Cox's Criminal Cases	1844-1941
CC Chron	County Courts Chronicle	1848-59
CCC Sess Pap	Central Criminal Court Session Papers	1834-1913
CCR	Crown Cases Reserved	1865-75
C & F	Clark & Finnelly	1831-46
Ch	Chancery	1891 to present
Ch App	Chancery Appeal Cases	1865-75
Ch D	Chancery Division	1875-90
C & K	Carrington & Kirwan	1843-53
Cl & F	Clark & Finnelly	1831-46
CLC	Commercial Law Cases	1952 to present
CLJ	Cambridge Law Journal	1921 to present
CLR	Commonwealth Law Reports	1903 to present
CLY	Current Law Year Book	1947 to present
C & M	Crompton & Meeson	1832-4
CMLR	Common Market Law Reports	1962 to present
Co	Coke	1572-1616
COD	Crown Office Digest	1988 to present
Com	Comyns	1695-1740
Com Cas	Commercial Cases	1895-1941
Com LR	Common Law Reports	1853-5
Const LJ	Construction Law Journal	1971 to present
Conv NS	Conveyancer & Property Law, New Series	1936 to present
Co Rep	Coke	1572-1616
Cox CC	Cox's Criminal Cases	1843-1941
Cox Cty CC	Cox's County Court Cases	1860-1919
C & P	Carrington & Payne	1823-41
C & R	Clifford & Rickards	1873-84
Cr App R	Criminal Appeal Reports	1908 to present
Crim LR	Criminal Law Review	1954 to present
Cro Car	Croke	1625-41
Cro Eliz	Croke	1582-1603
Cro Jac	Croke	1603-25
Cromp & M	Crompton & Meeson	1832-4
Curt	Curteis	1834-44

How to use the Dictionary

D & B	Dearsly & Bell	1856-8
D & Ch	Deacon & Chitty	1832-5
D & E	Durnford & East's Reports	1785-1800
DLR	Dominion Law Reports	1912 to present
DM & J	De Gex, MacNaghten & Gordon	1851-7
Doug	Douglas	1778-85
Dunn	Dunning	1753-4
Durn & E	Durnford & East's Reports	1785-1800
E	East's Term Reports	1800-12
EAT	Employment Appeals Tribunal Reports	1975 to present
E & B	Ellis & Blackburn	1851-8
E & E	Ellis & Ellis	1858-61
Ed CR	Education Case Reports	1998 to present
EG	Estates Gazette	1858 to present
EGCS	Estates Gazette Case Summaries	1998 to present
EGLR	Estates Gazette Law Reports	1994 to present
EMLR	Entertainment and Media Law Reports	1993 to present
Env LR	Environmental Law Reports	1999 to present
Eq	Equity Cases	1866-75
Eq Cas	Equity Modern Reports	1722-55
Esp	Espinasse	1793-1807
Eu LR	European Law Reports	1997 to present
Ex	Exchequer Reports	1847-56
Ex	Exchequer Cases	1865-75
Exch Rep	Exchequer Reports	1847-56
Ex D	Exchequer Division	1875-80
Fam	Family Division	1972 to present
Fam Law	Family Law	1971 to present
F & F	Foster & Finlayson	1856-67
FCR	Family Court Reports	1985 to present
FLR	Family Law Reports	1977 to present
For	Forrester's Chancery Reports	1735-8
Fost & Fin	Foster & Finlayson	1856-67
FSR	Fleet Street Patent Law Reports	1963 to present
Gal & Dav	Gale & Davison	1841-3
Giff	Gifford	1857-65
Gl & J	Glyn & Jameson	1819-28
Godb	Godbolt	1575-1638
H	Hare	1841-53
Hale Prec	Hale's Precedents	1475-1640
Hare	Hare	1841-53
H & C	Hurlstone & Coltman	1862-6
HL	House of Lords Appeals	1866-75
HL Cas	House of Lords Cases	1847-66

