

L. B. Curzon and P. H. Richards

THE LONGMAN DICTIONARY OF LAW

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Seventh Edition

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朗文法律词典 第7版

L. B. 科尔森 P. H. 理查兹


THE LONGMAN DICTIONARY OF LAW

科尔森确实是一个渊博的人。我在香港执业期间一直使用他的《朗文法律词典》……我回到英国受聘于大法官部时，他又一次充当了我的良师益友……他总是能适应法律环境的改变，《朗文法律词典》的不断修订有力地证明了这一点。

——移民法官玛格丽特·奥斯汀

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NARY OF LAW

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Dedication

In Memory of Leslie B. Curzon

I have known Leslie Curzon since 1983, when he became my mentor after I completed my PCLL at the University of Hong Kong and was called to the Bar. Over the years I was amazed by the breadth and depth of Leslie's knowledge of the law. He not only had expertise in the law but also an extensive understanding of so many other fields and was both generous with his time and knowledge – he was a true polymath. I made use of his Dictionary of Law throughout my years in practice in Hong Kong. When I returned to the UK and was employed by the Chancellor's department as an Immigration Judge, Leslie again became my mentor and we often discussed particular terms in the dictionary as they applied to Immigration Law. He enjoyed the opportunity to explain the terms in the pragmatic manner which underlies the success of his dictionary. Leslie was greatly interested in the developing area of Immigration Law and how it was influencing other areas of the law. He was always able to adapt to those changing circumstances in the law and his Dictionary of Law is a testimony to this.

Margaret Austin
Immigration Judge

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- Regular updates including new definitions and references

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Preface

In 2005 I was approached by Rebekah Taylor of Pearson Longman about taking on the writing of a dictionary of law. She explained to me that the book was already in publication but a new edition was required. My immediate reaction was one of misgiving since a dictionary can take one into all sorts of unfamiliar places as far as the law is concerned and I was not convinced that I wanted to venture into such dark and hazardous places. My anxiety rose by a factor of ten when, on asking who had written the original work, Rebekah replied, 'Leslie Curzon'. I heard of and used Leslie's books when I first started studying Law in 1970 and no doubt many law students had also thanked their lucky stars for his excellent texts as a means of passing their examinations. Leslie's knowledge of the law was encyclopaedic as evidenced by the subjects he has published in, ranging from Criminal Law to Jurisprudence and Equity and Trusts to Roman Law and many others in between. His books were no means confined to law and he also wrote on Economics and the theory and practice of teaching itself. It was therefore with some trepidation I agreed to take on the work and spent some weeks looking over the *Dictionary of Law*. My anxiety did not diminish!

During the negotiations regarding the many matters that arise with authorship contracts with publishers I heard that Leslie had died. Leslie's death is a great loss, not just to his family and friends, but also to the legal publishing world and law students alike. His knowledge, clarity of thought and ability to make complex principles and theories of law accessible to students and general readers alike will be sadly missed. His legacy is not just the books that he had written, but also a genre of legal books that were pioneering in that they were orientated towards the student. I hope that I have been able to do justice to this, his *Dictionary of Law*.

In writing this edition I have also taken the liberty of treating some legislative measures that have been delayed by the parliamentary commencement provisions as being enacted and fully in force. Not least amongst these has been the inclusion of the Charities Bill which at the time of writing was in its final stages in the House of Lords. I have therefore been presumptuous and have referred to this as the Charities Act 2006. I have included many of the additions and modifications to the legal vocabulary by various judicial decisions and statutes such as the

Preface

Mental Capacity Act 2005, Civil Partnership Act 2004, Carers (Equal Opportunities) Act 2004, Land Registration Act 2002, Child Protection Act 2004, Children Act 2004, Commonhold and Household Reform Act 2002, Proceeds of Crime Act 2002, Consumer Credit Act 2006, Adoption and Children Act 2002, Criminal Justice and Police Act 2001, Social Security Fraud Act 2001 amongst others. I have no doubt that there may be omissions but in the traditional manner of authors I accept full responsibility for these and any errors that may become apparent.

I have debts to pay in the writing of this book, not least to Nisreen Ahmed, who acted as my research assistant in the writing of this work. Without her able help and diligence I doubt whether the book would have been completed. My thanks also go to the staff at Pearson, particularly Rebekah Taylor and Cheryl Cheasley, who have been very patient and understanding in their waiting for the manuscript. I also have to say a big 'thank you' to my two sons Phillip and William. All too often they have to put up with an absentee father due to the pressures that come with managing a busy department and attempting to meet publisher's deadlines. Needless to say I love them both dearly and I wish them both 'old memories and young hopes'.