H & M	Hemming & Miller	1862-5
H & N	Hurlstone & Norman	1856-62
Hodg	Hodges	1835-7
Ho Lords C	House of Lords Cases	1847-66
Horn & H	Horn & Hurlstone	1838-9
Hurl and Nor	Hurlstone & Norman	1856-62
H & W	Harrison & Wollaston	1835-6
ICR	Industrial Cases Reports	1972 to present
IJ	Irish Jurist	1935 to present
ILJ	Industrial Law Journal	1972 to present
ILPR	Insolvency Law and Practice Reports	1985 to present
ILR	International Law Reports	1950 to present
Imm AR	Immigration Appeals Report	1970 to present
IR	Irish Reports	1838 to present
IRLR	Industrial Relations Law Reports	1972 to present
Ir LT	Irish Law Times	1867 to present
ITCLR	IT and Communications Law Reports	1997 to present
ITR	Industrial Tribunal Reports	1966 to present
Jac & W	Jacob & Walker	1819-20
Jenk Cent	Jenkins' Reports	1220-1623
JPN	Justice of the Peace & Local Government Reports	1837 to present
JPL	Journal of Planning Law	1948 to present
Jur	Jurist Reports	1837-54
Jur NS	Jurist Reports, New Series	1855-66
K	Kenyon	1753-9
KB (or QB)	King's or Queen's Bench	1841 to present
Keb	Keble	1661-79
Keny	Kenyon	1753-9
K & J	Kay & Johnson	1854-8
Ld Ken	Kenyon	1753-9
Ld Ray	Raymond	1694-1732
Lew	Lewin	1822-38
LGR	Local Government Reports	1903 to present
LJ Adm	Law Journal Reports, Admiralty	1866-75
LJ Bk	Law Journal Reports, Bankruptcy	1832-80
LJ Ch	Law Journal Reports, Chancery	1822-1946
LJ CP	Law Journal Reports, Common Pleas	1822-80
LJ Ecc	Law Journal Reports, Ecclesiastical	1865-75
LJ KB (QB)	Law Journal Reports, King's (Queen's) Bench	1831-1946
LJ OS	Law Journal Reports, Old Series	1822-31

How to use the Dictionary

LJ PC	Law Journal Reports, Privy Council	1865–1946
LJ PD & A	Law Journal Reports, Probate Divorce & Admiralty	1876–1946
LJ P & M	Law Journal Reports Probate & Matrimonial	1858–75
LI LR	Lloyd's List Law Reports	1919–50
Lloyd's Rep	Lloyd's List Law Reports	1951 to present
Lofft	Lofft's Reports	1772–4
LQR	Law Quarterly Review	1885 to present
LR	Law Reports	1865 to present
LR A & E	Law Reports, Admiralty & Ecclesiastical Cases	1865–75
LR CCR	Law Reports, Crown Cases Reserved	1865–75
LR Ch App	Law Reports, Chancery Appeal Cases	1865–75
LR CP	Law Reports, Common Pleas Cases	1865–75
LR Eq	Law Reports, Equity Cases	1865–75
LR Ex	Law Reports, Exchequer Cases	1865–75
LR HL	Law Reports, House of Lords	1865–75
LR PC	Law Reports, Privy Council Appeals	1865–75
LR P & D	Law Reports, Probate & Divorce Cases	1865–75
LR QB	Law Reports, Queen's Bench	1865–75
LR RP	Law Reports, Restrictive Practices Cases	1958 to present
LS Gaz	Law Society Gazette	1903 to present
LT	Law Times Reports	1859–1947
Lush	Lushington	1859–62
Madd	Maddock	1815–22
Mau & S	Maule & Selwyn	1813–17
Med LR	Medical Law Reports	1989 to present
M & C	Mylne & Craig	1835–41
M & G	Manning & Granger	1840–4
M & K	Mylne & Keen	1832–5
MLR	Modern Law Review	1937 to present
Mod Cas	Modern Cases	1702–45
Mod Rep	Modern Reports	1669–1755
Moo	Moody	1824–44
Moo	Moore	1817–27
Moo CC	Moody	1824–44
Moo & P	Moody & Payne	1827–31
Moo PC	Moore	1836–62
Morr	Morrell	1884–93
M & P	Moore & Payne	1827–31
M & S	Maule & Selwyn	1813–17

M & W	Meeson & Welsby	1836-47
Myl & Cr	Mylne & Craig	1835-41
Myl & K	Mylne & Keen	1832-5
Nev & M	Neville & Manning	1832-6
New Rep	New Reports	1862-5
NLJ	New Law Journal	1965 to present
N & McN	Neville & MacNamara	1855-1928
Not Cas	Thornton's Notes of Cases	1841-50
NPC	New Property Cases	1986 to present
NR	New Reports	1862-5
NSWLR	New South Wales Law Reports	1880-1900
NSWSR	New South Wales State Reports	1901 to present
NZLR	New Zealand Law Reports	1883 to present
P	Probate	1891-1971
P & CR	Planning & Compensation Reports	1949 to present
PD	Probate Division	1875-90
P D & A	Probate, Divorce & Admiralty	1875-90
Pea	Peake	1790-4
Per & D	Perry & Davison	1838-41
Phil Ecc R	Phillimore's Reports	1809-21
PIQR	Personal Injuries and Quantum Reports	1992 to present
Pl	Plowden's Commentaries	1550-80
PLR	Planning Law Reports	1988 to present
Pr	Price	1814-24
QB (or KB)	Queen's or King's Bench	1841 to present
QBD	Queen's Bench Division	1875-90
Qd R	Queensland Law Reports	1958 to present
Rep	Coke	1572-1616
RHC	Road Haulage Cases	1950 to present
R & IT	Rating & Income Tax Reports	1924-60
Rom	Romilly's Notes on Cases	1767-87
RPC	Reports of Patents Cases	1884 to present
RTR	Road Traffic Reports	1970 to present
Russ	Russell	1823-9
Russ & M	Russell & Mylne	1829-31
Russ & R	Russell & Ryan	1799-1824
R & VR	Rating & Valuation Reports	1960 to present
Ry & M	Ryan & Moody	1823-6
Salk	Salkeld	1689-1712
SALR	South African Law Reports	1948 to present
SASR	South Australian State Reports	1921 to present
SC	Session Cases	1906 to present
Sc	Scott	1834-40
SCC	Select Cases in Chancery	1724-33

How to use the Dictionary

Scot Jur	Scottish Jurist	1829–73
Sim	Simons	1826–52
SJ	Solicitor's Journal	1857 to present
SLT	Scots Law Times	1893 to present
Sol	The Solicitor	1934 to present
S & S	Simons & Stuart	1822–6
STC	Simons' Tax Cases	1972 to present
St Tr	State Trials	1163–1820
St Tr NS	State Trials, New Series	1820–58
Swan	Swanston	1818–19
Tal	Talbot's Cases in Equity	1733–8
Taun	Taunton	1807–19
TC	Tax Cases	1875 to present
TLR	Times Law Reports	1884 to present
Tot	Tothill	1559–1646
TR	Taxation Reports	1939 to present
TR	Term Reports	1785–1800
Tyr	Tyrwhitt	1830–5
UKCLR	UK Competition Law Reports	1980 to present
VATTR	Value Added Tax Tribunal Reports	1973 to present
Ves & B	Vesey & Beames	1812–14
Ves Jr	Vesey Junior	1789–1817
Ves Sen	Vesey Senior	1747–56
VLR	Victoria Law Reports	1875 to present
W Bl	Blackstone	1746–80
Wilm	Wilmot's Case Notes	1757–70
WLR	Weekly Law Reports	1953 to present
Wm Bl	Blackstone	1746–80
WN	Weekly Notes	1866–1952
WR	Weekly Reporter	1853–1906
W & W	Wyatt & Webb	1861–3
Y & C	Younge & Collyer	1834–43

A

Aarhus Convention. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998. See F.I.A. 2000, s 74(1).