Paul Richards
March 2007

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 profession
privilege of witness
privilege, parliamentary
privilege, public policy
privilege, qualified

Abbreviations

The following abbreviations are used throughout the text:

art	article
arts	articles
CA	Court of Appeal
CCR	County of Appeal
Chancery D	Chancery Division
chap	chapter
CPR	Civil Procedure Rules
Family D	Family Division
HL	House of Lords
JCPC	Judicial Committee of the Privy Council
JP	Justice of the Peace
LRR	Land Registry Rules
O	Order (as in orders of the Supreme Court)
OED	Oxford English Dictionary

How to Use the Dictionary

para	paragraph
PD	Practice Directions
QBD	Queen's Bench Division
q.v / qq.v	see
r	rule
rr	rules
RSC	Rules of the Supreme Court
s	section
Sch	Schedule
SI	Statutory Instrument
ss	sections

Abbreviations for Acts of Parliament

The titles of some Acts which are referred to repeatedly are abbreviated in accordance with the list below. In every case the abbreviation is followed by the appropriate date of the Act, thus: Th.A. 1968; E.R.A. 1996.

A.C.A.	Adoption and Children Act
Acc J.A.	Access to Justice Act
A.E.A.	Administration of Estates Act
A.J.A.	Administration of Justice Act
B.Ex.A.	Bills of Exchange Act
B.N.A.	British Nationality Act
C.C.A.	Consumer Credit Act
C.D.A.	Crime and Disorder Act
Ch.A.	Children Act
C.J.A.	Criminal Justice Act
C.J.C.S.A.	Criminal Justice and Court Services Act
C.J.P.A.	Criminal Justice and Police Act
C.J.P.O.A.	Criminal Justice and Public Order Act
C.L.A.	Criminal Law Act
C.L.R.A.	Commonhold and Leasehold Reform Act
C.L.S.A.	Courts and Legal Services Act
Cos.A.	Companies Act
County C.A.	County Courts Act
C.P.A.	Consumer Protection Act
C.P.I.A.	Criminal Procedure and Investigations Act
C.R.W.A.	Countryside and Rights of Way Act
C.S.P.S.S.A.	Child Support, Pensions and Social Services Act
C. & Y.P.A.	Children and Young Persons Act

E.P.A.	Employment Protection Act
E.P.(C.)A.	Employment Protection (Consolidation) Act
En.P.A.	Environmental Protection Act
E.R.A.	Employment Rights Act
F.I.A.	Freedom of Information Act
F.L.A.	Family Law Act
F.L.R.A.	Family Law Reform Act
F.S.A.	Financial Services Act
F.S.M.A.	Financial Services and Markets Act
G.L.A.A.	Greater London Authority Act
H.A.	Housing Act
H. & P.A.	Housing and Planning Act
H.S.W.A.	Health and Safety at Work, etc. Act
I.A.	Interpretation Act
I.C.T.A.	Income and Corporations Taxes Act
Ins.A.	Insolvency Act
J.A.	Judicature Act
L.C.A.	Land Charges Act
L.G.A.	Local Government Act
L.G.H.A.	Local Government Housing Act
L.G.P.L.A.	Local Government Planning and Land Act
Lim.A.	Limitation Act
L.P.A.	Law of Property Act
L.R.A.	Land Registration Act
Mat.C.A.	Matrimonial Causes Act
M.C.A.	Magistrates' Courts Act
M.H.A.	Mental Health Act
O.P.A.	Offences Against the Person Act
P. & A.A.	Perpetuities and Accumulations Act
P.C.C.(S.)A.	Powers of Criminal Courts (Sentencing) Act
P. & C.E.A.	Police and Criminal Evidence Act
P.O.A.	Public Order Act
P.S.I.A.	Private Security Industry Act
R.I.P.A.	Regulation and Investigatory Powers Act
S.C.A.	Supreme Court Act
S.G.A.	Sale of Goods Act
S.L.A.	Settled Land Act
S.O.A.	Sexual Offences Act
S.S.A.	Social Security Act
S.S.F.A.	Social Security Fraud Act
T.C.G.A.	Taxation of Chargeable Gains Act

How to Use the Dictionary

T.C.P.A.	Town and Country Planning Act
Th.A.	Theft Act
Tr.A.	Trustee Act
T.U.L.R.A.	Trade Union and Labour Relations Act
T.U.L.R.(C.)A.	Trade Union and Labour Relations Consolidation Act
T.U.R.E.R.A.	Trade Union Reform and Employment Rights Act
V.(C.)A.	Vehicles (Crime) Act
W.A.	Wills Act
W.R.P.A.	Welfare Reform and Pensions Act
Y.J.C.E.A.	Youth Justice and Criminal Evidence Act

Cross references

Cross reference is achieved by the use of the abbreviation q.v., which appears in brackets following words that are 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

Abbreviation	Reports/Journal title	Date
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

<i>Abbreviation</i>	<i>Reports/journal title</i>	<i>Date</i>
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

How to Use the Dictionary

<i>Abbreviation</i>	<i>Reports/journal title</i>	<i>Date</i>
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

<i>Abbreviation</i>	<i>Reports/journal title</i>	<i>Date</i>
Crompt & M	Crompton & Meeson	1832-4
Curt	Curteis	1834-44
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

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<i>Abbreviation</i>	<i>Reports/journal title</i>	<i>Date</i>
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

<i>Abbreviation</i>	<i>Reports/journal title</i>	<i>Date</i>
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
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