abandonment. 1. Surrender or relinquishing of a chattel, right or claim, with the intention of not reclaiming it. 2. A claim (q.v.) is considered abandoned when a notice of discontinuance is served: see CPR, r 38.1(2). 3. In the case of a constructive total loss (q.v.) in marine insurance, the assured may abandon the subject matter to the insurer and treat the loss as if it were an actual total loss, after giving notice of abandonment. See Marine Insurance Act 1906, s 61. 4. Abandonment of a child means leaving it to its fate: *Watson v Nikolaisen* [1955] 2 QB 286. 5. Cessation of activities concerning use of land with no intention of their being resumed at any particular time: see *Pioneer Aggregates v Secretary of State for the Environment* [1984] 2 All ER 731; *Hughes v Secretary of State for the Environment* (2000) *The Times*, 18 February (objective test); T.C.P.A. 1971, s 33(1).

abatement. 1. Termination, decline, reduction. 2. Abatement of debts refers to proportionate reduction of payments where a fund cannot meet claims. 3. Abatement of legacies (q.v.) refers to receipt by legatees of only a fraction, or none, of their legacies when assets are insufficient to pay legacies in full. Pecuniary or general legacies abate proportionately before specific legacies. 4. Abatement of nuisances (q.v.) refers to their removal. Abatement notices may be served by a local authority in respect of a statutory nuisance: En.P.A. 1990, s 80(1); *Lowe v S. Somerset DC* [1997] EGCS 113; *R v Knightsbridge Crown Court ex p Cataldi* [1999] Env LR 62; *Hewlings v McLean Homes Ltd* (2000) *The Times*, 31 August (service of notice under s 160).

abdication. Voluntary renunciation of an office. See Declaration of Abdication Act 1936 (concerning Edward VIII).

abduction. Wrongful leading away of a person, usually involving fraud or force. It is an offence under S.O.A. 1956, s 20, to abduct an unmarried girl under 16 from her parent or guardian. See *R v Tegerdine* (1982) 75 Cr App R 298.

abduction, child. It is an offence for a person 'connected with a child under 16' (e.g., parent or guardian) to take or send the child out of the UK 'without the appropriate consent': Child Abduction Act 1984, s 1, as amended by Family Law Act 1986, s 65; *R v Dean* [2000] 2 Cr App R(S) 253; *R v Nelmes* (2001) *The Times*, 6 February (attempted abduction sentence). For the offence of abduction of a child by other persons, see s 2. See also Child Abduction and Custody Act 1985, as amended by Family Law Act 1986, s 67 (providing a civil procedure for securing the return of children taken abroad without permission); Ch.A. 1989, s 49 (abduction of child in care). See *Re W (Abduction: Father's Rights)* [1999] Fam 1; *Re M (Abduction)* [2000] 1 FLR 930.

abduction, child, Hague Convention and. Under Hague Convention 1980, contracting states must seek to secure prompt return of children wrongfully removed to, or retained in, any of those states. For refusal to order return (see art 13(b)), see *Re T (Minors) (Abduction: Custody Rights)* (2000) *The Times*, 24 April (matters to be considered after child's objection to return included: why child objected; child's age and degree of maturity; whether it was appropriate to take account of child's views, in light of their strength and validity).

abet. To encourage or assist in the commission of an offence when one is present actively or constructively. See ACCESSORY; ACCOMPLICE; AID OR ABET.

abeyance. Inactivity; state of suspension. An estate is in abeyance when there exists no person in whom it can vest.

ab initio. From the beginning. 1. A trespasser *ab initio* is one who, being entitled by law to perform an act, abuses his authority, so

that his act becomes wrongful from the very beginning. See *The Six Carpenters' Case* (1610) 8 Rep 146a; *Chic Fashions Ltd v Jones* [1968] 2 QB 299 (in which continuing existence of the doctrine was doubted). 2. A marriage is void *ab initio* if, e.g., either party was under 16 at date of marriage ceremony. See, e.g., *Re Spence* [1990] Ch 652.

ab intestato. From an intestate. 'Succession *ab intestato*' refers to succession to the property of one who has not disposed of it by will. See **INTESTACY**.

abode. A fixed place of residence (q.v.). Usually a question of fact rather than law: *Courtis v Blight* (1862) 31 LJCP 48. 'A man's residence, where he lives with his family and sleeps at night, is always his place of abode in the full sense of that expression': *R v Hammond* (1852) 17 QB 772. See *R v Barnett LBC ex p Shah* [1983] 2 AC 309.

abode in UK, right of. A person has such a right if he is a British citizen or a Commonwealth citizen who immediately before the commencement of B.N.A 1981 was a Commonwealth citizen having the right of abode in the UK by virtue of Immigration Act 1971, s 2(1)(d) and has not ceased to be a Commonwealth citizen in the meanwhile: Immigration Act 1971, s 2, as substituted by B.N.A. 1981, s 39. See Immigration Act 1988, ss 2, 3.

abortion. Separation of a non-viable human foetus (q.v.) from its mother. Under Abortion Act 1967, as amended by Human Fertilisation and Embryology Act 1990, s 37, there is no offence (see O.P.A. 1861, ss 58, 59, Infant Life (Preservation) Act 1929, s 5(1), substituted by 1990 Act, s 37(4)) where a pregnancy is terminated by a registered medical practitioner if two practitioners are of the opinion that the pregnancy has not exceeded its 24th week and that its continuance would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of the family; or the termination is necessary to prevent grave permanent injury to her physical or mental health; or that the continued pregnancy would involve risk to her life greater than if the pregnancy were terminated; or that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped. For abortion and multiple pregnancies, see 1967 Act, s 5(2), amended by 1990 Act. See *Rance*

v Mid-Downs HA [1991] 2 WLR 159; Abortion Regulations 91/499.

abrogate. To repeal, annul, cancel, abolish (generally by formal action).

abscond. To depart secretly or to hide oneself from the jurisdiction of the court so as to avoid legal process. See Ins.A. 1986, s 358. For hearing of appeal by absconder, see *R v Gooch* [1998] 1 WLR 1100.

absconding by person released on bail. Failure, without reasonable cause, by one who has been released on bail in criminal proceedings, to surrender to custody. An offence under Bail Act 1976, s 6(1). A warrant (q.v.) for his arrest may be issued: s 7(1). See *R v Lubega* (1999) 163 JP 221.

absence. 1. Non-appearance by a party to the hearing of an application: see r 23.11; *Riverpath Properties v Brammall* (2000) *The Times*, 16 February. 2. Continuous absence of a spouse for seven years may be a defence to a charge of bigamy. See *R v Curgerwen* (1865) 29 JP 820. 3. Absence 'beyond the seas' (q.v.) refers to absence from the UK and those adjacent islands belonging to the Sovereign.

absolute. Without conditions or restrictions, complete, as in 'decree absolute' (q.v.).

absolute assignment. Assignment of the entire interest of a chose in action (q.v.) so that it is transferred unconditionally to the assignee. It includes an assignment by way of mortgage: *Hughes v Pump House Hotel Co* [1902] 2 KB 190. See L.P.A. 1925, s 136.

absolute, conditional discharges. Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law or falls to be imposed under ss 109(2), 110(2), 111(2)), is of the opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment, the court may make an order discharging him absolutely or, if it thinks fit, discharging him subject to the condition that he commits no offence during a specified period not exceeding three years: P.C.C.(S).A. 2000, s 12.

absolute decree. See **DECREE**.

absolute duties. Duties to which there are no corresponding rights (e.g., according to Austin, a subject's duties to the Crown).

absolute liability. See **STRICT LIABILITY IN CRIMINAL LAW**.

absolute privilege. See **PRIVILEGE, ABSOLUTE**.

absolute title. In the case of a freehold (q.v.) registered with absolute title, the registered proprietor has a guaranteed title subject only to, e.g., entries on the register. In the case of a leasehold (q.v.), absolute title guarantees that the registered proprietor is the owner of the lease and that it was validly granted. See LAND REGISTRATION.

absolve. To release from some responsibility or obligation.

abstract and epitome of title. Narrative summary, which must be supplied by a landowner to a purchaser under contract of sale, of documents and events affecting title. The abstract states the history of title; the epitome is a schedule of documents going back to the root of title (q.v.). See L.P.A. 1925, s 10.

abstracting electricity. See ELECTRICITY, DISHONEST ABSTRACTION OF.

abuse. 1. Words of vituperation, insult, invective. It does not generally amount to defamation (q.v.); *Thorley v Kerry* (1812) 4 Taunt 355. See, however, *Lane v Holloway* [1968] 1 QB 379. 2. Maltreatment of a person, physically or mentally.

abuse of process. Improper use of a legal process for some purpose other than that for which it was designed. For abuse of process in relation to a murder trial, see *Hui Chi-ming v R* [1991] 3 WLR 495. See *Grovit v Doctor* [1997] 1 WLR 640 (commencing and continuing an action without any intention of bringing it to a conclusion could constitute an abuse of process); *Re Norris* (2000) *The Times*, 25 February (to allow a third party to re-litigate an issue already decided could be an abuse of process); *PD (Crown Court: Abuse of Process)* (2000) *The Times*, 30 May.

ACAS. Advisory, Conciliation and Arbitration Service (q.v.).

acceleration clause. Provision in an agreement for repayment of a loan by instalments whereby if a stated number of instalments is not paid, all outstanding payments become due at once.

acceleration, doctrine of. Where interests in property have been conferred by a testator in succession, e.g., 'to X for life, remainder to Y' and the gift to X is determined before the time envisaged by the testator, Y's interest is accelerated. If it is discovered that, e.g., X cannot take under the will (because he witnessed it), Y's interest becomes immediate. The doctrine does not apply to a contingent gift: *Re Scott* [1975] 2 All ER 1033. See

Re Davies [1957] 1 WLR 922. For 'accelerated possession' procedure in relation to H.A. 1988, s 19A, see CCR, O 49, rr 6, 6A.

acceptance. 1. Acceptance of an offer to create a contract (i.e., an assent to all the terms of the offer) must be unqualified, and may be by words or conduct. It must generally be communicated to the offeror and must conform with the prescribed or indicated terms of the offer. See *Hyde v Wrench* (1840) 3 Beav 334; *Carlill v Carbolic Smoke Ball Co* [1893] 1 QB 256; *Bowerman v ABTA* (1995) *The Times*, 25 November. Acceptance 'subject to contract' means that the parties intend to be bound only when a formal contract is prepared and signed: *Chillingworth v Esche* [1924] 1 Ch 97. 2. Acceptance of goods under S.G.A. 1979, s 35, substituted by Sale and Supply of Goods Act 1994, s 2, is deemed to have taken place when a person indicates to the seller that he has accepted them, or when they have been delivered to him and he does an act in relation to them which is inconsistent with the seller's ownership, or when he retains them without informing the seller after a reasonable time (involving a reasonable opportunity of examining the goods) that he has rejected them. 3. 'Acceptance' in Th.A. 1968, s 20(2) is a term of art to be defined in the same way as in B.Ex.A. 1882: *R v Nanayakkara* [1987] 1 WLR 265. See OFFER.

acceptance, conditional. 1. Acceptance of offeror's offer by offeree, subject to a stipulation being met. 2. In relation to a bill of exchange (q.v.), where payment by the acceptor is made subject to a condition. See B.Ex.A. 1882, s 19; *Society of Lloyd's v Twinn* (2000) *The Times*, 4 April (acceptance of offer while seeking some indulgence).

acceptance of a bill. Written signature by the drawee of a bill of exchange and the word 'accepted' across the bill: B.Ex.A. 1882, ss 17–19. He thereby undertakes to pay the bill when due. Acceptance *supra protest* (or 'acceptance for honour') is acceptance of a bill when it has been dishonoured by one who has no interest in the bill so as to safeguard the drawee's good name: B.Ex.A. 1882, ss 65–68. Acceptance may be general or qualified (q.v.). See BILL OF EXCHANGE.

acceptance, special. See SPECIAL ACCEPTANCE.

access. 1. The existence of opportunity of sexual intercourse between husband and wife. Evidence of impossibility of access may